No. 419.

An Act to consolidate and amend the Law relating to District Councils.

WHEREAS it is desirable to consolidate and amend the law relating to District Councils—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The District Councils Act, 1887."

2. This Act shall come into operation on a day to be fixed by the Governor by Proclamation in the Government Gazette, and shall speak as from such day, and when any mention is hereinafter made of the passing of this Act it shall be deemed to refer to the coming into operation thereof.

3. The Acts mentioned in the First Schedule to this Act are hereby repealed to the extent therein mentioned; but such repeal shall not affect any right accrued, any liability, forfeiture, or penalty incurred, any offence committed, or any thing done or omitted to be done, before the passing of this Act, nor any legal proceedings commenced or hereafter to be commenced with respect to such right, liability, forfeiture, penalty, offence, or thing.

4. Except so far as is hereby otherwise provided, all Districts, wards, and District Councils now existing and heretofore constituted, and designated and appointed under the said Acts hereby respectively...
respectively repealed, or any of them, or under any Acts or laws heretofore in force respecting District Councils shall be and continue Districts, wards, and District Councils, under and subject to the provisions of this Act; and all councillors, chairmen, and officers or other persons appointed, elected, or holding any offices under or by virtue of the several Acts hereby repealed, or any of them, or under or by virtue of any Acts or laws heretofore in force respecting District Councils, which it would be lawful for such persons to hold under the provisions of this Act, shall continue in and hold such offices under and subject to the provisions of this Act; and all proceedings bona fide commenced, and prosecuted, and now depending under the said repealed Acts, or any of them, shall proceed in every respect as if this Act had not been passed; and all lands, tenements, and hereditaments vested in any District Council shall be and continue vested in and the property of such District Council; and all other property belonging to any District Council shall be and continue the property of such District Council; and all rates and debts due before the passing of this Act to any District Council, may be collected, levied, and recovered in manner provided by this Act for the recovery of any rates and debts; and all the rights, powers, liabilities, contracts, and engagements of any District Council, or any officer or other person appointed or elected under the provisions of the said repealed Acts, or any of them, or under any Acts or laws heretofore in force respecting District Councils, or into which any such District Council, officer, or person may have entered, or to which any such District Council, officer, or person may be entitled or subject under the said Acts, or any of them, before the passing of this Act, may be enforced by and against the said District Council, officer, or person, as if this Act had not been made, subject in all cases to the provisions hereinafter contained.

5. This Act shall be divided into parts, under the following heads:

**Part I.** Of the Constitution of Districts and Councils:

**Part II.** Of Constituting New Districts and Changing the Constitution of Districts:

**Part III.** Of the Councillors:

**Part IV.** Of the Auditors:

**Part V.** Of Elections:

**Part VI.** Of the Meetings of the Council:

**Part VII.** Of Contracts, Lands, and Works:

**Part VIII.** Of Revenue and Expenditure:

**Part IX.** Of Assessments:

**Part X.** Of Appeals from Assessments:

**Part XI.** Of making Rates:
PART XII. Of Loans:
PART XIII. Of Recovering Rates:
PART XIV. Of the Letting and Sale of Land for Payment of Rates:
PART XV. Of the Power to take Land for Works and Undertakings:
PART XVI. Of the Officers of the District:
PART XVII. Of the Letting and Sale of Land for Payment of Rates:
PART XVIII. Of the Power to take Land for Works and Undertakings:
PART XIX. Of the Officers of the District:
PART XX. Of the General Powers and Duties of the Council:
PART XXI. Of By-laws:
PART XXII. Of the Enforcement of this Act and of Penalties:
PART XXIII. Of Evidence and Miscellaneous Matters.

6. In this Act, the following expressions shall have the meaning assigned by this section assigned to them, save where the context or subject is inconsistent with such meaning:—

"Business day" shall mean any day not being a Sunday, Good Friday, Christmas Day, or public or bank holiday:

"Chairman" shall mean the chairman of a District Council:

"Clerk" shall mean the District clerk by this Act required to be appointed:

"Council" or "District Council" shall mean a District Council by or under this Act established or continued:

"Councillor" shall mean a member of the Council:

"Crown lands" shall mean all lands belonging to Her Majesty within the said province not coming within the definition of "waste lands of the Crown":

"District" shall mean a District heretofore existing under "The District Councils Act, 1876," or constituted by or under, or continued by this Act:

"District constituted by this Act" shall mean any District included in the Second Schedule hereto, except those whose boundaries are not altered by this Act:

"Extraordinary vacancy" shall mean and include any vacancy in an office arising in any other way than by effluxion of time:

"Justice" shall mean a Justice of the Peace for the province:

"Minister" shall mean the Minister administering this Act, or the part of this Act to which the expression relates:

"Minister of religion" shall mean and include any bishop and any minister of a regular religious congregation, and any minister authorised to celebrate marriages:

"Municipality" shall mean a locality under the local government of a Municipal Council:

"Officer"
"Officer" shall mean and include any clerk, treasurer, surveyor, assessor, collector, poundkeeper, inspector, ranger, constable, or other person appointed to an office by the Council:

"Outlying district" shall mean any portion of the province whether comprising a municipality or not, not for the time being included in any District:

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

"Person" shall extend to a corporation, sole or aggregate:

"Public notice" shall mean notice given by advertisement in the Government Gazette, and by posting handbills on every post office in the District, and on every other place appointed by the Council by by-law as a place for posting notices:

"Ratable property" shall mean and include all lands and hereditaments (including land belonging to the Crown), with the following exceptions, namely:—Land belonging to the Crown, and not granted nor lawfully contracted to be granted to any person in fee-simple, or for an estate of freehold, and not leased to or in the occupation of any person; lands and buildings, and parts of lands and buildings, used exclusively by the Government for any public purpose; any hospital, lunatic asylum, benevolent institution, or buildings used exclusively for charitable purposes; any church, chapel, or buildings used exclusively for public worship; any building or part of a building used exclusively as a school, whether public or private:

"Ratepayer" shall mean the owner or occupier of ratable property, or the owner, other than the Crown, of unoccupied ratable property, and whose name appears in the assessment-book in respect of such property:

"Sanitary District" shall mean a place to which the Governor has lawfully directed that the Health Acts or any of them or any section thereof shall apply:

"The Brands Acts" shall mean and include "The Brands Act, 1879," and "The Brands Act, 1882," and all regulations made thereunder, and any Act or regulations hereafter to be passed or made relating to brands:

"The Dog Acts" shall mean and include "The Dog Act, 1867," and an Act amending the same and numbered 320, 1884:

"The Game Act" shall mean the "Game Act, 1886."

"The Health Acts" shall mean and include "The Public Health Act" (being No. 22, 1873), "The Public Health Act, 1876," and "The Public Health Acts Amendment Act, 1884," and all regulations made thereunder:

"The
"The Lands Clauses Consolidation Acts" shall mean and include "The Lands Clauses Consolidation Act" (being No. 6, 1847), the Act to amend the same (being No. 26, 1855-6), and "The Lands Clauses Consolidation Act Amendment Act, 1881" (being No. 202, 1881):

"The Manufacturing Districts Acts" shall mean and include "The Manufacturing Districts Act" (being No. 212, 1881), and "The Manufacturing Districts Amendment Act" (being No. 249, 1882), and all regulations made thereunder:

"The Real Property Acts" shall mean and include "The Real Property Act, 1886," "The Estates Tail Act, 1881," and all other Acts now or hereafter amending or repealing the Real Property Act, 1886, or incorporated therewith:

"The Slaughterhouse Acts" shall mean and include Ordinance No. 51, 1840, and Ordinance No. 2, 1844:

"The Fire Brigades Acts" shall mean and include "The Fire Brigades Act, 1882," and "The Fire Brigades Act Amendment Act, 1883":

"The Vermin Acts" shall mean and include "The Rabbit Suppression Act, 1879," and "The Vermin Act Repeal Act":

"Township" shall mean any Government township and any land laid out as a township, and plans whereof are deposited in the Lands Titles Registration Office, or in the General Registry Office:

"Ward" shall mean the ward of a District:

"Waste lands of the Crown" shall mean any land within the said province, the property of the Crown, not granted or lawfully contracted to be granted to any person in fee-simple, or for an estate of freehold, and not lawfully appropriated for any public purpose:

"Writing" and "written" shall include printing and printed, and vice versá, and documents required to be written may be partly printed, and documents required to be printed may be partly written.

PART I.

OF THE CONSTITUTION OF DISTRICTS AND COUNCILS.

Constitution and Incorporation.

7. Each of the territorial areas set out in the Second Schedule hereto as Districts, shall be a District, and shall not be subdivided into wards until such subdivision is effected by the Governor under the powers hereinafter conferred upon him.

8. The councillors of every District, whether existing at the time of the passing hereof, or constituted by or under this Act, shall be
be a body corporate under the title of "The District Council of [name of District]," such blank being filled in with the distinctive name of the particular District. Every such body corporate shall have perpetual succession and a common seal, and shall by such name be capable in law of suing and being sued, and of purchasing, holding, and alienating land, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

9. After the conclusion of the first annual election under this Act, the number of councillors for any District shall be not less than five nor more than ten. Subject to this limitation the number of councillors for every District not divided into wards, and the number of councillors for each ward of a District divided into wards, shall, as to every District not comprised within the Second Schedule hereof, be as fixed before the passing of this Act, or shall be as may from time to time be fixed under the provisions hereof.

10. Where any stream, creek, or water-course is or has been described as the boundary of any District, or any ward thereof, a line along the middle of such stream, creek, or water-course, shall be deemed to constitute such boundary.

11. Whenever any heretofore existing District or any Drainage District is included in any District constituted by this Act, the following results shall follow:

i. The District Council of the District hereby constituted shall be deemed to be one corporate body, and the District Councils and Drainage Board of any District included in the area of the District so constituted shall be merged in such corporate body, and shall have no independent corporate existence, and all rights and duties of the District Councils and Drainage Boards of any Districts so included against or owing to each other shall be extinguished, and all property, rights, and liabilities, and all matters and things not otherwise provided for, vested, possessed, or incurred, or made, or done in, by, or on behalf of the District Councils or Drainage Boards of any Districts so included, shall vest in, and attach to, and be deemed to have been made or done by or on behalf of the District Council of the District hereby constituted; Provided that no action or proceeding, by or against any such previously existing District Council or Drainage Board shall be affected or abated:

ii. All by-laws and regulations in force in any such heretofore existing District or Drainage District, which are suited to the altered circumstances, shall become by-laws and regulations respectively of the District constituted by this Act, and may by the Council thereof be repealed or altered; but, until so repealed or altered, every such by-law and regulation shall remain in force in the District or Drainage District only in which it was in force previous to the inclusion.
inclusion thereof in the District hereby constituted, and every by-law and regulation which cannot be restricted to any particular District or Drainage District shall be deemed inapplicable, and all by-laws and regulations which are inapplicable to the altered circumstances shall be repealed by the inclusion of such District in the District hereby constituted:

III. The members of the heretofore existing District Council or Drainage Board shall, until the conclusion of the first annual election under this Act, be members of, and shall, except as hereinafter provided, form the District Council of the District hereby constituted:

IV. The Governor may, by Proclamation, appoint two auditors for the District hereby constituted, and, subject to the provisions of section nine, a councillor or councillors for such District, and may determine the number of councillors for the District, subject to alteration as hereinafter provided.

12. Where a District, constituted by this Act, does not include the whole of any previously existing District Council District, the Governor may, by Proclamation, appoint two auditors, and not less than five nor more than ten councillors for the District, and may determine the number of councillors for the District, subject to alteration as hereinafter provided.

13. Whenever a new District constituted by this Act shall include part only of a District Council District or Drainage District, the following consequences shall result:

1. The District Council or Drainage Board of the whole of such District shall cease to exist, and the members of such Council or Board shall not, by virtue of such membership, be members of the District Council; and all by-laws made by such District Council or Board shall be repealed by such inclusion:

2. The Council of such new District shall become jointly liable with the Council of every District comprising part of the same District Council District or Drainage District, to all creditors of the previously existing District Council or Drainage Board in respect of all debts and liabilities due or incurred at the time when such new District was constituted:

3. No action, suit, or proceeding by or against the previously existing District Council or Board shall be affected or abated:

4. The Council of such new District shall be entitled to such portion of the property and assets of the previously existing District Council or Drainage Board, and shall be, as between
The District Councils Act.—1887.

**PART I.**

between itself and the Council of any other District comprising part of such previously existing District or Drainage District, liable to pay such portion of the debts and liabilities of the previously existing District Council or Board as the value of the ratable property in the portion of the previously existing District or Drainage District included within the new District bore to the value of the ratable property in the whole of the previously existing District, according to the last assessment before the constitution of the new District.

14. Where, in consequence of the enactments in this part of this Act contained, any rights, liabilities, or matters require to be settled or adjusted, the Governor may, by any order, settle and adjust the same in like manner as he might do in the case of a District constituted by virtue of the powers conferred upon him by Part II. of this Act.

**PART II.**

OF CONSTITUTING NEW DISTRICTS AND CHANGING THE CONSTITUTION OF DISTRICTS.

**General Powers of the Governor as to Districts.**

15. Subject to the provisions of this Act, the Governor may, from time to time, make orders exercising the powers following:

1. To constitute any part of the province, containing ratable property capable of yielding upon a rate not exceeding One Shilling in the Pound on the value thereof, estimated under the provisions of this Act, a sum of Two Hundred Pounds, and being either an outlying District or partly an outlying District, and partly land comprised within one or more previously existing Districts, a new District; and to appoint two auditors for such new District, or for a new District constituted under sub-section III. of this section, and, subject to the provisions of section 9, to appoint councillors for the same, or if such new District is divided into wards, a councillor or councillors for each such ward:

ii. To unite any number of Districts, the areas whereof form one continuous area, into one District:

iii. To sever any portion of the province forming part of a District from such District, and either to declare it a new District, or that the severed portion shall no longer form part of a District, or to annex such portion to any other District, with which the portion so severed forms one continuous area, and from time to time to make any apportionment of property, rights, and liabilities, and give directions as to any matters and things that may be necessary to do justice as between the Districts concerned:

iv. To
iv. To annex to any District any outlying District forming one continuous area with the area of such District, and, where such outlying District is annexed as a new ward or new wards, to appoint the first councillor or councillors for such ward or wards:

v. To subdivide or re-subdivide any District into any number of wards, and to alter the boundaries of or to abolish the wards of a District:

vi. To alter and adjust the boundaries of adjoining Districts, and determine any questions arising out of such alteration and adjustment:

vii. To determine and alter, subject to this Act, the number of councillors of any District not divided into wards, and the number of councillors for each ward where the District is divided into wards:

viii. To alter the name of any District or ward.

The powers conferred by this section shall not be exercised in such manner as to divide a municipality or sever any portion therefrom.

16. Where, in consequence of the exercise of any of the foregoing powers, any rights, liabilities, or matters require to be adjusted, the Governor may by any order settle and adjust the same.

**Constitution of new Districts by order of the Governor.**

17. Every order constituting any new District shall—

i. Assign a name to such District:

ii. Describe the boundaries thereof:

iii. Determine whether or not the District is to be subdivided into wards, and, in case it is to be subdivided, name and describe such wards:

iv. Determine, subject to the provisions of section 9, of how many members the Council shall consist, and the number of councillors for each ward when the District is divided into wards:

Every such order shall take effect according to the tenor of the same; and every such order constituting any new District, so as to include a portion of a previously existing District, shall operate to sever such portion from such previously existing District.

18. When any new District is constituted of portion, or so as to include a portion, of a previously existing District, the following consequences shall follow:—

i. All by-laws and regulations of the previously existing District in force in the portion comprising or included in the newly constituted District shall, so far as they are applicable, be deemed...
deemed by-laws and regulations respectively of such newly constituted District, and may, by the Council thereof, be repealed or altered; and save, as aforesaid, all such by-laws and regulations shall, as to the portion included in the newly constituted District, be repealed:

II. The Council of such newly constituted District shall become jointly liable with the Council of the previously existing District to all creditors of such last-mentioned Council in respect of all debts and liabilities due or incurred at the time of the severance:

III. No action, suit, or other proceeding by or against the Council of any such previously existing District shall be affected or abated:

IV. The Council of such newly constituted District shall be entitled to such portion of the property and assets of the Council of the previously existing District, and shall be, as between such Councils, liable to pay such portion of the debts and liabilities thereof as bears the same proportion to the whole as the value of the ratable property in the portion severed from the previously existing District bore to the value of the ratable property in the whole of that District upon the last assessment before the severance.

Union of Districts by order of the Governor.

19. Every order uniting two or more Districts, shall—

i. Assign a name to the District formed by such union:

ii. Determine whether or not the District is to be subdivided into wards, and, in case it is to be subdivided, name and describe such wards:

iii. Determine, subject to the provisions of section 9, of how many members the Council shall consist, and, where the District is divided into wards, the number of councillors for each ward.

20. Upon the union of Districts, the District formed by such union shall include an area being the aggregate of the areas of the Districts united, and the Council of the District so formed shall be deemed to be one and the same corporation as the Council of each of the Districts by the union of which it was formed; and all rights and duties of the Councils of such Districts against or owing to each other shall be extinguished, and all property rights and liabilities vested, possessed, or incurred, and all matters and things not otherwise provided for, made, or done in, by, or on behalf of the Council of any of the Districts so united, shall vest in, and attach to, and be deemed to have been made or done by or on behalf of, the Council of the District formed by such union.

21. Upon
21. Upon any union of Districts all by-laws and regulations in force in any of the Districts united at the time of the union, whether made under this Act, or any Act hereby repealed, or any other Act, which are applicable to the altered circumstances, shall become by-laws and regulations respectively of the District formed by such union, and may be repealed or altered by the Council of such District; but, until so repealed or altered, every such by-law and regulation shall remain in force in the territorial area only in which it was in force previous to such union; and every by-law and regulation which cannot be restricted to any particular territorial area shall be deemed inapplicable, and all by-laws and regulations which are inapplicable to the altered circumstances shall be by such union repealed.

22. When Districts are united the Council of the District formed by such union shall, until the conclusion of the next annual election, consist of all the councillors of the Districts united, or who may be elected in their places to fill any extraordinary vacancies; and such Council at its first meeting shall elect one of its members to be chairman. At the conclusion of the next annual election all the councillors shall go out of office.

Severance of Portions from Districts.

23. Every order severing any portion of the province from any District which is subdivided into wards may abolish all such wards and constitute the District an un-subdivided District or may re-subdivide the same. In case any such order does not abolish all the wards, the same shall be deemed to cancel every such entire ward severed, and, as regards every ward of which a portion only is severed, shall either cancel such ward and annex the residue thereof to some other ward, or in separate portions to some other such wards, or shall declare that such residue shall thenceforth be deemed a ward.

24. In case any ward is cancelled, the councillors returned therefor shall, upon such cancellation, cease to be members of the Council.

25. The powers hereinbefore in that behalf provided shall not be exercised in such a way as to reduce the number of councillors assigned to any District to less than five.

Annexation of Portions to Districts.

26. Every order annexing any portion of this province to a District subdivided into wards shall either—

1. Abolish all the wards and constitute such District an un-subdivided District:

2. Abolish all the wards and re-subdivide the District into wards:

3. Retain the existing wards and constitute the annexed portion a new ward or wards; or

4. Annex
PART II.

Wards not to exceed ten.

How annexation of new ward affects Council.

Effect of annexation on by-laws.

Effect of including Municipality in new District, or annexing same to a District.

iv. Annex the annexed portion to some ward, or, in separate portions, to some wards of the District.

27. Such powers shall not be exercised in such a way as to cause the number of the wards of any District to be greater than ten.

28. When an order annexing any portion of this province to a District subdivided into wards retains the existing wards and constitutes a new ward or new wards, the councillor or councillors appointed for such new ward or wards shall retire at the conclusion of the next annual election.

29. Upon the annexation to any District of any portion severed from another District, all by-laws and regulations in force in the portion severed which are applicable to the altered circumstances thereof shall remain in force therein, and as so in force shall be deemed by-laws and regulations respectively for the District to which the severed portion is annexed, and may by the Council of that District be repealed or altered; and no by-law or regulation of such District, the application of which can be restricted to any separate portion of such District, shall be deemed in force in such annexed portion unless and until it is by any by-law or by-laws provided otherwise; and all by-laws and regulations of the District from which such portion was severed which are inapplicable to the altered circumstances shall as to such severed portion be by such severance repealed.

30. Where an outlying District comprising a Municipality shall be included in a new District, or annexed to any District, the following consequences shall result:

i. The Municipality shall cease to be a Municipality; the Municipal Corporation thereof shall cease to exist; the members of the Council of such Municipal Corporation shall not by virtue of such membership be members of the Council of the District; all by-laws made by the Council of such Municipality, either as such Council or as a local board of health, shall be repealed; and "The Municipal Corporations Act, 1880" and any Act amending the same, or substituted therefor, shall cease to apply to such Municipality.

ii. No action, suit, or proceeding by or against the Municipal Corporation or the Council thereof, either as such Council or as a local board of health, shall be affected or abated:

iii. All rights and duties of the Municipal Corporation and the District Council against or owing to each other shall be extinguished, and all property, rights, and liabilities vested, possessed, or incurred, and all matters and things not otherwise provided for, made, or done in, by, or on behalf of the Municipal Corporation, or the Council thereof, either as such Council or as a local board of health, shall vest in and attach to and be deemed to have been made or done by or on behalf of the District Council.

Subdivision.
Subdivision.

31. Every order which has the effect of abolishing all the wards of a District shall determine the future number of councillors for such District. When any order is made whereby the number of councillors for any District is altered, or any District is subdivided or re-subdivided, or the wards of the District are abolished, such order shall not affect the Council, or the filling up of any extraordinary vacancies therein, until the conclusion of the annual election next after the taking effect of such order, when all the councillors shall go out of office.

32. An order altering the boundaries of any ward of a District, or annexing any portion to such ward, shall not be deemed to re-subdivide the District or abolish the wards thereof, or in any way to affect the Council or councillors thereof unless it is so expressed in the order.

Procedure.

33. The Governor may exercise any of the powers hereinbefore conferred after the presentation of a petition, in pursuance of the provisions of this Act, praying for the exercise thereof, and after the publication of such petition as herein described, and the lapse of six weeks at the least from the day of such publication, and, except as hereinafter provided, not otherwise; but it shall be in the discretion of the Governor absolutely to refuse the prayer of such petition, or to grant the whole or any part thereof.

34. (1) Every petition for the constitution of a new District must be signed by fifty inhabitants of the part of this province sought to be constituted a District, each of whom possesses ratable property therein; and if the proposed District comprises portion of a previously existing District, by a majority of the ratepayers of such portion:

(2) Every petition for the constitution of a new District shall state the name of the proposed District and the names of any proposed wards thereof, and the names of the proposed first auditors for the District and of the proposed first councillors for the District, or, if subdivided, for each ward thereof:

(3) Every petition for the union of Districts shall be under the common seals of the Councils of the Districts affected:

(4) Every petition to sever any portion of a District shall be signed by a majority of the ratepayers of such portion:

(5) Every petition for the alteration of the name of the District shall be under the common seal of the District Council:

(6) Every petition for the annexation of an outlying District to a District shall be under the common seal of the District Council, or shall be signed by at least twenty inhabitants of the outlying District each of whom possesses ratable property therein, and, if it is proposed
proposed to annex such outlying District as a new ward or new wards, shall name a councillor or councillors for such ward or wards:Provided that where the outlying District which it is proposed to annex comprises a Municipality, the petition shall be under the common seal of the Corporation of such Municipality, and need not be otherwise signed:

(7) Every petition to subdivide or re-subdivide a District, or to alter the boundaries or to abolish the boundaries of a ward or wards, shall be under the common seal of the District Council, or shall be signed by one-fourth of the ratepayers of the wards or proposed wards concerned:

(8) Every petition to alter and adjust the boundaries of adjoining Districts shall be under the common seal of the Council of one of such Districts:

(9) Every petition to alter the number of councillors for any District or ward shall be under the common seal of the District Council, or shall be signed by one-fourth of the ratepayers of the District or ward concerned:

(10) A petition framed so as to support the exercise of any of the powers hereinbefore mentioned shall be deemed sufficient to support the exercise of any other of such powers which may be necessary for the convenient exercise of the power the exercise of which is desired by the petition.

35. Notwithstanding anything hereinbefore contained, the Governor may, in the case of each District, exercise once, without petition or independently of any petition, the powers hereinbefore conferred upon him, of subdividing into wards a District not already subdivided and of determining the number of councillors for each ward, and each of such powers may be so exercised either with or without the exercise of the other of them.

36. Where any road, street, or highway, or any portion thereof, shall form the boundary, or part of the boundary of, or shall adjoin any District or Districts, or Municipality or Municipalities, or any part thereof, the Governor may, by Proclamation, without any petition, annex such road, street, highway, or portion, either to any such District or Municipality as aforesaid, or in separate portions to such Districts or Municipalities, or any two or more of them, and the same shall thereupon be included in such District or Districts, Municipality or Municipalities, accordingly.

37. Any person or persons may present a counter-petition within six weeks after the publication of any petition, and if, in the case of a petition not under the corporate seal or seals of a District Council or District Councils or a Municipal Corporation, praying for the exercise by the Governor of any of the powers hereinbefore conferred on him, a counter-petition in accordance with the provisions of this Act be presented, signed by a larger number of persons qualified
qualified to sign a like petition than have signed the former petition, the Governor may decline to make any order on such petition.

38. Every petition and counter-petition shall be addressed to the Governor, and shall be left with the Minister, which shall be deemed the presentation thereof.

39. Every signature to any petition or counter-petition, other than the seal of a District Council, shall be verified by one or more declaration or declarations of some person or persons signing such petition, and such declaration shall be in the form or to the effect of the Third Schedule hereto, and no petition or counter-petition shall be received by the Minister unless the same be accompanied by a declaration or declarations in accordance with the provisions of this section.

40. Every petition shall state precisely what exercise of any of the powers hereinbefore conferred on the Governor is sought by the petitioners, and shall pray for the specific exercise thereof, and may in addition pray for any partial or alternative exercise of such powers; and every petition for the constitution of a new District, or for any severance, annexation, alteration of boundaries, subdivision, or new subdivision, as hereinbefore mentioned, shall describe the boundaries of the proposed new District, and of any portion of a previously existing District proposed to be included therein, or the proposed alteration of boundaries, or the boundaries of the territorial area proposed to be severed or annexed, or of every proposed subdivision, as the case may be; and every petition shall state an address at which notices may be served on the petitioners.

41. The same petition may pray for the exercise of any one or more of the powers hereinbefore conferred on the Governor, and every petition shall be framed so as to enable the subject-matter of such petition to be completely disposed of in one order.

42. On the presentation of any petition or counter-petition the Minister shall cause the substance and prayer thereof to be published twice in the Government Gazette, and in some newspaper circulating in the neighborhood concerned, and the last day on which such petition or counter-petition is so published shall be deemed the day of the publication thereof.

43. In order to investigate any matter connected with a petition or counter-petition, or to ascertain whether the provisions hereof have been observed, the Minister may appoint one or more Special Magistrates, by whom an inquiry shall be held, and for the purposes of such inquiry such Special Magistrate or Magistrates shall have every power that may be exercised by a Local Court of limited jurisdiction, and shall report to the Minister within thirty days; and, in any case in which a Special Magistrate is appointed to hold such inquiries, no order shall be made by the Governor in the matter until such report has been received.

44. Every
PART II.
Order to be gazetted.

Rectification of order.

44. Every order under this part of this Act shall be published in the Government Gazette, and shall take effect as from the day of such publication.

45. Any error in any order, under this part of this Act, may be rectified by the Governor by any subsequent order.

Non-compliance with preliminaries not to invalidate order.

46. No order purporting to be made under this part of this Act, and within the powers by this Act conferred on the Governor, shall be deemed invalid on account of any non-compliance with any of the matters required by this Act as preliminary to such order.

PART III.
OF THE COUNCILLORS.

47. Every male ratepayer of the District who is of full age is qualified to be and continue a councillor of a District unless he is—

A minister of religion:

A Stipendiary Magistrate:

An uncertificated insolvent:

A person who holds the office of treasurer or any place of profit in the gift of the District Council:

A person who directly or indirectly participates or is interested in any contract, except for advertisements and printing, with or employment under the District Council:

Provided that no person shall be disqualified from being or continuing a councillor by reason of his receiving travelling expenses incurred in pursuance of and authorised to be paid by a resolution of the District Council, or acting as Returning Officer or Deputy-Returning Officer under this Act, or receiving remuneration for so acting, or by reason of his being a member of a public or joint-stock company, incorporated by the law of the United Kingdom or any British possession, which is concerned with any contract or dealing with the District Council; but no councillor shall vote in the District Council on any question relating to a contract or dealing with any company of which he is a member.

48. Every person qualified to serve as councillor shall be compellable so to serve, except—

A person who, when appointed or elected, was not resident within the District, and who, in case of election, has not expressed his assent to his candidature in a writing delivered to the returning officer previous to the election:

A person who, after his election, goes to reside, or, by reason of a change of boundaries, becomes resident, out of the District:
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A person who has served the full time during which a person duly qualified is entitled to serve as councillor of the District, and who, within three years of the termination of his former service, is again elected a councillor of the same District, and who has not expressed his assent as last above-mentioned:

A person who is, or during his tenure of office may become, sixty years of age:

A person receiving any salary from the Government:

Members of the Parliament:

To entitle any person other than a member of the Parliament to exemption under this section, he must, by writing, make a claim of exemption, which writing must be posted or delivered to the chairman of the Council, if there is a chairman, or otherwise to the Minister, within fourteen days from the appointment or election of the person so exempt, or from the happening of the exemption, whichever shall last happen.

49. Any of the following acts and events shall cause a vacancy in the office of councillor, namely—

Death, lunacy, idiocy, insolvency, the execution by the councillor of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound, or the conviction of the councillor for felony:

Absence from the province, without leave of the Council, during the holding of three consecutive ordinary meetings, or failure to attend the meetings of the Council for three consecutive ordinary meetings without sufficient cause, and followed, in either case, by a resolution passed by the Council within three weeks after the last of such three consecutive ordinary meetings, declaring the office vacant, which resolution the Council may pass, but are not bound to pass:

Any disqualification, and notice thereof, by the disqualified person, or some person on his behalf, posted or delivered to the chairman of the Council, or, if there be no chairman, to the Minister:

Resignation by notice posted or delivered as aforesaid:

Exemption under this Act, and notice thereof, posted or delivered, as provided for by section 48:

Retirement by rotation, as provided by this Act:

The judgment or order of any duly authorised Court or Justices declaring the office vacant.

50. At the conclusion of the first annual election after the passing of this Act all the members of the Council of every District hereby constituted,
[PART III.

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constituted, and half of the members of the Council of every District heretofore existing, or, if the number be uneven, a majority of one, shall retire. At the conclusion of every subsequent annual election half of the members of every Council shall retire, or, if the number be uneven, a majority of one shall retire. The members to retire shall be the councillor or councillors, if any, who hold office by appointment of the Governor, and those other councillors who have been longest in office without re-election, and, when the number cannot thus be made up, lots shall be drawn between those who have been an equal time in office without re-election, to decide which of them shall retire, and the retirement shall take place accordingly.

Chairman not to draw lots.

51. The chairman shall in no case be required to draw lots; but the other member or members with whom it would be necessary, but for his position as chairman, that he should draw lots, shall retire, or draw lots between them without the chairman, to decide which of them shall retire.

Retiring councillors to hold office until successors appointed.

52. Councillors required by this Act to retire shall go out of office, but shall be deemed to hold office until their successors are appointed.

Lots to be before notice of nomination.

53. All drawing of lots by councillors to decide retirements shall be had a week at least before notice is given of the day for the nomination of candidates for election.

On failure of councillors to draw lots, chairman or a Justice, upon request, may do so.

54. Where lots are required to decide retirements, if the councillors who should draw lots fail to do so till within a week of the last day when notice has to be given for the nomination of candidates for election, the chairman, or any Justice resident in the District, on the request, in writing, of any one councillor or any three ratepayers shall, in the presence of three or more ratepayers, draw lots and decide which of the councillors shall retire, and shall thereupon declare and give public notice under his hand of the names of the councillors who are to retire, and they shall retire accordingly.

Vacancies existing at the annual election meeting how supplied.

55. When, at the time of giving notice of the annual day of nomination, there shall be vacancies in any Council, and no more councillors are required to retire at the election meeting for that year than there are seats then vacant, there shall be no need for any retirement of members, but the vacancies so existing shall be filled up at the annual election meeting; and if any vacancy or vacancies shall exist at the time of giving notice of any annual day of nomination, every member whose seat is so vacant shall be taken to be a person bound to retire at the annual election meeting, and every such vacancy shall be filled up at the annual election meeting, and any other retirements which may be necessary shall be settled in manner herein provided.

Election of chairman.

56. At the first meeting of any District Council, and at the first meeting after every annual election, the councillors present shall elect
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elect a chairman from among them; and if there shall be an equal number of votes for two or more members having the largest number of votes, the person to act as chairman shall be chosen by lot between those members having the equality of votes; but the omission to elect a chairman shall not prevent the Council from making such appointment at any future meeting. The chairman may resign his office at any time; and any vacancy in the office of chairman may be filled up at any meeting of the Council.

57. A councillor or chairman retiring from or ceasing to hold office, but duly qualified, shall be eligible for re-election.

PART IV.

OF THE AUDITORS.

58. There shall be two auditors for the District, who shall be nominated and elected by the ratepayers in like manner as councillors are nominated and elected. Any auditor elected at an annual meeting shall hold office as from the first Monday in the September following his election. On the first Monday in every September one auditor shall retire from office, and the auditor to retire shall be the one who has held office longest without re-election, and if both shall have so held office the same length of time the auditor to retire shall be decided by lot to be drawn by the chairman one week at least before notice is given of the day for the nomination of candidates for election, and if the chairman shall fail so to draw lots both auditors shall retire, and no auditor who has been continuously in office for two years shall be eligible for re-election for the space of one year.

59. The qualification and disqualifications for the office of auditor shall be the same as in the case of a councillor, except that an auditor need not be a ratepayer of the District, and that no councillor of a District shall be auditor for the District. An auditor otherwise qualified to be councillor may be elected councillor, and shall thereupon cease to be auditor.

60. Any of the following acts and events shall cause a vacancy in the office of auditor, namely—

Death, lunacy, idiocy, being adjudicated insolvent, or the execution by the auditor of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound:

Absence from the province at the time at which any periodical audit is appointed to be held, or non-attendance at any audit after fourteen days' notice shall have been given to the auditor of the time and place appointed for holding the same:

Election as a councillor:

Resignation
PART IV.

Resignation by notice posted or delivered to the chairman, if there be a chairman, and otherwise to the Minister:

The judgment or order of any competent Court or Justices declaring the office vacant:

The being concerned directly or indirectly, save as member of a public or joint-stock company incorporated by the law of the United Kingdom or any British possession, in any contract or dealing with the District Council other than his employment as auditor.

Auditing accounts.

61. The auditors shall, as soon as conveniently may be after the half-yearly balancing of accounts in accordance with this Act, proceed to audit the accounts of the District Council for the half-year preceding the said half-yearly balance; and the Council shall cause to be produced and laid before such auditors the said accounts, together with proper vouchers in support of the same, and all books, papers, and writings in the custody or power of the Council relating thereto; and if the said accounts be found correct, such auditors shall sign the same in token of their allowance thereof.

62. The District Council shall cause the yearly balance-sheet to be advertised once in one of the newspapers of the said province and in the Government Gazette within one month after the auditors have certified the same.

63. The auditors may refuse to allow persons to be present at auditing accounts.

PART V.

OF ELECTIONS.

64. The Council shall have and maintain a suitable office within the District, or within an area wholly surrounded thereby, for transacting the business of the District, to be called the District Office.

65. The Council shall appoint a returning officer, not being a candidate, to preside at the nomination and election of councillors and auditors. The Council shall reimburse such returning officer all expenses incurred by him in discharge of his duties, and shall pay him any remuneration that shall be agreed on. Such returning officer, if he shall accept office, shall not be eligible as a candidate at the election at which he is appointed to preside.

66. The nominations of councillors and auditors for the annual election shall take place at the District office, at noon, on the third Monday in June in every year; and ten clear days at least before that day the District Council shall cause public notice to be given of the place, day, and hour for the nomination of candidates.

67. The
67. The nominations of councillors and auditors shall be signed by two ratepayers, and shall be in such one of the forms in the Fourth Schedule to this Act as shall be applicable, or as near thereto as circumstances will admit; but no nomination shall be acted upon unless the same shall have been lodged in the District office before the hour of noon of the day fixed for nominations.

68. On the day of nomination the returning officer shall attend at the District office at the hour of noon, at which time and place he shall cause all the nominations lodged in the office to be publicly opened and read aloud. If there be such number of candidates nominated as are required to be elected and no more, the returning officer shall declare such candidates to be elected to serve in their respective offices, in the case of councillors, as from the first Monday in the July next ensuing, on which day the election shall be deemed to be concluded, and in the case of auditors as from the first Monday in September next ensuing; but, in the event of there being more candidates nominated than are required to be elected, the returning officer shall adjourn all further proceedings in respect of such election until the first Monday in the July following, when the election shall be by ballot; and the District Council shall, for the purposes of the election, be considered a public body within the meaning of "The Ballot Act, 1862": Provided that the voting at every such election shall commence at nine o'clock in the forenoon and finally close at five o'clock in the afternoon of the same day: Provided also that earlier hours for commencing and later hours for closing may be prescribed by by-law.

69. The returning officer upon any such adjournment shall forthwith give notice thereof, and of the object thereof, and the names of the several candidates, and in the case of wards, for which wards they are respectively nominated, and the day, hour, and place when and where such election is to take place by posting handbills on every post office in the District, and on every other place appointed by the Council by by-law as a place for posting notices.

70. Where the District is not subdivided, the ballot shall be taken at the District office; and, where the District is subdivided, the returning officer shall appoint polling-places, of which the District office may be one; and there shall be one of such polling-places in and for every ward in respect of which there is an election: Provided that the returning officer may by the notice under the last preceding section fix one or more ward or wards in which alone the votes for auditors shall be taken.

71. The returning officer or his deputy shall preside at each polling-place for taking the poll, and shall, in writing, mark with the initials of his name every voting-paper to be used at such election.

72. Each candidate shall be entitled to appoint, in writing, one scrutineer to be present in each polling-place, and such scrutineers and
and the returning officer or his deputy and the poll clerks, and any voters actually engaged in voting, shall alone be permitted at any one time to enter or remain in the polling-place.

73. Every returning officer and his deputy shall have authority to maintain and enforce order, and keep the peace at any election or polling held by him, and, without any other warrant than this Act, to cause to be arrested and taken before a Justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions which may be put to him under the Ballot Act, 1862, or any other Act for the time being in force in that behalf, or of personating or attempting to personate any voter, or of attempting unlawfully to vote more than once at the same election, or leaving or attempting to leave the polling-place after having received a ballot-paper, and before having deposited the same in the box, or causing a disturbance at any election, and to cause any person to be removed who obstructs the approaches to any polling-place or conducts himself in a disorderly manner there; and all constables and peace officers shall aid such returning officer, his deputy, or other person so appointed as aforesaid in the performance of his duty.

74. At any election of councillors or auditors every person of the full age of twenty-one years, whose name appears as a ratepayer in the assessment-book for the current year in respect of any property within a ward, may give one vote in each ward in respect of the property for which he is assessed therein, and the rates for which have been duly paid pursuant to the next following section; and at any election of councillors or auditors, where the District is not subdivided into wards, every person of the full age of twenty-one years whose name appears as a ratepayer in the assessment-book for the current year may give one vote, if the rates have been duly paid pursuant to the next following section for the property for which he is assessed therein. In case of joint tenancy, or tenancy in common, one person only shall vote, unless the property shall be assessed at a value above Seventy-five Pounds, and then one other joint tenant or tenant in common as aforesaid, may vote for each additional Seventy-five Pounds or for any fractional part of Seventy-five Pounds of assessed value, and joint tenants or tenants in common entitled to vote may vote in the order in which they tender their votes until votes shall have been taken for the whole value, or all the joint tenants or tenants in common shall have voted.

75. No ratepayer shall be entitled to vote at any election until all rates which shall have been declared six months previously, according to the provisions hereof, or of any Act hereby repealed and which shall then be payable by him in respect of the property for which he may claim to vote shall have been paid; and any ratepayer, or collector of rates appointed under this Act, may object to any person attempting to vote if such rates shall not have been paid. The clerk shall cause a list of all ratepayers who owe any rates
rates to be produced at every polling-place, but the non-production of such list shall not invalidate the proceedings.

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

77. After every election the returning officer shall make up and present to the clerk an account of the reasonable expenses incurred by such returning officer in and concerning the conduct of such election in accordance with this Act, and such expenses may be recovered before any two Justices, together with any remuneration to which such returning officer is entitled.

78. Wherever the annual election shall from any cause wholly or in part fail to be made upon the day appointed by this Act, or such election being made, shall afterwards become wholly or in part void, and whenever an extraordinary vacancy occurs in the office of councillor or auditor, a supplementary election shall be held: Provided that the Governor may appoint a councillor or auditor to supply any extraordinary vacancy occurring before the first meeting of the council.

79. Immediately upon the happening of such whole or part failure or avoidance, or such extraordinary vacancy, the Council shall by public notice appoint a day, not being earlier than seven days nor later than twenty-one days from such notice, for the nomination of the persons to be elected, and such nomination shall take place on the day so appointed in like manner as at the annual election, and, if there shall be such number of candidates nominated as are required to be elected and no more, the returning officer shall declare such candidates to be elected to serve in their respective offices as from the day of nomination and election, but, in the event of there being more candidates nominated than are required to be elected, the returning officer shall adjourn all further proceedings in respect of such election until a day to be fixed by him for such election, not being less than six nor more than ten clear days from the day of nomination, and on the day so fixed the election shall take place in like manner as at the annual election.

80. The returning officer shall cause public notice, but without advertisement in the Government Gazette, to be given of such adjournment, and the object thereof, and the names of the several candidates, and, in the case of wards, for which wards they are respectively nominated, and the hour and places when and where such election is to take place.

81. Whenever any supplementary election shall wholly or in part fail to be made, or shall become wholly or in part void, the Council
PART V.

Retirement of persons elected to fill extraordinary vacancies.

82. Every person elected to supply an extraordinary vacancy shall, for the purposes of retirement, be deemed to have been elected when his immediate predecessor in office was elected, and shall retire accordingly, but shall be capable of being forthwith re-elected if qualified.

83. Within forty-eight hours from the election of any person to any office in the District, the returning officer shall cause to be delivered or posted to such person a notice informing him of such election, and within fourteen days of such election shall cause a notice thereof to be inserted in the Government Gazette.

84. Where any person shall be elected for more than one ward, he shall not be considered a councillor for any or either ward until by notice in writing to the Council he shall state for which ward he chooses to serve, and, in case he fails to give such notice for six days after the election, the Council shall by resolution decide for which ward he shall serve; on such choice or decision, he shall become a councillor accordingly, and the vacancy or vacancies remaining after such choice or decision shall be deemed extraordinary vacancies.

85. If the Council shall fail to proceed as by this Act required to any election for the space of twenty-one days from the last day on which such election is required by this Act to be held; or, if by resignation or otherwise it happens that there are no councillors for the District, any Justice of the Peace resident within the District or any Special Magistrate may, upon the request in writing of any three ratepayers of the District, do every act by this Act required to be done for holding such election, including the appointment of a day of nomination, and a returning officer.

PART VI.

OF THE MEETINGS OF THE COUNCIL.

86. The District Council shall appoint a male person of full age who is not a councillor or auditor to be clerk to the Council, and he shall be called the District Clerk; but any councillor or other person appointed as hereinafter provided may perform the duties of such clerk in his absence.

87. The annual meeting of the Council shall be held in the month of July next after the passing of this Act or the appointment of the Council, and in the month of July in every succeeding year, at the District office, on such day and at such hour as the Council shall determine.

88. Ordinary meetings of the Council shall be held at the District office at such times, not being less than one in each month, as the Council shall from time to time determine; and special meetings may be held at any time and at any place within the District. Any meeting
89. A special meeting may be called by the chairman at any time, and, on the requisition, in writing, of any three councillors, it shall be his duty to call such meeting, and if the chairman refuses or for two clear days fails to call such meeting upon such requisition any three councillors may call such meeting by public notice, signed by them, and stating the object of such meeting and the time and place of holding the same.

90. Unless and until otherwise provided by by-law, three days notice of every meeting, signed by the clerk, shall be sent by post to every councillor informing him of the time and place of meeting, and in the case of a special meeting of the business to be done thereat.

91. At all meetings of the Council, except where otherwise provided by this Act, one-half of the members for the time being shall form a quorum, but the clerk, in the absence of all the councillors, or any councillor present alone, or the majority of councillors present at a meeting at which there shall be no quorum, may, at the expiration of half an hour from the time fixed for such meeting, adjourn the same, and any business which could have been transacted at such meeting may be transacted at the adjourned meeting.

92. At every meeting of the Council the chairman, or, in his absence, such councillor as the members assembled shall choose to preside shall preside, and shall have a deliberative vote, and, in case of equality of votes, a casting vote.

93. Notwithstanding any vacancies in the office of councillor the business of the Council shall be carried on by the councillor or councillors actually in office, who shall have all the powers of the Council.

94. All proceedings of the Council, or of a committee of the Council, or of any person acting as a councillor, shall, notwithstanding it may be afterwards discovered that there was some defect in the election or appointment of the members of such Council or committee or any of them, or of any person acting as aforesaid, or that they or any of them were incapable of being councillors, be as valid as if such members or member, or such person, had been duly elected or appointed, and was capable of being a councillor.

95. If, in consequence of death, absence, or any lawful impediment, it shall be impossible or inconvenient for the clerk, or any councillor or other person, to perform any particular matter or thing which by this Act he is required to perform, the chairman, or, if for the
the like reason, it shall be impossible or inconvenient for the chairman, the council may perform the matter or thing, or appoint some councillor or other person to perform it.

96. If the day for any meeting, or adjourned meeting, or for any business required by this Act, or any by-law to be held or done, shall fall on a Sunday, Good Friday, Christmas Day, or public holiday, such meeting shall be held, or business done, on the third business day after the day on which it fell.

97. No resolution passed at any meeting of the Council shall be revoked or altered at any subsequent meeting, unless written notice of an intention to propose such revocation or alteration be given or posted to each of the councillors seven days at least before holding the meeting; nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the councillors present at such subsequent meeting, if the number of councillors present at such subsequent meeting be not greater than the number present when such resolution was come to; or by a majority if the number of councillors present at such subsequent meeting be greater than the number present at such former meeting.

98. The Council may, from time to time, as they may see fit, appoint occasional or standing committees, and may fix the quorum of every such committee; and every such committee shall appoint one of the members thereof to be chairman of such committee; and the Council may, from time to time, continue, alter, or discontinue such committee, and such committee may, from time to time, remove such chairman; and every such committee shall report to the Council.

99. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, but no business shall be done at any meeting of a committee unless the quorum (if any) fixed by the Council, or, if no quorum be fixed, three members, be present; and at every meeting of the committee, if the chairman of such committee be not present, one of the members present shall be appointed chairman of such meeting, and all questions shall be determined by a majority of the votes of the members present; but the chairman shall have a deliberative vote, and, in case of equality of votes, a casting vote.

100. The Council shall cause minutes of all the meetings of the Council, and of every committee thereof, and of the proceedings thereat, with the names of the councillors who attend at each meeting, and the names of all councillors voting on any question for the decision of which a division is called, to be duly made from time to time in books provided for the purpose, and to be kept by the clerk under the superintendence of the Council. The minutes of every Council meeting and of every meeting of a committee, until a report is agreed upon, shall be put for
for confirmation to the next succeeding meeting, or if that shall be omitted to some subsequent meeting, and, if found correct, shall be signed by the chairman of the meeting at which the same shall be confirmed, or if he shall refuse or neglect so to do for seven days after such meeting, then by any two councillors present and entitled to vote at such meeting; and the minutes of a committee meeting at which a report is agreed to shall, if found correct, be signed at such meeting, or some adjournment thereof, by the chairman thereof.

101. Every minute purporting to be such minute as aforesaid and to be so signed, or a copy of or extract from any such minute purporting to be attested by the seal of the Council and signed by the clerk, shall be received as evidence in all Courts, and before all Judges, bodies politic, and persons without proof that the meeting to which the same refers was duly convened or held, or that the persons attending thereat were councillors or members of committee, or of the signature of the chairman or councillors, or of the fact of his having been such chairman, or of their having been councillors entitled to sign such minutes, or of the affixing of the seal or of the signature of the clerk, but all such matters shall be presumed until the contrary is proved, and all such books shall, at all reasonable times, be open to the inspection of any councillor and of any creditor of the Council, and every ratepayer of the District may inspect and take copies of the same at all reasonable times on payment of One Shilling to the clerk.

PART VII.

OF CONTRACTS, LANDS, AND WORKS.

102. The Council of every District may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows, that is to say—

i. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the Council may make in writing and under the common seal of the Council, and in the same manner may vary or discharge the same:

ii. Any contract which, if made between private persons, would be by law required to be in writing, signed by or on behalf of the parties to be charged therewith, the Council may make in writing, under the common seal as aforesaid, or in writing signed by the councillors or any two of their number acting by the direction and on behalf of the Council, and may vary or discharge such contract in the same way as it was or might have been made:

iii. Any contract which, if made by private persons, would be by law valid although made by parol only, and not reduced into writing, may be made by the Council in either of the modes in which Council may make, vary, and discharge contracts.
PART VII.

two ways aforesaid or by any two of the councillors acting by the direction and on behalf of the Council by parol with or without writing, and may be varied or discharged in the same manner as it was or might have been made:

And all contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

103. The Council may compound with any party who has entered into any contract with the Council, or by or against whom any action or proceeding has been brought or threatened on behalf of or against the Council for any cause whatsoever, for such sums of money or other consideration as the Council shall think proper.

104. Subject to the approval of the Minister, the Council may, from time to time, contract, upon such terms as they think fit, with any other corporate or public body for or with respect to the doing and the control and management by either or both of the contracting parties of any matter or thing which such contracting parties are, or either of them is, by law empowered to do, control, or manage; and the Council may carry out such contract according to the tenor thereof.

105. The Council may purchase or accept, either from the Crown or any person, any lands or hereditaments or personal property for the public use of the District as a cemetery or recreation ground, or for any other purpose, and may accept a gift, conveyance, or assignment of any land or hereditaments, or personal property for any charitable or public purpose not connected with religious worship, and hold the same upon such trusts or for such purposes as may be declared by the donor.

106. The Council may, from time to time, demise, let, manage, and improve all lands, hereditaments, jetties, piers, breakwaters, wharves, foreshores, and other property real or personal acquired by, held in trust for or by, or placed under the care of, the Council, so as such property be dealt with in a manner consistent with the terms, trusts, or purposes under and for which the same was acquired: Provided no such lease shall be granted for a term exceeding fifty years.

107. Any lands within a District now or hereafter held by trustees upon trust for any public cemetery may by the said trustees be conveyed to the Council, if the Council shall be willing to accept the trust, and the Council shall hold the same upon the original trusts or such of them as are applicable, and the trustees shall thenceforth be discharged from such trusts.

108. The Council may carry out any of the following works and undertakings (which shall be deemed permanent works and undertakings), and, subject to the trusts affecting any lands or hereditaments
ments acquired by the Council, may employ such lands and hereditaments in such works and undertakings, that is to say—

1. The opening and making of new streets and roads, and diverting, altering, or increasing the width of streets and roads:

11. The raising, lowering, or altering of the ground or soil of streets and roads:

111. The construction, purchase, and establishment of bridges, culverts, ferries, and jetties:

1V. The construction, enlargement, and alteration of sewers and drains and works connected with sewerage and drainage:

v. The construction and purchase of waterworks:

vi. The construction and providing of District offices, pounds, abattoirs, market-places, market-houses, and places for weighing vehicles and their loadings, and the making of convenient approaches to markets:

vii. The providing of baths and washhouses:

vii1. The providing of pleasure grounds, libraries, museums, and places of public resort and recreation:

ix. The construction, establishment, and providing of hospitals, asylums, and other buildings or places for charitable purposes:

x. The purchase of land and materials, and the making of compensation to the owners of any lands compulsorily taken for any of the foregoing purposes.

109. Where any township or portion of a township situated wholly or partially within a district shall be laid out according to plans hereafter deposited with the Registrar-General or in the Lands Titles Registration Office, or in the General Registry Office, and the Council shall form or make any street or streets within the District, and within or adjoining such township or portion of a township, the Council may recover from the several owners or occupiers of the ratable property situated within any township, and adjoining such street or streets, and within the District, ratably according to the frontage of such property abutting on such street or streets, one-half of the cost of forming or making the same: Provided that such cost shall be deemed not to have exceeded the rate of Five Pounds per chain, and that in construing this section the word “street” shall include “portion of a street.”

110. All water and other reserves for public convenience, and all jetties, piers, wharves, and breakwaters, situated within or on the boundaries of any District which, by Proclamation of the Governor, may be placed under the care, control, and management of the Council of such District shall be vested in such Council.

111. The
111. The Governor may issue to the Council a grant of any such water and other reserves, jetties, piers, wharves, and breakwaters as in the last preceding section mentioned, upon such trusts and under such conditions as may appear expedient: Provided, however, that it shall be lawful for the Governor, at any time before such grant shall have been issued as aforesaid, by Proclamation to resume such water and other reserves, jetties, piers, wharves, and breakwaters.

112. The Council may exchange any reserves vested in them by grant of the Governor as aforesaid, and any lands or hereditaments otherwise vested in them for other lands or hereditaments; and if the premises given in exchange were subject to any trusts or conditions for public or charitable purposes, such premises shall upon such exchange be freed from such trusts or conditions, and the premises taken in exchange shall be subject to the like trusts or conditions upon which the premises given in exchange were, immediately before such exchange, held or vested in such Council, and such trusts and conditions (if any) shall be declared in an instrument deposited in the Lands Titles Office, and the Council shall hold the premises taken in exchange subject to such trusts and conditions.

113. Where the trusts or conditions heretofore or hereafter affecting any premises given or to be given in exchange by any Council are or shall be wholly or in part inapplicable to the premises taken or to be taken in exchange, or incapable of being fulfilled or observed by such Council the Minister may, at any time after the exchange, on the application of the Council by memorandum or endorsement upon the instrument deposited in the Lands Titles Office, expressly discharge wholly or in part the premises so taken or to be taken in exchange from the said trusts and conditions, and thereupon such premises and the Council shall, as from the date of the exchange, be discharged accordingly.

114. In order to effect an exchange of any lands by this Act authorised to be exchanged, the Council shall proceed as follows:—

i. An agreement in the form of the Fifth Schedule to this Act or to the like effect, or as near thereto as circumstances will admit, shall be entered into between and signed in duplicate by the parties to the proposed exchange, and such agreement shall further state whether and to what extent it is proposed to take the lands taken in exchange subject to the trusts and conditions affecting the lands to be given in exchange:

ii. The Council shall deposit in the District office, and in the Surveyor-General's office, a copy of such agreement, together with a survey plan showing the boundaries and positions of the lands to be given and taken in exchange respectively, and such copies and plan shall be open to public inspection:

iii. The
III. The Council shall give notice in the Government Gazette of the proposed exchange, referring to the copies and plans so deposited, and describing generally the premises proposed to be given and taken in exchange respectively, and inviting all persons objecting to such exchange, within forty days from the first publication of such notice, to furnish a written statement of their objections to the Council, and naming a day not less than forty nor more than sixty days from the first publication of the notice, and an hour and place for the Council to meet and consider the proposed exchange and any objections thereto.

115. At the time and place fixed by such notice for such meeting, or at some adjournment of such meeting, the Council shall consider the proposed exchange and any objections thereto, and any person who, within the time hereinbefore limited, has furnished written statements of objection, and his witnesses, may be heard personally or by counsel at such meeting or adjourned meeting, and the Council shall be at liberty either to make or not to make an order for the proposed exchange.

116. If the Council at such meeting or adjourned meeting decide to make the order, the same shall be drawn up in the form in the Sixth Schedule hereto, or to the like effect, or as near thereto as circumstances will admit in duplicate, under the seal of the Council, and both duplicates, together with a copy of all the written statements of objections, shall be sent to the Minister, who shall submit them to the Governor, and the Governor may within six months of the date of the order confirm the same, and thereupon one duplicate shall be returned to the Council and the other shall be retained by the Minister, and a notice of such confirmation, in the form in the Seventh Schedule hereto, shall be published in the Government Gazette within a month after such confirmation. But if the order of the Council be not confirmed within six months from the making thereof, the same shall be void.

117. If the Council shall not at the meeting, or adjourned meeting, make the order, or if the meeting shall not be held or shall fail, or if the Governor shall not confirm the order, or if notice of the confirmation shall not be inserted in the Government Gazette within six months after the same shall be made, any agreement made as aforesaid shall be null and void.

118. The order, when confirmed, shall have the effect of authorising the exchange proposed, and upon payment of any amount which may be named in the agreement for equality of exchange and a receipt therefor, in the form of the Eighth Schedule hereto, being given to or by the Council, as the case may be, the land given in exchange shall vest in the person who by the order is to take the same in exchange, free from the trusts and conditions referred to in section 112, and shall, if under the provisions of the Real Property Acts, be transferred accordingly, and the land taken in exchange
change by the Council shall vest in the Council, and shall, if under the provisions of the Real Property Acts, be transferred accordingly.

119. Should any person not a party to the agreement for exchange, after confirmation of any order for exchange, have any estate, right, title, or interest in the land taken by the Council in exchange, he shall be entitled to compensation under the Lands Clauses Consolidation Acts, to be estimated and obtained in manner prescribed by such Acts, as if this Act were the special Act and the Council were the promoters of an undertaking and had given notice for the compulsory purchase of such lands, and such Acts shall, for all purposes of compensation under this clause, be incorporated with this Act.

120. The Commissioner of Crown Lands shall, where any exchanged lands shall not be under the provisions of the Real Property Acts, or where there shall be any difficulty in obtaining a transfer of any exchanged land, on being satisfied that the proceedings are regular, cause a certificate or certificates of title to be issued in duplicate in the name of whomsoever shall be entitled thereto, in the form in the Ninth Schedule hereto, and shall deliver such certificate or certificates to the Registrar-General.

121. Upon receipt of any certificate of title given under the provisions of this part of this Act, the Registrar-General shall, after the expiration of three calendar months from the date of the order of confirmation, cancel in the Register Book, wholly or partially, as the case may require, any existing certificate of title to the land comprised in the certificate so received by him, and shall thereupon bind up one of the certificates as a separate folium of the Register Book, and shall register the same under the provisions of the Real Property Acts, and shall deliver the duplicate certificate of title to the Council or the person entitled thereto.

122. After registration of any such certificate of title as hereinbefore provided, the provisions of the Real Property Acts shall be applicable to the land therein mentioned to all intents and purposes whatsoever as fully as if the said land had been brought under the provisions of such Acts upon the application of a proprietor; and, notwithstanding the provisions of the Real Property Act, 1886, such certificate, or the registration of any transfer made under section 118, shall be conclusive evidence of the vesting of such land in the persons therein mentioned.

Licences to take Profit from Waste Lands of the Crown.

123. Subject to any rules of the Governor, which may from time to time be made to regulate depasturing on the waste lands of the Crown, or other Crown lands, for the whole or any part of the said province, the Council may issue licences to the owners and occupiers of land within the District authorising the holders of such licences to depasture cattle upon the waste lands of
of the Crown within the District, or such part of such waste lands as may be specified in the licence; but not upon a travelling stock reserve or road or upon leased land.

124. Subject to any rule which has been or may from time to time be made by the Governor in that behalf, the Council may grant licences to cut timber and bark upon, and remove the same from, or quarry and remove stone, gravel, and sand from, the whole or any part of the waste lands of the Crown within the District, not being a travelling stock reserve or road or leased land.

125. Any depasturing, timber, bark, stone, gravel, or sand licence granted by the Council shall be wholly or pro tanto revoked by any sale, lease, or dealing by the Commissioner of Crown Lands inconsistent with such licence; and the grantee of such licence shall be entitled to be repaid by the Council a proportionate part of the fee which he shall have paid therefor. Subject, as in the last two preceding sections mentioned, the Council may charge such fees for any such licence as they may think fit.

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PART VIII.

OF REVENUE AND EXPENDITURE.

Revenue Generally.

126. The revenue of a Council shall consist of the moneys following, namely—

(1) Rents, profits, and income which may be received from any lands or hereditaments vested in or held in trust for them, or over which they may have the control and management:

(2) Proceeds arising from the sale or exchange of any lands or hereditaments vested in the Council or of any real or personal property of such Council which they may be authorised to sell:

(3) Fines and penalties imposed or inflicted for any offence against this Act, or the hereby repealed Acts, or any of them, or any by-law made under any of them, or any by-law of the District and committed within the District, or for any offence committed by, or for any breach or neglect of duty on the part of, any councillor, ratepayer, officer, or other person in any matter relating to the District or Council, or to any councillor or officer, or in respect of any election or other meeting or proceeding in connection with such District or Council, councillor or officer, all which fines and penalties shall be paid to the Council for the use and benefit of the District, save any fine or portion thereof ordered to be paid to any constable or other person in pursuance of this or any other Act:

(4) Fines

Revenue of Council, of what it shall consist.
(4) Fines and penalties imposed in respect of any offence committed within the District under any of the Acts and Ordinances mentioned in the Tenth Schedule hereto, or any by-laws or regulations made under any of them, all which fines and penalties shall be paid over to the Council for the use of the District, save such part of any fine or penalty as may be ordered to be paid to other persons; but no portion thereof shall be paid to any informer where the Council or any officer thereof is the informer:

(5) Fees payable for any licence granted, or act or thing done by virtue of this or any of the hereby repealed Acts, or any of the said Acts and Ordinances mentioned in the Tenth Schedule hereto, or any by-law of the District, by the Council or any officer thereof, or which, by virtue of the said Acts, may be received by the Council, or any officer or person in the employ of or appointed by the Council:

(6) Fees paid after the thirtieth day of June, one thousand eight hundred and eighty-eight, under “The Licensed Victuallers Act, 1880,” or any Act amending the same, or substituted therefor, in respect of any licence required for any business to be carried on, or act to be done within the District:

(7) Fees paid after the thirtieth day of June, one thousand eight hundred and eighty-eight, for any licence issued under “The Auctioneers’ Act, 1862,” or any Act amending the same, or substituted therefor, on a certificate of any Local Court holden within the District:

(8) General, special, separate, and other rates, including rates levied under any Act which by such Act, or by this Act, the Council are authorised to make and levy:

(9) Its proportion of an annual subsidy to be granted by Parliament towards the construction, maintenance, and keeping in repair of main roads vested in the Council:

(10) All other moneys received by the Council, or by any officer, by virtue of this or any repealed Act, or any of the Acts in this section above mentioned, or any by-laws, or otherwise, and not being moneys which such officer may be entitled to retain.

127. The Minister may withhold any moneys voted by the Parliament, and payable to any Council by way of subsidy, until he is satisfied that such Council has fulfilled any duty imposed upon it by this Act, and until such Council has paid the costs of any inquiry authorised by the Minister as to such compliance.

128. All moneys received by any officer on account of the Council shall be credited to a fund to be called The District Fund, and shall be paid into the bank appointed by the Council to receive the same. Such payment shall in every case be made as soon as the
the moneys in hand amount to Five Pounds, or more. Every payment of more than One Pound made on behalf of the Council shall be by a cheque on the Council's bank, drawn by the chairman and two councillors, authorised from time to time by the Council on that behalf, and countersigned by the clerk. Payments of less than One Pound may be made out of a petty cash account which shall be replenished from time to time by cheques drawn for that purpose.

129. A Council may expend its moneys as follows:—

In preparing for, carrying out, improving, and maintaining any works and undertakings by this Act authorised:

In paying salaries and fees to any officers of the District or persons in the employ of or appointed by the Council, and in paying premiums for the guaranty of the fidelity of any such officers or persons:

In subscribing to any public hospital, asylum, or charitable institution, or mechanics' institute:

In payment of or towards the travelling expenses of councillors in attending the meetings of the Council, or when engaged on special business at the request or by the authority of the Council: Provided that such request or authority shall be in writing:

In the remuneration of professional and other like services, which are necessary or desirable in and about the property and business of the Council:

In promoting any Bill before the Parliament which may be necessary or desirable for the benefit of the District:

And generally in performing the duties and doing the business of the Council as required or authorised by this Act, or any other Act for the time being in force in that behalf:

Provided that no Council shall expend in any year for salaries and fees to officers, printing, advertising, stationery, and office expenses, more than one-third of the whole of the general rates declared for the District for that year.

130. When any District is subdivided into wards, the Council shall, except as to moneys received by way of subsidy for roads, cause at least one-half of the net income of the District in every year to be apportioned among the wards, in proportion to the amount of general rates received therefrom respectively in such year, and the amount so apportioned to each ward shall be placed to a separate account, and shall be expended in works in such ward.

131. Every Council shall keep true and regular accounts of all sums of money received and paid by such Council, and of the several purposes for which such sums of money shall have been received and
PART VIII.

36. and paid, and shall cause such accounts to be balanced twice at least in every year ending on the thirtieth day of June; and every ratepayer of the District shall and may, at all reasonable times, upon payment of a fee of One Shilling to the clerk, and every auditor for the District may at all reasonable times, without payment, inspect and take copies of or extracts from such accounts, both before and after the same are audited, and of the abstract and statement of balance in the following section mentioned.

132. Every Council shall, during the month of July next after the passing of this Act or the appointment of the Council, and, during the month of July in each succeeding year, cause an account in abstract to be prepared, showing the total receipt and expenditure of all funds received by virtue of this Act for the year ending on the thirtieth day of June, as aforesaid, under the several distinct heads of receipt and expenditure; with a statement of the balance of such account duly audited and certified by the auditors and also by the chairman of the Council, or two councillors, and by the clerk.

PART IX.

OF ASSESSMENTS.

133. The Council shall, as soon as practicable after entering upon office, and whenever they may consider it necessary for the purposes of this Act, cause an assessment to be made of all ratable property within the District according to the principles following:

As to any building and all land that may be occupied therewith wherever situate, and all land situate outside the limits of any township according to the full estimated annual rent (clear of all outgoing) at which the whole would let for a term of fourteen years:

As to any area of land within any township comprising a block of not less than twenty acres, not divided by roads and not built on and unused, or used only for pastoral or agricultural purposes, according to a percentage of two and a half per cent. on the value of the fee-simple; and

As to all other township land unbuilt upon according to a percentage of five per cent. on the value of the fee-simple.

As to lands held under mining lease from the Crown the assessment shall not exceed the rental payable to the Crown.

134. Every such assessment shall be written in a book to be called the Assessment Book, which shall contain, in the form in the Eleventh Schedule hereto, the names of the several owners and occupiers of the property assessed so far as known, and the area, situation, description, assessed value, and, where necessary, the capital value of the several properties assessed.

135. Such
135. Such assessment, at the first meeting after the delivery thereof at the District office, shall be submitted to the Council, and the Council, after making such alterations therein as they may think necessary or proper, shall approve the same, and a copy of the minute of such approval shall be written at the foot of the assessment and signed by the chairman, or two councillors, and the clerk, and such assessment shall thenceforth become and remain binding on the District and the ratepayers thereof until a new assessment shall be in like manner made and approved.

136. Three copies at the least of every assessment book shall be made, and shall be deposited at different convenient places within the District for inspection by the ratepayers.

137. Where any assessment such as is by this Act required is already in force in any portion of the District, the Council shall be at liberty to adopt such assessment, and shall cause the same to be written in the assessment book, with such alterations and additions (if any) as may appear necessary or proper, together with an assessment of any portion of the District which at the passing of this Act is not assessed.

138. Every new assessment, except as by this Act otherwise provided, shall be made by one or more assessors to be appointed by the Council, and every such assessor, before entering upon his duties, shall make and subscribe before a Justice of the Peace a solemn declaration that he will impartially and truly, according to the best of his judgment, make a fair valuation and assessment of the several properties to be assessed by him under this Act; and such declaration shall, before such assessor enters upon his duties, be filed at the District office, and a minute shall be made of such filing and the date thereof; and every assessor shall make a return of the assessment made by him, and at the foot thereof shall subscribe the same, with a statement that the same is an impartial and true assessment.

139. Every assessor shall, for the purpose of making the assessment and return as aforesaid, have power to enter at all reasonable hours in the daytime into and upon any ratable property within the District without being liable to any legal proceeding on account thereof.

140. Where an assessor is authorised to assess any ratable property under the provisions of this Act, he may put to any owner or occupier, or person in charge thereof, questions upon all such matters as may be necessary to enable such assessor to state correctly the several particulars by this Act required to be stated in his return with regard to the premises; and if, after being informed by such assessor of his being an assessor, and of his purpose in putting such questions, and of his authority under this Act to put the same, any such owner or occupier, or person in charge, shall refuse or wilfully omit to answer the same to the best of his knowledge and belief, or shall wilfully make any false statement in answer to any such question,
question, such person shall for every such offence be liable to a penalty not exceeding Ten Pounds.

141. The Council may, instead of causing any new assessment to be made by assessors, approve as a new assessment the last previous assessment, with such alterations and additions as may appear necessary.

142. Every person whose name appears in the assessment-book as owner or occupier of any ratable property shall be entitled to have his name removed from the book, upon a change of ownership or occupation, and notice in writing thereof given to the Council under his hand; he having first paid all rates, notice of which has been duly given him.

143. An owner or occupier of any ratable property, but whose name does not appear in the assessment book as such owner or occupier, may apply to the Council to have his name inserted in the assessment book, and shall be entitled to have his name inserted accordingly, except within fourteen days immediately preceding any annual election.

144. Except within fourteen days immediately preceding any annual election, all errors and omissions in the assessment book, with regard to any ratable property, or its assessed value, or the ownership or occupation thereof (including errors and omissions arising from changes of ownership or occupation), shall be rectified by the Council immediately on the discovery thereof; and a minute shall be made of such rectification, and a copy thereof, signed by the clerk, shall be entered in the assessment book, and every copy thereof, and the assessment book, and every copy thereof, shall be rectified accordingly.

145. Public notice of the making of any new assessment, of the adoption of any previous assessment, and of the places where the copies thereof may be inspected, shall be given to the effect of the form in the Twelfth Schedule applicable thereto, within fourteen days from such making or adoption; and notice of the making of every new assessment, not being an adoption of a previous assessment, and of the making of any alteration of or addition to any assessment, shall, within fourteen days from such new assessment, alteration, or addition, be given in the form in the said Schedule applicable thereto, or to the like effect, by posting or delivering the same to every person appearing in the assessment book as the occupier or owner of the property concerned; but if no person appears in the assessment book as occupier or owner, such notice shall be given in the Government Gazette.

PART X.

OF APPEALS FROM ASSESSMENTS.

146. Any person may appeal against the assessment or any alteration thereof, on any of the grounds following, that is to say—
That he is not owner or occupier of the whole or any, or some particular part, of the ratable property for which his name appears as owner or occupier:

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

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

That any ratable property is assessed below its full and fair value:

That any property included in the assessment is not ratable.

147. Appeals as aforesaid may be made either to the Council or directly to the Local Court of Full Jurisdiction nearest to the District office, and from the decision of the Council on any such appeal there may be a further appeal to such Local Court, and the decision of such Local Court shall be final, whether the appeal be to such Local Court direct, or after a previous appeal to the Council.

148. Every appeal to the Council or to the Local Court direct shall be commenced within twenty-one days after the publication of the notice of the adoption or making of the assessment in the Government Gazette, or the giving of the notice of the alteration of, or addition to, any assessment, as the case may be, by notice in the form in the Thirteenth Schedule to this Act, or in a form to the like effect. If the appeal be to the Council the notice shall be given to the District clerk; if the appeal be to the Local Court the notice shall be given to the clerk of the Local Court, and also to the District clerk; and notice shall also be served upon the person (if any) whose name it is proposed to insert in the assessment, or whose property is alleged to be omitted or assessed below its full and fair value six days before the hearing of the appeal. Appeals made to the Local Court direct shall be heard at the sittings of the Local Court of Full Jurisdiction next after twenty-seven days from the said publication in the Government Gazette or the giving of the notice of alteration or addition as the case may be. Appeals made to the Council shall be heard within thirty-two days next after the publication or the giving of such notice, and notice of the day appointed by the Council for the hearing of such appeals shall, six days before the day of hearing, be given by advertisement in some convenient public newspaper (if any), and be posted on a conspicuous part of the District office.

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

150. Every...
PART X.

Appeals from decision of Council.

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

151. The Local Court, on the hearing of any appeal, may make such order as may seem just for the payment by any party to such appeal to any other party to such appeal of the costs of such appeal, and of the previous appeal (if any) to the Council; and, in addition to any other legal remedy available for the recovery of such costs, payment of the same may be enforced in the same manner as the judgment of the Local Court.

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

153. When an alteration has been made in respect of value in the assessment book by order of a Local Court on appeal as aforesaid, no further alteration shall be made by the Council in respect of value in the assessment so altered until after the close of the then current financial year, and then only upon the making of a new general assessment.

PART XI.

OF MAKING RATES.

General Rate.

154. The Council from time to time, before proceeding to make any rate by this Act authorised, shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorised to expend or apply the District fund, showing the several sums (if any) already available for such purposes, the several sums required, the ratable value of the property assessable, and the rate on each pound of such value necessary to raise the money required, which estimate, after the same has been approved of by the Council, shall be entered in a book, to be called the Rate Estimate Book, which shall be kept at the District office, and shall be accessible to the ratepayers at all reasonable hours.

155. After
155. After making such estimate, and after twenty-one days shall have elapsed from the giving public notice of an assessment, the Council shall, for the general purposes of this Act, declare a rate, to be called a General Rate, on the property assessed for the year ending the thirtieth day of June next after the declaring of the rate: Provided that such rate shall not be less than Threepence in the Pound nor exceed One Shilling and Sixpence in the Pound on the assessed value of such property.

Special Rate.

156. If the General Rate be insufficient for the execution of any permanent work or undertaking by this or any other Act authorised to be done by the Council, and if the same has not been provided for by a separate rate, the Council, by a resolution passed by a majority of all the members thereof, may declare a special rate for the year ending as aforesaid on the ratable property within the District: Provided that such special rate, together with the general rate, shall not exceed Two Shillings and Sixpence in the Pound in any one year on the assessed value of ratable property within the District, and no special rate shall be declared without the consent of a majority of the ratepayers present at a meeting called for considering the question.

Separate Rate.

157. One-half in number of the ratepayers, representing not less than three-fourths in value of the ratable property within any portion of a District, may address a memorial to the Council requesting them to construct any specific works for the benefit of such portion of the District.

158. Such memorial shall set forth a description of the proposed works, and shall define the portion of the District that would be benefited by the construction of such works, and shall state the names of all the ratepayers of such portion of the District, the assessed value of all the ratable property therein, and the assessed value of the ratable property held therein by each of the signatories, and shall also name a certain amount in the pound of such value which the signatories are willing to pay for each and every year thereafter as a separate rate for the purposes of the proposed works, and to meet the cost of their maintenance.

159. Such memorial and the signatures thereto, shall be verified by the statutory declaration or declarations of one or more of the signatories.

160. If it shall appear to the Council that it will be desirable to comply with the memorial, and that the proposed works will in no way be disadvantageous to the interests and requirements of any other portion of the District, they may cause plans, estimates, and full details of the proposed works to be prepared, and may for the...
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purposes of such works declare for one year or annually, or for several years each ending as aforesaid, a separate rate or rates, and may raise a loan in manner by this Act provided in respect of loans, and may cause the works to be executed.

161. Such separate rate or rates shall not exceed in the whole for any one year the amount of the separate rate mentioned in the memorial desiring the particular works, and such rate or rates shall be payable by all the ratepayers within the portion of the District defined in such memorial, and the resolution declaring such rate shall define such portion in accordance with the memorial.

162. Whenever a separate rate as hereinbefore mentioned is declared, the Council shall cause a separate and distinct account to be kept of all moneys collected, and of all payments and disbursements in respect of such rate, and shall apply the said moneys for the purposes for which the rate was authorised and not otherwise.

163. In the event of the abandonment or completion of the works and undertakings for which a special or separate rate has been declared, the unexpended balance of such rate shall be credited to the persons paying the same, as against the general rate payable next after such abandonment or completion.

Provisions Applicable to all Rates.

164. Every rate when declared shall forthwith be entered by the clerk in Part II. of the assessment book according to the form in the Eleventh Schedule, and so that the particulars therein required in respect of each such rate shall be entered in the proper column opposite the names of the ratepayers liable to pay the same respectively, and the assessment book shall at all times show a complete record of the moneys due in respect of every assessed property.

165. Within fourteen days after declaring any rate, the Council shall cause notice to be given in the Government Gazette and in some newspaper generally circulating in the neighborhood, of the nature and amount thereof, according to the form applicable thereto contained in the Fifteenth Schedule to this Act, or in a form to the like effect.

PART XII.

OF LOANS.

166. With the consent of the ratepayers, obtained in manner hereinafter provided, the Council may, for the execution of any works or undertakings for which any special or separate rate has been declared, borrow on the security of such special or separate rate, by means of debentures as hereinafter provided, a sum of money
money not exceeding ten times the amount which at the time of borrowing would result from a rate of One Shilling in the Pound on the assessed value of the ratable property in the District, or the portion separately rated, as the case may be: Provided that, in case more than one such loan shall be raised, the total amount raised on loan shall not exceed the amount hereinbefore in this section mentioned.

167. Before proceeding to borrow any money for the execution of permanent works or undertakings the Council shall cause to be prepared plans and specifications and an estimate of the cost thereof, and also a statement showing the proposed expenditure of the money to be borrowed, and such statement shall be open to the inspection of the ratepayers.

168. No proposal for borrowing money for the purposes aforesaid shall be adopted by the Council unless a notice of such proposal has been published in the Government Gazette and twice in some newspaper generally circulating in the neighborhood, not less than one month nor more than three months before such proposal is adopted, stating the amount of the principal moneys for which it is proposed to issue debentures, the rate of interest to be named in such debentures, the times and places at which the moneys due on such debentures are to be payable, and the purposes to which the loan is to be applied; and, in case the loan is to be applied in the purchase of works and undertakings, specifying such works and undertakings; and, in case the loan is to be applied in the execution of works and undertakings, stating that the plans and specifications and estimates of such works and the statement in the last preceding section mentioned are open for inspection at the District office.

169. Within one month after the last publication of such notice as aforesaid, any twenty ratepayers may, by writing under their hands, delivered to the chairman or clerk, demand that the question whether or not such loan is to be incurred, be submitted to the ratepayers, and, if no such demand is made, the consent of the ratepayers shall be considered as obtained.

170. When such demand has been made, the Council shall appoint a returning officer, who shall have all the power conferred by this Act, or “The Ballot Act, 1862,” on a returning officer in the case of an election, and shall preside at the taking of such poll, and the Council shall, where the District is divided into wards, appoint a polling-place in each such ward, and the votes of the ratepayers shall be taken on such question, at such polling-places, or, where the District is not divided into wards, at the District office, on a day to be fixed by the Council, not less than twenty-one nor more than twenty-five clear days after the delivery of such demand, and public notice that such votes will be taken on such day shall be forthwith given, and on such day a poll shall be taken of all ratepayers who desire to forbid the Council from proceeding further with such loan; and, at the taking of
of such poll, papers in the form in the Sixteenth Schedule hereto shall be used instead of ballot-papers, and the returning officer, or his deputy, shall, at the written request of any ratepayer who desires to forbid the Council from proceeding further with such loan, deliver to such ratepayer a voting-paper specifying the number of votes to which such ratepayer appears by the assessment book to be entitled, as hereinafter provided, and a description of his qualification.

171. At the taking of every poll with respect to a loan each ratepayer entitled to vote may vote on a scale according to the amount of value at which he is assessed as under:—Twenty-five Pounds or under, one vote; from Twenty-five Pounds to Thirty-five Pounds, two votes; from Thirty-five Pounds to Forty-five Pounds, three votes; from Forty-five Pounds to Fifty-five Pounds, four votes; from Fifty-five Pounds to Sixty-five Pounds, five votes; and from Sixty-five Pounds upwards, six votes; but no person shall have more than six votes.

172. In case of joint tenancy, or tenancy in common, one person only shall vote, unless the property shall be assessed at a value above Seventy-five Pounds, and then one other joint tenant, or tenant in common, as aforesaid, may vote for each additional Seventy-five Pounds, or for any fractional part of Seventy-five Pounds of assessed value, on the same scale as is allowed for the first Seventy-five Pounds, or fractional part thereof; and joint tenants, or tenants in common entitled to vote, may vote in the order in which they tender their votes, at any poll with reference to a loan, until votes shall have been taken for the whole value, or all the joint tenants or tenants in common shall have voted.

173. Each voter shall vote by signing the voting-paper and delivering the same to the returning officer, or his deputy, but no ratepayer shall be entitled to vote at any election until he shall have paid all rates which shall have been declared six months previously, according to the provisions hereof, or of any Act hereby repealed, and which shall then be payable by him in respect of the property for which he may claim to vote; and any ratepayer, or collector of rates appointed under this Act, may object to any person attempting to vote who shall not have paid his rates. The clerk shall cause a list of all ratepayers who owe any rates to be produced at every polling-place, but the non-production of such list shall not invalidate the proceedings.

174. Any person tendering such voting-paper may be asked by the said returning officer, or deputy, at his discretion, and shall be asked by him, on the application of any ratepayer present, the questions following, or any of them, and no others:—

1. Are you the person whose name is signed to the voting-paper now produced?
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II. [In case of a person claiming to vote as occupier]—Are you the person appearing in the assessment book now in force for this District as the occupier of the property mentioned in the voting-paper now tendered by you, being [here describe the property]. Or [in case of a person claiming to vote as owner]—Are you the person appearing in the assessment book now in force for this District as the owner of the property mentioned in the voting-paper now tendered by you, being [here describe the property], and is such property unoccupied?

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

175. One scrutineer to be present in every polling-place shall be appointed by the Council, and the persons demanding the poll may, by writing under their hands or the hands of any three of them, appoint one scrutineer to be present in every polling-place.

176. Immediately upon the close of the poll the returning officer or his deputy, shall proceed, in the presence and subject to the inspection of so many of the scrutineers as please to be present, to ascertain the number of votes recorded, and the deputy shall immediately forward to the returning officer at the District office a statement in writing, made up under the inspection of such scrutineers as please to be present, of the total number of votes recorded, and such returning officer shall, as soon as conveniently may be after the day of the poll, give notice in the Government Gazette of the number of votes recorded; and, if the number recorded shall exceed one-third of the number of votes which the ratepayers of the District are entitled to record, shall declare that the Council are forbidden to proceed further with the loan; but otherwise the consent of the ratepayers to such loan shall be considered as having been obtained.

177. Subject to the foregoing provisions, all proceedings upon the submission of any such question as aforesaid to the decision of the ratepayers shall be had and taken in like manner, as nearly as may be, as upon the election of councillors.

178. Where the consent of the ratepayers has been obtained as aforesaid, the Council may, at any time not less than one month nor more than three months after the publication of the notice of the proposal for borrowing by a resolution carried by a majority of the whole number of members of the Council, make an order for borrowing the money, and for the purposes mentioned in such notice; but if the purposes for which the money is to be borrowed include the exercise of the compulsory power of taking land, such order shall not be acted on until approved by the Minister.

179. After such order has been made and, if necessary, approved by the Minister, the Council shall give notice thereof in the Government Gazette, and may offer, or cause to be offered, for sale, debentures
debentures in accordance with the Gazette notice; and upon the issuing of any such debenture the special or separate rate on the security of which the loan is to be raised shall become a continuous annual rate until the discharge of such loan; and any surplus of the last year's rate, after the discharge of the loan, shall be added to the moneys arising from the general rate.

180. The Council shall appropriate the special or separate rate, in the first instance, to the payment of interest half-yearly on the debentures, and the balance shall be carried to a sinking fund, to be invested at interest in a manner to be approved by the Minister; and the interest of such fund shall, every half-year, be added to and invested with the principal; and such fund, and the interest thereof, so invested, shall be applied to the discharge of the principal moneys still due on the debentures.

181. The debentures to be issued by the Council shall be under the corporate seal, and shall be in the form given in the Seventeenth Schedule hereto, and the coupons, or vouchers for interest, shall be annexed to such debentures, and shall be in the form given in the same Schedule.

182. The principal and interest upon such debentures shall be payable and paid to the bearers of the debentures or coupons, as the case may be, at the place and time specified in such debentures or coupons, and the interest payable on such debentures shall in no case exceed Six Pounds per centum per annum.

183. The bearer for the time being of any such debenture or coupon shall be entitled to all rights and remedies under and in respect of the same in like manner as though he had been named in such debenture as the obligee thereof and the assignee thereunder.

184. The bearers for the time being of such debentures and coupons shall, in proportion to the amounts thereof, be creditors on the rates in respect of which such debentures were issued equally one with another without any preference in respect of the priority of the dates of such debentures respectively.

185. The Council shall keep a separate account of all the moneys received in respect of every rate on the security of which money is borrowed and of the expenditure thereof, and of the sinking fund aforesaid, and the interest thereof, and such account shall be open at the District office for inspection by every debenture or coupon holder at all reasonable times.

186. Upon default being made by the Council in the payment of any debenture, or any coupon thereof, the holder of such debenture or coupon shall have all the rights of a creditor of the Council in respect of any sum of money due upon such debenture or coupon, and may apply to the Supreme Court or a Judge thereof for
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the appointment of a receiver, who, when so appointed, shall from
time to time have the like power of collecting and obtaining pay-
ment of the rate on the security on which the money was bor-
rowed as the Council would have, and on exercising such power shall
collect and obtain payment of such rate as well on behalf of the
person so applying as on behalf of the other holders of debentures
and coupons, and for that purpose shall have access to all books and
papers relating to such rate, and shall receive such remuneration
out of the moneys arising therefrom as the Court or Judge shall
think fit.

PART XIII.

OF RECOVERING RATES.

187. The person primarily liable to the payment of rates in
respect of any ratable property shall be the person appearing in the
assessment book as the occupier of such property, and, if no person
so appear as occupier, or if the property be unoccupied, or if there
be no sufficient distress thereon, then the owner (other than the
Crown) of such property shall be liable: Provided that, after
twenty-one days from the time when a written demand of the
amount of any rate or rates shall have been served upon the person
then in possession or occupation of the property, or left at his
house or posted to him, directed to his usual or last known place of
abode, the rate or rates may be recovered from such person at any
time.

188. Every rate shall become due when it is declared, but no rate
shall be recoverable, by action or by a proceeding before Justices,
from any person until twenty-one days after a written notice from
some officer of the Council, be delivered or sent by post to the
usual or last known place of abode of such person, informing him
of the amount of the rate payable by him, and in respect of what
property the same is payable.

189. Every person appearing in the assessment book as the
owner of any ratable property, shall continue liable for all rates in
respect of such property, notwithstanding any change in the owner-
ship thereof, until the name of another person is inserted in the
assessment book as the owner, or until the person so ceasing to be
owner has given written notice to the District clerk of such change of
ownership, stating who is the person who has become owner.

190. Rates may be recovered from any person liable to pay them,
in the name of the Council, by action in any Court of competent
jurisdiction, or in a summary way before any two or more Justices,
and special and separate rates on the security of which a loan has
been raised may be also so recovered in the name of any receiver
appointed by the Supreme Court or a Judge thereof to collect them.

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

192. All rates due to any District Council, before the passing of this Act, may be recovered by the Council of the District in which the property in such rates shall have vested from the persons liable to pay the same, or be enforced by distress or proceedings for letting or sale, as though the rates had been due under this Act. When all the rates legally due in respect of any property have been paid to any District Council, neither the person paying the same nor the property in respect of which the same shall have been paid, shall in any case, during the same financial year as that for which such rates shall have been paid, be liable for any other similar rates in respect of the same property by reason of the inclusion of the District in which such property was situated in any District constituted by or under this Act.

PART XIV.

OF THE LETTING AND SALE OF LAND FOR PAYMENT OF RATES.

193. In any case in which rates heretofore due or hereafter to become due in respect of any ratable property (other than property belonging to the Crown) shall be due and unpaid, and in arrear for the period of two years, the Council to which the rates in arrear are due may at any time after the expiration of such period of two years cause to be published three times in the Government Gazette a notice in the form of the Eighteenth Schedule hereto, or in a form to the like effect.

194. If in such case as hereinbefore stated, after one year from the last publication of the said notice, the rates due at the time of the first publication thereof, or any part of such rates, are or is still unpaid, the Council may let the property from year to year, or for any term not exceeding five years, and may receive the rents, and shall then apply the same, in the first place, in and towards re-imbursing
imbursing all costs of and attending such notice and letting, and in the next place, in and towards the payment of the rates in arrear, including as well the rates in arrear at the time of the first publication of the said notice as any rates that may become due and in arrear up to the time of such letting, and also interest on all such rates at the rate of Ten Pounds per centum per annum, from the time of the same becoming due respectively until such letting as aforesaid, and shall hold any surplus for the owner of the land; and every deed or other instrument entered into by the Council for effectuating such letting shall be valid and binding upon the owner or any person claiming through or under him.

195. Instead of letting such property, as aforesaid, the Council may, after one year from the last publication of the notice, if the rates due at the time of the first publication thereof, or any part of such rates, are still unpaid, apply by petition to the Supreme Court, for a sale of all or any part of the ratable property comprised in such notice; and the said Court, on being satisfied, by affidavit or otherwise, that the rates mentioned in such notice are lawfully due, and were in arrear for two years at the time of the first publication of such notice, and that all things required by this part of this Act to be done have been done shall—

Order the sale, by public auction, of the ratable property comprised in such petition, or so much thereof as may be sufficient to pay the rates in arrear, including as well the rates in arrear at the time of the first publication of the notice as any rates that may become due and in arrear up to the time of the application for sale, together with interest on all such rates, at the rate of Ten Pounds per centum per annum, from the time of the same becoming due respectively, until such application for sale, and together with all costs and expenses of and attending the notice, the application, and the sale, and that the proceeds be paid into Court; and may

Order, where the land is under the Real Property Acts, that a memorandum of transfer be executed by the Master or other officer of the Court in such form as shall be approved by the Court or a Judge thereof, transferring the premises to the purchaser, free from any mortgage or incumbrance, or, where the land is not under the Real Property Acts, that the Master or other officer of the Court request in writing the Registrar-General to issue to and in the name of the purchaser a certificate of title for such land, free from any mortgage or incumbrance; and the Registrar-General shall, on the receipt of such request, and an office copy or certified copy of the order, and without any further evidence of title or the necessity of publishing any notice of such request, forthwith issue to the purchaser a certificate of title as aforesaid; and the registration of such memorandum of transfer, or such certificate of title shall vest in the purchaser an indefeasible estate in fee-simple in the premises free from any mortgage or incumbrance.
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PART XIV.

Conveyance and transfer to have effect as ordered, and Registrar-General to do all acts necessary.

Properties comprised in different assessments may be included in one petition.

The Court may order payment out of the proceeds of such sale of the said rates, interest, costs, and expenses, and the balance of the proceeds of such sale shall remain subject to any future or other orders of the Court for the behoof of the parties interested therein.

196. Every conveyance or transfer ordered by the Court as aforesaid shall have effect in accordance with such order, and the Registrar-General shall register every such transfer and issue a certificate of title to the purchaser of the premises comprised therein, and do such other acts and things as may be necessary to give effect to the order of the Court.

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

PART XV.

OF THE POWER TO TAKE LAND FOR WORKS AND UNDERTAKINGS.

198. Subject to the provisions of this Act, the Council of every District may, in any case not provided for by the Roads Act, 1884, or any Act amending the same, or substituted therefor, compulsorily take land within the District, and, with the consent of the Governor, land in any part of this province, for the purpose of executing any of the works and undertakings authorised by this Act.

199. Whenever any Council deem it expedient to execute any work or undertaking for the purpose whereof the exercise of any compulsory power of taking land will in their opinion be necessary or desirable, they shall cause their surveyor to prepare such specifications, maps, plans, sections, and elevations as may be necessary, expressing the nature and extent of such work or undertaking, and the exact site and admeasurements thereof, and on and through what lands the same is proposed to be placed and to be extended, and what lands are required for such work or undertaking, and the names of the owners or reputed owners, lessees or reputed lessees, and the occupiers thereof so far as known; and the same, when so prepared and approved by the Council, shall be deposited at the District office, and shall be open for inspection by all persons interested at all reasonable hours for the space of forty clear days after notice has been given by advertisement in the Government Gazette as next hereinafter provided; and any clerk or other person having the custody of the said specifications, maps, or other papers who shall refuse to permit such inspection, shall for every such offence be liable to a penalty not exceeding Five Pounds.

200. The
200. The Council shall forthwith, after the said specifications, maps, plans, sections, and elevations have been deposited, cause to be published in the Government Gazette, and twice in some newspaper generally circulating in the neighborhood, a notice describing shortly the purport of the said specifications, maps, and other papers, and stating that the same are deposited for inspection and the place where they are so deposited, and calling upon all persons affected by the proposed work or undertaking to set forth in writing, addressed to the Council or the clerk, within forty days from the publication of such notice in the Government Gazette, all objections which the persons so affected may have to the work or undertaking; and shall further, within one week after such publication in the Government Gazette, serve a notice in manner hereinafter mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of the lands proposed to be taken, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land; such notice to be served—

By delivery of the same personally to the person required to be served, or, if such person is absent from this province, to his agent; or

By leaving the same at the usual or last-known place of abode of such person as aforesaid; or

By posting the same in a registered letter, addressed to the usual or last-known place of abode of such person, the service to be deemed effectual on such letter being posted.

201. At the next ordinary meeting of the Council, after the expiration of forty days from the publication of such notice in the Government Gazette, any person affected by the proposed work or undertaking, or his agent or manager for the property in respect of which he is so affected, who has set forth in writing his objections to the said work or undertaking within the time hereby limited for the purpose, may appear before the Council in support of such objections.

202. The Council shall, touching all such objections, have authority to hear, receive, and take evidence upon oath, affirmation, or declaration, and by summons, under the hand of the person who shall act as chairman at the meeting of the Council, to require all such persons as the Council may think fit to appear personally before the Council at the District office at a time to be fixed in and by such summons, and to produce to such Council all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination; and the person who shall act as chairman at the meeting shall administer and take for the Council all necessary oaths, affirmations, and declarations.

203. If,
203. If, after the expiration of such term of forty days, and hearing all objections (if any) so set forth as aforesaid and such evidence as the Council shall require, it appears to them expeditious to proceed with the work or undertaking, they may make an order directing the work or undertaking to be executed according to the specifications, maps, plans, sections, and elevations deposited as aforesaid, and, if it be found to be necessary for the purpose of any such work or undertaking to take any land compulsorily, shall cause such order, together with true copies of all such specifications, maps, plans, sections, and elevations, and with the written objections (if any) set forth as aforesaid, to be transmitted to the Minister, and the Minister shall consider the same respectively, and shall, for the purpose of such consideration, have the like powers as are by the last preceding section vested in the Council, and in the person acting as chairman, and may confirm the said order with or without variation or may disallow such order; and notice of the confirmation or variation of any such order shall be forthwith published in the Government Gazette.

204. Upon the confirmation of such order as aforesaid, and not before, the District Council shall be authorised to take and use, subject to the provisions hereinafter contained, for the purpose of such work or undertaking, all such land as is described in and by the said specifications, maps, and plans, as being required for the said work or undertaking: Provided that the Council shall make to the owners of, and all persons interested in, any lands taken or used for the purposes of such work or undertaking, or injuriously affected by the execution thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other persons, by reason of the exercise of the powers vested in the Council by this Act; and the amount of such compensation shall be ascertained and determined in manner hereinafter provided.

205. After the confirmation by the Minister of any such order as aforesaid, the same, with the variation, if any, made by the Minister, shall be deemed valid and effectual, notwithstanding any non-compliance with any matter or thing hereinbefore required as preliminary thereto.

206. The Lands Clauses Consolidation Acts, except sections 110, 114, 115, 116, 117, and 118 of the Act No. 6, 1847, are incorporated with this Act, and shall take effect with regard to all works and undertakings which the Council is by any part of this Act authorised to construct, or for which the Council is authorised to take and use lands; and the Council taking lands for such purposes shall be regarded as the promoters of an undertaking, and this Act as the special Act within the meaning of such incorporated Acts: Provided that, for the purposes of section 13 of Act No. 202, 1881, there shall be deemed to be no such special Act.

207. In
207. In estimating the purchase-money or compensation to be paid by the Council in any case, the amount of the enhancement in value of the adjoining lands belonging to the person to whom the compensation is to be made, and the value of any other benefit or advantage which such person may or shall obtain by reason of the making of the works or undertaking, shall be deducted from the amount of such purchase-money or compensation.

208. It shall be lawful for the Council, and all persons by it authorised, to enter upon any lands not being more than two hundred yards distant from any works which the Council has power to construct or carry out, and not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the dwelling-house of the owner of any such lands than five hundred yards therefrom, and to occupy such lands as long as may be necessary for the purposes of the works, or of the accommodation works connected therewith, hereinafter mentioned, and 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 such accommodation works as aforesaid: or

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

And, in exercise of the powers aforesaid, it shall be lawful for the Council, and all persons authorised thereby, to deposit, and also to manufacture and work upon such lands, materials of every kind used in constructing the works; and also to take from any such lands any timber, and also to dig and take therefrom, or thereout, any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the works, or any such roads as aforesaid, and, for the purposes aforesaid, to erect thereon workshops, sheds, and other buildings of a temporary nature: Provided always that nothing in this Act contained shall exempt the Council 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 and used by the Council, either wholly or in part, for any of the purposes hereinbefore mentioned.

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

210. In any of the cases aforesaid where the Council shall take temporary possession of lands by virtue of the powers herein granted, it shall be incumbent on them within one month after entry upon such lands, upon being required to do so, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of the Council so taking possession of his lands; and the Council shall also, from time to time during such occupation of the said lands, pay half-yearly or quarterly to such occupier or the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ, and shall also, within six months after they shall have ceased to occupy the said lands, pay to such occupier or owner, or pay into the Supreme Court for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers herein granted, including the full value of all such clay, stone, gravel, sand, and other things taken from such lands.

211. The amount and application of the compensation payable by the Council in any of the cases aforesaid, shall be determined in the manner provided by the Lands Clauses Consolidation Acts for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

212. The Council may, at all times, by its officers, surveyors, engineers, agents, and servants enter into any lands for the purpose of making surveys or taking levels, or setting out any land which may be required for or in connection with the works.

213. The Council may, subject to the consent of the Minister, demise any land acquired by them for the purposes of any works under this Act, and which shall not be immediately required for the purposes of this Act, for such period, at such rent, and upon such conditions as the Council shall think fit, and may, subject to the like consent, sell, exchange, or otherwise dispose of any such land which the Council shall not require for such works, and transfer or convey such land, and the Council’s receipt for any sum of money shall be a sufficient discharge to any lessee, purchaser, or other person paying the same.
PART XVI.

OF THE OFFICERS OF THE DISTRICT.

Officers generally

214. The Council may from time to time appoint a District clerk, a treasurer, a surveyor, an overseer of works, assessors, collectors, constables, poundkeepers, and rangers, and such other officers as may be necessary to assist in the execution of this Act; and may from time to time remove any of such officers and appoint others in the room of such as may be so removed, or as shall die, resign, or discontinue their offices, and may, out of the District fund, pay such salaries and allowances to the said officers respectively as the Council may determine.

215. Every officer employed by the Council who shall exact or accept on account of anything done by virtue or in the execution of his office, or in relation to any matters to be done under this Act, any fee, gratuity, or reward whatever other than as allowed by way of salary, allowance, fee, or otherwise by the Council, or who shall in anywise be concerned in any bargain or contract made by the Council, shall be incapable of being afterwards employed by the Council, and shall forfeit the sum of One Hundred Pounds; and any person may sue for such penalty as a debt by action in any Court of competent jurisdiction, and on recovery thereof shall be entitled to full costs of suit.

216. Before any officer entrusted by the Council with the custody or control of any moneys by virtue of his office enters thereon, the Council may take sufficient security by way of guaranty from some person or company or by deposit for the fidelity of such officer in respect of such moneys.

217. Every collector appointed or employed by the Council by virtue of this Act to collect any rates or other moneys shall, within five days after he has received any such moneys, pay over the same to the treasurer or to such bank as he may direct, to the account of the Council, and the receipt of the treasurer or of such bank shall be a sufficient discharge to such collector; and every such collector shall, in such time and in such manner as the Council shall direct, deliver to them true and perfect accounts in writing under his hand of all moneys received by him, and of all moneys paid by him to the treasurer or any bank as aforesaid by virtue of this Act, and also a list of all persons who have neglected or refused to pay any rate or money owing by them, with a statement of the moneys due from them respectively, and in respect of what several periods and rates the same are due respectively; and every such collector shall so deliver, between the twentieth and twenty-fourth days of June in every year, an account and list embracing the said particulars brought down to the tenth day of June in that year.

218. Every
PART XVI.

All officers to deliver accounts and vouchers and hand over balances.

218. Every officer appointed or employed by the Council by virtue of this Act shall, from time to time when required by the Council, make out and deliver to them or to any person appointed by them for that purpose, a true and perfect account in writing under the hand of such officer of all moneys received and of all moneys paid by him on behalf of the Council, and such accounts shall show from whom and on what account any such moneys have been received, and to whom and on what account any such moneys have been paid, and, together with such account, such officer shall deliver all vouchers and receipts for such payments; and every such officer shall pay to the Council, or to any person appointed by them to receive the same, all moneys which appear to be owing from such officer upon the balance of such accounts.

219. If any such collector or other officer fail to render such accounts as aforesaid, or to produce and deliver up the vouchers and receipts relating to the same in his possession or power, or to pay any moneys in his hands payable to the Council when thereof required, or if, for five days after being thereofunto required, any officer of the Council fail to deliver up to the Council, or to any person appointed by them to receive the same, all papers and writings, property, matters, and things in the possession or power of such officer relating to the execution of this Act, or belonging to the Council, any two Justices may hear and determine the matter in a summary way, and may order such officer to render such accounts or to deliver up such vouchers and receipts as aforesaid, or to pay over the moneys owing by him, and to deliver up all such papers, writings, property, matters, and things, and if such officer neglect to obey such order he may, be committed to gaol by any Justice for any period not exceeding six months.

Proceedings may be taken against officer or past officer, and shall not preclude Council from any remedy against surety which they might otherwise have.

220. All such proceedings against any officer as are mentioned in this part of this Act may be had and taken and enforced against such officer after he shall have ceased to hold his office, and no such proceeding against any officer or past officer shall deprive the Council of any remedy which they may otherwise have against any surety of such officer or past officer.

Council may appoint constables.

221. The Council may from time to time appoint and remove a constable or constables, and every person so appointed shall, after being sworn a constable, be a peace officer of the said province within the District and any adjoining District, and have and exercise within the District and any adjoining District during his tenure of office all the powers and privileges for the time being of a common constable of the police force of the said province, and shall be entitled to the same protection in the lawful execution of his duty as that to which a common constable of such police force shall for the time being be entitled, and shall, in addition thereto, exercise and possess all such powers and privileges and be liable to all such duties and responsibilities as any constable may exercise, possess, or be liable to by virtue of the common law.

Privileges and duties of constables.

222. To
222. To qualify a person to be a constable under this Act he must be a ratepayer and an able-bodied man, between the ages of twenty-one and fifty, and every person so qualified shall, except as hereinafter provided, be liable to serve as such constable.

223. The following persons are exempt from serving as constables—

Members of the Parliament:
Officers in the service of Her Majesty on full pay:
Persons in the pay of the Government of the province:
Justices:
Ministers of Religion:
Schoolmasters:
Members of the Council:
Officers (other than constables) of the Council:
 Practitioners of the Supreme Court in actual practice:
Medical Practitioners duly qualified and in actual practice:
Commissioned Officers in the sea or land forces of the province:
Keepers of Lunatic Asylums and persons permanently employed in such asylums:
Sheriff's officers:
Persons not residing within the District:

And any person who shall have served in person or by substitute, or paid any penalty inflicted upon him for refusing to serve, shall be exempt until every other person not exempted and able to serve and who shall be on the list hereinafter mentioned for the year in which such person shall have served, or shall have paid such penalty, and for every ensuing year, shall have served in person or by substitute; but service as a substitute shall not be reckoned as service for the purpose of exemption.

224. The clerk shall, on or before the first day of July in every year, make a list in writing of persons liable to serve as constables, with the names, rank, and calling, and place of residence of every person so liable.

225. A copy of such list shall be posted on all post offices and other places which may be appointed by the Council by by-law as places for posting notices, and to each copy so affixed shall be annexed a notice stating a place within the District, and a time, not being less than fourteen days from the posting of the list, at which all objections to the list shall be heard before the Council.
226. A copy of such list shall also from the time of posting be kept at the District office, for perusal by ratepayers, at all reasonable times before the day appointed for the hearing of objections by the Council.

227. The Council shall meet at the time and place mentioned in the notice, and the clerk shall attend, and the Council shall hear objections to the list, and may examine any person, and may either allow or disallow any objections, and shall confirm the list with such alterations as may be necessary by reason of the allowance of any objections.

228. After the confirmation of the list the Council shall choose therefrom the names of such persons as they may think necessary to serve as constables for one year from the date of their being sworn in.

229. Every person so chosen shall appear at a time and place to be fixed by the Council, when the chairman or any councillor shall administer to him the following oath or affirmation:

"I, A. B., of C., do swear (or affirm, as the case may be) that I will truly serve our Sovereign Lady the Queen in the office of constable, for the District of , for the year now next following, according to the best of my ability and skill [if sworn, add] So help me God."

And the clerk shall keep a record of all persons so chosen and swearing or affirming as aforesaid.

230. If any person so chosen shall find a substitute, approved by the Council, and shall attend with his proposed substitute at the time and place appointed for swearing in constables, and the substitute shall take the oath or affirmation above prescribed, the person chosen shall be released from service for that year, save as herein-after provided.

231. The clerk, within fourteen days after the appointment and swearing-in of constables, shall publish in the Government Gazette a list of all persons so sworn.

232. If a constable shall die during his year of office, or be disqualified, or if any person chosen constable shall, on being summoned, refuse or neglect to attend and be sworn, or find a substitute, the Council shall at any time thereafter choose from the first-mentioned list another person to serve as constable for the remainder of the year in the place of the person so dying, being disqualified, refusing, or neglecting; and if the constable causing the vacancy was substitute for some other person, the Council shall summon the person originally chosen to attend and be sworn, and he shall be bound to attend and be sworn, or to find a substitute to be sworn in his stead, to serve for the remainder of the year; and if less than two hundred days shall have elapsed since the first appointment of constables for that year, but not otherwise, the service of the person appointed to act and serve
serve for the remainder of the year by himself or a substitute shall be reckoned to him as service for that year.

233. It shall be the duty of any constable appointed under this Act, if he shall see any crime or offence committed within the district for which he is appointed constable against any Act or law in force for the time being in the said province, to act, in regard to the person committing such crime or offence, in the same manner as a member or constable for the time being of the police force would be bound to act in regard to any person committing the like crime or offence, in his presence, when on duty.

234. It shall be the duty of any constable appointed under this Act, if he shall receive information of any crime or offence having been committed within the District for which he is appointed constable against any Act or law in force for the time being in the said province, and if requested by any person in that behalf, to act, in regard to the person committing such crime or offence, in the same way as a constable or member for the time being of the police force on duty would be required to act if he received information of a like crime or offence having been committed on his beat.

235. In all cases in which offenders shall be fined for any crime or offence committed against any Act or law in force for the time being in the said province, it shall be lawful for the Justices or Court by whom such fine is inflicted to order the whole or such portion of such fine, as they may think proper, to be paid to any constable appointed under this Act as remuneration for his loss of time, trouble, or expense in relation to such crime or offence, and the apprehension of any such offender, and such fine shall be applied in that behalf as such Justices or Court shall order or direct.

236. Every constable employed in the service of any summons or other process shall receive, as a remuneration for the same, the fee payable in respect of such service, which fee the Justice issuing such summons, or the clerk of any Local Court, or Justice, shall, and is hereby authorised, to pay to the constable serving the same, upon being satisfied that the summons or other process has been duly served.

PART XVII.

OF THE GENERAL POWERS AND DUTIES OF THE COUNCIL.

237. Every District Council and every officer thereof shall have and exercise all the powers, rights, and privileges, and be subject to all the duties and liabilities which by any Acts, Ordinances, or laws in force within the said province after the passing of this Act are conferred or imposed upon or vested in District Councils or their officers, subject however to the provisions in this Act con-

238. Whenever
238. Whenever by this Act it is enacted that the Council shall become, perform the duties, or form part of any board or administrative body created, appointed, or authorised under any other Act, the members of the Council shall be exempt from the necessity of taking any oath of office, or having any qualification required by such last-mentioned Act, or any other Act heretofore passed relating to such board or body; and the Council shall not (except where forming part only of such board or body) be required, in performing such duties, to use any corporate name or seal other than the corporate name and seal of the District Council, or to hold meetings except under this Act.

Powers and Duties under other Acts.

239. The Health Acts shall apply to every District; and the Council of each District shall be a local board of health for the District, which shall be deemed a sanitary district within the Health Acts.

240. From the passing of this Act all local boards of health heretofore existing, except boards of health for municipalities, shall cease to exist; and all officers and servants of such abolished boards shall cease to hold office or employment.

241. All rules, orders, and regulations made by any local board of health hereby abolished, are hereby repealed, and all rights and duties of the local boards of health for any sanitary districts existing immediately before the passing of this Act and included in a District against or owing to each other shall be extinguished, and all property, rights, and liabilities, and all matters and things not otherwise provided for, vested, possessed, incurred, made, or done by or on behalf of the local boards of health for every such sanitary district so included shall vest in and attach to and be deemed to have been made or done by or on behalf of the Council: Provided that no action or proceedings by or against any such local board of health shall be affected or abated.

242. Whenever any District by this Act constituted or continued shall include part only of a sanitary district, existing immediately before the passing of this Act, the following consequences shall result:

1. The Council of such District shall become jointly liable with the Council of every District comprising part of the said sanitary district to all creditors of the local board of health for such sanitary district in respect of all debts and liabilities due or incurred at the time of the passing of this Act:

2. No action, suit, or other proceeding by or against such local board of health shall be affected or abated:

3. The Council of such District shall be entitled to such portion of the property and assets of such local board of health, and shall, as between itself and the Council of any other District comprising part of such sanitary district, be liable to pay
pay such portion of the debts and liabilities of such local board of health as the value of the ratable property in the portion of the sanitary district included in such first-mentioned District as last assessed under the District Councils Act, 1876, bore to the value of the ratable property in the whole of such sanitary district as so assessed before the passing of this Act.

243. Where it is proved to the satisfaction of the Central Board of Health that a Council has made default in doing its duty as a local board of health, in relation to the removal, abatement, discontinuance, or prevention of nuisances under the Health Acts, the said Central Board, after due notice to such Council of their intention, may authorise any officer of police or member of the police force of the province within the District of such Council to institute any proceeding which the Council might institute with respect to the removal, abatement, discontinuance, or prevention of nuisances, and such officer or member, in case of a conviction of the person causing the nuisance in respect of which such proceedings have been taken, may recover from the Council any expenses incurred by him and not paid by the person proceeded against.

244. Where complaint is made to the Central Board of Health that a Council has made default in enforcing any provisions of the Health Acts, or doing any act thereunder which it is the duty of the Council as a local board of health to enforce or do, the Central Board of Health, if satisfied after due inquiry that the Council has been guilty of the alleged default, shall make an order for the performance by the Council, within a time to be limited in such order, of the duty of such Council in the matter of such complaint. If such duty be not performed within the time limited in the order the Central Board of Health may appoint some person to perform such duty, or to cause the same to be performed, and shall order that the expenses of performing the same, together with a reasonable remuneration to the person appointed as aforesaid, and amounting to a sum to be specified in the order, together with the costs of the proceedings, be paid by the Council, and any such order for payment may be made a rule of the Supreme Court. Any person appointed under this section to perform the duty of a Council as a local board of health shall, in the performance and for the purpose of such duty, be invested with all the rights, powers, and remedies of the Council as such local board of health, and the said Central Board may from time to time remove any person so appointed and appoint another in his stead.

245. The powers conferred upon the Central Board of Health by the two last preceding sections shall be in addition to the powers conferred upon such Central Board by the Health Acts.

246. Section 24 of "The Public Health Act, 1876," shall not apply to any local board of health which is a District Council; and
in the case of any such local board of health, any summons or copy of a resolution under section 36 of "The Public Health Act" (being No. 22 of 1873), shall be directed or addressed to the Council instead of to the chairman as provided by such section.

247. The Council shall be a "local authority" for the District within the meaning of "The Sale of Food and Drugs Act, 1882," and the Central Board of Health shall not be deemed a local authority for any part of the province within a District.

248. The Game Act shall apply to the whole of every District, and to the rivers, creeks, lakes, and inland waters within or bounding the District.

249. Every District under this Act shall be a district under the Dog Acts, and the Governor shall, by notice in the Government Gazette, assign a distinct number to each such district, and every District now constituted under the said Dog Acts and included in a District or Districts under this Act shall cease to be a district under such Acts. Where part only of a district under the said Acts is included in a District under this Act, the remainder of such district under the said Dog Acts shall not be affected by this Act.

250. Every District ranger shall be an assistant inspector of fisheries as if he were so appointed under "The Fisheries Act."

251. The "Places of Public Entertainment Act" (being No. 260, 1882,) shall apply to all such townships included in any District as the Council by advertisement in the Government Gazette shall notify, and application for a licence under such Act shall be made to the chairman of the Council, who may grant such licence.

252. The powers, functions, duties, and liabilities of the Commissioner of Crown Lands and Immigration under the Vermin Acts are hereby vested in and imposed upon every Council so far as regards the District; but the cost of the destruction of rabbits and the filling up of their burrows on Crown lands as defined by the Rabbit Suppression Act, 1879, shall be paid by the Council out of its revenues: Provided that any Council may give notice to the Commissioner of their intention to surrender the management of the Crown lands within the District, and the powers, rights, duties, and liabilities of the Council in respect of such lands under every part of this Act shall thereupon cease; but the Commissioner may at any time, upon the written request of the Council, order that such powers, rights, duties, and liabilities be revived, and the same shall thereupon revive accordingly. Every notice and order under this section shall forthwith be published in the Government Gazette.

253. The Council by its ranger or other officer shall have power to impound cattle trespassing upon any public roads or upon any public reserves or waste lands of the Crown within the District, and such
such ranger or officer may exercise the powers conferred by section 126 of the “Roads Act, 1884,” upon a person appointed under the authority of a District Council.

254. The Council may alter the hours within which fires may be lighted under the “Bush Fires Act, 1885,” but such alteration shall not have the force of law until notice thereof shall have been given in the Government Gazette and by fixing the same on the door of the District office for thirty days.

255. Every ranger appointed by the Council shall have within the District the same power and authority as are conferred upon every Crown lands ranger by Part xiv. of the “Crown Lands Consolidation Act 1886,” and all penalties incurred within the District and recovered at the instance of the Council or the District ranger, or any other person authorised by the Council under any of the sections of that Act, numbered respectively 201, 222, 223, 224, and 225 shall be paid to the Council, and form part of the District fund.

256. The Council shall, as to any pound within the District, have power from time to time to license the keeper thereof, or any other person, as an auctioneer to sell cattle impounded in such pound, and to revoke any such licence; and any poundkeeper, or other person so licensed, shall, during the continuance of the licence, have the same power to sell any such cattle as a person licensed by the Governor under section 32 of “The Impounding Act of 1858.”

257. For the purposes of any Act inflicting fines and penalties for offences committed on unoccupied waste lands of the Crown, where by such Act and this Act such fines and penalties form part of the revenue of the Council, all unoccupied waste lands of the Crown within the District shall be deemed to be under the management of the Council, subject to the provisions of section 252 of this Act.

258. The Council shall have the sole power to grant licences under the Slaughter-house Acts for slaughter-houses and slaughtering of cattle, and to appoint inspectors under the said Acts for the District or any part thereof, and the District or such part shall be deemed a district or part of a district under the said Acts; and the Council shall be substituted for and have within the District all the powers and authorities by the said Acts vested in the Bench of Magistrates or the Bench of Justices. And all fines and penalties for offences committed within the District contrary to those Acts shall form part of the revenue of the Council.

259. Whenever by the Slaughter-house Acts any notice or information is required to be given to an inspector, such notice or information shall, as to anything occurring within a District or part of a District for which no inspector has been appointed, be given to the chairman...
chairman or clerk of the District, and any person omitting to give
such notice or information shall, be liable to the same penalties as
are by such Acts imposed for omission to give notice to an
inspector.

260. The notice required by section 3 of Act No. 8 of 1863,
shall as to Crown lands within any District be given to the
District clerk or the District ranger instead of to the nearest police
constable or Crown lands ranger, except during such time as the
powers, rights, duties, and liabilities of the Council in respect of such
Crown lands shall not be in force.

261. All drainage districts constituted by or under “The South
Eastern Drainage Act, 1878,” or any Act thereby repealed, are hereby
abolished, and all auditors, collectors, and other officers, servants,
or persons appointed, elected or holding any office or employment
under any of the said Acts shall cease to hold such office or employ-
ment.

262. Every District, wherever situate, shall be a Drainage District,
and the District Council thereof a drainage board under “The South-Eastern Drainage Act, 1878,” as modified by the partial
repeal by this Act effected.

263. All local fire brigades boards heretofore appointed upon
the application of a District Council shall, at the coming into
operation of this Act, cease to exist, and the Fire Brigades Acts
shall apply to every District, and the Council of every District
shall be a local fire brigades board for the District, and shall
within the District enjoy the powers and perform the duties which,
before the passing of this Act, were enjoyed and performed by a
local fire brigades board appointed by the Governor under the Fire
Brigades Acts within the limits of the District Council on the
application of which such board was appointed, and shall, out of the
District fund, pay to the fire brigades board, in quarterly payments
on the first days of January, April, July, and October in each year,
a sum of money being one-sixth of the sum laid out by the fire
brigades board in respect of the objects of the said Acts within
the District, but so that the total contribution of such Council for
each year shall not exceed Five Hundred Pounds.

264. All property rights and liabilities, and all matters and
things not otherwise provided for, vested, possessed, incurred, or
made or done in, by, or on behalf of any local fire brigades board
heretofore appointed upon the application of a District Council,
shall vest in and attach to and be deemed to have been made or
done by or on behalf of such District Council, or if such District
Council shall be merged in any District Council hereby constituted
then in and to and by or on behalf of such last-mentioned District
Council: Provided that no action or proceeding by or against any
such local fire brigades board shall be affected or abated.

265. The
265. The Council shall be a "local authority" within the meaning of "The Weights and Measures Act, 1885," and all places in the District shall be deemed within the jurisdiction of such local authority within the meaning of the said Act.

Manufacturing Districts.

266. Resident householders within the District may address a memorial to the Council thereof, asking the Council to establish within the District a Manufacturing District, to alter the boundaries (but not so as to extend them beyond the District) of any Manufacturing District in the District, or to add to the manufactures to be carried on in any such manufacturing district.

267. Any six persons may address to the Council a memorial, signed by themselves, asking that any uninhabited portion (to be defined in such memorial) of the District be declared a Manufacturing District, or asking the Council to alter the boundaries of any uninhabited Manufacturing District existing in the District at the date of such memorial, or to add to the manufactures to be carried on in such existing Manufacturing District.

268. The Council shall not comply with such memorial until one week after the same shall have been published by the signatories thereof for three successive weeks in the Government Gazette, and shall also have been laid before the Minister by the Council for one month, and the first publication of the memorial shall take place not later than fourteen days from the date of the presentation thereof to the Council.

269. Any person may, by counter-memorial addressed and presented to the Council, not later than one week after the third successive publication in the Government Gazette of the memorial aforesaid, show cause why such memorial should be refused altogether or in part. In each such counter-memorial shall be specified the objections to the compliance with the memorial, the grounds on which the objections are based, and all the particulars required by any regulation in that behalf. Each counter-memorial shall be laid before the Minister by the Council and shall be published by the signatories thereof for two successive weeks in the Government Gazette; and the laying before the Minister and the first publication thereof in the Government Gazette shall take place not later than fourteen days from the third publication of the memorial to which it relates.

270. Every memorial and counter-memorial addressed to the Council for any of the purposes hereinbefore mentioned shall comply mutatis mutandis, so far as regards the substance thereof, the statements therein, and the persons and number of persons to sign or concur in the same, with the Manufacturing Districts Acts, and any regulations made thereunder, with regard to a petition or memorial to be addressed to the Governor for a similar purpose so far as the same are applicable.

271. After
271. After the second publication of the counter-memorial, or, if there be no such counter-memorial, one week after the last publication of the memorial as aforesaid, and after the same has been laid before the Minister for one month as aforesaid, the Council may, by resolution approved by the Minister, and published together with such approval in the Government Gazette, grant or refuse all or some of the benefits sought by the memorial, and with or without any alteration or modification as to the Council may appear necessary or expedient; and, before granting or refusing as aforesaid, may require that the statements in the memorial and counter-memorial, or either of them, shall be substantiated by such proof and within such time as the Council may direct, or may appoint some person to inquire into and report upon such memorial and counter-memorial.

272. The Council by such resolution, to be approved and published as aforesaid, shall define the boundaries of any Manufacturing District thereby established or altered, and the manufactures, or additional manufactures, which may be carried on therein, or the additional manufactures (if any) which may be carried on in any previously existing Manufacturing District, and may exempt any Manufacturing District from such of the enactments of the Public Health Acts, and any other Act now or hereafter in force relating to public health, and any regulations made thereunder, and also from such of the enactments of this Act and of "The Municipal Corporations Act, 1880," or any other Act relating to Municipal Corporations or District Councils, and any by-laws made thereunder, as the Council shall think proper.

273. Such resolution, when approved and published as aforesaid, shall have the same effect as a Proclamation to the like purport made by the Governor under the Manufacturing Districts Acts; and the said Acts shall, after such publication, apply to the Manufacturing District to which the resolution relates, and generally, mutatis mutandis, as if such resolution of the Council had been a Proclamation by the Governor under the said Acts.

274. All local boards of main roads now existing shall cease to exist, and all by-laws made by any such board are hereby repealed. All main roads and portions of main roads within a municipality shall be vested in and be under the care, management, and control of the Corporation of such municipality: Provided that any Government contribution towards the maintenance of main roads shall be divided amongst the various District Councils and Corporations in proportion to the mileage of main roads within their boundaries and the traffic thereon.

All rights, liabilities, contracts, and engagements existing, and all actions, suits, and other proceedings pending at the passing of this Act of, with, by, or against any of the said local boards of main roads or any person or persons in the right or on behalf of any
any of them, shall be vested in and attach to, and be enforced, carried on, and prosecuted by or against the Commissioner of Main Roads, and no such action, suit or other proceeding shall abate, be discontinued, or prejudiced.

275. All moneys received by the Council as a Government contribution towards the construction or maintenance of main roads shall be carried to the account of a fund, to be called "The Main Road Fund," and such fund shall be applied towards the construction, maintenance, and keeping in good repair of the main roads within the district.

276. From the passing of this Act all public roads now or hereafter existing, whether heretofore called main roads or district roads within every District, together with the timber growing thereon, and the bridges thereof, and all public works connected therewith, and all lamps, direction-boards, milestones, posts, rails, walls, chains, fences, and other things erected thereon, or affixed thereto, shall be vested in, and shall be under the care, control, and management of the Council of such District. The Governor, on the address of both Houses of Parliament may, by Proclamation in the Government Gazette, add to or strike off from the schedule of main roads any road or portion of any road.

277. All powers, rights, duties, and liabilities conferred and imposed upon or vested in any District Council with regard to any roads by the "Roads Act, 1884," are by this Act conferred, imposed upon, or vested in every District Council with regard to public roads within the District, and all the provisions of the said Roads Act with regard to any District Council shall apply to every District Council in respect of public roads within the District.

278. All streets in any township which shall have been dedicated to the public (of which dedication five years uninterrupted user of such street by the public, after the opening or laying out of such township, shall be evidence) shall be public roads, and shall be vested in the Council of the District in which such street is situate.

279. Any private street or road, although the same is less than thirty feet wide, may by the owner in fee-simple be conveyed or transferred to and accepted by the Council of the District in which the same is situated, and shall thenceforth be vested in such Council accordingly, and shall be a public road.

280. The Council may from time to time make, pave, improve, repair, and alter the levels of streets and roads within the District, and the footways by the side of such streets and roads, and may plant, fence, drain, and light such streets and roads, and mark directions and distances beside them, and do all such things as pertain to the proper management of streets and roads.

281. The Council during such time as any street, road, or place hall be under repair or alteration, and during the making and repairing of such improvement, shall have power to make and set up barriers against the passage of vehicles, and all persons shall keep out of and shall not pass upon the streets or roads while they are thus obstructed.
repairing of any bridges or drainage works thereon, may prevent the passing of carriages, cattle, and beasts of draught or burden by causing such fences or barriers to be placed on or across such street, road, or place as the Council or the officer in charge shall think fit, but shall cause to be fixed on such fences and barriers such lights during the night as shall be sufficient to prevent injury to carriages, cattle, beasts, and passengers passing along the said street, road, or place.

282. The occupier or, if there be no occupier, the owner of any land adjacent to any street or road within the District who shall suffer the layers, roots, branches or seedlings of any tree, hedge, or plant upon such land to grow upon or over any such street or road so as to obstruct or be likely to obstruct the traffic or passage thereof shall, within eight days after being thereunto required by the Council, remove such layers, roots, branches, or seedlings, and in default thereof be liable to a penalty not exceeding Two Pounds, and after such default the Council may at any time proceed to remove such layers, roots, branches and seedlings and, by summary procedure before two Justices, may recover from the occupier or owner making such default the expenses incurred in such removal.

283. Every Council shall, so soon as practicable, cause to be prepared a survey map or plan in duplicate of all the roads and public reserves of the District, with the courses and bearings, and admeasurements of the same; and one of such maps or plans shall be kept at the District office and the other at the office of the Surveyor-General; and so often as any new road or reserve, or any alteration in any existing line of road, or in any reserve, shall be made under any of the powers conferred on the Council, the Council shall cause such new road or reserve or alteration to be delineated upon both of the maps or plans aforesaid, and such maps or plans shall be open to public inspection at all reasonable hours.

284. Whenever a public road, bridge, or other work thereon, or connected therewith, so far as it forms the common boundary of any part of two Districts, ought, in the opinion of the Council having the care, control, and management of either half of such road, bridge, or work, to have any repairs or work done thereon or thereto, it shall be lawful for such Council to give to the Council having the care, control, and management of the other half of such road or bridge notice in writing, specifying such repairs or work, and requiring the said last-mentioned Council to concur with them in executing the same; and if such two Councils shall not, within three months after service of such notice, enter into an agreement for executing the said work, the Council giving such notice may execute the same at their own costs and charges, and may recover by action as a debt from the Council to which the said notice shall have been given, such portion of the said costs and charges as shall have been actually and reasonably expended on the said last-mentioned half of such road, bridge, or work: Provided always that, in determining the reasonableness
reasonableness of such expenditure, regard shall be had not only to the state of such road, bridge, or work, but also to the comparative necessity for the work, and the manner in which the same shall have been executed.

285. Whenever a public road, bridge, or work, or part thereof, forms the common boundary of a District and an outlying District, the Council of such District, or the Commissioner of Main Roads respectively, may execute, exercise, and enjoy the powers and authorities in respect of such road, and shall be liable and subject to the actions and proceedings in the last-preceding section authorised.

286. The Council may let or allow to the owner or occupier of any land by the side of and abutting on any unimproved road within the District the use and occupation of the surface of such road and the grass growing thereon upon such terms as they may think fit, and may permit such road to be enclosed with other land by the erection of fences, with gates on hinges, across such road. No such letting or licence to use and occupy as aforesaid shall be for a longer period than twelve months at any one time, but such letting or licence may be renewed for a like or any less period as often as the Council may think fit, and may be determined at any time by giving to such owner or occupier three months' previous notice in writing of such determination. Beyond the erection of such fences and gates as aforesaid, nothing herein contained shall entitle such owner or occupier to prevent the free use of such roads by the public in all respects as if the same were uninclosed.

287. Any four or more District Councils, whose Districts include or abut upon a continuous portion of the same line of main road, may each nominate annually one of their members as a member of a board to be called the Associated District Councils Board of Main Roads, and the members so nominated shall (unless they cease to be members of the Council by which they were nominated, or resign their seats on the board) continue in office for one year from the date of the Proclamation of such board, and the Governor may, by Proclamation in the Government Gazette, declare the formation of any such board of main roads, the names and residences of the members thereof, and the boundaries and limits of the main roads under their control.

288. When any such board is so nominated, and duly proclaimed, all main roads or portions of main roads included within the districts of the council nominating the members of such board, shall be vested in and be under the care and control of such board of main roads to whom shall be entrusted the expenditure of all moneys which may be voted by Parliament or appropriated by any of such Councils for the construction or maintenance of such main roads, and in respect of such portion of main roads, such board shall undertake such duties, and exercise such powers and rights as are imposed or conferred upon District Councils with respect to main roads by this Act.

289. When
PART XVII.
Duration of Boards.

289. When any member so nominated shall cease to be a member of the District Council by which he was nominated as a member of the board, his seat thereon shall be declared to be vacated, and a new nomination by such District Council shall be made: Provided, however, that each of such Associated District Council Boards shall only continue in existence for three years from the date of the Proclamation of such board, unless the Governor, by Proclamation in the Government Gazette, ordains that any such board shall be continued for a further period from time to time, in which case a fresh nomination of members shall take place as hereinbefore provided.

PART XVIII.
OF BY-LAWS.

290. Subject to the provisions of this Act, the Council may from time to time make by-laws for carrying out the provisions of this Act, and for the following purposes:—

For regulating the manner of calling and holding meetings of the Council and committees thereof, and the quorum of such committees; and for regulating the calling and holding of meetings of ratepayers and the voting and proceedings thereat:

For regulating the form and places of posting of "public notices" to be published by the Council.

For regulating elections, and the appointment of all or any officers or other persons for carrying out any of the purposes of this Act in relation to elections:

For regulating the appointment, duties and control of all or any officers or servants of the Council, and of the time and mode of payment of their salaries and fees:

For fixing or regulating the securities to be taken from or on behalf of or to secure the fidelity of any officer or servant:

For making, declaring, and collecting any assessments or rates:

For the appropriation and expenditure of the revenue of the District:

For the management of any lands and hereditaments, or other property, real or personal, vested in, or held in trust for, or under the control of the Council for any purpose whatever:

For permitting and regulating the use of gates across roads:

For regulating the construction of drains across footpaths:

For regulating and maintaining, protecting and improving any water or other reserves for public purposes:

For the management of cemeteries:

For regulating or prohibiting bathing in any river, creek, stream, sea, or other open public water, or any part thereof situated...
within the limits of or abutting on the boundary of the
District; for setting apart any place or any portion of any
such water for the sole use of either sex; for fixing the hours
within which persons may bathe; for requiring persons
bathing to wear some convenient clothing; for authorising
the erection and use of bathing-houses or machines, and
charging licence fees for the same; and for providing for
such other matters as may appear expedient for preserving
decency or promoting the convenience of the public:

For regulating the fees payable by any person resorting to or
using or obtaining or drawing any stone, water, wood, or any
other thing from any land or hereditaments, the property of,
held in trust for or under the control of the Council, and for
regulating the mode of collecting such fees:

For regulating the depasturing of cattle upon, or the cutting or
removing of timber or bark and the removing sand or quar-
yring of stone from or upon the waste lands of the Crown
within the District; and for regulating the issue of certificates
to license such depasturing, cutting, removing, or quarrying,
and to provide for and regulate the transfers of any such
licences, and to fix the amount and manner of payment of
fees for the same; and to regulate the kind of cattle allowed
on such lands, and to prevent any particular kind of cattle
from depasturing on the said lands or any part thereof,
and to prevent any unlicensed person from depasturing cattle
upon the said lands, or any licensed person from exceeding
the number of cattle which he may be entitled to depasture
thereon:

For suspending or regulating traffic upon streets, roads, and public
places, and fencing vacant lands abutting on any street or road
the footpath or footpaths whereof have been formed or made:

For preventing the keeping or storage of any animal or thing
dangerous, offensive, or injurious to health within the District,
or any part thereof, specified in the by-law, or within a specified
distance of any habitation, or the storage of hay or other
inflammable material within a specified distance of any
habitation:

For regulating and controlling quarrying and blasting operations:

For establishing and regulating slaughter-houses, and for regu-
larising the kind of cattle to be slaughtered thereat, and the
amount of fees to be taken for slaughtering licences, and for
cattle slaughtered at a slaughter-house:

For the prevention of the slaughtering of cattle of all or any
kinds except at slaughter-houses established by the Council:

For licensing persons to keep dairies and cowyards within tow-
ships and within a mile from any township, for regulating
the conduct of persons keeping dairies and cowyards, for
preventing unlicensed persons from keeping the same within
townships
The District Councils Act.—1887.

For regulating the fees to be taken for licences for the same:

For regulating markets, and market places, and the fees and tolls to be paid thereat, and for the maintenance of good order therein:

For the inspection of balances, weights and measures, and for ensuring the use of just balances, weights and measures:

For licensing hawkers trading within the District, for the registration of their names and the regulation of their conduct, for fixing the amounts to be paid for their licences (not exceeding One Pound per annum or Ten Shillings for half a year), and for preventing hawking by unlicensed persons: Provided that a hawker licensed by the Council of the District where he resides when so licensed, may, during the currency of his licence, trade in any part of the province, except within a municipality:

For the prevention and suppression of nuisances:

For regulating the licensing of weighbridges:

For enforcing the use of avoirdupois weights thereat:

For prohibiting the sale by weight within the District or any part thereof of coals, wood, hay, bark, straw, and other goods usually sold by the load, unless the weight be first ascertained at a licensed weighbridge:

For compelling such weight to be ascertained at a licensed weighbridge within the District:

For the good rule and government of the District, and for the convenience, comfort, and safety of the inhabitants thereof:

For regulating and enforcing the sale of bread by weight:

For the punishment of persons falsely representing themselves to be officers of or appointed by the Council:

For authorising officers, or persons appointed by the Council, or police constables to arrest or remove persons offending against any by-law:

For the more effectual exercise of the powers and discharge of the duties and liabilities conferred and imposed by this Act on the Council, and whether so conferred or imposed directly or by reference to any other Act, and in particular for the more effectual exercise and discharge of the powers, duties, and liabilities of the Council in respect of the following matters and things:—

The compulsory purchase of land.
Manufacturing districts.
The public health.
The sale of food and drugs.
The management of unoccupied waste lands of the Crown.
Drainage.
Piers, jetties, and wharves.
Weights
The District Councils Act.—1887.

Weights and measures. Streets, roads, and public places.
Game. Fire-brigades.
Fisheries. Impounding.

For fixing the pecuniary penalties for offences against or breaches of such by-laws, or any of them, and for fixing additional penalties for a repetition or continuance of any offence:
Provided that, except as hereinafter mentioned, no penalty for any single offence shall exceed Ten Pounds, and no penalties for a repetition or continuance of such offence shall in the aggregate exceed that amount. As to offences against or breaches of any by-laws relating to waterworks, and drainage works, no penalty for any single offence shall exceed Fifty Pounds and no penalties for a repetition or continuance of such offence shall in the aggregate exceed that amount.

291. Such by-laws shall not be passed, except at a meeting of the Council, at which at least two-thirds of the members then in office shall be present; and any such by-law shall not be of any force until signed by the chairman or clerk, and confirmed by the Governor, and published in the Government Gazette, and after one week shall have elapsed from such publication the by-law shall have the force of law, and shall, until altered or repealed, have effect within the District as if such by-law were a part of this Act.

292. No such by-law shall be repugnant to this or any other Act of the Legislature of the said province, or to the general spirit and intendment of the laws in force in the said province, or inconsistent with the trusts or purposes on which any land, hereditaments, or other property may be held by the Council, or with any regulations made by the Governor under any Act for the time being in force, and no Council shall be authorised to inflict any punishment except by way of fine as above provided.

293. Every by-law may be altered or repealed—
By any subsequent by-law inconsistent therewith, or expressly altering or repealing the same:
By any regulations made by the Governor under any Act for the time being in force, which regulation is inconsistent with such by-law:
By Proclamation by the Governor published in the Government Gazette expressly altering or repealing such by-law.

294. Notwithstanding the repeal or alteration of any by-law, every offence committed against such by-law before the repeal or alteration thereof, shall be adjudicated upon, and punished, and
and every act or proceeding done or commenced, and every right, privilege, or protection acquired, and every liability incurred, shall continue, be prosecuted, and be of the same force and effect as if such by-law had not been altered or repealed.

295. All by-laws made under this Act shall be intituled as of the District of which they are by-laws, and according to the purport thereof, and according to the part or section of this Act under which they are made, and shall be numbered consecutively, and so that no by-law shall bear the number borne by any other by-law of the District, whether in force or repealed.

296. Nothing contained in any by-law shall be construed to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof, nor from the consequences of conviction thereof.

297. No person shall be prosecuted or punished for the same offence under this Act or any by-law made thereunder, and also under any other Act or any by-law or regulation made thereunder.

298. If any ratepayer of a District desires to dispute the validity of any by-law made or purporting to be made under this Act, such ratepayer may apply to the Supreme Court upon an affidavit setting out the facts for a rule calling upon the Council concerned to show cause why such by-law should not be quashed for illegality, and the Court may make the said rule absolute or discharge it with or without costs as to the Court shall seem fit: Provided that no such rule to show cause shall be drawn up until such ratepayer shall have paid into the Supreme Court the sum of Fifteen Pounds as security for the costs of the proceedings.

PART XIX.

OF THE ENFORCEMENT OF THIS ACT AND OF PENALTIES.

Penalties.

299. Every person who at the time of his appointment or election to the office of councillor or auditor shall to his knowledge be disqualified to act in such office, or who after his appointment or election shall become disqualified, and who shall in any manner act as a councillor or auditor after his appointment or election, and his knowledge of the existence of his disqualification, shall be liable to a penalty of Ten Pounds.

300. Every person appointed or elected to the office of councillor or auditor, and who at the time of his appointment or election shall be disqualified, or who shall after his appointment or election become disqualified, and who shall not, within fourteen days after
after having knowledge of his appointment or election, and the existence of his disqualification, deliver or send through the post to the chairman of the Council, or, if there be no chairman, to the Minister, a notice stating the fact of such disqualification to act as councillor or auditor, as the case may, with the grounds thereof, shall be liable to a penalty of Ten Pounds.

**301.** Every person duly qualified and not exempt who, having been duly appointed or elected as councillor, shall refuse to take upon himself the office of councillor and to act in the same, or who shall neglect so to do for three consecutive ordinary meetings of the Council after his appointment or election, and any qualified person who shall have taken upon himself the office of councillor, and who shall without the licence of council resign such office in manner herein provided, or shall without such licence absent himself from the province for three consecutive ordinary meetings, or shall without reasonable cause absent himself from three consecutive ordinary meetings of the Council, shall be liable to a penalty of Twenty Pounds.

**302.** Every councillor who being duly qualified and duly elected shall be called upon in manner by this Act prescribed to defend his title to his office, and shall by default, or by collusion with any person laying the information against him, suffer an order to be made declaring his seat to be vacant, or that he is not a councillor, shall forfeit and pay a penalty of Twenty Pounds.

**303.** Every person who, not being twenty-one years of age, shall vote at any election held under this Act, or shall sit or act as a councillor under this Act, shall be liable to a penalty of Ten Pounds.

**304.** Every councillor who shall be a shareholder or a member of any incorporated Company, and who shall vote as councillor in any question in which the Company of which he shall be a shareholder or member is interested, shall forfeit and pay a penalty of Twenty Pounds.

**305.** Every person liable to serve, and who shall be chosen by a Council to serve in the office of constable, and who shall be duly summoned to swear, or affirm, and take upon himself the office of constable, and who shall refuse, or without reasonable cause, to be allowed by the Council, neglect to attend and swear or affirm as constable, or to find a qualified substitute to swear or affirm in his stead, shall forfeit and pay the sum of Ten Pounds.

**306.** Every person who, after swearing or affirming under this Act as constable, shall refuse or wilfully neglect to act in the execution of his office, or shall neglect his duty, or shall disobey any lawful warrant or order of any Justice or Justices to be executed within the District, shall forfeit and pay for every such offence a sum not exceeding Five Pounds.

**307.** Every
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### 307. Every person who shall assault or resist any constable appointed under this Act in the execution of his duty, or shall aid or incite any person so to assault or resist, shall forfeit and pay a sum not exceeding Ten Pounds, and also such further sum of money as shall appear to the convicting Justice or Justices to be a reasonable compensation for any damage or injury caused by such offender to the clothing, accoutrements, or horse of such constable, or for any medical or other expenses incurred in consequence of personal injury sustained by him in such assault or resistance as aforesaid, or shall be imprisoned for any term not exceeding three calendar months, with or without hard labor, or such offender may be committed for trial before any competent Court; and any person who shall disturb or hinder any such constable in the execution of his duty, or shall aid, abet, or assist in so doing, shall for every such offence forfeit and pay any sum not exceeding Five Pounds, or be imprisoned for any term not exceeding two calendar months, with or without hard labor.

### 308. Every person who shall give any money or other article to a voter with a view to influence his vote, or who shall hold out to him any promise or expectation of individual profit, advancement, or enrichment in any shape, in order to influence his vote, or make use of any threat to a voter with a view to influence his vote; and every voter who shall receive any money or article for his vote, or shall, in consequence of any promise of profit, advancement, or enrichment, promise his vote, shall be guilty of a misdemeanor, and be liable to pay a penalty of not less than Ten Pounds or more than Twenty-five Pounds, or to be imprisoned for any period not exceeding three calendar months.

### 309. Every person who shall wilfully make any false answer to any question put to him under this Act, by any officer or person having authority in that behalf, touching any voting-paper tendered by such person, or the right of such person to vote, shall be guilty of a misdemeanor, and be liable to be imprisoned, with or without hard labor, for a period not exceeding twelve calendar months.

### 310. Every officer or other person who shall be entrusted with or receive money under this Act, or by virtue of any office to which he may be appointed, or by virtue of any duty confided to him by the Council and shall fraudulently dispose of, or retain in his possession, or apply to his own use, the same money or any part thereof, shall be deemed to have stolen the same and be guilty of larceny.

### 311. Every person who shall cut, saw, or remove any timber or bark growing, or lying, or being upon, or shall carry away any stone, sand, or any other material or thing from, any land or public reserve belonging to, held in trust for, vested in, or under the care or management of the Council, without having a licence or authority from the Council for the same, shall forfeit and pay the value of the timber or bark so cut down, sawn, or removed,
moved, or of the stone, sand, or other material or thing so carried away, and also a penalty of not less than One Pound nor more than Ten Pounds; and this provision shall not exempt the offender from the provisions of any law for the time being in force relating to injuries to property.

312. Whoever shall wilfully or maliciously cut, break, level, pull up, unhinge, or in anywise remove, damage, or destroy any fence or gate, or any portion thereof, erected across any such road as in the section 286 mentioned, shall, on conviction thereof before two Justices, for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding Five Pounds as to the said Justices shall seem meet: And whosoever having been convicted of any such offence shall afterwards commit any of the said offences in this section before mentioned shall be liable to be imprisoned for any term not exceeding six months with hard labor as the convicting Justices shall think fit.

313. Every person who shall at any time obstruct the Council, or any officer or person employed by them, in the performance of anything which they are respectively empowered to do by this or any other Act, shall be liable to a penalty not exceeding Five Pounds.

314. For the purpose of any law now or hereafter to be in force relating to the impounding of cattle, the Council shall be deemed the owners and occupiers of all streets, roads, public reserves and places, bridges, piers, wharves, jetties, and ferries within the District.

315. Every person who shall be examined upon oath, affirmation, or declaration, by any Court or Council, or any Justice or Justices, or other person under the authority of this Act, and shall wilfully, upon any such examination, make any false statement, shall be guilty of wilful and corrupt perjury, and be punished accordingly.

316. Every person who shall forge or alter, or shall utter, use, dispose of, or put off, knowing the same to be forged or altered, any document or writing required or authorised by this Act, or any signature thereto or seal thereon, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding seven years with hard labor.

317. Every person who shall wilfully publish in the Government Gazette any false petition, notice or other document in any matter in which a petition, notice, or other document is by this Act required or authorised to be published in the Government Gazette, or shall wilfully post any false notice in any matter of which public notice or any notice is by this Act required to be given, or shall tear down, mutilate, deface, or obliterate any public notice or other document posted in any place within the District under the authority of
of this Act, shall forfeit and pay a penalty of not less than One Pound or more than Ten Pounds.

319. Every person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed by this Act or by any by-law in force in that behalf, and, if no other penalty be imposed, to a penalty not exceeding Twenty Pounds.

320. The Council may remit any pecuniary penalty imposed by or under this Act, or any penalty which the Council are authorised to receive by virtue of this Act, in whole or in part, except any penalty imposed for neglect or refusal to act as a councillor, or constable, or for any offence against the provisions of section 308 or section 317.

321. The imposition of a penalty for any offence under this Act shall not affect any action or other remedy at the instance of the Council or any person for compensation for or the prevention of injury that may result from such offence.

Legal Proceedings by and against the Council.

323. Every summons, or notice, or writ, or other proceeding requiring to be served on the Council may be served by being given personally to the chairman or clerk or, at the District office, to some officer of the Council there.

324. Every order, summons, notice, or other such document requiring to be authenticated by the Council may be sufficiently authenticated without the common seal of the Council if signed by the chairman, by two councillors, or by the clerk.

325. In
325. In the event of any person against whom the Council have any claim or demand being adjudicated insolvent or making a statutory assignment for the benefit of, or composition with, his creditors, the clerk, treasurer, or any officer of the Council appointed by the chairman in writing under his hand, may represent the Council in all proceedings relating to the insolvency or assignment or the estate of such person as if such claim or demand had been the claim or demand of such clerk, treasurer, or officer.

326. In all proceedings before Justices or any Local Court, the clerk, treasurer, or any other officer of the Council, appointed by the chairman in writing under his hand, may represent the Council in all respects as though such officer had been the party concerned.

327. The clerk, treasurer, or other officer appointed as aforesaid shall be reimbursed out of the District fund all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in either of the two last preceding sections.

328. Whenever default is made by the owner of any building or land in the execution of any work which the Council, under the powers conferred upon them by this Act, have required him to execute, the occupier of such building or land may, with the approval of the Council, cause such work to be executed; and the expense thereof shall be repaid to such occupier by the owner of the building or land, and such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

329. If the owner of any building or land made liable by this Act for the repayment to the Council of any expenses incurred by them, do not, as soon as the same become due and payable from him, repay all such expenses to the Council, the Council may recover the same from such owner in an action in any Court of competent jurisdiction.

330. The Council may by way of additional remedy, and whether such action has been brought against such owner or not, require the payment of all or any part of the expenses payable by the owner from the person who then or at any time thereafter occupies such building or land under such owner, and, in default of payment thereof by such occupier on demand, the same may be recovered from him by action in any Court of competent jurisdiction.

331. No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from such occupier for the premises in respect of which such expenses are payable at the time of demand made upon such occupier, and notice from the Council not to pay such rent to his landlord, together with
with any amount becoming due after such demand and notice and before action, unless such occupier neglect or refuse, upon application made to him for that purpose by the Council, to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of the occupier is greater than such amount or amounts shall be upon such occupier: Provided that nothing herein contained shall be taken to affect any contract between any such owner and occupier, specially providing respecting the payment of the expenses of any such work as aforesaid.

332. When any such expenses payable to the Council by the owner of any such building or land amount to more than twice the assessed value of such building or land, the Council may, if they think fit, at the request of such owner, allow time for the repayment of such expenses, and receive the same by such instalments as they, under the circumstances of the case, think reasonable, but so that the same be repaid by annual instalments of not less than one-seventh part of the whole sum originally due, with interest for the principal money from time to time remaining unpaid after the rate of six per centum per annum until payment. Any overdue instalment or instalments, with interest, shall be recoverable in like manner as the whole of the said expenses would have been recoverable if no time had been allowed.

333. If the occupier of any building or land within the District prevent the owner thereof from carrying into effect in respect of such building or land any of the provisions of this Act, after notice of his intention so to do has been given by such owner to such occupier, any Justice on proof thereof may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land as shall be necessary for carrying into effect the provisions of this Act; and if, after the expiration of ten days from the service of such order, such occupier continue to prevent such owner from executing such works, such occupier shall, for every day during which he so continues to prevent, be liable to a penalty not exceeding Five Pounds; and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

334. The Council shall, for the purposes of this Act, have power by its members or officers to enter at all reasonable hours in the daytime into and upon any building or land within the District for the purpose of executing any work or making any inspection authorised to be executed or made by the Council under this Act, without being liable to any legal proceedings on account thereof: Provided that, except as herein otherwise provided, the Council shall not make any such entry upon occupied premises, unless with the consent of the occupier, until after the expiration of twenty-four hours' notice for that purpose given to the occupier.

335. No
335. No writ of *quo warranto* or information in the nature of a *quo warranto* or other proceeding shall issue, or be filed, or had, or taken in the Supreme Court, to try or question the title of any Council, or the title of any person to act as councillor, chairman, or auditor, or in any office or place in, or in the gift of, a Council.

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

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

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

339. On non-compliance with any order made by any Justices, under the provisions hereof, on information laid at the instance of the Council, or by any ratepayer or person interested, any two or more Justices may order any sum of money to be paid by or to the Council or any officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with any such order, and may order any such officer or person to be imprisoned, either for
PART XIX.

for a specified time not exceeding six calendar months, or until the order aforesaid is obeyed, and such imprisonment may be ordered in addition to and without any order for payment of money as aforesaid; and on non-compliance with any order commanding anything to be done by the Council, any two or more Justices may order the payment of any sum of money by, or the imprisonment of, any person who would before the passing of this Act have been liable to attachment, or subject to process of contempt for disobedience to any peremptory writ of mandamus issued out of the Supreme Court commanding the Council to do the act directed by such order.

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

341. All fines and penalties for any offence against this Act, or any by-law of the Council, may be recovered before any two or more Justices in a summary way, on an information at the instance of the Council, or of any person or persons whatever.

342. All the proceedings before Justices shall be regulated by Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 298 of 1883-4," and any other Act that may be law in that behalf.

343. In every case of the adjudication of a fine or pecuniary penalty or amends under this Act, or (where the proceedings resulting in such adjudication are taken at the instance of a Council or any duly authorised officer thereof) under any of the Acts or Ordinances mentioned in the Tenth Schedule to this Act, and of the non-payment of such fine or pecuniary penalty or amends, any Justice may commit the offender or person making default in payment to any gaol in the said province for any time not exceeding three calendar months, the imprisonment to cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof; but this section shall not affect any remedy under the said Ordinance No. 6 of 1850, or the Act No. 298 of 1883-4, or under any of the Acts or Ordinances mentioned in the Tenth Schedule to this Act, for the recovery of any fine or any pecuniary penalty or amends.

344. There shall be an appeal from any order of Justices made under the provisions herein contained, and from any conviction by Justices for any offence against this Act or any by-law of
a Council, and from any order dismissing any information or complaint under this Act, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings in such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4, for appeals to Local Courts, but the Local Court of Adelaide aforesaid may make such order as to payment of the costs of such appeal as the Court shall think fit, although such costs may exceed Ten Pounds.

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

346. All fines, penalties, and forfeitures recovered before any one or more Justices for any offence committed within the District against this Act or any Act hereby repealed or included in the Tenth Schedule hereto, or against any by-law made under this Act or any of the said Acts shall be paid to the Council of the District save such portion of any such fine, penalty, or forfeiture as may by law be appropriated to any informer other than the Council or an officer thereof, or to the reward of or compensation to any constable or person.

347. No councillor shall be subject to be sued or prosecuted by any person whomsoever, and the body, goods, or lands of a councillor shall not be liable to any execution of any legal process by reason of any contractual or other instrument entered into by the Council, or by reason of any other lawful act done by the Council in the execution of any of their powers, and every councillor, his heirs, executors, and administrators shall be indemnified by the Council for all payments made, or liabilities incurred, in respect of any acts done by him, and of all losses, costs, and damages which he may incur in the bona fide execution of the powers granted to him by this or any other Act.

348. All prosecutions for the infliction of pecuniary penalties upon, and all actions against, any councillor, president, officer, or person for anything done or omitted to be done in pursuance of this.
PART XIX.

months after fact committed, and notice to be given.

this Act, shall be commenced within six calendar months after the happening of the cause of prosecution or action, and not otherwise, except as hereinbefore to the contrary provided; and notice in writing of any such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action, and the defendant in any such action may plead the general issue and give this Act and the special matter in evidence at the trial; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if after action brought the defendant shall pay into Court sufficient amends; but in such last-mentioned case the plaintiff shall recover his costs of suit up to the time of payment into Court, and if a verdict shall pass for the defendant, or the plaintiff become nonsuit, or discontinue, or the defendant otherwise recover judgment, he shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.

349. If any difference, whether arising out of the construction of this Act or not, arise between any two or more District Councils touching and relating to the carrying out of the provisions of this Act, or touching and relating to the fulfilment and exercise of the duties, powers, privileges, or authorities of any such District Council, such difference shall be referred to the Minister, who is hereby authorised and empowered to entertain, inquire into, and decide upon the same, and for that purpose to hear, receive, and examine evidence upon oath (which oath he is hereby empowered to administer), summon, if he think fit, two or more assessors, compel the attendance of witnesses, call for the production and examination of documents, commit for contempt, and do all such other matters and things relating to the same in the same manner and to the like extent as the same may be done by any Judge of the Supreme Court in the exercise of his jurisdiction, and the decision of such Minister with regard to such difference shall be final and may be made a rule of the Supreme Court.

Regulations.

350. The Governor may make regulations for the carrying out of this Act, and in particular, and without derogating from his general power, he may make regulations prescribing the mode in which the account books, and any other books of District Councils shall be kept; and also regulations requiring District Councils to collect, for a remuneration to be fixed by the Governor in the case of each Council, agricultural, pastoral, and live stock statistics relating to their respective Districts, and forward returns of the same to the Government Statist, or to the Chief Secretary of the province, and may from time to time annul, amend, and add to any such regulations as aforesaid or make others in lieu thereof, and such regulations shall be published in the Government Gazette, and shall thenceforth, save as hereinafter provided, have the force of law. Such regulations shall be laid before both Houses of Parliament within fourteen days after
after the making thereof, if the Parliament be then sitting, and if not, then within fourteen days after the next session of Parliament shall begin, and if, during that session, either House of Parliament pass a resolution objecting to any such regulations, the same shall (so far as so objected to) thenceforth cease to have the force of law, and notice of such resolution shall forthwith be published by the Minister in the Government Gazette.

351. The Government Gazette containing any regulations purporting to be made by the Governor by virtue of this Act shall be conclusive evidence of the making of such regulations, and the Government Gazette containing a notice of a resolution being passed by either House of Parliament objecting to any such regulation shall be conclusive evidence of the passing of such resolution.

352. If in any regulations made by the Governor by virtue of this Act, any models of by-laws shall be given, the Council shall be at liberty by a majority at any meeting at which a quorum of the Council is present to adopt any such models and make them by-laws of the District.

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PART XX.

OF EVIDENCE AND MISCELLANEOUS MATTERS.

353. The Government Gazette containing any Proclamation or Order made by the Governor under this Act, or any of the Acts hereby repealed, shall be conclusive evidence of the fact, tenor, and validity of such Proclamation or Order, and shall be evidence of the facts stated, recited, or assumed therein; and no such Proclamation shall be invalid by reason of anything required as preliminary thereto, not having been duly done.

354. The Government Gazette containing a notice of the appointment or election of any person to any office in the District shall be conclusive evidence of such appointment or election, except in any proceeding brought to try the title of the person so appointed or elected.

355. The list of persons qualified to act as constables under this Act, when duly confirmed by the Council, shall be conclusive evidence that every person therein named and resident in the District was duly qualified to serve as a constable.

356. The Government Gazette containing the list by this Act required to be published of the persons sworn in as constables shall be conclusive evidence that the persons therein named were duly appointed and sworn.

357. The Government Gazette containing a notice that any resolution was passed or order made at a meeting of the Council shall be conclusive evidence of such resolution being passed or order

---
order made, and of the meeting being lawfully convened, and of any facts stated in such notice relating to the majority by which such resolution was passed, and the number and proportion of councillors present.

358. The *Government Gazette* containing any memorial, counter-memorial, resolution of the Council, approval of the Minister, or other document by this Act required to be published in the *Government Gazette* in relation to an existing or proposed Manufacturing District shall be conclusive evidence of the document so published, and of the validity of every such resolution.

359. The assessment book or any of the copies thereof deposited as by the Act is required, or any copy of or extract therefrom certified as a true copy or extract under the hand of the president or the clerk, or the hands of two councillors, shall be conclusive evidence, except on proceedings to quash such assessment, that such assessment was duly made, and except as aforesaid the production of the *Government Gazette* containing a notice in any of the forms given in the Twelfth Schedule hereto, or to the same effect, shall be evidence of the facts in such notice stated or referred to.

360. The *Government Gazette* containing a notice of the declaring of any rate in such one of the forms in the Fifteenth Schedule hereto as shall be applicable, or in a form to the like effect, or a notice of any order for borrowing money, shall, except on proceedings to quash such rate or order, be conclusive evidence that the rate or order has been duly declared or made.

361. Every ratepayer shall be entitled, on payment of One Shilling at the District office, to receive a printed copy, signed by the chairman, clerk, or two councillors, of all by-laws of the Council in force for the time being in the District, or any part thereof.

362. By-laws, minutes of any Council or any committee thereof, books and maps by this Act or by any Act hereby repealed, authorised or required to be made, and contracts, specifications, plans, estimates, and other documents in the hands of the Council by this Act required or authorised, and any copy thereof or extract therefrom purporting to be signed by the chairman, two councillors, or the clerk, shall be receivable in any proceeding before any Court or person as evidence of the matters therein contained, and, in the case of by-laws, shall be evidence of the passing, confirmation, and publication thereof, and of the performance of the requirements of this Act or any Act hereby repealed in respect thereof.

363. The corporate name of every Council shall be part of the seal of such Council and judicial notice shall be taken of such seal by every Court and Justice, and the seal shall be kept at the District office.

364. Nothing
364. Nothing in this Act contained shall prevent proof being given of the tenure of any office by evidence of acting in such office, nor any notice purporting to be a notice given by the Council, and published or posted as by this Act directed, or a copy thereof, being given in evidence in any proceeding against the Council, or any officer thereof, or shall negative any statutory or other rule of law as to evidence or presumptions therefrom.

365. The cost of any advertisement required by this Act shall be paid by the Council, Corporation, or person whose action immediately necessitates such advertisement, and the Minister may require payment of such cost before causing any advertisement to be inserted.

366. No map or plan of any land situated within a District and hereafter laid out as a township, or portion of a township, shall be deposited with the Registrar-General, or in the Lands Titles Registration Office, or in the General Registry Office, unless the same shall be certified as approved by the Surveyor-General, or some other person to be authorised by the Minister in that behalf; and no road or street of a less width than forty feet shall hereafter be laid out in any township.

367. Every such map or plan as aforesaid shall be submitted by the person desiring to deposit the same to the Council of the District in which the land is situated. The Council shall, within twenty-eight days, consider such map or plan and forward the same to the Surveyor-General with a memorandum under the hand of the chairman and clerk, stating whether the Council have, or have not, any objections to the map or plan, and if any, the nature of such objections. If the Council have no such objection, the Surveyor-General or some person to be authorised by the Minister as aforesaid, shall certify the map or plan as approved. If the Council have any such objection, the Surveyor-General shall submit the same with the map or plan to the Minister, who may either confirm the objection, or overrule the same, in which latter case the Surveyor-General or authorised person shall certify the plan as approved. If the Minister confirm the objection, he may at any time review his decision, and vary the same if he shall see fit.

368. Any declaration required by this Act may be made before a notary public, justice, or commissioner for taking affidavits in the Supreme Court, and shall be sufficient if it purport to be a solemn and sincere declaration made in pursuance of this Act, and every person who shall wilfully make a false declaration purporting to be made in pursuance of this Act shall be guilty of the crime of perjury.

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

WM. C. F. ROBINSON, Governor.

SCHEDULES.
The District Councils Act.—1887.

SCHEDULES.

THE FIRST SCHEDULE.

Repeals.

<table>
<thead>
<tr>
<th>Reference to Act</th>
<th>Title of Act</th>
<th>Extent of Repeal</th>
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<tbody>
<tr>
<td>43, 1876</td>
<td>The District Councils Act, 1876</td>
<td>The whole</td>
</tr>
<tr>
<td>244, 1882</td>
<td>The District Councils Amendment Act, 1882</td>
<td>The whole</td>
</tr>
<tr>
<td>293, 1883</td>
<td>The District Councils Further Amendment Act, 1883</td>
<td>The whole</td>
</tr>
<tr>
<td>326, 1885</td>
<td>The District Councils Further Amendment Act, 1885</td>
<td>Sec. 2, the words from the word “ratepayer” inclusive to the end of the sec.; secs. 7, 8, 10, and 18, the whole; sec. 26, from the words “and in addition” inclusive to the end of the sec.; secs. 27, 28, 29, 30, 31, 32, 45, 46, and 51, the whole.</td>
</tr>
<tr>
<td>104, 1878</td>
<td>The South-Eastern Drainage Act, 1878</td>
<td>Secs. 17 to 25 inclusive.</td>
</tr>
<tr>
<td>22, 1873</td>
<td>The Public Health Act</td>
<td></td>
</tr>
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THE SECOND SCHEDULE.

Districts—the Boundaries of which have not been Altered.

| Aldinga | Gilbert | Mount Crawford | Rosewater |
| Alma Plains | Grace | Muddla Wirra North | Saddlworth |
| Angas | Hall | Muddla Wirra South | Spalding |
| Angaston | Hamilton | Munno Para East | Stirling |
| Balaklava | Hanson | Nairne | Stockport |
| Belvidere | Highercombe | Neales | Strathalbyn |
| Benara | Julia | Noarlunga | Talunga |
| Booyoolie | Kapunda | North Rhine | Tanunda |
| Burnside | Kondoparinga | Nuriootpa | Teatree Gully |
| Campbeltown | Kulpara | Onaunga | Truro |
| Clare | Light | Onkaparinga | Tungkillo |
| Clarendon | Macclesfield | Para Wirra | Upper Wakefield |
| Crafers | Marion | Payneham | Walkerville |
| Dalkey | Mayurra | Port Elliot | Waterloo |
| Dalrymple | Mitcham | Port Gawler | West Torrens |
| Dublin | Mobilong | Prospect | Willunga |
| East Torrens | Monarto | Rapid Bay | Yatala North |
| Echunga | Morphett Vale | Rhyne | Yatala South |
| Encounter Bay | | Mount Barker | |

Districts Amalgamated.

DISTRICT OF WOODVILLE—Comprising the heretofore existing Districts of Woodville and Glanville.

DISTRICT OF BARossa—Comprising the heretofore existing Districts of Barossa East and Barossa West.

DISTRICT OF YANKALILLA—Comprising the heretofore existing Districts of Yankalilla and Myponga.

DISTRICT OF SOUTH RHINE—Comprising the heretofore existing Districts of South Rhine and Flaxman's Valley.

DISTRICT OF STANLEY—Comprising the heretofore existing Districts of Stanley and Black Springs.
The District Councils Act.—1887.

Districts added to.

District of Queenstown and Alberton.—Comprising the heretofore existing District of Queenstown and Alberton, and that portion of the Hundred of Yatala between said District and the Corporate Town of Port Adelaide.

District of Munno Para West.—Comprising the heretofore existing District of Munno Para West, and that portion of the Hundred of Port Adelaide north of the heretofore existing District of Yatala North.

District of Bremer.—Comprising the heretofore existing Districts of Alexandrina and Bremer, and the Hundred of Brinkley.

District of Mannum.—Comprising the heretofore existing District of Mannum and the Hundred of Younghusband.

District of Caurnamont.—Comprising the heretofore existing District of Caurnamont and the Hundred of Forster.

District of Port Wakefield.—Comprising the heretofore existing District of Port Wakefield and the Hundred of Cameron.

District of English.—Comprising the heretofore existing District of English and the Hundred of Bower.

District of Apoinga.—Comprising the heretofore existing District of Apoinga and the Hundreds of Bright and Bundey.

District of Blyth.—Comprising the heretofore existing District of Blyth and the Hundred of Everard.

District of Kadina.—Comprising the heretofore existing District of Green's Plains and those portions of the Hundreds of Kadina and Wallaroo not included in any corporate town.

District of Clinton.—Comprising the heretofore existing District of Clinton and the Hundred of Tipparra.

District of Melville.—Comprising the heretofore existing District of Melville and the Hundreds of Carribie, Coonarie, Para Wurlie, and Warrenben, as well as that portion of the Hundred of Moorowie not heretofore included in the District of Melville.

District of Ninnes.—Comprising the heretofore existing District of Ninnes, and the Hundreds of Tickera and Wiltunga.

District of Hutt and Hill Rivers.—Comprising the heretofore existing District of Hutt and Hill Rivers and the Hundred of Hart.

District of Booborowie.—Comprising the heretofore existing District of Booborowie and the Hundred of Anne.

District of Caltowie.—Comprising the heretofore existing District of Caltowie and the Hundred of Tarcowie.

District of Georgetown.—Comprising the heretofore existing Districts of Georgetown and Narridy and that portion of the Hundred of Yackamoorundie and that portion of the Hundred of Bundaleer not heretofore included in the District of Georgetown.

District of Crystal Brook.—Comprising the heretofore existing District of Crystal Brook and the Hundreds of Napperby and Wandearah, also those portions of the Hundreds of Pirie and Crystal Brook not included in the Corporate Town of Port Pirie or the District of Crystal Brook, and that portion of the Wirrabara Forest Reserve situate within the County of Victoria.

District of Gladstone.—Comprising the heretofore existing District of Gladstone and that portion of the Hundred of Yangya not heretofore included in that district.

District of Belalie.—Comprising the heretofore existing District of Belalie and the Hundred of Whyte, and that portion of the Hundred of Belalie not heretofore included in the said district.

District of Yongala.—Comprising the heretofore existing District of Yongala and the Hundreds of Morgan and Mannanarie.

District of Hallett.—Comprising the heretofore existing District of Hallett and the Hundred of Tomkinson, and that portion of the Hundred of Hallett not heretofore included in said district.

District of Mount Bryan.—Comprising the heretofore existing District of Mount Bryan and the Hundreds of Mongolata and Rees.

District of Burra.—Comprising the heretofore existing District of Burra and the Hundreds of Baldina and King.

District of Lancepede.—Comprising the heretofore existing District of Lancepede and the Hundreds of Bowaka, Duffield, Minecrow, Mount Benson, and Murrabinna, that portion of the Hundred of Lancepede not included in district aforesaid, and that portion of the County of MacDonnell west of the Hundreds of Lochaber, Glen Roy, and Parsons, not included in any hundred.
The District Councils Act.—1887.

District of Tatiara.—Comprising the heretofore existing Districts of Tatiara and Wirrega, the Hundreds of Parsons and Stirling, those portions of the Hundred of Tatiara not included in the heretofore existing District of Tatiara, that portion of the County of MacDonnell north of the Hundreds of Binnum and Hynam, and those portions of the County of Buckingham west of the Hundred of Wirrega, and between the north boundaries of the Hundreds of Tatiara and Wirrega and a line being the production east of the north boundary of the Hundred of Stirling.

District of Naracoorte.—Comprising the heretofore existing District of Naracoorte and the Hundreds of Binnum, Glen Roy, Hynam, Jessie, Joanna, Lochaber, and Robertson.

District of Lucindale.—Comprising the heretofore existing District of Lucindale and the Hundreds of Commarra, Spence, and Townsend.

District of Robe.—Comprising the heretofore existing District of Robe and the Hundreds of Bray, Ross, and Smith, also that portion of the Hundred of Waterhouse not previously included in the said district.

District of Beachport.—Comprising the heretofore existing District of Beachport and the Hundred of Symon, and those portions of the Hundreds of Lake George and Rivoli Bay not included in any other district.

District of Kennion.—Comprising the heretofore existing District of Kennion and the Hundreds of Coles, Fox, Riddoch, and Short.

District of Mount Muirhead.—Comprising the Drainage District of Mount Muirhead and that portion of the Hundred of Mount Muirhead north-east of said district, also that portion of the Hundred of Rivoli Bay south of the cutting from Lake Frome to the sea.

District of Tantanoola.—Comprising the Drainage District of Tantanoola and that portion of the Hundred of Hindmarsh not included in any other district.

District of Penola.—Comprising the heretofore existing District of Penola and the Hundreds of Comaum, Grey, Killanoola, Monbulla, and Nangwarry, also that portion of the Hundred of Penola not previously included in said district.

District of Mount Gambier East.—Comprising the heretofore existing District of Mount Gambier East and the Hundred of Mingbool.

District of Mount Gambier West.—Comprising the heretofore existing District of Mount Gambier West and the Hundred of Young.

District of Port MacDonnell.—Comprising the heretofore existing District of Port MacDonnell, and all that portion of the Hundred of Caroline not included in the District of Mount Gambier East.

District of Lincoln.—Comprising the heretofore existing District of Lincoln, and that portion of the County of Flinders not previously included in said district.

New Districts.

District of Yorke Peninsula.—Comprising the Hundreds of Cunningham, Kilkerran, Wauraltee, and Muloowurrie, together with that portion of the Hundred of Maitland not included in the Corporate Town of Maitland.

District of Minlaton.—Comprising the Hundreds of Curramulka, Koolawurtie, and Minlacowie, and that portion of the Hundred of Ramsay not heretofore included in the District of Dalrymple.

District of Broughton.—Comprising the Hundreds of Mudoora, Redhill, Koolunga, and Wokurna.

District of Snowtown.—Comprising the Hundreds of Barunga and Boucaut.

District of Port Germein.—Comprising the Hundreds of Appila, Baroota, Booleroo, and Wongaar, and the Hundred of Telowie, together with that portion of the Wirrabara Forest Reserve situate within the County of Frome.

District of Wilmington.—Comprising the Hundreds of Coonatto, Gregory, Pindia, Willochara, and Willowie, together with that portion of the Hundred of Woolundunga east of the eastern side of road west of section 948; north-east of the north-east side of main road from the north-west corner of said section to the west corner of Pastoral Lease Block A; east of the eastern side of road east of Pastoral Lease Blocks D and G; east of Pastoral Lease Block J; east and north of Pastoral Lease Block N; east of Pastoral Lease Block R; east and north of Pastoral Lease Block S; north-east of a straight line from the north-west corner of the latter block to the south-east corner of Pastoral Lease Block U; and north and east of the southern and western boundaries of said block.

District of Kanyaka.—Comprising the Hundreds of Boolcunda, Cudlamulda, Kanyaka, Moocakra, and Palmer; that portion of the Hundred of Pichi Richi east of Pastoral Lease Blocks S, R, and K, east and north of Pastoral Lease Block H, east of
of portion of Pastoral Lease Block L, and east of Pastoral Lease Blocks E and B (exclusive of the Corporate Town of Quorn); and those portions of the Hundreds of Yarrah and Wyacca east of west boundaries of sections 133, 134, and 143w, in the Hundred of Yarrah; and east of a straight line from the north-west corner of latter section to Mount Arden trigonometrical station, and east of a straight line from said trigonometrical station to the north-east corner of the Hundred of Wyacca.

DISTRICT OF Davenport.—Comprising the Hundreds of Crozier and Winninowie; that portion of the Hundred of Davenport not included in the Corporate Towns of Port Augusta and Davenport; that portion of the Hundred of Woolundunga west of the District of Wilmington; those portions of the Hundreds of Pichi Richi, Yarrah, and Wyacca west of the District of Kanyaka; and that portion of the County of Newcastle not included in any hundred.

DISTRICT OF HAWKER.—Comprising the Hundreds of Arkaba, Barndioota, Wirreanda, Wonoka, and Yednalu.

DISTRICT OF COGILN.—Comprising the Hundreds of Cavenagh, Coglin, Gumbowie, Hardy, Nackara, Paratoo, and Parnaroo.

DISTRICT OF EURELIA.—Comprising the Hundreds of Bendleby, Eurelia, Eurlipa, McCulloch, Minburra, Oladdie, Uroonda, Waroonee, Yalpara, and Yanyarrie.

DISTRICT OF ORROROO.—Comprising the Hundreds of Black Rock Plain, Coomoorooy, Erskine, Pekina, and Walloway.

DISTRICT OF TERENCE.—Comprising the Hundreds of Ketehowla, Terowie, and Wonna.


DISTRICT OF BLANCHETOWN.—Comprising the Hundreds of Skurray, Fisher, Nildottie and Paisley.

DISTRICT OF MENGLE.—Comprising the Hundreds of Baker, Bonnie, Burdett, Coolinong, Glyde, Malcolm, Neville, Santo, and Seymour, together with that portion of the County of Cardwell west of the Hundreds of Glyde, Neville, and Santo.

DISTRICT OF KINGSCOTIE.—Comprising the whole of the County of Carnarvon (Kangaroo Island).

DISTRICT OF FRANKLIN HARBOR.—Comprising the whole of the County of Jervois.

DISTRICT OF Elliston.—Comprising the whole of the County of Musgrave, and portion of the County of Robinson south of a true east line from the most northern point of Venus Bay to the east boundary of the said county.

DISTRICT OF STREAKY BAY.—All that portion of the County of Robinson not included in the district of Elliston.

The above references to blocks in Pastoral Leases refer to the said blocks as shown in the public plans deposited in the Surveyor-General's office.

THE THIRD SCHEDULE.

Declaration verifying Petition.

I, A.B., of do solemnly and sincerely declare that all the signatures [or, if the case so require, such and such signatures, describing them as initialed or marked by each declarant] affixed to the above petition are the genuine signatures of the persons whose they purport to be, and that such persons are rate-payers [or as the case may be] of [district, ward, or place].

THE FOURTH SCHEDULE.

Nomination of Councillor.

District Council of . Annual election, 18 [or as the case may be]. s. 67.

We, the undersigned ratepayers of the District (or, if the District be divided in the District), do hereby nominate
nominate [here state names of candidate], of as a candidate for the
office of Councillor of the District at the election to be held for the District (or
ward) on the day of 18.

[Signatures of nominators.]

District Council of Annual election 18 [or as the case may be].
We, the undersigned ratepayers of the District, hereby nominate [here state names
of candidate] as a candidate for the office of Auditor of the District at the election to
be held on the day of 18.

I, the above-named [candidate’s name], do hereby consent to the above
nomination.

[Signatures of nominators.]

THE FIFTH SCHEDULE.

Agreement for exchange of land between the Council and the owner or the owner and
occupier of the Land to be taken in Exchange.

District of First Schedule to Agreement.
This agreement made this day of 18, pursuant to “The
District Councils Act, 1887,” between the District Council of
of the first part, A.B., of
the owner of the premises in
the First Schedule hereto described, of the second part, and C.D., the occupier of
the same premises, of the third part.

Whereas the Council now hold the premises in the Second Schedule hereto de-
scribed (if applicable, add upon the trusts and subject to the conditions in the same
Schedule stated), and desire to obtain in exchange for the same the premises in
the First Schedule described.

Now this agreement witnesseth that the Council shall give the premises in the
Second Schedule described in exchange for the premises in the First Schedule
described, and shall pay to (or receive from, as the case may be) the said A.B. the sum of
£ [and to (or from) the said C.D.] for equality of exchange,
(if applicable, add and the premises in the Second Schedule described shall,
from and after the exchange, be freed from the trusts and conditions in the
same Schedule stated, and the premises in the First Schedule described shall
be held by the Council upon and subject to the said trusts and conditions, and in the
same manner as the premises given by the Council in exchange were held).

In witness whereof the said Council has hereto set its seal, and the said A.B. and
C.D. their hands, the day and year first above written.

Second Schedule to Agreement.

[Here describe, by situation, boundaries, and area, the land to be given in exchange by the Council, and
set out the trusts and conditions, if any, which, at the time of the exchange, affect the same.]

THE SIXTH SCHEDULE.

Order for Exchange of Land.

District of
Whereas we, the District Council of
expedient to exchange the piece of land containing
situated [here describe the piece of land generally], and within the said District, for
another piece of land containing [here describe same], and situate within the
said
The District Councils Act.—1887.

said District, have, pursuant to "The District Councils Act, 1887," entered into an agreement for such exchange with the owner [and the occupier] of the last-mentioned land, and have caused a survey plan showing the boundaries and positions of the said pieces of land to be deposited in the Surveyor-General's office: And whereas we have caused a notice to be inserted in the Government Gazette of the day of , 18, stating the proposed exchange, and giving all the other particulars required by the said Act: And whereas no objections having been made to the said exchange [or notice having been given us by [names of objectors] of [state how many] objections to the said exchange], a meeting of us, the said Council, was held after the expiration of forty days and within sixty days from the first publication of the said Gazette notice, that is to say, on the day of , 18, at in the said province, being the time and place appointed in the said Gazette notice, at which meeting we considered the said proposed exchange, and the said objections, and determined to make the order hereinafter contained: Now therefore, in pursuance of the provisions of the said Act, we, the said Council do hereby order that the said piece of land first above described shall be exchanged with the said [owner] for the said piece of land secondly above described, in manner set forth in the said Gazette notice.

Dated the day of , 18.

THE SEVENTH SCHEDULE.

Notice of Confirmation of Order for Exchange of Land.

District of . The District Council of did, on the day of , 18, cause to be published a notice of a proposal to exchange the piece of land situate [describe generally the situation of the land] for [give general description of the piece to be taken in exchange]; and the Council, by an order of the day of , 18, having ordered the exchange to take place in manner stated in the notice, His Excellency the Governor has been pleased to confirm the order, and to direct that the Commissioner of Crown Lands shall issue certificates of title to the persons entitled respectively to the lands mentioned in such order.

Dated— Crown Solicitor.

THE EIGHTH SCHEDULE.

Receipt for Money Paid for Equality of Exchange of Land (where indorsed on the agreement.)

District of . We (or I), the within-named to have received from the within-named , being the amount within agreed to be paid by for equality of exchange. Dated the day of , 18.

[The like where not indorsed.]

District of . Whereas by an agreement dated the day of 18, and made pursuant to "The District Councils Act, 1887," between the District Council of, &c., it was agreed [recite the agreement for exchange], and whereas the sum of , the amount by the said agreement agreed to be paid for equality of exchange, having been paid to by I (or we), the said have received the same. Dated the day of , 18. THE
50° & 51° VICTORIÆ, No. 419.

The District Councils Act.—1887.

THE NINTH SCHEDULE.

Certificate of Title by Commissioner of Crown Lands under Order for Exchange of Land.

South Australia, Register Book, Vol. , Folio .

I, , Commissioner of Crown Lands of the said province, pursuant to the direction of His Excellency the Governor, published in the Government Gazette of the day of , in confirming an order for the exchange of made by herein referred to, dated the day of , do hereby certify that is (or are) now seized of an estate in fee simple in that

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THE TENTH SCHEDULE.

<table>
<thead>
<tr>
<th>Reference to Act</th>
<th>Title of Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Vict., No. 5 (1840) No. 2 of 1844</td>
<td>An Act to regulate the Slaughtering, and prevent the Stealing, of Cattle.</td>
</tr>
<tr>
<td>No. 8 of 1858</td>
<td>An Ordinance to authorise the levying of Fees on the Slaughtering of Cattle in South Australia.</td>
</tr>
<tr>
<td>No. 5 of 1862</td>
<td>The Impounding Act of 1858.</td>
</tr>
<tr>
<td>No. 297 of 1862</td>
<td>An Act to regulate the Sale of certain Poisons.</td>
</tr>
<tr>
<td>No. 19 of 1862</td>
<td>The Sale of Food and Drugs Act, 1882.</td>
</tr>
<tr>
<td>No. 36 of 1862</td>
<td>An Act for the regulation of Cemeteries.</td>
</tr>
<tr>
<td>No. 357 of 1885</td>
<td>The Thistle and Burr Act, 1862.</td>
</tr>
<tr>
<td>No. 357 of 1865</td>
<td>The Bush Fires Act, 1885.</td>
</tr>
<tr>
<td>No. 6 of 1867</td>
<td>The Dog Act, 1867.</td>
</tr>
<tr>
<td>No. 320 of 1884</td>
<td>An Act to amend the Dog Act, 1867.</td>
</tr>
<tr>
<td>No. 12 of 1867</td>
<td>The Weight of Tires Act of 1867.</td>
</tr>
<tr>
<td>No. 9 of 1868-9</td>
<td>An Act to amend the Weight of Tires Act of 1867.</td>
</tr>
<tr>
<td>No. 16 of 1872</td>
<td>An Act to provide for the carrying of Lights by Vehicles at night.</td>
</tr>
<tr>
<td>No. 33 of 1876</td>
<td>An Act to amend Act No. 16 of 1872, intituled &quot;An Act to provide for the carrying of Lights by Vehicles at night.&quot;</td>
</tr>
<tr>
<td>No. 6 of 1875</td>
<td>An Act to regulate the use of Guns and Firearms in certain cases.</td>
</tr>
<tr>
<td>No. 378 of 1856</td>
<td>The Game Act, 1886.</td>
</tr>
<tr>
<td>No. 139 of 1879</td>
<td>The Rabbit Suppression Act, 1879 (as revived by the Vermin Act Repeal Act, 1885).</td>
</tr>
<tr>
<td>No. 346 of 1885</td>
<td>The Vermin Act Repeal Act.</td>
</tr>
<tr>
<td>No. 170 of 1877</td>
<td>The Lodging-house Act.</td>
</tr>
<tr>
<td>No. 102 of 1878</td>
<td>The Fisheries Act.</td>
</tr>
<tr>
<td>No. 104 of 1878</td>
<td>The South-Eastern Drainage Act, 1878.</td>
</tr>
<tr>
<td>No. 152 of 1879</td>
<td>The Brands Act, 1879.</td>
</tr>
<tr>
<td>No. 261 of 1881</td>
<td>The Brands Act, 1882.</td>
</tr>
<tr>
<td>No. 294 of 1881</td>
<td>The Ornamental Grounds Act, 1881.</td>
</tr>
<tr>
<td>No. 349 of 1885</td>
<td>The Weights and Measures Act, 1885.</td>
</tr>
</tbody>
</table>

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THE ELEVENTH SCHEDULE.

District of , Assessment Book.

PART I.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Occupier</th>
<th>Name of Owner</th>
<th>No. of Section or Allotment</th>
<th>Area</th>
<th>Situation</th>
<th>Description of Property, i.e., whether— (a) Buildings and land occupied therewith; (b) Land outside township; (c) Township land in blocks of not less than twenty acres, not divided by roads, and not built on or used, or used only for pastoral or agricultural purposes; (d) Other township land un–built upon: Fee–simple Value if Property described as (c) or (d).</th>
<th>Assessed Value—being where property described as (a) or (b), its full estimated net annual rental on lease of fourteen years; (c) $/ per cent. on its fee simple value; (d) $/ per cent. on its fee simple value.</th>
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</table>

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THE TWELFTH SCHEDULE.

Notice of Assessment.

District of
The District Council of have caused to be made an assessment of all ratable property within the above District, with the names of the owners and occupiers, so far as known, of such property; and copies of the assessment have been made, and such copies are deposited at [here state where the copies are deposited], and are open for inspection at all reasonable times; and any person intending to appeal against the assessment may do so by notice, as required by "The District Councils Act, 1887," within twenty-one days from the publication of this notice in the Government Gazette.

Dated the day of 18

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

Notice of Assessment by adoption of previous Assessment [and of new Assessment of portion not previously assessed].

District of
Assessment made the day of 188, by the District Council of
The District Council of have caused to be made an assessment of the ratable property within the said District comprised within the heretofore existing District of by adopting the above-mentioned assessment with, and subject to certain alterations (or additions), (and have caused to be made an assessment of all other ratable property within the above District.)

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

Any person intending to appeal against either of the said assessments may do so in manner required by "The District Councils Act, 1887," within twenty-one days from the publication of this notice in the Government Gazette.

Dated the day of

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

Notice of Alteration of or Addition to Assessment.

District of
Assessment made the day of 18
The District Council of have caused the following alterations (or additions, as the case may be) to be made in the above-mentioned assessment, that is to say [here state nature of alterations or additions].

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

Any person intending to appeal against such alteration (or addition) may do so in manner required by "The District Councils Act, 1887," within twenty-one days from the giving of this notice.

Dated the day of 18

(Signed) A. B., Chairman (or Clerk).
THE DISTRICT COUNCILS ACT.—1887.

THE THIRTEENTH SCHEDULE.

Notice of Appeal from Assessment.

Take notice that I appeal to the District Council of (or Local Court of Full Jurisdiction, as the case may be) against the assessment of my property, section (or allotment) Assessment No., on the following grounds.

[Signature of Appellant by himself or his Agent.]

To the (Clerk of the District of or to the Clerk of the District of and to the Clerk of the Local Court of [as the case may be].)

THE FOURTEENTH SCHEDULE.

Notice of Appeal from the Decision of the Council.

To the Clerk of the District of , and to the Clerk of the Local Court of:

Take notice that it is my intention to appeal to the Local Court of Full Jurisdiction, from the decision of the District Council of on my appeal thereto against the assessment of my property, Section (or allotment) No., Assessment No., on the following grounds [here set forth grounds of appeal].

[Signature of Appellant, by himself or his Agent.]

THE FIFTEENTH SCHEDULE.

Notice of General or Special Rate.

At a meeting of the District Council of duly held on the day of , a general (or special) rate was declared of in the pound upon the assessment of the District; and all persons liable are required to pay the amount of the rate, according to the assessment, to the District Clerk (or Collector or other officer), at the District office.

Dated the day of , (Signed) A. B., Chairman of the District Council (or District Clerk.)

Notice of Separate Rate.

At a meeting of the District Council of duly held on the day of , a separate rate was declared of in the pound upon the assessment for that portion of the District defined in the Schedule hereto; and all persons liable are required to pay the amount of the rate, according to the assessment, to the District Clerk (or Collector or other officer), at the District office.

Dated the day of , (Signed) A. B., Chairman of the District Council (or District Clerk.)

The Schedule above referred to.

[Define the portion of the District for which the separate rate is declared.]

THE SIXTEENTH SCHEDULE.

Polling Paper.

District of
Loan of £

I object to the District Council proceeding further with the loan.
Number of votes. Description of qualification

[Signature of Ratepayer.]

THE
South Australia.—District of

The District Council of , in consideration of the sum of pounds paid to the said Council for the purposes of the said District, hereby binds itself to pay to the bearer for the time being of this debenture the sum of pounds, and to the bearer or bearers for the time being of the coupons or vouchers annexed hereto, interest upon the said sum after the rate of per centum per annum, such interest to be payable on the first day of and the first day of in every year, and the principal to be paid on the first day of in the year one thousand eight hundred and : And the said Council hereby assigns the special (or separate) rate authorised to be levied in the said District (or in portion of the said District) from time to time for the purpose of [shortly describe works or undertakings for which special or separate rate declared] to the bearer for the time being of this debenture until the said principal sum be satisfied, and to the bearer or bearers for the time being of the coupons or vouchers annexed hereto until the interest upon the said principal, as represented in such coupons or vouchers by him or them held, shall be satisfied.

Given under the seal of the District Council of , the day of , one thousand eight hundred and

[The seal of the District Council.]

The seal of the said Council was hereto affixed on the date hereof in the presence of—

A. B., Chairman.
C. D., Clerk.

NOTE.—Interest and principal payable at the bank of the Council in or at such bank or other place as may be appointed by notice to be given in the South Australian Government Gazette.

COUPONS OR VOUCHERS.

South Australia.—District of

Coupon for £ , for half-year's interest due the day of , 18 , on debenture No.
Payable to bearer at

[The seal of the District Council.]

A. B., Chairman.
C. D., Clerk.

THE EIGHTEENTH SCHEDULE.

Notice of Letting or Selling Land for Arrears of Rates.

District of

There is now due, in respect of the land (or lands, as the case may be) mentioned in the Schedule hereto the sum (or respective sums) set opposite to the description of such land (or lands) in the Schedule, for a rate (or rates) declared by the District Council of , for the year (or years) ending as in the said Schedule mentioned; and the owner (or owners) of such land (or lands) are required to take notice that unless the amount (or amounts) so due, together with the costs of and attending this notice, be paid in one year from the first publication of this notice, the said Council will let the same from year to year in manner provided by "The District Councils Act, 1887," or an application will be made by the said Council to the Supreme Court for an order for the sale of the said land (or lands) or so much thereof as may be necessary to produce the rates so due and costs as aforesaid, and also the costs of and attending the said application.

Dated this day of , 18 .

Chairman (or Clerk).
The District Councils Act.—1887.

### Descriptions of Land

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