



ANNO SEXTO

EDWARDI VII REGIS.

A.D. 1906.

No. 910.

An Act to create Trusts for certain Reclaimed Swamp Lands, and to enable Loans to be made to Swamp Lessees.

[Assented to, December 22nd, 1906.]

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 Reclaimed Swamp Lands Trusts Act, 1906." Short title:

2. This Act is divided into Parts, as follows:—

Division of Act.

- PART I.—Interpretation:
- PART II.—Irrigation Areas:
- PART III.—Board of Trustees:
- PART IV.—Officers of the Board:
- PART V.—Meetings and Business of the Board:
- PART VI.—Powers of the Board:
- PART VII.—Loans to Lessees:
- PART VIII.—Regulations:
- PART IX.—Miscellaneous:
- PART X.—Legal.

PART I.

PART I.

INTERPRETATION.

Interpretation.

3. In this Act—

“ Board ” means a Board of Trustees appointed under this Act:

“ Commissioner ”

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“Commissioner” means the Commissioner of Crown Lands and Immigration for the time being:

“Gazette” means *The South Australian Government Gazette*:

“Irrigation area” means an irrigation area declared under this Act:

“Justice” means Justice of the Peace for the said State:

“Proclamation” means a Proclamation by the Governor in the *Gazette*:

“Ratable property” means any lands situate within an irrigation area.

“Ratepayer” means the occupier or owner of ratable property:

“Reclaimed lands” means lands reclaimed from being swamp lands.

PART II.**PART II.****IRRIGATION AREAS.**

Irrigation area.

4. Any area or areas of reclaimed lands may be declared an irrigation area in manner hereinafter provided.

Formation.

5. A majority of lessees occupying any such area may present a petition to the Governor praying that such area may be declared an irrigation area.

Petition for.

6. Every such petition shall be signed by the petitioners, and shall state—

i. The boundaries proposed for such irrigation area:

ii. The names of the petitioners:

iii. The area occupied by each:

and shall contain a statutory declaration by some person, not being one of the petitioners, that the signatures to the petition are those of the persons whose they purport to be.

Proclamation of.

7. The Governor, upon receipt of any such petition, may, by Proclamation, declare the area of reclaimed lands mentioned therein to be an irrigation area, and may at any time alter the boundaries thereof or rescind such Proclamation.

PART III.**PART III.****BOARD OF TRUSTEES.**

Trustees.

8. The management and control of every irrigation area shall be vested in a Board of Trustees.

9. Every

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PART III

9. Every Board shall consist of five members, one to be appointed by the Governor and the other four to be elected in manner hereinafter appearing, and shall be a body corporate under the name of "The _____ Irrigation Board," and shall have perpetual succession and a common seal, and by such name be capable of suing and being sued.

Constitution.

10. The corporate name of the Board shall be part of the common seal.

Name of Board.

11. The following provisions shall apply to the constitution of the first Board:—

Appointment of Board and auditors.

(a) The Governor shall appoint five persons to be the Board:

(b) One of such members shall be a Government officer:

(c) All other members of the Board shall be ratepayers within the area:

(d) The Governor may also appoint one of such members to be chairman of the Board, and two auditors:

(e) Such Government officer shall hold office during the pleasure of the Governor, and shall not be subject to retirement by effluxion of time:

(f) Such other members of the Board and the auditors shall retain office until the election of their successors, as hereinafter provided.

12. Every ratepayer in the irrigation area, having attained the age of eighteen years, shall be qualified to be a member of the Board, unless he or she—

Who may be trustee.

(a) Is an uncertificated insolvent:

(b) Holds the office of treasurer, auditor, or a place of profit in the gift of the Board:

(c) Is pecuniarily interested in a contract with the Board.

13. The following acts and events shall cause a vacancy in the office of member or auditor of a Board:—

How vacancy occasioned.

(a) Death or lunacy:

(b) Insolvency, or the execution 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:

(c) The conviction of felony:

(d) Absence

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- (d) Absence from the State, without leave of the Board, during the holding of three consecutive ordinary meetings, or failure to attend the meetings of the Board for three consecutive ordinary meetings without sufficient cause, and followed, in either case, by a resolution passed by the Board within three weeks after the last of three such consecutive ordinary meetings declaring the office vacant, which resolution the Board may pass but are not bound to pass.
- (e) Any disqualification, and notice thereof by the disqualified person or some person on his behalf, posted or delivered to the chairman, or, if there be no chairman, to the Commissioner:
- (f) Resignation, by notice posted or delivered as aforesaid:
- (g) Retirement by rotation, as provided by this Act:
- (h) The judgment or order of any duly authorised Court or Justices declaring the office vacant.

Time of elections.

14. (1) At the expiration of twelve months from the appointment of the first Board and auditors, and subject to the provisions of subsection (e) of section 11 hereof, an election of trustees and auditor shall be held.

(2) At the conclusion of such twelve months, and thereafter at every annual election, one-half of such members (other than the Government officer) shall retire.

(3) The members to retire at the expiration of twelve months from the time of the first appointment shall be decided by lot. Members to retire at the expiration of every subsequent twelve months shall be those 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.

(4) 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 of Chairman that he should draw lots, shall retire or draw lots between them to decide which of them shall retire.

(5) Members required by this Act to retire shall go out of office, but shall be deemed to hold office until their successors are appointed.

(6) At the expiration of twelve months from the appointment of auditors, and thereafter at every annual election, one auditor shall retire from office. The auditor to retire shall be the one who has held office the longest without re-election, and if both shall have so held office for the same length of time the auditor to retire shall be decided by lots to be drawn by the chairman.

(7) All drawing of lots to decide retirements shall be had fourteen days at least before day of election.

15. (1) The

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PART III.

Elections.

15. (1) The first Board shall, by regulation, prescribe the manner in which members (other than the member to be appointed by the Governor) shall be elected.

(2) Every ratepayer of the full age of eighteen years whose name at the time of election appears on the roll of lessees, as provided in Part V. of this Act, may vote.

(3) In case of joint tenancy or tenancy in common in respect of any ratable property, one only of such joint tenants or tenants in common shall vote, and may vote in the order in which such votes shall be tendered.

(4) No ratepayer shall vote until he or she has paid all rates declared six months previously, and which shall then be payable by him or her in respect of the property for which he or she claims to vote.

(5) Any ratepayer may object to a person attempting to vote if such rates shall not have been paid.

(6) The Board shall post a list of all ratepayers who owe any rates at every polling-place, but the non-posting of such list shall not invalidate the election.

16. When the powers and functions of a Board are for any reason suspended, or the Board is abolished, the Governor may, by Proclamation, authorise the Commissioner to exercise all the powers, authorities, functions, and duties of the Board abolished, or whose functions are suspended, until such suspension ceases or a new Board is appointed.

Effect of abolition and suspension.

17. All property, real and personal, and all obligations, authorities, immunities, rights, powers, privileges, functions, and duties vested in or imposed upon the Board, by any means whatsoever, shall, by force of this Act, be transferred to and vested in the Commissioner while the powers and functions of the Board are suspended upon the abolition of the Board.

Property to vest in Commissioner.

18. Upon failure by the first or any Board so to prescribe, or when an election shall wholly or in part fail to be made as appointed in this Act, or such election, being made, shall afterwards become wholly or in part void, the Governor may appoint the members and auditors of the Board required to be elected.

Failure of elections.

19. The Board shall, within forty-eight hours from the election of a person to an office in the district, cause to be delivered or posted to such person a notice informing him of such election, and within fourteen days of such election shall insert a notice thereof in the *Gazette*.

Notice of election to be given to each person elected, and to be inserted in *Gazette*.

20. If the Board fails to proceed to an election for the space of twenty-one days from the last day on which such election is required by this Act to be held, a Justice or Special Magistrate may, upon the request in writing of three ratepayers of the irrigation area, do every act required to be done for holding such election.

Where Board fails to hold election, Justice or Special Magistrate to hold the election.

PART

*The Reclaimed Swamp Lands Trusts Act.—1906.***PART IV.****PART IV.****OFFICERS OF THE BOARD.****Board may appoint officers.**

21. The Board may appoint all such officers to carry out the purposes of this Act as they shall think proper and necessary, and may pay such salaries and allowances as the Board shall deem reasonable.

No member to hold office of which Board has the power of appointment.

22. No member of the Board shall hold any office of which the Board has the power of appointment.

No officer to be interested in contracts.

23. No officer shall be concerned or interested in any contract made by the Board.

Officer to render accounts.

24. Every person employed by the Board shall render to the Board, within such time and manner as they shall direct, true and faithful accounts, in writing, of all moneys received or expended by him, and all moneys due by any person to the Board, and on what account the same is due.

PART V.**PART V.****MEETINGS AND BUSINESS OF BOARD.****Appointment of chairman.**

25. Every Board, after the first, shall appoint one of their number chairman, who shall hold office until the appointment of his successor.

Vote of chairman.

26. The chairman shall have a casting as well as a deliberative vote.

Acting chairman may be appointed.

27. In the absence of the chairman from any meeting from any cause an acting chairman shall be appointed.

Ordinary meetings.

28. Ordinary meetings of the Board may be held after three days' written notice thereof given to the members by the secretary.

Extraordinary meetings.

29. Any special or extraordinary meeting may be called by the chairman, or any two members, giving the like notice in writing thereof to the other members.

Quorum.

30. Any three members of the Board shall form a quorum for the transaction of business.

Roll of lessees.

31. The Board shall cause a roll to be kept of all lessees holding lands within the irrigation area, setting forth the area and position of such lands.

Alteration of roll.

32. Such roll may be altered or added to at any Board meeting, and a revised roll shall be compiled once at least in every twelve months.

33. The

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PART V.

33. The first members of a Board shall hold office until the next Board is elected, or such first-mentioned Board is abolished, or ceases to exist, up to the day and month of the next year after their election corresponding to the day and month when the first elections were held, and all subsequent elections shall be held on the like day and month in each and every year.

Determination of office of elected members of Board.

34. The Governor may appoint any new member to the Board in place of any member theretofore appointed by him.

Governor may appoint trustees at any time.

35. The Board first constituted, and thereafter each successive Board, shall do all necessary acts, matters, and things prior to the date when their term of office shall expire to obtain nominations for trustees and auditors, and if the nominations exceed the number of trustees or auditors required, shall cause, on the date when they retire from office, an election to be held to determine which of the persons nominated shall be the trustees and auditors for the next ensuing year.

Board to arrange elections.

36. In the event of any elected member or auditor resigning, or being incapacitated in any manner from acting, or being absent for three meetings without the consent of the Board, a new member or auditor may be appointed by a majority of the members present at any meeting.

Determination of office of elected member.

37. When from any reason the business of a Board is not carried on, or the business and works connected with any irrigation area is neglected, the Governor may declare all offices vacant, and thereupon, by Proclamation, appoint a new Board, but such Board shall hold office only until such time as the retired Board would have held office.

Governor may declare offices vacant.

38. The appointed members may do all acts, matters, and things which the Board might do when from any cause the Board is not properly constituted, or where the business of the Board is at a standstill or neglected.

Appointed members may carry on business.

PART VI.

PART VI.

POWERS OF THE BOARD.

39. The Board, in addition to all other powers, shall have and may exercise the following powers and authorities:—

Board's powers.

i. To do all necessary acts, matters, and things for the making, construction, improving, altering, cleansing, repairing, widening, deepening, diverting, or extending any channel, drain, or watercourse, or any embankment or defence against waters:

To make drains, &c.

ii. To erect within its jurisdiction all necessary buildings, bridges, and machinery, and to maintain, alter, or discontinue the same:

To erect buildings and machinery.

iii. To

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PART VI.

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| To break up soil &c. | III. To break up and, if necessary, remove the soil of any road, way, embankment, or footpath, and, where the same is under the control of any local authority, after one month's written notice to such authority: |
| To excavate trenches. | IV. To excavate and sink trenches for the purpose of laying down, making, and constructing channels and drains within the irrigation area: |
| To connect drains. | V. To cause channels and drains to communicate with any stream or watercourse within or without the limits of the irrigation area: |
| To remove earth, stone, and clay. | VI. To enter by themselves upon any lands within the irrigation area for the purpose of inspecting or removing any earth, stone, or clay therefrom, and of making, constructing, and diverting drains, channels, and watercourses, and of regulating the supply of water to any person, or by any drain, channel, or watercourse, or for any of the purposes of this Act: |
| To dig or bore. | VII. To enter themselves, or by their agents, upon any lands or premises whereon or wherein it is proposed to execute any works, and on land adjacent thereto, and, if necessary, to dig or bore therein: |
| To examine and open sluices and floodgates | VIII. To examine any weir, sluice, or floodgate erected in or upon or adjacent to the river, and to open or raise any such floodgate or sluice for any purpose whatever: |
| To examine channel. | IX. To bore the bed, or channel, or any part of the river, or the land immediately adjacent thereto: |
| To use adjacent land. | X. To use adjacent lands for making temporary roads or approaches to any work: |
| To execute all works for the betterment of the area. | XI. To do all acts, matters, and things, and execute and carry out works of any kind within the irrigation area having for their object the betterment of the irrigation area, and to secure the health, comfort, and convenience of the lessees occupying lands therein: |
| To levy rates. | XII. To levy rates on all the ratable lands in the irrigation area, except lands belonging to the Crown, which shall not be deemed ratable unless occupied by some other person: |
| To raise a loan by special rate. | XIII. To raise a special loan for irrigation works, and levy a special rate for making necessary tanks, or channels, or repairs thereto, or any other incidental work: |
| To borrow money. | XIV. To borrow moneys in anticipation of its current revenue from any bank, by way of overdraft, providing that such overdraft shall not exceed in amount the income of any one year: |
| To enter into contracts. | XV. To enter into contracts for effecting the purposes of this Act: |
| To regulate waters. | XVI. To regulate and control all drainage waters in the main channel and drain. |

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PART VI.

Board to have all the powers of a District Council.

40. (1) The Board, with the approval of the ratepayers, may, for the purposes of the administration of this Act, exercise within the irrigation area all the powers and authorities conferred upon a District Council under "The District Councils Act, 1887"; and the said Act shall, for the purposes of this Act, be read as if the words "Board of Trustees" or "Board" had been inserted therein in lieu of the words "District Council" or "Council," wherever such words occur in the said Act.

(2) Ratepayers shall have all the powers and privileges conferred upon ratepayers under "The District Councils Act, 1887," and the Acts amending the same.

41. The roll to be kept under section 31 shall be deemed to be the ratepayers' roll for any purpose of rating, or any matter connected therewith; and, if there be no revised roll, the then existing roll shall for all purposes be deemed the ratepayers' roll.

Roll to be ratepayers' roll.

42. If any land within the irrigation area shall not, as to the drainage of surface and storm water, be drained by some efficient drain communicating with some watercourse or drain used under the authority of this Act, the Board may construct through any land lying between the first-mentioned lands and the nearest such watercourse or drain an efficient drain suited for draining therefrom and from the intermediate lands such surface and storm water as aforesaid, but so that such drain shall not pass through or under any house, building, or other like structure.

Board may drain surface and storm water.

43. All costs and expenses incurred in constructing such drain shall be apportioned by the Board among the owners deriving any benefit therefrom, so far as possible, in proportion to such benefit, and shall be repaid by such owners after notice in that behalf by the Board; and the same, if not paid, may be sued for and recovered as a debt due to the Board.

Owners benefited thereby to pay cost.

PART VII.

LOANS TO LESSEES.

PART VII.

44. (a) A fund is hereby constituted, to be called the "Swamp Lessees' Loan Fund," and shall consist of such moneys as Parliament shall provide for the purposes of loans to lessees of swamp lands.

Constitution of Swamp Lessees' Loan Fund.

(b) Such moneys shall be set apart for such purpose and shall be under the control of the Commissioner.

45. All moneys received by the Commissioner in repayment of any advances under this Act shall be placed to the credit of the said fund, and form part thereof. Moneys received as interest shall be paid to the Treasurer in aid of the general revenue of the State.

Principal moneys repaid to form part of fund, but interest to be paid into the revenue.

46. The Commissioner shall keep accounts showing all operations on the said fund, as well as all moneys paid to and received from each lessee to whom any advances shall be made under this Act.

Commissioner to keep accounts.

47. Advances

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PART VII.

Advances.

47. Advances may be made by the Commissioner out of the said fund to assist lessees of swamp lands who observe and perform the covenants and conditions of their leases or agreements to the satisfaction of the Commissioner—

- i. In erecting or completing permanent buildings, and making permanent improvements on their lands :
- ii. In the making of improvements which permanently increase the capital value of the land.

Nature of improvements.

48. Such last-mentioned improvements may consist of clearing the land or fencing the same, erecting or making thereon permanent water improvements, such as drains, dams, wells, tanks, water-courses, windmills, and the like.

Conditions of advances.

49. (1) Advances under sub-section i. of section 47 shall not exceed one-half of the cost to the lessee of the permanent buildings and other permanent improvements (if any) which shall be then subsisting, in good repair and condition, on his block.

(2) Advances under sub-section ii. of section 47 shall not exceed one-half the value of the improvements.

(3) The amount owing to the Commissioner by any lessee for moneys advanced under the said section, with interest, shall not at any time exceed in the whole Seventy-five Pounds.

Applications.

50. Every application for an advance shall be made in writing to the Commissioner ; and

- i. In a form prescribed by the Commissioner ; and
- ii. Supported by—
 - (a) The report of the Government officer on the Board, or other authorised officer ; and
 - (b) Vouchers, statutory declarations, and other evidence showing the cost of and condition of the permanent buildings and other permanent improvements (if any) ; and
 - (c) Such other evidence as the Commissioner may require.

In computing the cost the labor of the lessee may be taken into account.

Agreement to be executed by lessee.

51. Every lessee, on obtaining such an advance, shall enter into an agreement with the Commissioner in such form as may be prescribed, and such loan agreement may contain such additional terms and conditions as the Commissioner shall think necessary.

Moneys, how repaid.

52. All moneys hereafter advanced to any lessee shall be repaid to the Commissioner, together with interest at the rate of Four Pounds per centum per annum, by twenty equal annual instalments, to be calculated at the rate of Seven Pounds Seven Shillings and
Two

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Two Pence per centum of the amount advanced, the first instalment to be paid at the expiration of twelve months from the date of such advance: Provided that the lessee may pay the whole or any portion of the amount advanced at any time prior to the expiration of the time agreed or prescribed for payment.

PART VII.

53. Any breach by the lessee of any of the terms or conditions of such his agreement shall be deemed a breach of the conditions of the lease or agreement, and shall render the lease or agreement liable to be cancelled and forfeited in the same manner as Crown leases or agreements where rent is in arrear. No grant shall issue for any land, nor shall any agreement be entered into on surrender of any land, until all advances have been repaid.

Breach of agreement to render holding liable to forfeiture.

54. In cases of hardship the Commissioner may extend the time for making any payment on account of any loan under this part of this Act: Provided that the deferred payments shall bear interest at the rate of Five Pounds per centum per annum.

Extension of time for repayment.

55. While any principal or interest moneys remain owing by any lessee in respect of advances made, the lessee shall not pull down or remove, or suffer to be pulled down or removed, or destroy, damage, or injure, or suffer to be destroyed, damaged, or injured, any permanent building, erection, or drain, embankment, or other water improvement erected or made upon the land comprised in his lease or agreement, without the consent in writing of the Commissioner thereto.

Lessee not to remove, destroy, or injure improvements.

56. If any lessee shall obtain an advance under this Part, no sub-lease, mortgage, or other encumbrance (except the agreement provided for in section 51) subsequently executed by him shall have any validity until such advance, and all interest in respect thereof, shall be fully repaid and satisfied.

Mortgages, &c., subsequent to advance be void.

PART VIII.

REGULATIONS.

PART VIII.

57. The Board, with the consent of the Governor, may, for fully and effectually carrying out and giving force and effect to the various objects, purposes, rights, powers, and authorities of this Act, make, alter, rescind, and amend regulations, and make other regulations in addition to or in lieu thereof, including regulations for fees, and penalties not exceeding Twenty Pounds for any one offence.

Regulations.

58. (1) Such regulations, alterations, amendments, and revocations shall be published in the *Gazette*, and shall be laid before both Houses of Parliament within fourteen days after the publication thereof, if Parliament be then sitting, and if not, then within fourteen days after the next Session of Parliament shall begin; and if, within sixty days of the laying before Parliament of such regulations, either

Regulations to have force of law, and to be laid before Parliament.

House

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PART VIII.

House of Parliament pass a resolution objecting to any such regulations, amendments, or revocations, 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 in the *Gazette*.

Regulations to take effect from publication.

(2) Subject to the foregoing provisions, all such regulations, amendments, and revocations shall have the full force of law from the first date of publication thereof.

Gazette evidence of regulations.

(3) The *Gazette* containing any such regulations, alterations, amendments, or revocations, purporting to be made by the Governor by virtue of this Act, shall be conclusive evidence of the making thereof, and the *Gazette* containing a notice of a resolution being passed by either House of Parliament objecting to any such regulation, amendment, or revocation shall be conclusive evidence of the passing of such resolution.

Purposes for which by-laws may be made.

59. The Board may make by-laws for carrying out the provisions of this Act, and for the following purposes:—

- i. To regulate the manner of calling and holding meetings of the Board and committees thereof, and the quorum of such committees:
- ii. To regulate the form and places of posting or manner of publication of public notices to be published by the Board:
- iii. To regulate elections and the appointment of officers or other persons to carry out the provisions of this Part of this Act in relation to elections:
- iv. To regulate the appointment, duties, and control of all or any officer or servants of the Board, and the time and mode of payment for their salaries and fees:
- v. To fix or regulate the securities to be taken from, or on behalf, or to secure the fidelity of any officer or servant:
- vi. To regulate the making or declaring of rates:
- vii. For the appropriation and expenditure of the revenue of the Board:
- viii. For the punishment of persons falsely representing themselves to be officers of or appointed by the Board:
- ix. For the more effectual exercise of the powers and discharge of the duties and liabilities hereby conferred and imposed on the Board:
- x. To require owners and occupiers to fence supplies of water:
- xi. To fix pecuniary penalties for offences against or breaches of such by-laws, or any of them, and to fix 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:

xii. To

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xii. To regulate the irrigation water supply and the flow of the drainage waters into the main channel, and the disposal of such waters.

PART VIII.

60. (1) At least two-thirds of the members then in office shall be present at the meeting of the Board to pass such by-laws.

By-laws to be passed by two-thirds of members in office.

(2) No by-law shall be of any force until signed by the chairman and secretary, and confirmed by the Governor, and published in the *Gazette*.

(3) After the expiration of one month from such publication, the by-laws shall have the force of law, and shall, until altered or repealed, have effect within the District as if such by-laws were part of this Act.

PART IX.

PART IX.

MISCELLANEOUS.

61. The Board shall cause all watercourses, channels, or drains to be kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and maintained in proper order, and in default the Board shall be liable to the occupiers of land for any damage thereto in consequence of or through the disrepair of any such watercourse, channel, or drain.

Board to clean watercourses, &c.

62. Nothing herein contained shall render the Board, or the Commissioner, or the Government of the said State liable for damages consequent upon insufficiency of water, or for injury to any land or other property which may happen through or by such insufficiency, or through or by flood waters or the overflowing of any river, stream, or watercourse, or by the breaking of any embankment, channel, drain, or sluice, unless the occupier shall have given written notice to the Board warning them of the probability of such injury, and the Board shall have neglected within a reasonable time thereafter to take the reasonable precautions to remedy the defect; and in such case the remedy shall only be against the Board and the funds thereof, and not against the individual members.

No liability except in certain cases.

63. Whenever any irrigation area is abolished, enlarged, or curtailed, the Governor shall appoint some person to hold an inquiry and make an award apportioning the real and personal property, and the debts, liabilities, and engagements of the Board, as may be deemed advisable.

Abolition or alteration of area.

64. Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested, and by whom any moneys shall be paid, or other acts or things done, including the payment of any costs of the inquiry, and may give such directions as may be necessary to give effect to the inquiry.

Award on.

65. Every

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To be final.

65. Every such award shall be final, and shall, from the date thereof, have the operation of, and be enforceable as, and held to be a judgment of the Supreme Court.

Creditors' rights preserved.

66. Nothing in the immediately preceding sections shall in any way affect the rights or interests of any creditor of the Board, or shall relieve the ratepayers for the time being in the drainage area from their liability to pay any special rate made under the provisions of this Act for a security for any loan.

Disputes with local authorities.

67. Where notice is given to any local authority of the intention of the Board to do any work authorised by this Act, and the local authority shall object to the proposed work before or within a reasonable time after the commencement of the same, the matter shall be referred to the Commissioner, whose decision shall be final.

PART X.**PART X.****LEGAL.***Gazette* evidence of facts stated therein.

68. The production of the *Gazette* containing any publication required to be published shall be conclusive evidence of the facts stated, recited, or assumed therein.

Proclamation valid for all purposes.

69. No Proclamation shall be invalid by reason of anything required as preliminary thereto not having been done, or not having been duly done.

Documents of Board, how verified.

70. Every notice, document, or other writing requiring to be authenticated by the Board may be sufficiently authenticated without the common seal of the Board, if signed by the chairman, by two members of the Board, or the secretary.

Service of notices.

71. Service of any document may be effected by giving the same personally to the chairman or secretary, or leaving it at the office of the Board.

Seal of Board to prove itself.

72. The corporate name of every Board shall be part of the seal of such Board, and judicial notice shall be taken of such seal by every Court and Justice, and the same shall be kept at the office of the Board.

Offences.

73. The failure of any person to do any act, matter, or thing, when required so to do by the Board under the powers vested in them by this Act or any regulation, shall be an offence against the provisions of this Act.

Who may lay informations, and hearing of same.

74. (1) All proceedings may be had and taken, and all informations may be laid, for any offence against this Act, at the instance of any person; and all complaints and informations shall be heard and determined, and all moneys, costs, and expenses shall be recovered, in a summary way before a Special Magistrate or any two Justices.

(2) The

The Reclaimed Swamp Lands Trusts Act.—1906.

PART X.

(2) The Special Magistrate or Justices may also, in case any penalty is imposed, order the defendant, in default of payment thereof, to be imprisoned, with or without hard labor, for any period not exceeding six months.

75. All penalties shall, except where otherwise provided, when recovered, be paid to the Treasurer of the State. Penalties.

76. There shall be an appeal from any decision of any Special Magistrate or Justices to the Local Court of Adelaide of Full Jurisdiction. Appeal to Local Court.

77. Such appeal shall be regulated by Ordinance No. 6 of 1850 and "The Justices Procedure Amendment Act, 1883-4"; and such Local Court may make such order as to costs as it shall think fit. Procedure of appeal.

78. Such Local Court may state a special case for the opinion of the Supreme Court. State case for opinion of Supreme Court.

79. The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make any order as to the costs of the proceedings in that Court and in the Court below. Procedure on special case.

80. All actions for anything done under this Act shall be commenced within six months after the cause of action shall have arisen, and not afterwards. Notice in writing of such action, and the cause thereof, shall be given to the defendant one month at least before the commencement of the action. In every such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon. No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before action brought, or if a sufficient sum of money shall have been paid into Court by or on behalf of the defendant after action brought, together with the costs incurred up to that time. Protection to persons acting in execution of this Act.

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

GEORGE R. LE HUNTE, Governor.