



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 933.

An Act to further amend the Renmark Irrigation
Trusts Acts, and for other purposes.

[*Assented to, December 21st, 1907.*]

BE it Enacted by the Governor of the State of South Australia,
with the advice and consent of the Parliament thereof, as
follows:

1. This Act may be cited as "The Renmark Irrigation Trusts Acts Amendment Act, 1907," and shall be incorporated with "The Renmark Irrigation Trusts Acts." Short title and incorporation.

2. Subsection (1) of section 15 of "The Renmark Irrigation Trusts Act, 1893," hereinafter called the principal Act; and subsection (1) of section 10 of "The Renmark Irrigation Trusts Loan Amendment Act, 1900," are hereby repealed. Repeal.

3. The principal Act is hereby amended as follows:—

Amendment of
principal Act.

- (a) By striking out in subsections (5) and (6) of section 15 the words "and of Chaffey Brothers, Limited":
- (b) By striking out, in the sixth line of section 25, the words "one month," and substituting the words "six months" therefor:
- (c) By striking out the whole of section 46, and substituting the following new section therefor:—

"46. Except where otherwise provided, no person shall be entitled to nominate a candidate for election or to vote at any election or poll of ratepayers unless, before
the

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the day of nomination, in the case of an election, or at least ten days before any poll, all sums then due in respect of any rate or rates upon all land within the district for the payment of which he is primarily liable have been paid: Provided such rate or rates have been declared six months prior to such election; and any ratepayer or collector of rates or scrutineer appointed under this Act may object to any person voting if such rates are not paid. The clerk shall cause a list of all persons whose rates are paid in accordance with the provisions hereof to be prepared for use at every polling-place, and such list shall constitute the voters' roll in respect of such polling-place; and, for the purpose of the annual elections, such list shall be compiled from the assessment-book for the year ending June thirtieth preceding the day of election":

(d) I. By striking out in the ninth line of section 122 of the principal Act the words "this part of this Act," and by substituting therefor the words "section 120":

II. The last-mentioned section shall operate as regards rates either accrued or hereafter accruing due:

(e) By striking out subsection v. of section 127, and substituting the following new subsection therefor:—

"v. At any election or poll every person of the age of eighteen years or upwards, whose name appears as a ratepayer in the assessment-book in force for the time being, shall have one vote for every acre of ratable land in respect of which he is assessed. Any such ratepayer who at the time of the holding of the election or poll is distant more than twenty miles from the polling-booth, or is unable to attend owing to illness, may, subject to the proviso hereinafter contained, vote by his attorney under power, such power to be produced to the Returning Officer at the election or poll: Provided that a statutory declaration by such ratepayer as to his absence or intended absence, or as to such illness, be produced to the Returning Officer, together with such power. Any such declaration shall be conclusive evidence of such absence or illness, as the case may be":

(f) By inserting in subsection ix. of section 127 the words "or voting papers" after the words "voting paper" wherever the latter words occur in that subsection.

Previous sales
validated.

4. Any order for sale heretofore made by the Supreme Court or a Judge thereof under the principal Act and all sales made and titles acquired pursuant to any such order, are hereby confirmed and validated.

Notice of application
a condition precedent.

5. No application under section 122 of the principal Act shall be made to the Court unless it shall be then shown that at least one month

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month prior to such application the Trust posted a notice or notices addressed to the person or persons who at the time of such posting appeared in the register-book at the Lands Titles Registration Office at Adelaide as having any interest in the land in respect whereof an order for sale is sought. Such notice may be in the form in the Schedule hereto or to the like effect, and shall be deemed to be a sufficient notice of the said application to all persons concerned, but the non-receipt of such notice shall not affect any sale made under an order of the Court.

6. In every case where land has heretofore been or may hereafter be offered for sale, pursuant to the provisions of section 122 of the principal Act, but no sale has thereupon taken place, the Trust may at any time thereafter, without any further application to the Supreme Court, and without any further notice in the *Government Gazette* or to any person, sell such land either by public auction or private contract, and without any reserve or upset price, if the rates which were in arrear at the date when such land was first offered for sale as aforesaid, or any part of such rates, shall still remain unpaid.

After once offered for sale and unsold, lands may be sold privately.

7. When any land is offered for sale by public auction, pursuant to the said section 122 or to section 4 hereof, it shall be lawful, notwithstanding any other enactment, for the clerk of the Local Court at Renmark aforesaid, if at the time of such sale being ordered or determined upon there shall be no licensed auctioneer carrying on business at Renmark, to act as the auctioneer at such auction without taking out any licence in that behalf, and such clerk shall be entitled to be paid by the Trust the ordinary remuneration for his services as if he were a licensed auctioneer.

Clerk of Local Court may act as auctioneer.

8. The proceeds of such sale, after payment of the expenses thereof and incidental thereto, shall be applied in payment—

Application of proceeds.

Firstly. Of such unpaid rates as aforesaid, together with interest thereon at the rate of Ten Pounds per centum per annum;

Secondly. Of any additional rates upon the same property which at the date of such sale shall have accrued due and the like interest thereon;

and the balance shall be paid into the Supreme Court in the matter of the petition filed pursuant to the said section 122, for the benefit of the parties entitled thereto.

9. Upon proper evidence of any such sale as aforesaid being adduced, a memorandum of transfer shall be executed by the Master as if he had been ordered by the said Court so to do, as provided in the said last-mentioned section.

Transfer to purchaser.

10. The sum of Three Thousand Pounds, advanced to "The Renmark Irrigation Trust, No. 1," pursuant to "The Renmark Irrigation Trusts Loan Act, 1896"; and also the sum of Sixteen Thousand Pounds,

Terms of repayment of loans.

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Pounds, advanced to the Trust pursuant to said "The Renmark Irrigation Trusts Loan Act, 1900"; and also the sum of Six Hundred and Forty-one Pounds Five Shillings, being the amount of interest which accrued due by the Trust in respect of the two first-mentioned sums for the period from the first day of June, one thousand nine hundred and five, to the thirty-first day of March, one thousand nine hundred and six, all of which sums are hereby capitalised to form one principal sum of Nineteen Thousand Six Hundred and Forty-one Pounds Five Shillings, together with interest on such principal sum, shall be repaid by the Trust as follows:—

- (1) Interest at the rate of four and a half per centum per annum on the total principal sum of Nineteen Thousand Six Hundred and Forty-one Pounds Five Shillings shall be paid as from the first day of April, one thousand nine hundred and six, by half-yearly payments up to and including the first day of April, one thousand nine hundred and nine (the sum of One Hundred Pounds in the hands of the Treasurer of the said State to the credit of the said Trust on the twenty-ninth day of November, 1905, being applied towards the first of such half-yearly payments).
- (2) From and after the first day of April, one thousand nine hundred and nine, the said principal sum of Nineteen Thousand Six Hundred and Forty-one Pounds Five Shillings, together with interest thereon at the rate of four and a half per centum per annum, shall be repaid by the Trust by half-yearly payments of Three Pounds Fourteen Shillings and Two Pence per centum on the amount of such principal sum and interest, the first of such payments to be made on the first day of October, one thousand nine hundred and nine.

Educational lands
transferred to Trust.

11. The lands now vested in the Commissioner of Educational Lands pursuant to paragraph 18 of The Chaffey Brothers Agreement, as appears by certificate of title registered in the Lands Titles Registration Office at Adelaide, volume 579, folio 27, are hereby transferred to the "Renmark Irrigation Trust No. 1," freed and discharged from the trusts created and declared by the said paragraph, but otherwise subject to all leases, mortgages, trusts, equities, and dealings now affecting the said lands; and upon production of the duplicate of such certificate of title to him the Registrar-General shall register the transfer thereof accordingly.

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

GEORGE R. LE HUNTE, Governor.

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SCHEDULE.

NOTICE TO OWNERS, ETC.

*Renmark Irrigation Trust, No. 1.*To A B [*here set out address appearing in register-book*].

Take notice that there is now due to the above Trust in respect of [*here describe property*] the sum of £ , for rates up to the year ending , and unless the amount so due be paid to the Secretary to the Trust within one month from the posting of this notice a petition will be presented to the Supreme Court for an order for sale of the said land.

Dated this day of , 190 .

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Secretary of the said Trust.