

T A S M A N I A.



1865.

ANNO VICESIMO-NONO

VICTORIÆ REGINÆ,

No. 8.



AN ACT for the Government of Rural Municipalities. [29 September, 1865.]

WHEREAS it is desirable that the Constitution and Incorporation of Rural Municipalities in *Tasmania* should be provided for and regulated in one general Act: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

Short Title.

1 This Act may be cited for all purposes as *The Rural Municipalities Act, 1865.* Short Title.

Repeal.

2 On and after the day on which this Act commences and takes effect, the Acts of the Parliament of *Tasmania* set forth in the Schedule (1) shall be hereby repealed: Provided that such repeal shall not affect—

Repeal of existing Acts.

- 1. Anything duly done before this Act commences and takes effect:
- 2. Any liability accruing before this Act commences and takes effect.

Interpretation.

3 In the interpretation and construction of the provisions of this Act the following words and terms shall have the respective meanings hereby assigned to them, unless inconsistent with or repugnant to the context; that is to say—

Interpretation.

“Property” shall mean lands or buildings and lands and buildings. “Property.”

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- “ Owner.” “ Owner” used with reference to any property shall mean the person for the time being in the actual receipt of or entitled to receive, or who, if such property were let to a tenant, would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, executor, mortgagee in possession, or otherwise, but shall not mean or include any mesne tenant.
- “ Assessment Roll.” “ Assessment Roll” shall mean and include every Assessment Roll in force for the time being in any Municipality, and made under the authority of this Act, in which any property situate within the Municipality is comprised; and also every Valuation Roll in force in any Municipality upon the passing of this Act.
- “ Municipality.” “ Municipality” shall mean and include every District by this Act constituted and declared to be a Municipality, or which may hereafter be created a Municipality under the provisions of this Act.

Commencement of Act.

Commencement of Act.

4 This Act shall commence and take effect on and after the Second day of *October*, 1865.

Constitution and Incorporation of Municipalities.

Division of Colony into Municipal Districts.

5 For the purposes of this Act the Colony, save and except *Tasman's Peninsula*, and so much of it as is contained within the boundaries of the City of *Hobart Town* and the Town of *Launceston*, is hereby divided into the Municipal Districts set forth in the Schedule (2); and such Districts shall be severally designated by the names specified in the said Schedule (2,) and shall respectively consist of and include the places and be comprised within the boundaries which are respectively specified, described, and set forth in the said Schedule (2): Provided, however, that it shall be lawful for the Governor in Council, by Proclamation, to alter the boundaries of any District not being a Municipality by excluding any portion of the area included therein, or by adding to such District any portion of the area of any adjoining District, and to re-define the boundaries of such District in accordance with such alteration; and such alteration shall take effect upon the expiration of Three calendar months after such Proclamation has been published in the *Gazette*, unless the Governor in Council in the meantime revokes the same.

Certain Districts declared to be Municipalities.

6 The Municipal Districts set forth in the Schedule (3), having been constituted and declared to be Municipalities before the passing of this Act, are hereby constituted and declared to be Municipalities under this Act, and the Municipal Electors thereof for the time being are hereby constituted Bodies Corporate and Politic by the name of “ The Warden, Councillors, and Electors,” of such Districts as designated respectively in the said Schedule (3); and the Municipal Councils of every such Municipality are declared to be the Municipal Councils of such Municipalities under this Act without any fresh elections being had.

Other Districts may be proclaimed Municipalities.

7 The Governor in Council may, on the receipt of a petition signed by not less than Fifty persons who are owners or occupiers of property in any District not hereinbefore constituted or declared a Municipality, of the annual value of not less than Twenty Pounds as shown by the Assessment Roll, praying that the same may be declared a Municipality under this Act, cause the prayer and substance of such petition to be published in the *Gazette*, and unless a counter petition signed by a greater number of persons who are also owners or occupiers of property in the same District of the like value is received by the Governor in Council within Two months from the date

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of such publication, the Governor in Council may, by Proclamation, constitute and declare such District to be a Municipality; and from and after the publication of such Proclamation in the *Gazette* every such District so proclaimed shall be thereby constituted and be a Municipality, and the Municipal Electors thereof shall be thereby constituted and declared to be a Body Corporate and Politic by the name of "The Warden, Councillors, and Electors," of such District, as designated in the Schedule (2) of this Act.

8 After the constitution of any Municipality by any such Proclamation, all previous proceedings hereinbefore required shall be deemed to have been duly taken; and no objection shall be allowed on the ground of any defect or irregularity in such proceedings, or any non-compliance with the provisions of this Act.

No objection allowed to preliminary proceedings.

9 It shall be lawful for the Governor in Council, by Proclamation, to alter the boundaries of any Municipality, with the consent of a majority of the Ratepayers of the area proposed to be taken from or added to any Municipality.

Alteration of boundaries of Municipalities.

10 Notwithstanding any such alteration, the Municipal Council of the Municipality before it was so altered shall continue to be the Municipal Council of the Municipality as altered, and all Laws and Bye-laws relating to such Municipalities shall be applicable in and to the Municipality as altered as if no such alteration had taken place.

Alteration of boundaries not to affect Council, or Bye-laws of the Municipality.

Powers, &c., of Corporation.

11 The Municipal Electors of every Municipality shall by their Corporate name have perpetual succession, and be capable in law to sue and be sued in all Courts; and to take, purchase, and hold land and personal estate; and to grant, sell, alienate, assign, demise, assure, and convey the same for any estate, term, or interest; and to do and suffer all acts as a Body Corporate under the provisions of this Act; and shall have a Common Seal; and in all cases of legal proceedings service of notice thereof upon either the Warden or Council Clerk for the time being shall be taken as good and sufficient service upon the Corporation: Provided, that it shall not be lawful for any such Corporation to sell and dispose of, or to convey, any real estate without the consent in writing of the Governor previously obtained, or to demise any such real estate for any term exceeding twenty-one years in possession.

Inhabitants of Municipalities may hold land, &c.

Police Districts.

12 Every Municipality shall be deemed to be a Police District.

Municipalities to be Police Districts.

13 The Council Clerk of every Municipality shall be the Clerk of Petty Sessions holden within the Municipality: Provided, that where more than one Court of Petty Sessions is held in any Municipality, the Warden of such Municipality shall appoint some fit and proper person to be the Deputy Clerk of Petty Sessions in respect of such additional Courts of Petty Sessions.

Council Clerk to be Clerk of Petty Sessions.

Warden to appoint Deputy Clerk.

Custody of Common Seal and Records.

14 The Common Seal, and all Deeds, Muniments, and Records of every such Corporation, or relating to the property thereof, shall be kept in such place as the Municipal Council from time to time directs; and the Council Clerk for the time being shall have the charge and custody thereof, and be responsible for the same.

Custody of the Seal and Corporate Records.

*Rural Municipalities.**Boundary Marks.*

Boundary marks.

15 It shall be lawful for the Municipal Council of every Municipality to cause to be set up, and to maintain, at the expense of the Municipality, permanent and conspicuous boundary marks of iron, wood, stone, or other durable material, in exact conformity, or as near thereto as circumstances will admit, with the metes and bounds of the Municipality, and in the most public and convenient places along or near the line of such metes and bounds.

Penalty for destroying, &c. boundary marks.

16 Any person who wilfully or maliciously destroys, pulls down, or obliterates, defaces, injures, or conceals any such boundary mark as aforesaid, shall for any such offence forfeit and pay, in addition to the value of such boundary mark, a penalty not exceeding Five Pounds.

Municipal Electors.

Qualification of Electors.

17 Every male of the age of Twenty-one years, whose name is on the Assessment Roll as Proprietor of property within the Municipality of the annual value of not less than Ten Pounds, or as Occupier of property within the Municipality of the annual value of not less than Fifteen Pounds, shall be a Municipal Elector of such Municipality: Provided, that no person being an Alien shall be a Municipal Elector unless he has received Letters of Denization or a Certificate of Naturalization.

Provides for joint proprietorship or occupation.

18 Where any property within the Municipality is jointly owned or occupied by more persons than one, each of such joint owners or occupants, if the annual value of such property is of an amount which, when divided by the number of such joint owners or occupants, gives for each owner or occupant a sum not less than the sum which would entitle such person to be a Municipal Elector if he owned or occupied separately, shall, subject to the conditions hereinbefore contained, be a Municipal Elector, and entitled to vote as such in respect of the property so jointly owned or occupied; and if the value of such property is not of such an amount as to be so divisible as aforesaid, then only such one of such joint owners or occupants shall be a Municipal Elector, and entitled to vote as such in respect of the said property so jointly owned or occupied, as is for that purpose deputed in writing by the other or others of such joint owners or occupants; and where any building within the Municipality is occupied in apartments or portions by more persons than one, each of such occupants, if the annual value of the apartment or portion of such building occupied by him is of an amount which would entitle such occupant to be a Municipal Elector if such apartment or portion were a separate building, shall, subject to the conditions hereinbefore contained, be a Municipal Elector, and entitled to vote as such in respect of such apartment or portion of such building so occupied by him.

How Elector may vote when part only of his property on the Assessment Roll is within the Municipality.

19 No Municipal Elector of any Municipality whose name appears on the Assessment Roll in respect of property part of which is situated within, and part of which is situated without, the boundaries of such Municipality, shall vote in respect of such property at any Election of Councillors or Auditors for such Municipality, unless and until he produces to the Returning Officer at such Election a Certificate in the form in the Schedule (4), or to the like effect, of the annual value of such part of the said property as is situate within such Municipality, signed by two Justices of the Peace or by the Valuers who prepared such Assessment

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Roll, and then such Elector shall have a number of votes proportionate only to the annual value stated in such Certificate.

Municipal Councils.

20 In every Municipality there shall be Seven Councillors of such Municipality, one of whom shall be Warden, and the Warden and Councillors together shall be, and shall be called, the Municipal Council of such Municipality: Provided that the Council of every existing Municipality shall be held to be validly constituted, notwithstanding that each such Council consists of only Six Councillors, until the second *Friday* in *December*, 1865, when a Seventh Councillor shall be elected in manner hereinafter provided. Municipal Councils.

Election of Councillors.

21 When any District is hereafter duly constituted a Municipality, then, on a day to be fixed by the Governor in Council, within Three months after the incorporation of such Municipality, and to be published in the *Gazette*, such day not being less than Twenty days nor more than Forty days from the date of such publication, an Election of Councillors shall be held, at which the Municipal Electors of the Municipality shall elect Seven duly qualified persons as and to be Councillors of such Municipality, who shall enter on office on Election. First Election of Councillors.

22 On the second *Friday* in *December*, 1865, in every Municipality constituted and declared before the passing of this Act, the Municipal Electors shall, in addition to electing Two Councillors to supply the places of those retiring by rotation, elect One duly qualified person as and to be the Seventh Councillor of such Municipality, who shall enter on office on Election; and afterwards the Councillors to go out of office shall always be the Two who have been longest in office without re-election, save that in every third year the Three who have been longest in office without re-election shall retire. Election of Councillors in *December*, 1865, in Municipalities already established, and order of retirement thereafter.

23 On the second *Friday* in *December* in every year in every Municipality certain of the Councillors shall go out of office by rotation as hereinafter provided, and on the preceding day an Election shall be held to supply their places, and the persons elected shall assume office on their predecessors going out of office: Provided, that if the first Election of Councillors of any Municipality takes place after *June* in any year, the next Election of Councillors of such Municipality shall not take place till the second *Friday* in *December* in the year following the year of such first Election, and the Councillors first elected shall continue in office till that day, and on that day certain of the Councillors shall go out of office by rotation, as hereinafter provided, and on the preceding day an Election shall be held to supply their places. Retirement of Councillors.

24 The Councillors of each Municipality shall go out of office in the following order; that is to say, the Two Councillors who had the smallest number of votes at the first Election shall be the first Two to go out of office; the Two Councillors who had the next smallest number of votes at the first Election shall be the next Two to go out of office; and in the third year, the Three Councillors who have been longest in office without re-election shall retire, and afterwards the Councillors to go out of office shall always be the Two who have been longest in office without re-election, save that in every third year the Three who have been longest in office without re-election shall retire. Rotation in which Councillors to retire.

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In case of equality of Votes, or Election without Poll, rotation to be determined by lot.

25 In case at the first Election of Councillors any Two or more Councillors are elected by an equality of Votes, or the Election is had without a Poll, it shall be determined by lot within One week and published in the *Gazette* within One month after the Election, in what rotation, as between themselves, such Councillors having an equality of votes shall retire, or in what rotation the whole body of Councillors shall retire as aforesaid, as the case may be; and in any such case the Councillors shall retire according to the rotation so determined.

Returning Officer.

26 The Warden shall be Returning Officer at every Election of Councillors; and in the case of the first Election of Councillors for any Municipality which may be constituted and declared in accordance with the provisions of this Act, the Governor shall appoint the Returning Officer.

What Electors entitled to vote.

27 All Municipal Electors shall be entitled to vote in the Election of Councillors who have paid all Municipal Rates payable to the Municipality by such Electors up to Four o'clock of the day preceding the day of Election, and not otherwise.

Number of votes to which each Municipal Elector is entitled.

28 Every Municipal Elector shall have a number of votes proportionate to the annual value as ascertained by the Assessment Roll of the property within the Municipality owned or occupied by him, according to the following scale:—

<i>Annual Value of Property.</i>	<i>Number of Votes.</i>
£10 and under £50 in the case of occupation by the owner	1
£15 and under £50, when property not in occupation of owner.....	1
£50 and under £100.....	2
£100 and under £150.....	3
£150 and under £200.....	4
£200 and under £250.....	5
£250 and under £300.....	6
£300 and under £350.....	7
£350 and under £400.....	8
£400 and under £450.....	9
£450 and upwards.....	10

And every Municipal Elector entitled to such vote or votes as aforesaid is hereby empowered to give, and shall if he votes give, the number of votes to which he is so entitled to any number of persons not exceeding the number of Councillors to be elected: Provided, however, that where the annual value of any property in the joint ownership or occupation of more persons than one as Trustees or Executors exceeds the sum of £450, such Trustees or Executors shall not amongst them have in respect of such property a greater number of votes than Ten.

Nomination of persons for Election as Councillors.

29 On and after the Fourteenth day and until the hour of Twelve o'clock at noon of the Seventh day next before any Election of Councillors, any Two Municipal Electors of the Municipality may by writing, stating their respective names and residences, nominate to the Returning Officer, at his office within the Municipality, for Election any number of other Municipal Electors, qualified to be elected as Councillors, not exceeding the number then to be elected; and during the Seven days next before the Election, and as soon and as often as conveniently can be done and on the day of Election, there shall be published in the Municipality under the hand of the Returning Officer a list of the names and residences of all Municipal Electors so nominated,

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specifying the names and residences of their proposers respectively ; and none but persons so nominated shall be capable of being elected at such Election.

30 If upon opening the nominations it is found that no greater number of persons are nominated for Election than the number of Councillors then to be elected, the Returning Officer shall, upon the day of Election, without any Poll being had, publish a Notice under his hand declaring the persons so nominated to be elected as Councillors ; and the persons so declared to be elected shall be Councillors of the Municipality.

Mode of proceeding if no more persons nominated than Councillors to be elected.

31 Every person so nominated may appoint one person, not being a Candidate, to be Scrutineer on his behalf at each Polling-place at such Election, who shall be entitled to be present in the room in which the Ballot-papers are received as hereinafter provided ; and every such Scrutineer shall, before acting, and before the hour appointed for the commencement of voting at any Election, make and subscribe in the presence of the Returning Officer or any Justice of the Peace a Declaration in the form contained in the Schedule (5), and any Scrutineer doing any Act in contravention of such Declaration shall be guilty of a Misdemeanor.

Scrutineers.

Scrutineer's Declaration.

32 The Returning Officer shall appoint such Polling-places for and within the Municipality as he thinks necessary ; and public notice shall be given of the situation of all Polling-places appointed for the Municipality, as soon as the same can conveniently be done.

Polling-places.

33 At and in time for every Election the Returning Officer shall cause such booths to be erected, or rooms to be hired or otherwise obtained at each Polling-place, as occasion requires ; and the same shall be so divided and arranged as to the Returning Officer seems best adapted for carrying out the provisions of this Act, but so that at each Polling-place there shall be as many inner rooms or compartments as may be necessary, opening only into the room in which the Ballot-box is kept, and sufficiently supplied with writing materials, in which the persons voting shall be enabled to fill up their Ballot-papers, as hereinafter provided, in perfect secrecy, and with perfect security from interruption ; and the Returning Officer shall cause to be furnished for the use of each Polling-place a sufficient number of copies of the Assessment Roll ; and shall also provide a sufficient number of Ballot-boxes with secure locks and with apertures through which the Ballot-papers are to be put into such Ballot-boxes ; and shall appoint such Polling Clerks as may be necessary.

Returning Officer to provide booths at each Polling place ;

and writing materials ;
and copies of Assessment Roll ;

and Ballot-boxes.

Polling Clerks.

34 The Returning Officer shall preside at one Polling-place for the Municipality, which Polling-place shall be deemed to be the principal Polling-place, and shall appoint a Deputy to act for him and take the Poll at each of the other Polling-places ; and such Deputy shall be appointed by writing under the hand of the Returning Officer.

Returning Officer to preside at one Polling-place, and appoint Deputies to preside at other Polling-places.

35 Each Returning Officer and each Deputy Returning Officer shall, before the day of Poll at any Election of Councillors, make and subscribe before the Returning Officer or any Justice of the Peace a Declaration in the form in the Schedule (6).

Returning Officer and Deputy Returning Officer's Declaration.

36 The Returning Officer before and in time for every Election shall provide a sufficient number of printed Ballot-papers containing the words " Ballot-paper " as a heading, and the Christian and surname of

Returning Officer to provide Ballot-papers.

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every person nominated for Election, written or printed in alphabetical order and numbered in figures in regular succession, and no other matter or thing, according to the form in the Schedule (7); and such Ballot-papers shall be signed on the back by the Returning Officer.

Printed Declarations to be provided.

37 The Returning Officer shall also provide a sufficient number of papers containing the printed Declaration set forth in the Schedule (8).

Ballot-papers and Declarations to be furnished to Deputy Returning Officers.

38 The Returning Officer shall, in time for the Election, deliver or transmit to each Deputy Returning Officer so many of such Ballot-papers and printed Declarations as aforesaid as are fully equal to the number of votes to which the Municipal Electors likely to vote at the Polling-place at which such Deputy Returning Officer is to preside are entitled; and shall also keep for himself a like sufficient number for the Polling-place at which he is to preside; and shall keep an exact account of the number of Ballot-papers and printed Declarations supplied to each Deputy Returning Officer, and retained by himself.

Elections held before Returning Officer and Deputies. Voting to commence at 9 and close at 4.

39 The Election at each Polling-place shall be held before the Returning Officer or Deputy Returning Officer; and the voting at such Election shall commence at Nine o'clock in the forenoon and shall finally close at Four o'clock in the afternoon of the same day, unless adjourned by reason of riot or interruption as hereinafter provided.

Mode of Polling at Election of Councillors.

40 The Polling at every Election of Councillors shall be conducted in manner following:—Each Municipal Elector shall be entitled to enter unattended into the room appointed for the Ballot at such Election, and in which the Ballot-box is kept, and shall there in the presence of the Returning Officer or Deputy Returning Officer presiding at the Polling-place write his name at the foot of the Declaration aforesaid; and the Returning Officer or Deputy Returning Officer presiding shall then select as many Ballot-papers as the number of votes to which the Municipal Elector claiming to vote is entitled, and thereupon check or mark off upon a copy of the Assessment Roll such Elector's name as having voted, and then deliver such Ballot-papers to the Elector, who shall immediately take such Ballot-papers into an inner room or compartment provided for such purpose as aforesaid, and there without delay strike through the name or names of the person or persons for whom he does not intend to vote, but so that if there is only One Councillor to be elected he only leaves One name not struck out, and if there is more than One Councillor to be elected he does not leave the names of more persons not struck out than there are Councillors to be elected; otherwise such Ballot-papers shall be invalid; and when the Elector has struck through the name or names of such person or persons, he shall fold up such Ballot-papers so as to conceal the same from view, and immediately take the same into the room in which the Ballot-box is kept, and place such Ballot-papers in the Ballot-box; and immediately the Elector has so placed his Ballot-papers in the Ballot-box he shall leave the room, and shall not re-enter during the same Election; and no Two persons shall remain in an inner room or compartment at the same time, nor shall any person take any Ballot-paper out of the room in which the Ballot-box is kept excepting into the said inner room or compartment, and then only for the purpose of striking through the name or names of the person or persons for whom he does not intend to vote; and any person wilfully contravening any of the provisions herein contained shall be deemed guilty of a misdemeanor, and may be punished accordingly.

Contravening provision a misdemeanor.

Provides for blind men voting at

41 In the case of any Municipal Elector who is blind or cannot write the Declaration shall be read over to him, and his verbal assent

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thereto being obtained, the Returning Officer or Deputy Returning Officer presiding, or a Poll Clerk, shall write such Elector's name in the Elector's signing-place, and attest the same under his hand; and such signature and attestation shall bind such Elector to such Declaration and to all the consequences thereof if false; and the Returning Officer or Deputy Returning Officer shall also, if such Elector requests, openly in the Ballot-room strike through upon such Ballot-papers the names of all persons so nominated except such as the Elector declares his intention of voting for.

Elections of
Councillors.

42 No person claiming to vote at any such Election shall be excluded from voting thereat except by reason of such person refusing or failing to make as aforesaid the Declaration aforesaid.

Any person
making Declara-
tion entitled to
vote.

43 No question shall be permitted to be put to any person applying to vote who duly makes as aforesaid the Declaration hereby required; and every person who makes such Declaration falsely shall be deemed guilty of an offence against this Act, and shall for such offence be liable to a penalty not exceeding Twenty Pounds; and every person shall be deemed to have made such Declaration wilfully upon proof that such Declaration was untrue in fact, unless he shall establish the contrary.

Declaration only
required of person^s
voting. Penalty
for false Decla-
ration.

44 In every case where there are more Polling-places than one, each Deputy Returning Officer shall, immediately on the close of the Poll, and not before, in the presence of such of the Scrutineers as choose to attend, make out and sign an Abstract of the result of the Ballot at the Polling-place whereat he presided; and also an exact Statement of the number of Municipal Electors who have voted at such Polling-place, the number of Ballot-papers and Declarations originally supplied to him, and the number thereof used and left unused and returned, which Statement shall be verified by his own signature and that of the Poll Clerk and the Scrutineers then present; and shall collect and seal up all the Ballot-papers which have been taken at such Polling-place; and shall, with the least possible delay, deliver the said Abstract, Statement, and Ballot-papers, and all Declarations so signed as aforesaid, or cause the same to be delivered, together with the copies of the Assessment Roll checked or marked off by him upon or against the names of the Municipal Electors who have voted, to the Returning Officer; and shall also return to the Returning Officer such of the Ballot-papers and Declarations as are not used at the Election.

Deputy Returning
Officer on close
of Poll to make
out Abstract and
Statement and
deliver Ballot
papers, &c. to
Returning Officer.

45 The Returning Officer shall, in the presence of such of the Scrutineers as choose to attend, open the several Packets so forwarded by the Deputy Returning Officers, and also the Ballot-box at the Polling-place at which the Returning Officer presided, and shall make out and sign an Abstract of the result of the Ballot at the Poll taken throughout the whole of the Polling-places for the Municipality, and shall at the principal Polling-place, and as soon as may be practicable after the Election, openly declare the general state of the Poll at the close of the Election as the same has been so made up and ascertained by him from the Ballot-papers taken at the several Polling-places, and shall at the same time and place declare the name or names of the person or persons who have been duly elected at such Election; and in the event of the number of votes being found to be equal for any Two or more persons, the Returning Officer shall, by his casting vote, decide which of such persons shall be elected.

Returning Officer
to make out a
general Abstract
of result of Poll;

and declare state
of Poll:

and to have a
casting vote in
case of equal
numbers.

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Adjournment of Election in case of riot.

46 Where the proceedings at any Election of Councillors are interrupted or obstructed by any riot or open violence, the Returning Officer or Deputy Returning Officer, as the case may be, shall not for such cause finally close the Poll, but shall adjourn the taking the Poll at the particular Polling-place at which such interruption or obstruction has happened, until the same time on the following day as that at which the interruption or obstruction happened on the original day of Polling, and if necessary shall in like manner further adjourn such Poll until such interruption or obstruction has ceased, when the Returning Officer or Deputy Returning Officer shall again proceed with the taking of the Poll at the Polling-place at which the same may have been interrupted or obstructed; and whenever the Poll has been so adjourned by any Deputy Returning Officer, such Deputy shall forthwith give notice of such adjournment to the Returning Officer, who shall not finally declare the state of the Poll or make Proclamation of the Councillors chosen until the Poll so adjourned at such Polling-place as aforesaid has been finally closed, and the Abstract of the state of the Poll and other documents delivered or transmitted to such Returning Officer.

Ballot-papers, &c. used at Elections of Councillors to be sealed up and deposited with Corporate Records for Three years.

47 All Ballot-papers taken at the Election of Councillors, together with the Ballot-papers not used, the said copies of the Assessment Roll, and Abstract, Statement, and Declarations, shall be sealed up by the Returning Officer and deposited with the Records of the Municipality, and the same shall be kept for Three Years, and the sealed packets containing the same shall on the outside thereof be described to be the papers connected with the Election to which they relate; and in case any question arises touching the Election, such papers or any of them upon production thereof, and proof either by evidence or by certificate thereon under the hand of the Council Clerk that the same came to and were then in his custody as such Council Clerk, shall be received in evidence.

Election of Warden.

Warden how elected.

Warden to retire annually.

Election of Warden.

48 In case of the first and every annual Election of Councillors of any Municipality, the Councillors elected shall assemble at noon on the following day, if the result of the Election of Councillors on the preceding day has been then declared, and if not upon the result of such Election being declared at the principal Polling-place, and the Councillors who are present shall then and there elect One of their own body to be Warden of the Municipality, who shall enter on office upon Election; and the Warden so elected shall go out of office as Warden on the *Saturday* following the second *Friday* in *December* then next following: Provided, that if the first Election of Councillors of any Municipality takes place after *June* in any year, the Warden thereupon elected shall go out of Office on the *Saturday* following the second *Friday* in *December* in the year following the year of such first Election.

Mode of proceeding at Elections of Warden.

49 Before proceeding to the Election of the Warden, the Councillors present shall by a majority of their voices appoint One of those present to preside at such Election, and Two others to be Scrutineers at the same; and in case of equality of voices as to the Councillor to preside or as to the Scrutineers, the appointment shall be determined by lot between those who have such equality of voices; and the Councillor so chosen to preside shall first deposit in a box, to be provided for the purpose, a Voting-paper signed by himself containing the name of the Councillor, such name not being his own, for whom he votes, and

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shall then receive from each Councillor a Voting-paper signed by himself containing the name of the Councillor, not being his own, for whom he votes, and deposit the same in the said box; and at the expiration of One hour from the time when the presiding Councillor so deposited his own Voting-paper, or sooner if the whole of the Councillors have sooner delivered their Voting-papers, the presiding Councillor and the Scrutineers shall examine the said Voting-papers, and declare the name of the Councillor who has the majority of votes to be duly elected to be Warden; and such Councillor shall be Warden; and in the event of there being an equality of Votes for any Two or more Councillors, the presiding Councillor shall decide which of such Councillors shall be Warden, who shall thereupon be deemed to be duly elected.

Auditors.

50 On the last *Friday* in *February* next following every annual Election of Councillors, the Municipal Electors of every Municipality shall elect Two fit persons, qualified to be but not actually being Councillors, to be Auditors of such Municipality; and the Nomination and Election of Auditors shall be conducted in the same manner, as nearly as may be, as the Nomination and Election of Councillors; and such Auditors shall continue in office until the Election of their successors: Provided that in case of any District being hereafter constituted a Municipality, the Election of Auditors shall take place within Two months after the First Election of Councillors of such Municipality.

Election of Auditors.

Extraordinary Vacancies of Warden, Councillors, and Auditors.

51 If any extraordinary vacancy occurs in the office of Councillor or Auditor, the Municipal Electors shall, upon a day to be fixed by the Returning Officer, such day to be not later than Thirty days from the occurrence of such vacancy, and of which day the Returning Officer shall give not less than Ten days public notice, elect another qualified Elector to supply such vacancy.

Extraordinary vacancy in office of Councillor or Auditor.

52 In case any extraordinary vacancy occurs in the office of Warden, the Councillor shall, within Ten days from the occurrence of such vacancy, elect out of their own body another person to be Warden for the remainder of the then current year.

Extraordinary vacancy in office of Warden.

53 At all extraordinary Elections of a Warden, Councillor, or Auditor, the course of proceeding shall be the same, as nearly as may be, as is herein directed to be followed at an ordinary Election.

Proceeding in cases of vacancies.

54 Any Warden, Councillor, or Auditor elected to supply any extraordinary vacancy shall go out of office at the time when his predecessor would have gone out of office in case no such vacancy had occurred.

When Warden, &c. elected to supply a vacancy is to go out of Office.

Qualification of Councillors.

55 No person shall be eligible to be elected as Councillor of any Municipality unless he is a Municipal Elector, and is resident or has a place of business within the Municipality.

Qualification of Councillors.

56 Every person being a Judge or a Minister of any Religious Denomination, or holding any office or place of profit in the gift or disposal of the Municipal Council other than that of Warden, or being

Disqualification of Councillors.

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a Municipal Councillor of any other Municipality, or being directly or indirectly, by himself or any partner, engaged or interested in any contract or employment with, by, or on behalf of the Municipality, shall be disqualified from being a Councillor: Provided that no person shall be disqualified from being a Councillor by reason of being a proprietor or shareholder of any Joint Stock Company contracting with the Municipality: Provided that if any Auditor be elected a Councillor of the same Municipality, his office of Auditor shall thereupon be vacated.

Penalty on Warden &c. for being interested in a contract with the Municipality.

57 Every person who, being Warden, Councillor, or Auditor under this Act, continues to be or becomes directly or indirectly, by means of partnership with any other person or otherwise howsoever, wilfully or knowingly engaged or interested in any contract or agreement or employment, with, by, or on behalf of any Municipality, except as proprietor or shareholder of any Joint Stock Company contracting with such Municipality, shall be liable to a penalty not exceeding Fifty Pounds, and shall be for Seven years after conviction of any such offence disqualified from holding any office in or under such Municipality.

Warden, &c. declared insolvent, &c. disqualified and to vacate office.

58 If any person holding the office of Warden, Councillor, or Auditor of any Municipality is declared insolvent, or compounds by deed or otherwise with his creditors, or if the Warden or any Councillor ceases to reside or to have a place of business within the Municipality, or is absent from the Municipality for more than Two months at one time, (unless he obtains leave of absence from the Council, or unless in case of illness certified by a duly qualified medical practitioner, within such period of Two months), such person shall thereby become disqualified and cease to hold such office; and the Municipal Council shall in any such case declare such office to be vacant, and the same shall be vacant accordingly, and shall be filled up by a fresh election: Provided that every person so becoming disqualified to hold any office on account of insolvency or compounding as aforesaid shall, on obtaining his certificate of discharge, or on payment of his debts in full, or on obtaining a release from his creditors, be capable, if otherwise qualified, of being re-elected; and any person becoming so disqualified on account of non-residence or not having a place of business within the Municipality, or on account of absence without leave as aforesaid, shall on his return to the Municipality, if otherwise qualified, be capable of being re-elected to any such office.

Declarations by Warden, Councillors, and Auditors on Election.

Declaration to be made by Warden, &c. before acting.

59 No person elected Warden, Councillor, or Auditor under this Act shall be capable of acting as such, except in administering such Declaration, until he has made and subscribed a Declaration before any Justice of the Peace, in the form contained in the Schedule (9).

Penalty for acting as Warden, &c. without making Declaration, or if not qualified.

60 If any person acts as Warden, Councillor, or Auditor of any Municipality without having made the Declaration hereinbefore required in that behalf, or without being duly qualified, he shall for any such offence forfeit and pay a penalty of One hundred Pounds, to be recovered with full costs of suit by any person who sues for the same within Three Months after the commission of such offence by action of debt in the Supreme Court; and any person so sued by reason of not being so qualified shall prove that he was at the time of so acting as Warden, Councillor, or Auditor, as the case may be, qualified as aforesaid, or otherwise shall pay the said penalty, without any further evidence being given by the Plaintiff than that such person acted as Warden, Councillor,

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or Auditor, as the case may be; and any such penalty so recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and applied one moiety thereof to the person so suing, and the other moiety thereof in aid of the Municipal Fund: Provided always, that it shall be lawful for any Defendant by a Judge's Order, to be obtained within Fourteen days after he has been served with process in any such action, to require the Plaintiff to give security for costs; and in such case all further proceedings in the cause shall be stayed until the Plaintiff gives security to the satisfaction of the proper Officer of the Court for the costs of such action in case the verdict passes for the Defendant, or the Plaintiff becomes nonsuited or discontinues such action, or if upon demurrer or otherwise judgment is given against the Plaintiff; and the Defendant shall in any such case as last aforesaid recover his full costs of suit as between attorney and client: Provided also, that no such action shall be brought except by a Municipal Elector of the Municipality, nor unless the Elector bringing the same has within Fourteen days after the commission of the offence served a notice in writing upon the party committing such offence, personally or by leaving the same at his residence, of his intention to bring such action.

Non-acceptance of Office of Warden, Councillor, or Auditor.

61 Every person duly qualified and duly elected to the office of Warden, Councillor, or Auditor shall accept such office by making and subscribing the Declaration hereinbefore mentioned within Ten days after notice of his Election has been served on him personally, or left at his usual place of abode, or shall in lieu thereof pay to the Municipal Council in aid of the Municipal Fund a fine of Fifty Pounds in case of a Warden, and a fine of Twenty-five Pounds in case of a Councillor or Auditor.

Persons elected to accept office or pay a fine.

62 If any person holding the office of Warden or Councillor is absent without leave, or other cause than illness, from the Municipality for more than Two months at one time, he shall be liable to the same fine as if he had refused to accept such office.

Warden, &c., ceasing to reside in Municipality, &c., liable to fine.

63 Provided, that no Member of the Parliament of *Tasmania*, or Chairman of any Court of Justice, or Officer on full pay in the Naval or Military Service, and no person disabled by deafness, blindness, or other permanent infirmity of body, or who is above the age of Sixty years, or who has already served any such office, or paid the fine for not accepting any such office, or for resigning any such office, or for absence from the Municipality within Five years next before the day on which he is re-elected, nor any person whose usual place of abode is not situate within the Municipality for which he is elected, shall be liable to any fine for refusing or neglecting to accept or for resigning any such office as aforesaid.

Certain persons exempted from fine.

64 Every person elected into any Corporate office under this Act may at any time resign such office, and the resignation shall be held to be complete from the date of its being received by the Council Clerk: Provided, that the person so resigning shall be liable to the same penalty as he would be liable to pay for non-acceptance of such office, unless he becomes entitled to claim exemption from payment of such fine, or disqualified from accepting or serving in such office, under any provision herein contained.

Provision for resigning office.

65 If any person elected into any Corporate office under this Act refuses or fails to accept such office, or resigns such office, the same shall

In case of refusal to accept office,

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fresh Election to be had.

thereupon be deemed vacant, and shall be filled up by a fresh Election as in the case of a vacancy.

General Provisions.

Warden, &c. eligible for re-election.

66 Any Warden, Councillor, or Auditor going out of office shall be eligible for re-election if still qualified.

Provides for the Warden being a Candidate for re-election.

67 In case at any Election of Councillors the Warden is one of the Councillors going out of office and is nominated for re-election, the Municipal Council, as soon after such nomination as conveniently may be, shall appoint one of their own body to hold such Election, who shall for such purpose be the Returning Officer, and have the powers and duties by this Act conferred and imposed on the Warden: Provided that such appointment shall in no way affect the validity of anything done by such Warden previous to the appointment of such substitute.

Retiring Warden, &c., to hold office until successor enters on office.

68 Notwithstanding anything to the contrary contained in this Act, every Warden, Councillor, and Auditor shall continue in office until his successor enters on office.

Acts and proceedings of Municipal Council, &c. to be valid notwithstanding defect in Election, &c.

69 All acts and proceedings of the Municipal Council, or of any person in possession of the office of Warden, Councillor, or Auditor, and acting as such, shall notwithstanding it is afterwards discovered that there was some defect in the Election of the said Council, or of any such person, or that any such person was disqualified or had not duly made such Declaration as aforesaid, be as valid and effectual as if the said Council or such person had been duly elected or qualified, or had duly made such Declaration as aforesaid.

Elections, &c., not to be set aside on account of misnomer, &c. Person elected to act until Supreme Court quashes election. Councillors to act although full number not elected.

70 No election or appointment under this Act shall be liable to be challenged, and no such election or appointment shall be quashed or set aside on account of any misnomer, omission, or other informality; and every person elected a Warden, Councillor, or Auditor shall be entitled to act unless and until the election of such Warden, Councillor, or Auditor is by the Supreme Court set aside, quashed, or declared to be invalid; and the Councillors elected shall be entitled to act, although from any cause the full number of Councillors may not have been elected.

Provides for irregularity in Elections.

71 In case no Election is had of the Warden, or of any Councillor or Auditor, upon the day or within the time provided for such Election, or if in case of any such Election being had the same is or afterwards becomes void, the Corporation shall not thereby be dissolved, or disabled from electing such Warden, Councillor, or Auditor for the future; but in any such case the Election of a Warden, Councillor, or Auditor shall be had as in case of an extraordinary vacancy; and every act necessary to be done in order to and for the completing such Election shall and may be done, and shall be as valid and effectual for all purposes, as if the Election were had upon the day or within the time appointed for that purpose.

As to Elections to be held under *Mandamus*.

72 The jurisdiction by law vested in the Court of Queen's Bench in *England* in respect of the Election of Chief Officers of Towns Corporate is hereby extended to the Supreme Court in all cases in which no Election of a Warden, Councillor, or Auditor is had upon the day or within the time provided for such Election, or by virtue of the provisions in the last preceding Section contained, and in cases where any such Election being had the same afterwards becomes void; and the said Court is hereby empowered in all such cases to award a *Mandamus*, and

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to cause such proceedings to be had thereupon, and to make such orders, and to do all such other acts, matters, and things in respect thereof, as may be necessary in that behalf.

73 Every application to the Supreme Court for the purpose of calling upon any person to show by what warrant he claims to exercise the office of Warden, Councillor, or Auditor, shall be made before the end of Six months after the Election, or the time when the person against whom such application is directed has become disqualified, and not at any subsequent time, and such application may be made under the Act of the Imperial Parliament of the 9th *Anne*; Chapter 20, which is hereby declared to extend to this Colony.

Limit of time for obtaining *quo warranto*.

74 No Municipal Elector of any Municipality discharging any judicial or civil functions whatever shall be disabled from acting in the discharge and execution of his duties by reason of his being a Member of the Corporation; and it shall be lawful for any Municipal Elector discharging any judicial office to act in cases connected with the Corporation in like manner as if he were not, directly or indirectly, interested in the concerns of the Corporation.

Judge, &c. may adjudicate although a Member of the Corporation.

75 No advantage shall be taken of the invalidity of any Election under this Act in any action or suit which is brought by or against the Corporation, but every such action or suit shall be tried as if no such objection existed.

Invalidity of Election no plea in action.

76 The Warden shall be entitled to receive for his services out of the Municipal Fund such salary or allowances as the Municipal Council from time to time determines.

Warden's salary.

77 The Warden shall *ex officio* be a Justice of the Peace for the Territory during his continuance in office, and shall, in any Court of Petty Sessions holden within the Municipality, as such Justice have precedence over all other Justices of the Peace, except the Chairman of any Court of General Sessions of the Peace holden within the Municipality, and shall also have precedence in all Municipal proceedings.

Warden *ex officio* a Justice of the Peace. Precedence of Warden.

78 The Governor is hereby empowered, by Notice published in the *Gazette*, to appoint such of the Councillors of any Municipality as to him may seem necessary as and to be Justices of the Peace in and for such Municipality during their continuance in office, unless removed in the meantime by the Governor in Council; and the Councillors appointed such Justices shall, during their continuance in office as Councillors, have in and for the Municipality the like jurisdiction, power, authority, and privileges as any other Justice of the Peace as to the apprehension, committal, or conviction of persons charged with any crime or offence alleged to have been committed within the Municipality, whether such crime or offence be punishable upon summary conviction or otherwise; and the Warrant of any such Councillor committing any person to Gaol shall be deemed valid, although such Gaol is situate without the Municipality for which such Councillor is a Justice.

Councillors may be appointed Justices for the Municipality.

Police Magistrate.

79 All powers and authorities by law vested in Police or Stipendiary Magistrates, and other matters which relate to such Magistrates, shall, in respect of each Municipality, be vested in and relate to the Warden while holding that office.

Powers of Police or Stipendiary Magistrates vested in Wardens.

*Rural Municipalities.**Bribery, &c. at Elections.*

Bribery defined, and penalty.

Bribery and other Offences relating to Elections.

80 The following persons shall be deemed guilty of bribery under this Act, and shall be punishable accordingly :—

1. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any Municipal Elector, or to or for any person on behalf of any Elector, or to or for any other person in order to induce any Elector to vote or refrain from voting, or corruptly does any such act as aforesaid, on account of such Elector having voted or refrained from voting at any Election of Councillors or Auditors under this Act :
2. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or offers, promises, or promises to procure or to endeavour to procure, any office, place, or employment to or for any Elector, or to or for any person on behalf of any Elector, or to or for any other person in order to induce such Elector to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of any Elector having voted or refrained from voting at any Election of Councillors or Auditors under this Act :
3. Every person who, directly or indirectly, by himself, or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the Election of any person as a Councillor or Auditor, or the vote of any Elector at any such Election :
4. Every person, who, upon or in consequence of any such gift, loan, offer, promise, or procurement or agreement, procures or engages, promises, or endeavour to procure, the Election of any person as a Councillor or Auditor, or the vote of any Elector at any such Election :
5. Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any such Election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such Election :
6. Every person who, directly or indirectly, by himself, or by any other person on his behalf, pays or advances money to pay any rates due by any Elector in order to induce such person to procure, or endeavour to procure, the Election of any person as a Councillor or Auditor, or the vote of any Elector at such Election :

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of One hundred Pounds to any person who sues for the same, together with full costs of suit : Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bonâ fide* incurred at or concerning any such Election.

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81 The following persons shall also be deemed guilty of bribery under this Act, and shall be punished accordingly :—

Bribery further defined, and penalty.

1. Every person who, before or during any Election of Councillors or Auditors, directly or indirectly, by himself, or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any such Election :
2. Every person who, after any such Election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any Election :

And any person so offending shall be guilty of a Misdemeanor, and shall also be liable to forfeit the sum of One hundred Pounds to any person who sues for the same, together with full costs of suit.

82 Every person nominated as aforesaid for election as a Councillor or Auditor, who by himself, or by or with any person, or by any other ways or means on his behalf, at any time, either before, during, or after any such Election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision to or for any person in order to be elected, or for the purpose of influencing such person or any other person to give or to refrain from giving his vote at such Election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such Election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of One hundred Pounds to any person who sues for the same, with full costs of suit ; and every Municipal Elector who accepts or takes any such meat, drink, entertainment, or provision shall be incapable of voting at such Election, and his vote, if given, shall be utterly void and of none effect.

Treating defined, and penalty.

83 The giving or causing to be given to any Municipal Elector on the day of polling at any Election of Councillors or Auditors under this Act any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such Elector to obtain refreshment on account of such person having voted or being about to vote at such Election, shall be deemed an illegal act ; and the person so offending shall forfeit the sum of Fifty Pounds for each offence to any person who sues for the same, together with full costs of suit.

Refreshments given to Electors on the day of polling illegal.

84 Every person who, directly or indirectly, by himself, or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts or threatens the infliction, by himself or by or through any other person, of any injury, damage, harm or loss, or in any other manner practises intimidation upon or against any person in order to induce or compel such person to vote or to refrain from voting, or on account of such person having voted or refrained from voting, at any such Election, or who, by abduction, duress, or any fraudulent device or contrivance, impedes, prevents, or otherwise interferes with the free exercise of the right to vote of any Elector, or thereby compels, induces, or prevails upon any Elector either to give or to refrain from giving his vote at any such Election, shall be deemed to have committed the offence of undue influence, and

Undue influence defined, and penalty.

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shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of One hundred Pounds to any person who sues for the same, together with full costs of suit.

No cockades, &c. at Elections, and penalty.

85 No person shall, before, during, or after any Election of Councillors or Auditors under this Act, in regard to such Election, directly or indirectly, give or provide to or for any person any cockade, ribbon, or other mark of distinction; and every person giving or providing, or receiving or wearing, any such cockade, ribbon, or other mark of distinction, or making any payment for or on account of any such cockade, ribbon, or mark of distinction, or of any chairing, or bands of music, or flags or banners at any such Election shall for every such offence forfeit the sum of Fifty Pounds to any person who sues for the same, together with full costs of suit.

Recovery of penalties for offences against this portion of the Act.

86 The pecuniary penalties imposed by the preceding Sections of this Act for offences relating to Elections shall be recoverable by action in the Supreme Court of *Tasmania*; but any action to be brought for such penalties shall be brought within three months after the commission of the act in respect of which such action is commenced.

Personation, &c. and penalty.

87 If any person not entitled to vote by virtue of this Act votes or offers to vote at any such Election, or if any person votes or offers to vote a second time at the same Election, or personates or attempts to personate any other person for the purpose of voting at any such Election, such person shall be guilty of a misdemeanor, and shall, on conviction thereof, be liable to be imprisoned with or without hard labour for any term not exceeding two years at the discretion of the Court; and if at any such Election it appears to the satisfaction of the Warden or some presiding Officer that any person having voted or offered to vote at such Election has been guilty of any such offence as aforesaid, he may thereupon, without warrant, commit the person so offending for examination before some Justice of the Peace upon such charge; and all Constables are hereby required to take such person into custody upon such committal, and to convey him as soon as may be before some Justice for examination, and in the mean time to confine such person in some watch-house.

Person attempting may be given in charge.

Names of persons offending against this portion of the Act to be published and disqualified.

88 Whenever any person has been convicted of bribery, undue influence, voting or offering to vote a second time, or personation at any such Election, or judgment has been obtained against him for any penal sum hereby made recoverable in respect of the offences of bribery, treating, or undue influence, or either of them, then and in that case the Municipal Council shall thereupon insert the name of such person in a separate list, to be entitled "The List of Electors disqualified for Bribery and other Offences," which list shall be printed and published; and no person whose name is inserted in such list of disqualified persons shall be capable of voting at any Election under this Act.

Prosecutor's costs.

89 It shall be lawful for the Court before which any criminal prosecution is instituted for any such offence to order payment to the prosecutor of such costs and expenses as appear to the said Court to have been reasonably incurred in and about the conduct of such prosecution.

Defendant's costs

90 In case of any information by a private prosecutor for any such offence, if judgment is given for the defendant, he shall be entitled, if the Court so certify, to recover from the prosecutor the

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costs sustained by the defendant by reason of such information, such costs to be taxed by the proper Officer of the Court in which such judgment is given.

91 It shall not be lawful for any Court to order payment of the costs of a prosecution for any such offence unless the prosecutor, before or upon the granting of the information, enters into a recognizance, with two sufficient sureties, in the sum of Fifty Pounds, with the conditions following; that is to say, that the prosecutor shall conduct the prosecution with effect, and shall pay to the defendant, in case he is acquitted, his costs.

Prosecutor to enter into recognizance to prosecute with effect and pay costs.

92 No information for bribery, undue influence, voting or offering to vote a second time, or personation, shall be triable before any Court of General Sessions of the Peace.

Bribery, &c., not triable at General Sessions.

Miscellaneous.

93 All Declarations made and subscribed under this Act, except the Declarations to be made by Municipal Electors at Elections, shall be transmitted by the Justice of the Peace, or other person before whom the same are made and subscribed, on the first opportunity, to the Colonial Secretary.

Declarations made under Act to be transmitted to Colonial Secretary.

94 Any person making and subscribing a Declaration under this Act who wilfully declared falsely, or who having made any such Declaration wilfully does any act in contravention of or contrary to the true intent and meaning of such Declaration, shall, where no other punishment is specially provided, be deemed guilty of a misdemeanor.

False Declaration or acting contrary to Declaration a misdemeanor.

95 Any person who counterfeits any Ballot-paper, or any signature thereto, or name therein, shall be deemed guilty of forgery, and be liable to be imprisoned with hard labour for any term not exceeding Four years.

Counterfeiting Ballot-papers.

96 In any action to recover any penalty under this Act it shall be lawful for the Court or any Judge thereof, if the Court or Judge thinks fit, to order that the Plaintiff in such action shall give security for costs, or that all proceedings therein be stayed.

In actions for penalties Court may require Plaintiff to give security for costs.

Expenses of First Elections.

97 All expenses of and incidental to the incorporation of any new Municipality under this Act, and the First Election of Councillors and Auditors, shall be certified under the hand of the Returning Officer, and shall be paid in the first instance out of the General Revenue by Warrant under the hand of the Governor directed to the Colonial Treasurer, and shall be repaid by the Municipal Council of the Municipality to the Colonial Treasurer out of the Municipal Fund within Six months after the Election of such Council.

Expenses of first Elections to be paid out of General Revenue, and repaid out of Municipal Funds.

Rural Police Rate.

98 Upon the Election of the Municipal Council of any Municipality constituted and declared hereafter the power vested in the Governor in Council by *The Rural Police Rate Act* to make and levy a Rate under the said Act shall cease and determine so far as relates to such Municipality: Provided that any Rural Police Rate made under the said Act and not paid at the time of such Election, shall, in respect of property situate within the Municipality, be payable and recoverable and shall be appropriated as if no such Election had taken place.

On Election of Municipal Council, power to levy Rate under *The Rural Police Rate Act* to cease. Unpaid Rates to be paid to the Crown.

*Rural Municipalities.**Supply of Water.*

Municipal Council may adopt means for securing supply of Water.

99 The Municipal Council of each Municipality may adopt and employ such means and enter into such contracts as it may deem necessary for securing a supply of Water for the use of the inhabitants of the Municipality, or for any public purpose.

Bye-laws.

Municipal Council may make Bye-laws for following purposes :—
Proceedings of Council.
Elections.

100 It shall be lawful for the Municipal Council of each Municipality from time to time to make, publish, alter, modify, amend, or repeal such Bye-laws, in writing, as to the said Council seems meet,—

For regulating the Proceedings of the said Council :

For conducting the Election of the Warden, Councillors, or Auditors, in any matter which may not be sufficiently provided for by this Act :

Regulation of Officers, &c.

For regulating the conduct of the Officers and Servants of the Municipality :

Rates.

For the more easy or effectual collection of Rates :

Nuisances and disorderly houses.

For the prevention and suppression of Nuisances ; and for the suppression and restraint of disorderly houses and houses of ill-fame and-repute within the Municipality :

Bathing.

For regulating bathing on the shores or in the rivers of the Municipality :

Frauds in sales.

For prohibiting every kind of fraudulent device and practice in relation to the sale of marketable Commodities :

Gambling.

For suppressing and restraining Billiard-tables, Gambling-tables, and gambling of every description :

Congregation of disorderly persons.

For preventing the congregation of idle and disorderly persons in the Streets and public Places within the Municipality or any Town therein :

Offensive Trades.

For suppressing and restraining noisome and offensive Trades and Occupations within the Municipality :

Cleansing premises.

For compelling the inhabitants to keep their premises free from unwholesome matters :

Slaughter-houses.

For the establishment and regulation of Slaughter-houses :

Sale of unwholesome meat.

For preventing the sale of unwholesome Meat as human food, and for regulating the conditions upon which Meat unfit for human food may be sold for other purposes than for human food :

Fires.

For the prevention and extinguishing of Fires :

Carters, &c.

For the regulation and licensing of public Carriers, Carters, and public Vehicles within the Municipality :

Markets.

For the establishment and regulation of Markets, Market dues or tolls, and Fairs :

Hospitals and Asylums.

For the establishment, maintenance, and regulation of Hospitals for the care of the destitute poor and sick, and of Asylums for the protection, support, and instruction of destitute or deserted children, and otherwise for providing for the care of the destitute or infirm poor :

Poor.

Public Libraries, Gardens, &c.

For the establishment and regulation of public Libraries, Gardens, or other public places of recreation :

Bridges and public Buildings.

For the erection, preservation, and repairing of new or existing Bridges and public Buildings :

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For the superintendence and management of all property belonging to the Municipality. Superintending Property.

For the general good rule and government of the Municipality : General good government.

And for any of the purposes of this Act which the Municipal Council may think it expedient to carry out or effectuate by Bye-laws : Purposes of Act.

and it shall be lawful for the Municipal Council to appoint by such Bye-laws such penalties as the said Council deems necessary for enforcing such Bye-laws : Provided, that no penalty so to be appointed shall exceed the sum of Ten Pounds, and that no such Bye-law shall be made unless a majority in number of the Members of the Municipal Council are present : Provided also, that no such Bye-law shall, if Parliament is sitting at the time of the making thereof, be of any force until Fourteen days after the same, or a Copy thereof signed by the Warden, has been laid upon the Table of both Houses of Parliament, nor until One week after a Copy of the same has been published in the *Gazette* after the expiration of the time during which the same has been lying before Parliament as aforesaid ; and if Parliament or either House thereof disallows such Bye-law or any part thereof, such Bye-law or the part thereof so disallowed shall not come into operation : Provided also, that if Parliament is not sitting at the time of the making of any such Bye-law, the same shall, after Fourteen days from the publication in the *Gazette* of a Copy thereof signed by the Warden, be of full force and effect ; and a Copy of every such Bye-law as last aforesaid signed by the Warden shall be laid upon the Table of both Houses of Parliament within Five Days after the commencement of the Session thereof holden next after the making of such Bye-laws as last aforesaid ; and if the Parliament or either House thereof disallows any such Bye-law as last aforesaid, or any part thereof, within One month after such Bye-law has been laid upon the Table as aforesaid, such Bye-law or the part thereof so disallowed shall, upon such disallowance thereof being notified in the *Gazette*, thenceforth cease to be of any force or effect whatsoever : Provided also, that the Governor in Council may, by Proclamation, during the time that Parliament is not sitting, suspend the operation of any Bye-law which has not been laid before Parliament, and which is made while Parliament is not sitting, until Fourteen days after the next Session of Parliament ; and upon the publication of such Proclamation such Bye-law shall be of no effect till Fourteen days after the next Session of Parliament : Provided also, that no Bye-law to be made by the Municipal Council of any Municipality shall be repugnant to this Act, or to the general spirit and intendment of the Laws in force in this Colony, and that no such Bye-law shall be of any force or effect until it has been certified by the Attorney or Solicitor General not to be repugnant to this Act or to the general spirit and intendment of the Laws in force in this Colony ; and no such Bye-law shall be published in the *Gazette* till such certificate has been obtained ; and that where by any Law any penalty is imposed for any offence, it shall not be lawful for the Municipal Council by any Bye-law to increase such penalty so as to make the whole penalty amount to more than Ten Pounds.

Conditions to be observed in making Bye-laws. Penalty £10. Majority of Council to be present. To be laid before Parliament.

Published in *Gazette*. Disallowance by Parliament.

If Parliament not sitting, Bye-laws to be published in *Gazette* and to be in force, but to be laid before Parliament at next Session, and if then disallowed to be void.

Governor in Council may suspend Bye-laws.

Bye-laws not to be repugnant to Law.

To be certified by Attorney or Solicitor General.

Existing penalties not to be increased beyond £10.

Gazette evidence of Bye-Laws.

101 In all proceedings the production of the *Gazette* containing any such Bye-law shall alone be sufficient *prima facie* evidence that all the provisions of this Act relating to the making and confirmation of such Bye-law have been duly complied with, and that such Bye-law is in full force and effect ; and the *onus* of proving the contrary shall in every case be on the person disputing the validity of such Bye-law.

*Rural Municipalities.**Assessment Roll.*

An Assessment to be made annually.

102 The Municipal Council of each Municipality shall, on or before the First day of *June* in every year, assess by a just and equitable Assessment the annual value of all property within the Municipality.

Portions of buildings separately occupied to be separately assessed.

103 Where any building is occupied in apartments or portions by more persons than One, the Municipal Council shall assess the annual value of such apartments or portions separately.

Valuators may be appointed.

104 The Municipal Council may cause a valuation to be made of all property within the Municipality by some competent person or persons appointed by the said Council for that purpose; and the Assessment so to be made by the said Council as aforesaid may be made upon such valuation; and before any such valuation is made the person or persons appointed to make such valuation shall make and subscribe a solemn Declaration to make such valuation truly, fairly, and impartially according to the best of his or their judgment; and a minute shall be made by the Council Clerk in the book of proceedings of the said Council of the making and subscribing of such Declaration, and of the date thereof; and any Justice to whom application is made for such purpose shall administer such Declaration.

Penalty on occupier refusing to disclose name of owner of property.

105 If, on the request of any Valuator appointed as aforesaid, or of the Warden, or the Council Clerk, or of any Collector of Rates, the occupier of any property refuses or wilfully omits to disclose, or wilfully misstates to such Valuator, Warden, Council Clerk, or Collector making such request, the name of the owner of such property, any Justice of the Peace, on oath made before him of such request, and of such refusal or wilful omission or misstatement, may summon the person who has so refused or wilfully omitted or misstated as aforesaid to appear at a time and place to be mentioned in such summons before any two Justices; and if the person so summoned neglects or refuses to attend at the time and place mentioned in the summons, or attends and does not show good cause to two or more Justices then present for such his refusal or wilful omission or misstatement, such Justices, upon proof, in case of the neglect or refusal to attend, of the due service of the summons, may impose a penalty upon such person not exceeding Five Pounds.

Notice of Assessment to be published.

106 Upon any such Assessment being made the Municipal Council shall cause a Notice thereof to be published in the *Gazette*; and every such Notice shall contain the following particulars; that is to say, the description and situation of each property so assessed; the annual value at which the same are respectively assessed; and the names of the then owners and occupiers of such property; and the Municipal Council shall cause copies of such *Gazette* to be kept fixed on the doors of the Municipal Council Chambers, and of all Police Offices and Post Offices within the Municipality, for the period of at least Ten days previous to the day for hearing Appeals as hereinafter mentioned.

Unoccupied property to be described in Notice of Assessment as "empty."

107 If at the time of making any Assessment under this Act any property is unoccupied, or the name of the owner of any property is unknown to the Municipal Council, the said Council shall nevertheless include such property in the Notice of such Assessment, describing it in the column appropriated to the name of the occupier as being "empty," or describing the owner of such property by the designation of the "owner" without stating his name, as the case may be; and if any person afterwards occupies such property, or if the name of the owner of such

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property afterwards becomes known to the said Council, the said Council shall insert in the Assessment Roll the name of such occupier or owner, as the case may be.

108 After the holding of the Court of Appeal as hereinafter mentioned and the determination of all Appeals, the Council Clerk shall, in each and every year, forthwith cause to be made a List containing a full and true account of each property assessed, the annual value at which the same are respectively assessed, and the names of the owners and occupiers thereof, which List shall be signed by the Warden and Council Clerk, and shall be and be called the Assessment Roll of the Municipality; and every Municipal Elector shall have access to the Assessment Roll at all reasonable times, and be permitted to inspect the same without fee or reward; and if the Council Clerk neglects in any year to make the Assessment Roll, or refuses to allow any Municipal Elector to inspect the same as aforesaid, then and in every such case such Council Clerk shall forfeit and pay for any such offence a sum not exceeding Five Pounds.

Assessment Roll annually.

109 When and as often as any change takes place in the ownership or occupation of any assessed property, the Municipal Council shall, upon satisfactory proof being given of such change, cause the Assessment Roll to be amended by striking out the name of the person who theretofore owned or occupied such property, and inserting instead thereof the name of the person who becomes the owner or occupier of such property.

Provides for amendment of Assessment Roll in case of change of ownership or occupation.

110 If it at any time appears to the Municipal Council that the name of any person who ought to be included in the Assessment Roll has been omitted therefrom, or that the name of any person has been inserted therein as the owner or occupier of any property in respect of which the name of some other person ought to have been inserted, or that any other alteration, amendment, or addition is necessary in or to such Assessment Roll, the Municipal Council shall cause to be added to or inserted therein the name of any person so omitted, together with the value at which the property ought to be assessed, and also cause to be inserted and substituted the name of any person who is the actual owner or occupier of any property instead of and for the name of the person incorrectly inserted in such Assessment Roll; and the Municipal Council shall cause to be added to, or inserted in, such Assessment Roll the name of any person being the owner or occupier of any newly erected building, together with the value at which such building ought to be assessed.

Provides for amending Assessment Roll in cases of omission, &c.

111 Every such insertion, addition, alteration, or amendment to or in the Assessment Roll as is hereinbefore mentioned shall be valid and effectual to all intents and purposes: Provided, that no such insertion, addition, alteration, or amendment shall be made as aforesaid until notice of the intention so to do is given to all persons thereby affected, and opportunity afforded to such persons to appeal to the then next Court of General Sessions of the Peace holden within the Municipality not less than Fourteen days after such notice, against such insertion, addition, alteration, or amendment being made; and every such person shall be entitled to appeal to such General Sessions in the same manner as persons are hereinafter entitled to appeal to the Special General Sessions of the Peace: Provided also, that no such notice shall be required in the case of any person who has left the Colony, or who cannot, upon reasonable search being made, be found.

Amendments of Assessment Roll to be valid. Appeal against amendments.

112 The Assessment Roll so made by the Council Clerk as aforesaid, Assessment Roll

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- and amendments evidence. and all entries made therein in manner hereinbefore directed, by the production thereof alone, and without any evidence that the requirements of this Act have been complied with, shall be received as *prima facie* evidence of the facts therein mentioned.
- Sessions to be holden for hearing Appeals against Assessment. **113** A Court of Special General Sessions of Justices of the Peace residing within the Municipality, presided over by the Chairman of General Sessions for the District, or in his absence by a Chairman selected from among themselves, shall be holden within Twenty-one days and not less than Fourteen days after the publication in the *Gazette* of any such notice of Assessment as aforesaid for the purpose of hearing Appeals from such Assessment; and notice of the holding of such Court, and of the time and place at which the same will be holden, shall be given by the Deputy Clerk of the Peace for the District in the *Gazette*, and in One newspaper at the least published nearest to the Municipality, not less than Seven clear days before the same takes place: Provided, however, that it shall not be lawful for any Justice to act or sit at such Court who is either an Appellant or agent for any Appellant in any appeal to be heard at such Court.
- Notice thereof to be given.
- Gazette* containing Notice of Assessment to be evidence. **114** The *Gazette* containing any such Notice of Assessment shall, by the production thereof alone and without any proof, be received at such Court of Appeal as *prima facie* evidence of the facts in such Notice mentioned.
- Grounds of Appeal. **115** It shall be lawful for any person affected by any such Assessment, or for the Attorney or Agent of such person, to appeal from such Assessment to such Court of Appeal, either on the ground that any property of such person is overvalued, or that he is erroneously stated in such Assessment to be the owner or occupier of any property, or that the property of some other person is undervalued, or is omitted altogether from the said Assessment, or on any other ground whatsoever of the inequality or unfairness of such Assessment as respects the property of the person so appealing; and the said Court shall hear and determine all such Appeals as are made thereat, and shall have power to alter such Assessment or to confirm the same, and also to correct any mistake and supply any omission which is proved to the said Court to have been made in such Assessment.
- Court to determine same, and correct Assessment.
- Notice of Appeal to be given. **116** No such Appeal as aforesaid shall be entertained by the said Court of Appeal unless notice in writing of such Appeal, specifying the grounds thereof, is given by the Appellant to the Municipal Council by leaving such notice with the Council Clerk at his Office at least Four days previous to the day of holding such Court; and in case it appears to such Court that any such Appeal is frivolous or vexatious, it shall be lawful for the Court to award such costs not exceeding Five Pounds as to such Court seems meet against the party so appealing, and such costs shall be recoverable in a summary way.
- Costs.
- Present Valuation Rolls to be in force until Assessment Rolls made. **117** Until an Assessment Roll is made in any Municipality for such Municipality under the provisions of this Act, the Valuation Roll made under *The Property Valuation Act* and in force in such Municipality upon the commencement of this Act shall be deemed to be and shall be the Assessment Roll of such Municipality.
- 21 Viet. No. 19 not to apply to Municipalities. **118** Nothing contained in *The Property Valuation Act* shall authorise a Valuation to be made under that Act of any property within the limits of any Municipality.

*Rural Municipalities.**Rates.*

119 It shall be lawful for the Municipal Council of each Municipality, at yearly, half-yearly, or such other periods as to the said Council may seem necessary, to make and levy Rates upon the annual value of the property within the Municipality to be paid for the several purposes contained in this Act or any other Act relating to Municipalities; and such Rates when received shall form part of the Municipal Fund: Provided, that it shall be lawful for the Municipal Council to make and levy separate Rates for any of such purposes as aforesaid, or one general Rate for all or any of such purposes: Provided also, that such Rates so to be made and levied shall not, exclusively of the Police Rate and the Road Rate, in any case collectively or separately exceed the sum of One Shilling and Sixpence in the Pound in any one year upon the annual value of the property within the Municipality.

Municipal Council to rate property at yearly or other periods.

Annual Rate not to exceed 1s. 6d. in the £.

120 Upon the making of any Rate which the Municipal Council of any Municipality is by Law empowered to make, a Notice signed by the Warden and not less than Three Councillors, specifying the amount in the Pound of the Rate, the purpose and period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such Notice being so published, the Rate therein mentioned shall be payable and paid at the times specified in such Notice by the persons liable to pay the same, according to the annual value of the property within the Municipality as shown by the Assessment Roll; and it shall not be necessary in any such Notice to set forth the names of the persons liable to the payment of the Rate, or the sums which according to such Rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Upon making a Rate, notice of same to be given.

121 All such Rates shall be payable in advance, at such periods as the Municipal Council of the Municipality from time to time appoints.

Rates to be payable in advance.

122 All such Rates shall be payable in the first instance by the Occupier of the property at the time of demand or levy, as the case may be; but every Occupier, if Tenant, shall be entitled to recover from his Landlord One-half of the amount of any such Rate paid by or recovered from him as money paid to the use of the Landlord, or the same may be deducted from, or set-off against, the rent then due or thereafter to become due: Provided that nothing herein contained shall affect the liability of a Tenant to his Landlord under any agreement for the payment of Rates by the Tenant.

Occupiers liable for Rates in first instance.

If a Tenant, may recover One-half from Landlord.

123 In case there is no Occupier of any property, or the Occupier cannot be found or is not known, the Rates in respect of such property shall be payable by and recoverable from the Proprietor in the first instance, who shall be entitled to recover One-half thereof from the Tenant, if any, as money paid to his use, or, if not paid on demand, by distress as for rent in arrear.

If no Occupier, Proprietor liable in first instance.

124 All such Rates shall be paid by the persons liable to pay the same to the Municipal Council; and in case any such person neglects or refuses to pay the amount of any such Rate for which he is liable for the space of Fourteen days after the same has been demanded, either personally or in writing, by any Collector of Rates appointed under this Act, it shall be lawful for the Warden, and he is hereby

Rates leviable by distress.

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authorised and empowered, by warrant under his hand, to distrain the goods and chattels of such person, whether the same are on the property in respect of which the Rate is payable or elsewhere, and to cause such goods and chattels when distrained to be sold, and out of the moneys to arise by such sale to pay all costs, charges, and expenses attendant upon such distress and sale, and in the next place to pay the amount of the Rate for which such distress and sale are made, and to pay over the surplus, if any, to the person whose goods and chattels have been so distrained and sold as aforesaid on demand: Provided that where any person liable in payment of any Rate hereinbefore authorised to be levied is resident in any place beyond the limits of the Municipality, it shall be lawful for the Warden to put in execution any Warrant of Distress under his hand in the same manner as if such person had continued to reside within the Municipality, such Warrant of Distress being first endorsed by the Warden of the Municipality, or by a Justice of the Peace resident in the District, in which such person then resides.

All goods found on property liable for Rates.

125 All goods and chattels whatsoever found upon the property in respect of which any such Rate is payable, to whomsoever the same may belong, shall be liable to be taken under the Warrant of Distress issued for the recovery of such Rate.

If Occupier's goods insufficient, Rate may be recovered from Proprietor.

126 In case sufficient goods and chattels of the Occupier of any property cannot be found to satisfy any such Rate, the half of the same, or any portion thereof left unrecovered, shall be recoverable from the Proprietor of the property, in the same manner as the same was originally recoverable from the Occupier.

If Occupier and Proprietor unknown, Collector may distrain on any goods on the property.

127 In case the Occupier or Proprietor of any property in respect of which any such Rate is due is not known or cannot be found, it shall be lawful for any Collector of Rates, without previous demand and without Warrant, to distrain any goods and chattels he may find on such property, and to cause the same to be sold, and out of the moneys arising from such sale to pay all costs and expenses attendant on such distress and sale and the amount of the Rate due, and to pay the surplus, if any, to the person whose goods are distrained and sold on demand.

Form of Distress Warrant.
Constables to aid in making distress.

128 The Warrant of Distress for the recovery of any such Rate may be in the form contained in the Schedule (10); and in all cases where a distress is by this Act authorised to be made, all Constables shall upon being required by a Collector of Rates, aid in making a distress or sale, and any Constable who refuses so to do shall be liable to a penalty not exceeding Five Pounds.

Collectors of Rate to preserve Warrants of Distress, and to enter particulars of distresses in a book.

129 Every Collector of Rates shall preserve all Warrants of Distress for recovery of Rates, and shall enter in a book to be kept for that purpose the names of the parties proceeded against, whether by Warrant of Distress or otherwise, the Rates due, the expense of the proceedings, and the true proceeds of each sale, which book shall be open to the inspection (without fee) of all parties interested for Three months after the date of each sale respectively.

Further distress in case first one insufficient.

130 In the event of any distress so made as aforesaid not realising sufficient to pay such Rate, costs, charges, and expenses as aforesaid, it shall be lawful from time to time to make further and other distress, in manner aforesaid, until the whole amount of such Rate, costs, charges, and expenses, has been fully paid.

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131 No person acting under any Warrant of Distress shall be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Irregularities by person acting under Warrant of Distress.

132 No misnomer, mistake, or informality committed in any proceedings for recovery of any Rates, charges, or expenses under this Act shall prejudice the recovery thereof, nor shall such proceedings fall, lapse, cease, or abate by the death, resignation, or removal of the Collector instituting the same, or by any change in the persons composing the Municipal Council; but it shall be lawful for the Collector for the time being to prosecute and follow forth procedure commenced and carried on in the name of any previous Collector in all respects as if such procedure had been taken by himself: Provided always, that it shall not be competent for any person to sue, nor for any Court to entertain, any action or proceeding against the Municipal Council, or any Collector, or any person employed in executing any Warrant of Distress in reference to any Rates, charges, and expenses under this Act, by reason of any misnomer, mistake, or informality, if the goods or other effects seized or sold under such Warrant were *bonâ fide* the property or in the lawful possession of the person actually liable in payment thereof under the provisions of this Act.

Misnomers, &c. not to affect proceedings for recovery of Rates.

133 Any unpaid Rate shall be and remain a charge upon the property in respect of which such rate is payable, and may be recovered at any future time as if the then Occupier had himself been liable to the payment of the Rate so remaining unpaid; and the production of the receipt for such overdue Rate paid by or recovered from any Tenant for any Rate due before the commencement of his tenancy shall be a discharge for the amount so paid or recovered in payment of rent to the Landlord; and such Landlord shall be entitled to recover from the person who was Tenant when the Rate became payable the proportion of the Rate to which such Tenant was liable as money paid to his use.

Unpaid Rate a charge upon the property.

134 It shall be lawful for the Municipal Council of any Municipality, upon the complaint of any person liable to the payment of any amount of Rate, to remit or excuse the payment thereof, or any part thereof, on account of the poverty of such person.

Rates may be remitted on account of poverty.

135 The Occupiers of Crown Land under Lease or Licence shall be liable to pay only One-half of any Rates made under the authority of this Act in respect of the Crown Land occupied by them; and no such Rate, or any proportion thereof, shall be payable by the Crown, whether as Proprietor or otherwise.

Occupiers of Crown Land to pay Half Rate. Crown to pay no Rate.

136 Unless specially empowered so to do by any Act, the Municipal Council of any Municipality shall not levy or raise any Rate whatever on any property belonging to and occupied by or on behalf of Her Majesty, nor on any property hired or used by the Government for any public purpose, nor on any property hired or used by the Board of Education as School premises or as a dwelling for any Master, nor on any Hospital, benevolent Asylum, or other building used solely for charitable purposes, nor on any Church or Chapel or other building used solely for public worship, nor on any Mechanics' Institute, Literary or Scientific Institution.

Certain property exempted from Rates.

*Rural Municipalities.**Loans.*

Municipal Councils may give notice of their intention to raise Loans.

137 If at any time it appears expedient to the Municipal Council of any Municipality to raise any sums by way of loan for any of the purposes of this Act, such Council shall publish a notice stating its intention to raise a Loan, with the amount of such proposed Loan, and the rate of interest to be paid in respect thereof, and the purposes to which it is intended to be applied, and also the amount of the Rate which it will be necessary to impose in order to provide for the reimbursement of such Loan within the period hereinafter prescribed, and convening a Meeting of the Municipal Electors of the Municipality for the purpose of taking into consideration the expediency of raising such Loan at a time and place to be named in such notice, such time to be not less than Four weeks nor more than Six weeks from the date of the first publication of such notice in the *Gazette*; and such notice shall be published by being inserted for Four consecutive weeks in the *Gazette*, and by being affixed upon or near to the doors of all Churches, registered Chapels, Post Offices, and Police Offices, if any, within the Municipality, or if there are no such places within the Municipality, then in such conspicuous places within the same as the Municipal Council thinks proper, for the period of not less than Three weeks next before the time of such Meeting; and at such Meeting of Municipal Electors the Municipal Council shall propose the raising of such Loan, and also a Special Rate to be made for the reimbursement thereof with interest.

Meeting of Municipal Electors specially convened may sanction Loan, and special Rate for repayment.

138 It shall be lawful for the Municipal Electors of any Municipality, at any such Meeting so convened as aforesaid, to authorise the Municipal Council of the Municipality to raise by way of loan any sum of money not exceeding the amount mentioned in any such notice as aforesaid, and also to make any special Rate so proposed to such Meeting upon all property within the Municipality; and any special Rate so authorised shall, when made, continue in force until, but not after, the repayment of the amount so authorised to be raised, with interest thereon; and shall be payable half-yearly in respect of all such property for each year that it remains in force, and shall be a charge upon such property: Provided, that every such special Rate shall be agreed to by a majority of votes of the Municipal Electors present at such Meeting, and shall be applied solely to the payment of such Loan and interest, and shall be of such an amount as to ensure the payment of such Loan and interest within Twenty-five years at the farthest from the time of raising such Loan: Provided also, that at any such Meeting the Municipal Electors shall vote according to the scale hereinbefore fixed for the purpose of electing Councillors

Special Rates to be made and recoverable as other Rates.

139 Every such special Rate so authorised to be made as aforesaid shall be made and recoverable in the same manner, and shall be payable by the like persons, as any other Rate under this Act.

Loan to be raised by Mortgage.

140 Every Loan so authorised to be raised shall be by mortgage of the special rate aforesaid.

Form of Mortgage of Rates.

141 Every mortgage in security of either such special Rate or Municipal Rates shall be by Deed under the Common Seal, and may be according to the form in the Schedule (11) or to the like effect; and the respective mortgagees in security shall be entitled one with another to their respective proportions of the Rates comprised in such mortgages, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so

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advanced with interest, without any preference one above another by reason of the priority of advancing such monies, or of the dates of any such mortgages.

142 A register of such mortgages in security shall be kept by the Council Clerk, and in the event of separate sums being borrowed on security of separate Rates a separate register shall be kept for each class of mortgages in security; and any such register may at all reasonable times be perused and inspected at the office of the Council Clerk upon payment of a fee of One Shilling.

Mortgages to be registered and enrolled.

143 Any person entitled to any such mortgage may transfer his right and interest therein to any other person; and every such transfer shall be by Deed wherein the consideration is truly stated, and may be according to the form in the Schedule (12) or to the like effect.

Transfers of mortgages.

144 Every such transfer shall, within One month from the date thereof, be produced to the Council Clerk at his Office, and thereupon such Council Clerk shall cause an entry thereof to be made in the same manner as in the case of an original mortgage in security; and for every such entry the Council Clerk may demand the sum of One Shilling; and any such entry may at all reasonable times be perused and inspected at the Office of the Council Clerk upon payment of a fee of One Shilling; and, upon such entry being made, such transfer shall entitle the transferee, his executors, administrators, and assigns, to the full benefit of the original mortgage in security, and the principal and interest thereby secured; and such transferee may in like manner transfer the same again *toties quoties*; and it shall not be in the power of any person except the person to whom the same has been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage so transferred or any money thereby secured.

Transfers to be registered.

145 If the Municipal Council can at any time borrow any sum of money, in order to pay off and discharge any security given by such Council and then in force, at a lower rate of interest than such existing security bears, it shall be lawful for such Council to borrow such sum for such purposes, and to charge the Rates authorised to be mortgaged in security, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other moneys borrowed on mortgage in security of Rates.

Power to borrow money at a lower rate of interest to pay off securities at a higher rate.

146 If no time be fixed in the mortgagee-deed in security for the repayment of the money so borrowed, the party entitled to receive such money may at the expiration or at any time after the expiration of one year from the date of such deed, demand payment of the principal money thereby secured, with all arrears of interest, upon giving Six months previous notice for that purpose; and in the like case the Municipal Council may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print, or both, and if given by a mortgagee or transferee shall be delivered to the Council Clerk or left at his office, and if given by the Municipal Council shall be signed by the Council Clerk, and be given either personally to such mortgagee or transferee or left at his residence, or if such mortgagee or transferee be unknown to the Municipal Council, or cannot be found after diligent enquiry, such notice shall be given by advertisement in the *Gazette*.

Repayment of money borrowed when no time has been agreed upon.

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Interest to cease on expiration of notice to pay off a mortgage debt.

147 If the Municipal Council gives notice of its intention to pay off any such mortgage in security at a time when the same may lawfully be paid off, then at the expiration of such notice all further interest shall cease to be payable thereon, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Municipal Council fails to pay the principal and interest due at the expiration of such notice or such mortgage in security.

Mode of paying off mortgages.

148 Whenever the Municipal Council is enabled to pay off one or more of the mortgages in security which are then payable, and is not able to pay off the whole of the same class, the said Council shall decide the order in which they are paid off by lot among the class to which such one or more of the mortgages in security may belong, and shall cause a notice signed by the Council Clerk to be given to the person entitled to the money to be paid off pursuant to such lot; and such notice shall express the principal sum so proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified at the expiration of Six months from the date of giving such notice.

During continuance of mortgage, Council to continue to make and levy the Rates mortgaged.

149 Until every mortgage in security of any rate or rates is paid off, the Municipal Council shall periodically continue to make and levy such rate or rates, so as to raise an amount equal to the maximum amount raised by such rate or rates at the time of effecting any such mortgage then subsisting; and in case the Municipal Council at any period during the continuance of any such mortgage neglects or refuses to make and levy any such rate or rates so mortgaged so as to raise such amount, the said Council shall be compellable so to do by the Supreme Court by *Mandamus*.

Mortgagee may enter and receive Rates on default.

150 It shall not be lawful for any mortgagee or transferee in security as aforesaid to enter into the receipt or possession of such Rates so mortgaged as aforesaid until default is made in payment of the interest due upon such security for the space of Twenty-eight days, and unless after demand thereof in writing the same is not paid within such time; and in case after demand made as aforesaid any such interest is not paid within such time as aforesaid, or in case within Six months after the principal money owing upon any such mortgage in security becomes payable, and after demand thereof in writing the same is not paid, together with all interest due in respect thereof, or if in any case in which no time is fixed in the mortgage-deed in security for the repayment of the money borrowed repayment thereof is demanded as hereinbefore provided, and the same, together with all interest due in respect thereof, is not paid pursuant to such demand, it shall be lawful for the Mortgagee or transferee in security, his executors, administrators, or assigns, as the case may be, to enter into possession of such rates so mortgaged, if no other mortgagee or transferee in security shall then be in possession, and to continue in such possession, and in receipt of such Rates as aforesaid until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the Rates aforesaid, are fully paid; and every Mortgagee or transferee in security so in possession of such Rates shall have and exercise all powers for collecting and recovering the said Rates hereinbefore contained for those purposes; and if there is any other mortgagee or transferee in security as aforesaid in such possession as aforesaid, then such mortgage shall be deemed and taken to be a continuing security for the payment of the principal and interest mentioned in such mortgage until the same are fully paid and satisfied,

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notwithstanding the period for which such mortgage has been granted has expired.

151 Any mortgagee or transferee in security as aforesaid, who so enters into the possession and receipt of such Rates as aforesaid, shall not apply such Rates which may consequently be received by him to his own exclusive use and benefit, but to and for the use and benefit of all other mortgagees and transferees in security, if any, of such Rates *pari passu*, and in proportion to the several sums which are due to them as such mortgagees or transferees in security.

Rates to be applied by mortgagee in possession *pari passu*.

Officers and their Accountability.

152 The Municipal Council of every Municipality shall appoint and employ a Council Clerk who shall keep the records of the proceedings of the Council, which records shall contain accurate minutes of the proceedings and orders of the Council and its Committees, and being signed by the Warden or Chairman of each respective meeting, or any copy or extract therefrom, authenticated by the signature of the Council Clerk, shall be received as evidence in all Courts whatsoever, in any case or matter concerning this Act.

Appointment and duties of Council Clerk.

153 No person appointed or employed as the Council Clerk of any Municipality under this Act, or any person in the employ of such Council Clerk, shall act as Agent or Solicitor in the trial of any action, suit, or other proceeding in any matter arising within the Municipality, or in the trial of any offence under this Act, or of any offence committed within the limits of the Municipality; and in the event of a contravention hereof, such Council Clerk shall be thenceforth disqualified from holding any office whatever under this Act, and also from acting as a Councillor under this Act.

Council Clerk not to be concerned as Solicitor, &c. in actions &c. arising within Municipality.

154 The Municipal Council of every Municipality may, from time to time, appoint and employ a Treasurer, and such Surveyors, Collectors, and other Officers as the said Council thinks necessary and proper for the execution of the powers vested in the said Council, and from time to time may remove any of such Officers, and appoint others in the room of such as are so removed, or as may die, resign, or discontinue their offices, and may, out of the Municipal Fund, pay such salaries and allowances to the said Officers respectively as the Council thinks reasonable: Provided, that nothing herein contained shall prevent the same person from being appointed to hold more than one of such Offices at the same time if the Municipal Council so thinks fit, and that no Mace-bearer or other Officer merely for parade or show shall be appointed.

Power to appoint Officers.

155 It shall be lawful for the Warden to suspend from office at any time any Officer or Servant of the Municipal Council who may in his opinion be guilty of misconduct or neglect, and if necessary temporarily to appoint another Officer or Servant to fulfil the duties of the Officer or Servant so suspended, and to take security where necessary for the faithful discharge of the duties of such Officer or Servant during his temporary appointment: Provided always, that at the next meeting of the Municipal Council after such suspension the Warden shall report the matter to the Council, and should the Officer or Servant so suspended be dismissed by the Council no salary or wages shall be due or paid to him from and after the date of his suspension; and every Officer or Servant so temporarily appointed by the Warden shall hold office and receive remuneration (which shall in no case exceed that paid to the

Warden may suspend Officers.

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Officer or Servant so suspended) until the Municipal Council decides whether the person suspended shall be reinstated or dismissed, and if he is dismissed, until a successor is appointed in his stead.

Officer taking other than allowed fees to lose office, and forfeit £50.

156 Every Officer employed by the Municipal Council of any Municipality who exacts or accepts on account of any thing done by virtue of his office, or in relation to the matters to be done under this or any other Act relating to the Municipality, any fee or reward whatsoever other than the salary or allowances allowed by the Council, or who is in anywise concerned or interested in any bargain or contract made by the Council, shall lose his office and be incapable of being afterwards employed by the Council, and shall forfeit the sum of Fifty Pounds; and any person may sue for such penalty by action of debt or on the case in the Supreme Court, and shall on recovery thereof be entitled to full costs of suit.

Security from Officers.

157 Before any person, whether Treasurer, Council Clerk, Collector, or other Officer, who is entrusted by the Municipal Council with the custody or control of moneys, securities, or muniments by virtue of his office, shall enter upon such office, the Council shall take sufficient security for the faithful execution thereof.

Officers of the Corporation to keep books of account.

158 Every Officer or person employed under the Municipal Council of any Municipality, shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums have been received or paid; and such books shall at all times be open to the inspection of the Warden or any Councillor or Auditor, and shall with all vouchers and papers relating thereto in the months of *June* and *December* in every year be submitted to the Municipal Council for the purpose of being examined and audited; and if the said Accounts are then found to be correct the Warden shall sign the same.

Collectors, &c. to pay over moneys within Fifteen days to the Treasurer.

159 Every Collector or other Officer appointed or employed by the Municipal Council of any Municipality to collect money shall, within Fifteen days after he has received any moneys belonging to the Municipality, pay over the same to the Treasurer, and the receipt of such Treasurer for the moneys so paid shall be a sufficient discharge to such Collector or other Officer; and every such Collector or Officer shall, in such time and in such manner as the Municipal Council directs, deliver to the Council true and perfect accounts in writing under his hand of all moneys paid by him to the said Treasurer, and also a list of the names of all persons who have neglected or refused to pay any money owing by them, with a statement of the moneys due from them respectively.

Officers to account.

160 Every Collector and other Officer appointed or employed by the Municipal Council shall, from time to time when required by the Council, make out and deliver to the Council, or to any person appointed by the Council for that purpose, a true and perfect account in writing under his hand of all moneys received by him on behalf of the Municipality, and such account shall state how and to whom and for what purpose such moneys have been disposed of, and together with such account such Officer shall deliver the vouchers and receipts for such payments; and every such Officer shall pay to the Council, or to any person appointed by the Council to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

Summary recovery against parties failing to account.

161 If any such Collector or other Officer fails to render such accounts as aforesaid, or to produce and deliver up all the vouchers and

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receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for Five days after being thereunto required he fails to deliver up to the Municipal Council of any Municipality, or to any person appointed by the Council to receive the same, all books, papers, and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the Municipality, then on complaint thereof being made to a Justice such Justice shall summon such Officer to appear before two or more Justices, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such Officer, or upon proof that such summons was personally served upon him or left at his last known place of abode, such Justice may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such Officer; and if it appears, either upon confession of such Officer, or upon evidence, or upon inspection of the account, that any moneys of the Municipality are in the hands of such Officer, or owing by him to the Municipality, such Justices may order such Officer to pay the same, and if he fails to pay the amount it shall be lawful for such Justices to grant a warrant to levy the same by distress, and in default of sufficient distress to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same is sooner paid.

162 If any such Officer summoned as aforesaid refuses to make out such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power belonging to the Municipality, such Justice may commit such offender to gaol, there to remain until he has delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the Municipality.

Officers refusing to make out Account and deliver up documents, &c. may be committed to prison.

163 If any Councillor, or other person acting on behalf of the Municipal Council of any Municipality, makes oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe that it is the intention of any such Officer as aforesaid to abscond, the Justice before whom the complaint is made may, instead of issuing his summons, issue his warrant for bringing such Officer before such Two Justices as aforesaid; but no person executing such warrant shall keep such Officer in custody longer than twenty-four hours without bringing him before some Justice; and the Justice before whom such Officer is brought may either discharge such Officer, if he thinks there is no sufficient ground for his detention, or order such Officer to be detained in custody so as to be brought before two Justices at a time and place to be named in such order, unless such Officer gives bail to the satisfaction of such Justice for his appearance before such Justices to answer the complaint of the Council.

Where Officer about to abscond a Warrant may be issued in the first instance.

164 No such proceeding against or dealing with any such Officer as aforesaid shall deprive the Municipality of any remedy which it otherwise has against such Officer or any surety of such Officer.

Proceedings against Officers not to discharge Sureties.

Accounts.

165 The Municipal Council of every Municipality shall cause books to be provided and kept, and true and regular accounts to be entered therein of all property, real and personal, vested in the Municipal

Accounts to be kept of Receipts and Disbursements.

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Council, showing the nature of such property, and of all sums of money received, showing from what sources such moneys have been received, and to what purposes the same has been laid out, applied, and paid for and on account of the Municipality, which books shall at all reasonable times be open to the inspection of the Warden or any Councillor, or Auditor, or any Mortgagee, Transferee in security of Rates, or other Creditor of the Municipality, or any Municipal Elector, without fee or reward, and the persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same; and any Clerk or other person having the custody of the said books who does not on the reasonable demand of any person as aforesaid permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall be liable to a penalty not exceeding Five Pounds for every such offence.

Statement of Accounts to be annually prepared.

166 The Municipal Council of every Municipality shall, in the first week in the month of *January* in each year, cause the accounts of the Municipality up to and including the Thirty-first day of *December* next preceding, to be balanced, and also cause a full and true statement and account to be drawn out of the amount of all Assessments made and Rates levied, and of all contracts entered into, and of all monies received and expended during the preceding year, and also of all debts then owing by and to the Corporation, and such statement and account signed by the Warden and not less than four Councillors shall remain for inspection at the Council Clerk's Office; and every Creditor of the Municipality, or any person acting on behalf of any such Creditor, may, at all reasonable times, inspect such statement and account, and compare the same with the books and documents relating thereto in the possession of the Municipal Council.

Auditors to inspect Accounts.

167 The Auditors of every Municipality shall, during the month of *January*, and as soon as conveniently may be after each annual balancing of the accounts of the Municipality, attend at the Council Clerk's Office and proceed to audit the accounts of the Municipality for the preceding year; and the Municipal Council shall, by the Treasurer, produce and lay before such Auditors the accounts so balanced as aforesaid, together with the statement and account hereinbefore mentioned, accompanied with proper vouchers in support of the same, and all books, papers, and writings in the custody or power of the Municipal Council relating thereto; and any person interested in the said accounts as a Creditor of the Municipality may be present at the audit of the said accounts by himself or his Agent, and may make any objection to any part of such accounts; and the Auditors shall either make a special report upon such accounts, or if the said accounts are found correct such Auditors shall simply confirm and sign the same in token of their allowance thereof.

Publication of accounts.

168 Upon the annual accounts being so examined and audited as aforesaid, the Municipal Council shall cause a copy of such accounts, showing every source of revenue and the expenditure thereout, each under its separate heading, and of such statement and account as hereinbefore mentioned, each signed by the Warden and not less than Four Councillors and by the Auditors, to be delivered to the Clerk of each House of the Legislature of this Colony, in order that the same may be laid on the Table of such House; and the Treasurer shall make out and cause to be printed a full abstract of the accounts for the year as audited; and a copy of the said abstract shall be published in the *Gazette* within Fourteen days after such accounts have been so audited as aforesaid.

*Rural Municipalities.**Municipal Fund.*

- 169** The rents and profits of all lands, buildings, market dues, tolls, and other hereditaments which may belong to or become vested in each Municipality, and the interest, dividends, and annual proceeds of all moneys, dues, chattels, and valuable securities belonging or payable to the Municipality, and all rates, fees, and moneys belonging or payable to the Municipality, shall be paid to the Treasurer of the Municipality; and all moneys which he so receives shall be carried by him to an account to be called "The Municipal Fund;" and all moneys whatsoever received by the Treasurer under this Act shall be forthwith paid into some one of the public Banks in this Colony to the account of "The Municipal Fund" of the Municipality; and no part of such moneys shall be drawn out of such Bank except by an order signed by the Warden, and countersigned by one Councillor and the Treasurer.
- All moneys belonging to each Municipality to be paid to the Treasurer, and form a Fund to be called "The Municipal Fund."
- 170** In case any Municipal District set forth in the Schedule (2) has been or hereafter is constituted and declared to be a Municipality, there shall be an annual contribution out of funds to be provided by Parliament for that purpose in aid of the Municipal Fund of such Municipality.
- Contribution from Public Revenue in aid of Municipalities.
- 171** One-fourth part of the amount of every such annual contribution shall be payable out of, and chargeable upon, the Land Fund.
- One-fourth of contribution out of Land Fund.
- 172** The Colonial Treasurer shall annually issue and pay to the Treasurer of each Municipality the contribution due by virtue of the provisions aforesaid, upon such days and in such proportions as the Governor by any Warrant under his hand, from time to time, orders and directs.
- Contribution payable by Warrant of the Governor.
- 173** The Colonial Treasurer shall be allowed credit in his Accounts for any sum of money paid by him in pursuance of any such Warrant as aforesaid; and the receipt of the person to whom the same is so paid shall be a full and valid discharge to the said Treasurer in passing his said Accounts for any such sum as is therein mentioned, and he shall receive credit for the same accordingly.
- Credit to be given to the Treasurer in Account.
- 174** Every such contribution from the Public Revenue shall be paid until the First day of *January* in the year 1873 and no longer.
- Contribution payable till 1st January 1873.
- 175** In the event of any alteration of any Municipality, it shall be lawful for the Governor in Council to reduce or increase the sum contributed to such Municipality out of the Public Revenue, under the provisions of this Act, by such amount as may be agreed upon between the Colonial Secretary and the Municipal Council of such Municipality by reason of such alteration.
- If District altered, annual contribution may be reduced or increased.
- 176** The fees incidental to proceedings before any Court of Requests or any Court of General Sessions of the Peace held in any Municipality, shall be appropriated to and form part of the Municipal Fund of such Municipality.
- Court of Requests Fees to form part of Municipal Fund.
- 177** All costs and expenses attending the making or revising any Valuation Roll under *The Property Valuation Act* in any Municipality before the commencement of this Act, and all costs and expenses
- Expense of making Valuation Roll, and of

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Inquests to be paid out of Municipal Fund.

attending the making or revising any Assessment Roll in any Municipality under this Act, and the expenses of holding Inquests within any Municipality, shall be borne and defrayed by such Municipality, and shall be payable by the Municipal Council out of the Municipal Fund of such Municipality.

Orders for payment of money may be removed into the Supreme Court.

178 Any order for the payment of any sum of money from or out of the Municipal Fund of any Municipality may, within Twelve months of the making of the same, at the instance of any Municipal Elector of such Municipality, be removed into the Supreme Court by Writ of *Certiorari*, and such order may be disallowed or confirmed upon motion and hearing with costs according to the judgment and discretion of the said Court.

Appropriation of Municipal Fund.

General appropriation of Municipal Fund.

179 All moneys payable to and received by each Municipality under this Act, not otherwise specifically appropriated, shall be applied by the Municipal Council of the Municipality generally in the improvement of the Municipality, and in carrying out and effectuating all or any of the objects and purposes of this Act and any other Act relating to Municipalities.

Municipal Council Meetings and Proceedings.

The Council to act by a majority of the members.

180 All acts, save the making of Bye-laws as hereinbefore mentioned, by this or any other Act relating to any Municipality authorised or required to be done by the Municipal Council, and all questions which may come before the said Council, shall be done and decided by the majority of the Members of the said Council present at any Meeting of such Council duly held, the whole number present at such Meeting not being less than Three.

Chairman at meetings of Council.

181 The Warden, if present, shall preside at all Meetings of the Municipal Council, and in his absence such Councillor as the Members present shall choose shall be Chairman; and if at any time there is an equality of votes in the election of a Chairman, it shall be decided by lot which of the Councillors having an equal number of votes shall be Chairman.

Warden or Chairman to have a casting vote.

182 The Warden, or in his absence the Chairman of the Meeting, shall have a second or casting vote in all cases of equality of votes.

Notices of meetings.

183 Notice of the time and place of every intended Meeting of the Municipal Council shall be given by the Council Clerk to the Members of the said Council.

Notices to be served on Members of the Council.

184 Every such notice shall be left at the usual or last known place of abode of every Member of the said Council, or sent to him by post Twenty-four hours at least before such Meeting.

When meetings to be called.

185 The Warden shall call a Meeting of the Municipal Council as often as he thinks proper, or as the said Council may direct; and if the Warden refuses or delays to call any such Meeting after receiving a requisition for that purpose signed by at least Four Members of the said Council, such Four Members may call a Meeting of the said Council by giving like notice as aforesaid, signed by themselves, stating therein the business proposed to be transacted; and if the Warden ceases to be

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a Councillor, Four Members of the said Council may call a meeting of the Council in manner aforesaid.

186 Minutes of the Proceedings of every Meeting of the Council shall be taken, and, being fairly transcribed into a book to be kept for that purpose, shall be read at the Meeting immediately succeeding, and shall be signed by the Warden or Chairman of the Meeting at which the Minutes are read and confirmed. Minutes of Proceedings.

187 Any Municipal Elector shall be at liberty, at all reasonable times, on payment of the sum of One Shilling, to make any copy of or take any extract from the Minute Book of the Municipal Council, and also to make any copy or take any extract from any order of the said Council for the payment of any money. Copies and extracts from Minute Book.

188 The Municipal Council may from time to time appoint out of their own body such and so many Committees, either of a general or special nature, and consisting of such number of persons not less than Three as the said Council thinks fit, for any purposes which in the discretion of such Council would be better regulated, arranged, and managed by means of such Committees, and may fix the quorum of any such Committee, and may continue, alter, or discontinue any such Committee: Provided, that the acts of every such Committee shall be submitted to the Municipal Council for approval. Committees.

189 Every Committee so appointed may meet from time to time, and adjourn from place to place, as they may think proper for carrying into effect the purposes of their appointment; but no business shall be transacted at any Meeting of Committee unless the quorum of Members, if any, fixed by the Municipal Council, and if no quorum be fixed Three Members, be present; and at all Meetings of the Committee the Warden, if a Member of such Committee and present, shall preside, and in his absence such Councillor as the Members present shall choose shall be Chairman, such choice to be determined in case of an equality of votes as in the case of an election of a Chairman at a Meeting of the Municipal Council; and all questions shall be determined by a majority of the votes of the Members present, and in case of an equality of votes the Warden or Chairman shall have a casting vote in addition to his vote as a Member of the Committee. Committee meetings.

Substitutes.

190 Whenever in consequence of death, absence, or otherwise it is not possible for any Councillor or Auditor, or the Council Clerk, or any other Corporate Officer or person, to perform any duty which he is directed to perform, it shall be lawful for the Warden to appoint any other Councillor, Auditor, or person to perform the same; and if by any similar reason, or if he ceases to be a Councillor, the Warden is prevented from performing any duty imposed on him, the Municipal Council shall elect one of the Councillors to perform such duty in the manner by this Act appointed for the election of Warden. When Warden, &c. unable to perform duty, another person to be appointed for that purpose.

Neglect of Duty.

191 If any Warden, Councillor, Auditor, or other person whatsoever appointed or enjoined to perform any duty, matter, or thing under this Act or any other Act relating to any Municipality wilfully neglects or refuses to perform any such duty, matter, or thing, or in any manner Warden, &c., disobeying Act liable to a penalty.

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infringes or disobeys any provision of this or such other Act, such Warden, Councillor, Auditor, or other person as aforesaid shall for every such offence forfeit and pay a penalty of not more than One hundred Pounds; and any such penalty shall be recoverable with full costs of suit by any person who sues for the same within Three months after the commission of such offence by action of debt in the Supreme Court; and any such penalty so recovered shall be paid and applied one moiety thereof to the person so suing, and the other moiety in aid of the Municipal Fund.

Obstructing Municipal Council and its Officers.

Penalty for obstructing the Council or its Officers.

192 If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Municipal Council, or any Member thereof, or any Auditor, or any Officer, Agent, Servant, Workman, or Assistant of the Municipal Council in doing or performing any work, or in the exercise of any power or authority authorised or vested in the said Council, or any of the persons aforesaid by this or any other Act relating to the Municipality, or threatens, or assaults, or uses improper or abusive language to, or otherwise insults, any of the persons aforesaid whilst in the performance or execution of his duty under this or any other Act relating to the Municipality, every such person shall for any such offence (if not otherwise specially provided for) forfeit and pay a penalty not exceeding Twenty Pounds: Provided, that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at law by any of the persons aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any law or usage to the contrary notwithstanding.

Recovery and Appropriation of Penalties.

Offences to be dealt with summarily.

193 All offences against this or any other Act relating to any Municipality, or against any Bye-law, and all penalties and sums of money imposed or made payable by this or any other Act relating to the Municipality, or by any Bye-law, shall, where no other mode of proceeding is by Law provided, be heard, determined, and recovered in a summary way by and before any Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

19 Vict. No. 8.

Persons not to be imprisoned for more than Three months.

194 No person shall, unless otherwise expressly provided, be imprisoned for non-payment of any penalty under this or any other Act relating to the Municipality, or for want of sufficient distress, for a longer period than Three months, to be computed from the day, if such offender has been arrested, on which he was actually arrested.

One conviction only for same offence.

195 No person convicted under this or any other Act relating to any Municipality, or under any Bye-law, shall be liable to be convicted under any other Act for the same offence.

Penalties to be paid to Treasurer.

196 All penalties received by virtue of this or any other Act relating to any Municipality, or of any Bye-law, shall, if not otherwise in any case specifically directed, be paid to the Treasurer, and form part of the Municipal Fund.

Appeal from Penalties.

Appeal from penalties.

197 Any person who thinks himself aggrieved by any penalty imposed under the authority of this or any other Act relating to any

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Municipality, or under any Bye-law, may, unless it is otherwise expressly provided, appeal against the same in the manner prescribed by *The Appeals Regulation Act.* 19 Vict. No. 10.

Protection of Persons executing Acts relating to any Municipality.

198 Unless otherwise expressly provided, no action shall lie against any person for anything done in pursuance of this or any other Act relating to any Municipality unless notice in writing of such action, and of the cause thereof, is given to the Defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued; and in any such action the Defendant may plead the general issue, and give this or such other Act and the special matter in evidence; and no Plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the Defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the Defendant, or the Plaintiff becomes nonsuit or discontinues such action, or if upon demurrer or otherwise judgment is given against the Plaintiff, the Defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by Law in other cases; and though a verdict is given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant unless the Judge before whom the case is tried certifies his approbation of the action, and the verdict obtained thereupon.

Persons acting under Acts relating to any Municipality entitled to notice of action, &c.

Transfer of Corporate Rights, &c.

199 All property, rights of property, and interests whatsoever vested in the Municipal Council of any Municipality constituted and declared before the commencement of this Act shall, upon the commencement of this Act, become transferred to and vested in the Municipality of the same name as such Municipality under this Act, as the case may be; and all moneys due and owing to or by the first-mentioned Municipal Council, and all Rates assessed by such Council and not paid when this Act takes effect, shall be payable and recoverable to, by, or from the Municipal Council established by this Act, in lieu of such former Municipal Council, and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into with and in favour of or by or for any such first-mentioned Municipal Council, or any person on behalf of such Council, and all obligations incurred, and all rates imposed or to be imposed under and by virtue of any Act hereby repealed, shall take effect and may be proceeded on and enforced by, against, and with reference to the Municipal Council established by this Act, as fully in all respects as they might have been by, against, and with reference to the first-mentioned Municipal Council if this Act had not been passed.

Rights, &c. of present Corporations vested in the Corporations created hereby.

200 All Bye-laws passed in accordance with the provisions of any Law by this Act repealed, all regulations framed, and all acts, matters, and things done and performed by the Municipal Council of any Municipality before the commencement of this Act, shall be deemed to be passed, framed, done, and performed by the Municipality of the same name declared and constituted by virtue of this Act.

Saves Bye-laws, &c. passed before commencement of this Act.

201 Every action, suit, prosecution, or other proceeding whatsoever, Suits, &c. already

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commenced may
be continued.

commenced by or against any Municipal Council before the commencement of this Act may, without change of parties, suggestion, or other alteration of any pleading or record or otherwise, be continued, and shall take effect in favour of or against the Municipal Council of the same name constituted and declared by this Act, in the place and stead of such former Municipal Council; and all decrees and orders duly made, and all fines and penalties lawfully imposed and incurred, may be enforced, levied, and recovered by the Municipal Council of the same name constituted and declared by this Act in like manner as they could have been enforced, levied, and recovered by such first-mentioned Municipal Council if this Act had not been passed; and every matter to which the Municipal Council of any Municipality constituted and declared before the commencement of this Act has at any time heretofore been or now is party or privy, and which would have been or would now be valid but for the passing of this Act, shall to all intents and purposes, both in favour of and against the Municipal Council of the same name, constituted and declared by this Act, be as valid as if such last-mentioned Municipal Council had been party or privy thereto.

Corporate Body
established by this
Act substituted
for present body.

202 Wherever by any Act the Municipal Council, or the Municipal Fund, or the Warden or Councillors of any Rural Municipality, is referred to, the Municipal Council, Warden or Councillors, or Municipal Fund of the Municipality of the same name by this Act declared and constituted, as the case may be, shall be deemed to be intended.

Present Council
Clerks to be
Council Clerks
under this Act.

203 The Council Clerk of any Municipality before the commencement of this Act shall, unless removed in the meantime, be the Council Clerk of the Municipality of the same name established by this Act.

Officers heretofore
appointed to con-
tinue to exercise
offices.

204 All Officers appointed under and employed in the execution of any Act hereby repealed shall continue to exercise their offices until they are respectively superseded or legally removed therefrom under the authority of this Act.

Courts of General Sessions.

Each Municipality
to be a General
Sessions District.

205 Every Municipality shall be a District for the purpose of holding a Court of General and Quarter Sessions of the Peace.

Council Clerks to
act as Deputy
Clerks of the
Peace.

206 The Council Clerk of each Municipality shall be, and perform the duties of, the Deputy Clerk of the Peace of the Municipality in and for which such Court of General and Quarter Sessions is held.

Entry on Private Lands.

Municipal Coun-
cil may enter
private lands,
making compen-
sation.

207 For the purposes of this Act it shall be lawful for the Municipal Council of any Municipality to enter upon, and conduct through, and make upon, any private lands drains, water-courses, wells, pumps, pipes, or other necessary works, provided that such land is not occupied as a court-yard, garden, or dwelling-house, or as an approach to any dwelling-house; and if any person is injured by any such work being made upon or through his land, the Municipal Council shall make compensation for such injury; and if such Council and the person so injured cannot agree as to the amount of compensation, the same shall be settled by arbitration, and for that purpose the clauses of *The Lands*

Rural Municipalities.

Clauses Act relating to the settlement of disputes by arbitration shall be incorporated with this Act.

Purchase and taking of Land.

208 The Municipal Council of each Municipality is hereby empowered to purchase and take such land as it may deem necessary for carrying out any public works or improvements in such Municipality; and for the purpose of purchasing and taking such Land *The Lands Clauses Act* shall be incorporated with this Act, and for the purpose of such incorporation the Municipal Council shall be deemed to be the promoters of the undertaking.

Municipal Council may purchase land for public purposes.

Crown Rights saved.

209 Nothing in this Act contained shall affect or apply to any right, title, or interest of Her Majesty, Her Heirs and Successors, or in any way limit the Royal Prerogative.

Act not to affect rights of the Crown.

SCHEDULE.

(1.)

ACTS TO BE REPEALED.

Section 2.

<i>Reference to Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
21 Vict. No. 50.	<i>The Rural Municipalities Act</i>	The whole Act.
26 Vict. No. 16.	<i>The Rural Municipalities Act, No. 2</i>	The whole Act.

(2.)

NAMES AND DESCRIPTIONS OF DISTRICTS.

Section 5.

DISTRICT OF FRANKLIN.

Commencing at the westernmost point of South Bruni Island, and bounded by a line from thence to the Butts in Huon River, and a line from thence to Garden Island Creek, by that creek to its source, by a line from thence to the south-east angle of Lot 637, by the north-eastern boundary of that lot and of Lot 634 and 631 purchased by Patrick O'Neill and the north-eastern boundaries of Lot 649, 645, and 641, by a line from the north-east angle of the last-mentioned lot to the south-eastern angle of Lot 233, by the north-eastern boundary of that lot and Lot 273, and by a line from the north-eastern angle of the last-mentioned lot to the Trigonometrical Station on Grey Mountain, by a line from thence to the head of the Mountain River, and thence by a line along the summit of the tier to the source of the Russell's Falls River, by a line from thence to the junction of the Picton River with the Huon River, by the Picton River to its source, by a line from thence to South Cape, by the sea to Whale Head and a line from thence to the point of commencement.

DISTRICT OF KINGBOROUGH.

Commencing at the junction of Brown's River with the River Derwent, and bounded by that river to Long Creek, by that creek, by the eastern, northern, and part of western boundaries of the Township of Summerleas, by the northern boundaries of lands purchased by Arthur Perry, John Watchorn, and Edward Campbell, by a line from thence to the source of the Mountain River, thence by the District of Franklin to the westernmost point on South Bruni Island, thence by the sea to Tasman's Head, and thence by the sea, Adventure Bay, and Storm Bay to Kelly's Point, crossing the Passage, and by the River Derwent to the point of commencement.

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DISTRICT OF QUEENBOROUGH.

Commencing at the junction of Sandy Bay Rivulet with the River Derwent, and bounded by that rivulet to its source, by a line from thence to a point on the north-west boundary of a location to W. C. Brown distant 130 chains in a north-easterly direction from its western angle, thence by a line to a point 3 miles south of the south-east angle of Lot 622, by a line from thence to the head of the Mountain River, thence by the District of Kingborough to the River Derwent, and by that river to the point of commencement.

DISTRICT OF NEW TOWN.

Commencing at the south-west boundary of the City of Hobart Town on the Sandy Bay Rivulet, and bounded by the District of Queenborough to the north-west boundary of W. C. Brown's location, by that boundary and the New Town Rivulet to the River Derwent, by that river to the City of Hobart Town, and by the north-east, north-west, and south-west boundaries of that city to the point of commencement.

DISTRICT OF GLENORCHY.

Commencing at the junction of the Black Snake Rivulet with the River Derwent, thence by the Municipality of New Norfolk and the Electoral District of Kingborough to a location to W. C. Brown, thence by that location and the New Town Rivulet to the River Derwent in New Town Bay, and thence by that river to the point of commencement.

DISTRICT OF NEW NORFOLK.

Bounded on the north by Russell's Falls from its source to the River Derwent, thence by that river to the west angle of a grant to John Terry on the left bank of the River Derwent, by the north-west and north-east boundaries of that grant to the Belmont Rivulet, thence by the division boundaries of the Parishes of Grafton and Lansdowne to Platform Bluff on the Dromedary Range, on the north east by the Dromedary Range and Dromedary Creek to its junction with the River Derwent, thence by that river to the Electoral District of Glenorchy, on the south east by that district to the Electoral District of Kingborough, and by that district to the point of commencement.

DISTRICT OF PORT DAVEY.

Commencing at the junction of the Picton River with the Huon River, thence by the last-mentioned river to its source, by a line from thence to Lake Maria and by the western margin of that lake and of Lake Pedder to the Serpentine River, by that river to the River Gordon, by the last-mentioned river to Macquarie Harbour, by that harbour and the sea to South Cape, thence by the District of Franklin to the point of commencement.

DISTRICT OF CLARENCE.

Commencing at the south angle of a location to Andrew Crombie since granted to Thomas George Gregson on the River Derwent, and bounded by the south-east and north-east boundaries of that grant, thence to the north-west boundary of Lot 1422 purchased by the said T. G. Gregson, by that boundary to Belbin Rivulet, by that Rivulet to Pittwater, by Pittwater, Frederick Henry Bay, and Storm Bay to the River Derwent aforesaid, and thence by that river and by Ralph's Bay to the point of commencement.

Including also Betsy and Iron Pot Islands, and all other Islands lying adjacent to the coast of the tract of land above described.

DISTRICT OF RICHMOND.

Bounded on the northern and western sides by the Electoral District of Brighton from the west boundary on the River Derwent of Lot 5 purchased by Thomas George Gregson to the Trigonometrical Station on the top of the Quoin Mount, thence easterly by the Electoral District of Oatlands and by the Parish of Bisdee to the north-east angle of Lot 249A, thence by that lot and by the south boundary of Lot 301 to Prosser's River, by that river to the north-east angle of Lot 73 purchased by Richard Lewis, on the eastern side by that lot and Lots 7 and 6 purchased by C. O. Parsons, thence by a line to the north-east angle of Lot 36, thence by a due south line to the south-east angle of Lot 566 also purchased by C. O. Parsons and now the property of Askin Morrison and known as the Runnymede Estate, thence by a line to the Sorell Rivulet and by that rivulet to the north boundary of Lot 24 leased to the said Askin Morrison, thence by the back boundaries of that lot and of Lot 22 and by the south-east boundary of 259 acres granted to William Hodgson to the Orielson Rivulet, thence by the western boundaries of the Orielson Estate to the north boundary of a location to Charles Jeffrey, by that location easterly to the Orielson Rivulet aforesaid, by that rivulet to Pittwater, by Pittwater to a point distant one chain in a northerly direction from the Sorell Causeway on Midway Point, thence by a westerly line to the opposite shore, such line being distant one chain northerly from the said Causeway, thence crossing Pittwater to Belbin Rivulet, and thence by the Municipality of Clarence to the River Derwent, and by that river to the point of commencement.

DISTRICT OF SORELL.

Commencing at the junction of the Orielson Rivulet with Pittwater, thence by Pittwater to the District of Richmond, thence by that District to the District of Clarence, thence by the last-named District and including the Sorell Causeway, and again by Pittwater, Frederick Henry Bay, and Norfolk Bay to Eagle Hawk Neck, crossing that Neck and by the sea to the south-west boundary of Lot 91 leased to John Dunbabin near Cape Bernier on the East Coast, by that boundary and a line from thence to the north-east angle of Lot 2521, by the northern boundary of that lot and the northern boundary of Lot 2520 and a line from the western angle of the last-mentioned lot to the north-east angle of 99a. 1r. 24p. purchased by W. Hyett, thence by the northern boundary of that lot and the northern and western

Rural Municipalities.

boundaries of Lot 274 to the Curryjong Rivulet, thence by that rivulet to the Brushy Plains River and by that river to the Ringarooma Creek, by that creek to the north boundary of Lot 694, by that boundary and its south-west boundary and the south-east boundary of Lot 35 to the District of Richmond, and by that district to the point of commencement. Including the Islands adjacent to the coast.

DISTRICT OF SPRING BAY.

Bounded on the east by the sea from Little Swanport to the south-west boundary of Lot 91 leased to John Dunbabin near Cape Bernier, thence by the District of Sorell to the District of Richmond, by that district and the Electoral District of Oatlands to the Little Swanport River, and by that river and Little Swanport to the point of commencement. Maria Island and all other Islands adjacent to the coast between Little Swanport and Cape Bernier to form part of this District.

DISTRICT OF GREEN PONDS.

Commencing at the north-western angle of a grant of 100 acres to James Murdoch on the River Jordan, thence by the south-west and south-east boundaries of Lot 1480, part of the south-east boundary of Lot 30 purchased by Francis Flexmore, the south-west and part of the south-east boundary of 100 acres purchased by Henry Smith, the north-east boundary of a grant of 400 acres to Richard Allwright, part of the north-west and north-east boundaries of a grant of 500 acres to the said Richard Allwright, part of the north-west boundary of Lot 882, the north-west boundary of Lot 116, the south-west boundary of 332 acres granted to William Johnston, part of the north-west, the south-west, and south-east boundaries of Lot 485, the south-east boundaries of a grant to John Swan, and a location to Thomas Stanfield to the Bagdad Rivulet, thence northerly by that rivulet to the south-east boundary of a grant of 60 acres to George Armytage, by that boundary and the south-east boundaries of Lots 58 and 266 leased to Francis Flexmore, and by the eastern boundary of the last-named lot and the southern boundary of Lots 259 and 255 to the Quoin Rivulet, by that rivulet to the River Jordan, and by that river to the point of commencement.

DISTRICT OF BRIGHTON.

Bounded by the Municipality of Green Ponds from the River Jordan to the southern boundary of Lot 259 leased to Francis Flexmore, thence by the Municipality of Richmond to the River Derwent, thence by that river and including the Bridgewater Causeway and Bridge to the south-west boundary of a grant of 70 acres to Peter Archer Mulgrave, thence by that boundary and a line to the south-east angle of Lot 147 leased to Samuel Salmon, by the north-east boundary of that lot and the Dromedary Range to Platform Bluff, thence by the south-west boundary of the Parish of Wallace to the road from Hamilton to the Broad Marsh at the north-west angle of Lot 770 purchased by George Frederick Read, thence by the north-western boundaries of Lot 198 leased to John Espie, by the south-western, north-western, and north-eastern boundaries of Lot 26 leased to J. and R. Espie and the north-eastern boundary of 320 acres granted to Peter Murdoch to the River Jordan, and by the Jordan to the point of commencement.

DISTRICT OF HAMILTON.

To comprise that part of the Electoral District of Cumberland which is bounded on the east by an irregular line commencing at the south boundary of a location to Philip Pitt on the River Jordan dividing the Parishes of Pelham, Henry, and Stradbroke on the south from the Parishes of Beaufort and Vincent on the north, thence crossing the Clyde and by that river northerly to the south boundary of a grant to William Stanley Sharland, by the south boundary of that grant and by the north boundary of the Parish of Guildford to the Shawn Ravine, and by that ravine to the River Ouse and crossing the same, thence by the River Ouse to Armytage's Rivulet, by that rivulet to the south-east angle of Lot 675 purchased from the crown by Philip Thomas Smith, by the south boundary of that lot and a continued westerly line to the Little Pine River, and by that river in a north-westerly direction to Lake Ada.

DISTRICT OF BOTHWELL.

To comprise that portion of the Electoral District of Cumberland not included in the District of Hamilton as herein last described.

DISTRICT OF OATLANDS.

Bounded on the western side by the Electoral District of Cumberland from Lake Crescent to a point on the Jordan River immediately opposite the Quoin Rivulet, thence by that rivulet to the Trigonometrical Station on the Quoin Mount, thence by the southern boundaries of the Parishes of Hartington and Bisdee to the north-east angle of the Parish of Ormaig, thence by a straight north-easterly line (passing along the south-east boundaries of Lots 174, 255, 254, 253, a location to Daniel Stanfield, and through a location to James Hobbs) to the Little Swanport River, thence by that river in an easterly direction to the south angle of Lot 892, thence by the south-west boundaries of that lot and of a grant to George Marshall, thence by the back boundaries of Lots 235, 236, 259, and 123 to Lot 196 leased to Bassett Dickson, by the south-east boundary of that lot to Toom's Lake, by the south-west shore of that lake and by the southern branch of the Macquarie River until opposite the south-east boundary of Lot 290 purchased by Henry Stevenson Hurst, thence by that boundary to the northern branch of the Macquarie River, by that river in a westerly direction to Blackman's River, by Blackman's River to Mill Brook, by that brook and a westerly line to Lake Crescent, and by that lake to the point of commencement.

Rural Municipalities.

DISTRICT OF GLAMORGAN.

Bounded on the east by the sea from Doctor's Creek near Long Point to Little Swanport and by a line crossing the same at the bar, thence by the Electoral District of Sorell to the Electoral District of Oatlands, thence by the last-mentioned District to the north-east angle of Lot 36 on Toom's Lake, thence southerly along the eastern boundary of that lot to the southern boundary of Lot 374, by that boundary and a continued line of 40 chains, thence northerly to the south-west angle of Lot 252, by the south and east boundaries of that lot and a line from its north-east angle to the south-east angle of Lot 132, by the eastern and part of the northern boundaries of that lot, by the eastern boundary of Lot 360, by a north-west line from the north-east angle of that lot for about four miles, thence westerly for about a quarter of a mile to the south-east angle of Lot 247, by the southern and western boundary of that lot, by part of the southern and the western boundaries of Lot 1427 and the western boundary of 1000 acres granted to George Meredith to the Elizabeth River, by that river westerly, by the east and part of the north boundaries of Lot 107, by the eastern boundaries of 400 acres located to W. Barrow, a grant of 800 acres to Thomas Parramore, and Lot 110 and by part of the north boundary of the said lot and the eastern boundaries of Lots 111 and 112, by part of the northern boundary of the last mentioned lot and the eastern boundary of Lot 39 and a line from thence to the south-east angle of Lot 308, and by the eastern boundary of that lot and by the southern and eastern boundaries of Lot 307 to the summit of the range lying to the south of the St. Paul's River to the south-east angle of a grant to R. Hepburn, by the east boundary of that grant and by a north-easterly line from thence to the north-west angle of the township of Seymour, and thence by the north boundary of that township and by Doctor's Creek to the point of commencement.

Schouten Island and all other Islands adjacent to the coast between Doctor's Creek and Little Swanport are to form part of this District.

DISTRICT OF ROSS.

Bounded towards the south by Blackman's River commencing at the main road from Hobart Town to Launceston and extending westerly to Mill Brook, and by Mill Brook to its source, and by a westerly line thence to Lake Crescent, and afterwards by Lake Crescent, by the channel at Interlaken to Lake Sorell, and by Lake Sorell to the Parish of Hill, thence by the boundary of Hill Parish to the River Isis, by that river in a north-easterly direction to the west angle of 1400 acres located to Richard Downward, by the north-west and part of the north-east boundaries of that location to the west angle of Lot 163 purchased from the crown by John Bayles, by the north-west boundary of that lot and the north-east boundary of 1000 acres located to James Mackersey to 570 acres located to John Headlam, by the eastern boundaries of that location to the south angle of a location to Claudius Thompson, by that location in a north-easterly direction to the west angle of Alexander Ferguson's location, thence by a south-easterly line along that location and extending to the south angle of a location to Charles Young, by that location to the west angle of a location to J. Newton since granted to C. B. Viveash, thence south-easterly to the south angle of that grant, thence in a north-easterly direction along that grant to the Macquarie River, thence by that river to a location to John Abbott, thence by the southern boundary of that location and by the southern boundary of a grant to Hezekiah Harrison to and along the southern boundary of the Township of Campbell Town, and by a continued easterly line through locations to Henry Jellicoe and William Hill, and through a grant to Samuel Hill to the eastern boundary of the Parish of Wincanton, thence by that and the north-eastern boundaries of the Parishes of Ross, Glenmorrison, and Peel to a rivulet forming the west boundary of a location to John Dickenson, by that rivulet to the Macquarie River aforesaid, by that river to Blackman's River, and by the last-mentioned river to the point of commencement.

DISTRICT OF CAMPBELL TOWN.

Bounded by the Municipality of Ross from the Eastern Tier to the Municipality of Bothwell, by that Municipality, by the Police District of South Longford, and by the Longford Municipality to the north angle of Lot 8 purchased by Thomas Archer, thence by the north-east boundary of that lot and of 1409 acres purchased by George Alston and by a south-easterly line to the south angle of Lot 617 purchased by E. D. Wedge, thence by its south-eastern and eastern boundaries and by the eastern boundary of a location of 1500 acres to E. D. Wedge to the South Esk River, by that river to the Municipality of Fingal, by that Municipality and the Municipality of Glamorgan to Toom's Lake, thence north-westerly by the Municipalities of Oatlands and Ross to the point of commencement.

DISTRICT OF LONGFORD.

Commencing on the north-west side of the Township of Tierney on the Lake River, thence by that river to the Dabool Rivulet, thence by that rivulet and a line along the summit of the Great Western Mountains to the source of the River Liffey, thence by that river in its northerly course to the southern corner of a location to T. Collicott, by that location to a grant of 1813 acres to James Robertson and W. D. Grubb, by part of the west and by the north boundaries of that grant and by the south-west and north-west boundaries of 1705 acres granted to Henry Clayton to the South Esk River, thence by that river (after crossing the same) to the south-east angle of a grant of 1054 acres to Edward Dumaresq, by the south-east boundaries of that grant to the south-east boundary of a grant of 1995 acres to Theodore Bryant Bartley, by that and part of its north-east boundary to a grant of 520 acres to the same person, by its south-west boundary and the south-west boundary of an additional location to John Smith, by the north-west, south-west and part of the south-east boundaries of a location to Thomas Scott to the main road from Hobart Town to Launceston, thence by that road to the Township of Perth, thence by the northern and eastern boundaries of that township to

Rural Municipalities.

the South Esk River aforesaid, thence by that river to the bridge, crossing that bridge, thence by the western boundary of the main road to Hobart Town until opposite the north-west boundary of a location to D. W. Stalker, thence on the south east by an irregular line dividing the Parishes of Chichester and Bramber on the west from the Parishes of Eskdale and Cadbury on the east to the Macquarie River at the south angle of a location to William Sorell since granted to Thomas Archer, thence by the Macquarie River to the north-west boundary of a location to Thomas Cookson Simpson, thence by the north-west boundary of that location and the north-west and south-west boundaries of another location to the same person to the north-west angle of Lot 32 purchased by Roderick O'Connor, by the west and south boundaries of that lot to a location to J. C. Sutherland, by the west boundary of that location by a location to A. T. G. Sutherland, by the north and west boundaries of Lot 53, by south and west boundaries of a location to Josh. Patterson, and by the south-east boundary of the Wesleyan Mission property to the point of commencement.

DISTRICT OF FINGAL.

Bounded on the western side by the Electoral District of Campbell Town commencing at the south angle of the Parish of Eastbourne and extending to the Ben Lomond Rivulet, by that rivulet to its source, by a line from thence to the lake on the top of Ben Lomond, thence by a line to the source of the North Esk River, thence by a line to the source of the Great Muscle Roe River, by that river to the sea, on the northern and eastern sides by the sea to Doctor's Creek, and thence westerly by the Electoral District of Glamorgan to the point of commencement.

DISTRICT OF SELBY.

Bounded on the south east by the Electoral District of Fingal commencing at a point on the Great Muscle Roe River distant about five miles in a southerly direction from the ford or usual crossing-place opposite to Lot 966 purchased from the crown by John Foster and extending to the source of the North Esk River, by that river to the western angle of a grant of 1915 acres to Alexander Rose at Rose's Rivulet, thence by the north-western boundary of that grant, the north-western boundary of a location to James Gildas, the north-eastern and part of the north-western boundaries of a location to John Smith to the main road from Hobart Town to Launceston, thence by that road to the south-east boundary of a location to Thomas Scott, by that and its south-west and north-west boundaries to the north-east boundary of a grant to J. W. Gleadow and T. W. Rowlands, by the north-east boundary of that grant and of a grant to Thos. Cooke Dyball to the south-east boundary of 1995 acres granted to Theodore Bryant Bartley, thence by its south-east boundaries to a road from Launceston to Longford, by that road and the eastern boundaries of 1054 acres granted to Edward Dumaresq to the South Esk River, by that river and the District of Longford to the Liffey River, by that river to its junction with the Meander, thence by that river to the south-west boundary of the Parish of Ecclestone, by the back boundaries of that parish and the Parish of St. Michael's, thence by the Parish of Wells to the Township of Exeter, by that township to the north-east angle of Lot 126 purchased from the crown by Thomas Hastie, thence by a line crossing the Tamar to a stream known as the Macquarie Rivulet forming the division boundary of Lots 311 and 318 purchased from the crown by M. C. Friend, by that boundary and a continued north-easterly line along the Township of Upway to the east angle of the Mount Direction Signal Reserve, thence by a line still in continuation of the last extending to Piper's River, thence by a straight north-easterly line to the Great Forester River at the southern boundary of Lot 167 purchased from the crown by Henry Esch Atkinson, thence by a line (crossing the Tomahawk River) to the Little Boobyalla River, thence by a line to the Mount Cameron Trigonometrical Station, and by a line from thence to the point of commencement, excepting from this description the Town of Launceston.

DISTRICT OF EVANDALE.

Commencing at the source of the North Esk River and bounded by that river to the north-western angle of a grant of 1915 acres to Alexander Rose at Rose's Rivulet, thence by the north-western boundary of that grant, the north-western boundary of a location to James Gildas, the north-eastern and part of the north-western boundaries of a location to John Smith to the Main Road from Hobart Town to Launceston, thence by that road to the Longford Municipality, thence by that Municipality to the north angle of Lot 8 purchased by Thomas Archer, thence by the north-east boundary of that lot and of 1409 acres purchased by George Alston and by a south-easterly line to the south angle of Lot 617 purchased by E. D. Wedge, thence by its south-eastern and eastern boundaries and by the eastern boundary of a location of 1500 acres to Edward Wedge to the South Esk River, by that river to the Municipality of Fingal, and by that Municipality to the point of commencement.

DISTRICT OF GEORGE TOWN.

Bounded by the south-west boundaries of the Parishes of Stockport, Philips-Norton, and Wells, commencing at Badger Hill on Bass' Straits and extending to the Supply River, thence by that river to the Township of Exeter, by that township and the north-east angle of Lot 126 purchased by Thomas Hastie, thence by a line crossing the Tamar to a stream known as the Macquarie Rivulet forming the division boundary of Lots 311 and 318 purchased by M. C. Friend, by that boundary and a continued north-easterly line along the Township of Upway to the east angle of the Mount Direction Signal Reserve, thence by a line still in continuation of the last extending to Piper's River, thence by a straight north-easterly line to the Great Forester River at the southern boundary of Lot 167 purchased from the crown by Henry Esch Atkinson, thence to the Mount Cameron Trigonometrical Station, thence to a point on the Great Muscle Roe River distant about five miles in a southerly direction from the ford

Rural Municipalities.

or usual crossing-place opposite to Lot 966 purchased by John Foster, thence by that river to Banks' Straits and by those and Bass' Straits to the point of commencement.

To include all the Islands lying to the east of the 147° of longitude.

DISTRICT OF WESTBURY.

Bounded on the south east by the Electoral Districts of Norfolk Plains and Ringwood commencing at the junction of the River Liffey with the Meander and extending to the north-east angle of 640 acres forming part of Lot 265 selected for future purchase by William and Charles Hortle, thence by a line to the source of Quamby's Brook, by that brook to the south-west angle of the Parish of Exton, thence by the division boundary of the Parishes of Exton and Calstock to the Meander River, by that river to the Parish of Malling, thence by the eastern and northern boundaries of that Parish to the River Rubicon, by the River Rubicon to the Kangaroo Rivulet forming the north boundary of Lot 234 formerly leased to Messrs. Douglas and Davis, thence by the north-west boundaries of the Parishes of Goodleigh and Winkleigh north-easterly to the south-west angle of a grant to William Barnes on Anderson's Creek, and thence by the Electoral Districts of George Town and Selby to the point of commencement.

DISTRICT OF DELORAINE.

Bounded on the south east by the Electoral District of Ringwood commencing at the north-east angle of 640 acres forming part of Lot 265 selected for future purchase by William and Charles Hortle and extending to Lake Ada at its junction with Christy's Rivulet, thence by that rivulet to its source, and by a westerly line from thence to the Pine River, by that river in a north-westerly direction passing the north-east shore of Lake Fanny to the Fish River, by that river to the Mersey, by the Mersey to the Van Diemen's Land Company's Road, thence (westerly) by that road to the Dasher River, by that river to the Mersey and by the Mersey northerly to the north-west boundary of the Parish of Ashgrove, by the north-west boundary of that parish to the Electoral District of Westbury, and by that district southerly to the point of commencement.

THE LAKE DISTRICT.

Bounded on the north-eastern side by the Rural Municipality of Longford commencing at the south angle thereof on the Lake River to the Electoral District of Westbury, by that district and by the Electoral District of Deloraine to the Electoral District of Cumberland, by that district and by the Electoral District of Campbell Town to the point of commencement.

DISTRICT OF MERSEY.

Commencing at Badger Head and bounded by the Districts of George Town, Westbury, and Deloraine to the Van Diemen's Land Company's Road, by that Road to "Middlesex Plains, Van Diemen's Land Company's Block," by the eastern and southern boundaries of that block, by a line from thence to the south-east angle of the "Surrey Hills, Van Diemen's Land Company's Block," by the eastern and part of the northern boundaries of that block to the River Blythe, by the River Blythe to Bass' Straits, and by Bass' Straits easterly to the point of commencement.

DISTRICT OF EMU BAY.

Commencing at the River Blythe on Bass' Straits and bounded by the District of Mersey to the south-east angle of the "Van Diemen's Land Company's Surrey Hills Block," by the south boundary of that block and a line from its south-west angle to the River Arthur at a point distant about 30 miles from the mouth of the Arthur River aforesaid, thence by that river to the sea, by the sea and by Bass' Straits to the point of commencement.

The Islands in Bass' Straits lying to the west of the 147° of longitude form part of this District.

DISTRICT OF RUSSELL.

Commencing at the junction of Christy's Rivulet with Lake Ada and bounded by the District of Hamilton to the sea, by the sea in a northerly direction to the Emu Bay District, by that district and by the Districts of Mersey and Deloraine to the point of commencement.

(3.)

Section 6.

NAMES AND DESCRIPTIONS OF MUNICIPALITIES.

Bothwell.	Glenorchy.	Richmond.
Brighton.	Green Ponds.	Ross.
Clarence.	Hamilton.	Sorell.
Deloraine.	Longford.	Spring Bay.
Fingal.	New Norfolk.	Westbury.
Glamorgan.	Oatlands.	

Rural Municipalities.

(4.)

WE hereby certify that we are acquainted with the property situate at _____ of which _____ is the [owner or occupier, as the case may be], and assessed in the Assessment Roll for the District of _____ at the annual value of _____ Pounds; and that _____ Pounds is in our judgment the annual value of that portion of the said property which is situate within the boundaries of the Municipality of _____

Section 19.

(5.)

SCRUTINEER'S DECLARATION.

Section 31.

I, *A.B.*, appointed by *C.D.*, one of the persons nominated for election as [Councillor, &c.] at the ensuing Election, to be a Scrutineer at such Election, do hereby solemnly declare that I will faithfully assist as such Scrutineer, and will not attempt to ascertain for whom any Elector votes, nor by any word or action directly or indirectly aid in discovering the same, except in answer to any question which I am legally bound to answer, or in compliance with the provisions of *The Rural Municipalities Act, 1865.*

A.B.

(6.)

RETURNING OFFICER'S AND DEPUTY RETURNING OFFICER'S DECLARATION. Section 35.

I, *A.B.*, Returning Officer [or one of the Deputy Returning Officers] at the ensuing Election of a Councillor [or Councillors or an Auditor or Auditors] for the Municipality of _____, do hereby solemnly and sincerely declare that I will faithfully assist in the said Election, and will not in any manner interfere with any Municipal Elector when filling up his Ballot-paper, or attempt to ascertain the name or names of the person or persons for whom any Municipal Elector votes; and in case I should become acquainted with the name or names of the person or persons for whom any Municipal Elector votes, then that I will not disclose to any person whomsoever the fact so coming to my knowledge, nor by any word or action, directly or indirectly, aid in discovering the same.

A. B.

(7.)

BALLOT PAPER.

Section 36.

One Vote

1. Abel, John.
2. Bolton, Stephen.
3. Clarke, Henry.
4. Dodds, Thomas.

(8.)

Section 37.

MUNICIPAL ELECTOR'S DECLARATION.

I, *A.B.* do hereby solemnly declare that I am the person named in the Assessment Roll now in force for the Municipality of _____ and that I have not already voted at this Election; and I further solemnly declare that no part of any Municipal Rate due and payable by me is in arrear.

A. B.

(9.)

Section 59.

DECLARATION BY WARDEN, &c.

I, *A.B.*, having been elected Warden, [*or Councillor or Auditor*] of the Municipality of _____, do hereby declare that I take the said Office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

A. B.

(10.)

Section 128.

DISTRESS WARRANT FOR RATES.

TASMANIA } To *X.Y.*

TO WIT. } WHEREAS complaint has been made before me *C. D.*, Warden of the Municipality of _____ that *A.B.* of _____ has not paid the sum of _____ payable by him in respect of certain property situate [*describe property fully*] by virtue of the General Rate for the said Municipality [*or of the Special Rate for the said Municipality called the (name of Rate) Rate*] made on or about the _____ day of _____ 186____, although the same has been duly demanded of him: And whereas the said *A.B.* having appeared before me in pursuance of my Summons for that purpose, has not shown sufficient cause why the said sum of _____ should not be paid [*or, And whereas it has been proved to me upon Oath that the said A.B. has been summoned to appear before me to show cause why the said sum of _____ should not be paid, and that the said A.B. has neglected to appear according to such Summons, and has not shown any sufficient cause why the said sum of _____ should not be paid*]: These are therefore to command you forthwith to make Distress of the Goods and Chattels of the said *A.B.* wheresoever the same may be found, and also of all Goods and Chattels found by you upon the said property to whomsoever the same may belong; and (unless at any time before the sale of the Goods and Chattels so by you distrained the said sum of _____, together with all costs, charges, and expenses attendant upon such Distress, be paid to you) that you cause the said Goods and Chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said sum of _____, and also

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all costs, charges, and expenses attendant upon such Distress and Sale, rendering to the said *A.B.* or other person whose Goods and Chattels are so distrained by you, as the case may be, the overplus (if any) on demand; and the said sum of you are hereby commanded to pay to me the said Warden; and if no sufficient Distress can be made of the Goods and Chattels of the said *A.B.*, or otherwise as aforesaid, that then you certify the same to me together with this Warrant.

Given under my hand, this day of 186 .
C.D.

Warden of the Municipality of

(11.)

FORM OF MORTGAGE OF RATES.

Section 141.

BY virtue of *The Rural Municipalities Act, 1865*, THE WARDEN, COUNCILLORS, AND ELECTORS OF THE MUNICIPALITY OF [as the case may be] in consideration of the sum of paid to the Municipality of by *A.B.* of grant and assign unto the said *A.B.*, his executors, administrators, and assigns, such proportion of the Rates [here describe the Rates proposed to be mortgaged] arising or accruing by virtue of the [here insert title of Act by virtue of which the Rates are made] as the said sum of bears to the whole sum which is or shall be borrowed upon the credit of the said Rates, to hold to the said *A.B.*, his executors, administrators, and assigns, from this day until the said sum of with interest at per centum for the same is fully paid and satisfied, (the principal sum to be repaid at the end of years from the date hereof [in case any period is agreed upon for that purpose.])

Given under the Common Seal of the said Municipality, this
 day of 186 .

(L.S.)

Witness, *A.B.*, Warden.
C.D., Councillor.
E.F., Councillor.

(12.)

FORM OF TRANSFER OF MORTGAGE OF RATES.

Section 143.

I, *A.B.*, in consideration of the sum of paid to me by *C.D.* of hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain Mortgage, Number , made by THE WARDEN, COUNCILLORS AND ELECTORS OF THE MUNICIPALITY OF [as the case may be] to bearing date the day of 18 , for securing the sum of and interest, (or if such transfer is by endorsement the within Security,) and all my right, estate, and interest in and to the money thereby secured, and in and to the Rates thereby assigned.

In witness whereof I have hereunto set my hand and seal this
 day 18 .

A.B. (L.S.)

