



1854.

No. 16.

An Act to amend "An Act to appoint District Councils and to define the Powers thereof."

[Assented to, December 15, 1854.]

WHEREAS it is expedient to amend an Act passed in the sixteenth year of the Reign of Her present Majesty, intituled "An Act to appoint District Councils and to define the Powers thereof"—Be it therefore Enacted, by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

16 Vict. n. 16.

1. Every District Council heretofore appointed or elected under the said Act shall remain in office until the first Monday in March next, and every District Council to be hereafter appointed or elected shall remain in office until the first Monday in March next succeeding the day of its appointment or election, and thereafter until the election of their successors, as in the said Act provided; and the meeting for the election of District Councils shall be held on the first Monday in March in every year.

District Councils to remain in office till first of March next.

2. Any person who, having been appointed or elected a member of a District Council, shall have duly taken upon himself such office, and have acted in that capacity, shall not, at any time within three years from and after his going out of office, be liable to any fine by reason of his refusal to take upon himself the said office, within the District for which he shall have been so elected or appointed, if again elected thereto before the expiration of such period.

No member of a District Council liable to fine for refusing to serve within three years.

3. No person shall be disqualified to vote at any meeting of the inhabitants of a District by reason of the non-payment of any rate, until the expiration of fourteen' clear days from the day of publication

No voter disqualified by reason of non-payment of rates for the period only of fourteen days.

tion of the notice of the adoption of such rate by the said Act directed.

Members of District Councils may be declared to be elected without poll.

4. At any meeting for the election of members to serve in any District Council, no votes shall be taken for any person who shall not, at such meeting, have been proposed as such member, and seconded by persons entitled to vote thereat, and if within the space of one hour from the hour appointed for holding the same meeting, no more persons shall be proposed than are required to be elected by such meeting, the chairman of the meeting shall declare such persons duly elected.

Declaration of names of members elected.

5. In all elections of members to serve in any District Council, a declaration of the names of the persons so elected, by the chairman of the meeting, after their nomination if no poll shall be had, or at the close of the poll, or on such hour of the day following, as he may at the close of the poll appoint, shall be a sufficient publication of the list of the names of the persons so elected.

Non-attendance for three successive meetings evidence of refusal to act.

6. The non-attendance of any person, duly elected to be a member of any District Council, at three consecutive meetings of such Council, unless on account of illness, or other unavoidable cause, or by leave of such Council, shall be evidence of the refusal or neglect of such member to take upon himself the said office and to act in that capacity: Provided, that any person above the age of sixty years shall not be liable to any penalty for such neglect or refusal if he shall give notice of his claim to be exempted from serving such office to the District Council of which he shall have been elected a member, within fourteen days after such election: And provided also, that any member of a District Council ceasing to reside in the District, shall be authorized to resign his seat as such member, without incurring any penalty by reason thereof.

Proviso.

Annual meeting to be held second week in March.

7. The annual meeting of every District Council shall be held in the second week in March in every year, instead of the second week in January as by the said Act is directed, and all subsequent meetings (not being less in number than in the said Act is directed) shall be held on such days as any District Councils may, from time to time, appoint.

By-laws to be laid before Governor.

8. It shall not be necessary to the validity of any by-law, made under the authority of the said Act, that the same shall be laid before the Legislative Council, but only before the Governor, who, with the advice of His Executive Council, may disallow the same or any part thereof, or enlarge the time for the same coming into operation, as in the said Act is provided.

District Councils may impose rates.

9. After the first day of March next, it shall be lawful for any District Council, during its year of office, to make one rate upon all property included in any assessment for the District; and thereupon

upon to give notice of the making of such rate in the form in the Schedule to this Act annexed, by publishing the same in the *South Australian Government Gazette*, the production of the *Gazette* containing such notice shall be evidence, to all intents and purposes, that such rate was duly made; and any rate referred to in any such notice, shall have the same effect, and shall be recoverable in the same manner, as though the same had been adopted at a meeting of ratepayers, as in the said Act provided: Provided that no such rate shall exceed One Shilling in the pound upon any assessment, and that no rate shall be made by the ratepayers of any District, which together with the said rate so duly authorized to be made, shall exceed the amount of Two Shillings in the Pound, by the said Act authorized to be imposed.

10. It shall be lawful for the Governor, with the advice of his Executive Council, upon the petition of any number of ratepayers not less than twenty, to divide any District into two or more wards, and to fix the number of Councillors to be elected by the ratepayers of each such wards respectively, and such wards from time to time to alter, and to increase or diminish the number thereof: Provided, that, in every such division or alteration, the number of Councillors to be elected by such ward shall be, as nearly as may be, proportioned to the population thereof; and provided that no such division or alteration shall be made until after notice of the intention to make the same shall have been given, for three successive weeks, in the *South Australian Government Gazette*, within which time it shall be lawful for any person interested to show cause against any such intended division or alteration.

Districts may be divided into wards.

11. It shall be lawful for any District Council to adopt the last previous assessment made for the District of such District Council, either in whole or with such alterations as may appear needful; and such assessment, when so adopted, shall be deemed to have been caused to be made according to the provisions of the said Act.

Assessment of former years may be adopted.

12. Whenever any assessment shall have been caused to be made under authority of the said Act, the District Council shall cause to be made three copies thereof at the least, one whereof shall remain with the Clerk, and the other two shall be deposited in some suitable custody and in convenient places, not being licensed public houses, within the said District, of which public notice shall be given, and all such copies shall be open to inspection by all persons interested in such assessment, without payment of any fee.

Copies of assessment to be made, and open to inspection.

13. It shall be lawful for any District Council, from time to time, to correct any error of name or description, which may be proved to their satisfaction to exist in any such assessment, providing that such correction shall not affect the amount of the rate payable in respect of any property included within such assessment.

District Councils may correct errors in assessment, but not to alter value.

14. When any property within any District shall be held by two or more persons, either as joint tenants, or as tenants in common, only one such person shall be allowed to vote in respect of any such property,

One person only allowed to vote in respect of every £75 of annual value.

property, at any meeting of ratepayers, upon any question as to the adoption or alteration of any rate, unless the same property shall be assessed at a greater annual value than Seventy-five Pounds, and one other person for every additional Seventy-five Pounds of such annual value.

In case of death, &c., of Auditor, District Council may appoint successor.

15. In the event of the death, resignation, or removal from office of any auditor it shall be lawful for the District Council to appoint some other fit and competent person to be an auditor in his stead for the remainder of the period for which he was elected.

No Special Magistrate or Publican to be District Councillors.

16. No Special Magistrate, or Stipendiary Magistrate, or person licensed to sell fermented or spirituous liquors, shall be capable of being or continuing a member of any District Council.

Governor may separate parts of District, though not in accordance with provisions of recited Act.

17. It shall be lawful for the Governor, in manner in the said Act prescribed, to separate any part of any District from the residue thereof, and to constitute such part a District, although the same shall not contain the number of square miles in the said Act prescribed, and although the same may not be of a compact form, or may divide one part of a District from the residue thereof.

Auditors may refuse to allow presence of ratepayers.

18. It shall be lawful for the auditors, at their discretion, to refuse to allow any person to be present and object on the occasion of their auditing the accounts of any District Council.

Care, &c., of water reserves to be vested in District Councils.

19. The care, management, and control of all water, or other reserve for public convenience, shall, until the same may be lawfully granted, or otherwise appropriated or disposed of, be vested in the District Council of the District, within which the same is situate.

4th Vict., No. 5. Unbranded cattle found at large, vested in District Councils.

20. And whereas, by an Ordinance, 4th Victoria, No. 5, intituled "An Act to regulate the Slaughtering and prevent the Stealing of Cattle," certain cattle therein referred to are declared to be the property of the Colonial Government, and certain penalties and rewards are imposed and given in respect of such cattle—Be it Enacted, That all such cattle shall be the property of the District Council within whose District the same shall be found at large; and all penalties and rewards by the said Ordinance imposed and given, shall be recoverable and paid by such District Council.

Advertisements to be inserted in *Government Gazette*, free of charge.

21. All publications by this Act, or by the said Act, required to be made in the *South Australian Government Gazette*, shall be so inserted free of charge.

Present Act and District Council Act to be read as one Act.

22. This Act and the said Act to appoint District Councils and to define the powers thereof shall be read and construed as one Act.

SCHEDULE REFERRED TO.

District of

Notice is hereby given, that, at a meeting of the District Councillors of the said District, duly held, it was resolved to make a rate of _____ in the Pound, upon the assessment of the said District; and all persons whose names appear in such assessment are hereby required, within fourteen days from the publication hereof, to pay the amount of such rate, according to the sum at which they appear to be assessed in such assessment, to the Clerk (or Collector, or other Officer), at his residence at

Dated

(Signed)

Chairman.