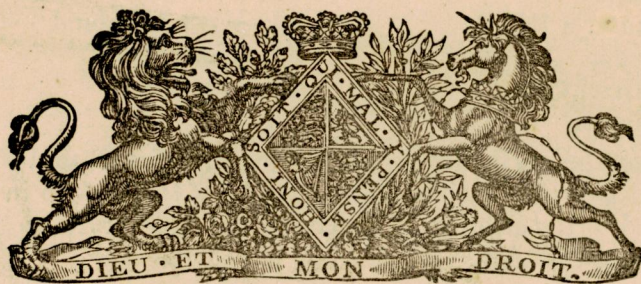


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 5 December, 1867.*

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No.

An Act to establish Municipalities.

WHEREAS it is expedient to provide more effectually for the establishment of Municipalities Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Existing Municipalities.

1. From and after the commencement of this Act the Municipalities Act of 1858 shall be and the same is hereby repealed save for the purposes hereinafter mentioned Provided always that all proceedings and things lawfully had or done or purporting so to be by the Council of any Existing Municipality under or in pursuance of any of the provisions of the said repealed Act shall subject to the provisions hereinafter contained be and continue of the same force and effect to all intents and purposes as if no such repeal had taken place.
2. The Municipalities herein named are declared to have been legally constituted and incorporated under the provisions of the said hereinafter repealed Act and for the purposes of this Act they shall remain and be legally constituted and incorporated Municipalities And notwithstanding any provisions of this Act as to area or population to the contrary the said Municipalities shall be and be designated Boroughs viz.—

Repeal of the Municipalities Act of 1858 22 Vict. No. 13.

Existing Municipalities declared to have been legally constituted.

Municipalities.

	1. Albury	19. Mudgee
	2. Armidale	20. Newcastle
	3. Balmain	21. Newtown
	4. Bathurst	22. North Willoughby
5	5. Camperdown	23. Orange
	6. Central Illawarra	24. Paddington
	7. Cook	25. Parramatta
	8. Cudgegong	26. Randwick
	9. Darlington	27. Redfern
10	10. East Maitland	28. Shellharbor
	11. East St. Leonards	29. St. Leonards
	12. Glebe	30. Singleton
	13. Goulburn	31. Waterloo
	14. Grafton	32. Waverley
15	15. Hunter's Hill	33. West Maitland
	16. Kiama	34. Wollongong
	17. Marrickville	35. Woollahra
	18. Morpeth	

And it shall and may be lawful for the electors of any of the said Municipalities which shall not at the time of the passing of this Act be in actual operation to proceed to the election of Aldermen and Auditors in accordance with the provisions of this Act.

3. The Municipalities of Albury Camperdown Cudgegong Goulburn Kiama and Orange which were interrupted in their proceedings and temporarily suspended in consequence of the judgment of the Supreme Court in the case *Berry versus Graham* or other causes are hereby authorized to claim endowment from the Consolidated Revenue Fund to the extent and in the mode provided by the ninety-first section of the Municipalities Act of 1858 hereinbefore repealed for such period as in each case shall when added to the period during which any such Municipality was in active operation make the full period of fifteen years for which endowments were in such section provided.

Certain Municipalities not to be prejudiced in their claim to endowment by temporary suspension.

4. All rates which having accrued in any Municipality constituted under the Act hereinbefore repealed shall at the commencement of this Act be due or payable to or leviable by or for the Council of such Municipality shall be and continue to be vested in the body corporate of such Municipality and may be paid to and received levied and recovered by the Council thereof in like manner as the same might have been paid to received levied and recovered by the Council of such Municipality and all penalties and forfeitures imposed under the said Act and now incurred shall and may be enforced as if this Act had not been passed.

Rates already due &c.

5. All rights liabilities contracts and engagements existing and all actions suits and proceedings pending at the commencement of this Act of or by or against any such Municipality as aforesaid shall be and continue to be vested in and attach to and be enforced carried on and prosecuted by or against the body corporate of such Municipality and no such action suit or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained.

All rights and liabilities &c. to attach to Municipality.

6. All lands property and moneys of or vested in the Council of any such Municipality as aforesaid at the commencement of this Act shall under and subject to the provisions herein contained continue to be vested in and belong to the body corporate of such Municipality.

Property of such Municipalities.

7. The Council of every Municipality which shall at the time of the commencement of this Act consist of a Chairman and any number of Councillors shall upon the passing of this Act consist of a Mayor and a like number of Aldermen according to the provisions hereinafter contained and the titles Mayor and Alderman are hereby substituted for those of Chairman and Councillor respectively And every such Chairman and

Denomination of Councillors &c.

Municipalities.

and Councillor shall during the remainder of his term of office be denominated Mayor and Alderman respectively and shall be in nowise in respect of his corporate functions and obligations affected or prejudiced by such change of title as aforesaid.

5

Constitution of new Municipalities.

8. The Municipalities constituted under this Act shall be divided into two classes to be designated respectively "Boroughs" and "Municipal Districts"—

Boroughs and
Municipal Districts
may be constituted.

10

(1.) A Borough may consist of—(1) Any city or town with or without its suburbs or country immediately adjacent thereto

(2) Any suburb of the metropolis as at present incorporated

(3) Any populous country district But every such Borough shall have a population of not less than one thousand souls and shall not upon its first incorporation contain an area of more than nine square miles of which area no one point shall be more than six miles distant from any other point

15

(2.) A Municipal District may include any part of the Colony not containing a Borough created under this Act or an Existing Municipality and may comprise upon its first incorporation an area not exceeding fifty square miles of which area no one point shall be more than twenty miles distant from any other point Provided that every such Municipal District shall contain a population of not less than five hundred souls.

20

9. Every Borough and Municipal District shall be described by means of certain boundaries to be set forth in manner hereinafter mentioned.

Boundaries to be set
forth.

10. The Governor on receipt of a petition signed by not fewer than fifty persons who would upon the incorporation thereof be liable to be assessed for municipal taxes in respect of property or household residence within any proposed Municipality whether actually resident within the same or not sufficiently setting out the boundaries and stating the number of the inhabitants resident therein and praying that the same may be declared a Borough or Municipal District under this Act may cause the substance and prayer of such petition to be published in the *Government Gazette* and in some newspaper circulating in or near the proposed Municipality And unless a counter-petition signed by a greater number of persons in like manner liable to be assessed be received by the Minister within three months from the date of such publications the Governor may by proclamation published in like manner declare such proposed Municipality to be a Borough or Municipal District as the case may be by a name to be mentioned in such proclamation and define in accordance with the boundaries set forth in the said petition or as nearly in accordance with such as may be considered expedient the limits and boundaries of such Borough or Municipal District which on such publication shall be constituted accordingly subject however to the provision for the revocation of certain proclamations hereinafter contained and the production of the *Government Gazette* containing such proclamation shall in all proceedings on behalf of the Municipality be conclusive evidence of the legality of the constitution of such Municipality.

50

11. The signatures so appended to any such petition or counter-petition shall be verified by the solemn declaration appended thereto made before any Justice of some householder or householders (not being a female or under age) resident within the proposed Municipality in the form and to the effect set forth in Schedule A hereto and signed by him or them and if such householder or householders shall make any such declaration falsely or shall forge any such petition or signature or declaration or utter any such petition signature or declaration being forged knowing the same to be forged he or they shall be guilty of a misdemeanor.

Signatures to be
verified.

Municipalities.

12. If it shall be credibly represented to the Minister that any of the signatures to any petition or counter-petition under the preceding provisions are not the signatures of the persons whose signatures they purport to be or that any of such signatures are those of persons not being persons liable to assessment for Municipal taxes as hereinbefore provided within the limits of the proposed Municipality to which such petition or counter-petition refers or that in any other respect the provisions hereof with regard to such petition or counter-petition have not been complied with or if it shall seem expedient to ascertain the truth of any matter to which such petition or counter-petition shall refer it shall be lawful for the Minister to cause such inquiry to be made with respect to the particulars aforesaid as may seem necessary in that behalf and the consideration of the matter by the Governor shall be deferred until the person appointed by the Minister to prosecute such inquiry as aforesaid shall have made and submitted his report.

Scrutiny of signatures.

13. For the purpose of every such inquiry it shall be lawful for such person as the Minister shall appoint in that behalf to hear receive and examine evidence and by summons under his hand to require all such persons as he may think fit to appear personally before him at a time and place to be appointed in such summons and to produce before him all such books and papers in their possession or under their control as may appear necessary for their examination and other the general purposes of the inquiry.

Power to take evidence.

14. The results of such inquiry shall within one month after such appointment as aforesaid be embodied in a report to the Minister and submitted to him by the person so appointed And after consideration of such report the Governor may take such further proceedings in connection therewith under the provisions herein contained as may be deemed necessary.

Report.

15. Whenever it shall be proved to the satisfaction of the Minister that any proclamation made and published in pursuance of the provisions herein or purporting so to be is so inaccurate defective or informal by reason of some mis-statement mis-description error omission or other fault or insufficiency as to cause reasonable doubts to be raised respecting its validity it shall be lawful for the Governor to revoke and cancel such proclamation and within a reasonable time to publish in substitution thereof a new proclamation in accordance with the provisions herein contained.

As to revocation of defective proclamation.

16. If any petition for the incorporation of a Municipality as aforesaid shall contain a request that the same be divided into wards or if in the case of a Municipality already constituted a petition containing a like request shall at any time after the passing of this Act be presented to the Governor from the Council or from and signed by not fewer than fifty electors of such Municipality duly qualified as hereinafter defined the Governor may by the first or by a subsequent proclamation as the case may be published as aforesaid declare such Municipality to be and the same shall accordingly be divided if the population thereof shall not be less than five hundred but not exceed one thousand into two wards if it shall exceed one thousand and not exceed four thousand into three wards and if it shall exceed four thousand into four wards.

Municipalities may be divided into wards.

17. The Governor on receipt of a petition signed by not fewer than twenty persons either resident householders or owners of rateable property within the boundaries of any area adjacent to a Municipality or signed by a majority of such persons in case the said area shall not contain a greater number in the aggregate than thirty sufficiently setting out the boundaries of the said area and praying that the same may be annexed to the adjoining Municipality shall cause the substance and prayer of such petition to be so published as aforesaid and unless a counter-petition signed by a greater number of persons as aforesaid be received by the Minister within three months from the date of such publication may with the consent of the Council

Adjacent area may be united.

Municipalities.

Council of such Municipality declare by a proclamation published as aforesaid such area to be united with and form part of such Municipality and upon such proclamation such union shall take place accordingly.

18. On receipt of a petition signed by at least two-thirds of the
 5 electors resident or owning rateable property in any defined area of any Municipality praying that such area may be separated from such Municipality and be constituted a separate Municipality the Governor after publication of such petition as aforesaid may by like proclamation declare such Municipality to be so divided and by the same or any other proclamation
 10 tion so published as aforesaid may define the boundaries of each division and state the number of wards of which each division shall consist and thereupon each such division shall become and be a Municipality within the meaning and for all the purposes of this Act Provided that the division of any Municipality so made shall be consistent with the
 15 provisions of the eighth section of this Act Provided also that before any such separation as aforesaid the debts and other liabilities then attaching to the entire Municipality shall be by or to the satisfaction of the Minister proportionally adjusted as between such proposed divisions And provided further that there shall be in every such case a like
 20 adjustment of all mutual claims between the two proposed divisions or Municipalities as to the relative proportions of revenue and expenditure in for or in respect of each such proposed division or Municipality and if on such adjustment any balance shall be found due from one of such proposed divisions or Municipalities to the other such balance shall be
 25 recoverable at law after such division by the Municipality to whom it shall so be found due from the Municipality by whom it shall so be found payable.

Municipalities may be divided.

Adjustment of liabilities and mutual claims before division of Municipalities.

19. On receipt of a petition from and sealed with the corporate seals and signed by at least two-thirds of the members of the several Councils
 30 of any two or more adjoining Municipalities in each of which an assessment shall have been made as hereinafter provided or from and signed by at least two-thirds of the ratepayers of each such Municipality praying that the said Municipalities may be united and form one Municipality the Governor may after a like publication of such petition as aforesaid declare
 35 by proclamation as aforesaid such Municipalities to be united and to form one Municipality by a name and according to boundaries in the said same or some subsequent proclamation to be mentioned and described And any existing division of the said Municipalities or any of them into wards shall thereupon be abolished But if a division into wards shall have been
 40 requested in the said petition for union the Governor may by the said proclamation of union or by any subsequent proclamation published as aforesaid declare such United Municipality to be and the same shall be accordingly divided into wards according to the following scale that is to say—If the respective Councils of the said Municipalities shall taken together before
 45 union be composed of twelve members and less than fifteen the United Municipality formed by such union as aforesaid shall comprise three wards if of fifteen members and less than twenty-four four wards if of twenty-four members and less than thirty five wards and if of thirty or more six wards and thereupon such Municipalities shall become and be one
 50 Municipality within the meaning and for all the purposes of this Act Provided however that those members of the Municipal Council whose term of office shall not at the time of such union have expired shall remain in office as Aldermen until the ordinary time of retirement as hereinafter provided And provided also that no such union shall take
 55 place within thirty days of the day hereinafter appointed for holding any election of Aldermen.

Adjoining Municipalities may be united.

20. In all cases of annexation to an adjoining Municipality union
 of one or more Municipalities or division of any Municipality the signatures to all petitions and counter-petitions shall be verified in conformity
 60 with the eleventh section of this Act.

Signatures to all petitions to be verified.

Municipalities.

21. It shall be lawful for the Governor to refuse compliance with any petition for the incorporation of any new Municipality or for the union of one or more Municipalities or for the annexation to or division of any Municipality if after due inquiry there shall appear to be sufficient
 5 ground for such refusal although no counter-petition against such incorporation union annexation or division shall have been received by the Minister

Governor may refuse compliance with petitions for incorporation &c.

22. All land property and moneys at the time of any such union vested in or belonging to the body corporate or bodies corporate of any of
 10 the Municipalities so united as aforesaid shall on such union be vested in the body corporate of the United Municipality All rates due all rights liabilities contracts and engagements existing and all actions suits and prosecutions pending at the time of such union as aforesaid by or against
 15 the body corporate of any of such several Municipalities shall on such union be paid to and levied and recovered by and attach to and be carried on and prosecuted by and against the body corporate of the said United Municipality and be of the same force and effect to all intents and purposes with regard to the United Municipality as they would have been severally with regard to each of the said Municipalities before union.

Property rights and liabilities of several Municipalities to vest in United Municipality.

23. Whenever in consequence of the division of a Municipality or of
 20 the union of two or more adjoining Municipalities the number of Aldermen or of wards or of both in any such Municipality shall require re-adjustment or whenever the population of any Municipality shall have increased so as to require in accordance with the provisions hereinafter contained
 25 a proportionate increase in the number of Aldermen and of wards if the same has been divided into wards the Governor on the receipt of a petition from the Council of such Municipality praying for such increase or re-adjustment as aforesaid may in like manner as hereinbefore mentioned and by proclamation so published as aforesaid declare the number of wards
 30 and Aldermen to which such Municipality shall be entitled or may re-adjust such wards according to the scale hereinbefore prescribed.

Re-adjustment of the number of wards and Aldermen.

24. No misnomer inaccurate description or omission in any
 proclamation made under this Act or purporting to be so made by
 virtue of which any Municipality shall have been constituted divided
 35 united re-adjusted or otherwise dealt with shall in anywise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted.

Inaccuracy in proclamation no objection.

25. The electors for the time being of every Municipality pro-
 claimed as hereinbefore directed shall immediately upon the publication of
 40 such proclamation as aforesaid become and all succeeding electors thereof entitled to vote as such under this Act shall be a body corporate under such name as the Governor shall in such proclamation direct and shall by such name have perpetual succession and a common seal and be capable in law of suing and being sued and of purchasing holding and alienating
 45 land and of exercising all such corporate functions and doing and suffering all such acts and things as by law and in conformity with this Act they may be entitled to exercise do and suffer.

Municipality incorporated.

26. The Council of every Municipality shall subject to the provisos
 hereinafter contained consist where the Municipality contains a popula-
 50 tion amounting to five hundred but not exceeding one thousand of six Aldermen—where the Municipality contains a population exceeding one thousand but less than four thousand of nine Aldermen—and where the Municipality contains a population of four thousand or upwards of twelve Aldermen And whenever upon the union of any two or more adjoining
 55 Municipalities the Councils of the Municipalities so united consist of twelve but less than fifteen Aldermen the Council of the United Municipality shall consist of nine Aldermen—when the Councils so united consist of fifteen but less than twenty-four Aldermen then the Council of such United Municipality shall consist of twelve Aldermen—when the Councils

Council how composed &c. for original Municipalities.

As to Council of United Municipalities.

Municipalities.

so united consist of twenty-four but less than thirty Aldermen then the Council of the United Municipality shall consist of fifteen Aldermen—and when the Councils so united consist of thirty or more Aldermen then the Council of the United Municipality shall consist of eighteen Aldermen

5 And one of such Aldermen in each such Municipality shall be elected Mayor thereof in manner hereinafter directed. Provided that all Aldermen of such adjoining Municipalities so united as aforesaid in office at the time of such union shall be and remain Aldermen of such United Municipality until the time of their retirement as hereinafter directed notwithstanding that the number of Aldermen of such United Municipality shall

10 thereby for the time being be in excess of the number herein prescribed.

27. The Council of every Municipality shall in and for all such acts matters and things as by law and in conformity with this Act may be done or suffered be the sole representatives of the body corporate of

15 such Municipality and all the acts and proceedings of such Council shall be deemed to be the acts and proceedings of such body corporate.

Council to be sole representatives of the body corporate.

28. In all Municipalities which at the time of their incorporation shall be divided into wards in manner hereinbefore mentioned there shall be three Aldermen to each ward elected as hereinafter directed by the electors

20 of each such ward. And where there shall have been such division into wards after such incorporation and after Aldermen shall have been elected as for the whole undivided Municipality one Alderman for each ward shall as hereinafter directed be elected at each ensuing annual election of Aldermen and the retiring Aldermen although elected as for the

25 whole undivided Municipality shall for the purposes of this Act be regarded as retiring Aldermen for the several wards thereof.

Number of Aldermen to each ward.

29. All Aldermen and Auditors in office at the time of each successive annual election herein provided for shall remain in office until their successors shall be elected.

Retiring Aldermen &c. to continue in office until successors elected.

30. There shall be two Auditors in and for every Municipality.

Auditors.

31. If any Mayor Alderman or Auditor shall die or shall resign his office in manner hereinafter prescribed or shall neglect or refuse to accept such office in the manner and within the time hereinafter prescribed or shall by any rule or order of the Supreme Court to be made as hereinafter

35 provided be declared ousted of such office or shall otherwise become disqualified as herein described then the office of the same shall be and become vacant and every such vacancy shall be deemed to be an extraordinary vacancy within the meaning of this Act.

Extraordinary vacancies.

32. Every male elector of any Municipality or if the same be divided into wards of any ward thereof who is a natural born or naturalized subject of Her Majesty and is not otherwise disqualified as herein prescribed shall be capable of being elected Mayor Alderman or Auditor thereof. Provided that no Alderman shall be capable of being elected an Auditor in and for the Municipality of which he is an Alderman.

40 *Who may be elected Mayor &c.*

33. Every person being or serving as a Judge of the Supreme Court or any District Court or being an Officer on full pay or a Non-Commissioned Officer or private in the Naval or Military Service of Her Majesty other than the Volunteer Force of this Colony or being of unsound mind or an uncertificated insolvent or under composition with his creditors by any deed

45 of assignment duly executed by him in pursuance of the provisions of any Act relating to Insolvency in force for the time being shall be disqualified from taking or holding office as Mayor Alderman or Auditor of any Municipality. And every person holding any office or place of profit under or in the gift or disposal of the Council of any Municipality or being directly

50 or indirectly by himself or any partner engaged or interested in any contract or employment with by or on behalf of the said Council shall be disqualified from taking or holding any of the said offices within and for such Municipality. Provided that such disqualification shall not be extended to any elector by reason of his being a proprietor or shareholder

55 *Disqualifications.*

. Municipalities.

holder not being a director of any joint stock company contracting with the Council for any one of the aforesaid offices whereof or in connection wherewith he is a candidate.

34. No Mayor Alderman or Auditor shall act as such until he
5 shall before a Commissioner of the Supreme Court or a Justice have made and subscribed a declaration in the form of Schedule B hereto and shall have delivered or transmitted the same to the Returning Officer who shall deliver or transmit all such declarations to the Council Clerk. Declaration of office by Mayor &c.

35. Every person duly qualified for and duly elected to the office
10 of Mayor Alderman or Auditor shall accept such office by making subscribing and delivering or transmitting the declaration aforesaid within fourteen days after notice in writing of his election shall have been delivered to him personally or left at his usual or last-known place of abode or in default thereof pay a fine of twenty-five pounds And such
15 office shall be deemed vacant on the fourth day after the expiration of such fourteen days without such delivery of such declaration And it shall be the duty of the Returning Officer for the time being to give or cause to be given the notice in writing herein required within two days after each such person shall have been declared duly elected Provided that if the said
20 Returning Officer shall have been the Mayor or some other person acting for such Mayor as herein prescribed and if a new Mayor shall have been elected before the delivery or transmission of such declaration as aforesaid it shall be sufficient if the same be delivered or transmitted within the time herein prescribed to such new Mayor.

36. Any person holding the office of Mayor Alderman or Auditor
25 having his estate placed under sequestration as insolvent or having executed any deed of assignment as aforesaid or (in the case of an Alderman) being absent without leave from the meetings of the Council for more than three successive months shall thereby become disqualified
30 and shall cease to hold such office And in each such case of disqualification through absence without leave the person so disqualified shall be liable to the same fine as if he had refused to accept such office unless he shall have ceased to dwell permanently within the Municipality or unless it be certified by two duly qualified medical practitioners that his
35 absence has been occasioned by illness or be proved to the satisfaction of the Council that such absence has been occasioned by some extreme emergency Provided however that every person becoming disqualified as aforesaid by reason of the sequestration of his estate or the execution of any deed of assignment as aforesaid shall on obtaining his certificate or
40 on payment of his debts in full or obtaining an absolute release from his creditors be capable of being re-elected. Supervening dis-qualifications.

37. Every person being a Mayor Alderman or Auditor under this
Act who shall continue to be or shall become directly or indirectly by
45 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 the Council except as proprietor or shareholder not being a director of any Joint Stock Company contracting as aforesaid shall be liable to a penalty not exceeding one hundred pounds and not less than fifty pounds and shall be for seven years after commission
50 of such offence disqualified from holding any office in or under the Council. Penalty on Mayor Aldermen or Auditors taking a contract.

38. Every person elected Mayor Alderman or Auditor under
this Act may at any time resign such office by letter under his hand addressed to the Council Clerk or if there be no Council Clerk to the Mayor and the resignation shall be held to be complete from the date
55 of the receipt of such letter by such Council Clerk or Mayor Provided that every person so resigning shall be liable to a penalty of twenty-five pounds unless he shall be entitled to claim exemption from such fine under any provision herein contained or unless he shall since his election have become a minister of religion or disabled by deafness blindness or
60 other permanent infirmity of body or mind. Resignation of office.

Municipalities.

39. In each Municipality if the Council shall consist of six Aldermen two shall retire and if of nine Aldermen three shall retire and if of twelve Aldermen four shall retire and if of fifteen Aldermen five shall retire and if of eighteen Aldermen six shall retire on the first Tuesday in February in each and every year the first to retire being the two three four five or six who had the smallest number of votes at the first election until all then elected shall have retired and in any case of doubt created by an equality of votes or by an election without a poll the decision shall be by lot and thereafter the Aldermen longest in the Council shall first retire and every retiring Alderman shall if still qualified be capable of being re-elected Provided that in every Municipality which shall have been divided into wards one of the Aldermen for each ward shall retire on the day aforesaid in each and every year such retiring Aldermen being those who had the smallest number of votes at the first election in their respective wards or who have been longest in the Council and in any case of doubt as aforesaid it shall be decided by lot which of such Aldermen shall retire.

Retirement of Aldermen.

40. If in any Municipality formed by the union of two or more adjoining Municipalities in accordance with the provisions of this Act there shall upon the first Tuesday in February next after such union be for such first-mentioned Municipality or for any ward thereof a number of Aldermen greater than that assigned by this Act as the ordinary number of Aldermen for such Municipality or ward then in addition to the Aldermen for such Municipality or ward who shall go out of office on that day under the provisions hereof a number of Aldermen for such Municipality or ward equal to the excess above such number so assigned shall go out of office at the same time and in the like order and manner.

Retirement of Aldermen in United Municipalities where numbers in excess.

41. Within seven days after the first election and each subsequent annual election at the hour of noon on a day to be fixed at the first election by the Returning Officer who shall preside thereat and at subsequent elections by the Council Clerk and to be notified to the whole of the Aldermen in the same manner as an ordinary summons to a Council meeting not more than four days nor less than twenty-four hours previously such Aldermen or a majority of them shall meet as soon as possible after the first election at such place as the Returning Officer shall have notified and after all subsequent annual elections at the office or ordinary place of meeting of the Council and shall choose and appoint by such mode of voting as they may deem expedient some one member of the Council to be Mayor who shall go out of office at the next annual election of Aldermen but may then be re-elected Provided that in case of an equality of votes at the first election of Mayor the Returning Officer shall have a casting vote.

Election of Mayor.

42. The Mayor of every existing Municipality and of every Borough and every Municipal District constituted under this Act shall *ex officio* be a Justice of the Peace in and for the Municipality of which he is Mayor.

Mayor to be *ex officio* a Justice of the Peace.

43. The Council of every Municipality formed by the union of two or more adjoining Municipalities or a majority of such Council shall assemble at a time and place to be named by the Governor in the proclamation of such United Municipality or in some subsequent proclamation published as hereinbefore directed and shall then determine by such mode of voting as they may deem expedient which of the persons who shall at the time of such union be holding the office of Mayor of one or other of the Municipalities so united shall be Mayor of the United Municipality and he shall be such Mayor accordingly And if from any cause there shall be at the time but one such Mayor then he shall on such union be Mayor of the Municipality formed by such union and every person having been so chosen or having been Mayor of the said United Municipality shall be deemed for all purposes to have been elected as herein provided in ordinary cases.

Who shall be Mayor of United Municipality upon union.

Municipalities.

44. Upon any extraordinary vacancy in the office of Mayor the Council Clerk shall summon a meeting of the Council within seven days after the occurrence of such vacancy giving not less than twenty-four hours notice of the same to each Alderman as in the case of an ordinary meeting of the Council and at such meeting the Aldermen or a majority of them shall elect one of their number to be Mayor for the remainder of the then current year of office. Extraordinary vacancy of Mayor.
45. The Auditors shall retire on the first Tuesday in February in each and every year but each retiring Auditor shall if still qualified be capable of being re-elected. Retirement of Auditors.
46. Upon the union of two or more adjoining Municipalities the Auditors who shall be in office in each of the several Municipalities shall remain in office as Auditors of the Municipality formed by such union until the first Tuesday in February after such union. Auditors in office at time of union of Municipalities.
47. If any Mayor Alderman or Auditor of any Municipality shall neglect or refuse to do any matter or thing which by law he is directed to perform he shall for every such offence be liable to a penalty not exceeding ten pounds. Penalties for neglect of duties.
48. Any person acting as Mayor Alderman or Auditor of any Municipality without having made the declaration hereby required or not being duly qualified at the time of making such declaration or acting in or holding any such office after he shall cease to be qualified according to this Act shall for every such offence forfeit the sum of fifty pounds to be recovered together with full costs of suit by any elector of such Municipality who shall sue for the same within three months after the commission of the offence. Penalty on disqualified person acting as Mayor &c.
49. All proceedings of the Council or of any person acting as Mayor Alderman or Auditor shall notwithstanding it be afterwards discovered that there was some defect in the election or any disqualification of such person be as valid as if every such person had been duly elected and qualified to be Mayor Alderman or Auditor respectively. Action of disqualified person not to invalidate proceedings.
50. The Council may determine whether any and what remuneration shall be allowed any person executing the office of Mayor or Auditor. Council to decide as to payment of Mayor &c.
51. All persons having a freehold leasehold or household qualification situated within the proclaimed boundaries of any existing Municipality or any Municipality to be constituted under the provisions of this Act and named on any electoral roll for the time being of any electoral district within the boundaries of which such Municipality shall be wholly or partly included shall at and for the first elections of Aldermen and Auditors therefor after the passing of this Act and at and for any other such election before and until the proper enrolment of the municipal electors as hereinafter directed be electors of such Municipality And at and for all elections subsequent to the completion of the municipal roll all persons duly qualified as hereinafter provided shall be electors. Qualification of electors for first election.
52. Every person of the full age of twenty-one years who on the seventh day of January in any year shall be the occupier lessee or owner of any rateable property within any Municipality and liable to be rated for the same as such occupier lessee or owner shall be entitled to be enrolled according to the provisions hereinafter contained upon the municipal roll of the Municipality for the ensuing municipal year and being so enrolled shall be an elector thereof and shall be entitled subject as hereinafter mentioned to vote in all elections of Aldermen and Auditors for the Municipality occurring whilst such municipal roll shall be in force in the manner following:— Electors.
- (1.) If the occupier lessee or owner of any one property assessed at an annual value not exceeding twenty-five pounds he shall be entitled to one vote Cumulative votes.
- (2.) If the occupier lessee or owner of any one property assessed at an annual value over twenty-five and not exceeding seventy-five pounds he shall be entitled to two votes (3.)

Municipalities.

(3.) If the occupier lessee or owner of any one property assessed at an annual value over seventy-five and not exceeding one hundred and fifty pounds he shall be entitled to three votes

5 (4.) If the occupier lessee or owner of any one property assessed at an annual value over one hundred and fifty pounds he shall be entitled to four votes

Provided that only the person who pays the rates for such rateable property shall be entitled to vote in respect thereof and no person who shall at the time of claiming to vote be in arrear on account of any such
 10 rates shall be entitled to vote in respect of the property rated at any election in such Municipality And provided also that no person shall be allowed to vote without first making and subscribing a Declaration in the form contained in Schedule C hereto And provided further that where any rateable property is jointly occupied jointly leased or jointly owned
 15 by more persons than one only one of such joint occupiers joint lessees or joint owners shall be an elector as aforesaid unless the assessed annual value of such rateable property so jointly occupied leased or owned as aforesaid shall exceed twenty-five pounds in which case a second joint occupier joint lessee or joint owner shall be admissible as an elector and
 20 if the assessed annual value of such rateable property shall exceed seventy-five pounds then a third joint occupier joint lessee or joint owner if there be one shall be admissible as an elector and if the assessed annual value exceed one hundred and fifty pounds then a fourth joint occupier joint lessee or owner if there be one shall be admissible as an elector And the
 25 person or persons so admissible as aforesaid in cases of joint occupancy joint leaseholdship or joint ownership shall be the person or persons first named in the rate-book and the giving of any joint vote by such person or persons shall render any other person claiming to vote in respect to the same rateable property incapable of giving a cumulative vote in that
 30 election.

Joint occupiers and owners.

53. Where any Municipality shall be divided into wards every person who under the provisions hereinbefore contained would be entitled to be enrolled and to vote as an elector of such Municipality shall be so entitled in like manner for the ward or wards wherein the rateable property
 35 in respect of which he is so entitled is situated and upon being so enrolled to vote in all elections of Aldermen and Auditors to be held in and for such ward or wards as hereinafter provided and the said provision shall as to each such ward be construed as applying thereto and not to the whole Municipality.

Electors after division into wards to vote in the ward where their qualification is situated.

40

Municipal List and Roll.

54. The Council Clerk of every Municipality shall during the week ending on the seventh day of January in each year make or cause to be made out according to the form in Schedule D hereto annexed from the rate-books of such Municipality and from all other books and documents
 45 connected therewith an alphabetical list to be called the "municipal list" of the names of all persons who shall appear entitled as aforesaid to be enrolled upon the municipal roll for the ensuing municipal year and shall state in such list against the name of each person the several particulars indicated in the several columns of the said schedule as the same shall
 50 appear in or from the said rate-books and documents as aforesaid and for the purpose of making the said list every person rated in respect of any rateable property shall be presumed to have been of full age and the occupier or owner as the case may be of such property at the time of the making of such municipal list and liable to be rated as such owner or
 55 occupier respectively subject however to the provisions hereinafter contained as to objections.

Council Clerk to make out municipal list from list of rate-payers.

Municipalities.

55. The Council Clerk shall forthwith after making out the said alphabetical list notify by public advertisement in some newspaper circulating within or near the Municipality the fact that a copy of such list is in his custody and open to inspection by any person interested therein and shall keep such list or a copy thereof to be inspected by any such person and permit such inspection without fee at all reasonable hours between the said seventh and fourteenth days of January. Inspection of lists.
56. Any person whose name shall have been omitted from any such municipal list who shall claim to have his name inserted therein shall on or before the fourteenth day of January give to the Council Clerk notice thereof in writing according to the form in Schedule E hereto annexed or to the like effect and every person whose name shall have been inserted in any such municipal list may object to any other person as not being entitled to have his name retained therein and any person so objecting shall on or before the said fourteenth day of January give to the Council Clerk and also to the person objected to or leave at the premises in respect of which his name shall appear to be entered in the said list notice in writing of such objection according to the form in Schedule F hereto stating the ground of such objection and attaching his signature thereto and the Council Clerk shall include the names of all persons so claiming as aforesaid in a list according to the form in Schedule G hereto and shall include the names of all persons so objected to as aforesaid in a list according to the form in Schedule H and shall sign and keep the said lists or copies thereof respectively to be inspected and perused by any person without fee at all reasonable hours during the week (Sundays excepted) preceding the twenty-first day of January in such year. Claims by persons omitted.
Objection to names inserted.
57. The Council of every Municipality shall hold an open Court at the Council Chamber for the purpose of revising the municipal lists hereof and such revision shall take place at such time as the Mayor shall appoint between the twenty-first and twenty-eighth days of January in every year and the Mayor shall give three clear days notice of the holding of such Court and of the time and place thereof by placing such notice on the outer door of the Council Chamber of the said Municipality and by advertisement in some newspaper circulating within or near such Municipality and every such Court may be adjourned by the Mayor or in his absence by the Council by reason of sufficient cause. Provided that no such Court shall be adjourned beyond the twenty-eighth day of January in any year. Revision Court.
58. The Council Clerk shall himself or by some person on his behalf if he be unavoidably prevented from so doing attend the Revision Court and produce to the said Court the municipal list and also copies of the lists of any of the persons who shall have sent in claims and of the persons who shall have been objected to as aforesaid and of the lists if any of defaulters as hereinafter described. And the valuers hereinafter mentioned and all collectors of rates under this Act shall also attend the said Court and shall produce to the said Court all books papers and documents in their possession connected with such their respective offices and shall answer on oath all such questions as the Court may put to them touching any matters necessary to be ascertained for the said revision of the municipal list. Council Clerk valuers and collectors of rates to attend.
59. The Revision Court shall have authority to hear receive and examine evidence and by summons under the hand of the Mayor to require all such persons as the Court may think fit to appear personally before the said Court at a time and place to be named in such summons to give evidence and to produce to the said Court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination and the said Court shall upon hearing in open Court determine by the decision of a majority upon the validity of all claims and objections as hereinafter mentioned. And any person failing to obey the Power to summon witnesses.

Municipalities.

the summons of the said Court shall be liable to a penalty not exceeding ten pounds recoverable before any two Justices.

60. The Revision Court shall insert in the lists under revision the name of every person who shall have claimed as aforesaid and be proved to the satisfaction of the Court to be entitled to have his name inserted on the municipal roll as aforesaid and shall retain on the said lists the names of all persons to whom no objection shall have been duly made as hereinbefore directed and shall also retain on the said lists the name of every person who shall have been objected to by any person unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection and prove the service of the several notices hereinbefore required and when the name of any person inserted in any list shall have been duly objected to as hereinbefore directed and the person objecting shall appear by himself or by some one on his behalf in support of such objection the Court shall require proof of so much of the qualification of the person so objected to as shall be embraced in the grounds of objection so stated as aforesaid and no more and in case such qualification as aforesaid be not proved to the satisfaction of the Court the said Court shall expunge the name of every such person from the said list And the Court shall also expunge the name of every such person who shall be proved to the Court to be dead and shall correct any mistake or supply any omission which shall be proved to have been made in any of the said lists in respect of the name or place of abode of any person which shall be included therein or in respect of the situation and description of any rateable property Provided always that no person's name shall be inserted by the said Court in any such lists or shall be expunged therefrom except in the case of death unless notice shall have been given as is hereinbefore described in each of the said cases.

61. The Mayor shall in open Court write his initials against the names struck out or inserted as aforesaid and against any part of the list in which any mistake shall have been corrected or omission supplied and shall sign his name to every page of the list so settled and shall then cause to be written at the foot or end of the list a certificate that the same has been revised and is correct and the Mayor shall there and then sign such certificate.

62. Where any Municipality shall be divided into wards the preceding sections hereof relating to the compilation and completion of the municipal list and roll shall be read with reference to such Municipality in manner following that is to say—

Instead of the municipal list and roll being made out for the whole Municipality such list and roll shall be divided into separate parts according to the number of wards contained in the Municipality and the Council Clerk shall insert therein under the proper ward the names of those persons who shall under the provisions hereinbefore contained appear to be entitled for the time being to be enrolled on the municipal roll for such ward and to omit or expunge therefrom the names of all persons who shall as hereinbefore provided not appear to be so entitled And the municipal list so divided as aforesaid when signed by the Mayor after revision and delivered to the Council Clerk as hereinafter directed shall be the municipal roll for each and every ward and shall continue in force therein until another municipal roll shall have duly come into force hereunder.

63. The list so signed and certified shall be forthwith delivered to the Council Clerk who shall copy the names of the electors in alphabetical order in a roll or book and shall set a number against each name according to its order in such roll or book according to the form in Schedule I hereto and each such roll or book shall be the electoral roll of the Municipality or ward as the case may be for all the purposes of this Act and shall

Revision of the lists.

Certificate &c. of revision.

Construction of preceding sections after division of Municipality into wards.

Roll to be made out.

Municipalities.

shall continue in force until a new roll shall have been made hereunder
 And any copy purporting to be a copy of such roll and certified by the Mayor to be correct shall be evidence of such roll and of the contents thereof.

Certified copy of roll
to be evidence.

- 5 64. Whenever any Municipality in which such roll of electors shall have been revised and made up as aforesaid shall be so divided as to constitute two Municipalities or shall be divided into wards or whenever there shall be any re-adjustment of wards in any such Municipality or whenever two or more such Municipalities being adjoining Municipalities shall be united in manner aforesaid the then existing roll or rolls of the electors of such Municipality or Municipalities shall by the Council Clerk or Council Clerks thereof be divided into separate rolls of electors for such Municipalities or wards or made up into new rolls for such re-adjusted wards or into a roll or rolls for such united Municipality as the case may require. Provided that in every such re-arrangement of the roll or rolls of municipal electors there shall be no other change than such changes in numbering or such transpositions of the names of electors from one Municipality to another or from one ward to another as the circumstances of the case may require and every roll which shall have been so re-arranged as aforesaid shall by the Mayor of the Municipality to which it shall appertain be examined and compared with the original roll or rolls so revised and made up as aforesaid and the Mayor shall at the foot or end of such re-arranged roll of electors cause a certificate to be written to the effect that he has examined the same and that it is correct and shall date and sign such certificate and such roll so re-arranged and certified as aforesaid shall be the roll of electors for the Municipality or ward as the case may be and shall continue in force until a new roll shall have been made for such Municipality or ward under the provisions of this Act and any copy purporting to be a copy of such roll so re-arranged and certified as aforesaid and signed by the Mayor shall be evidence of such roll and of the contents thereof.

Re-arrangement of
municipal rolls on
division of Municipalities or sub-division into wards &c.

Proceedings at Elections.

65. The first election of Aldermen for any newly proclaimed Borough or Municipal District shall take place on a day at noon and at a place to be notified by the Governor within three months after its incorporation and all succeeding annual elections in such Municipality and in all Municipalities where an election has already been held and hereinafter termed "Existing" Municipalities shall take place on the first Tuesday in February in each year. And the Returning Officer at any first election shall be nominated by the Governor and at every succeeding election the Returning Officer shall be the Mayor or in his absence or in the event of such Mayor being a candidate for re-election as an Alderman any Alderman of the Municipality appointed for that purpose by the Council.

Date of election.

66. The election of candidates to the office of Alderman under this Act shall be conducted in manner following. Any two electors entitled to vote in any Municipality or in any ward of any Municipality may nominate a candidate for election or any number of candidates not greater than the number of Aldermen to be elected by delivering to the Returning Officer for the time being seven days at least before the day appointed by the Governor or fixed by this Act as aforesaid for the first election and all subsequent elections and hereinafter designated the "day of nomination" a document signed by such electors containing the name or names in full of the candidate or candidates they may wish to propose setting forth also the occupation and residence of such candidate or candidates and also similar particulars respecting the two electors so nominating and the Returning Officer for the time being shall give not less than fourteen days notice of the day of nomination by advertisement in some newspaper circulating

Returning Officer.

Mode of nomination.

Municipalities.

circulating in or near such Municipality and on the day appointed for the nomination and at the place appointed the Returning Officer shall at twelve o'clock at noon publicly read the names of the candidates so proposed together with the names of their nominators and in the event of
 5 there being no greater number of candidates than the number of Aldermen to be elected the Returning Officer shall then and there declare the said persons to be duly elected but in the event of there being more candidates than the number of Aldermen to be elected the Returning Officer shall advertise in some newspaper circulating as aforesaid the names of the
 10 candidates the day of poll and the polling places Provided that it shall be in the power of any individual so nominated as a candidate by a notice in writing signed by him and addressed to the Returning Officer and delivered to such Returning Officer at any time before the day of nomination to withdraw from such candidature.

67. The election of Auditors shall be conducted in like manner as **Election of Auditors.**
 15 the election of Aldermen except as hereinafter provided And that the first election of such Auditors in any Borough or Municipal District shall take place on the day fixed for the first election of Aldermen in the said Municipality and that all subsequent annual elections of Auditors in
 20 such Municipality and in all Existing Municipalities shall take place on the day fixed for the annual election of Aldermen The Returning Officer at any first election of Auditors in any such Municipality shall be the officer so nominated as aforesaid to conduct the first election of Aldermen in such Municipality and at every succeeding election
 25 the Mayor or in his absence any Alderman of the Municipality appointed for that purpose by the Council Provided that all elections of Auditors for any Municipality whether the same be divided into wards or not shall be conducted as for and in respect of the whole Municipality and not for and in respect of any ward or wards thereof.

68. In any Existing Municipality in which an assessment has
 30 been made but in which there shall at the time of the commencement of this Act be no Mayor or Chairman the Governor shall appoint some person to act as Mayor who shall for all purposes connected with the preparation and revision of the municipal lists and rolls as hereinbefore provided and for
 35 the conduct as herein also provided of the first annual elections of Aldermen and Auditors and of the election of Mayor have the same powers as if he had been duly elected Mayor of the said Municipality in accordance with the provisions of this Act.

69. In any Existing Municipality in which no assessment has been
 40 made and in which there shall at the time of this Act coming into operation be no Mayor or Chairman or Council the Governor may appoint a Returning Officer who shall have the same powers for the conduct of the first elections under this Act as in the case of a Borough or Municipal District And
 45 in any such case the first elections in such Existing Municipality shall be conducted in the same manner as other first elections in other Existing Municipalities except that the electors shall be the persons qualified as hereinbefore provided to vote at first elections in new Municipalities But in any such case the Governor if it shall not appear expedient and equitable to continue such Existing Municipality
 50 may revoke all proclamations relating thereto and abolish such Municipality accordingly.

70. Every contested election of Aldermen or Auditors shall be by
 ballot and shall take place on the seventh day next after the day of
 nomination or on any earlier day at the discretion of the Returning Officer
 55 not less than two days after such day of nomination And the voting at every such election shall commence at eight o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day.

71. At every election the Returning Officer shall appoint such other
 Presiding Officers and such Polling Clerks as may be required for taking
 the

Municipalities.

the poll and may make and enforce all necessary regulations not inconsistent with this Act and fix the polling-places and provide proper and convenient rooms or booths for polling. Provided always that no election shall be holden nor any voting take place in any Church Chapel or other place of Public Worship.

No election to be held in a place of public worship.

72. In case the Returning Officer or any other Presiding Officer shall be prevented from attending to any of his duties by illness or other sufficient cause he may or in case of his refusal or inability the Council Clerk shall by writing under his hand appoint a substitute to act for such Returning or other Presiding Officer and such substitute shall thereupon for the time being have all the power and authority of the officer for whom he has been so substituted.

Substitutes for Returning or Presiding Officers.

73. Every candidate for election or in his absence any two of the electors by whom he has been nominated may appoint one person at each polling-place to be Scrutineer at the election.

Scrutineers.

74. Every Returning Officer Presiding Officer Poll Clerk and Scrutineer shall before acting make and subscribe before a Justice or a Commissioner of the Supreme Court or in the case of any Scrutineer before the Returning Officer of the election then pending a declaration in the form of Schedule J hereto.

Declaration of office.

75. Every Returning Officer and Presiding Officer shall have power and authority to maintain and enforce order and keep the peace at any election or polling held by him and for that purpose and without any other warrant than this Act to cause to be arrested and taken before a Justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions hereinafter mentioned or of personating or attempting to personate any voter or of attempting unlawfully to vote more than once at the same election or wilfully entering or remaining in a polling-room or compartment or who shall cause a disturbance at any election. Also to cause any person to be removed who shall obstruct the approaches to any polling-room or shall conduct himself in a disorderly manner. And all Constables and Peace Officers shall aid and assist such Returning Officer and Presiding Officer in the performance of their duties.

Power of Returning or Presiding Officer to preserve order &c.

76. At every polling-place there shall be provided and set apart a separate ballot-room or compartment into or in which no person may enter or remain except electors while preparing their ballot-papers as hereinafter provided but no longer and the Polling Clerk shall cause pencils or pens ink and blotting-paper to be placed in the said room or compartment. Every person otherwise than as aforesaid wilfully entering or remaining in the said room or compartment shall be guilty of a misdemeanor.

Balloting-room.

77. Before and in time for every election by ballot the Returning Officer shall cause to be printed or written ballot-papers according to the form of Schedule K hereto and shall on the morning of the day of poll or on the day next preceding but not sooner deliver to the Presiding Officer of each polling-place so many of such ballot-papers signed by himself on the back thereof as shall be fully equal to the number of enrolled electors entitled and likely to vote at such polling-place and shall sign in like manner and keep for himself a like sufficient number for the polling-place at which he is to preside.

Ballot-papers.

78. The Returning Officer shall provide for each polling-place a ballot-box the front of which shall be of glass and on the top of which there shall be an opening sufficient to receive the ballot-papers folded as hereinafter mentioned. And such box being previously locked by the Returning Officer with a key which shall be kept by himself and of which it shall be unlawful for any other person to possess a counterpart shall be placed on a table before the Presiding Officer. And every elector on applying in person if entitled to record one vote shall receive one of the ballot-papers signed as aforesaid and if entitled to record two or more votes as hereinbefore

Ballot-box and mode of voting.

Municipalities.

before provided shall receive a corresponding number of the ballot-papers as aforesaid and shall in the ballot-room aforesaid without leaving the same strike through the names of all persons named in such ballot-paper or ballot-papers as the case may be except the names of each person for
 5 whom he intends to vote and shall then fold up the paper or papers so as to conceal the interior and disclose only the Returning Officer's name so signed upon the back and shall then return to the polling-table and there openly in the presence of the Presiding Officer Poll Clerk and Scrutineers present deposit such ballot-paper or ballot-papers in the ballot-box
 10 Provided that in the case of any elector who is blind or cannot read the Presiding Officer shall in the presence of such of the Scrutineers as may then be in attendance strike through upon such ballot-paper the names of all persons so nominated except such as the elector shall declare his intention of voting for Provided also that before any ballot-paper shall be deposited
 15 in the box the Presiding Officer or Poll Clerk shall upon a certified copy of the electoral roll write his initials against the name of the person then voting which initials shall be *prima facie* evidence of the identity of such voter with the person whose name shall be so initialed on such roll and of the fact of his having voted at such election Provided further
 20 that if any elector entitled to two or more votes fail to record all his votes on his first application it shall not be lawful for him to vote a second time.

79. If any voter shall suffer to remain upon his ballot-paper a
 greater number of names not struck out than the number of Aldermen or
 Auditors to be elected the vote given on and by such paper shall be void and
 25 of no effect.

Certain indefinite
votes to be void.

80. Except as hereinafter provided the Returning Officer shall not
 vote Provided that in the event of any two or more candidates of whom
 one or more is to be elected being found to have obtained an equal
 number of votes the Returning Officer shall have a casting vote and shall
 30 state in writing which of such candidates shall be declared to be duly
 elected.

Returning Officer
shall only vote in
case of equality of
votes.

81. No inquiry shall be permitted to be put to any person apply-
 ing to vote except by the Presiding Officer at the request of a scrutineer
 and such inquiry shall be limited to the questions following :—

Questions to be put
to voters.

- 35 (1.) Are you the person whose name appears as A.B. number —
 in the electoral roll for this Municipality (or Ward) ?
 (2.) Have you the same qualification for which your name appears
 on the electoral roll for this Municipality (or Ward) as A.B.
 number ?—
 40 (3.) Have you already voted at the present election ?

No person who shall refuse to answer such questions or who shall fail
 to answer the first of such questions in the affirmative and the two latter in
 the negative shall be permitted to vote at such election And all persons
 making false answers to such questions or to either of them shall be
 45 deemed guilty of perjury and shall be dealt with accordingly.

82. Each Presiding Officer shall immediately on the close of the
 poll transmit to the Returning Officer the ballot-box still locked and shall
 also send carefully sealed up the electoral roll initialed at his polling-
 place as aforesaid and signed by him and the Poll Clerk—the remainder
 50 of the ballot-papers delivered to him by the Returning Officer and not
 used and all books or official memoranda kept by him during the poll-
 ing with an exact statement of the number of electors who have voted—
 the number of ballot-papers originally delivered to him—the number
 thereof used—and the number left unused and returned And such
 55 statement shall be signed by himself and the Poll Clerk and verified by
 the signatures of the Scrutineers then present.

Ballot-boxes to be
transmitted to the
Returning Officer.

83. The Returning Officer immediately after receiving the ballot-
 boxes and sealed up documents and papers as aforesaid shall in the

Ascertainment and
declaration of poll.

Municipalities.

presence of the Presiding Officers and such of the Scrutineers as may then be in attendance open the ballot-boxes and examine the voting-papers and thereby ascertain the result of the election and he shall then publicly announce the state of the poll and on the next following day he shall
 5 officially declare at the place of nomination and at an hour of which public notice shall have been given by him on the day of nomination the names of the candidates who have been duly elected. Provided that if from the non-arrival or late arrival of any such ballot-boxes and sealed up documents and papers as aforesaid or from any other sufficient cause it
 10 shall be found impossible to examine the ballot-papers and ascertain the result of the election on the same day that the poll has been taken the Returning Officer may adjourn such examination until some hour on the next following day earlier than the hour already fixed and notified as aforesaid for the official declaration of such result. And such ballot-boxes and
 15 sealed up documents shall remain until the time of such examination in the custody of the Returning Officer or in such custody as he may appoint but shall be further secured by the seals of any such two of the Presiding Officers or Scrutineers as the majority of such Presiding Officers and Scrutineers then present may designate for that purpose or if no more than
 20 one or two of such Presiding Officers or Scrutineers be present then by the seals of such one or both of such Presiding Officers or Scrutineers.

84. On the occurrence of any extraordinary vacancy in the office
 of Alderman or Auditor the Mayor or any Alderman appointed by the
 Council as Returning Officer shall within ten days after the occurrence of
 25 such vacancy give fourteen days notice in some newspaper circulating in or near the Municipality of a day on which an election to supply such vacancy shall be holden in manner aforesaid and all such elections for the supply of extraordinary vacancies in the office of Alderman or Auditor shall be conducted as nearly as may be in the same manner as the annual
 30 elections of such officers. And every such newly elected Alderman or Auditor shall hold office until the time when his predecessor's term of office would have expired and shall then go out of office but may be re-elected if still qualified.

85. In any Municipality which under such re-adjustment as afore-
 35 said shall have become entitled to a greater number of Aldermen than the number of Aldermen or Councillors to which it has heretofore been entitled or which it has possessed there shall be elected in the manner and with the like notices as in the case of extraordinary vacancies a sufficient number of other Aldermen to make the number of the Council
 40 of such Municipality equal to the number to which it has become entitled under this Act. And such additional Aldermen shall in turn go out of office annually in rotation with the other retiring Aldermen according to the number of votes which each shall have obtained or otherwise as hereinbefore provided.

86. If in any United Municipality there shall upon such union
 45 be for such Municipality or for any ward thereof a number of Aldermen greater than that assigned by this Act as the ordinary number of Aldermen for such Municipality or ward no extraordinary vacancy for such Municipality or ward shall be filled up unless or until the whole number of
 50 Aldermen for such Municipality or ward shall have been reduced below such ordinary number and then only so as to complete such ordinary number.

87. The Returning Officer shall forthwith after the declaration of
 the result of the poll seal up all the ballot-papers and other documents as
 55 aforesaid in one or more parcels as may be found convenient and shall cause the same to be delivered to the Council Clerk of the Municipality to be by the said clerk safely and secretly kept for six months after such delivery of the same and such clerk shall after the expiration of such period of six months cause such ballot-papers and documents to be
 60 destroyed.

Municipalities.

88. If any person shall knowingly and wilfully break the seal of or open any such sealed parcel of ballot-papers and documents as aforesaid unless by the command of some competent Court or other authority he be required so to do or to produce some portion of the contents of such
 5 parcel he shall be guilty of a misdemeanor. Penalty for breaking seal or opening parcel.
89. If any Returning Officer Presiding Officer Poll Clerk or Scrutineer shall in the discharge of his duties under this Act at or concerning any election learn or have the means of learning for what candidate any person shall vote or have voted at such election he shall not by word or act
 10 or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same save in answer to some question which he is legally bound to answer And every such Returning Officer Presiding Officer Poll Clerk or Scrutineer who shall knowingly and wilfully offend against the provisions of this section shall be guilty of a
 15 misdemeanor. Penalty for Returning or Presiding Officer Poll Clerk or Scrutineer divulging the name of candidate for whom any person may vote.
90. When the proceedings at any election under this Act shall be interrupted or obstructed at any place by any riot or open violence the
 20 Returning Officer or Presiding Officer as the case may be shall not finally close the poll but shall adjourn the taking of the poll at the polling-place at which such interruption or obstruction shall have happened to the day following and if necessary such Returning Officer or Presiding Officer shall further adjourn such poll until such interruption or obstruction shall have ceased when such Returning Officer or Presiding Officer shall again proceed with the taking of the poll at the place at which the same may
 25 have been interrupted or obstructed. Adjournment of polling for riot &c.
91. If from some other cause not being such as lastly mentioned after a poll shall stand appointed for any election no such poll shall be taken on the day appointed for the same the election shall stand
 30 adjourned until the same day of the following week and the Returning Officer shall give not less than three days public notice thereof by advertisement in some newspaper circulating in the Municipality or ward or by placards affixed in public places in or near such Municipality or ward And in all such cases of adjournment the examination of the ballot-papers and final declaration of the result of the poll hereinbefore
 35 provided for shall stand adjourned until after the close of such poll and such ballot-papers and other documents as aforesaid shall be secured and kept in such custody as is hereinbefore required. Adjournment when from some other cause no election on day appointed.
92. If at the time fixed as aforesaid for any Municipal election there shall be no candidates named or a less number of candidates than
 40 there are Aldermen or Auditors to be elected the Governor may appoint any persons not disqualified to be Aldermen or Auditors as the case may be who shall by virtue of such appointment be as fully such as if duly elected. If not enough candidates Governor to appoint officers.
93. No election under this Act shall be liable to be questioned
 45 by reason of any want or defect of title of any person by or before whom such election shall have taken place if such person shall have really acted at such election nor by reason of any formal error or defect in any declaration or other instrument or in any publication under this Act or intended so to be nor by reason of any such publication being out of time. Election not to be questioned for defect of title.
94. No advantage shall be taken of the invalidity of any election
 50 under this Act in any action or suit 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 to action.
95. All the acts enumerated as acts of bribery and corruption in any Electoral Act in force for the time being with reference to elections
 55 of Members to the Legislative Assembly shall be deemed to be acts of bribery and corruption with reference to all elections under this Act And every person committing any such act shall be deemed guilty of a misdemeanor And the acts of all authorized agents of a candidate shall be held to be acts of their principal if proved to have been committed
 60 with his consent. Bribery and corruption.

Municipalities.

96. Every person who having or claiming any right to vote in any election of Mayor Alderman or Auditor shall ask or take any money or other reward by way of gift loan or other benefit or agree or contract for any money gift office employment or other reward to give or 5 to forbear to give his vote in any such election and every person who by himself or by any other person employed by him shall by any gift or reward or by any promise of or any agreement or security for any gift or reward corrupt or procure or offer to corrupt or procure any other person to give or to forbear to give his vote in any such election shall for every 10 such offence be liable to a penalty of fifty pounds.

Penalty for receiving
or offering reward as
to vote.

97. Every person who shall vote or offer to vote a second time at the same election in the same Municipality or if the Municipality be divided into wards in the same ward or who shall personate or attempt to personate any other person for the purpose of voting at any such election 15 shall be deemed guilty of a misdemeanor.

Penalty for voting
twice or personation.

98. All expenses of and incidental to the incorporation of any Municipality and the first elections of Aldermen and Auditors shall if 20 certified under the hand of the Returning Officer be paid out of the Consolidated Revenue Fund by warrant under the hand of the Governor directed to the Colonial Treasurer.

First costs of election
out of public funds.

99. Upon affidavit that any person declared elected to be Mayor or an Alderman or Auditor of any Municipality has been unduly elected or that any person has been elected to or holds or exercises such office of Mayor Alderman or Auditor being incapable under the provisions 25 hereof of being or continuing such Mayor Alderman or Auditor it shall be lawful for the Supreme Court or any Judge thereof to grant a rule or order calling upon such person to shew cause to the Court why he should not be by the said Court ousted of the said office and whereupon the return of such rule or order it shall appear to the Court that such 30 person so elected or holding or exercising such office respectively was unduly elected or was at the time of his election or while holding or exercising such office incapable under the provisions hereof of being or continuing such Mayor Alderman or Auditor as the case may be the Court may make such rule or order absolute or if the matter shall not 35 so appear may discharge such rule or order and in either and every such case with or without the payment of costs to or by either party as the Court shall deem meet And the person against whom any rule shall be made absolute as aforesaid shall be deemed thereby to be ousted of such office accordingly Provided that no such order or rule shall in any case 40 be granted if at the time of the application for such rule or order more than three months shall have elapsed after the election or the time when the person against whom such application shall be made shall have been disqualified.

Disputed elections or
exercise of office.

100. If any Mayor of any Municipality or if any person having 45 been duly appointed hereunder to act as Returning Officer Presiding Officer or Poll Clerk at any election and undertaken so to act shall be guilty of any gross misfeasance or wilful act of commission or omission contrary to any of the provisions herein contained he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds.

Misfeasance &c. of
Returning or Pre-
siding Officer Poll
Clerk &c.

50

Conduct of business.

101. All acts authorized or required by law to be done and all questions to be decided by the Council shall be done and decided by the majority of the members present at any meeting duly held and a majority of the whole number of members of such Council or a moiety when such 55 number is even shall be a quorum Provided that if there be not a quorum present within half an hour after the time appointed for the holding of any meeting or if it shall appear at any time during the holding of

Quorum at meetings.

Municipalities.

- of any meeting that there is not a quorum of members present the Mayor shall have power to adjourn such meeting or intended meeting to some other day And all meetings of the Council shall be held with open doors unless it shall become necessary to exclude strangers on account of their
- 5 disorderly conduct Provided however that the Council shall have the power of excluding strangers while a Mayor is being elected or while any tenders or applications for any work office or employment under the Council are being opened examined or considered or while any complaint against any officer or servant of the Council is being inquired into But in
- 10 all such cases the result of all such elections and of all such considerations of tenders or applications and of all such inquiries shall be announced or stated with open doors and an entry of such result shall be made in the Minute Book to be kept as hereinafter provided.
102. The Council shall meet at least once in every month and such
- 15 meetings shall be held at such hours and on such days as shall be determined by any by-law under this Act or until such by-law shall be in force by any resolution of the Council.
103. The Mayor may call a special meeting of such Council as often
- 20 as he shall think proper and if he shall refuse or delay to call any such meeting after receiving a requisition for that purpose signed by at least two Aldermen such Aldermen may call a meeting of the Council by giving such notice as is hereinafter directed to the other members thereof.
104. In every case a summons to attend any intended meeting of the Council specifying the business proposed to be transacted at such meeting
- 25 shall be left at or sent by post to the usual or last-known place of abode or place of business of each Alderman or to such address as he may have indicated for that purpose so that there shall be time for his receiving such summons twenty-four hours at least before the time appointed for such meeting and no business shall be transacted at any such meeting
- 30 other than is stated in such summons Provided that no summons shall be necessary for any adjourned meeting and that no business of which notice has not already been given as aforesaid shall be transacted at such meeting.
105. The Council Clerk shall prepare and serve or transmit all such summonses as aforesaid and shall give notice in each such summons for
- 35 each monthly meeting of the Council of any business of which any Alderman may by writing under his hand delivered to such Council Clerk not less than four days before the day appointed for such monthly meeting have given notice or required to be brought before the Council at such meeting And in each summons for each such special meeting as aforesaid
- 40 the Council Clerk shall give notice of such business as the Mayor or the Aldermen calling such meeting shall direct to be notified Provided that it shall not be necessary in any such summons to give notice *in extenso* of any proposed by-laws or other business to be considered at such meeting but it shall be deemed a sufficient compliance with this Act if the nature
- 45 and intent of such business is clearly indicated And provided also that where any business of which notice has been given for one monthly meeting or for any special meeting shall have been postponed until another monthly or special meeting it shall only be necessary to indicate in general terms in the summons that such business so postponed
- 50 as aforesaid from a previous meeting is to be considered.
106. The Mayor if present shall preside at all meetings of the Council and in his absence or if after being present he shall retire such
- 55 Alderman as the members present may choose shall preside And in case of an equality of votes the person so presiding shall have a casting vote in addition to his original vote as a member of the Council Provided however that no such Mayor or presiding Alderman shall by any by-law or resolution of the Council be compellable to give such original vote as a member of such Council.
107. Minutes of the proceedings of every meeting of the Council
- 60 shall be taken by the Council Clerk and being fairly transcribed into a book

Meetings to be held with open doors but with power to exclude strangers in certain cases.

Meetings to be held monthly.

Special meetings.

Members to be summoned and notice given of all business.

Council Clerk to prepare and transmit summonses.

Notices of business.

Who to preside at Council meetings.

Casting vote.

Minutes of meetings.

Municipalities.

book to be kept for that purpose shall be read at the then next meeting of the Council and shall after confirmation thereby be signed by the Mayor or presiding Alderman.

108. Any elector or any creditor of the Municipality may at all reasonable times without fee make any copy of or take any extract from the Minute Book and any Council Clerk or other person having the custody of the said book who shall not on reasonable demand of any such elector or creditor permit such copy or extract to be made or taken shall be liable to a penalty of not more than five pounds for every such offence.

Copies and extracts from minutes.

109. The Council may appoint out of their own body such and so many standing or occasional Committees of either a general or special nature consisting of not fewer than three of their members as may be deemed necessary and may delegate to any such Committee any inquiry negotiation or arrangement or power to do any emergent act or to carry out any work which such Council may have ordered agreed to or directed. Provided that every such Committee shall report all its proceedings to the Council at the earliest possible opportunity. And the Council may fix the quorum of any such Committee and may give such directions to any such Committee as from time to time may be found expedient and may increase or alter or dissolve any such Committee.

Committees may be appointed.

110. Every Committee so appointed may meet from time to time and may 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 such Committee unless the quorum of members (if any) fixed by the Council or if no quorum be fixed a majority of the members of such Committee be present. And at all such meetings the Mayor if a member of the Committee shall preside or if he be not a member then such Alderman shall preside as a majority of the members of the Committee shall have appointed permanent Chairman thereof and in the absence of the Mayor or of the permanent Chairman respectively such Chairman as the members present shall appoint. And all questions shall be determined by a majority of votes and in cases of an equality of votes the member presiding shall have a casting vote besides his original vote as a member of the Committee.

Meetings Chairman &c. of Committees.

111. The Council shall appoint a place within the Municipality and shall fix certain days and times at and during which the Council Clerk or other person duly authorized by them in that behalf shall attend for the purpose of receiving payments of rates and transacting the ordinary business of the Council. And notice of the situation of the office of the Council and of the days and hours on and during which attendance is given there shall be given by the Council by advertisement or placards in such manner that the same may be generally known in the Municipality. And no Council Clerk or other officer or servant of the Council shall unless otherwise specially ordered by such Council be compellable to produce any books or transact any other business as herein directed at any other place and time than at the place and within the time so appointed as aforesaid. Provided that no such appointment of days for business shall include Sundays Christmas Days Good Fridays and days appointed for general Holidays or public Fastings and Thanksgivings.

Place and days of business and office hours to be appointed and notified.

112. The common seal and all charters deeds muniments and records of the Corporation or relating to the property thereof shall be kept in such place and in such custody as the Council shall direct.

Custody of seal and records.

113. Every entry in the Minute Book purporting to be a minute of the business transacted at any meeting of the Council and signed as aforesaid by the Mayor or other presiding Alderman at the next meeting of such Council which shall have been holden after such first-named meeting shall be *prima facie* evidence that such business as is therein recorded was transacted at such meeting without proof of the meeting to which the same shall refer having been duly convened or held or of the persons

Minute Book to be evidence.

Municipalities.

persons attending such meeting having been or being Alderman or of the signature of the Mayor or other presiding Aldermen or of the fact of such Mayor or presiding Alderman having been or being such Mayor or Alderman.

- 5 114. The names of all Mayors Aldermen and Auditors elected under this Act and of all officers appointed by the Council shall as soon as conveniently may be after each such election or appointment be notified in the *Gazette* And such notice shall in the case of a Mayor be signed by the Council Clerk or if there be no Council Clerk by two of
 10 the Aldermen and in the case of Aldermen and Auditors by the Returning Officer and in the case of an officer or officers appointed by the Council by the Mayor And the production of the *Gazette* with any such notice shall be *prima facie* evidence that the person named therein as having been elected or appointed as aforesaid has been duly elected and appointed
 15 without proof that the Returning Officer Council Clerk Aldermen or Mayor by whom such notice purports to have been signed did in fact sign such notice or cause the same to be published or of the fact of his or their having been or being such Returning Officer Council Clerk Aldermen or Mayor.
- 20 115. No proceeding of the Council or of any Committee shall be invalidated or be illegal in consequence of there being any vacancy in the number of Aldermen at the time of such proceeding provided that at any meeting of such Council or Committee at which such proceeding shall have been taken or ordered a quorum of the members of such Council or
 25 Committee as herein required shall have been present.

Mayors &c. to be gazetted.

Gazette to be evidence of appointment.

Vacancy in Council or Committee not to invalidate proceedings.

Powers and Liabilities of Councils.

116. The Mayor or presiding Alderman as the case may be shall have power and authority to preserve order and prevent interruption at any meeting of the Council or of any Committee or at the sitting of any
 30 Court held hereunder for the revision of any municipal list or roll and without any other warrant than this Act may cause to be arrested and taken before a Justice any person whomsoever not being a Member of such Council who may interrupt the business of such meeting or sitting or cause a disturbance thereat And all constables and peace officers shall
 35 aid and assist such Mayor or presiding Alderman in the performance of his duty.
117. The Council shall within the boundaries of the Municipality have the care construction and management of Public Roads other than the Main Roads of the Colony and of Public Streets Lanes Ferries Wharves
 40 Jetties and Public Thoroughfares except as hereinafter provided and shall adopt such means as may seem to them desirable for the establishment and management of places of Public Recreation Public Cemeteries Public Baths and Wash-houses and for securing the supply and distribution of water for domestic or sanitary purposes or for irrigation and for lighting
 45 and sewerage or other drainage and may purchase or rent land for public recreation or lands or buildings for public baths or wash-houses within the Municipality or lands either within or without such Municipality for public cemeteries and may make any contracts for the supply of water from places either within or without the Municipality or any contracts for
 50 or in respect of lighting or sewerage or other drainage Provided that no Municipality shall be compelled to take the charge or management of any new road or street laid down by any proprietor upon or through his own land which shall be less than forty feet in width or if the same be more than forty feet and less than sixty-six feet in width unless and
 55 until the same shall have been fully made and completed to the satisfaction of the Council And provided also that all roads streets lanes or other thoroughfares and all ferries wharves and jetties dedicated to public use

Power of Mayor &c. to prevent interruption and to repress disorder.

Roads &c. under the control of the Council.

Municipalities.

use or in over and upon which a legal use or enjoyment exists in favour of or is vested in the public shall be deemed and taken to be public roads streets ferries wharves jetties and thoroughfares for the purposes of this Act.

- 5 118. Nothing herein contained shall authorize the interference of any Council with any public road railway bridge ferry cemetery market wharf aqueduct public place or building whatsoever not formed constructed erected or established by such Council and which may be excepted from the jurisdiction of such Council by any proclamation made or to be made by the
 10 Governor or respecting which separate provision shall have been or shall be made by any Act. Provided always that the Governor may by Proclamation authorize any Council to take upon itself the charge of any such public road railway bridge ferry cemetery market wharf aqueduct public place or building within the limits of the Municipality as aforesaid but
 15 before the issue of any such proclamation transferring to the Council as aforesaid the charge of any such public road railway bridge ferry cemetery market wharf aqueduct public place or building as aforesaid there shall be such an adjustment to the satisfaction of the Minister of any then existing debt securities or other arrangements for upon or in respect of such public
 20 road railway bridge ferry cemetery market wharf aqueduct public place or building as the circumstances of the case may require. And upon any such Proclamation as last aforesaid any existing trust or other provision for the management control or other dealing with any such public road railway bridge ferry cemetery market wharf aqueduct public place or
 25 building as aforesaid created in pursuance of any Act then in force or by other competent authority shall thereupon and thereafter cease and determine.

Certain roads &c. exempted from control of Council.

But such control may be given in certain cases and on certain conditions.

119. Any Council or person authorized by any Council may for any purpose of this Act at all reasonable times in the day time enter upon
 30 and lay out or conduct through or make upon or under any private land within the Municipality any sewers or other drains watercourses wells pumps pipes or any other necessary works and may search for dig and remove with horses carts or otherwise any stone gravel or other road-making material for the making or repairing of any bridge or aqueduct
 35 without payment for the same except as hereinafter enacted. Provided that all holes pits or quarries shall be filled up and all fences which may have been moved for ingress and egress to or from any such pit or quarry for the purposes aforesaid shall be made good at the expense of the Council. Provided also that for the purpose of obtaining road-making material
 40 as aforesaid it shall not be lawful to enter upon any enclosed land or to carry away stone from any quarry actually worked as such on private property. And every person affected by the construction of any such drain watercourse well pump pipe or other necessary work as aforesaid or by any other work executed by order of the Council or suffering any loss or
 45 damage whatsoever under the powers herein conferred may recover compensation from such Council in any Court of competent jurisdiction in such amount as such Court shall find to be justly due and such Court may in every case make such order as to costs as the justice of the case shall require. Provided that in every case where a reasonable claim for compensation has
 50 been refused the party aggrieved shall be entitled to double costs of suit.

Necessary powers of the Council for improvements &c.

Suits for compensation.

120. If any part of a Public road or street as aforesaid shall lie along and upon or be adjacent lengthwise to the limits of any Municipality but a portion or the whole of the breadth of such part shall be outside such Municipality and if such part shall not as to the breadth so
 55 lying outside be within the limits of the City of Sydney or of any other Municipality the Council of such first-named Municipality shall have power to form macadamize and otherwise make good and to repair and maintain such part of such road or street in like manner as any Public road or street within the Municipality.

Council may form street adjoining to Municipality.

Municipalities.

121. If any part of a Public road or street as lastly before mentioned shall as to the breadth of such part so lying outside such Municipality be adjacent to or within any limit of the City of Sydney or of any other Municipality and if such road or street shall not as to such part thereto-
 5 fore have been formed macadamized or otherwise made good or shall be out of repair the Council of such first-mentioned Municipality may cause to be given to the Council of the said City or other Municipality a notice stating the desire of the Council giving the notice that such part of such road or street as aforesaid and described in such notice may be
 10 formed macadamized or otherwise made good or repaired and offering to treat and agree with the Council receiving the notice with respect to the performance by either party of the whole or part of such work and the future maintenance and repair of such part of the said road or street And such agreement may be made accordingly and every such Council
 15 giving or receiving such notice shall for the purpose of carrying out any such agreement have power to perform any such work or any part thereof and to provide for such maintenance and repair.

If such street form boundary also of another Municipality Council may give notice to treat with respect to it.

122. If for the space of one month after the receipt of any such notice any such Council receiving the same shall not treat and agree with
 20 the Council giving such notice as to the subject matter thereof it shall be lawful for such last-mentioned Council at any time afterwards to apply to the Court of Quarter Sessions holden for the district in which such road or street is situated for a summons calling on the Council so having omitted to treat or agree to shew cause to such Court at the sitting
 25 of the same for the said district to be holden next after the expiration of fourteen days from the issuing of such summons why the work mentioned in such notice should not be executed.

Court of Quarter Sessions may summon Council failing to treat.

123. The Court of Quarter Sessions holden as lastly hereinbefore mentioned upon proof of the giving of such notice and upon the appearance
 30 of both parties or proof if the party so summoned shall not appear of the due service upon such party of such summons shall have power to hear and determine the matter in question and to divide as nearly as practicable such road or street transversely across the length thereof into two equal lengths and to order that each party shall execute in respect of and upon
 35 one such separate length the works mentioned hereinbefore and described in the notice aforesaid or if the case so require shall in future undertake and provide for the maintenance and repair thereof.

Court may apportion work and order execution.

124. If either such party as aforesaid shall omit to comply with so much of any such order as shall apply to such party it shall be lawful
 40 for the other party from time to time after one month's notice to the party so omitting of their intention so to do to carry out and perform the whole or any part of the matters or things enjoined by such order upon the party so omitting and to recover the expense of so doing from such party in any Court of competent jurisdiction.

On omission either party may execute and recover expense.

125. If the Council of any Municipality shall desire to construct
 45 or establish any bridge or ferry over any river or creek at a place where one bank lies but the whole breadth and both banks do not lie within such Municipality and if there be in such case no other Council or body corporate duly empowered as herein provided to treat with such first-named
 50 Council with respect to the opposite bank then the said Council may with the approval of the Governor at their own expense construct or establish such bridge or ferry and the approaches thereto in the same manner as though the whole breadth and both banks were within such Municipality And if there shall be any such Council or body corporate as lastly men-
 55 tioned then the Council of such Municipality may treat and agree with such Council or body corporate with respect to such work and may execute such work according to the tenor of such agreement.

Bridges and ferries at boundary of Municipality.

126. It shall be lawful for the Governor to appoint that any bridge or ferry which may have been or may hereafter be placed or provided at
 234—D the Governor may give control of bridge or ferry at such boundary to the Council.

Municipalities.

the boundary of any Municipality on or over any river or creek whereof the whole breadth and both banks shall not at the site of such bridge or ferry lie or be within such Municipality shall be under the control of the Council of such Municipality. Provided that if any such bridge or ferry or the approaches thereto shall have been constructed or formed by the Council of any Municipality at their own expense or in pursuance of any contract as herein provided with any other Council or body corporate whereby it shall have been stipulated that the control of such bridge or ferry shall be vested in such first-mentioned Council then in every such case the Governor shall give the control thereof to such Council.

127. The Council of every Municipality shall within and for such Municipality have and exercise the following powers which by the Act twenty-ninth Victoria number two the "Impounding Act of 1865" or any Act or Acts amending the same may or are required to be exercised in and for any district by the Court of Petty Sessions of such district or a majority of the Justices assembled in any such Court (that is to say)—All such powers conferred by the said Act as relate to the establishment of public pounds the appointment of pound-keepers the determination of the amount of security to be given by each such poundkeeper the monthly inspection of the pound-book and instructions the receiving of such book and instructions from each poundkeeper on his ceasing to hold office as such and the fixing of charges for the care and sustenance of animals impounded. And with regard to the foregoing provisions the said Act shall be read as if in every case where such powers or any of them are given by such Act to any Court of Petty Sessions or majority of Justices as aforesaid there had been a proviso that wherever a Municipality had been established such powers so given to such Court or majority of Justices respectively should for and in respect of such Municipality be alone vested in and exercised by the Council thereof. And the poundkeeper shall in every such case be an officer of the Council within the meaning of this Act. And all pounds already established and all poundkeepers in office in any Existing Municipality at the time of this Act coming into force or in any Municipality incorporated hereunder at the time of the incorporation thereof shall be deemed to all intents and purposes to have been established and appointed on the recommendation of the Council thereof.

128. The Council of every Municipality shall alone in and for such Municipality have exercise and incur the following powers and obligations which by the Acts second Victoria number two eleventh Victoria number forty-four seventeenth Victoria number twenty-five and nineteenth Victoria number ten respectively may or are required to be exercised and incurred by the Police Magistrate or by other Justices of the Peace or by the Surveyor General or person deputed by him or by any Magistrate or municipal officer of any town or other person acting under the authority of the Governor or by the Police Magistrate with the assistance of the Bench of Magistrates or by the Colonial Treasurer or other such officer as the Governor may authorize respectively that is to say the powers conferred by the said Acts or either of them for or in respect of the enclosure of holes or foundations near any public place and the lighting of such enclosures and for and in respect of the receiving of notices as to the blasting of rocks and the giving of such directions thereon as may be deemed necessary for the public safety and for and in respect of the granting of leave for the opening of any drain or sewer or the removal of any turf clay sand gravel stone or other material from any carriageway or footway and for and in respect of the setting out and defining of carriageways and footways in streets and public places and for and in respect of the giving of notice for the removal or abatement of any building or erection in any street part of a street or public place within the distance from the curb stone or extreme edge

And shall do so if it be constructed at their own expense &c.

Council to have certain powers vested in Courts of Petty Sessions &c. by "Impounding Act of 1865" (29 Victoria No. 2) secs. 3 4 6 and 8.

Council to have certain powers vested in Police Magistrate &c. under Country Towns Police and Alignment Act 2 Vict. No. 2 secs. 31 37 38 48 49 52 54 56 and 57 Country Towns Police and Alignment Act Amendment Acts 11 Vict. No. 44 and 19 Vict. No. 10 and Sydney Hamlets Police Act 17 Vict. No. 25 secs. 26 30 and 31.

Municipalities.

edge of the footway fixed and declared by the Governor and Executive Council and for and in respect of the receiving of notice of the intention to erect any house shop or other building in any street before such erection shall be commenced and the furnishing of information as to any
 5 legal provisions relating to such proposed erection and for and in respect of the marking of names of streets upon any walls and the numbering of houses and for and in respect of causing footways to be levelled and removing or abating any flagging steps or other injury or obstruction therefrom and for and in respect of the receiving of notice from any person
 10 desirous of flagging paving gravelling or putting a kerb stone to the footway in front of his house or premises and the giving of directions as to the length breadth height slope and inclination of such footway and for and in respect of the framing and alteration with the Governor's approval of rules and regulations for the holding of markets and the preservation of
 15 order and cleanliness therein and of enforcing such regulations by fines or penalties and for and in respect of the farming by public auction of any stalls or standings in any market-house And with respect only to the foregoing provisions the said Acts shall be severally read so far as they relate to any Municipality as if the words "Council of the Municipality"
 20 stood in such Acts respectively instead of the following words and descriptions respectively namely "Police Magistrate" "any Justice" "Justice of the Peace" "one of the nearest resident Justices of the Peace" "said Justice" "some Justice of the Peace" "the Surveyor" "General or any person deputed by him or for any Magistrate or municipal
 25 " officer of any such town under the authority of the Governor" "Any person appointed by the Governor" "Police Magistrate with the assistance of the Bench of Magistrates" and "Colonial Treasurer or other such officer as the Governor of the said Colony shall otherwise authorize and appoint" And no Police Magistrate or Justice of the Peace or other officer or person
 30 as aforesaid shall be required or empowered to do any act or give any notice or direction or information or receive any notice as hereinbefore mentioned as to any of the said matters or things existing arising or occurring within the limits of any Municipality And so much of all fines fees and sums of money which by reason of the operation of the
 35 said Acts or either of them in for or in respect of any Municipality shall be payable by any person as would if this Act had not been passed be paid into the Consolidated Revenue shall belong to the said Municipality and shall be paid to the Treasurer or other proper officer of such Municipality for the general purposes thereof Provided that the
 40 said Council may by any by-law made sanctioned and published as herein directed delegate all or any of the said powers to any officer of such Council.

129. The Council of any Municipality may with the consent of the Governor impose and enforce a fixed annual half-yearly or quarterly charge
 45 upon vehicles plying or carrying passengers or goods for hire within such Municipality whether such vehicles shall be licensed by the Municipal Council of the City of Sydney or not.

Council may impose fixed charge on public vehicles.

130. Subject to the approval of the Governor it shall be lawful for the Council of any Municipality from time to time to contract upon such
 50 terms and conditions as they may see fit with the Council of any other Municipality or with any other body corporate or public body empowered in that behalf for or in respect to the doing and the control and management by either or both of the contracting parties of any matter or thing which the Council of the Municipality or such other body is by law
 55 empowered to do and perform.

Co-operation of Councils.

131. The Council may compound with any party who has entered into any contract or against whom any action or suit has been brought for any penalty contained in any such contract or in any bond or
 other

Composition for breaches of contract in certain cases.

Municipalities.

other security for the performance thereof or on account of any breach or non-performance of any contract bond or security for such sums of money or other recompense as the Council may think proper.

132. The Council shall have power by themselves or their officers Powers as to nuisances.
 5 to abate and remove all nuisances within the Municipality and any two Justices in Petty Sessions upon information or complaint made before them may in a summary manner compel such nuisances to be abated and removed by the owners or occupiers of the premises upon from or in respect of which the nuisance shall exist or have arisen And the
 10 word "nuisance" in this Act shall mean and include the following Definition of nuisances.
 matters—any boiling-down establishment slaughter-house or other premises in such a state as to be a nuisance or injurious to health any pool ditch gutter watercourse privy urinal cesspool drain or ashpit so foul as to be a nuisance or injurious to health any animal or the carcass
 15 of any animal or any part thereof in such a state or so kept or left as to be a nuisance or injurious to health and any accumulation or deposit which is a nuisance or injurious to health.

133. The Council of every Municipality shall have power in like Power to extirpate weeds.
 manner and by like process in respect to Districts where the lands for the
 20 most part are under cultivation or have been cleared and enclosed by fences to order and compel the extirpation of the weeds known as the Bathurst burr and the Scotch thistle and other noisome weeds and generally to make by-laws and adopt the necessary means for preventing the growth of weeds detrimental to good husbandry.

134. Nothing in the preceding sections shall be construed to Common nuisances.
 prevent or affect prosecutions by information or indictment or any other proceeding in respect of nuisances now or hereafter existing which may be abated or made the subject of presentment or prosecution at the common law or under any existing Act.

135. All proprietors of houses in any town having a frontage to Houses to be spouted.
 a street formed with footpaths by the Municipality wherein the same is situate shall be bound to have such frontage sufficiently spouted so as to prevent the drip of water on the footpaths and when any such spouting shall be effected by the tenant of any such houses the cost thereof may
 35 be deducted from the rent.

136. Every person who encroaches by making or causing to be Encroachment upon streets.
 made any building hedge ditch or other fence or any drain on any street or other public thoroughfare within any municipality shall on conviction forfeit for every such offence any sum not exceeding five pounds and the
 40 Council shall cause such building hedge ditch fence or drain to be taken down or filled up or otherwise made good at the expense of the person by or to whom the same shall have been made or belong and such expenses may in default of payment be recovered by the Council before any two Justices.

137. Whenever in consequence of death absence or otherwise any Power of appointing substitute for Mayor &c. when prevented from performing any duty directed by this Act.
 45 Alderman Council Clerk or other officer other than an Auditor shall be prevented from performing any duty which by this Act he is directed to perform it shall be lawful for the Mayor to appoint any other Alderman or person to perform the same And if for any like reason the Mayor shall be
 50 prevented from performing any such duty the Council shall appoint some other Alderman to perform the same And if for any like reason any Auditor shall be prevented from performing or shall refuse or neglect to perform any such duty the Council shall appoint some elector of the Municipality not being an Alderman thereof to perform the same And
 55 all the acts and proceedings of any person so appointed as aforesaid shall have the same validity as the acts and proceedings of the Mayor Alderman Auditor Council Clerk or other officer in whose place such person has been so appointed as aforesaid would have had.

Municipalities.

138. The Mayor or the Council Clerk or any Alderman or officer of the Council of any Municipality appointed by such Council in that behalf shall have the same right and authority to represent the body corporate in the conduct of any action suit or other proceeding in any Court of Law 5 or in Equity by for on account of or against such corporate body as if such action suit or proceeding had been brought or instituted by for on account of or against such Mayor Council Clerk Alderman or officer individually.

Mayor or Council Clerk &c. to conduct suits and proceedings on behalf of the body corporate.

139. Any summons or notice or any writ or other process document 10 writing or other matter issued according to the course of any proceeding at law or in equity and required to be served upon the Council may be served by the same being sent through the Post Office directed to the Council at their office or left at such office or by being given personally to the Mayor or Council Clerk.

Service of notices &c. on Council.

140. Every person who shall wilfully hinder or interrupt or cause 15 or procure to be interrupted the Council or their managers surveyors agents servants or workmen or any of them or the Auditors in doing or performing any of the works or in the exercise of any of the powers and authorities exercisable by or vested in them by law shall for every such 20 offence forfeit and pay any sum not exceeding ten pounds.

Penalty for interrupting Council or their officers.

Special Powers.

141. The Council of any Municipality may establish and maintain Free Libraries every such Library to be in a room under the control of the Council which shall be open to the public every day except Sunday 25 Christmas Day and Good Friday for a stated period to be defined in each case by by-laws and without any restriction other than what may be necessary for the preservation of the property therein and the observance of good order.

Councils may establish Free Libraries.

142. Wherever a Free Library is established by a Municipality 30 the Council shall be entitled to receive a grant from the Consolidated Revenue in aid of the purchase of books in the manner and on the conditions following :—

Free Libraries may be aided from the Consolidated Revenue.

- | | | |
|----|---|-----|
| | (1.) If the Library is in a District where a population | £ |
| | of at least three hundred souls can regularly | |
| 35 | make use of it | 100 |
| | (2.) If the Library is reasonably available for the use | |
| | of a population of at least one thousand souls ... | 200 |

Provided always that the Governor shall be satisfied of the facts in each case and the list of books to be so purchased shall be approved of by the 40 Inspector of Public Charities or the Minister exercising the powers of that office.

143. The Council shall be entitled to receive without payment for the use of any such Free Library a complete copy of the Public Statutes and copies of all publications issued from the Government 45 Printing Office on and after the date of the establishment of such Library.

Public Statutes &c. to be presented to Free Libraries.

144. The property of every Free Library shall be vested in the Council for the permanent use of the whole of the inhabitants of the Municipality and the Council acting as Trustees thereof shall be competent 50 to acquire possess and hold property in books papers and instruments on behalf of such Free Library by bequest purchase or otherwise.

Property of Free Libraries to be vested in Councils.

145. The Council of any Municipality may establish Free Infant Schools for the instruction and industrial training of children whose 55 parents are in prison half-caste children and other children who are objects of

Councils may establish Free Infant Schools.

Municipalities.

of charity and shall be competent to acquire possess and hold land and other property by grant from the Crown bequest or purchase for the purposes of such schools Provided always that the instruction given in any such school shall be of a character not calculated to interfere with the religious belief of any child.

146. It shall be lawful for the Council of Education to grant aid towards the maintenance of Free Infant Schools to be determined by the number of children and other circumstances in each case and all such Schools shall be subject to the provisions of the Act thirty Victoria number twenty-two in respect to the course of secular instruction to be enforced the examination of teachers and the inspection of Schools.

Officers and Servants.

147. The Council of every Municipality shall appoint such officers and servants as in their discretion they may deem necessary for the execution of the powers and duties hereby vested in such Council and shall assign remuneration to such officers and servants by way of salaries allowances or wages which shall be in lieu of all fees perquisites and other emoluments whatever.

148. Every officer employed by the Council who shall exact or accept on account of anything done by virtue of his office or in relation to the matters to be done under this Act any fee or reward whatever other than the salary or allowance allowed by the Council shall be liable to a penalty of not less than ten pounds nor more than one hundred pounds.

149. Every officer or servant who by reason of his office or employment under the Council may be intrusted with the custody or control of any moneys shall give such security for faithfully and duly accounting for the same as the Council may think sufficient and shall within seven days after having received any moneys or within such shorter time as the Council may appoint pay over the same to the Treasurer of the Municipality or into some Bank selected by the Council And shall also as and when the Council may direct deliver a list signed by him containing the names of all persons who have neglected or refused to pay any sums due by them And shall when and as required by the Council make out and deliver a true and perfect account in writing under his hand and signature of all moneys received by him for the purposes of this Act distinguishing how and to whom and for what purposes such moneys have been disposed of And shall together with such account deliver the vouchers or receipts for all payments made by him and shall pay over to or receive from the said Treasurer or the Mayor the balance of such accounts if any And if any such officer or servant shall fail to render such account or to produce and deliver up all vouchers and receipts in his possession or power or to pay over any such moneys or balance as aforesaid or if for the space of seven days after being thereunto required he shall fail to deliver up to the Council all books papers writings property effects matters and things in his possession or power belonging to the Council he shall on proof thereof before any Justice and on his still failing or refusing to do such or any other required act relating to the premises be liable on summary conviction before a Justice to be imprisoned for any term not exceeding three weeks or until he shall have done such act And if it shall appear that he has failed to pay over such moneys as aforesaid and he still fails or refuses so to do the Justice may cause any such moneys as aforesaid to be levied by distress upon his goods and chattels and in default of any sufficient distress may commit him to gaol without bail for any time not exceeding three months unless such moneys be sooner paid Provided that upon proof on oath to any Justice that there is probable cause for believing that any such officer or servant so charged is about

Municipalities.

about to abscond such Justice may without summons cause him to be forthwith apprehended upon warrant and may upon *primâ facie* proof on oath of the charge require him to give bail for his subsequent appearance to answer the same. Provided also that no such proceeding shall relieve any surety of the offender from any liability whatsoever nor any such offender from being held to answer any criminal information charge or proceeding whatsoever.

150. The Mayor may suspend from office at any time any officer or servant of the Council who may in his opinion be guilty of misconduct or neglect and if necessary may temporarily appoint and may take security from another officer or servant to fulfil the duties of such officer or servant so suspended as aforesaid. Provided that at the then next meeting of the Council the Mayor shall report the matter to the Council and if the officer or servant so suspended be dismissed by the Council no salary or wages shall be due or payable to him from or after the date of his suspension. And every officer or servant so temporarily appointed shall only hold office and receive remuneration in no case exceeding that paid to the suspended officer or servant until the Council shall decide whether the person suspended shall be reinstated or shall be dismissed and a successor appointed in his stead.

By-laws.

151. The Council of any Municipality may from time to time make by-laws for the following matters so far as the same are not herein expressly provided for and may from time to time by other by-laws alter or repeal any such by-laws namely for—

- Regulating their own proceedings and the duties of their officers and servants and preserving order at Council Meetings
- Determining the times and modes of collecting and enforcing payment of their rates either current or in arrear
- Preventing and extinguishing fires
- Suppressing nuisances houses of ill fame and gaming-houses
- Preventing or regulating and licensing exhibitions held or kept for hire or profit bowling alleys and other places of amusements
- Compelling residents to keep their premises free from offensive or unwholesome matters
- Regulating and licensing porters public carriers carters water-drawers and vehicles plying for hire—the killing of cattle and sale of butchers meat and the establishment and locality of slaughter-houses or abattoirs
- Regulating markets market dues fairs and sales
- Opening new public roads ways and parks
- Aligning curbing paving guttering gravelling and cleansing roads and streets
- Regulating the supply and distribution of water
- Sewerage and drainage
- Lighting with gas or otherwise
- Causing vacant building lots in towns to be enclosed where public safety is likely to be endangered
- Regulating the interment of the dead
- Planting and preserving trees and shrubs
- Generally controlling and managing public reserves
- Regulating Free Libraries and Free Infant Schools
- Collecting and enforcing special rates for water supply Free Libraries and Free Infant Schools
- Preventing or regulating the bathing or washing the person in any public water near a public thoroughfare
- Preserving public decency

Providing.

Municipalities.

Providing for the health of the Municipality and against the spreading of contagious or infectious diseases

Restraining noisome and offensive trades

5 Collecting and managing tolls rates and dues upon roads bridges wharves jetties and markets

And generally maintaining the good rule and government of the Municipality.

152. The Council may also make by-laws for the establishment And for hospitals
asylums &c. maintenance or regulation of hospitals for the care of the destitute poor
10 and sick and of asylums for the protection support and moral and religious instruction of destitute or deserted children And may take over any existing hospital or asylum with the consent of the managers thereof and make by-laws for it in like manner.

153. The Council may also make by-laws for the establishment And for libraries
gardens &c. maintenance and regulation of infant schools public libraries schools of
15 arts museums botanical gardens public baths and wash-houses or other public places of recreation or improvement and may with the approval of the Governor grant money from the corporate funds in aid of any such purpose.

20 154. The Council may also make by-laws for regulating the rights And respecting
commonage rights. and privileges to be enjoyed by the inhabitants of any Municipality over any common or reserve already or hereafter set apart or dedicated for the use of such inhabitants.

25 155. Any by-laws made under this Act may state some minimum By-laws to be
enforced by penalty. and maximum penalty for any neglect or breach thereof respectively and may also fix minimum penalties in case of successive convictions in respect of the same offence Provided that no such maximum penalty shall exceed fifty pounds.

30 156. All or any such by-laws being consistent with the provisions By-laws to be ap-
proved by Governor
in Council and
gazetted. of this Act and not repugnant to any other Act or Law in force within the Colony of New South Wales shall have the force of law when confirmed by the Governor and published in the *Gazette* but not sooner or otherwise And copies thereof shall be laid before both Houses of Parliament forthwith if Parliament be sitting and if not then within fourteen days after the
35 opening of the next session.

157. The production of the *Gazette* with any such by-laws so By-laws to be proved
by production of the
Gazette. published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-law has been made confirmed and published as is herein required Provided that no objection to the
40 validity of such by-law which may be sustained on the ground of its repugnancy to this Act or to any Act or Law as aforesaid shall be affected by anything in this section contained.

158. Upon and after any division of any Municipality in manner By-laws in force on
division of Muni-
cipalities. aforesaid and the constitution of the parts so divided into distinct Muni-
45 palities the by-laws in force in such first-named Municipality at the time of such division shall be the by-laws of each such Municipality after such division until such by-laws shall be amended altered or repealed by the Council thereof and such amendment alteration or repeal shall have been confirmed and published as herein directed.

50 159. Upon the union as herein provided of any two or more Muni- By-laws in force
on union of Muni-
cipalities. palities the Minister shall declare what by-laws of those in force for such several Municipalities at the time of such union shall be the by-laws of the United Municipality And such by-laws so declared to be the by-laws of the United Municipality shall be in full force therein until such by-laws
55 shall be amended altered or repealed by the Council thereof and such amendment alteration or repeal shall have been confirmed and published as herein directed And all other by-laws previously in force in the said Municipalities so united as aforesaid or any of them shall after such declaration by the Minister as aforesaid become null and void Provided that all acts
or Power of Council of
New Municipalities

Municipalities.

or things done or had and all fines penalties and forfeitures imposed under or by virtue of any by-law so become null and void shall be of the same force and effect and be recovered in like manner as if such union had not taken place and such declaration by the Minister had not been made

- 5 Provided also that in every such case of union or division as mentioned in this and in the last preceding section the Council of every Municipality created in pursuance of this Act on and by such union or division shall have the same power as to the enforcement of any by-laws in force or enforceable in such Municipality under the provisions hereof as if such
10 by-laws had been made by such Council Provided further that in the case of any road dividing two or more Municipalities the Governor shall have power to declare and determine which set of by-laws of the Municipalities so divided shall be in force on such road.

160. In every case where two or more Municipalities have been
15 united and the Minister shall have declared as aforesaid what by-laws are to be in force as the by-laws of the United Municipality such by-laws so declared to be in force shall be published in the *Gazette* and the production of such *Gazette* with such by-laws so published therein shall be as sufficient evidence as hereinbefore provided that such by-laws are in as full force
20 for such United Municipality as if the same had been made by the Council thereof and had been confirmed and published as hereinbefore enacted.

Assessments Rates and Accounts.

161. All Lands Houses Warehouses Counting-houses Shops and
other Buildings Tenements or Hereditaments within any Municipality
25 shall be rateable property within the meaning and for all the purposes of this Act save as is next hereinafter excepted that is to say Land the property of Her Majesty and unoccupied or used or reserved for public purposes Land and Buildings in the occupation of the Imperial Government or the Government of New South Wales or of the Council of the Municipality
30 Hospitals Benevolent Institutions and Buildings used exclusively for public charitable purposes Churches Chapels and other buildings used exclusively for Public Worship and Public Schools Colleges and Universities.

162. The Council of each Municipality shall annually within
three months after the election of the Mayor thereof make or cause to
35 be made an estimate of the probable amount which will be required for the then current year in addition to any tolls rates or dues levied or authorized to be levied within the Municipality and to any probable income from fines voluntary contributions endowments or any other source of revenue to carry on the fencing making and repairing of any roads
40 bridges punts wharves piers or other public works in the said Municipality and any other expenses necessary in carrying into effect the provisions of this Act and shall raise the amount so estimated by an assessment and rate upon all rateable property within such Municipality assessing the same at nine-tenths of the fair average annual rental of all buildings and cultivated
45 lands or lands which are or have been let for pastoral mining or other purposes whether such buildings or lands shall be then occupied or not and at the rate of five pounds *per centum* upon the capital value of the fee simple of all unimproved lands such average rental and capital value of all such rateable property to be estimated by valuers as is hereinafter provided And
50 notice of such assessment and rate shall be served if the property be occupied upon the occupier by a notice addressed to such occupier and left at or sent through the post to the premises and if unoccupied by a notice addressed to the lessee or owner of such property and left at or sent through the post to his last-known residence or place of business in the
55 Colony And as to any rateable property which is unoccupied and the owner of which is not known to the Council notice of such assessment and rate upon such last-mentioned property shall be advertised twice

Municipalities.

at least in two successive weeks in some newspaper circulating in the Municipality. Provided that no such rate shall exceed one shilling in the pound on the assessed value of all such rateable property calculated and determined as hereinbefore directed. And the rate so imposed as aforesaid shall be payable by the occupier of the property for which such rate is payable if occupied and if unoccupied then by the lessee or owner. Provided also that nothing herein contained shall prevent any private arrangement between landlords and tenants as between themselves with respect to their ultimate liability to rates respectively. Provided further that in any notice by advertisement as herein required of the assessment and rate upon property of which the owner is unknown to the Council it shall not be necessary to describe such property by metes and bounds but only to state in general terms so that the same may be intelligible its situation and estimated area and the name or names of the original grantee or grantees. And provided also that nothing herein contained shall prevent the Council from collecting their rates by half-yearly instalments if they shall think fit.

163. For the purpose of constructing and maintaining any works for or relating to the draining of lands water supply sewerage or lighting with gas or otherwise the Council of any Municipality may establish special rates and may levy the same upon the owners or occupiers of any property within the Municipality deriving any benefit or advantage from such works. Provided that such special rates so levied shall not in the aggregate in any one year exceed one shilling in the pound on the annual value of the rated property assessed as aforesaid. Provided however that the Council of any Municipality may in order to provide funds for the watering of any street or road within such Municipality establish a special rate or charge on the rateable property in such street or road not exceeding sixpence in the pound in any one year on the assessed annual value of such property and may levy the same upon the owners or occupiers thereof in addition to any special rate for drainage water supply or lighting which may have been established and levied as aforesaid.

164. For the purpose of constructing and maintaining Water Works and ensuring a supply of pure water the Council of any Municipality may establish special water rates in towns and may levy the same upon the owners or occupiers of all houses in streets where the water mains are laid down. Provided that no such special water rate shall exceed five shillings per annum for every separate room in a dwelling-house.

165. For the purpose of establishing and maintaining Libraries and Free Infant Schools or either of them the Council of any Municipality may establish a rate or rates and levy the same on the owners or occupiers of any property within the said Municipality. Provided that any such rate or rates shall not in any one year exceed threepence in the pound on the annual value of the rated property assessed as aforesaid.

166. Every such assessment and rate shall be fairly transcribed in a book to be kept for that purpose and to be called the "Rate Book" and may be in the form or to the effect of Schedule L hereto and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and shall be sealed with the seal of the Municipality. And notice of such assessment and rate having been made shall be advertised once in each week for two weeks after the making thereof in some newspaper circulating in or near the Municipality and the book containing the same shall be open to the inspection of any person rated or interested in such rate at all reasonable times and any such person may take copies or extracts from such book without fee. And any person having the custody of such book who refuses or does not permit any person so rated or interested to take copies or extracts therefrom shall for every such offence be liable to a penalty not exceeding five pounds.

Municipalities.

167. The Council may from time to time amend any rate made in pursuance of this Act by inserting therein and transcribing into the said book the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting therein the name of any person who ought to have been rated or by raising or reducing the sum at which any person has been rated if it appear to them that such person has been under-rated or over-rated or by making such other amendments therein as will make such rate conformable to this Act and no such amendment shall be held to avoid the assessment or rate. Provided that every person aggrieved or affected by any such alteration shall have the same right to appeal therefrom as he would have had if his name had been originally inserted or no such alteration had been made and as respects every such person the assessment and rate shall be considered to have been made at the time when he received notice of such alteration and every person whose rates are altered shall be entitled to receive seven days notice of such alteration before the rate shall be payable by him.

Amending rate.

168. Whenever the name of any owner liable to be rated under this Act is not known to the Council it shall be sufficient to rate such owner in the rate book by the designation of "the owner" without stating his name.

Words "the owner" enough if name unknown.

169. The Council of each Municipality shall cause a valuation to be made in each year of all rateable property within such Municipality by two competent persons to be styled valuers. Provided however that as to property which has been already assessed and rated the valuation of the last year may be used with such alterations if any as may appear necessary to the valuers and shall be taken to be the valuation for the then current year. And every valuer before acting as such shall before a Commissioner of the Supreme Court or a Justice subscribe a solemn declaration to make such valuation impartially and truly according to the best of his judgment and shall give or transmit such declaration to the Mayor.

Annual valuation of rateable property.

170. Every valuer shall for the purpose of making such valuation as aforesaid have power to enter at all reasonable hours in the day time into and upon any rateable property within the Municipality without being liable to any legal proceedings on account thereof.

Entry of premises by valuer.

171. It shall be lawful for any valuer to put to any person in occupation or charge or being the owner of any rateable property which such valuer shall have been authorized under the provisions hereof to value questions upon all such matters as shall be necessary for the purpose of ascertaining the particulars required by this Act to be transcribed in the rate book with regard to the said property and if after being informed by such valuer of his purpose in putting such questions and of his authority under this Act to put the same any such person in occupation or charge or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief or shall wilfully make any false answer or statement in reply to any such question such person shall on conviction forfeit and pay a penalty not exceeding ten pounds.

Valuer empowered to make enquiries.

172. If any person shall think himself aggrieved by the value at which his property has been assessed for any year he may on some day to be fixed annually by the Council for the purpose of such appeals and notified by advertisement in some newspaper circulated within the Municipality appeal against such assessment to two or more Justices in Petty Sessions held within or nearest to the Municipality in which the property is situated such day not being earlier than fourteen nor later than twenty-one days after such service of notice as aforesaid and such Justices shall have power to hear and determine the same and to award such relief in the premises as the justice of the case may require and such decision shall be final as regards the matter of such appeal and the rate book aforesaid shall if necessary

Appeal from assessment and rates.

sary

Municipalities.

sary be amended in accordance with such decision. Provided that the person so appealing shall give notice in writing to the Council of his intention to appeal against the assessment seven days at least before the holding of such Petty Sessions. Provided also that in the case of any amendment of the
 5 rate as aforesaid any person aggrieved or affected by such amendment shall have a right of appeal to such Petty Sessions in manner aforesaid at any time after the day so annually fixed as aforesaid on giving notice of such intended appeal as aforesaid within fourteen days after he shall have received notice of such amendment. Provided also that no Mayor
 10 or Alderman or any Magistrate who has any personal interest in any such appeal shall act in the hearing or decision thereof. And provided also that no such notice of appeal shall prevent the receiving of any rate until such appeal shall be decided.

173. In case any occupier of any rateable property shall fail after
 15 thirty days notice as aforesaid to pay any such rate as aforesaid in such instalments and at such periods as the Council shall have directed by any by-law or until such by-law shall be in force by any resolution the Mayor may issue his warrant for levying the amount—with costs by distress and sale of the goods and chattels found on the premises
 20 for which such rate or assessment shall be due and continuing to be occupied by the person on whom such notice as aforesaid shall have been served and such warrant shall authorize the person executing the same or his assistant to remain on the premises during the interval between such distress and sale whether such authority be expressed or not in such
 25 warrant. And in case any premises for which such rate as aforesaid shall be payable shall be unoccupied or if the occupier thereof—not being the tenant or owner—shall after such notice as aforesaid not pay the same or goods and chattels shall not be found on the premises sufficient for payment thereof with costs or such tenant or owner shall
 30 fail after notice as aforesaid to pay such rate in such instalments and at such periods as may be directed as aforesaid such tenant or owner may be sued for the same in any Court of competent jurisdiction and such Court shall have the same power as to costs as in ordinary actions of debt between private parties. And any such overdue rate or assessment
 35 shall be and remain a charge upon the rateable property in respect of which the same is payable and may be recovered at any future time from any owner of such property with full costs of suit in any Court of competent jurisdiction. Provided always that it shall be lawful for the Council of any Municipality at their discretion to withhold the said
 40 proceedings by distress and sale and notwithstanding anything to the contrary herein contained to recover the amount of rates due from any person liable to the payment thereof in pursuance of the provisions of this Act by action of debt in any Court of competent jurisdiction. And provided also that it shall not be lawful in Municipalities that have been in
 45 a state of suspension to sue or distrain for any rates other than those due for the then current or last preceding year.

174. If on the request of the Council or on the request of any
 Collector of the said rates duly authorized by such Council as such the
 occupier of any property refuses or wilfully omits to disclose or wilfully
 50 mis-states to the Council or Collector making such request the name and address of the owner of such property or of the person receiving or authorized to receive the rents of the same such occupier shall be liable to a penalty not exceeding five pounds.

175. In any proceeding to levy or recover or consequent on the
 55 levying or recovering of any rate under this Act the rate book aforesaid and all entries made therein as aforesaid shall upon the production thereof alone and without any proof of the seal of the Municipality having been affixed be and be held to be conclusive evidence of such rate and of the contents thereof for all intents and purposes.

Municipalities.

176. The Council may also establish tolls rates and dues upon any road street market bridge ferry wharf or jetty within and belonging to the Municipality and erect toll-gates toll-bars or other works necessary for the collection of such tolls rates and dues and may make by-laws for the proper collection and management of such tolls rates and dues.

Council may establish tolls &c.

177. All moneys of the Council amounting to twenty pounds and upwards shall within seven days after they shall have come to the hands of the Treasurer or other proper officer of the Council be paid into such Bank as the Council shall from time to time have appointed for that purpose and no such money shall be drawn out of such Bank save by cheque signed by the Mayor and any one or more Alderman or Aldermen authorized from time to time by the Council in that behalf and countersigned by the Council Clerk.

Bank account.

178. The Council shall cause books of account to be provided and true and regular accounts to be entered therein of all sums of money received and paid in accordance with the provisions of this Act and of the several purposes for which such sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the Aldermen or rate-payers and any creditor of the body corporate without fee or reward and the Aldermen and persons aforesaid or any of them may take copies of and extracts from the said books without paying anything for the same and any Council Clerk or other person having the custody of the said books who shall not on any reasonable demand of any Alderman rate-payer or creditor as aforesaid permit him to inspect the said books or to take such copies or extracts as aforesaid shall be liable to a penalty of not more than five pounds for every such offence.

Books of account and inspection by persons interested.

179. The Council shall in every case in which they shall make or levy any such special rate as aforesaid cause a separate and distinct account to be kept of all moneys collected and received and of all payments and disbursements in respect of such rate and shall apply the said moneys for the several purposes in respect of which they shall have been hereby authorized to make and levy such rate and not otherwise.

Separate account to be kept of special rate.

180. Every Council shall not later than the fifteenth day of March and the fifteenth day of September in every year exhibit to the Auditors all books of account and all vouchers or other documents in support thereof in their possession or power together with a detailed account of the revenue and expenditure of such Council for the then next past half of the late year or of the current year as the case may be or for the fraction of a year hereinafter provided for certified by the Mayor to be correct and to correspond with the books of account and vouchers or other documents exhibited to them And no endowment as hereinafter provided shall be paid to any Council until the accounts in the form and subject to the requirements hereby imposed shall have been certified by the Auditors to be correct and an abstract of such account similarly certified published in the *Gazette* and in some newspaper circulating in or near the Municipality.

Accounts to be audited and published.

181. The Governor may from time to time appoint for every Municipality two Auditors to be called "Special Auditors" and such Auditors shall at any time on being required so to do by the Minister or by any fifty electors of such Municipality or by any creditor or creditors of the same by writing under the hands of such Minister electors or creditor or creditors respectively proceed to hold a special audit of the accounts of such Municipality upon a day to be appointed by such Auditors not less than thirty nor more than forty days from the time of their being so required and shall forthwith notify by advertisement in the *Gazette* and in some newspaper circulating in the Municipality the fact of their having been so required and the day so appointed and the said special Auditors shall attend at the office of the Council on the day so appointed for such audit as aforesaid.

Special Auditors may be appointed.

Municipalities.

182. When any day shall have been appointed for a special audit as aforesaid the Council shall cause their accounts to be balanced to a day not less than one month before the day so appointed and shall lay before the said special Auditors all books of account and all vouchers or other documents in support thereof And the special Auditors shall forthwith after such audit report to the Minister the result thereof.

Accounts to be balanced for special audit and books of account &c. to be laid before Auditors.

183. If any such special audit shall have been required by electors as aforesaid the Council shall defray the expenses thereof If such audit shall have been required by any creditor or creditors of the Municipality such creditor or creditors shall defray the said expenses If such audit shall have been required by the Minister the said expenses shall be defrayed from the Consolidated Revenue Fund.

Expenses of special audit.

184. If from any cause any assessment or rate shall not be made within the time herein prescribed the Governor may by proclamation in the *Gazette* extend the time for making such assessment or rate for any further period not exceeding three months beyond such first-mentioned time.

Time for making assessment &c. may be extended.

185. If any person against whom the Council has any claim or demand shall take the benefit of any Act for the relief of insolvent debtors the Council Clerk or Treasurer of the Municipality in all proceedings against the estate of such insolvent debtor or under any sequestration or act of insolvency against such debtor may represent the Council and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Council Clerk or Treasurer and not of the Council.

Proceedings in Insolvent Estates.

25 *Endowment and Loans.*

186. On or before the thirty-first of March and the thirtieth of September in every year the Council of every Municipality shall cause to be prepared and transmitted to the Colonial Treasurer a detailed account of all sums of money actually raised therein by rates and all subscriptions paid up for corporate purposes during the last past half of the late year or of the current year or the fraction of a year as herein provided for such account to be signed by the Mayor and countersigned by the Treasurer of the Municipality And upon receipt of such account it shall be lawful for the Governor by warrant under his hand addressed to the Colonial Treasurer to direct him to pay from the Consolidated Revenue to the Treasurer of the Municipality by way of endowment for corporate purposes according to the provisions of this Act any sums of money equal to but not exceeding the following proportions that is to say—in each of the first five years after the incorporation of such Municipality a sum equal to but not exceeding the whole amount actually raised by rates or assessments and subscriptions so paid up as aforesaid for the general purposes in the one hundred and sixty-second clause mentioned in the year last past—in each of the next succeeding five years a sum equal to but not exceeding one moiety of the amount so paid up in the year last past—and in each of the next succeeding five years a sum equal to but not exceeding one-fourth part of the amount so paid up in the year last past—and thenceforth all contribution from public funds by way of endowment shall absolutely cease except as hereinafter mentioned And all such sums from the Consolidated Revenue shall be payable half-yearly and the Colonial Treasurer shall from time to time be allowed credit for any sum or sums of money paid by him in pursuance of any such warrant or order in writing as aforesaid and the receipt of the Treasurer of the Municipality or other proper officer acting as such Treasurer under his hand countersigned by the Mayor shall be a sufficient discharge for the Colonial Treasurer.

Proportionate endowment to be made by Government.

187. The Council of any Municipality may borrow by debentures mortgage or otherwise on the credit of any land personal estate or annual revenues actual or perspective belonging to the body corporate of such Municipality for or towards or incidental to the making carrying on or completing

Council may borrow money.

Municipalities.

pleting of any permanent improvements within the Municipality any moneys not exceeding in the whole the estimated revenues thereof for five years Provided that no money shall be so borrowed except with the sanction of the Governor in writing under his hand Provided also that with the like
 5 sanction the Government may be the lenders to such Council Provided further that before any loan shall be so contracted the Council shall by advertisement in some newspaper circulating within the Municipality give fourteen days notice of their intention to borrow and shall at the
 10 of interest to be paid in respect thereof the purposes to which it is intended to be applied the time place and manner of payment of the principal and interest due thereon and the nature and estimated amount of the proposed security for such loan Provided always that when any
 15 general rate the Council shall assess and collect such general rate to the full extent of one shilling in the pound per annum being the maximum hereunder until the debt shall have been therefrom paid off And that when any such debt shall have been contracted on the security of any special rate hereby authorized to be levied the amount of such special
 20 rate shall not be reduced until such debt shall have been paid off.

Of general rates to be assessed and collected.

188. For securing the payment of the principal and interest of any
 loan contracted hereunder the Council of any Municipality may by deed under their common seal wherein the consideration shall be truly stated mortgage or otherwise bind and charge all general and special rates or either
 25 of them already levied or to be levied within the Municipality subject however to the proviso hereinbefore contained and the Debentures in the next preceding section hereof mentioned and such last mentioned mortgage deed or bond may be according to the forms in Schedules M N and O hereto or to the like effect And any person may transfer his right and interest
 30 in such last-mentioned mortgage deeds or bonds to any other person by deed wherein the consideration shall be truly stated according to the form in the Schedule P hereto or to the like effect Provided that within thirty days after the making of any such transfer notice thereof shall be given by the transferror to the Council which gave the said mortgage or bond And
 35 after default for the period of three calendar months made by any Council in the payment of the principal sum and interest secured by any debenture mortgage deed or bond made hereunder or under the provisions of the Act hereby repealed or purporting to be so made upon the rates and other revenues of the said Council it shall be lawful for the mortgagee to make
 40 application to the Supreme Court that a receiver of the said rates and other revenues of such Council may be appointed And when appointed under the direction of the said Court such receiver shall pay over to the said mortgagee from and out of the produce of such rates and revenues at
 45 such times and in such proportions as may be ordered by such Court the sum which such Court shall have found to be due to the said mortgagee under the said mortgage deed and the said receiver shall in all respects have the same powers and be subject to the same obligations and liabilities as a receiver appointed under the equitable jurisdiction of the
 50 said Court and shall continue to receive the rates and other revenues of such Council so mortgaged as aforesaid and to pay them under such direction until such time as the said mortgage debt shall be fully paid off and although the period of three years for which the revenue of such Council may have been estimated according to the provisions hereinbefore
 55 set forth shall have already elapsed before the payment of the said debt.

Securities for loan.

When receiver may be appointed.

Miscellaneous.

189. Every person committing a breach of any provision of this Act or of any by-law made hereunder by wilful act or refusal or neglect
 Penalties for interrupting Council or their officers.
 to

Municipalities.

to act or otherwise shall when no specific penalty shall have been provided for such offence be liable to a penalty not exceeding twenty pounds.

190. All fines penalties and forfeitures incurred under this Act or under any by-law made hereunder may unless otherwise provided for be recovered in a summary way before any two Justices in Petty Sessions according to the provisions of the Act fourteen Victoria number forty-three and the Acts therein adopted.

191. All fines penalties and forfeitures imposed and recovered as aforesaid shall be paid into the corporate fund of the Municipality.

10 192. Every advertisement order direction summons notice demand or other such document requiring authentication by the Council shall be sufficiently authenticated if signed by the Mayor or by the Council Clerk and need not be under the Common Seal of the Municipality And every such document may be in writing or in print or partly in writing and partly in print.

15 193. No advertisement order direction notice demand or other such document herein required to be published made or given shall be held void for any want of form provided the same be intelligible.

20 194. No person shall be liable to any incapacity disability fine penalty or forfeiture under this Act unless proceedings in respect thereof be commenced within six months after such incapacity disability forfeiture or penalty shall have been incurred.

25 195. Whenever it shall become necessary hereunder that any matters of account or other matters should be adjusted or any debt or other claims apportioned or any other arrangements effected to the satisfaction of the Minister such Minister shall have power to direct such a reference thereon to an arbitrator or arbitrators as he may think fit and to confirm and act upon or to amend the report of such arbitrators or to direct a fresh reference if he shall not think such report satisfactory and the cost of such reference shall be borne by whichever of the parties the arbitrators or arbitrator may direct. And the decision of the Minister in every such case shall be final.

30 196. Whenever any matter or thing shall by this Act or by any by-law made hereunder be directed to be done or to take place on a certain day and that day shall happen to be Sunday Good Friday or any public holiday such matter or thing may be performed on the next day not being any such Sunday Good Friday or public holiday And all changes of time rendered necessary by any such alteration may also lawfully be made.

35 197. Nothing herein except as hereinbefore in the one hundred and twenty-ninth section provided shall affect the Corporation of the City of Sydney or the powers vested in the Municipal Council of the said City by the "Sydney Corporation Act of 1857" or any Act or Acts amending the same.

40 198. In the construction of this Act whenever the term "Municipality" occurs in a context wherein one or other of the words "Borough" or "Municipal District" might have been expected the former word shall be taken to include and be convertible with such one or other of the two latter as the circumstances of the case and the meaning and intent of this Act shall demand And in any such case the word "Borough" or "Municipal District" may be read in lieu of the word "Municipality"—

45 And the following terms in inverted commas shall unless inconsistent with the context or subject matter have the respective meanings hereby assigned to them—

50 "Governor"—The Governor with the advice of the Executive Council

55 "Minister"—The Colonial Secretary for the time being or other Member of the Government acting in his behalf

"Returning Officer"—Any Officer duly appointed to preside at and take the poll in a Municipal Election

"Electoral Roll"—

Municipalities.

- “Electoral Roll”—The revised electoral roll of electors entitled to vote at the election of any Member of the Legislative Assembly
- 5 “Municipal Roll”—The revised list of ratepayers made in pursuance of the provisions of this Act in and for any Municipality
- “Adjoining Municipalities”—Municipalities whose boundaries touch at any point or points but such point or points need not be common to all
- 10 “United Municipality”—A Municipality formed by the union and combination of two or more adjoining Municipalities according to the provisions of this Act
- “Existing Municipality”—Any Municipalities constituted under the Municipalities Act of 1858
- 15 “Justice”—Any Justice of the Peace for the Colony of New South Wales
- “Town”—Any collection of houses adjoining or near to each other with frontage to streets regularly laid out and formed the inhabitants of which do not number less than five
- 20 hundred souls
- “Council”—The Council of any Municipality
- “Council Clerk”—The Council Clerk Town Clerk or other person authorized by the Council to perform the duties of Council or Town Clerk
- 25 “Capital Value”—The current market value of any freehold or leasehold estate or interest whatsoever in property capable of being rated for the purposes of this Act assessed as hereinbefore provided.
199. The term “current year” or “Municipal year” when Definition of current or Municipal year.
 30 applied by this Act to any matter of assessment rate or account or to the municipal roll shall mean the year commencing the first Tuesday in February.
200. This Act may be cited for all purposes as the “Municipalities Short title.
 Act of 1867.”

Municipalities.

SCHEDULES.

SCHEDULE A.

I A. B. do solemnly declare that all the signatures affixed to the above Petition are the genuine signatures of the persons whose signatures they purport to be and that such 5 persons are persons liable to assessment for Municipal Taxes in respect of property or household residence within the boundaries of the proposed Borough or Municipal District as set forth in this Petition.

SCHEDULE B.

I A. B. having been elected Mayor or Alderman or Auditor for the Municipality of do hereby solemnly declare that I accept and take upon myself the said office and will duly and faithfully fulfil the duties thereof to the best of my judgment and ability in accordance with the provisions and directions of the Municipalities Act of 1867 and that I have not fraudulently or collusively obtained the office to which I have been elected.

SCHEDULE C.

Voter's Declaration.

Voter's Number—

I A.B. do hereby solemnly declare that I am the person named in the Municipal Roll now in force for the Municipality of (or for ward) my name being numbered therein as in the margin hereto and that I have not already voted at this election (or in this ward) And I further solemnly declare that I am a ratepayer in the said Municipality (or in said ward) and that no part of any rate due by me is in arrear.

SCHEDULE D.

Municipal List for the Municipality of (if for the Ward of a Municipality for the Ward of the Municipality of

Surname of Person supposed to be entitled to Vote.	Christian Name of same Person.	Residence.	Whether Occupier, Lessee, or Owner.	Description and Situation of Property giving title to Vote.	Value at which Property is Assessed.	Number of Votes.

Signed A. B.
Council Clerk.

(Date)

SCHEDULE E.

Municipalities.

SCHEDULE E.

To the Council Clerk of the Municipality of

I hereby give you notice that I claim to have my name inserted in the Municipal List for the Municipality of (or if the Municipality be divided into Wards say for the Ward of the Municipality of) in virtue of my qualification as under namely (Here state accurately the description and situation of the rateable property in respect of which the right to vote is claimed that the claimant is liable to be rated for the same as owner or occupier as the case may be the value at which the property is assessed to the last rate or if not so assessed is valued by the claimant.)

Dated this day of 18
A.B. (Christian Name and Surname in full.)
of (State residence.)

SCHEDULE F.

To the Council Clerk of the Municipality of and to A.B. of
I hereby give you notice that I object to the name of A. B. of being retained for the Municipal List of the Municipality of (or if the Municipality has been divided into Wards say) for the Ward of the Municipality of on the following grounds (here state the grounds of objection.)
(Signed) C.D.
(Objector must here state his name and description as inserted in the Municipal List.)

SCHEDULE G.

LIST of Persons having claimed to have their names inserted in the Municipal List for the Municipality of (or if the Municipality be divided into Wards say) Ward for the Municipality of

Surname.	Christian Name.	Residence.	Whether Occupier, Lessee, or Owner.	Description and Situation of Property giving title to Vote.	Value at which Property is assessed.	Number of Votes.

(Signed) C. D.
Council Clerk.

(Date)

SCHEDULE H.

Municipalities.

SCHEDULE H.

LIST of Persons whose names appear on the Municipal List for the Municipality of
(or if the Municipality be divided into Wards say)
for the Ward of the Municipality of
5 against whom objections have been sent in.

Surnames of persons objected to (in full).	Christian Names of same person.	Description of person objected to on Municipal List.	Christian Names and Surname of Objector.	Substance and ground of objections.	Number of Votes.

10

(Signed) C. D.
Council Clerk.

SCHEDULE I.

MUNICIPAL Roll for the Municipality of (or if the Municipality
be divided into Wards) for the Ward of the Municipality of
15 for the year ending

No.	Voters Surname.	Voters Christian Name.	Whether Occupier, Lessee, or Owner.	Description and Situation of Rateable Property.	Number of Votes.

20

(Signed) E. F.
Council Clerk.

SCHEDULE J.

Declaration of Office for Returning Officer Presiding Officer Scrutineer Poll Clerk.

I A.B. duly appointed Returning Officer (or Presiding Officer or Scrutineer or Poll Clerk) at this election do hereby solemnly declare that I will faithfully act and assist in
25 such office and will not attempt to ascertain for whom any elector shall vote nor by any word or action directly or indirectly aid in discovering the same unless in answer to any question which I may be legally bound to answer or in compliance with the provisions of the Municipalities Act of 1867.

SCHEDULE K.

Ballot-paper.

30 Election of Aldermen (or Auditors) on the day of 18
List of Candidates for Election.

Names in full as Aldermen or Auditors.	Addresses.

SCHEDULE L.

Municipalities.

SCHEDULE L.

THE MUNICIPALITY } Form of an Assessment of the Annual Value of all Property liable to be rated in the Municipality of
OF " Municipalities Act of 186 " and Rate thereon after the rate of
the year commencing

No.	Situation.	Name of Person in Occupation.	Name of Lessee.	Name of Owner.	Description of Property.	Annual value. £ s. d.	The value assessed by the Council. £ s. d.	Value as determined on Appeal. £ s. d.	Amount of Rate at in the pound. £ s. d.	Observations.

Municipalities.

SCHEDULE M.

Form of Mortgage Deed.

The Municipal Council of

Mortgage number £
 5 We the Municipal Council of in consideration of the
 sum of pounds paid to us by A.B. of
 do assign unto the said A.B. his executors administrators and assigns [*or the said corporation*
 their successors or assigns] all the interest of the said Municipal Council in all rates and
 assessments endowments and other revenues of the said Council coming or arising from
 10 any source whatsoever and all the estate right title and interest of the Council in the same to
 hold unto the said A.B. his executors administrators and assigns [*or the said corporation*
 their successors or assigns] until the said sum of pounds be repaid together
 with interest for the same at the rate of pounds for every one hundred pounds
 per annum [the principal sum to be repaid at the end of years from the date
 15 hereof *in case any period be agreed upon for that purpose.*]
 Given under our common seal this day of
 in the year of our Lord 18 .

SCHEDULE N.

FORM OF DEBENTURE.

Transferable by Delivery.

Municipalities Act of 1867.

Borough or Municipal District of

N.B.—*The holder of this debenture has no claim with respect thereto upon the Government
 of New South Wales or the Consolidated or Public Revenue thereof.*

25 THIS Debenture entitles the bearer to pounds sterling which
 with interest thereon at the rate of pounds per centum per annum is hereby
 secured upon [*here state fully the nature of the security or securities if a rate describe it in*
like manner] such interest being payable half-yearly on the first day of April and the first
 day of October in every year (dividend coupons for which are annexed) at
 30 and such principal money being payable on the day of
 A.D. 18 at
 Dated this day of 18 .

(Signed) { A.B. Mayor.
 C.D. } Aldermen.
 E.F. }

Council Clerk.

SCHEDULE O.

Form of Bond.

The Municipal Council of

40 Bond number £
 We the Municipal Council of in consideration of the sum
 of pounds to us in hand paid by A.B. of A.B.
 [*or the Corporation of*] do bind ourselves and our successors unto the
 said A.B. his executors administrators and assigns [*or the said Corporation of*]
 45 in the penal sum of pounds.
 The condition of the above obligation is such that if the said Council shall pay to
 the said A.B. his executors administrators or assigns [*or the said Corporation their*
 successors or assigns] on the day of in the year one
 thousand eight hundred and the principal sum of pounds
 50 together with interest for the same at the rate of pounds per centum per
 annum payable half-yearly on the day of and
 day of then the above written obligation is to become void otherwise to
 remain in full force.

Given under our common seal this day of
 one thousand eight hundred and

SCHEDULE P.

Municipalities.

SCHEDULE P.

Form of Transfer of Mortgage or Bond.

I A. B. in consideration of the sum of _____ pounds paid to me by
G. H. of _____ do hereby transfer to the said G. H. his executors administrators
5 and assigns a certain bond [*or mortgage*] number _____ made by the Municipal
Council of _____ to _____ bearing date the
day of _____ for securing the sum of _____ pounds and interest
[*if such transfer be by indorsement being the within security*] and all my estate right title
and interest in and to the money thereby secured [*and if the transfer be of a mortgage and*
10 in and to the rates assessments endowments and other revenues thereby assigned.]

In witness whereof I have hereunto set my hand and seal this
day of one thousand eight hundred and

ST. MICHAEL'S, N.S.W.

ST. MICHAEL'S, N.S.W.

ST. MICHAEL'S, N.S.W.

ST. MICHAEL'S, N.S.W.
ST. MICHAEL'S, N.S.W.
ST. MICHAEL'S, N.S.W.
ST. MICHAEL'S, N.S.W.
ST. MICHAEL'S, N.S.W.
ST. MICHAEL'S, N.S.W.
ST. MICHAEL'S, N.S.W.
ST. MICHAEL'S, N.S.W.
ST. MICHAEL'S, N.S.W.
ST. MICHAEL'S, N.S.W.

ST. MICHAEL'S, N.S.W.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 5 December, 1867.*

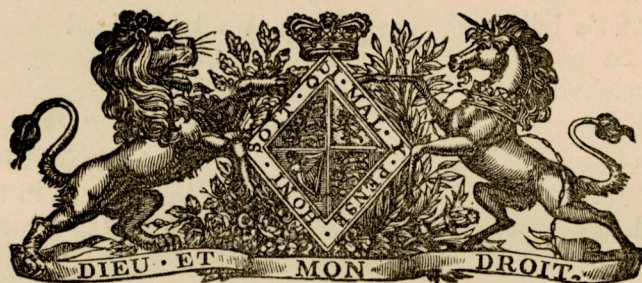
CHA. TOMPSON,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 18th December, 1867.*

R. O'CONNOR,
Clerk of the Parliaments.

New South Wales.



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. .

An Act to establish Municipalities.

WHEREAS it is expedient to provide more effectually for the **Preamble.**
establishment of Municipalities Be it therefore enacted by the
Queen's Most Excellent Majesty by and with the advice and consent of
the Legislative Council and Legislative Assembly of New South Wales in
5 Parliament assembled and by the authority of the same as follows :—

Existing Municipalities.

1. From and after the commencement of this Act the Municipalities Repeal of the Muni-
palities Act of 1858
22 Vict. No. 13.
Act of 1858 shall be and the same is hereby repealed save for the
purposes hereinafter mentioned Provided always that all proceedings
10 and things lawfully had or done or purporting so to be by the Council
of any Existing Municipality under or in pursuance of any of the
provisions of the said repealed Act shall subject to the provisions herein-
after contained be and continue of the same force and effect to all intents
and purposes as if no such repeal had taken place.
- 15 2. The Municipalities herein named are declared to have been Existing Muni-
palities declared
to have been legally
constituted.
legally constituted and incorporated under the provisions of the said
hereinbefore repealed Act and for the purposes of this Act they shall
remain and be legally constituted and incorporated Municipalities And
notwithstanding any provisions of this Act as to area or population to
20 the contrary the said Municipalities shall be and be designated Boroughs
viz.—

234—A

1.

NOTE.—The words to be omitted are ruled through; the words to be inserted are printed in black letter.

Municipalities.

	1. Albury	19. Mudgee
	2. Armidale	20. Newcastle
	3. Balmain	21. Newtown
	4. Bathurst	22. North Willoughby
5	5. Camperdown	23. Orange
	6. Central Illawarra	24. Paddington
	7. Cook	25. Parramatta
	8. Cudgegong	26. Randwick
	9. Darlington	27. Redfern
10	10. East Maitland	28. Shellharbor
	11. East St. Leonards	29. St. Leonards
	12. Glebe	30. Singleton
	13. Goulburn	31. Waterloo
	14. Grafton	32. Waverley
15	15. Hunter's Hill	33. West Maitland
	16. Kiama	34. Wollongong
	17. Marrickville	35. Woollahra
	18. Morpeth	

And it shall and may be lawful for the electors of any of the said Municipalities which shall not at the time of the passing of this Act be in actual operation to proceed to the election of Aldermen and Auditors in accordance with the provisions of this Act.

3. The Municipalities of Albury Camperdown Cudgegong Goulburn Kiama and Orange which were interrupted in their proceedings and temporarily suspended in consequence of the judgment of the Supreme Court in the case *Berry versus Graham* or other causes are hereby authorized to claim endowment from the Consolidated Revenue Fund to the extent and in the mode provided by the ninety-first section of the Municipalities Act of 1858 hereinbefore repealed for such period as in each case shall when added to the period during which any such Municipality was in active operation make the full period of fifteen years for which endowments were in such section provided.

Certain Municipalities not to be prejudiced in their claim to endowment by temporary suspension.

4. All rates which having accrued in any Municipality constituted under the Act hereinbefore repealed shall at the commencement of this Act be due or payable to or leviable by or for the Council of such Municipality shall be and continue to be vested in the body corporate of such Municipality and may be paid to and received levied and recovered by the Council thereof in like manner as the same might have been paid to received levied and recovered by the Council of such Municipality and all penalties and forfeitures imposed under the said Act and now incurred shall and may be enforced as if this Act had not been passed.

Rates already due &c.

5. All rights liabilities contracts and engagements existing and all actions suits and proceedings pending at the commencement of this Act of or by or against any such Municipality as aforesaid shall be and continue to be vested in and attach to and be enforced carried on and prosecuted by or against the body corporate of such Municipality and no such action suit or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained.

All rights and liabilities &c. to attach to Municipality.

6. All lands property and moneys of or vested in the Council of any such Municipality as aforesaid at the commencement of this Act shall under and subject to the provisions herein contained continue to be vested in and belong to the body corporate of such Municipality.

Property of such Municipalities.

7. The Council of every Municipality which shall at the time of the commencement of this Act consist of a Chairman and any number of Councillors shall upon the passing of this Act consist of a Mayor and a like number of Aldermen according to the provisions hereinafter contained and the titles Mayor and Alderman are hereby substituted for those of Chairman and Councillor respectively And every such Chairman and

Denomination of Councillors &c.

Municipalities.

and Councillor shall during the remainder of his term of office be denominated Mayor and Alderman respectively and shall be in nowise in respect of his corporate functions and obligations affected or prejudiced by such change of title as aforesaid.

5 *Constitution of new Municipalities.*

8. The Municipalities constituted under this Act shall be divided into two classes to be designated respectively "Boroughs" and "Municipal Districts"—
Boroughs and Municipal Districts may be constituted.

- 10 (1.) A Borough may consist of—(1) Any city or town with or without its suburbs or country immediately adjacent thereto
 (2) Any suburb of the metropolis as at present incorporated
 (3) Any populous country district But every such Borough shall have a population of not less than one thousand souls and shall not upon its first incorporation contain an area of
 15 more than nine square miles of which area no one point shall be more than six miles distant from any other point
 (2.) A Municipal District may include any part of the Colony not containing a Borough created under this Act or an Existing Municipality and may comprise upon its first incorporation
 20 an area not exceeding fifty square miles of which area no one point shall be more than twenty miles distant from any other point Provided that every such Municipal District shall contain a population of not less than five hundred souls.

9. Every Borough and Municipal District shall be described by means of certain boundaries to be set forth in manner hereinafter mentioned.
Boundaries to be set forth.

10. The Governor on receipt of a petition signed by not fewer than fifty persons who would upon the incorporation thereof be liable to be assessed for municipal taxes in respect of property or household residence
 30 within any proposed Municipality whether actually resident within the same or not sufficiently setting out the boundaries and stating the number of the inhabitants resident therein and praying that the same may be declared a Borough or Municipal District under this Act may cause the substance and prayer of such petition to be published in the *Government Gazette* and in some newspaper circulating in or near the proposed
 35 Municipality And unless a counter-petition signed by a greater number of persons in like manner liable to be assessed be received by the Minister within three months from the date of such publications the Governor may by proclamation published in like manner declare such proposed
 40 pality to be a Borough or Municipal District as the case may be by a name to be mentioned in such proclamation and define in accordance with the boundaries set forth in the said petition or as nearly in accordance with such as may be considered expedient the limits and boundaries of such
 45 Borough or Municipal District which on such publication shall be constituted accordingly subject however to the provision hereinafter contained for the revocation of certain proclamations hereinafter contained and the production of the *Government Gazette* containing such proclamation shall in all proceedings on behalf of the Municipality be conclusive evidence of the legality of the constitution of such Municipality.

50 11. The signatures so appended to any such petition or counter-petition shall be verified by the solemn declaration appended thereto made before any Justice of some householder or householders (not being a female or under age) resident within the proposed Municipality in the form and to the effect set forth in Schedule A hereto and signed by him or them
 55 and if such householder or householders shall make any such declaration falsely or shall forge any such petition or signature or declaration or utter any such petition signature or declaration being forged knowing the same to be forged he or they shall be guilty of a misdemeanor.
Signatures to be verified.

Municipalities.

12. If it shall be credibly represented to the Minister that any of the signatures to any petition or counter-petition under the preceding provisions are not the signatures of the persons whose signatures they purport to be or that any of such signatures are those of persons not being persons liable to assessment for Municipal taxes as hereinbefore provided within the limits of the proposed Municipality to which such petition or counter-petition refers or that in any other respect the provisions hereof with regard to such petition or counter-petition have not been complied with or if it shall seem expedient to ascertain the truth of any matter to which such petition or counter-petition shall refer it shall be lawful for the Minister to cause such inquiry to be made with respect to the particulars aforesaid as may seem necessary in that behalf and the consideration of the matter by the Governor shall be deferred until the person appointed by the Minister to prosecute such inquiry as aforesaid shall have made and submitted his report.
13. For the purpose of every such inquiry it shall be lawful for such person as the Minister shall appoint in that behalf to hear receive and examine evidence and by summons under his hand to require all such persons as he may think fit to appear personally before him at a time and place to be appointed in such summons and to produce before him all such books and papers in their possession or under their control as may appear necessary for their examination and other the general purposes of the inquiry.
14. The results of such inquiry shall within one month after such appointment as aforesaid be embodied in a report to the Minister and submitted to him by the person so appointed And after consideration of such report the Governor may take such further proceedings in connection therewith under the provisions herein contained as may be deemed necessary.
15. Whenever it shall be proved to the satisfaction of the Minister that any proclamation made and published in pursuance of the provisions herein or purporting so to be is so inaccurate defective or informal by reason of some misstatement misdescription error omission or other fault or insufficiency as to cause reasonable doubts to be raised respecting its validity it shall be lawful for the Governor to revoke and cancel such proclamation and within a reasonable time to publish in substitution thereof a new proclamation in accordance with the provisions herein contained.
16. If any petition for the incorporation of a Municipality as aforesaid shall contain a request that the same be divided into wards or if in the case of a Municipality already constituted a petition containing a like request shall at any time after the passing of this Act be presented to the Governor from the Council or from and signed by not fewer than fifty electors of such Municipality duly qualified as hereinafter defined the Governor may by the first or by a subsequent proclamation as the case may be published as aforesaid declare such Municipality to be and the same shall accordingly be divided if the population thereof shall not be less than five hundred but not exceed one thousand into two wards if it shall exceed one thousand and not exceed four thousand into three wards and if it shall exceed four thousand into four wards.
17. The Governor on receipt of a petition signed by not fewer than twenty persons either resident householders or owners of rateable property within the boundaries of any area adjacent to a Municipality or signed by a majority of such persons in case the said area shall not contain a greater number in the aggregate than thirty sufficiently setting out the boundaries of the said area and praying that the same may be annexed to the adjoining Municipality shall cause the substance and prayer of such petition to be so published as aforesaid and unless a counter-petition signed by a greater number of persons as aforesaid be received by the Minister within three months from the date of such publication may with the consent of the Council

Scrutiny of signatures.

Power to take evidence.

Report.

As to revocation of defective proclamation.

Municipalities may be divided into wards.

Adjacent area may be united.

Municipalities.

Council of such Municipality declare by a proclamation published as aforesaid such area to be united with and form part of such Municipality and upon such proclamation such union shall take place accordingly.

18. On receipt of a petition signed by at least two-thirds of the Municipalities may be divided.
 5 electors resident or owning rateable property in any defined area of any Municipality praying that such area may be separated from such Municipality and be constituted a separate Municipality the Governor after publication of such petition as aforesaid may by like proclamation declare such Municipality to be so divided and by the same or any other proclamation
 10 tion so published as aforesaid may define the boundaries of each division and state the number of wards of which each division shall consist and thereupon each such division shall become and be a Municipality within the meaning and for all the purposes of this Act Provided that the division of any Municipality so made shall be consistent with the
 15 provisions of the eighth section of this Act Provided also that before any such separation as aforesaid the debts and other liabilities then attaching to the entire Municipality shall be by or to the satisfaction of Adjustment of liabilities and mutual claims before division of Municipalities. the Minister proportionally adjusted as between such proposed divisions And provided further that there shall be in every such case a like
 20 adjustment of all mutual claims between the two proposed divisions or Municipalities as to the relative proportions of revenue and expenditure in for or in respect of each such proposed division or Municipality and if on such adjustment any balance shall be found due from one of such proposed divisions or Municipalities to the other such balance shall be
 25 recoverable at law after such division by the Municipality to whom it shall so be found due from the Municipality by whom it shall so be found payable.

19. On receipt of a petition from and sealed with the corporate seals and signed by at least two-thirds of the members of the several Councils Adjoining Municipalities may be united.
 30 of any two or more adjoining Municipalities in each of which an assessment shall have been made as hereinafter provided or from and signed by at least two-thirds of the ratepayers of each such Municipality praying that the said Municipalities may be united and form one Municipality the Governor may after a like publication of such petition as aforesaid declare
 35 by proclamation as aforesaid such Municipalities to be united and to form one Municipality by a name and according to boundaries in the said same or some subsequent proclamation to be mentioned and described And any existing division of the said Municipalities or any of them into wards shall thereupon be abolished But if a division into wards shall have been
 40 requested in the said petition for union the Governor may by the said proclamation of union or by any subsequent proclamation published as aforesaid declare such United Municipality to be and the same shall be accordingly divided into wards according to the following scale that is to say—If the respective Councils of the said Municipalities shall taken together before
 45 union be composed of twelve members and less than fifteen the United Municipality formed by such union as aforesaid shall comprise three wards if of fifteen members and less than twenty-four four wards if of twenty-four members and less than thirty five wards and if of thirty or more six wards and thereupon such Municipalities shall become and be one
 50 Municipality within the meaning and for all the purposes of this Act Provided however that those members of the Municipal Council whose term of office shall not at the time of such union have expired shall remain in office as Aldermen until the ordinary time of retirement as hereinafter provided And provided also that no such union shall take
 55 place within thirty days of the day hereinafter appointed for holding any election of Aldermen.

20. In all cases of annexation to an adjoining Municipality union Signatures to all petitions to be verified.
 of one or more Municipalities or division of any Municipality the signatures to all petitions and counter-petitions shall be verified in conformity
 60 with the eleventh section of this Act.

Municipalities.

21. It shall be lawful for the Governor to refuse compliance with any petition for the incorporation of any new Municipality or for the union of one or more Municipalities or for the annexation to or division of any Municipality if after due inquiry there shall appear to be sufficient ground for such refusal although no counter-petition against such incorporation union annexation or division shall have been received by the Minister.

22. All land property and moneys at the time of any such union vested in or belonging to the body corporate or bodies corporate of any of the Municipalities so united as aforesaid shall on such union be vested in the body corporate of the United Municipality. All rates due all rights liabilities contracts and engagements existing and all actions suits and prosecutions pending at the time of such union as aforesaid by or against the body corporate of any of such several Municipalities shall on such union be paid to and levied and recovered by and attach to and be carried on and prosecuted by and against the body corporate of the said United Municipality and be of the same force and effect to all intents and purposes with regard to the United Municipality as they would have been severally with regard to each of the said Municipalities before union.

23. Whenever in consequence of the division of a Municipality or of the union of two or more adjoining Municipalities the number of Aldermen or of wards or of both in any such Municipality shall require re-adjustment or whenever the population of any Municipality shall have increased so as to require in accordance with the provisions hereinafter contained a proportionate increase in the number of Aldermen and of wards if the same has been divided into wards the Governor on the receipt of a petition from the Council of such Municipality praying for such increase or re-adjustment as aforesaid may in like manner as hereinbefore mentioned and by proclamation so published as aforesaid declare the number of wards and Aldermen to which such Municipality shall be entitled or may re-adjust such wards according to the scale hereinbefore prescribed.

24. No misnomer inaccurate description or omission in any proclamation made under this Act or purporting to be so made by virtue of which any Municipality shall have been constituted divided united re-adjusted or otherwise dealt with shall in anywise suspend or impair the operation of this Act with respect to the matter so mis-described or omitted.

25. The electors for the time being of every Municipality proclaimed as hereinbefore directed shall immediately upon the publication of such proclamation as aforesaid become and all succeeding electors thereof entitled to vote as such under this Act shall be a body corporate under such name as the Governor shall in such proclamation direct and shall by such name have perpetual succession and a common seal and be capable in law of suing and being sued and of purchasing holding and alienating land and of exercising all such corporate functions and doing and suffering all such acts and things as by law and in conformity with this Act they may be entitled to exercise do and suffer.

26. The Council of every Municipality shall subject to the provisos hereinafter contained consist where the Municipality contains a population amounting to five hundred but not exceeding one thousand of six Aldermen—where the Municipality contains a population exceeding one thousand but less than four thousand of nine Aldermen—and where the Municipality contains a population of four thousand or upwards of twelve Aldermen. And whenever upon the union of any two or more adjoining Municipalities the Councils of the Municipalities so united consist of twelve but less than fifteen Aldermen the Council of the United Municipality shall consist of nine Aldermen—when the Councils so united consist of fifteen but less than twenty-four Aldermen then the Council of such United Municipality shall consist of twelve Aldermen—when the Councils

Municipalities.

so united consist of twenty-four but less than thirty Aldermen then the Council of the United Municipality shall consist of fifteen Aldermen— and when the Councils so united consist of thirty or more Aldermen then the Council of the United Municipality shall consist of eighteen Aldermen
 5 And one of such Aldermen in each such Municipality shall be elected Mayor thereof in manner hereinafter directed Provided that all Aldermen of such adjoining Municipalities so united as aforesaid in office at the time of such union shall be and remain Aldermen of such United Municipality until the time of their retirement as hereinafter directed notwithstanding that the number of Aldermen of such United Municipality shall
 10 thereby for the time being be in excess of the number herein prescribed.

27. The Council of every Municipality shall in and for all such acts matters and things as by law and in conformity with this Act may be done or suffered be the sole representatives of the body corporate of
 15 such Municipality and all the acts and proceedings of such Council shall be deemed to be the acts and proceedings of such body corporate.

28. In all Municipalities which at the time of their incorporation shall be divided into wards in manner hereinbefore mentioned there shall be
 20 three Aldermen to each ward elected as hereinafter directed by the electors of each such ward And where there shall have been such division into wards after such incorporation and after Aldermen shall have been elected as for the whole undivided Municipality one Alderman for each ward shall as hereinafter directed be elected at each ensuing annual election of Aldermen and the retiring Aldermen although elected as for the
 25 whole undivided Municipality shall for the purposes of this Act be regarded as retiring Aldermen for the several wards thereof.

29. All Aldermen and Auditors in office at the time of each successive annual election herein provided for shall remain in office until their successors shall be elected.

30. There shall be two Auditors in and for every Municipality.
 31. If any Mayor Alderman or Auditor shall die or shall resign his office in manner hereinafter prescribed or shall neglect or refuse to accept such office in the manner and within the time hereinafter prescribed or shall by any rule or order of the Supreme Court to be made as hereinafter
 35 provided be declared ousted of such office or shall otherwise become disqualified as herein described then the office of the same shall be and become vacant and every such vacancy shall be deemed to be an extraordinary vacancy within the meaning of this Act.

32. Every male elector of any Municipality or if the same be divided into wards of any ward thereof who is a natural born or naturalized
 40 subject of Her Majesty and is not otherwise disqualified as herein prescribed shall be capable of being elected Mayor Alderman or Auditor thereof Provided that no Alderman shall be capable of being elected an Auditor in and for the Municipality of which he is an Alderman.

33. Every person being or serving as a Judge of the Supreme Court or any District Court or being an Officer on full pay or a Non-Commissioned Officer or private in the Naval or Military Service of Her Majesty other than the Volunteer Force of this Colony or being of unsound mind or an uncertificated insolvent or under composition with his creditors by any deed
 50 of assignment duly executed by him in pursuance of the provisions of any Act relating to Insolvency in force for the time being shall be disqualified from taking or holding office as Mayor Alderman or Auditor of any Municipality And every person holding any office or place of profit under or in the gift or disposal of the Council of any Municipality or being directly
 55 or indirectly by himself or any partner engaged or interested in any contract or employment with by or on behalf of the said Council shall be disqualified from taking or holding any of the said offices within and for such Municipality Provided that such disqualification shall not be extended to any elector by reason of his being a proprietor or shareholder

Council to be sole representatives of the body corporate.

Number of Aldermen to each ward.

Retiring Aldermen &c. to continue in office until successors elected.

Auditors.

Extraordinary vacancies.

Who may be elected Mayor &c.

Disqualifications.

Municipalities.

holder not being a director of any joint stock company contracting with the Council for any one of the aforesaid offices whereof or in connection wherewith he is a candidate.

34. No Mayor Alderman or Auditor shall act as such until he ^{Declaration of office by Mayor &c.} shall before a Commissioner of the Supreme Court or a Justice have made and subscribed a declaration in the form of Schedule B hereto and shall have delivered or transmitted the same to the Returning Officer who shall deliver or transmit all such declarations to the Council Clerk.

35. Every person duly qualified for and duly elected to the office ^{Penalty for refusing office after election.} of Mayor Alderman or Auditor shall accept such office by making subscribing and delivering or transmitting the declaration aforesaid within fourteen days after notice in writing of his election shall have been delivered to him personally or left at his usual or last-known place of abode or in default thereof pay a fine of twenty-five pounds And such office shall be deemed vacant on the fourth day after the expiration of such fourteen days without such delivery of such declaration And it shall be the duty of the Returning Officer for the time being to give or cause to be given the notice in writing herein required within two days after each such person shall have been declared duly elected Provided that if the said Returning Officer shall have been the Mayor or some other person acting for such Mayor as herein prescribed and if a new Mayor shall have been elected before the delivery or transmission of such declaration as aforesaid it shall be sufficient if the same be delivered or transmitted within the time herein prescribed to such new Mayor.

36. Provided that no minister of religion and no person disabled ^{Persons exempt from office.} by deafness blindness or other permanent infirmity of body nor any person above the age of sixty years or who shall have already served the like office within three years next before the day on which he shall be elected or shall have paid the fine for not accepting or for resigning such office or for absence therefrom within the same period nor any Member or officer of the Legislative Council or Legislative Assembly nor any person whose usual place of abode is not situate within the Municipality for which he shall have been elected shall be liable to any fine or penalty for neglecting or refusing to serve as Councillor or Mayor.

37. Any person holding the office of Mayor Alderman or Auditor ^{Supervening dis-qualifications.} having his estate placed under sequestration as insolvent or having executed any deed of assignment as aforesaid or (in the case of an Alderman) being absent without leave from the meetings of the Council for more than three successive months shall thereby become disqualified and shall cease to hold such office And in each such case of disqualification through absence without leave the person so disqualified shall be liable to the same fine as if he had refused to accept such office unless he shall have ceased to dwell permanently within the Municipality or unless it be certified by two duly qualified medical practitioners that his absence has been occasioned by illness or be proved to the satisfaction of the Council that such absence has been occasioned by some extreme emergency Provided however that every person becoming disqualified as aforesaid by reason of the sequestration of his estate or the execution of any deed of assignment as aforesaid shall on obtaining his certificate or on payment of his debts in full or obtaining an absolute release from his creditors be capable of being re-elected

38. Every person being a Mayor Alderman or Auditor under this ^{Penalty on Mayor Aldermen or Auditors taking a contract.} Act who shall continue to be or shall become 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 the Council except as proprietor or shareholder not being a director of any Joint Stock Company contracting as aforesaid shall be liable to a penalty not exceeding one hundred pounds and not less than fifty pounds and shall be for seven years after commission of such offence disqualified from holding any office in or under the Council.

Municipalities.

38. 39. Every person elected Mayor Alderman or Auditor under this Act may at any time resign such office by letter under his hand addressed to the Council Clerk or if there be no Council Clerk to the Mayor and the resignation shall be held to be complete from the date of the receipt of such letter by such Council Clerk or Mayor. Provided that every person so resigning shall be liable to a penalty of twenty-five pounds unless he shall be entitled to claim exemption from such fine under any provision herein contained or unless he shall since his election have become a minister of religion or disabled by deafness blindness or other permanent infirmity of body or mind.

39. 40. In each Municipality if the Council shall consist of six Aldermen two shall retire and if of nine Aldermen three shall retire and if of twelve Aldermen four shall retire and if of fifteen Aldermen five shall retire and if of eighteen Aldermen six shall retire on the first Tuesday in February in each and every year the first to retire being the two three four five or six who had the smallest number of votes at the first election until all then elected shall have retired and in any case of doubt created by an equality of votes or by an election without a poll the decision shall be by lot and thereafter the Aldermen longest in the Council shall first retire and every retiring Alderman shall if still qualified be capable of being re-elected. Provided that in every Municipality which shall have been divided into wards one of the Aldermen for each ward shall retire on the day aforesaid in each and every year such retiring Aldermen being those who had the smallest number of votes at the first election in their respective wards or who have been longest in the Council and in any case of doubt as aforesaid it shall be decided by lot which of such Aldermen shall retire.

40. 41. If in any Municipality formed by the union of two or more adjoining Municipalities in accordance with the provisions of this Act there shall upon the first Tuesday in February next after such union be for such first-mentioned Municipality or for any ward thereof a number of Aldermen greater than that assigned by this Act as the ordinary number of Aldermen for such Municipality or ward then in addition to the Aldermen for such Municipality or ward who shall go out of office on that day under the provisions hereof a number of Aldermen for such Municipality or ward equal to the excess above such number so assigned shall go out of office at the same time and in the like order and manner.

41. 42. Within seven days after the first election and each subsequent annual election at the hour of noon on a day and at an hour to be fixed at the first election by the Returning Officer who shall preside thereat and at subsequent elections by the Council Clerk and to be notified to the whole of the Aldermen in the same manner as an ordinary summons to a Council meeting not more than four days nor less than twenty-four hours previously such Aldermen or a majority of them shall meet as soon as possible after the first election at such place as the Returning Officer shall have notified and after all subsequent annual elections at the office or ordinary place of meeting of the Council and shall choose and appoint by such mode of voting as they may deem expedient some one member of the Council to be Mayor who shall go out of office at the next annual election of Aldermen but may then be re-elected. Provided that in case of an equality of votes at the first election of Mayor the Returning Officer shall have a casting vote.

42. The Mayor of every existing Municipality and of every Borough and every Municipal District constituted under this Act shall *ex officio* be a Justice of the Peace in and for the Municipality of which he is Mayor.

43. The Council of every Municipality formed by the union of two or more adjoining Municipalities or a majority of such Council shall assemble at a time and place to be named by the Governor in the proclamation of such United Municipality or in some subsequent proclamation published as hereinbefore directed and shall then determine by such mode

Municipalities.

mode of voting as they may deem expedient which of the persons who shall at the time of such union be holding the office of Mayor of one or other of the Municipalities so united shall be Mayor of the United Municipality and he shall be such Mayor accordingly And if from any cause there shall be at the time but one such Mayor then he shall on such union be Mayor of the Municipality formed by such union and every person having been so chosen or having been Mayor of the said United Municipality shall be deemed for all purposes to have been elected as herein provided in ordinary cases.

10 44. Upon any extraordinary vacancy in the office of Mayor the Council Clerk shall summon a meeting of the Council within seven days after the occurrence of such vacancy giving not less than twenty-four hours notice of the same to each Alderman as in the case of an ordinary meeting of the Council and at such meeting the Aldermen or a majority of them shall elect one of their number to be Mayor for the remainder of the then current year of office. Extraordinary vacancy of Mayor.

45. The Auditors shall retire on the first Tuesday in February in each and every year but each retiring Auditor shall if still qualified be capable of being re-elected. Retirement of Auditors.

20 46. Upon the union of two or more adjoining Municipalities the Auditors who shall be in office in each of the several Municipalities shall remain in office as Auditors of the Municipality formed by such union until the first Tuesday in February after such union. Auditors in office at time of union of Municipalities.

25 47. If any Mayor Alderman or Auditor of any Municipality shall neglect or refuse to do any matter or thing which by law he is directed to perform he shall for every such offence be liable to a penalty not exceeding ten pounds. Penalties for neglect of duties.

30 48. Any person acting as Mayor Alderman or Auditor of any Municipality without having made the declaration hereby required or not being duly qualified at the time of making such declaration or acting in or holding any such office after he shall cease to be qualified according to this Act shall for every such offence forfeit the sum of fifty pounds to be recovered together with full costs of suit by any elector of such Municipality who shall sue for the same within three months after the commission of the offence. Penalty on disqualified person acting as Mayor &c.

35 49. All proceedings of the Council or of any person acting as Mayor Alderman or Auditor shall notwithstanding it be afterwards discovered that there was some defect in the election or any disqualification of such person be as valid as if every such person had been duly elected and qualified to be Mayor Alderman or Auditor respectively. Action of disqualified person not to invalidate proceedings.

40 50. The Council may determine whether any and what remuneration shall be allowed any person executing the office of Mayor or Auditor. Council to decide as to payment of Mayor &c.

45 51. All persons having a freehold leasehold or household qualification situated within the proclaimed boundaries of any existing Municipality or any Municipality to be constituted under the provisions of this Act and named on any electoral roll for the time being of any electoral district within the boundaries of which such Municipality shall be wholly or partly included shall at and for the first elections of Aldermen and Auditors therefor after the passing of this Act and at and for any other such election before and until the proper enrolment of the municipal electors as hereinafter directed be electors of such Municipality And at and for all elections subsequent to the completion of the municipal roll all persons duly qualified as hereinafter provided shall be electors. Qualification of electors for first election.

50 52. Every person of the full age of twenty-one years who on the seventh day of January in any year shall be the occupier lessee or owner of any rateable property within any Municipality and liable to be rated for the same as such occupier lessee or owner shall be entitled to be enrolled according to the provisions hereinafter contained upon the municipal roll of the Municipality for the ensuing municipal year and being so enrolled shall be an elector thereof and shall be entitled subject as

Municipalities.

as hereinafter mentioned to vote in all elections of Aldermen and Auditors for the Municipality occurring whilst such municipal roll shall be in force in the manner following:—

- (1.) If the occupier lessee or owner of ~~any one~~ property assessed at an annual value not exceeding twenty-five pounds he shall be entitled to one vote
- (2.) If the occupier lessee or owner of ~~any one~~ property assessed at an annual value over twenty-five and not exceeding seventy-five pounds he shall be entitled to two votes
- (3.) If the occupier lessee or owner of ~~any one~~ property assessed at an annual value over seventy-five and not exceeding one hundred and fifty pounds he shall be entitled to three votes
- (4.) If the occupier lessee or owner of ~~any one~~ property assessed at an annual value over one hundred and fifty pounds he shall be entitled to four votes

Provided that only the person who pays the rates for such rateable property shall be entitled to vote in respect thereof and no person who shall at the time of claiming to vote be in arrear on account of any such rates shall be entitled to vote in respect of the property rated at any election in such Municipality And provided also that no person shall be allowed to vote without first making and subscribing a Declaration in the form contained in Schedule C hereto And provided further that where any rateable property is jointly occupied jointly leased or jointly owned by more persons than one only one of such joint occupiers joint lessees or joint owners shall be an elector as aforesaid unless the assessed annual value of such rateable property so jointly occupied leased or owned as aforesaid shall exceed twenty-five pounds in which case a second joint occupier joint lessee or joint owner shall be admissible as an elector and if the assessed annual value of such rateable property shall exceed seventy-five pounds then a third joint occupier joint lessee or joint owner if there be one shall be admissible as an elector and if the assessed annual value exceed one hundred and fifty pounds then a fourth joint occupier joint lessee or owner if there be one shall be admissible as an elector And the person or persons so admissible as aforesaid in cases of joint occupancy joint leaseholdship or joint ownership shall be the person or persons first named in the rate-book and shall not in any case be entitled to a cumulative vote and the giving of any joint vote by such person or persons shall render any other person claiming to vote in respect to the same rateable property incapable of giving a cumulative vote in that election.

53. Where any Municipality shall be divided into wards every person who under the provisions hereinbefore contained would be entitled to be enrolled and to vote as an elector of such Municipality shall be so entitled in like manner for the ward or wards wherein the rateable property in respect of which he is so entitled is situated and upon being so enrolled to vote in all elections of Aldermen and Auditors to be held in and for such ward or wards as hereinafter provided and the said provision shall as to each such ward be construed as applying thereto and not to the whole Municipality.

Cumulative votes.

Joint occupiers and owners.

Electors after division into wards to vote in the ward where their qualification is situated.

Municipal List and Roll.

54. The Council Clerk of every Municipality shall during the week ending on the seventh day of January in each year make or cause to be made out according to the form in Schedule D hereto annexed from the rate-books of such Municipality and from all other books and documents connected therewith an alphabetical list to be called the "municipal list" of the names of all persons who shall appear entitled as aforesaid to be enrolled upon the municipal roll for the ensuing municipal year and shall state in such list against the name of each person the several particulars indicated

Council Clerk to make out municipal list from list of rate-payers.

Municipalities.

indicated in the several columns of the said Schedule as the same shall appear in or from the said rate-books and documents as aforesaid and for the purpose of making the said list every person rated in respect of any rateable property shall be presumed to have been of full age and the occupier or owner as the case may be of such property at the time of the making of such municipal list and liable to be rated as such owner or occupier respectively subject however to the provisions hereinafter contained as to objections.

55. The Council Clerk shall forthwith after making out the said alphabetical list notify by public advertisement in some newspaper circulating within or near the Municipality the fact that a copy of such list is in his custody and open to inspection by any person interested therein and shall keep such list or a copy thereof to be inspected by any such person and permit such inspection without fee at all reasonable hours between the said seventh and fourteenth days of January.

56. Any person whose name shall have been omitted from any such municipal list who shall claim to have his name inserted therein shall on or before the fourteenth day of January give to the Council Clerk notice thereof in writing according to the form in Schedule E hereto annexed or to the like effect and every person whose name shall have been inserted in any such municipal list may object to any other person as not being entitled to have his name retained therein and any person so objecting shall on or before the said fourteenth day of January give to the Council Clerk and also to the person objected to or leave at the premises in respect of which his name shall appear to be entered in the said list notice in writing of such objection according to the form in Schedule F hereto stating the ground of such objection and attaching his signature thereto and the Council Clerk shall include the names of all persons so claiming as aforesaid in a list according to the form in Schedule G hereto and shall include the names of all persons so objected to as aforesaid in a list according to the form in Schedule H and shall sign and keep the said lists or copies thereof respectively to be inspected and perused by any person without fee at all reasonable hours during the week (Sundays excepted) preceding the twenty-first day of January in such year.

57. The Council of every Municipality shall hold an open Court at the Council Chamber for the purpose of revising the municipal lists hereof and such revision shall take place at such time as the Mayor shall appoint between the twenty-first and twenty-eighth days of January in every year and the Mayor shall give three clear days notice of the holding of such Court and of the time and place thereof by placing such notice on the outer door of the Council Chamber of the said Municipality and by advertisement in some newspaper circulating within or near such Municipality and every such Court may be adjourned by the Mayor or in his absence by the Council by reason of sufficient cause. Provided that no such Court shall be adjourned beyond the twenty-eighth day of January in any year.

58. The Council Clerk shall himself or by some person on his behalf if he be unavoidably prevented from so doing attend the Revision Court and produce to the said Court the municipal list and also copies of the lists of any of the persons who shall have sent in claims and of the persons who shall have been objected to as aforesaid and of the lists if any of defaulters as hereinafter described. And the valuers hereinafter mentioned and all collectors of rates under this Act shall also attend the said Court and shall produce to the said Court all books papers and documents in their possession connected with such their respective offices and shall answer on oath all such questions as the Court may put to them touching any matters necessary to be ascertained for the said revision of the municipal list.

Municipalities.

59. The Revision Court shall have authority to hear receive and examine evidence and by summons under the hand of the Mayor to require all such persons as the Court may think fit to appear personally before the said Court at a time and place to be named in such summons to give evidence and to produce to the said Court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination and the said Court shall upon hearing in open Court determine by the decision of a majority upon the validity of all claims and objections as hereinafter mentioned And any person failing to obey the summons of the said Court shall be liable to a penalty not exceeding ten pounds recoverable before any two Justices.

Power to summon witnesses.

60. The Revision Court shall insert in the lists under revision the name of every person who shall have claimed as aforesaid and be proved to the satisfaction of the Court to be entitled to have his name inserted on the municipal roll as aforesaid and shall retain on the said lists the names of all persons to whom no objection shall have been duly made as hereinbefore directed and shall also retain on the said lists the name of every person who shall have been objected to by any person unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection and prove the service of the several notices hereinbefore required and when the name of any person inserted in any list shall have been duly objected to as hereinbefore directed and the person objecting shall appear by himself or by some one on his behalf in support of such objection the Court shall require proof of so much of the qualification of the person so objected to as shall be embraced in the grounds of objection so stated as aforesaid and no more and in case such qualification as aforesaid be not proved to the satisfaction of the Court the said Court shall expunge the name of every such person from the said list And the Court shall also expunge the name of every such person who shall be proved to the Court to be dead and shall correct any mistake or supply any omission which shall be proved to have been made in any of the said lists in respect of the name or place of abode of any person which shall be included therein or in respect of the situation and description of any rateable property Provided always that no person's name shall be inserted by the said Court in any such lists or shall be expunged therefrom except in the case of death unless notice shall have been given as is hereinbefore described in each of the said cases.

Revision of the lists.

61. The Mayor shall in open Court write his initials against the names struck out or inserted as aforesaid and against any part of the list in which any mistake shall have been corrected or omission supplied and shall sign his name to every page of the list so settled and shall then cause to be written at the foot or end of the list a certificate that the same has been revised and is correct and the Mayor shall there and then sign such certificate.

Certificate &c. of revision.

62. Where any Municipality shall be divided into wards the preceding sections hereof relating to the compilation and completion of the municipal list and roll shall be read with reference to such Municipality in manner following that is to say—

Construction of preceding sections after division of Municipality into wards.

Instead of the municipal list and roll being made out for the whole Municipality such list and roll shall be divided into separate parts according to the number of wards contained in the Municipality and the Council Clerk shall insert therein under the proper ward the names of those persons who shall under the provisions hereinbefore contained appear to be entitled for the time being to be enrolled on the municipal roll for such ward and to omit or expunge therefrom the names of all persons who shall as hereinbefore provided not appear to be so entitled And the municipal list so divided as aforesaid when signed by the Mayor after revision and delivered to the Council Clerk as hereinafter directed shall be the municipal roll for each and every ward and shall

Municipalities.

shall continue in force therein until another municipal roll shall have duly come into force hereunder.

63. The list so signed and certified shall be forthwith delivered to the Council Clerk who shall copy the names of the electors in alphabetical order in a roll or book and shall set a number against each name according to its order in such roll or book according to the form in Schedule I hereto and each such roll or book shall be the electoral roll of the Municipality or ward as the case may be for all the purposes of this Act and shall continue in force until a new roll shall have been made hereunder
 10 And any copy purporting to be a copy of such roll and certified by the Mayor to be correct shall be evidence of such roll and of the contents thereof.

Roll to be made out.

Certified copy of roll to be evidence.

64. Whenever any Municipality in which such roll of electors shall have been revised and made up as aforesaid shall be so divided as to constitute two Municipalities or shall be divided into wards or whenever there shall be any re-adjustment of wards in any such Municipality or whenever two or more such Municipalities being adjoining Municipalities shall be united in manner aforesaid the then existing roll or rolls of the electors of such Municipality or Municipalities shall by the Council Clerk or Council Clerks thereof be divided into separate rolls of electors for such Municipalities or wards or made up into new rolls for such re-adjusted wards or into a roll or rolls for such united Municipality as the case may require. Provided that in every such re-arrangement of the roll or rolls of municipal electors there shall be no other change than such changes in numbering or such transpositions of the names of electors from one Municipality to another or from one ward to another as the circumstances of the case may require and every roll which shall have been so re-arranged as aforesaid shall by the Mayor of the Municipality to which it shall appertain be examined and compared with the original roll or rolls so revised and made up as aforesaid and the Mayor shall at the foot or end of such re-arranged roll of electors cause a certificate to be written to the effect that he has examined the same and that it is correct and shall date and sign such certificate and such roll so re-arranged and certified as aforesaid shall be the roll of electors for the Municipality or ward as the case may be and shall continue in force until a new roll shall have been made for such Municipality or ward under the provisions of this Act and any copy purporting to be a copy of such roll so re-arranged and certified as aforesaid and signed by the Mayor shall be evidence of such roll and of the contents thereof.

Re-arrangement of municipal rolls on division of Municipalities or sub-division into wards &c.

40

Proceedings at Elections.

65. The first election of Aldermen for any newly proclaimed Borough or Municipal District shall take place on a day at noon and at a place to be notified by the Governor within three months after its incorporation and all succeeding annual elections in such Municipality and in all Municipalities where an election has already been held and hereinafter termed "Existing Municipalities" shall take place on the first Tuesday in February in each year. And the Returning Officer at any first election shall be nominated by the Governor and at every succeeding election the Returning Officer shall be the Mayor or in his absence or in the event of such Mayor being a candidate for re-election as an Alderman any Alderman of the Municipality appointed for that purpose by the Council.

Date of election.

66. The election of candidates to the office of Alderman under this Act shall be conducted in manner following. Any two electors entitled to vote in any Municipality or in any ward of any Municipality may nominate a candidate for election or any number of candidates not greater than the number of Aldermen to be elected by delivering to the Returning Officer for the time being seven days at least before the day appointed by the

Returning Officer.

Municipalities.

the Governor or fixed by this Act as aforesaid for the first election and all subsequent elections and hereinafter designated the "day of nomination" a document signed by such electors containing the name or names in full of the candidate or candidates they may wish to propose setting forth also the occupation and residence of such candidate or candidates and also similar particulars respecting the two electors so nominating and the Returning Officer for the time being shall give not less than fourteen days notice of the day of nomination by advertisement in some newspaper circulating in or near such Municipality and on the day appointed for the nomination and at the place appointed the Returning Officer shall at twelve o'clock at noon publicly read the names of the candidates so proposed together with the names of their nominators and in the event of there being no greater number of candidates than the number of Aldermen to be elected the Returning Officer shall then and there declare the said persons to be duly elected but in the event of there being more candidates than the number of Aldermen to be elected the Returning Officer shall advertise in some newspaper circulating as aforesaid the names of the candidates the day of poll and the polling places Provided that it shall be in the power of any individual so nominated as a candidate by a notice in writing signed by him and addressed to the Returning Officer and delivered to such Returning Officer at any time before the day of nomination to withdraw from such candidature.

Mode of nomination.

67. The election of Auditors shall be conducted in like manner as the election of Aldermen except as hereinafter provided. And that the first election of such Auditors in any Borough or Municipal District shall take place on the day fixed for the first election of Aldermen in the said Municipality and that all subsequent annual elections of Auditors in such Municipality and in all Existing Municipalities shall take place on the day fixed for the annual election of Aldermen. The Returning Officer at any first election of Auditors in any such Municipality shall be the officer so nominated as aforesaid to conduct the first election of Aldermen in such Municipality and at every succeeding election the Mayor or in his absence any Alderman of the Municipality appointed for that purpose by the Council. Provided that all elections of Auditors for any Municipality whether the same be divided into wards or not shall be conducted as for and in respect of the whole Municipality and not for and in respect of any ward or wards thereof.

Election of Auditors.

68. In any Existing Municipality in which an assessment has been made but in which there shall at the time of the commencement of this Act be no Mayor or Chairman the Governor shall appoint some person to act as Mayor who shall for all purposes connected with the preparation and revision of the municipal lists and rolls as hereinbefore provided and for the conduct as herein also provided of the first annual elections of Aldermen and Auditors and of the election of Mayor have the same powers as if he had been duly elected Mayor of the said Municipality in accordance with the provisions of this Act.

Conduct of first elections in Existing Municipalities where an assessment has been made but where there is no Mayor.

69. In any Existing Municipality in which no assessment has been made and in which there shall at the time of this Act coming into operation be no Mayor or Chairman or Council the Governor may appoint a Returning Officer who shall have the same powers for the conduct of the first elections under this Act as in the case of a Borough or Municipal District. And in any such case the first elections in such Existing Municipality shall be conducted in the same manner as other first elections in other Existing Municipalities except that the electors shall be the persons qualified as hereinbefore provided to vote at first elections in new Municipalities. But in any such case the Governor if it shall not appear expedient and equitable to continue such Existing Municipality may revoke all proclamations relating thereto and abolish such Municipality accordingly.

Conduct of first elections in Existing Municipalities where no assessment has been made.

Municipalities.

70. Every contested election of Aldermen or Auditors shall be by ^{Contested elections} ballot and shall take place on the seventh day next after the day of ^{by ballot and when.} nomination or on any earlier day at the discretion of the Returning Officer not less than two days after such day of nomination And the voting ⁵ at every such election shall commence at eight o'clock in the forenoon and shall finally close at ~~four~~ ^{three} o'clock in the afternoon of the same day.
71. At every election the Returning Officer shall appoint such other ^{Arrangements for} Presiding Officers and such Polling Clerks as may be required for taking ^{polling.} the poll and may make and enforce all necessary regulations not inconsistent with this Act and fix the polling-places and provide proper and ¹⁰ convenient rooms or booths for polling Provided always that no election shall be holden nor any voting take place in any Church Chapel or other ^{No election to be} place of Public Worship. ^{held in a place of} ^{public worship.}
72. In case the Returning Officer or any other Presiding Officer shall ¹⁵ be prevented from attending to any of his duties by illness or other sufficient cause he may or in case of his refusal or inability the Council Clerk shall by writing under his hand appoint a substitute to act for such Returning or other Presiding Officer and such substitute shall thereupon ^{Substitutes for} for the time being have all the power and authority of the officer for ^{Returning or} ^{Presiding Officers.} ²⁰ whom he has been so substituted.
73. Every candidate for election or in his absence any two of the ^{Scrutineers.} electors by whom he has been nominated may appoint one person at each polling-place to be Scrutineer at the election.
74. Every Returning Officer Presiding Officer Poll Clerk and ^{Declaration of office.} ²⁵ Scrutineer shall before acting make and subscribe before a Justice or a Commissioner of the Supreme Court or in the case of any Scrutineer before the Returning Officer of the election then pending a declaration in the form of Schedule J hereto.
75. Every Returning Officer and Presiding Officer shall have power ^{Power of Returning} ^{or Presiding Officer} ^{to preserve order &c.} ³⁰ and authority to maintain and enforce order and keep the peace at any election or polling held by him and for that purpose and without any other warrant than this Act to cause to be arrested and taken before a Justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions hereinafter mentioned or of person- ³⁵ ating or attempting to personate any voter or of attempting unlawfully to vote more than once at the same election or wilfully entering or remaining in a polling-room or compartment or who shall cause a disturbance at any election Also to cause any person to be removed who shall obstruct the approaches to any polling-room or shall conduct himself in a disorderly ⁴⁰ manner And all Constables and Peace Officers shall aid and assist such Returning Officer and Presiding Officer in the performance of their duties.
76. At every polling-place there shall be provided and set apart a ^{Balloting-room.} separate ballot-room or compartment into or in which no person may enter or remain except electors while preparing their ballot-papers as herein- ⁴⁵ after provided but no longer and the Polling Clerk shall cause pencils or pens ink and blotting-paper to be placed in the said room or compartment Every person otherwise than as aforesaid wilfully entering or remaining in the said room or compartment shall be guilty of a misdemeanor.
77. Before and in time for every election by ballot the Returning ^{Ballot-papers.} ⁵⁰ Officer shall cause to be printed or written ballot-papers according to the form of Schedule K hereto and shall on the morning of the day of poll or on the day next preceding but not sooner deliver to the Presiding Officer of each polling-place so many of such ballot-papers signed by himself on ⁵⁵ the back thereof as shall be fully equal to the number of enrolled electors entitled and likely to vote at such polling-place and shall sign in like manner and keep for himself a like sufficient number for the polling-place at which he is to preside.

Municipalities.

78. The Returning Officer shall provide for each polling-place a ballot-box the front of which shall be of glass and on the top of which there shall be an opening sufficient to receive the ballot-papers folded as herein-after mentioned And such box being previously locked by the Returning Officer with a key which shall be kept by himself and of which it shall be unlawful for any other person to possess a counterpart shall be placed on a table before the Presiding Officer And every elector on applying in person if entitled to record one vote shall receive one of the ballot-papers signed as aforesaid and if entitled to record two or more votes as herein-before provided shall receive a corresponding number of the ballot-papers as aforesaid and shall in the ballot-room aforesaid without leaving the same strike through the names of all persons named in such ballot-paper or ballot-papers as the case may be except the names of each person for whom he intends to vote and shall then fold up the paper or papers so as to conceal the interior and disclose only the Returning Officer's name so signed upon the back and shall then return to the polling-table and there openly in the presence of the Presiding Officer Poll Clerk and Scrutineers present deposit such ballot-paper or ballot-papers in the ballot-box Provided that in the case of any elector who is blind or cannot read the Presiding Officer shall in the presence of such of the Scrutineers as may then be in attendance strike through upon such ballot-paper the names of all persons so nominated except such as the elector shall declare his intention of voting for Provided also that before any ballot-paper shall be deposited in the box the Presiding Officer or Poll Clerk shall upon a certified copy of the electoral roll write his initials against the name of the person then voting which initials shall be *prima facie* evidence of the identity of such voter with the person whose name shall be so initialed on such roll and of the fact of his having voted at such election Provided further that if any elector entitled to two or more votes fail to record all his votes on his first application it shall not be lawful for him to vote a second time.

79. If any voter shall suffer to remain upon his ballot-paper a greater number of names not struck out than the number of Aldermen or Auditors to be elected the vote given on and by such paper shall be void and of no effect.

80. Except as hereinafter provided the Returning Officer shall not vote Provided that in the event of any two or more candidates of whom one or more is to be elected being found to have obtained an equal number of votes the Returning Officer shall have a casting vote and shall state in writing which of such candidates shall be declared to be duly elected.

81. No inquiry shall be permitted to be put to any person applying to vote except by the Presiding Officer at the request of a Scrutineer and such inquiry shall be limited to the questions following:—

- (1.) Are you the person whose name appears as A.B. number — in the electoral roll for this Municipality (or Ward)?
- (2.) Have you the same qualification for which your name appears on the electoral roll for this Municipality (or Ward) as A.B. number — ?
- (3.) Have you already voted at the present election?

No person who shall refuse to answer such questions or who shall fail to answer the first and second of such questions in the affirmative and the ~~two latter~~ third in the negative shall be permitted to vote at such election And all persons making false answers to such questions or to either of them shall be deemed guilty of perjury and shall be dealt with accordingly.

82. Each Presiding Officer shall immediately on the close of the poll transmit to the Returning Officer the ballot-box still locked and shall also send carefully sealed up the electoral roll initialed at his polling-place as aforesaid and signed by him and the Poll Clerk—the remainder of the ballot-papers delivered to him by the Returning Officer and not

a Ballot-box and mode of voting.

Certain indefinite votes to be void.

Returning Officer shall only vote in case of equality of votes.

Questions to be put to voters.

Ballot-boxes to be transmitted to the Returning Officer.

Municipalities.

used and all books or official memoranda kept by him during the polling with an exact statement of the number of electors who have voted—the number of ballot-papers originally delivered to him—the number thereof used—and the number left unused and returned And such statement shall be signed by himself and the Poll Clerk and verified by the signatures of the Scrutineers then present.

83. The Returning Officer immediately after receiving the ballot boxes and sealed up documents and papers as aforesaid shall in the presence of the Presiding Officers and such of the Scrutineers as may then be in attendance open the ballot-boxes and examine the voting-papers and thereby ascertain the result of the election and he shall then publicly announce the state of the poll and on the next following day he shall officially declare at the place of nomination and at an hour of which public notice shall have been given by him on the day of nomination the names of the candidates who have been duly elected Provided that if from the non-arrival or late arrival of any such ballot-boxes and sealed up documents and papers as aforesaid or from any other sufficient cause it shall be found impossible to examine the ballot-papers and ascertain the result of the election on the same day that the poll has been taken the Returning Officer may adjourn such examination until some hour on the next following day earlier than the hour already fixed and notified as aforesaid for the official declaration of such result And such ballot-boxes and sealed up documents shall remain until the time of such examination in the custody of the Returning Officer or in such custody as he may appoint but shall be further secured by the seals of any such two of the Presiding Officers or Scrutineers as the majority of such Presiding Officers and Scrutineers then present may designate for that purpose or if no more than one or two of such Presiding Officers or Scrutineers be present then by the seals of such one or both of such Presiding Officers or Scrutineers.

84. On the occurrence of any extraordinary vacancy in the office of Alderman or Auditor the Mayor or any Alderman appointed by the Council as Returning Officer shall within ten days after the occurrence of such vacancy give fourteen days notice in some newspaper circulating in or near the Municipality of a day on which an election to supply such vacancy shall be holden in manner aforesaid and all such elections for the supply of extraordinary vacancies in the office of Alderman or Auditor shall be conducted as nearly as may be in the same manner as the annual elections of such officers And every such newly elected Alderman or Auditor shall hold office until the time when his predecessor's term of office would have expired and shall then go out of office but may be re-elected if still qualified.

85. In any Municipality which under such re-adjustment as aforesaid shall have become entitled to a greater number of Aldermen than the number of Aldermen or Councillors to which it has heretofore been entitled or which it has possessed there shall be elected in the manner and with the like notices as in the case of extraordinary vacancies a sufficient number of other Aldermen to make the number of the Council of such Municipality equal to the number to which it has become entitled under this Act And such additional Aldermen shall in turn go out of office annually in rotation with the other retiring Aldermen according to the number of votes which each shall have obtained or otherwise as hereinbefore provided.

86. If in any United Municipality there shall upon such union be for such Municipality or for any ward thereof a number of Aldermen greater than that assigned by this Act as the ordinary number of Aldermen for such Municipality or ward no extraordinary vacancy for such Municipality or ward shall be filled up unless or until the whole number of Aldermen for such Municipality or ward shall have been reduced below such ordinary number and then only so as to complete such ordinary number.

Municipalities.

87. The Returning Officer shall forthwith after the declaration of the result of the poll seal up all the ballot-papers and other documents as aforesaid in one or more parcels as may be found convenient and shall cause the same to be delivered to the Council Clerk of the Municipality to be by the said clerk safely and secretly kept for six months after such delivery of the same and such clerk shall after the expiration of such period of six months cause such ballot-papers and documents to be destroyed.

88. If any person shall knowingly and wilfully break the seal of or open any such sealed parcel of ballot-papers and documents as aforesaid unless by the command of some competent Court or other authority he be required so to do or to produce some portion of the contents of such parcel he shall be guilty of a misdemeanor.

89. If any Returning Officer Presiding Officer Poll Clerk or Scrutineer shall in the discharge of his duties under this Act at or concerning any election learn or have the means of learning for what candidate any person shall vote or have voted at such election he shall not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same save in answer to some question which he is legally bound to answer And every such Returning Officer Presiding Officer Poll Clerk or Scrutineer who shall knowingly and wilfully offend against the provisions of this section shall be guilty of a misdemeanor.

90. When the proceedings at any election under this Act shall be interrupted or obstructed at any place by any riot or open violence the Returning Officer or Presiding Officer as the case may be shall not finally close the poll but shall adjourn the taking of the poll at the polling-place at which such interruption or obstruction shall have happened to the day following and if necessary such Returning Officer or Presiding Officer shall further adjourn such poll until such interruption or obstruction shall have ceased when such Returning Officer or Presiding Officer shall again proceed with the taking of the poll at the place at which the same may have been interrupted or obstructed.

91. If from some other cause not being such as lastly mentioned after a poll shall stand appointed for any election no such poll shall be taken on the day appointed for the same the election shall stand adjourned until the same day of the following week and the Returning Officer shall give not less than three days public notice thereof by advertisement in some newspaper circulating in the Municipality or ward or by placards affixed in public places in or near such Municipality or ward And in all such cases of adjournment the examination of the ballot-papers and final declaration of the result of the poll hereinbefore provided for shall stand adjourned until after the close of such poll and such ballot-papers and other documents as aforesaid shall be secured and kept in such custody as is hereinbefore required.

92. If at the time fixed as aforesaid for any Municipal election there shall be no candidates named or a less number of candidates than there are Aldermen or Auditors to be elected the Governor may appoint any persons not disqualified to be Aldermen or Auditors as the case may be who shall by virtue of such appointment be as fully such as if duly elected.

93. No election under this Act shall be liable to be questioned by reason of any want or defect of title of any person by or before whom such election shall have taken place if such person shall have really acted at such election nor by reason of any formal error or defect in any declaration or other instrument or in any publication under this Act or intended so to be nor by reason of any such publication being out of time.

94. No advantage shall be taken of the invalidity of any election under this Act in any action or suit by or against the Corporation but every such action or suit shall be tried as if no such objection existed.

Municipalities.

95. All the acts enumerated as acts of bribery and corruption in any Electoral Act in force for the time being with reference to elections of Members to the Legislative Assembly shall be deemed to be acts of bribery and corruption with reference to all elections under this Act And every person committing any such act shall be deemed guilty of a misdemeanor And the acts of all authorized agents of a candidate shall be held to be acts of their principal if proved to have been committed with his consent.

Bribery and corruption.

96. Every person who having or claiming any right to vote in any election of Mayor Alderman or Auditor shall ask or take any money or other reward by way of gift loan or other benefit or agree or contract for any money gift office employment or other reward to give or to forbear to give his vote in any such election and every person who by himself or by any other person employed by him shall by any gift or reward or by any promise of or any agreement or security for any gift or reward corrupt or procure or offer to corrupt or procure any other person to give or to forbear to give his vote in any such election shall for every such offence be liable to a penalty of fifty pounds.

Penalty for receiving or offering reward as to vote.

97. Every person who shall vote or offer to vote a second time at the same election in the same Municipality or if the Municipality be divided into wards in the same ward or who shall personate or attempt to personate any other person for the purpose of voting at any such election shall be deemed guilty of a misdemeanor.

Penalty for voting twice or personation.

98. All expenses of and incidental to the incorporation of any Municipality and the first elections of Aldermen and Auditors shall if certified under the hand of the Returning Officer be paid out of the Consolidated Revenue Fund by warrant under the hand of the Governor directed to the Colonial Treasurer.

First costs of election out of public funds.

99. Upon affidavit that any person declared elected to be Mayor or an Alderman or Auditor of any Municipality has been unduly elected or that any person has been elected to or holds or exercises such office of Mayor Alderman or Auditor being incapable under the provisions hereof of being or continuing such Mayor Alderman or Auditor it shall be lawful for the Supreme Court or any Judge thereof to grant a rule or order calling upon such person to shew cause to the Court why he should not be by the said Court ousted of the said office and whereupon the return of such rule or order it shall appear to the Court that such person so elected or holding or exercising such office respectively was unduly elected or was at the time of his election or while holding or exercising such office incapable under the provisions hereof of being or continuing such Mayor Alderman or Auditor as the case may be the Court may make such rule or order absolute or if the matter shall not so appear may discharge such rule or order and in either and every such case with or without the payment of costs to or by either party as the Court shall deem meet And the person against whom any rule shall be made absolute as aforesaid shall be deemed thereby to be ousted of such office accordingly Provided that no such order or rule shall in any case be granted if at the time of the application for such rule or order more than three months shall have elapsed after the election or the time when the person against whom such application shall be made shall have been disqualified.

Disputed elections or exercise of office.

100. If any Mayor of any Municipality or if any person having been duly appointed hereunder to act as Returning Officer Presiding Officer or Poll Clerk at any election and undertaken so to act shall be guilty of any gross misfeasance or wilful act of commission or omission contrary to any of the provisions herein contained he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds.

Misfeasance &c. of Returning or Presiding Officer Poll Clerk &c.

Conduct

*Municipalities.**Conduct of business.*

101. All acts authorized or required by law to be done and all questions to be decided by the Council shall be done and decided by the majority of the members present at any meeting duly held and a majority of the whole number of members of such Council or a moiety when such number is even shall be a quorum. Provided that if there be not a quorum present within half an hour after the time appointed for the holding of any meeting or if it shall appear at any time during the holding of any meeting that there is not a quorum of members present the Mayor shall have power to adjourn such meeting or intended meeting to some other day. And all meetings of the Council shall be held with open doors unless it shall become necessary to exclude strangers on account of their disorderly conduct. Provided however that the Council shall have the power of excluding strangers while a Mayor is being elected or while any tenders or applications for any work office or employment under the Council are being opened examined or considered or while any complaint against any officer or servant of the Council is being inquired into. But in all such cases the result of all such elections and of all such considerations of tenders or applications and of all such inquiries shall be announced or stated with open doors and an entry of such result shall be made in the Minute Book to be kept as hereinafter provided.
102. The Council shall meet at least once in every month and such meetings shall be held at such hours and on such days as shall be determined by any by-law under this Act or until such by-law shall be in force by any resolution of the Council.
103. The Mayor may call a special meeting of such Council as often as he shall think proper and if he shall refuse or delay to call any such meeting after receiving a requisition for that purpose signed by at least two Aldermen such Aldermen may call a meeting of the Council by giving such notice as is hereinafter directed to the other members thereof.
104. In every case a summons to attend any intended meeting of the Council specifying the business proposed to be transacted at such meeting shall be left at or sent by post to the usual or last-known place of abode or place of business of each Alderman or to such address as he may have indicated for that purpose so that there shall be time for his receiving such summons twenty-four hours at least before the time appointed for such meeting and no business shall be transacted at any such meeting other than is stated in such summons. Provided that no summons shall be necessary for any adjourned meeting and that no business of which notice has not already been given as aforesaid shall be transacted at such meeting.
105. The Council Clerk shall prepare and serve or transmit all such summonses as aforesaid and shall give notice in each such summons for each monthly meeting of the Council of any business of which any Alderman may by writing under his hand delivered to such Council Clerk not less than four days before the day appointed for such monthly meeting have given notice or required to be brought before the Council at such meeting. And in each summons for each such special meeting as aforesaid the Council Clerk shall give notice of such business as the Mayor or the Aldermen calling such meeting shall direct to be notified. Provided that it shall not be necessary in any such summons to give notice *in extenso* of any proposed by-laws or other business to be considered at such meeting but it shall be deemed a sufficient compliance with this Act if the nature and intent of such business is clearly indicated. And provided also that where any business of which notice has been given for one monthly meeting or for any special meeting shall have been postponed until another monthly or special meeting it shall only be necessary to indicate in general terms in the summons that such business so postponed as aforesaid from a previous meeting is to be considered.

Quorum at meetings.

Meetings to be held with open doors but with power to exclude strangers in certain cases.

Meetings to be held monthly.

Special meetings.

Members to be summoned and notice given of all business.

Council Clerk to prepare and transmit summonses.

Notices of business

Municipalities.

106. The Mayor if present shall preside at all meetings of the Council and in his absence or if after being present he shall retire such Alderman as the members present may choose shall preside And in case of an equality of votes the person so presiding shall have a casting vote in addition to his original vote as a member of the Council Provided however that no such Mayor or presiding Alderman shall by any by-law or resolution of the Council be compellable to give such original vote as a member of such Council.
107. Minutes of the proceedings of every meeting of the Council shall be taken by the Council Clerk and being fairly transcribed into a book to be kept for that purpose shall be read at the then next meeting of the Council and shall after confirmation thereby be signed by the Mayor or presiding Alderman.
108. Any elector or any creditor of the Municipality may at all reasonable times without fee make any copy of or take any extract from the Minute Book and any Council Clerk or other person having the custody of the said book who shall not on reasonable demand of any such elector or creditor permit such copy or extract to be made or taken shall be liable to a penalty of not more than five pounds for every such offence.
109. The Council may appoint out of their own body such and so many standing or occasional Committees of either a general or special nature consisting of not fewer than three of their members as may be deemed necessary and may delegate to any such Committee any inquiry negotiation or arrangement or power to do any emergent act or to carry out any work which such Council may have ordered agreed to or directed Provided that every such Committee shall report all its proceedings to the Council at the earliest possible opportunity And the Council may fix the quorum of any such Committee and may give such directions to any such Committee as from time to time may be found expedient and may increase alter or dissolve any such Committee.
110. Every Committee so appointed may meet from time to time and may 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 such Committee unless the quorum of members (if any) fixed by the Council or if no quorum be fixed a majority of the members of such Committee be present And at all such meetings the Mayor if a member of the Committee shall preside or if he be not a member then such Alderman shall preside as a majority of the members of the Committee shall have appointed permanent Chairman thereof and in the absence of the Mayor or of the permanent Chairman respectively such Chairman as the members present shall appoint And all questions shall be determined by a majority of votes and in cases of an equality of votes the member presiding shall have a casting vote besides his original vote as a member of the Committee.
111. The Council shall appoint a place within the Municipality and shall fix certain days and times at and during which the Council Clerk or other person duly authorized by them in that behalf shall attend for the purpose of receiving payments of rates and transacting the ordinary business of the Council And notice of the situation of the office of the Council and of the days and hours on and during which attendance is given there shall be given by the Council by advertisement or placards in such manner that the same may be generally known in the Municipality And no Council Clerk or other officer or servant of the Council shall unless otherwise specially ordered by such Council be compellable to produce any books or transact any other business as herein directed at any other place and time than at the place and within the time so appointed as aforesaid Provided that no such appointment of days for business shall include Sundays Christmas Days Good Fridays and days appointed for general Holidays or public Fasts and Thanksgivings.

Who to preside at Council meetings.

Casting vote.

Minutes of meetings.

Copies and extracts from minutes.

Committees may be appointed.

Meetings Chairman &c. of Committees.

Place and days of business and office hours to be appointed and notified.

Municipalities.

112. The common seal and all charters deeds muniments and records of the Corporation or relating to the property thereof shall be kept in such place and in such custody as the Council shall direct. Custody of seal and records.

113. Every entry in the Minute Book purporting to be a minute of the business transacted at any meeting of the Council and signed as aforesaid by the Mayor or other presiding Alderman at the next meeting of such Council which shall have been holden after such first-named meeting shall be *prima facie* evidence that such business as is therein recorded was transacted at such meeting without proof of the meeting to which the same shall refer having been duly convened or held or of the persons attending such meeting having been or being Alderman or of the signature of the Mayor or other presiding Aldermen or of the fact of such Mayor or presiding Alderman having been or being such Mayor or Alderman. Minute Book to be evidence.

114. The names of all Mayors Aldermen and Auditors elected under this Act and of all officers appointed by the Council shall as soon as conveniently may be after each such election or appointment be notified in the **Government Gazette** And such notice shall in the case of a Mayor be signed by the Council Clerk or if there be no Council Clerk by two of the Aldermen and in the case of Aldermen and Auditors by the Returning Officer and in the case of an officer or officers appointed by the Council by the Mayor And the production of the **Government Gazette** with any such notice shall be *prima facie* evidence that the person named therein as having been elected or appointed as aforesaid has been duly elected and appointed without proof that the Returning Officer Council Clerk Aldermen or Mayor by whom such notice purports to have been signed did in fact sign such notice or cause the same to be published or of the fact of his or their having been or being such Returning Officer Council Clerk Aldermen or Mayor. Mayors &c. to be gazetted.

Government Gazette to be evidence of appointment.

115. No proceeding of the Council or of any Committee shall be invalidated or be illegal in consequence of there being any vacancy in the number of Aldermen at the time of such proceeding provided that at any meeting of such Council or Committee at which such proceeding shall have been taken or ordered a quorum of the members of such Council or Committee as herein required shall have been present. Vacancy in Council or Committee not to invalidate proceedings.

Powers and Liabilities of Councils.

116. The Mayor or presiding Alderman as the case may be shall have power and authority to preserve order and prevent interruption at any meeting of the Council or of any Committee or at the sitting of any Court held hereunder for the revision of any municipal list or roll and without any other warrant than this Act may cause to be arrested and taken before a Justice any person whomsoever not being a Member of such Council who may interrupt the business of such meeting or sitting or cause a disturbance thereat And all constables and peace officers shall aid and assist such Mayor or presiding Alderman in the performance of his duty. Power of Mayor &c. to prevent interruption and to repress disorder.

117. The Council shall within the boundaries of the Municipality have the care construction and management of Public Roads other than the Main Roads of the Colony and of Public Streets Lanes Ferries Wharves Jetties and Public Thoroughfares except as hereinafter provided and shall adopt such means as may seem to them desirable for the establishment and management of places of Public Recreation Public Cemeteries Public Baths and Wash-houses and for securing the supply and distribution of water for domestic or sanitary purposes or for irrigation and for lighting and sewerage or other drainage and may purchase or rent land for public recreation or lands or buildings for public baths or wash-houses within the Municipality or lands either within or without such Municipality for public cemeteries and may make any contracts for the supply of water from Roads &c. under the control of the Council.

Municipalities.

from places either within or without the Municipality or any contracts for or in respect of lighting or sewerage or other drainage. Provided that no Municipality shall be compelled to take the charge or management of any new road or street laid down by any proprietor upon or through
 5 his own land which shall be less than forty feet in width or if the same be more than forty feet and less than sixty-six feet in width unless and until the same shall have been fully made and completed to the satisfaction of the Council. And provided also that all roads streets lanes or
 10 other thoroughfares and all ferries wharves and jetties dedicated to public use or in over and upon which a legal use or enjoyment exists in favour of or is vested in the public shall be deemed and taken to be public roads streets ferries wharves jetties and thoroughfares for the purposes of this Act.

118. Nothing herein contained shall authorize the interference of
 15 any Council with any public road railway bridge ferry cemetery market wharf aqueduct public place or building whatsoever not formed constructed erected or established by such Council and which may be excepted from the jurisdiction of such Council by any proclamation made or to be made by the Governor or respecting which separate provision shall have been or shall be
 20 made by any Act. Provided always that the Governor may by Proclamation authorize any Council to take upon itself the charge of any such public road railway bridge ferry cemetery market wharf aqueduct public place or building within the limits of the Municipality as aforesaid but before the issue of any such proclamation transferring to the Council as
 25 aforesaid the charge of any such public road railway bridge ferry cemetery market wharf aqueduct public place or building as aforesaid there shall be such an adjustment to the satisfaction of the Minister of any then existing debt securities or other arrangements for upon or in respect of such public road railway bridge ferry cemetery market wharf aqueduct public place or
 30 building as the circumstances of the case may require. And upon any such Proclamation as last aforesaid any existing trust or other provision for the management control or other dealing with any such public road railway bridge ferry cemetery market wharf aqueduct public place or building as aforesaid created in pursuance of any Act then in force or by
 35 other competent authority shall thereupon and thereafter cease and determine.

Certain roads &c. exempted from control of Council.
But such control may be given in certain cases and on certain conditions.

119. Any Council or person authorized by any Council may for
 any purpose of this Act at all reasonable times in the day time enter upon
 and lay out or conduct through or make upon or under any private land
 40 within the Municipality any sewers or other drains watercourses wells pumps pipes or any other necessary works and may search for dig and remove with horses carts or otherwise any stone gravel or other road-making material for the making or repairing of any road bridge or aqueduct without payment for the same except as hereinafter enacted. Provided that
 45 all holes pits or quarries shall be filled up and all fences which may have been moved for ingress and egress to or from any such pit or quarry for the purposes aforesaid shall be made good at the expense of the Council. Provided also that for the purpose of obtaining road-making material as aforesaid it shall not be lawful to enter upon any enclosed land or
 50 to carry away stone from any quarry actually worked as such on private property. And every person affected by the construction of any such drain watercourse well pump pipe or other necessary work as aforesaid or by any other work executed by order of the Council or suffering any loss or damage whatsoever under the powers herein conferred may recover compensation from such Council in any Court of competent jurisdiction in
 55 such amount as such Court shall find to be justly due and such Court may in every case make such order as to costs as the justice of the case shall require. Provided that in every case where a reasonable claim for compensation has been refused the party aggrieved shall be entitled to double costs of suit.

Necessary powers of the Council for improvements &c.
Suits for compensation.

Municipalities.

120. If any part of a Public road or street as aforesaid shall lie along and upon or be adjacent lengthwise to the limits of any Municipality but a portion or the whole of the breadth of such part shall be outside such Municipality and if such part shall not as to the breadth so lying outside be within the limits of the City of Sydney or of any other Municipality the Council of such first-named Municipality shall have power to form macadamize and otherwise make good and to repair and maintain such part of such road or street in like manner as any Public road or street within the Municipality.

Council may form street adjoining to Municipality.

121. If any part of a Public road or street as lastly before mentioned shall as to the breadth of such part so lying outside such Municipality be adjacent to or within any limit of the City of Sydney or of any other Municipality and if such road or street shall not as to such part theretofore have been formed macadamized or otherwise made good or shall be out of repair the Council of such first-mentioned Municipality may cause to be given to the Council of the said City or other Municipality a notice stating the desire of the Council giving the notice that such part of such road or street as aforesaid and described in such notice may be formed macadamized or otherwise made good or repaired and offering to treat and agree with the Council receiving the notice with respect to the performance by either party of the whole or part of such work and the future maintenance and repair of such part of the said road or street. And such agreement may be made accordingly and every such Council giving or receiving such notice shall for the purpose of carrying out any such agreement have power to perform any such work or any part thereof and to provide for such maintenance and repair.

If such street form boundary also of another Municipality Council may give notice to treat with respect to it.

122. If for the space of one month after the receipt of any such notice any such Council receiving the same shall not treat and agree with the Council giving such notice as to the subject matter thereof it shall be lawful for such last-mentioned Council at any time afterwards to apply to the Court of Quarter Sessions holden for the district in which such road or street is situated for a summons calling on the Council so having omitted to treat or agree to shew cause to such Court at the sitting of the same for the said district to be holden next after the expiration of fourteen days from the issuing of such summons why the work mentioned in such notice should not be executed.

Court of Quarter Sessions may summon Council failing to treat.

123. The Court of Quarter Sessions holden as lastly hereinbefore mentioned upon proof of the giving of such notice and upon the appearance of both parties or proof if the party so summoned shall not appear of the due service upon such party of such summons shall have power to hear and determine the matter in question and to divide as nearly as practicable such road or street transversely across the length thereof into two equal lengths and to order that each party shall execute in respect of and upon one such separate length the works mentioned hereinbefore and described in the notice aforesaid or if the case so require shall in future undertake and provide for the maintenance and repair thereof.

Court may apportion work and order execution.

124. If either such party as aforesaid shall omit to comply with so much of any such order as shall apply to such party it shall be lawful for the other party from time to time after one month's notice to the party so omitting of their intention so to do to carry out and perform the whole or any part of the matters or things enjoined by such order upon the party so omitting and to recover the expense of so doing from such party in any Court of competent jurisdiction.

On omission either party may execute and recover expense.

125. If the Council of any Municipality shall desire to construct or establish any bridge or ferry over any river or creek at a place where one bank lies but the whole breadth and both banks do not lie within such Municipality and if there be in such case no other Council or body corporate duly empowered as herein provided to treat with such first-named Council with respect to the opposite bank then the said Council may with the

Bridges and ferries at boundary of Municipality.

Municipalities.

the approval of the Governor at their own expense construct or establish such bridge or ferry and the approaches thereto in the same manner as though the whole breadth and both banks were within such Municipality. And if there shall be any such Council or body corporate as lastly mentioned then the Council of such Municipality may treat and agree with such Council or body corporate with respect to such work and may execute such work according to the tenor of such agreement.

126. It shall be lawful for the Governor to appoint that any bridge or ferry which may have been or may hereafter be placed or provided at the boundary of any Municipality on or over any river or creek whereof the whole breadth and both banks shall not at the site of such bridge or ferry lie or be within such Municipality shall be under the control of the Council of such Municipality. Provided that if any such bridge or ferry or the approaches thereto shall have been constructed or formed by the Council of any Municipality at their own expense or in pursuance of any contract as herein provided with any other Council or body corporate whereby it shall have been stipulated that the control of such bridge or ferry shall be vested in such first-mentioned Council then in every such case the Governor shall give the control thereof to such Council.

Governor may give control of bridge or ferry at such boundary to the Council.

And shall do so if it be constructed at their own expense &c.

127. The Council of every Municipality shall within and for such Municipality have and exercise the following powers which by the Act twenty-ninth Victoria number two the "Impounding Act of 1865" or any Act or Acts amending the same may or are required to be exercised in and for any district by the Court of Petty Sessions of such district or a majority of the Justices assembled in any such Court (that is to say)—All such powers conferred by the said Act as relate to the establishment of public pounds the appointment of poundkeepers the determination of the amount of security to be given by each such poundkeeper the monthly inspection of the pound-book and instructions the receiving of such book and instructions from each poundkeeper on his ceasing to hold office as such and the fixing of charges for the care and sustenance of animals impounded. And with regard to the foregoing provisions the said Act shall be read as if in every case where such powers or any of them are given by such Act to any Court of Petty Sessions or majority of Justices as aforesaid there had been a proviso that wherever a Municipality had been established such powers so given to such Court or majority of Justices respectively should for and in respect of such Municipality be alone vested in and exercised by the Council thereof. And the poundkeeper shall in every such case be an officer of the Council within the meaning of this Act. And all pounds already established and all poundkeepers in office in any Existing Municipality at the time of this Act coming into force or in any Municipality incorporated hereunder at the time of the incorporation thereof shall be deemed to all intents and purposes to have been established and appointed on the recommendation of the Council thereof.

Council to have certain powers vested in Courts of Petty Sessions &c. by "Impounding Act of 1865" (29 Victoria No. 2) secs. 3 4 6 and 8.

128. The Council of every Municipality shall alone in and for such Municipality have exercise and incur the following powers and obligations which by the Acts second Victoria number two eleventh Victoria number forty-four seventeenth Victoria number twenty-five and nineteenth Victoria number ten respectively may or are required to be exercised and incurred by the Police Magistrate or by other Justices of the Peace or by the Surveyor General or person deputed by him or by any Magistrate or municipal officer of any town or other person acting under the authority of the Governor or by the Police Magistrate with the assistance of the Bench of Magistrates or by the Colonial Treasurer or other such officer as the Governor may authorize respectively that is to say the powers conferred by the said Acts or either of them for or in respect of the enclosure of holes or foundations near any public place and the lighting of such enclosures and for and in respect of the

Council to have certain powers vested in Police Magistrate &c. under Country Towns Police and Alignment Act 2 Vict. No. 2 secs. 31 37 38 48 49 52 54 56 and 57 Country Towns Police and Alignment Act Amendment Acts 11 Vict. No. 44 and 19 Vict. No. 10 and Sydney Hamlets Police Act 17 Vict. No. 25 secs. 26 30 and 31.

Municipalities.

the receiving of notices as to the blasting of rocks and the giving of such directions thereon as may be deemed necessary for the public safety and for and in respect of the granting of leave for the opening of any drain or sewer or the removal of any turf clay sand gravel stone or other material from any carriageway or footway and for and in respect of the setting out and defining of carriageways and footways in streets and public places and for and in respect of the giving of notice for the removal or abatement of any building or erection in any street part of a street or public place within the distance from the curb stone or extreme edge of the footway fixed and declared by the Governor and Executive Council and for and in respect of the receiving of notice of the intention to erect any house shop or other building in any street before such erection shall be commenced and the furnishing of information as to any legal provisions relating to such proposed erection and for and in respect of the marking of names of streets upon any walls and the numbering of houses and for and in respect of causing footways to be levelled and removing or abating any flagging steps or other injury or obstruction therefrom and for and in respect of the receiving of notice from any person desirous of flagging paving gravelling or putting a kerb stone to the footway in front of his house or premises and the giving of directions as to the length breadth height slope and inclination of such footway and for and in respect of the framing and alteration with the Governor's approval of rules and regulations for the holding of markets and the preservation of order and cleanliness therein and of enforcing such regulations by fines or penalties and for and in respect of the farming by public auction of any stalls or standings in any market-house And with respect only to the foregoing provisions the said Acts shall be severally read so far as they relate to any Municipality as if the words "Council of the Municipality" stood in such Acts respectively instead of the following words and descriptions respectively namely "Police Magistrate" "any Justice" "Justice of the Peace" "one of the nearest resident Justices of the Peace" "said Justice" "some Justice of the Peace" "the Surveyor General or any person deputed by him or for any Magistrate or municipal officer of any such town under the authority of the Governor" "Any person appointed by the Governor" "Police Magistrate with the assistance of the Bench of Magistrates" and "Colonial Treasurer or other such officer as the Governor of the said Colony shall otherwise authorize and appoint" And no Police Magistrate or Justice of the Peace or other officer or person as aforesaid shall be required or empowered to do any act or give any notice or direction or information or receive any notice as hereinbefore mentioned as to any of the said matters or things existing arising or occurring within the limits of any Municipality And so much of all fines fees and sums of money which by reason of the operation of the said Acts or either of them in for or in respect of any Municipality shall be payable by any person as would if this Act had not been passed be paid into the Consolidated Revenue shall belong to the said Municipality and shall be paid to the Treasurer or other proper officer of such Municipality for the general purposes thereof Provided that the said Council may by any by-law made sanctioned and published as herein directed delegate all or any of the said powers to any officer of such Council.

129. The Council of any Municipality may with the consent of the Governor impose and enforce a fixed annual half-yearly or quarterly charge upon vehicles plying or carrying passengers or goods for hire within such Municipality whether such vehicles shall be licensed by the Municipal Council of the City of Sydney or not. Council may impose fixed charge on public vehicles.

130. Subject to the approval of the Governor it shall be lawful for the Council of any Municipality from time to time to contract upon such terms Co-operation of Councils.

Municipalities.

terms and conditions as they may see fit with the Council of any other Municipality or with any other body corporate or public body empowered in that behalf for or in respect to the doing and the control and management by either or both of the contracting parties of any matter or thing which the Council of the Municipality or such other body is by law empowered to do and perform.

131. The Council may compound with any party who has entered into any contract or against whom any action or suit has been brought for any penalty contained in any such contract or in any bond or other security for the performance thereof or on account of any breach or non-performance of any contract bond or security for such sums of money or other recompense as the Council may think proper.

Composition for breaches of contract in certain cases.

132. The Council shall have power by themselves or their officers to abate and remove all nuisances within the Municipality and any two Justices in Petty Sessions upon information or complaint made before them may in a summary manner compel such nuisances to be abated and removed by the owners or occupiers of the premises upon from or in respect of which the nuisance shall exist or have arisen And the word "nuisance" in this Act shall mean and include the following matters—any boiling-down establishment slaughter-house or other premises in such a state as to be a nuisance or injurious to health any pool ditch gutter watercourse privy urinal cesspool drain or ashpit so foul as to be a nuisance or injurious to health any animal or the carcass of any animal or any part thereof in such a state or so kept or left as to be a nuisance or injurious to health and any accumulation or deposit which is a nuisance or injurious to health.

Powers as to nuisances.

Definition of nuisances.

133. The Council of every Municipality shall have power in like manner and by like process in respect to Districts where the lands for the most part are under cultivation or have been cleared and enclosed by fences to order and compel the extirpation of the weeds known as the Bathurst burr and the Scotch thistle and other noisome weeds and generally to make by-laws and adopt the necessary means for preventing the growth of weeds detrimental to good husbandry.

Power to extirpate weeds.

134. Nothing in the preceding sections shall be construed to prevent or affect prosecutions by information or indictment or any other proceeding in respect of nuisances now or hereafter existing which may be abated or made the subject of presentment or prosecution at the common law or under any existing Act.

Common nuisances.

135. All proprietors of houses in any town having a frontage to a street formed with footpaths by the Municipality wherein the same is situate shall be bound to have such frontage sufficiently spouted so as to prevent the drip of water on the footpaths and when any such spouting shall be effected by the tenant of any such houses the cost thereof may be deducted from the rent.

Houses to be spouted.

136. Every person who encroaches by making or causing to be made any building hedge ditch or other fence or any drain on any street or other public thoroughfare within any municipality shall on conviction forfeit for every such offence any sum not exceeding five pounds and the Council shall cause such building hedge ditch fence or drain to be taken down or filled up or otherwise made good at the expense of the person by or to whom the same shall have been made or belong and such expenses may in default of payment be recovered by the Council before any two Justices.

Encroachment upon streets.

137. Whenever in consequence of death absence or otherwise any Alderman Council Clerk or other officer other than an Auditor shall be prevented from performing any duty which by this Act he is directed to perform it shall be lawful for the Mayor to appoint any other Alderman or person to perform the same And if for any like reason the Mayor shall be prevented

Power of appointing substitute for Mayor &c. when prevented from performing any duty directed by this Act.

Municipalities.

prevented from performing any such duty the Council shall appoint some other Alderman to perform the same And if for any like reason any Auditor shall be prevented from performing or shall refuse or neglect to perform any such duty the Council shall appoint some elector of the Municipality not being an Alderman thereof to perform the same And all the acts and proceedings of any person so appointed as aforesaid shall have the same validity as the acts and proceedings of the Mayor Alderman Auditor Council Clerk or other officer in whose place such person has been so appointed as aforesaid would have had.

10 138. The Mayor or the Council Clerk or any Alderman or officer of the Council of any Municipality appointed by such Council in that behalf shall have the same right and authority to represent the body corporate in the conduct of any action suit or other proceeding in any Court of Law or in Equity by for on account of or against such corporate body as if 15 such action suit or proceeding had been brought or instituted by for on account of or against such Mayor Council Clerk Alderman or officer individually.

Mayor or Council Clerk &c. to conduct suits and proceedings on behalf of the body corporate.

139. Any summons or notice or any writ or other process document writing or other matter issued according to the course of any proceeding at law or in equity and required to be served upon the Council may be served by the same being sent through the Post Office directed to the Council at their office or left at such office or by being given personally to the Mayor or Council Clerk.

Service of notices &c. on Council.

140. Every person who shall wilfully hinder or interrupt or cause or procure to be interrupted the Council or their managers surveyors agents servants or workmen or any of them or the Auditors in doing or performing any of the works or in the exercise of any of the powers and authorities exercisable by or vested in them by law shall for every such offence forfeit and pay any sum not exceeding ten pounds.

Penalty for interrupting Council or their officers.

30

Special Powers.

141. The Council of any Municipality may establish and maintain Free Libraries every such Library to be in a room under the control of the Council which shall be open to the public every day except Sunday Christmas Day and Good Friday for a stated period to be defined in each case by by-laws and without any restriction other than what may be necessary for the preservation of the property therein and the observance of good order.

Councils may establish Free Libraries.

142. Wherever a Free Library is established by a Municipality the Council shall be entitled to receive a grant from the Consolidated Revenue in aid of the purchase of books in the manner and on the conditions following:—

Free Libraries may be aided from the Consolidated Revenue.

- (1.) If the Library is in a District where a population of at least three hundred souls can regularly make use of it ... 100
- 45 (2.) If the Library is reasonably available for the use of a population of at least one thousand souls ... 200

Provided always that the Governor shall be satisfied of the facts in each case and the list of books to be so purchased shall be approved of by the Inspector of Public Charities or the Minister exercising the powers of that office.

143. The Council shall be entitled to receive without payment for the use of any such Free Library a complete copy of the Public Statutes and copies of all publications issued from the Government Printing Office on and after the date of the establishment of such Library.

Public Statutes &c. to be presented to Free Libraries.

Municipalities.

144. The property of every Free Library shall be vested in the Council for the permanent use of the whole of the inhabitants of the Municipality and the Council acting as Trustees thereof shall be competent to acquire possess and hold property in books papers and instruments on behalf of such Free Library by bequest purchase or otherwise.

Property of Free Libraries to be vested in Councils.

145. The Council of any Municipality may establish Free Infant Schools for the instruction and industrial training of children whose parents are in prison half-caste children and other children who are objects of charity and shall be competent to acquire possess and hold land and other property by grant from the Crown bequest or purchase for the purposes of such schools Provided always that the instruction given in any such school shall be of a character not calculated to interfere with the religious belief of any child.

Councils may establish Free Infant Schools.

146. It shall be lawful for the Council of Education to grant aid towards the maintenance of Free Infant Schools to be determined by the number of children and other circumstances in each case and all such Schools shall be subject to the provisions of the Act thirty Victoria number twenty-two in respect to the course of secular instruction to be enforced the examination of teachers and the inspection of Schools.

Free Infant Schools may be aided by the Council of Education.

147. The Councils of any two or more Municipalities may unite in establishing Free Infant Schools as hereinbefore provided for the common use and advantage of such Municipalities and may from time to time appoint joint committees of management for the proper conduct of the same Provided that no person shall be a member of any such joint committee of management who is not an Alderman of one of the Municipalities so uniting in the establishment of any such School.

Two or more Municipalities may unite in establishing Free Infant Schools.

148. All by-laws for the regulation of any Free Infant School which may be established by the united action of two or more Municipalities shall be confirmed by the Council of each of such Municipalities.

By-laws of Free Infant Schools in certain cases to be confirmed by two or more Councils.

30

Officers and Servants.

147. 149. The Council of every Municipality shall appoint such officers and servants as in their discretion they may deem necessary for the execution of the powers and duties hereby vested in such Council and shall assign remuneration to such officers and servants by way of salaries allowances or wages which shall be in lieu of all fees perquisites and other emoluments whatever.

Power to Council to appoint and remunerate officers.

150. In any Borough possessing a population according to the most recent census of not less than three thousand inhabitants and incorporated as a Municipality under this Act the Council thereof shall appoint an Officer of Health with such salary as may be deemed sufficient and such salary shall be in lieu of all fees perquisites and other emoluments whatsoever.

A Health Officer shall be appointed in certain towns.

151. The Officer of Health so to be appointed shall be a duly qualified Medical Practitioner and be subject to approval by the Governor with the advice of the Executive Council and he shall perform the following duties within the Municipality for which he shall be appointed that is to say he shall ascertain the existence and character of diseases especially those deemed epidemic or contagious and point out any nuisances or other local causes tending to produce aggravate or continue such diseases or otherwise injure the health of the inhabitants and devise and recommend to the Council of such Municipality from time to time the best means of preventing the spread of such diseases and also the best means of ventilating schools lodging houses and public buildings within the same and shall perform any other duties of a like nature required of him and once in every quarter or oftener if required by the said Council shall report to such Council

Duties of Health Officer.

on

Municipalities.

on the state of health generally in such Municipality as indicated by the presence or absence of such diseases and on the means adopted or in progress to prevent as far as may be their recurrence.

148. 152. Every officer employed by the Council who shall exact Officers or servants exacting or accepting fees. or accept on account of anything done by virtue of his office or in relation to the matters to be done under this Act any fee or reward whatever other than the salary or allowance allowed by the Council shall be liable to a penalty of not less than ten pounds nor more than one hundred pounds.
- 10 149. 153. Every officer or servant who by reason of his office or employment under the Council may be intrusted with the custody or control of Officers intrusted with money to give security and to account. any moneys shall give such security for faithfully and duly accounting for the same as the Council may think sufficient and shall within seven days after having received any moneys or within such shorter time as the Council may appoint pay over the same to the Treasurer of the Municipality or into some Bank selected by the Council And shall also as and when the Council may direct deliver a list signed by him containing the names of all persons who have neglected or refused to pay any sums due by them And shall when and as required by the Council make out and deliver a true and perfect account in writing under his hand and signature of all moneys received by him for the purposes of this Act distinguishing how and to whom and for what purposes such moneys have been disposed of And shall together with such account deliver the vouchers or receipts for all payments made by him and shall pay over to or receive from the said Treasurer or the Mayor the balance of such accounts if any
- 25 And if any such officer or servant shall fail to render such account or to produce and deliver up all vouchers and receipts in his possession or power or to pay over any such moneys or balance as aforesaid or if for the space of seven days after being thereunto required he shall fail to deliver up to the Council all books papers writings property effects matters and things in his possession or power belonging to the Council he shall on proof thereof before any Justice and on his still failing or refusing to do such or any other required act relating to the premises be liable on summary conviction before a Justice to be imprisoned for any term not exceeding three weeks or until he shall have done such act And if it shall appear that he has failed to pay over such moneys as aforesaid and he still fails or refuses so to do the Justice may cause any such moneys as aforesaid to be levied by distress upon his goods and chattels and in default of any sufficient distress may commit him to gaol without bail for any time not exceeding three months unless such moneys be sooner paid Provided that upon proof on oath to any Justice that there is probable cause for believing that any such officer or servant so charged is about to abscond such Justice may without summons cause him to be forthwith apprehended upon warrant and may upon *prima facie* proof on oath of the charge require him to give bail for his subsequent appearance to answer the same Provided also that no such proceeding shall relieve any surety of the offender from any liability whatsoever nor any such offender from being held to answer any criminal information charge or proceeding whatsoever.
- 50 150. 154. The Mayor may suspend from office at any time any officer or Mayor may suspend officers. servant of the Council who may in his opinion be guilty of misconduct or neglect and if necessary may temporarily appoint and may take security from another officer or servant to fulfil the duties of such officer or servant so suspended as aforesaid Provided that at the then next meeting of the Council the Mayor shall report the matter to the Council and if the officer or servant so suspended be dismissed by the Council no salary or wages shall be due or payable to him from or after the date of his suspension And every officer or servant so temporarily appointed shall only hold office and receive remuneration in no case exceeding that paid to

Municipalities.

to the suspended officer or servant until the Council shall decide whether the person suspended shall be reinstated or shall be dismissed and a successor appointed in his stead.

By-laws.

- 5 ~~151.~~ 155. The Council of any Municipality may from time to time make by-laws for the following matters so far as the same are not herein expressly provided for and may from time to time by other by-laws alter or repeal any such by-laws namely for—
- 10 Regulating their own proceedings and the duties of their officers and servants and preserving order at Council Meetings
- Determining the times and modes of collecting and enforcing payment of their rates either current or in arrear
- Preventing and extinguishing fires
- 15 Suppressing nuisances houses of ill fame and gaming-houses
- Preventing or regulating and licensing exhibitions held or kept for hire or profit bowling alleys and other places of amusements
- Compelling residents to keep their premises free from offensive or unwholesome matters
- 20 Regulating and licensing porters public carriers carters water-drawers and vehicles plying for hire—the killing of cattle and sale of butchers meat and the establishment and locality of slaughter-houses or abattoirs
- Regulating markets market dues fairs and sales
- 25 Opening new public roads ways and parks
- Aligning curbing paving guttering gravelling and cleansing roads and streets
- Regulating the supply and distribution of water
- Sewerage and drainage
- 30 Lighting with gas or otherwise
- Causing vacant building lots in towns to be enclosed where public safety is likely to be endangered
- Regulating the interment of the dead
- Planting and preserving trees and shrubs
- 35 Generally controlling and managing public reserves
- Regulating Free Libraries and Free Infant Schools
- Collecting and enforcing special rates for water supply Free Libraries and Free Infant Schools
- 40 Preventing or regulating the bathing or washing the person in any public water near a public thoroughfare
- Preserving public decency
- Providing for the health of the Municipality and against the spreading of contagious or infectious diseases
- 45 Restraining noisome and offensive trades
- Collecting and managing tolls rates and dues upon roads bridges wharves jetties and markets
- And generally maintaining the good rule and government of the Municipality.
- 50 ~~152.~~ 156. The Council may also make by-laws for the establishment maintenance or regulation of hospitals for the care of the destitute poor and sick and of asylums for the protection support and moral and religious instruction of destitute or deserted children And may take over any existing hospital or asylum with the consent of the managers thereof and make by-laws for it in like manner.
- 55 ~~153.~~ 157. The Council may also make by-laws for the establishment maintenance and regulation of infant schools public libraries schools of arts museums botanical gardens public baths and wash-houses or other public places of recreation or improvement and may with the approval of the Governor grant money from the corporate funds in aid of any such purpose.

Council to make by-laws generally.

And for hospitals asylums &c.

And for libraries gardens &c.

Municipalities.

154. 158. The Council may also make by-laws for regulating the rights and privileges to be enjoyed by the inhabitants of any Municipality over any common or reserve already or hereafter set apart or dedicated for the use of such inhabitants. And respecting commonage rights.
- 5 155. 159. Any by-laws made under this Act may state some minimum and maximum penalty for any neglect or breach thereof respectively and may also fix minimum penalties in case of successive convictions in respect of the same offence. Provided that no such maximum penalty shall exceed fifty pounds. By-laws to be enforced by penalty.
- 10 156. 160. All or any such by-laws being consistent with the provisions of this Act and not repugnant to any other Act or Law in force within the Colony of New South Wales shall have the force of law when confirmed by the Governor and published in the *Government Gazette* but not sooner or otherwise. And copies thereof shall be laid before both Houses of Parliament forthwith if Parliament be sitting and if not then within fourteen days after the opening of the next session. By-laws to be approved by Governor in Council and gazetted.
- 15 157. 161. The production of the *Government Gazette* with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-law has been made confirmed and published as is herein required. Provided that no objection to the validity of such by-law which may be sustained on the ground of its repugnancy to this Act or to any Act or Law as aforesaid shall be affected by anything in this section contained. By-laws to be proved by production of the Gazette.
- 20 158. 162. Upon and after any division of any Municipality in manner aforesaid and the constitution of the parts so divided into distinct Municipalities the by-laws in force in such first-named Municipality at the time of such division shall be the by-laws of each such Municipality after such division until such by-laws shall be amended altered or repealed by the Council thereof and such amendment alteration or repeal shall have been confirmed and published as herein directed. By-laws in force on division of Municipalities.
- 25 159. 163. Upon the union as herein provided of any two or more Municipalities the Minister shall declare what by-laws of those in force for such several Municipalities at the time of such union shall be the by-laws of the United Municipality. And such by-laws so declared to be the by-laws of the United Municipality shall be in full force therein until such by-laws shall be amended altered or repealed by the Council thereof and such amendment alteration or repeal shall have been confirmed and published as herein directed. And all other by-laws previously in force in the said Municipalities so united as aforesaid or any of them shall after such declaration by the Minister as aforesaid become null and void. Provided that all acts or things done or had and all fines penalties and forfeitures imposed under or by virtue of any by-law so become null and void shall be of the same force and effect and be recovered in like manner as if such union had not taken place and such declaration by the Minister had not been made. By-laws in force on union of Municipalities.
- 35 40 45 50 Provided also that in every such case of union or division as mentioned in this and in the last preceding section the Council of every Municipality created in pursuance of this Act on and by such union or division shall have the same power as to the enforcement of any by-laws in force or enforceable in such Municipality under the provisions hereof as if such by-laws had been made by such Council. Provided further that in the case of any road dividing two or more Municipalities the Governor shall have power to declare and determine which set of by-laws of the Municipalities so divided shall be in force on such road. Power of Council of New Municipalities created by union or division to enforce by-laws.
- 55 160. 164. In every case where two or more Municipalities have been united and the Minister shall have declared as aforesaid what by-laws are to be in force as the by-laws of the United Municipality such by-laws so declared to be in force shall be published in the *Government Gazette* and By-laws of United Municipality to be gazetted and to be proved by Gazette.

Municipalities.

the production of such **Government Gazette** with such by-laws so published therein shall be as sufficient evidence as hereinbefore provided that such by-laws are in as full force for such United Municipality as if the same had been made by the Council thereof and had been confirmed and published 5 as hereinbefore enacted.

Assessments Rates and Accounts.

161. 165. All Lands Houses Warehouses Counting-houses Shops and other Buildings Tenements or Hereditaments within any Municipality shall be rateable property within the meaning and for all the purposes of this 10 Act save as is next hereinafter excepted that is to say Land the property of Her Majesty and unoccupied or used or reserved or vested in Trustees for public purposes Land and Buildings in the occupation of the Imperial Government or the Government of New South Wales or of the Council of the Municipality Hospitals Benevolent Institutions and Buildings used 15 exclusively for public charitable purposes Churches Chapels and other buildings used exclusively for Public Worship and ~~Public~~ all Schools subject to the provisions of the Public Schools Act of 1866 Colleges and Universities.

Definition of rate-
able property.

162. 166. The Council of each Municipality shall annually within 20 three months after the election of the Mayor thereof make or cause to be made an estimate of the probable amount which will be required for the then current year in addition to any tolls rates or dues levied or authorized to be levied within the Municipality and to any probable income from fines voluntary contributions endowments or any other source 25 of revenue to carry on the fencing making and repairing of any roads bridges punts wharves piers or other public works in the said Municipality and any other expenses necessary in carrying into effect the provisions of this Act and shall raise the amount so estimated by an assessment and rate upon all rateable property within such Municipality assessing the same at 30 nine-tenths of the fair average annual rental of all buildings and cultivated lands or lands which are or have been let for pastoral mining or other purposes whether such buildings or lands shall be then occupied or not and at the rate of five pounds *per centum* upon the capital value of the fee simple of all unimproved lands such average rental and capital value of all such 35 rateable property to be estimated by valuers as is hereinafter provided And notice of such assessment and rate shall be served if the property be occupied upon the occupier by a notice addressed to such occupier and left at or sent through the post to the premises and if unoccupied by a notice addressed to the lessee or owner of such property and left at or sent 40 through the post to his last-known residence or place of business in the Colony And as to any rateable property which is unoccupied and the owner of which is not known to the Council notice of such assessment and rate upon such last-mentioned property shall be advertised twice at least in two successive weeks in some newspaper circulating in the 45 Municipality Provided that no such rate shall exceed one shilling in the pound on the assessed value of all such rateable property calculated and determined as hereinbefore directed And the rate so imposed as aforesaid shall be payable by the occupier of the property for which such rate is payable if occupied and if unoccupied then by the lessee or owner Pro- 50 vided also that nothing herein contained shall prevent any private arrangement between landlords and tenants as between themselves with respect to their ultimate liability to rates respectively Provided further that in any notice by advertisement as herein required of the assessment and rate upon property of which the owner is unknown to the Council it shall not

Annual estimate
assessment and
rates.

Municipalities.

not be necessary to describe such property by metes and bounds but only to state in general terms so that the same may be intelligible its situation and estimated area and the name or names of the original grantee or grantees And provided also that nothing herein contained shall prevent
 5 the Council from collecting their rates by half-yearly instalments if they shall think fit And also further provided that in Municipalities consisting of two or more wards it shall not be lawful to expend in any ward in improvements the funds raised in another ward without the consent of the Councillors for the ward in which such funds may have
 10 been raised.

163. 167. For the purpose of constructing and maintaining any works for or relating to the draining of lands water supply sewerage or lighting with gas or otherwise the Council of any Municipality may establish special rates and may levy the same upon the owners or occupiers of any
 15 property within the Municipality deriving any benefit or advantage from such works Provided that such special rates so levied shall not in the aggregate in any one year exceed one shilling in the pound on the annual value of the rated property assessed as aforesaid Provided however that the Council of any Municipality may in order to provide funds for the
 20 watering of any street or road within such Municipality establish a special rate or charge on the rateable property in such street or road not exceeding sixpence in the pound in any one year on the assessed annual value of such property and may levy the same upon the owners or occupiers thereof in addition to any special rate for drainage water supply or
 25 lighting which may have been established and levied as aforesaid.

Special rates for
sewerage water &c.

164. 168. For the purpose of constructing and maintaining Water
 Works and ensuring a supply of pure water the Council of any Municipality may establish special water rates in towns and may levy the same upon the owners or occupiers of all houses in streets where the water
 30 mains are laid down Provided that no such special water rate shall exceed five shillings per annum for every separate room in a dwelling-house.

Special Water Rates.

165. 169. For the purpose of establishing and maintaining Free
 Libraries and Free Infant Schools or either of them the Council of any
 35 Municipality may establish a rate or rates and levy the same on the owners or occupiers of any property within the said Municipality Provided that any such rate or rates shall not in any one year exceed threepence in the pound on the annual value of the rated property assessed as aforesaid.

Educational Rate.

170. The special and general rates taken together for any Muni-
 40 cipality shall not at any one time exceed two shillings in the pound of the assessment of the rateable property and no special rate shall at any time be made so that together with any special rates theretofore made and for the time in force it shall exceed one shilling in the pound of such assessment for the time being.

Limitation of
rates.

45 166. 171. Every such assessment and rate shall be fairly transcribed in a book to be kept for that purpose and to be called the "Rate Book" and may be in the form or to the effect of Schedule L hereto and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and shall
 50 be sealed with the seal of the Municipality And notice of such assessment and rate having been made shall be advertised once in each week for two weeks after the making thereof in some newspaper circulating in or near the Municipality and the book containing the same shall be open to the inspection of any person rated or interested in such rate at all reasonable
 55 times and any such person may take copies or extracts from such book without fee And any person having the custody of such book who refuses or does not permit any person so rated or interested to take copies or extracts therefrom shall for every such offence be liable to a penalty not exceeding five pounds.

Form of rate and
how notice to be
given.

Municipalities.

167. 172. The Council may from time to time amend any rate made in Amending rate.
 pursuance of this Act by inserting therein and transcribing into the said
 book the name of any person claiming and entitled to have his name therein
 as owner or occupier or by inserting therein the name of any person who
 5 ought to have been rated or by raising or reducing the sum at which any
 person has been rated if it appear to them that such person has been
 under-rated or over-rated or by making such other amendments therein as
 will make such rate conformable to this Act and no such amendment shall
 be held to avoid the assessment or rate Provided that every person
 10 aggrieved or affected by any such alteration shall have the same right to
 appeal therefrom as he would have had if his name had been originally
 inserted or no such alteration had been made and as respects every such
 person the assessment and rate shall be considered to have been made at
 the time when he received notice of such alteration and every person
 15 whose rates are altered shall be entitled to receive seven days notice of
 such alteration before the rate shall be payable by him.

168. 173. Whenever the name of any owner liable to be rated under this Words "the owner"
 Act is not known to the Council it shall be sufficient to rate such owner enough if name un-
 in the rate book by the designation of "the owner" without stating his known.
 20 name.

169. 174. The Council of each Municipality shall cause a valuation to Annual valuation
 be made in each year of all rateable property within such Municipality of rateable property.
 by two competent persons to be styled valuers Provided however that as
 to property which has been already assessed and rated the valuation of
 25 the last year may be used with such alterations if any as may appear
 necessary to the valuers and shall be taken to be the valuation for the
 then current year And every valuer before acting as such shall before a
 Commissioner of the Supreme Court or a Justice subscribe a solemn
 declaration to make such valuation impartially and truly according to the
 30 best of his judgment and shall give or transmit such declaration to the
 Mayor.

170. 175. Every valuer shall for the purpose of making such valuation as Entry of premises
 aforesaid have power to enter at all reasonable hours in the day time into by valuer.
 and upon any rateable property within the Municipality without being
 35 liable to any legal proceedings on account thereof.

171. 176. It shall be lawful for any valuer to put to any person in Valuer empowered
 occupation or charge or being the owner of any rateable property which to make enquiries.
 such valuer shall have been authorized under the provisions hereof to
 value questions upon all such matters as shall be necessary for the purpose
 40 of ascertaining the particulars required by this Act to be transcribed in
 the rate book with regard to the said property and if after being informed
 by such valuer of his purpose in putting such questions and of his authority
 under this Act to put the same any such person in occupation or charge
 or any such owner shall refuse or wilfully omit to answer the same to the
 45 best of his knowledge and belief or shall wilfully make any false answer
 or statement in reply to any such question such person shall on conviction
 forfeit and pay a penalty not exceeding ten pounds.

172. 177. If any person shall think himself aggrieved by the value at Appeal from assess-
 which his property has been assessed for any year he may on some day to ment and rates.
 50 be fixed annually by the Council for the purpose of such appeals and
 notified by advertisement in some newspaper circulated within the Muni-
 cipality appeal against such assessment to two or more Justices in Petty
 Sessions held within or nearest to the Municipality in which the property is
 situated such day not being earlier than fourteen nor later than twenty-one
 55 days after such service of notice as aforesaid and such Justices shall have
 power to hear and determine the same and to award such relief in the premises
 as the justice of the case may require and such decision shall be final as
 regards the matter of such appeal and the rate book aforesaid shall if neces-
 sary

Municipalities.

sary be amended in accordance with such decision. Provided that the person so appealing shall give notice in writing to the Council of his intention to appeal against the assessment seven days at least before the holding of such Petty Sessions. Provided also that in the case of any amendment of the rate as aforesaid any person aggrieved or affected by such amendment shall have a right of appeal to such Petty Sessions in manner aforesaid at any time after the day so annually fixed as aforesaid on giving notice of such intended appeal as aforesaid within fourteen days after he shall have received notice of such amendment. Provided also that no Mayor or Alderman or any Magistrate who has any personal interest in any such appeal shall act in the hearing or decision thereof. And provided also that no such notice of appeal shall prevent the receiving of any rate until such appeal shall be decided.

173. 178. In case any occupier of any rateable property shall fail after thirty days notice as aforesaid to pay any such rate as aforesaid in such instalments and at such periods as the Council shall have directed by any by-law or until such by-law shall be in force by any resolution the Mayor may issue his warrant for levying the amount—with costs by distress and sale of the goods and chattels found on the premises for which such rate or assessment shall be due and continuing to be occupied by the person on whom such notice as aforesaid shall have been served and such warrant shall authorize the person executing the same or his assistant to remain on the premises during the interval between such distress and sale whether such authority be expressed or not in such warrant. And in case any premises for which such rate as aforesaid shall be payable shall be unoccupied or if the occupier thereof—not being the tenant or owner—shall after such notice as aforesaid not pay the same or goods and chattels shall not be found on the premises sufficient for payment thereof with costs or such tenant or owner shall fail after notice as aforesaid to pay such rate in such instalments and at such periods as may be directed as aforesaid such tenant or owner may be sued for the same in any the Court of Petty Sessions or District Court for the district within which the assessed property shall be situate or in any other Court of competent jurisdiction and such Court shall have the same power as to costs as in ordinary actions of debt between private parties. And any such overdue rate or assessment shall be and remain a charge upon the rateable property in respect of which the same is payable and may be recovered at any future time from any owner of such property with full costs of suit in any Court of competent jurisdiction. Provided always that it shall be lawful for the Council of any Municipality at their discretion to withhold the said proceedings by distress and sale and notwithstanding anything to the contrary herein contained to recover the amount of rates due from any person liable to the payment thereof in pursuance of the provisions of this Act by action of debt in any Court of competent jurisdiction. And provided also that it shall not be lawful in Municipalities that have been in a state of suspension to sue or distrain for any rates other than those due for the then current or last preceding year.

174. 179. If on the request of the Council or on the request of any Collector of the said rates duly authorized by such Council as such the occupier of any property refuses or wilfully omits to disclose or wilfully mis-states to the Council or Collector making such request the name and address of the owner of such property or of the person receiving or authorized to receive the rents of the same such occupier shall be liable to a penalty not exceeding five pounds.

175. 180. In any proceeding to levy or recover or consequent on the levying or recovering of any rate under this Act the rate book aforesaid and all entries made therein as aforesaid shall upon the production thereof alone and without any proof of the seal of the Municipality having been affixed be and be held to be conclusive evidence of such rate and of the contents thereof for all intents and purposes.

Enforcement of rates.

Occupier refusing to give name of owner liable to penalty.

Rate books to be evidence.

Municipalities.

176. 181. The Council may also establish tolls rates and dues upon any road street market bridge ferry wharf or jetty within and belonging to the Municipality and erect toll-gates toll-bars or other works necessary for the collection of such tolls rates and dues and may make by-laws for the proper collection and management of such tolls rates and dues.

Council may establish tolls &c.

177. 182. All moneys of the Council amounting to twenty pounds and upwards shall within seven days after they shall have come to the hands of the Treasurer or other proper officer of the Council be paid into such Bank as the Council shall from time to time have appointed for that purpose and no such money shall be drawn out of such Bank save by cheque signed by the Mayor and any one or more Alderman or Aldermen authorized from time to time by the Council in that behalf and countersigned by the Council Clerk.

Bank account.

178. 183. The Council shall cause books of account to be provided and true and regular accounts to be entered therein of all sums of money received and paid in accordance with the provisions of this Act and of the several purposes for which such sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the Aldermen or rate-payers and any creditor of the body corporate without fee or reward and the Aldermen and persons aforesaid or any of them may take copies of and extracts from the said books without paying anything for the same and any Council Clerk or other person having the custody of the said books who shall not on any reasonable demand of any Alderman rate-payer or creditor as aforesaid permit him to inspect the said books or to take such copies or extracts as aforesaid shall be liable to a penalty of not more than five pounds for every such offence.

Books of account and inspection by persons interested.

179. 184. The Council shall in every case in which they shall make or levy any such special rate as aforesaid cause a separate and distinct account to be kept of all moneys collected and received and of all payments and disbursements in respect of such rate and shall apply the said moneys for the several purposes in respect of which they shall have been hereby authorized to make and levy such rate and not otherwise.

Separate account to be kept of special rate.

180. 185. Every Council shall not later than the fifteenth day of March and the fifteenth day of September in every year exhibit to the Auditors all books of account and all vouchers or other documents in support thereof in their possession or power together with a detailed account of the revenue and expenditure of such Council for the then next past half of the late year or of the current year as the case may be or for the fraction of a year hereinafter provided for certified by the Mayor to be correct and to correspond with the books of account and vouchers or other documents exhibited to them And no endowment as hereinafter provided shall be paid to any Council until the accounts in the form and subject to the requirements hereby imposed shall have been certified by the Auditors to be correct and an abstract of such account similarly certified published in the *Government Gazette* and in some newspaper circulating in or near the Municipality.

Accounts to be audited and published.

181. 186. The Governor may from time to time appoint for every Municipality two Auditors to be called "Special Auditors" and such Auditors shall at any time on being required so to do by the Minister or by any fifty electors of such Municipality or by any creditor or creditors of the same by writing under the hands of such Minister electors or creditor or creditors respectively proceed to hold a special audit of the accounts of such Municipality upon a day to be appointed by such Auditors not less than thirty nor more than forty days from the time of their being so required and shall forthwith notify by advertisement in the *Government Gazette* and in some newspaper circulating in the Municipality the fact of their having been so required and the day so appointed and the said special Auditors shall attend at the office of the Council on the day so appointed for such audit as aforesaid.

Special Auditors may be appointed.

Municipalities.

182- 187. When any day shall have been appointed for a special audit as aforesaid the Council shall cause their accounts to be balanced to a day not less than one month before the day so appointed and shall lay before the said special Auditors all books of account and all vouchers or other documents in support thereof And the special Auditors shall forthwith after such audit report to the Minister the result thereof.

Accounts to be balanced for special audit and books of account &c. to be laid before Auditors.

183- 188. If any such special audit shall have been required by electors as aforesaid the Council shall defray the expenses thereof If such audit shall have been required by any creditor or creditors of the Municipality such creditor or creditors shall defray the said expenses If such audit shall have been required by the Minister the said expenses shall be defrayed from the Consolidated Revenue Fund.

Expenses of special audit.

184- 189. If from any cause any assessment or rate shall not be made within the time herein prescribed the Governor may by proclamation in the *Government Gazette* extend the time for making such assessment or rate for any further period not exceeding three months beyond such first-mentioned time.

Time for making assessment &c. may be extended.

185- 190. If any person against whom the Council has any claim or demand shall take the benefit of any Act for the relief of insolvent debtors the Council Clerk or Treasurer of the Municipality in all proceedings against the estate of such insolvent debtor or under any sequestration or act of insolvency against such debtor may represent the Council and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Council Clerk or Treasurer and not of the Council.

Proceedings in Insolvent Estates.

Endowment and Loans.

186- 191. On or before the thirty-first of March and the thirtieth of September in every year the Council of every Municipality shall cause to be prepared and transmitted to the Colonial Treasurer a detailed account of all sums of money actually raised therein by rates and all subscriptions paid up for corporate purposes during the last past half of the late year or of the current year or the fraction of a year as herein provided for such account to be signed by the Mayor and countersigned by the Treasurer of the Municipality And upon receipt of such account it shall be lawful for the Governor by warrant under his hand addressed to the Colonial Treasurer to direct him to pay from the Consolidated Revenue to the Treasurer of the Municipality by way of endowment for corporate purposes according to the provisions of this Act any sums of money equal to but not exceeding the following proportions that is to say—in each of the first five years after the incorporation of such Municipality a sum equal to but not exceeding the whole amount actually raised by rates or assessments and subscriptions so paid up as aforesaid for the general purposes in the one hundred and sixty-second clause mentioned in the year last past—in each of the next succeeding five years a sum equal to but not exceeding one moiety of the amount so paid up in the year last past—and in each of the next succeeding five years a sum equal to but not exceeding one-fourth part of the amount so paid up in the year last past—and thenceforth all contribution from public funds by way of endowment shall absolutely cease except as hereinafter mentioned And all such sums from the Consolidated Revenue shall be payable half-yearly and the Colonial Treasurer shall from time to time be allowed credit for any sum or sums of money paid by him in pursuance of any such warrant or order in writing as aforesaid and the receipt of the Treasurer of the Municipality or other proper officer acting as such Treasurer under his hand countersigned by the Mayor shall be a sufficient discharge for the Colonial Treasurer.

Proportionate endowment to be made by Government.

187- 192. The Council of any Municipality may borrow by debentures mortgage or otherwise on the credit of any land personal estate or annual revenues actual or perspective belonging to the body corporate of such Municipality for or towards or incidental to the making carrying on or completing

Council may borrow money.

Municipalities.

- pleting of any permanent improvements within the Municipality any moneys not exceeding in the whole the estimated revenues thereof for five years. Provided that no money shall be so borrowed except with the sanction of the Governor in writing under his hand. Provided also that with the like
- 5 sanction the Government may be the lenders to such Council. Provided further that before any loan shall be so contracted the Council shall by advertisement in some newspaper circulating within the Municipality give fourteen days notice of their intention to borrow and shall at the same time state in such notice the amount of the proposed loan the rate
- 10 of interest to be paid in respect thereof the purposes to which it is intended to be applied the time place and manner of payment of the principal and interest due thereon and the nature and estimated amount of the proposed security for such loan. Provided always that when any
- 15 money shall have been borrowed as aforesaid on the security of the general rate the Council shall assess and collect such general rate to the full extent of one shilling in the pound per annum being the maximum hereunder until the debt shall have been therefrom paid off. And that when any such debt shall have been contracted on the security of any special rate hereby authorized to be levied the amount of such special
- 20 rate shall not be reduced until such debt shall have been paid off.
188. 193. For securing the payment of the principal and interest of any loan contracted hereunder the Council of any Municipality may by deed under their common seal wherein the consideration shall be truly stated mortgage or otherwise bind and charge all general and special rates or either
- 25 of them already levied or to be levied within the Municipality subject however to the proviso hereinbefore contained and the Debentures in the next preceding section hereof mentioned and such last mentioned mortgage deed or bond may be according to the forms in Schedules M N and O hereto or to the like effect. And any person may transfer his right and interest
- 30 in such last-mentioned mortgage deeds or bonds to any other person by deed wherein the consideration shall be truly stated according to the form in the Schedule P hereto or to the like effect. Provided that within thirty days after the making of any such transfer notice thereof shall be given by the transferee to the Council which gave the said mortgage or bond. And
- 35 after default for the period of three calendar months made by any Council in the payment of the principal sum and interest secured by any debenture mortgage deed or bond made hereunder or under the provisions of the Act hereby repealed or purporting to be so made upon the rates and other revenues of the said Council it shall be lawful for the mortgagee to make
- 40 application to the Supreme Court that a receiver of the said rates and other revenues of such Council may be appointed. And when appointed under the direction of the said Court such receiver shall pay over to the said mortgagee from and out of the produce of such rates and revenues at such times and in such proportions as may be ordered by such Court the
- 45 sum which such Court shall have found to be due to the said mortgagee under the said mortgage deed and the said receiver shall in all respects have the same powers and be subject to the same obligations and liabilities as a receiver appointed under the equitable jurisdiction of the said Court and shall continue to receive the rates and other revenues of
- 50 such Council so mortgaged as aforesaid and to pay them under such direction until such time as the said mortgage debt shall be fully paid off and although the period of three years for which the revenue of such Council may have been estimated according to the provisions hereinbefore set forth shall have already elapsed before the payment of the said debt.

Of general rates to be assessed and collected.

Securities for loan.

When receiver may be appointed.

55

Miscellaneous.

189. 194. Every person committing a breach of any provision of this Act or of any by-law made hereunder by wilful act or refusal or neglect
- Penalties for interrupting Council or their officers.
- to

Municipalities.

to act or otherwise shall when no specific penalty shall have been provided for such offence be liable to a penalty not exceeding twenty pounds.

190. 195. All fines penalties and forfeitures incurred under this Act or How to be recovered. under any by-law made hereunder may unless otherwise provided for be recovered in a summary way before any two Justices in Petty Sessions according to the provisions of the Act fourteen Victoria number forty-three and the Acts therein adopted.

191. 196. All fines penalties and forfeitures imposed and recovered How to be applied. as aforesaid shall be paid into the corporate fund of the Municipality.

10 192. 197. Every advertisement order direction summons notice demand Authentication of certain documents. or other such document requiring authentication by the Council shall be sufficiently authenticated if signed by the Mayor or by the Council Clerk and need not be under the Common Seal of the Municipality And every such document may be in writing or in print or partly in writing

15 and partly in print.

193. 198. No advertisement order direction notice demand or other such Order &c. not to be void for informality. document herein required to be published made or given shall be held void for any want of form provided the same be intelligible.

194. 199. No person shall be liable to any incapacity disability fine Limitation of legal proceedings for penalties &c. penalty or forfeiture under this Act unless proceedings in respect thereof be commenced within six months after such incapacity disability forfeiture or penalty shall have been incurred.

195. 200. Whenever it shall become necessary hereunder that any Power to Minister to direct reference to arbitration on matters of account &c. matters of account or other matters should be adjusted or any debt or other claims apportioned or any other arrangements effected to the satisfaction of the Minister such Minister shall have power to direct such a reference thereon to an arbitrator or arbitrators as he may think fit and to confirm and act upon or to amend the report of such arbitrators or to direct a fresh reference if he shall not think such report satisfactory and the cost of such reference shall be borne by whichever of the parties the arbitrators or arbitrator may direct. And the decision of the Minister in every such case shall be final.

196. 201. Whenever any matter or thing shall by this Act or by any by-law made hereunder be directed to be done or to take place on a certain day Postponement of matters falling on Sundays &c. and that day shall happen to be Sunday Good Friday or any public holiday such matter or thing may be performed on the next day not being any such Sunday Good Friday or public holiday And all changes of time rendered necessary by any such alteration may also lawfully be made.

197. 202. Nothing herein except as hereinbefore in the one hundred and Act not to affect Sydney Corporation. twenty-ninth section provided shall affect the Corporation of the City of Sydney or the powers vested in the Municipal Council of the said City by the "Sydney Corporation Act of 1857" or any Act or Acts amending the same.

198. 203. In the construction of this Act whenever the term "Municipality" occurs in a context wherein one or other of the words "Borough" Interpretation clause. or "Municipal District" might have been expected the former word shall be taken to include and be convertible with such one or other of the two latter as the circumstances of the case and the meaning and intent of this Act shall demand And in any such case the word "Borough" or "Municipal District" may be read in lieu of the word "Municipality"—

And the following terms in inverted commas shall unless inconsistent with the context or subject matter have the respective meanings hereby assigned to them—

55 "Governor"—The Governor with the advice of the Executive Council

"Minister"—The Colonial Secretary for the time being or other Member of the Government acting in his behalf

"Returning Officer"—Any Officer duly appointed to preside at and take the poll in a Municipal Election

234—F

"Electoral Roll"—

Municipalities.

- “Electoral Roll”—The revised electoral roll of electors entitled to vote at the election of any Member of the Legislative Assembly
- 5 “Municipal Roll”—The revised list of ratepayers made in pursuance of the provisions of this Act in and for any Municipality
- “Adjoining Municipalities”—Municipalities whose boundaries touch at any point or points but such point or points need not be common to all
- 10 “United Municipality”—A Municipality formed by the union and combination of two or more adjoining Municipalities according to the provisions of this Act
- “Existing Municipality”—Any Municipalities constituted under the Municipalities Act of 1858
- 15 “Justice”—Any Justice of the Peace for the Colony of New South Wales
- “Town”—Any collection of houses adjoining or near to each other with frontage to streets regularly laid out and formed the inhabitants of which do not number less than five hundred souls
- 20 “Council”—The Council of any Municipality
- “Council Clerk”—The Council Clerk Town Clerk or other person authorized by the Council to perform the duties of Council or Town Clerk
- 25 “Capital Value”—The current market value of any freehold or leasehold estate or interest whatsoever in property capable of being rated for the purposes of this Act assessed as hereinbefore provided.
199. 204. The term “current year” or “Municipal year” when
 30 applied by this Act to any matter of assessment rate or account or to the municipal roll shall mean the year commencing the first Tuesday in February. Definition of current or Municipal year.
200. 205. This Act may be cited for all purposes as the “Municipalities Short title.
 Act of 1867.”

Municipalities.

SCHEDULE E.

To the Council Clerk of the Municipality of
I hereby give you notice that I claim to have my name inserted in the Municipal
List for the Municipality of (or if the Municipality be divided
into Wards say for the Ward of the Municipality of) 5
in virtue of my qualification as under namely (Here state accurately
the description and situation of the rateable property in respect of which the right to vote is
claimed that the claimant is liable to be rated for the same as owner or occupier as the case
may be the value at which the property is assessed to the last rate or if not so assessed is
valued by the claimant.) 10

Dated this day of 18

A.B. (Christian Name and Surname in full.)
of (State residence.)

SCHEDULE F.

To the Council Clerk of the Municipality of and to A.B. of 15
I hereby give you notice that I object to the name of A. B. of
being retained for the Municipal List of the Municipality of
(or if the Municipality has been divided into Wards say) for the Ward
of the Municipality of on the following grounds (here state the
grounds of objection.) 20

(Signed) C.D.

(Objector must here state his name and description as inserted in the Municipal List.)

SCHEDULE G.

List of Persons having claimed to have their names inserted in the Municipal List for the
Municipality of (or if the Municipality be divided into Wards say) 25
Ward for the Municipality of

Surname.	Christian Name.	Residence.	Whether Occupier, Lessee, or Owner.	Description and Situation of Property giving title to Vote.	Value at which Property is assessed.	Number of Votes.

(Signed) C. D.
Council Clerk.

(Date)

SCHEDULE H.

Municipalities.

SCHEDULE H.

LIST of Persons whose names appear on the Municipal List for the Municipality of
(or if the Municipality be divided into Wards say)
for the Ward of the Municipality of
5 against whom objections have been sent in.

Surnames of persons objected to (in full).	Christian Names of same person.	Description of person objected to on Municipal List.	Christian Names and Surname of Objector.	Substance and ground of objections.	Number of Votes.

(Signed)

C. D.

Council Clerk.

10

SCHEDULE I.

MUNICIPAL Roll for the Municipality of (or if the Municipality
be divided into Wards) for the Ward of the Municipality of
for the year ending .

No.	Voters Surname.	Voters Christian Name.	Whether Occupier, Lessee, or Owner.	Description and Situation of Rateable Property.	Number of Votes.

(Signed)

E. F.

Council Clerk.

20

SCHEDULE J.

Declaration of Office for Returning Officer Presiding Officer Scrutineer Poll Clerk.

I A B. duly appointed Returning Officer (or Presiding Officer or Scrutineer or Poll Clerk) at this election do hereby solemnly declare that I will faithfully act and assist in
25 such office and will not attempt to ascertain for whom any elector shall vote nor by any word or action directly or indirectly aid in discovering the same unless in answer to any question which I may be legally bound to answer or in compliance with the provisions of the Municipalities Act of 1867.

SCHEDULE K.*Ballot-paper.*

30

Election of Aldermen (or Auditors) on the day of 18 .

List of Candidates for Election.

Names in full as Aldermen

Addresses.

or Auditors.

SCHEDULE L.

Municipalities.

SCHEDULE L.
THE MUNICIPALITY } Form of an Assessment of the Annual Value of all Property liable to be rated in the Municipality of
OF } " Municipalities Act of 186 " and Rate thereon after the rate of
by virtue of the
in the pound by virtue of the said Act for

No.	Situation.	Name of Person in Occupation.	Name of Lessee.	Name of Owner.	Description of Property.	Annual value.	The value assessed by the Council.	Value as determined on Appeal.	Amount of Rate at pound.	Observations.
						£ s. d.	£ s. d.	£ s. d.	£ s. d.	

Municipalities.

SCHEDULE M.

Form of Mortgage Deed.

The Municipal Council of

5 Mortgage number £ in consideration of the
 We the Municipal Council of
 sum of pounds paid to us by A.B. of
 do assign unto the said A.B. his executors administrators and assigns [*or the said corporation*
 their successors or assigns] all the interest of the said Municipal Council in all rates and
 10 assessments endowments and other revenues of the said Council coming or arising from
 any source whatsoever and all the estate right title and interest of the Council in the same to
 hold unto the said A.B. his executors administrators and assigns [*or the said corporation*
 their successors or assigns] until the said sum of pounds be repaid together
 with interest for the same at the rate of pounds for every one hundred pounds
 15 per annum [the principal sum to be repaid at the end of years from the date
 hereof *in case any period be agreed upon for that purpose.*]
 Given under our common seal this day of
 in the year of our Lord 18 .

SCHEDULE N.

FORM OF DEBENTURE.

Transferable by Delivery.

Municipalities Act of 1867.

Borough or Municipal District of

N.B.—*The holder of this debenture has no claim with respect thereto upon the Government of New South Wales or the Consolidated or Public Revenue thereof.*

25 THIS Debenture entitles the bearer to pounds sterling which
 with interest thereon at the rate of pounds per centum per annum is hereby
 secured upon [*here state fully the nature of the security or securities if a rate describe it in*
like manner] such interest being payable half-yearly on the first day of April and the first
 30 day of October in every year (dividend coupons for which are annexed) at
 and such principal money being payable on the day of
 A.D. 18 at

Dated this day of 18 .

35 (Signed) { A.B. Mayor.
 { C.D. } Aldermen.
 { E.F. }

Council Clerk.

SCHEDULE O.

Form of Bond.

The Municipal Council of

40 Bond number £ in consideration of the sum
 We the Municipal Council of
 of pounds to us in hand paid by A.B. of A.B.
 [*or the Corporation of*] do bind ourselves and our successors unto the
 said A.B. his executors administrators and assigns [*or the said Corporation of*]
 45 in the penal sum of pounds.
 The condition of the above obligation is such that if the said Council shall pay to
 the said A.B. his executors administrators or assigns [*or the said Corporation their*
 successors or assigns] on the day of in the year one
 thousand eight hundred and the principal sum of pounds
 50 together with interest for the same at the rate of pounds per centum per
 annum payable half-yearly on the day of and
 day of then the above written obligation is to become void otherwise to
 remain in full force.

Given under our common seal this day of
 one thousand eight hundred and

55

SCHEDULE P.

Municipalities.

SCHEDULE P.

Form of Transfer of Mortgage or Bond.

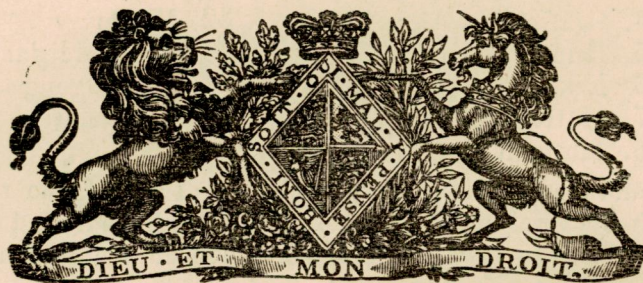
I A. B. in consideration of the sum of _____ pounds paid to me by
 G. H. of _____ do hereby transfer to the said G. H. his executors administrators
 and assigns a certain bond [or mortgage] number _____ made by the Municipal 5
 Council of _____ to _____ bearing date the _____
 day of _____ for securing the sum of _____ pounds and interest
 [if such transfer be by indorsement being the within security] and all my estate right title
 and interest in and to the money thereby secured [and if the transfer be of a mortgage and
 in and to the rates assessments endowments and other revenues thereby assigned.] 10

In witness whereof I have hereunto set my hand and seal this
 day of _____ one thousand eight hundred and _____

Sydney : Thomas Richards, Government Printer.—1867.

[Price, 1s. 8d.]

New South Wales.



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. XII.

An Act to establish Municipalities. [Assented to, 23rd December, 1867.]

WHEREAS it is expedient to provide more effectually for the ^{Preamble.} establishment of Municipalities Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Existing Municipalities.

1. From and after the commencement of this Act the Municipalities ^{Repeal of the Municipalities Act of 1858 22 Vict. No. 13.} Act of 1858 shall be and the same is hereby repealed save for the purposes hereinafter mentioned Provided always that all proceedings and things lawfully had or done or purporting so to be by the Council of any Existing Municipality under or in pursuance of any of the provisions of the said repealed Act shall subject to the provisions hereinafter contained be and continue of the same force and effect to all intents and purposes as if no such repeal had taken place.

2. The Municipalities herein named are declared to have been ^{Existing Municipalities declared to have been legally constituted.} legally constituted and incorporated under the provisions of the said hereinbefore repealed Act and for the purposes of this Act they shall remain and be legally constituted and incorporated Municipalities And notwithstanding any provisions of this Act as to area or population to the contrary the said Municipalities shall be and be designated Boroughs viz.—

Municipalities.

- | | |
|-----------------------|----------------------|
| 1. Albury | 19. Mudgee |
| 2. Armidale | 20. Newcastle |
| 3. Balmain | 21. Newtown |
| 4. Bathurst | 22. North Willoughby |
| 5. Camperdown | 23. Orange |
| 6. Central Illawarra | 24. Paddington |
| 7. Cook | 25. Parramatta |
| 8. Cudgegong | 26. Randwick |
| 9. Darlington | 27. Redfern |
| 10. East Maitland | 28. Shellharbor |
| 11. East St. Leonards | 29. St. Leonards |
| 12. Glebe | 30. Singleton |
| 13. Goulburn | 31. Waterloo |
| 14. Grafton | 32. Waverley |
| 15. Hunter's Hill | 33. West Maitland |
| 16. Kiama | 34. Wollongong |
| 17. Marrickville | 35. Woollahra |
| 18. Morpeth | |

And it shall and may be lawful for the electors of any of the said Municipalities which shall not at the time of the passing of this Act be in actual operation to proceed to the election of Aldermen and Auditors in accordance with the provisions of this Act.

Certain Municipalities not to be prejudiced in their claim to endowment by temporary suspension.

3. The Municipalities of Albury Camperdown Cudgegong Goulburn Kiama and Orange which were interrupted in their proceedings and temporarily suspended in consequence of the judgment of the Supreme Court in the case *Berry versus Graham* or other causes are hereby authorized to claim endowment from the Consolidated Revenue Fund to the extent and in the mode provided by the ninety-first section of the Municipalities Act of 1858 hereinbefore repealed for such period as in each case shall when added to the period during which any such Municipality was in active operation make the full period of fifteen years for which endowments were in such section provided.

Rates already due &c.

4. All rates which having accrued in any Municipality constituted under the Act hereinbefore repealed shall at the commencement of this Act be due or payable to or leviable by or for the Council of such Municipality shall be and continue to be vested in the body corporate of such Municipality and may be paid to and received levied and recovered by the Council thereof in like manner as the same might have been paid to received levied and recovered by the Council of such Municipality and all penalties and forfeitures imposed under the said Act and now incurred shall and may be enforced as if this Act had not been passed.

All rights and liabilities &c. to attach to Municipality.

5. All rights liabilities contracts and engagements existing and all actions suits and proceedings pending at the commencement of this Act of or by or against any such Municipality as aforesaid shall be and continue to be vested in and attach to and be enforced carried on and prosecuted by or against the body corporate of such Municipality and no such action suit or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained.

Property of such Municipalities.

6. All lands property and moneys of or vested in the Council of any such Municipality as aforesaid at the commencement of this Act shall under and subject to the provisions herein contained continue to be vested in and belong to the body corporate of such Municipality.

Denomination of Councillors &c.

7. The Council of every Municipality which shall at the time of the commencement of this Act consist of a Chairman and any number of Councillors shall upon the passing of this Act consist of a Mayor and a like number of Aldermen according to the provisions hereinafter contained and the titles Mayor and Alderman are hereby substituted for those of Chairman and Councillor respectively And every such Chairman and

Municipalities.

and Councillor shall during the remainder of his term of office be denominated Mayor and Alderman respectively and shall be in nowise in respect of his corporate functions and obligations affected or prejudiced by such change of title as aforesaid.

Constitution of new Municipalities.

8. The Municipalities constituted under this Act shall be divided into two classes to be designated respectively "Boroughs" and "Municipal Districts"—
Boroughs and Municipal Districts may be constituted.

- (1.) A Borough may consist of—
 (1) Any city or town with or without its suburbs or country immediately adjacent thereto
 (2) Any suburb of the metropolis as at present incorporated
 (3) Any populous country district But every such Borough shall have a population of not less than one thousand souls and shall not upon its first incorporation contain an area of more than nine square miles of which area no one point shall be more than six miles distant from any other point

- (2.) A Municipal District may include any part of the Colony not containing a Borough created under this Act or an Existing Municipality and may comprise upon its first incorporation an area not exceeding fifty square miles of which area no one point shall be more than twenty miles distant from any other point Provided that every such Municipal District shall contain a population of not less than five hundred souls:

9. Every Borough and Municipal District shall be described by means of certain boundaries to be set forth in manner hereinafter mentioned.
Boundaries to be set forth.

10. The Governor on receipt of a petition signed by not fewer than fifty persons who would upon the incorporation thereof be liable to be assessed for municipal taxes in respect of property or household residence within any proposed Municipality whether actually resident within the same or not sufficiently setting out the boundaries and stating the number of the inhabitants resident therein and praying that the same may be declared a Borough or Municipal District under this Act may cause the substance and prayer of such petition to be published in the *Government Gazette* and in some newspaper circulating in or near the proposed Municipality And unless a counter-petition signed by a greater number of persons in like manner liable to be assessed be received by the Minister within three months from the date of such publications the Governor may by proclamation published in like manner declare such proposed Municipality to be a Borough or Municipal District as the case may be by a name to be mentioned in such proclamation and define in accordance with the boundaries set forth in the said petition or as nearly in accordance with such as may be considered expedient the limits and boundaries of such Borough or Municipal District which on such publication shall be constituted accordingly subject however to the provision hereinafter contained for the revocation of certain proclamations and the production of the *Government Gazette* containing such proclamation shall in all proceedings on behalf of the Municipality be conclusive evidence of the legality of the constitution of such Municipality.
How constituted.

11. The signatures so appended to any such petition or counter-petition shall be verified by the solemn declaration appended thereto made before any Justice of some householder or householders (not being a female or under age) resident within the proposed Municipality in the form and to the effect set forth in Schedule A hereto and signed by him or them and if such householder or householders shall make any such declaration falsely or shall forge any such petition or signature or declaration or utter any such petition signature or declaration being forged knowing the same to be forged he or they shall be guilty of a misdemeanor.
Signatures to be verified.

Municipalities.

Scrutiny of
signatures.

12. If it shall be credibly represented to the Minister that any of the signatures to any petition or counter-petition under the preceding provisions are not the signatures of the persons whose signatures they purport to be or that any of such signatures are those of persons not being persons liable to assessment for Municipal taxes as hereinbefore provided within the limits of the proposed Municipality to which such petition or counter-petition refers or that in any other respect the provisions hereof with regard to such petition or counter-petition have not been complied with or if it shall seem expedient to ascertain the truth of any matter to which such petition or counter-petition shall refer it shall be lawful for the Minister to cause such inquiry to be made with respect to the particulars aforesaid as may seem necessary in that behalf and the consideration of the matter by the Governor shall be deferred until the person appointed by the Minister to prosecute such inquiry as aforesaid shall have made and submitted his report.

Power to take
evidence.

13. For the purpose of every such inquiry it shall be lawful for such person as the Minister shall appoint in that behalf to hear receive and examine evidence and by summons under his hand to require all such persons as he may think fit to appear personally before him at a time and place to be appointed in such summons and to produce before him all such books and papers in their possession or under their control as may appear necessary for their examination and other the general purposes of the inquiry.

Report.

14. The results of such inquiry shall within one month after such appointment as aforesaid be embodied in a report to the Minister and submitted to him by the person so appointed And after consideration of such report the Governor may take such further proceedings in connection therewith under the provisions herein contained as may be deemed necessary.

As to revocation of
defective proclama-
tion.

15. Whenever it shall be proved to the satisfaction of the Minister that any proclamation made and published in pursuance of the provisions herein or purporting so to be is so inaccurate defective or informal by reason of some misstatement misdescription error omission or other fault or insufficiency as to cause reasonable doubts to be raised respecting its validity it shall be lawful for the Governor to revoke and cancel such proclamation and within a reasonable time to publish in substitution thereof a new proclamation in accordance with the provisions herein contained.

Municipalities may
be divided into
wards.

16. If any petition for the incorporation of a Municipality as aforesaid shall contain a request that the same be divided into wards or if in the case of a Municipality already constituted a petition containing a like request shall at any time after the passing of this Act be presented to the Governor from the Council or from and signed by not fewer than fifty electors of such Municipality duly qualified as hereinafter defined the Governor may by the first or by a subsequent proclamation as the case may be published as aforesaid declare such Municipality to be and the same shall accordingly be divided if the population thereof shall not be less than five hundred but not exceed one thousand into two wards if it shall exceed one thousand and not exceed four thousand into three wards and if it shall exceed four thousand into four wards.

Adjacent area may
be united.

17. The Governor on receipt of a petition signed by not fewer than twenty persons either resident householders or owners of rateable property within the boundaries of any area adjacent to a Municipality or signed by a majority of such persons in case the said area shall not contain a greater number in the aggregate than thirty sufficiently setting out the boundaries of the said area and praying that the same may be annexed to the adjoining Municipality shall cause the substance and prayer of such petition to be so published as aforesaid and unless a counter-petition signed by a greater number of persons as aforesaid be received by the Minister within three months from the date of such publication may with the consent of the

Council

Municipalities.

Council of such Municipality declare by a proclamation published as aforesaid such area to be united with and form part of such Municipality and upon such proclamation such union shall take place accordingly.

18. On receipt of a petition signed by at least two-thirds of the electors resident or owning rateable property in any defined area of any Municipality praying that such area may be separated from such Municipality and be constituted a separate Municipality the Governor after publication of such petition as aforesaid may by like proclamation declare such Municipality to be so divided and by the same or any other proclamation so published as aforesaid may define the boundaries of each division and state the number of wards of which each division shall consist and thereupon each such division shall become and be a Municipality within the meaning and for all the purposes of this Act. Provided that the division of any Municipality so made shall be consistent with the provisions of the eighth section of this Act. Provided also that before any such separation as aforesaid the debts and other liabilities then attaching to the entire Municipality shall be by or to the satisfaction of the Minister proportionally adjusted as between such proposed divisions. And provided further that there shall be in every such case a like adjustment of all mutual claims between the two proposed divisions or Municipalities as to the relative proportions of revenue and expenditure in for or in respect of each such proposed division or Municipality and if on such adjustment any balance shall be found due from one of such proposed divisions or Municipalities to the other such balance shall be recoverable at law after such division by the Municipality to whom it shall so be found due from the Municipality by whom it shall so be found payable.

Municipalities may be divided.
Adjustment of liabilities and mutual claims before division of Municipalities.

19. On receipt of a petition from and sealed with the corporate seals and signed by at least two-thirds of the members of the several Councils of any two or more adjoining Municipalities in each of which an assessment shall have been made as hereinafter provided or from and signed by at least two-thirds of the ratepayers of each such Municipality praying that the said Municipalities may be united and form one Municipality the Governor may after a like publication of such petition as aforesaid declare by proclamation as aforesaid such Municipalities to be united and to form one Municipality by a name and according to boundaries in the said same or some subsequent proclamation to be mentioned and described. And any existing division of the said Municipalities or any of them into wards shall thereupon be abolished. But if a division into wards shall have been requested in the said petition for union the Governor may by the said proclamation of union or by any subsequent proclamation published as aforesaid declare such United Municipality to be and the same shall be accordingly divided into wards according to the following scale that is to say—If the respective Councils of the said Municipalities shall taken together before union be composed of twelve members and less than fifteen the United Municipality formed by such union as aforesaid shall comprise three wards if of fifteen members and less than twenty-four four wards if of twenty-four members and less than thirty five wards and if of thirty or more six wards and thereupon such Municipalities shall become and be one Municipality within the meaning and for all the purposes of this Act. Provided however that those members of the Municipal Council whose term of office shall not at the time of such union have expired shall remain in office as Aldermen until the ordinary time of retirement as hereinafter provided. And provided also that no such union shall take place within thirty days of the day hereinafter appointed for holding any election of Aldermen.

Adjoining Municipalities may be united.

20. In all cases of annexation to an adjoining Municipality union of one or more Municipalities or division of any Municipality the signatures to all petitions and counter-petitions shall be verified in conformity with the eleventh section of this Act.

Signatures to all petitions to be verified.

Municipalities.

Governor may refuse compliance with petitions for incorporation &c.

21. It shall be lawful for the Governor to refuse compliance with any petition for the incorporation of any new Municipality or for the union of one or more Municipalities or for the annexation to or division of any Municipality if after due inquiry there shall appear to be sufficient ground for such refusal although no counter-petition against such incorporation union annexation or division shall have been received by the Minister.

Property rights and liabilities of several Municipalities to vest in United Municipality.

22. All land property and moneys at the time of any such union vested in or belonging to the body corporate or bodies corporate of any of the Municipalities so united as aforesaid shall on such union be vested in the body corporate of the United Municipality All rates due all rights liabilities contracts and engagements existing and all actions suits and prosecutions pending at the time of such union as aforesaid by or against the body corporate of any of such several Municipalities shall on such union be paid to and levied and recovered by and attach to and be carried on and prosecuted by and against the body corporate of the said United Municipality and be of the same force and effect to all intents and purposes with regard to the United Municipality as they would have been severally with regard to each of the said Municipalities before union.

Re-adjustment of the number of wards and Aldermen.

23. Whenever in consequence of the division of a Municipality or of the union of two or more adjoining Municipalities the number of Aldermen or of wards or of both in any such Municipality shall require re-adjustment or whenever the population of any Municipality shall have increased so as to require in accordance with the provisions hereinafter contained a proportionate increase in the number of Aldermen and of wards if the same has been divided into wards the Governor on the receipt of a petition from the Council of such Municipality praying for such increase or re-adjustment as aforesaid may in like manner as hereinbefore mentioned and by proclamation so published as aforesaid declare the number of wards and Aldermen to which such Municipality shall be entitled or may re-adjust such wards according to the scale hereinbefore prescribed.

Inaccuracy in proclamation no objection.

24. No misnomer inaccurate description or omission in any proclamation made under this Act or purporting to be so made by virtue of which any Municipality shall have been constituted divided united re-adjusted or otherwise dealt with shall in anywise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted.

Municipality incorporated.

25. The electors for the time being of every Municipality proclaimed as hereinbefore directed shall immediately upon the publication of such proclamation as aforesaid become and all succeeding electors thereof entitled to vote as such under this Act shall be a body corporate under such name as the Governor shall in such proclamation direct and shall by such name have perpetual succession and a common seal and be capable in law of suing and being sued and of purchasing holding and alienating land and of exercising all such corporate functions and doing and suffering all such acts and things as by law and in conformity with this Act they may be entitled to exercise do and suffer.

Council how composed &c. for original Municipalities.

26. The Council of every Municipality shall subject to the provisos hereinafter contained consist where the Municipality contains a population amounting to five hundred but not exceeding one thousand of six Aldermen—where the Municipality contains a population exceeding one thousand but less than four thousand of nine Aldermen—and where the Municipality contains a population of four thousand or upwards of twelve Aldermen And whenever upon the union of any two or more adjoining Municipalities the Councils of the Municipalities so united consist of twelve but less than fifteen Aldermen the Council of the United Municipality shall consist of nine Aldermen—when the Councils so united consist of fifteen but less than twenty-four Aldermen then the Council of such United Municipality shall consist of twelve Aldermen—when the Councils

As to Council of United Municipalities.

Municipalities.

so united consist of twenty-four but less than thirty Aldermen then the Council of the United Municipality shall consist of fifteen Aldermen—and when the Councils so united consist of thirty or more Aldermen then the Council of the United Municipality shall consist of eighteen Aldermen And one of such Aldermen in each such Municipality shall be elected Mayor thereof in manner hereinafter directed Provided that all Aldermen of such adjoining Municipalities so united as aforesaid in office at the time of such union shall be and remain Aldermen of such United Municipality until the time of their retirement as hereinafter directed notwithstanding that the number of Aldermen of such United Municipality shall thereby for the time being be in excess of the number herein prescribed.

27. The Council of every Municipality shall in and for all such acts matters and things as by law and in conformity with this Act may be done or suffered be the sole representatives of the body corporate of such Municipality and all the acts and proceedings of such Council shall be deemed to be the acts and proceedings of such body corporate.

Council to be sole
representatives of
the body corporate.

28. In all Municipalities which at the time of their incorporation shall be divided into wards in manner hereinbefore mentioned there shall be three Aldermen to each ward elected as hereinafter directed by the electors of each such ward And where there shall have been such division into wards after such incorporation and after Aldermen shall have been elected as for the whole undivided Municipality one Alderman for each ward shall as hereinafter directed be elected at each ensuing annual election of Aldermen and the retiring Aldermen although elected as for the whole undivided Municipality shall for the purposes of this Act be regarded as retiring Aldermen for the several wards thereof.

Number of Aldermen
to each ward.

29. All Aldermen and Auditors in office at the time of each successive annual election herein provided for shall remain in office until their successors shall be elected.

Retiring Aldermen
&c to continue in
office until successors
elected.

30. There shall be two Auditors in and for every Municipality.

Auditors.
Extraordinary
vacancies.

31. If any Mayor Alderman or Auditor shall die or shall resign his office in manner hereinafter prescribed or shall neglect or refuse to accept such office in the manner and within the time hereinafter prescribed or shall by any rule or order of the Supreme Court to be made as hereinafter provided be declared ousted of such office or shall otherwise become disqualified as herein described then the office of the same shall be and become vacant and every such vacancy shall be deemed to be an extraordinary vacancy within the meaning of this Act.

32. Every male elector of any Municipality or if the same be divided into wards of any ward thereof who is a natural born or naturalized subject of Her Majesty and is not otherwise disqualified as herein prescribed shall be capable of being elected Mayor Alderman or Auditor thereof Provided that no Alderman shall be capable of being elected an Auditor in and for the Municipality of which he is an Alderman.

Who may be elected
Mayor &c.

33. Every person being or serving as a Judge of the Supreme Court or any District Court or being an Officer on full pay or a Non-Commissioned Officer or private in the Naval or Military Service of Her Majesty other than the Volunteer Force of this Colony or being of unsound mind or an uncertificated insolvent or under composition with his creditors by any deed of assignment duly executed by him in pursuance of the provisions of any Act relating to Insolvency in force for the time being shall be disqualified from taking or holding office as Mayor Alderman or Auditor of any Municipality And every person holding any office or place of profit under or in the gift or disposal of the Council of any 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 said Council shall be disqualified from taking or holding any of the said offices within and for such Municipality Provided that such disqualification shall not be extended to any elector by reason of his being a proprietor or shareholder

Disqualifications.

Municipalities.

holder not being a director of any joint stock company contracting with the Council for any one of the aforesaid offices whereof or in connection wherewith he is a candidate.

Declaration of office
by Mayor &c.

34. No Mayor Alderman or Auditor shall act as such until he shall before a Commissioner of the Supreme Court or a Justice have made and subscribed a declaration in the form of Schedule B hereto and shall have delivered or transmitted the same to the Returning Officer who shall deliver or transmit all such declarations to the Council Clerk.

Penalty for refusing
office after election.

35. Every person duly qualified for and duly elected to the office of Mayor Alderman or Auditor shall accept such office by making subscribing and delivering or transmitting the declaration aforesaid within fourteen days after notice in writing of his election shall have been delivered to him personally or left at his usual or last-known place of abode or in default thereof pay a fine of twenty-five pounds And such office shall be deemed vacant on the fourth day after the expiration of such fourteen days without such delivery of such declaration And it shall be the duty of the Returning Officer for the time being to give or cause to be given the notice in writing herein required within two days after each such person shall have been declared duly elected Provided that if the said Returning Officer shall have been the Mayor or some other person acting for such Mayor as herein prescribed and if a new Mayor shall have been elected before the delivery or transmission of such declaration as aforesaid it shall be sufficient if the same be delivered or transmitted within the time herein prescribed to such new Mayor.

Persons exempt
from office.

36. Provided that no minister of religion and no person disabled by deafness blindness or other permanent infirmity of body nor any person above the age of sixty years or who shall have already served the like office within three years next before the day on which he shall be elected or shall have paid the fine for not accepting or for resigning such office or for absence therefrom within the same period nor any Member or officer of the Legislative Council or Legislative Assembly nor any person whose usual place of abode is not situate within the Municipality for which he shall have been elected shall be liable to any fine or penalty for neglecting or refusing to serve as Councillor or Mayor.

Supervening dis-
qualifications.

37. Any person holding the office of Mayor Alderman or Auditor having his estate placed under sequestration as insolvent or having executed any deed of assignment as aforesaid or (in the case of an Alderman) being absent without leave from the meetings of the Council for more than three successive months shall thereby become disqualified and shall cease to hold such office And in each such case of disqualification through absence without leave the person so disqualified shall be liable to the same fine as if he had refused to accept such office unless he shall have ceased to dwell permanently within the Municipality or unless it be certified by two duly qualified medical practitioners that his absence has been occasioned by illness or be proved to the satisfaction of the Council that such absence has been occasioned by some extreme emergency Provided however that every person becoming disqualified as aforesaid by reason of the sequestration of his estate or the execution of any deed of assignment as aforesaid shall on obtaining his certificate or on payment of his debts in full or obtaining an absolute release from his creditors be capable of being re-elected

Penalty on Mayor
Aldermen or Audi-
tors taking a con-
tract.

38. Every person being a Mayor Alderman or Auditor under this Act who shall continue to be or shall become 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 the Council except as proprietor or shareholder not being a director of any Joint Stock Company contracting as aforesaid shall be liable to a penalty not exceeding one hundred pounds and not less than fifty pounds and shall be for seven years after commission of such offence disqualified from holding any office in or under the Council.

Municipalities.

39. Every person elected Mayor Alderman or Auditor under this Act may at any time resign such office by letter under his hand addressed to the Council Clerk or if there be no Council Clerk to the Mayor and the resignation shall be held to be complete from the date of the receipt of such letter by such Council Clerk or Mayor Provided that every person so resigning shall be liable to a penalty of twenty-five pounds unless he shall be entitled to claim exemption from such fine under any provision herein contained or unless he shall since his election have become a minister of religion or disabled by deafness blindness or other permanent infirmity of body or mind. Resignation of office.

40. In each Municipality if the Council shall consist of six Aldermen two shall retire and if of nine Aldermen three shall retire and if of twelve Aldermen four shall retire and if of fifteen Aldermen five shall retire and if of eighteen Aldermen six shall retire on the first Tuesday in February in each and every year the first to retire being the two three four five or six who had the smallest number of votes at the first election until all then elected shall have retired and in any case of doubt created by an equality of votes or by an election without a poll the decision shall be by lot and thereafter the Aldermen longest in the Council shall first retire and every retiring Alderman shall if still qualified be capable of being re-elected Provided that in every Municipality which shall have been divided into wards one of the Aldermen for each ward shall retire on the day aforesaid in each and every year such retiring Aldermen being those who had the smallest number of votes at the first election in their respective wards or who have been longest in the Council and in any case of doubt as aforesaid it shall be decided by lot which of such Aldermen shall retire. Retirement of Aldermen.

41. If in any Municipality formed by the union of two or more adjoining Municipalities in accordance with the provisions of this Act there shall upon the first Tuesday in February next after such union be for such first-mentioned Municipality or for any ward thereof a number of Aldermen greater than that assigned by this Act as the ordinary number of Aldermen for such Municipality or ward then in addition to the Aldermen for such Municipality or ward who shall go out of office on that day under the provisions hereof a number of Aldermen for such Municipality or ward equal to the excess above such number so assigned shall go out of office at the same time and in the like order and manner. Retirement of Aldermen in United Municipalities where numbers in excess.

42. Within seven days after the first election and each subsequent annual election on a day and at an hour to be fixed at the first election by the Returning Officer who shall preside thereat and at subsequent elections by the Council Clerk and to be notified to the whole of the Aldermen in the same manner as an ordinary summons to a Council meeting not more than four days nor less than twenty-four hours previously such Aldermen or a majority of them shall meet as soon as possible after the first election at such place as the Returning Officer shall have notified and after all subsequent annual elections at the office or ordinary place of meeting of the Council and shall choose and appoint by such mode of voting as they may deem expedient some one member of the Council to be Mayor who shall go out of office at the next annual election of Aldermen but may then be re-elected Provided that in case of an equality of votes at the first election of Mayor the Returning Officer shall have a casting vote. Election of Mayor.

43. The Council of every Municipality formed by the union of two or more adjoining Municipalities or a majority of such Council shall assemble at a time and place to be named by the Governor in the proclamation of such United Municipality or in some subsequent proclamation published as hereinbefore directed and shall then determine by such mode of voting as they may deem expedient which of the persons who shall Who shall be Mayor of United Municipality upon union.

B

at

Municipalities.

at the time of such union be holding the office of Mayor of one or other of the Municipalities so united shall be Mayor of the United Municipality and he shall be such Mayor accordingly And if from any cause there shall be at the time but one such Mayor then he shall on such union be Mayor of the Municipality formed by such union and every person having been so chosen or having been Mayor of the said United Municipality shall be deemed for all purposes to have been elected as herein provided in ordinary cases.

Extraordinary
vacancy of Mayor.

44. Upon any extraordinary vacancy in the office of Mayor the Council Clerk shall summon a meeting of the Council within seven days after the occurrence of such vacancy giving not less than twenty-four hours notice of the same to each Alderman as in the case of an ordinary meeting of the Council and at such meeting the Aldermen or a majority of them shall elect one of their number to be Mayor for the remainder of the then current year of office.

Retirement of Audi-
tors.

45. The Auditors shall retire on the first Tuesday in February in each and every year but each retiring Auditor shall if still qualified be capable of being re-elected.

Auditors in office at
time of union of
Municipalities.

46. Upon the union of two or more adjoining Municipalities the Auditors who shall be in office in each of the several Municipalities shall remain in office as Auditors of the Municipality formed by such union until the first Tuesday in February after such union.

Penalties for neglect
of duties.

47. If any Mayor Alderman or Auditor of any Municipality shall neglect or refuse to do any matter or thing which by law he is directed to perform he shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalty on disquali-
fied person acting as
Mayor &c.

48. Any person acting as Mayor Alderman or Auditor of any Municipality without having made the declaration hereby required or not being duly qualified at the time of making such declaration or acting in or holding any such office after he shall cease to be qualified according to this Act shall for every such offence forfeit the sum of fifty pounds to be recovered together with full costs of suit by any elector of such Municipality who shall sue for the same within three months after the commission of the offence.

Action of disqualified
person not to invali-
date proceedings.

49. All proceedings of the Council or of any person acting as Mayor Alderman or Auditor shall notwithstanding it be afterwards discovered that there was some defect in the election or any disqualification of such person be as valid as if every such person had been duly elected and qualified to be Mayor Alderman or Auditor respectively.

Council to decide as
to payment of Mayor
&c.

50. The Council may determine whether any and what remuneration shall be allowed any person executing the office of Mayor or Auditor.

Qualification of
electors for first
election.

51. All persons having a freehold leasehold or household qualification situated within the proclaimed boundaries of any existing Municipality or any Municipality to be constituted under the provisions of this Act and named on any electoral roll for the time being of any electoral district within the boundaries of which such Municipality shall be wholly or partly included shall at and for the first elections of Aldermen and Auditors therefor after the passing of this Act and at and for any other such election before and until the proper enrolment of the municipal electors as hereinafter directed be electors of such Municipality And at and for all elections subsequent to the completion of the municipal roll all persons duly qualified as hereinafter provided shall be electors.

Electors.

52. Every person of the full age of twenty-one years who on the seventh day of January in any year shall be the occupier lessee or owner of any rateable property within any Municipality and liable to be rated for the same as such occupier lessee or owner shall be entitled to be enrolled according to the provisions hereinafter contained upon the municipal roll of the Municipality for the ensuing municipal year and being so enrolled shall be an elector thereof and shall be entitled subject

as

Municipalities.

as hereinafter mentioned to vote in all elections of Aldermen and Auditors for the Municipality occurring whilst such municipal roll shall be in force in the manner following:—

- (1.) If the occupier lessee or owner of property assessed at an annual value not exceeding twenty-five pounds he shall be entitled to one vote
- (2.) If the occupier lessee or owner of property assessed at an annual value over twenty-five and not exceeding seventy-five pounds he shall be entitled to two votes
- (3.) If the occupier lessee or owner of property assessed at an annual value over seventy-five and not exceeding one hundred and fifty pounds he shall be entitled to three votes
- (4.) If the occupier lessee or owner of property assessed at an annual value over one hundred and fifty pounds he shall be entitled to four votes

Provided that only the person who pays the rates for such rateable property shall be entitled to vote in respect thereof and no person who shall at the time of claiming to vote be in arrear on account of any such rates shall be entitled to vote in respect of the property rated at any election in such Municipality. And provided also that no person shall be allowed to vote without first making and subscribing a Declaration in the form contained in Schedule C hereto. And provided further that where any rateable property is jointly occupied jointly leased or jointly owned by more persons than one only one of such joint occupiers joint lessees or joint owners shall be an elector as aforesaid unless the assessed annual value of such rateable property so jointly occupied leased or owned as aforesaid shall exceed twenty-five pounds in which case a second joint occupier joint lessee or joint owner shall be admissible as an elector and if the assessed annual value of such rateable property shall exceed seventy-five pounds then a third joint occupier joint lessee or joint owner if there be one shall be admissible as an elector and if the assessed annual value exceed one hundred and fifty pounds then a fourth joint occupier joint lessee or owner if there be one shall be admissible as an elector. And the person or persons so admissible as aforesaid in cases of joint occupancy joint leaseholdship or joint ownership shall be the person or persons first named in the rate-book and shall not in any case be entitled to a cumulative vote and the giving of any joint vote by such person or persons shall render any other person claiming to vote in respect to the same rateable property incapable of giving a cumulative vote in that election.

53. Where any Municipality shall be divided into wards every person who under the provisions hereinbefore contained would be entitled to be enrolled and to vote as an elector of such Municipality shall be so entitled in like manner for the ward or wards wherein the rateable property in respect of which he is so entitled is situated and upon being so enrolled to vote in all elections of Aldermen and Auditors to be held in and for such ward or wards as hereinafter provided and the said provision shall as to each such ward be construed as applying thereto and not to the whole Municipality.

Municipal List and Roll.

54. The Council Clerk of every Municipality shall during the week ending on the seventh day of January in each year make or cause to be made out according to the form in Schedule D hereto annexed from the rate-books of such Municipality and from all other books and documents connected therewith an alphabetical list to be called the "municipal list" of the names of all persons who shall appear entitled as aforesaid to be enrolled upon the municipal roll for the ensuing municipal year and shall state in such list against the name of each person the several particulars indicated

Municipalities.

indicated in the several columns of the said Schedule as the same shall appear in or from the said rate-books and documents as aforesaid and for the purpose of making the said list every person rated in respect of any rateable property shall be presumed to have been of full age and the occupier or owner as the case may be of such property at the time of the making of such municipal list and liable to be rated as such owner or occupier respectively subject however to the provisions hereinafter contained as to objections.

Inspection of lists.

55. The Council Clerk shall forthwith after making out the said alphabetical list notify by public advertisement in some newspaper circulating within or near the Municipality the fact that a copy of such list is in his custody and open to inspection by any person interested therein and shall keep such list or a copy thereof to be inspected by any such person and permit such inspection without fee at all reasonable hours between the said seventh and fourteenth days of January.

Claims by persons omitted.

56. Any person whose name shall have been omitted from any such municipal list who shall claim to have his name inserted therein shall on or before the fourteenth day of January give to the Council Clerk notice thereof in writing according to the form in Schedule E hereto annexed or to the like effect and every person whose name shall have been inserted in any such municipal list may object to any other person as not being entitled to have his name retained therein and any person so objecting shall on or before the said fourteenth day of January give to the Council Clerk and also to the person objected to or leave at the premises in respect of which his name shall appear to be entered in the said list notice in writing of such objection according to the form in Schedule F hereto stating the ground of such objection and attaching his signature thereto and the Council Clerk shall include the names of all persons so claiming as aforesaid in a list according to the form in Schedule G hereto and shall include the names of all persons so objected to as aforesaid in a list according to the form in Schedule H and shall sign and keep the said lists or copies thereof respectively to be inspected and perused by any person without fee at all reasonable hours during the week (Sundays excepted) preceding the twenty-first day of January in such year.

Objection to names inserted.**Revision Court.**

57. The Council of every Municipality shall hold an open Court at the Council Chamber for the purpose of revising the municipal lists hereof and such revision shall take place at such time as the Mayor shall appoint between the twenty-first and twenty-eighth days of January in every year and the Mayor shall give three clear days notice of the holding of such Court and of the time and place thereof by placing such notice on the outer door of the Council Chamber of the said Municipality and by advertisement in some newspaper circulating within or near such Municipality and every such Court may be adjourned by the Mayor or in his absence by the Council by reason of sufficient cause. Provided that no such Court shall be adjourned beyond the twenty-eighth day of January in any year.

Council Clerk valuers and collectors of rates to attend.

58. The Council Clerk shall himself or by some person on his behalf if he be unavoidably prevented from so doing attend the Revision Court and produce to the said Court the municipal list and also copies of the lists of any of the persons who shall have sent in claims and of the persons who shall have been objected to as aforesaid and of the lists if any of defaulters as hereinafter described. And the valuers hereinafter mentioned and all collectors of rates under this Act shall also attend the said Court and shall produce to the said Court all books papers and documents in their possession connected with such their respective offices and shall answer on oath all such questions as the Court may put to them touching any matters necessary to be ascertained for the said revision of the municipal list.

Municipalities.

59. The Revision Court shall have authority to hear receive and examine evidence and by summons under the hand of the Mayor to require all such persons as the Court may think fit to appear personally before the said Court at a time and place to be named in such summons to give evidence and to produce to the said Court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination and the said Court shall upon hearing in open Court determine by the decision of a majority upon the validity of all claims and objections as hereinafter mentioned And any person failing to obey the summons of the said Court shall be liable to a penalty not exceeding ten pounds recoverable before any two Justices.

Power to summon witnesses.

60. The Revision Court shall insert in the lists under revision the name of every person who shall have claimed as aforesaid and be proved to the satisfaction of the Court to be entitled to have his name inserted on the municipal roll as aforesaid and shall retain on the said lists the names of all persons to whom no objection shall have been duly made as hereinbefore directed and shall also retain on the said lists the name of every person who shall have been objected to by any person unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection and prove the service of the several notices hereinbefore required and when the name of any person inserted in any list shall have been duly objected to as hereinbefore directed and the person objecting shall appear by himself or by some one on his behalf in support of such objection the Court shall require proof of so much of the qualification of the person so objected to as shall be embraced in the grounds of objection so stated as aforesaid and no more and in case such qualification as aforesaid be not proved to the satisfaction of the Court the said Court shall expunge the name of every such person from the said list And the Court shall also expunge the name of every such person who shall be proved to the Court to be dead and shall correct any mistake or supply any omission which shall be proved to have been made in any of the said lists in respect of the name or place of abode of any person which shall be included therein or in respect of the situation and description of any rateable property Provided always that no person's name shall be inserted by the said Court in any such lists or shall be expunged therefrom except in the case of death unless notice shall have been given as is hereinbefore described in each of the said cases.

Revision of the lists.

61. The Mayor shall in open Court write his initials against the names struck out or inserted as aforesaid and against any part of the list in which any mistake shall have been corrected or omission supplied and shall sign his name to every page of the list so settled and shall then cause to be written at the foot or end of the list a certificate that the same has been revised and is correct and the Mayor shall there and then sign such certificate.

Certificate &c. of revision.

62. Where any Municipality shall be divided into wards the preceding sections hereof relating to the compilation and completion of the municipal list and roll shall be read with reference to such Municipality in manner following that is to say—

Construction of preceding sections after division of Municipality into wards.

Instead of the municipal list and roll being made out for the whole Municipality such list and roll shall be divided into separate parts according to the number of wards contained in the Municipality and the Council Clerk shall insert therein under the proper ward the names of those persons who shall under the provisions hereinbefore contained appear to be entitled for the time being to be enrolled on the municipal roll for such ward and omit or expunge therefrom the names of all persons who shall as hereinbefore provided not appear to be so entitled And the municipal list so divided as aforesaid when signed by the Mayor after revision and delivered to the Council Clerk as hereinafter directed shall be the municipal roll for each and every ward and shall

Municipalities.

shall continue in force therein until another municipal roll shall have duly come into force hereunder.

Roll to be made out.

63. The list so signed and certified shall be forthwith delivered to the Council Clerk who shall copy the names of the electors in alphabetical order in a roll or book and shall set a number against each name according to its order in such roll or book according to the form in Schedule I hereto and each such roll or book shall be the electoral roll of the Municipality or ward as the case may be for all the purposes of this Act and shall continue in force until a new roll shall have been made hereunder. And any copy purporting to be a copy of such roll and certified by the Mayor to be correct shall be evidence of such roll and of the contents thereof.

Certified copy of roll to be evidence.

Re-arrangement of municipal rolls on division of Municipalities or sub-division into wards &c.

64. Whenever any Municipality in which such roll of electors shall have been revised and made up as aforesaid shall be so divided as to constitute two Municipalities or shall be divided into wards or whenever there shall be any re-adjustment of wards in any such Municipality or whenever two or more such Municipalities being adjoining Municipalities shall be united in manner aforesaid the then existing roll or rolls of the electors of such Municipality or Municipalities shall by the Council Clerk or Council Clerks thereof be divided into separate rolls of electors for such Municipalities or wards or made up into new rolls for such re-adjusted wards or into a roll or rolls for such united Municipality as the case may require. Provided that in every such re-arrangement of the roll or rolls of municipal electors there shall be no other change than such changes in numbering or such transpositions of the names of electors from one Municipality to another or from one ward to another as the circumstances of the case may require and every roll which shall have been so re-arranged as aforesaid shall by the Mayor of the Municipality to which it shall appertain be examined and compared with the original roll or rolls so revised and made up as aforesaid and the Mayor shall at the foot or end of such re-arranged roll of electors cause a certificate to be written to the effect that he has examined the same and that it is correct and shall date and sign such certificate and such roll so re-arranged and certified as aforesaid shall be the roll of electors for the Municipality or ward as the case may be and shall continue in force until a new roll shall have been made for such Municipality or ward under the provisions of this Act and any copy purporting to be a copy of such roll so re-arranged and certified as aforesaid and signed by the Mayor shall be evidence of such roll and of the contents thereof.

Proceedings at Elections.

Date of election.

65. The first election of Aldermen for any newly proclaimed Borough or Municipal District shall take place on a day at noon and at a place to be notified by the Governor within three months after its incorporation and all succeeding annual elections in such Municipality and in all Municipalities where an election has already been held and hereinafter termed "Existing Municipalities" shall take place on the first Tuesday in February in each year. And the Returning Officer at any first election shall be nominated by the Governor and at every succeeding election the Returning Officer shall be the Mayor or in his absence or in the event of such Mayor being a candidate for re-election as an Alderman any Alderman of the Municipality appointed for that purpose by the Council.

Returning Officer

66. The election of candidates to the office of Alderman under this Act shall be conducted in manner following. Any two electors entitled to vote in any Municipality or in any ward of any Municipality may nominate a candidate for election or any number of candidates not greater than the number of Aldermen to be elected by delivering to the Returning Officer for the time being seven days at least before the day appointed by the

Municipalities.

78. The Returning Officer shall provide for each polling-place a ballot-box the front of which shall be of glass and on the top of which there shall be an opening sufficient to receive the ballot-papers folded as herein-after mentioned And such box being previously locked by the Returning Officer with a key which shall be kept by himself and of which it shall be unlawful for any other person to possess a counterpart shall be placed on a table before the Presiding Officer And every elector on applying in person if entitled to record one vote shall receive one of the ballot-papers signed as aforesaid and if entitled to record two or more votes as herein-before provided shall receive a corresponding number of the ballot-papers as aforesaid and shall in the ballot-room aforesaid without leaving the same strike through the names of all persons named in such ballot-paper or ballot-papers as the case may be except the names of each person for whom he intends to vote and shall then fold up the paper or papers so as to conceal the interior and disclose only the Returning Officer's name so signed upon the back and shall then return to the polling-table and there openly in the presence of the Presiding Officer Poll Clerk and Scrutineers present deposit such ballot-paper or ballot-papers in the ballot-box Provided that in the case of any elector who is blind or cannot read the Presiding Officer shall in the presence of such of the Scrutineers as may then be in attendance strike through upon such ballot-paper the names of all persons so nominated except such as the elector shall declare his intention of voting for Provided also that before any ballot-paper shall be deposited in the box the Presiding Officer or Poll Clerk shall upon a certified copy of the electoral roll write his initials against the name of the person then voting which initials shall be *prima facie* evidence of the identity of such voter with the person whose name shall be so initialed on such roll and of the fact of his having voted at such election Provided further that if any elector entitled to two or more votes fail to record all his votes on his first application it shall not be lawful for him to vote a second time.

79. If any voter shall suffer to remain upon his ballot-paper a greater number of names not struck out than the number of Aldermen or Auditors to be elected the vote given on and by such paper shall be void and of no effect.

80. Except as hereinafter provided the Returning Officer shall not vote Provided that in the event of any two or more candidates of whom one or more is to be elected being found to have obtained an equal number of votes the Returning Officer shall have a casting vote and shall state in writing which of such candidates shall be declared to be duly elected.

81. No inquiry shall be permitted to be put to any person applying to vote except by the Presiding Officer at the request of a Scrutineer and such inquiry shall be limited to the questions following:—

- (1.) Are you the person whose name appears as A.B. number — in the electoral roll for this Municipality (or Ward)?
- (2.) Have you the same qualification for which your name appears on the electoral roll for this Municipality (or Ward) as A.B. number — ?
- (3.) Have you already voted at the present election ?

No person who shall refuse to answer such questions or who shall fail to answer the first and second of such questions in the affirmative and the third in the negative shall be permitted to vote at such election And all persons making false answers to such questions or to either of them shall be deemed guilty of perjury and shall be dealt with accordingly.

82. Each Presiding Officer shall immediately on the close of the poll transmit to the Returning Officer the ballot-box still locked and shall also send carefully sealed up the electoral roll initialed at his polling-place as aforesaid and signed by him and the Poll Clerk—the remainder of the ballot-papers delivered to him by the Returning Officer and not used

Municipalities.

used and all books or official memoranda kept by him during the polling with an exact statement of the number of electors who have voted—the number of ballot-papers originally delivered to him—the number thereof used—and the number left unused and returned And such statement shall be signed by himself and the Poll Clerk and verified by the signatures of the Scrutineers then present.

Ascertainment and
declaration of poll.

83. The Returning Officer immediately after receiving the ballot boxes and sealed up documents and papers as aforesaid shall in the presence of the Presiding Officers and such of the Scrutineers as may then be in attendance open the ballot-boxes and examine the voting-papers and thereby ascertain the result of the election and he shall then publicly announce the state of the poll and on the next following day he shall officially declare at the place of nomination and at an hour of which public notice shall have been given by him on the day of nomination the names of the candidates who have been duly elected Provided that if from the non-arrival or late arrival of any such ballot-boxes and sealed up documents and papers as aforesaid or from any other sufficient cause it shall be found impossible to examine the ballot-papers and ascertain the result of the election on the same day that the poll has been taken the Returning Officer may adjourn such examination until some hour on the next following day earlier than the hour already fixed and notified as aforesaid for the official declaration of such result And such ballot-boxes and sealed up documents shall remain until the time of such examination in the custody of the Returning Officer or in such custody as he may appoint but shall be further secured by the seals of any such two of the Presiding Officers or Scrutineers as the majority of such Presiding Officers and Scrutineers then present may designate for that purpose or if no more than one or two of such Presiding Officers or Scrutineers be present then by the seals of such one or both of such Presiding Officers or Scrutineers.

Extraordinary
vacancies.

84. On the occurrence of any extraordinary vacancy in the office of Alderman or Auditor the Mayor or any Alderman appointed by the Council as Returning Officer shall within ten days after the occurrence of such vacancy give fourteen days notice in some newspaper circulating in or near the Municipality of a day on which an election to supply such vacancy shall be holden in manner aforesaid and all such elections for the supply of extraordinary vacancies in the office of Alderman or Auditor shall be conducted as nearly as may be in the same manner as the annual elections of such officers And every such newly elected Alderman or Auditor shall hold office until the time when his predecessor's term of office would have expired and shall then go out of office but may be re-elected if still qualified.

Election of additional
Alderman where
numbers have been
increased by this
Act.

85. In any Municipality which under such re-adjustment as aforesaid shall have become entitled to a greater number of Aldermen than the number of Aldermen or Councillors to which it has heretofore been entitled or which it has possessed there shall be elected in the manner and with the like notices as in the case of extraordinary vacancies a sufficient number of other Aldermen to make the number of the Council of such Municipality equal to the number to which it has become entitled under this Act And such additional Aldermen shall in turn go out of office annually in rotation with the other retiring Aldermen according to the number of votes which each shall have obtained or otherwise as hereinbefore provided.

In United Municipi-
palities no extra-
ordinary vacancies
to be filled up while
numbers in excess.

86. If in any United Municipality there shall upon such union be for such Municipality or for any ward thereof a number of Aldermen greater than that assigned by this Act as the ordinary number of Aldermen for such Municipality or ward no extraordinary vacancy for such Municipality or ward shall be filled up unless or until the whole number of Aldermen for such Municipality or ward shall have been reduced below such ordinary number and then only so as to complete such ordinary number.

Municipalities.

87. The Returning Officer shall forthwith after the declaration of the result of the poll seal up all the ballot-papers and other documents as aforesaid in one or more parcels as may be found convenient and shall cause the same to be delivered to the Council Clerk of the Municipality to be by the said clerk safely and secretly kept for six months after such delivery of the same and such clerk shall after the expiration of such period of six months cause such ballot-papers and documents to be destroyed.

Disposal of ballot-papers and documents.

88. If any person shall knowingly and wilfully break the seal of or open any such sealed parcel of ballot-papers and documents as aforesaid unless by the command of some competent Court or other authority he be required so to do or to produce some portion of the contents of such parcel he shall be guilty of a misdemeanor.

Penalty for breaking seal or opening parcel.

89. If any Returning Officer Presiding Officer Poll Clerk or Scrutineer shall in the discharge of his duties under this Act at or concerning any election learn or have the means of learning for what candidate any person shall vote or have voted at such election he shall not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same save in answer to some question which he is legally bound to answer And every such Returning Officer Presiding Officer Poll Clerk or Scrutineer who shall knowingly and wilfully offend against the provisions of this section shall be guilty of a misdemeanor.

Penalty for Returning or Presiding Officer Poll Clerk or Scrutineer divulging the name of candidate for whom any person may vote.

90. When the proceedings at any election under this Act shall be interrupted or obstructed at any place by any riot or open violence the Returning Officer or Presiding Officer as the case may be shall not finally close the poll but shall adjourn the taking of the poll at the polling-place at which such interruption or obstruction shall have happened to the day following and if necessary such Returning Officer or Presiding Officer shall further adjourn such poll until such interruption or obstruction shall have ceased when such Returning Officer or Presiding Officer shall again proceed with the taking of the poll at the place at which the same may have been interrupted or obstructed.

Adjournment of polling for riot &c.

91. If from some other cause not being such as lastly mentioned after a poll shall stand appointed for any election no such poll shall be taken on the day appointed for the same the election shall stand adjourned until the same day of the following week and the Returning Officer shall give not less than three days public notice thereof by advertisement in some newspaper circulating in the Municipality or ward or by placards affixed in public places in or near such Municipality or ward And in all such cases of adjournment the examination of the ballot-papers and final declaration of the result of the poll hereinbefore provided for shall stand adjourned until after the close of such poll and such ballot-papers and other documents as aforesaid shall be secured and kept in such custody as is hereinbefore required.

Adjournment when from some other cause no election on day appointed.

92. If at the time fixed as aforesaid for any Municipal election there shall be no candidates named or a less number of candidates than there are Aldermen or Auditors to be elected the Governor may appoint any persons not disqualified to be Aldermen or Auditors as the case may be who shall by virtue of such appointment be as fully such as if duly elected.

If not enough candidates Governor to appoint officers.

93. No election under this Act shall be liable to be questioned by reason of any want or defect of title of any person by or before whom such election shall have taken place if such person shall have really acted at such election nor by reason of any formal error or defect in any declaration or other instrument or in any publication under this Act or intended so to be nor by reason of any such publication being out of time.

Election not to be questioned for defect of title.

94. No advantage shall be taken of the invalidity of any election under this Act in any action or suit 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 to action.

Municipalities.

Bribery and
corruption.

95. All the acts enumerated as acts of bribery and corruption in any Electoral Act in force for the time being with reference to elections of Members to the Legislative Assembly shall be deemed to be acts of bribery and corruption with reference to all elections under this Act And every person committing any such act shall be deemed guilty of a misdemeanor And the acts of all authorized agents of a candidate shall be held to be acts of their principal if proved to have been committed with his consent.

Penalty for receiving
or offering reward as
to vote.

96. Every person who having or claiming any right to vote in any election of Mayor Alderman or Auditor shall ask or take any money or other reward by way of gift loan or other benefit or agree or contract for any money gift office employment or other reward to give or to forbear to give his vote in any such election and every person who by himself or by any other person employed by him shall by any gift or reward or by any promise of or any agreement or security for any gift or reward corrupt or procure or offer to corrupt or procure any other person to give or to forbear to give his vote in any such election shall for every such offence be liable to a penalty of fifty pounds.

Penalty for voting
twice or personation.

97. Every person who shall vote or offer to vote a second time at the same election in the same Municipality or if the Municipality be divided into wards in the same ward or who shall personate or attempt to personate any other person for the purpose of voting at any such election shall be deemed guilty of a misdemeanor.

First costs of election
out of public funds.

98. All expenses of and incidental to the incorporation of any Municipality and the first elections of Aldermen and Auditors shall if certified under the hand of the Returning Officer be paid out of the Consolidated Revenue Fund by warrant under the hand of the Governor directed to the Colonial Treasurer.

Disputed elections or
exercise of office.

99. Upon affidavit that any person declared elected to be Mayor or an Alderman or Auditor of any Municipality has been unduly elected or that any person has been elected to or holds or exercises such office of Mayor Alderman or Auditor being incapable under the provisions hereof of being or continuing such Mayor Alderman or Auditor it shall be lawful for the Supreme Court or any Judge thereof to grant a rule or order calling upon such person to shew cause to the Court why he should not be by the said Court ousted of the said office and whereupon the return of such rule or order it shall appear to the Court that such person so elected or holding or exercising such office respectively was unduly elected or was at the time of his election or while holding or exercising such office incapable under the provisions hereof of being or continuing such Mayor Alderman or Auditor as the case may be the Court may make such rule or order absolute or if the matter shall not so appear may discharge such rule or order and in either and every such case with or without the payment of costs to or by either party as the Court shall deem meet And the person against whom any rule shall be made absolute as aforesaid shall be deemed thereby to be ousted of such office accordingly Provided that no such order or rule shall in any case be granted if at the time of the application for such rule or order more than three months shall have elapsed after the election or the time when the person against whom such application shall be made shall have been disqualified.

Misfeasance &c. of
Returning or Pre-
siding Officer Poll
Clerk &c.

100. If any Mayor of any Municipality or if any person having been duly appointed hereunder to act as Returning Officer Presiding Officer or Poll Clerk at any election and undertaken so to act shall be guilty of any gross misfeasance or wilful act of commission or omission contrary to any of the provisions herein contained he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds.

Conduct

*Municipalities.**Conduct of business.*

101. All acts authorized or required by law to be done and all questions to be decided by the Council shall be done and decided by the majority of the members present at any meeting duly held and a majority of the whole number of members of such Council or a moiety when such number is even shall be a quorum. Provided that if there be not a quorum present within half an hour after the time appointed for the holding of any meeting or if it shall appear at any time during the holding of any meeting that there is not a quorum of members present the Mayor shall have power to adjourn such meeting or intended meeting to some other day. And all meetings of the Council shall be held with open doors unless it shall become necessary to exclude strangers on account of their disorderly conduct. Provided however that the Council shall have the power of excluding strangers while a Mayor is being elected or while any tenders or applications for any work office or employment under the Council are being opened examined or considered or while any complaint against any officer or servant of the Council is being inquired into. But in all such cases the result of all such elections and of all such considerations of tenders or applications and of all such inquiries shall be announced or stated with open doors and an entry of such result shall be made in the Minute Book to be kept as hereinafter provided.

Meetings to be held with open doors but with power to exclude strangers in certain cases.

102. The Council shall meet at least once in every month and such meetings shall be held at such hours and on such days as shall be determined by any by-law under this Act or until such by-law shall be in force by any resolution of the Council.

Meetings to be held monthly.

103. The Mayor may call a special meeting of such Council as often as he shall think proper and if he shall refuse or delay to call any such meeting after receiving a requisition for that purpose signed by at least two Aldermen such Aldermen may call a meeting of the Council by giving such notice as is hereinafter directed to the other members thereof.

Special meetings.

104. In every case a summons to attend any intended meeting of the Council specifying the business proposed to be transacted at such meeting shall be left at or sent by post to the usual or last-known place of abode or place of business of each Alderman or to such address as he may have indicated for that purpose so that there shall be time for his receiving such summons twenty-four hours at least before the time appointed for such meeting and no business shall be transacted at any such meeting other than is stated in such summons. Provided that no summons shall be necessary for any adjourned meeting and that no business of which notice has not already been given as aforesaid shall be transacted at such meeting.

Members to be summoned and notice given of all business.

105. The Council Clerk shall prepare and serve or transmit all such summonses as aforesaid and shall give notice in each such summons for each monthly meeting of the Council of any business of which any Alderman may by writing under his hand delivered to such Council Clerk not less than four days before the day appointed for such monthly meeting have given notice or required to be brought before the Council at such meeting. And in each summons for each such special meeting as aforesaid the Council Clerk shall give notice of such business as the Mayor or the Aldermen calling such meeting shall direct to be notified. Provided that it shall not be necessary in any such summons to give notice *in extenso* of any proposed by-laws or other business to be considered at such meeting but it shall be deemed a sufficient compliance with this Act if the nature and intent of such business is clearly indicated. And provided also that where any business of which notice has been given for one monthly meeting or for any special meeting shall have been postponed until another monthly or special meeting it shall only be necessary to indicate in general terms in the summons that such business so postponed as aforesaid from a previous meeting is to be considered.

Council Clerk to prepare and transmit summonses.

Notices of business.

Municipalities.

Who to preside at
Council meetings.

106. The Mayor if present shall preside at all meetings of the Council and in his absence or if after being present he shall retire such Alderman as the members present may choose shall preside And in case of an equality of votes the person so presiding shall have a casting vote in addition to his original vote as a member of the Council Provided however that no such Mayor or presiding Alderman shall by any by-law or resolution of the Council be compellable to give such original vote as a member of such Council.

Casting vote.

Minutes of meetings.

107. Minutes of the proceedings of every meeting of the Council shall be taken by the Council Clerk and being fairly transcribed into a book to be kept for that purpose shall be read at the then next meeting of the Council and shall after confirmation thereby be signed by the Mayor or presiding Alderman.

Copies and extracts
from minutes.

108. Any elector or any creditor of the Municipality may at all reasonable times without fee make any copy of or take any extract from the Minute Book and any Council Clerk or other person having the custody of the said book who shall not on reasonable demand of any such elector or creditor permit such copy or extract to be made or taken shall be liable to a penalty of not more than five pounds for every such offence.

Committees may be
appointed.

109. The Council may appoint out of their own body such and so many standing or occasional Committees of either a general or special nature consisting of not fewer than three of their members as may be deemed necessary and may delegate to any such Committee any inquiry negotiation or arrangement or power to do any emergent act or to carry out any work which such Council may have ordered agreed to or directed Provided that every such Committee shall report all its proceedings to the Council at the earliest possible opportunity And the Council may fix the quorum of any such Committee and may give such directions to any such Committee as from time to time may be found expedient and may increase alter or dissolve any such Committee.

Meetings Chairman
&c. of Committees.

110. Every Committee so appointed may meet from time to time and may 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 such Committee unless the quorum of members (if any) fixed by the Council or if no quorum be fixed a majority of the members of such Committee be present And at all such meetings the Mayor if a member of the Committee shall preside or if he be not a member then such Alderman shall preside as a majority of the members of the Committee shall have appointed permanent Chairman thereof and in the absence of the Mayor or of the permanent Chairman respectively such Chairman as the members present shall appoint And all questions shall be determined by a majority of votes and in cases of an equality of votes the member presiding shall have a casting vote besides his original vote as a member of the Committee.

Place and days of
business and office
hours to be appointed
and notified.

111. The Council shall appoint a place within the Municipality and shall fix certain days and times at and during which the Council Clerk or other person duly authorized by them in that behalf shall attend for the purpose of receiving payments of rates and transacting the ordinary business of the Council And notice of the situation of the office of the Council and of the days and hours on and during which attendance is given there shall be given by the Council by advertisement or placards in such manner that the same may be generally known in the Municipality And no Council Clerk or other officer or servant of the Council shall unless otherwise specially ordered by such Council be compellable to produce any books or transact any other business as herein directed at any other place and time than at the place and within the time so appointed as aforesaid Provided that no such appointment of days for business shall include Sundays Christmas Days Good Fridays and days appointed for general Holidays or public Fasts and Thanksgivings.

Municipalities.

112. The common seal and all charters deeds muniments and records of the Corporation or relating to the property thereof shall be kept in such place and in such custody as the Council shall direct. Custody of seal and records.

113. Every entry in the Minute Book purporting to be a minute of the business transacted at any meeting of the Council and signed as aforesaid by the Mayor or other presiding Alderman at the next meeting of such Council which shall have been holden after such first-named meeting shall be *prima facie* evidence that such business as is therein recorded was transacted at such meeting without proof of the meeting to which the same shall refer having been duly convened or held or of the persons attending such meeting having been or being Alderman or of the signature of the Mayor or other presiding Aldermen or of the fact of such Mayor or presiding Alderman having been or being such Mayor or Alderman. Minute Book to be evidence.

114. The names of all Mayors Aldermen and Auditors elected under this Act and of all officers appointed by the Council shall as soon as conveniently may be after each such election or appointment be notified in the *Government Gazette* And such notice shall in the case of a Mayor be signed by the Council Clerk or if there be no Council Clerk by two of the Aldermen and in the case of Aldermen and Auditors by the Returning Officer and in the case of an officer or officers appointed by the Council by the Mayor And the production of the *Government Gazette* with any such notice shall be *prima facie* evidence that the person named therein as having been elected or appointed as aforesaid has been duly elected and appointed without proof that the Returning Officer Council Clerk Aldermen or Mayor by whom such notice purports to have been signed did in fact sign such notice or cause the same to be published or of the fact of his or their having been or being such Returning Officer Council Clerk Aldermen or Mayor. Mayors &c. to be gazetted.
Government Gazette to be evidence of appointment.

115. No proceeding of the Council or of any Committee shall be invalidated or be illegal in consequence of there being any vacancy in the number of Aldermen at the time of such proceeding provided that at any meeting of such Council or Committee at which such proceeding shall have been taken or ordered a quorum of the members of such Council or Committee as herein required shall have been present. Vacancy in Council or Committee not to invalidate proceedings.

Powers and Liabilities of Councils.

116. The Mayor or presiding Alderman as the case may be shall have power and authority to preserve order and prevent interruption at any meeting of the Council or of any Committee or at the sitting of any Court held hereunder for the revision of any municipal list or roll and without any other warrant than this Act may cause to be arrested and taken before a Justice any person whomsoever not being a Member of such Council who may interrupt the business of such meeting or sitting or cause a disturbance thereat And all constables and peace officers shall aid and assist such Mayor or presiding Alderman in the performance of his duty. Power of Mayor &c. to prevent interruption and to repress disorder.

117. The Council shall within the boundaries of the Municipality have the care construction and management of Public Roads other than the Main Roads of the Colony and of Public Streets Lanes Ferries Wharves Jetties and Public Thoroughfares except as hereinafter provided and shall adopt such means as may seem to them desirable for the establishment and management of places of Public Recreation Public Cemeteries Public Baths and Wash-houses and for securing the supply and distribution of water for domestic or sanitary purposes or for irrigation and for lighting and sewerage or other drainage and may purchase or rent land for public recreation or lands or buildings for public baths or wash-houses within the Municipality or lands either within or without such Municipality for public cemeteries and may make any contracts for the supply of water from Roads &c. under the control of the Council.

Municipalities.

from places either within or without the Municipality or any contracts for or in respect of lighting or sewerage or other drainage. Provided that no Municipality shall be compelled to take the charge or management of any new road or street laid down by any proprietor upon or through his own land which shall be less than forty feet in width or if the same be more than forty feet and less than sixty-six feet in width unless and until the same shall have been fully made and completed to the satisfaction of the Council. And provided also that all roads streets lanes or other thoroughfares and all ferries wharves and jetties dedicated to public use or in over and upon which a legal use or enjoyment exists in favour of or is vested in the public shall be deemed and taken to be public roads streets ferries wharves jetties and thoroughfares for the purposes of this Act.

Certain roads &c.
exempted from
control of Council.

But such control
may be given in
certain cases and on
certain conditions.

118. Nothing herein contained shall authorize the interference of any Council with any public road railway bridge ferry cemetery market wharf aqueduct public place or building whatsoever not formed constructed erected or established by such Council and which may be excepted from the jurisdiction of such Council by any proclamation made or to be made by the Governor or respecting which separate provision shall have been or shall be made by any Act. Provided always that the Governor may by Proclamation authorize any Council to take upon itself the charge of any such public road railway bridge ferry cemetery market wharf aqueduct public place or building within the limits of the Municipality as aforesaid but before the issue of any such proclamation transferring to the Council as aforesaid the charge of any such public road railway bridge ferry cemetery market wharf aqueduct public place or building as aforesaid there shall be such an adjustment to the satisfaction of the Minister of any then existing debt securities or other arrangements for upon or in respect of such public road railway bridge ferry cemetery market wharf aqueduct public place or building as the circumstances of the case may require. And upon any such Proclamation as last aforesaid any existing trust or other provision for the management control or other dealing with any such public road railway bridge ferry cemetery market wharf aqueduct public place or building as aforesaid created in pursuance of any Act then in force or by other competent authority shall thereupon and thereafter cease and determine.

Necessary powers of
the Council for
improvements &c.

Suits for compen-
sation.

119. Any Council or person authorized by any Council may for any purpose of this Act at all reasonable times in the day time enter upon and lay out or conduct through or make upon or under any private land within the Municipality any sewers or other drains watercourses wells pumps pipes or any other necessary works and may search for dig and remove with horses carts or otherwise any stone gravel or other road-making material for the making or repairing of any road bridge or aqueduct without payment for the same except as hereinafter enacted. Provided that all holes pits or quarries shall be filled up and all fences which may have been moved for ingress and egress to or from any such pit or quarry for the purposes aforesaid shall be made good at the expense of the Council. Provided also that for the purpose of obtaining road-making material as aforesaid it shall not be lawful to enter upon any enclosed land or to carry away stone from any quarry actually worked as such on private property. And every person affected by the construction of any such drain watercourse well pump pipe or other necessary work as aforesaid or by any other work executed by order of the Council or suffering any loss or damage whatsoever under the powers herein conferred may recover compensation from such Council in any Court of competent jurisdiction in such amount as such Court shall find to be justly due and such Court may in every case make such order as to costs as the justice of the case shall require. Provided that in every case where a reasonable claim for compensation has been refused the party aggrieved shall be entitled to double costs of suit.

Municipalities.

120. If any part of a Public road or street as aforesaid shall lie along and upon or be adjacent lengthwise to the limits of any Municipality but a portion or the whole of the breadth of such part shall be outside such Municipality and if such part shall not as to the breadth so lying outside be within the limits of the City of Sydney or of any other Municipality the Council of such first-named Municipality shall have power to form macadamize and otherwise make good and to repair and maintain such part of such road or street in like manner as any Public road or street within the Municipality.

Council may form street adjoining to Municipality.

121. If any part of a Public road or street as lastly before mentioned shall as to the breadth of such part so lying outside such Municipality be adjacent to or within any limit of the City of Sydney or of any other Municipality and if such road or street shall not as to such part theretofore have been formed macadamized or otherwise made good or shall be out of repair the Council of such first-mentioned Municipality may cause to be given to the Council of the said City or other Municipality a notice stating the desire of the Council giving the notice that such part of such road or street as aforesaid and described in such notice may be formed macadamized or otherwise made good or repaired and offering to treat and agree with the Council receiving the notice with respect to the performance by either party of the whole or part of such work and the future maintenance and repair of such part of the said road or street And such agreement may be made accordingly and every such Council giving or receiving such notice shall for the purpose of carrying out any such agreement have power to perform any such work or any part thereof and to provide for such maintenance and repair.

If such street form boundary also of another Municipality Council may give notice to treat with respect to it.

122. If for the space of one month after the receipt of any such notice any such Council receiving the same shall not treat and agree with the Council giving such notice as to the subject matter thereof it shall be lawful for such last-mentioned Council at any time afterwards to apply to the Court of Quarter Sessions holden for the district in which such road or street is situated for a summons calling on the Council so having omitted to treat or agree to shew cause to such Court at the sitting of the same for the said district to be holden next after the expiration of fourteen days from the issuing of such summons why the work mentioned in such notice should not be executed.

Court of Quarter Sessions may summon Council failing to treat.

123. The Court of Quarter Sessions holden as lastly hereinbefore mentioned upon proof of the giving of such notice and upon the appearance of both parties or proof if the party so summoned shall not appear of the due service upon such party of such summons shall have power to hear and determine the matter in question and to divide as nearly as practicable such road or street transversely across the length thereof into two equal lengths and to order that each party shall execute in respect of and upon one such separate length the works mentioned hereinbefore and described in the notice aforesaid or if the case so require shall in future undertake and provide for the maintenance and repair thereof.

Court may apportion work and order execution.

124. If either such party as aforesaid shall omit to comply with so much of any such order as shall apply to such party it shall be lawful for the other party from time to time after one month's notice to the party so omitting of their intention so to do to carry out and perform the whole or any part of the matters or things enjoined by such order upon the party so omitting and to recover the expense of so doing from such party in any Court of competent jurisdiction.

On omission either party may execute and recover expense.

125. If the Council of any Municipality shall desire to construct or establish any bridge or ferry over any river or creek at a place where one bank lies but the whole breadth and both banks do not lie within such Municipality and if there be in such case no other Council or body corporate duly empowered as herein provided to treat with such first-named Council with respect to the opposite bank then the said Council may with

Bridges and ferries at boundary of Municipality.

Municipalities.

the approval of the Governor at their own expense construct or establish such bridge or ferry and the approaches thereto in the same manner as though the whole breadth and both banks were within such Municipality And if there shall be any such Council or body corporate as lastly mentioned then the Council of such Municipality may treat and agree with such Council or body corporate with respect to such work and may execute such work according to the tenor of such agreement.

Governor may give control of bridge or ferry at such boundary to the Council.

And shall do so if it be constructed at their own expense &c.

Council to have certain powers vested in Courts of Petty Sessions &c. by "Impounding Act of 1865" (29 Victoria No. 2) secs. 3 4 6 and 8.

126. It shall be lawful for the Governor to appoint that any bridge or ferry which may have been or may hereafter be placed or provided at the boundary of any Municipality on or over any river or creek whereof the whole breadth and both banks shall not at the site of such bridge or ferry lie or be within such Municipality shall be under the control of the Council of such Municipality Provided that if any such bridge or ferry or the approaches thereto shall have been constructed or formed by the Council of any Municipality at their own expense or in pursuance of any contract as herein provided with any other Council or body corporate whereby it shall have been stipulated that the control of such bridge or ferry shall be vested in such first-mentioned Council then in every such case the Governor shall give the control thereof to such Council.

127. The Council of every Municipality shall within and for such Municipality have and exercise the following powers which by the Act twenty-ninth Victoria number two the "Impounding Act of 1865" or any Act or Acts amending the same may or are required to be exercised in and for any district by the Court of Petty Sessions of such district or a majority of the Justices assembled in any such Court (that is to say)—All such powers conferred by the said Act as relate to the establishment of public pounds the appointment of poundkeepers the determination of the amount of security to be given by each such poundkeeper the monthly inspection of the pound-book and instructions the receiving of such book and instructions from each poundkeeper on his ceasing to hold office as such and the fixing of charges for the care and sustenance of animals impounded And with regard to the foregoing provisions the said Act shall be read as if in every case where such powers or any of them are given by such Act to any Court of Petty Sessions or majority of Justices as aforesaid there had been a proviso that wherever a Municipality had been established such powers so given to such Court or majority of Justices respectively should for and in respect of such Municipality be alone vested in and exercised by the Council thereof And the poundkeeper shall in every such case be an officer of the Council within the meaning of this Act And all pounds already established and all poundkeepers in office in any Existing Municipality at the time of this Act coming into force or in any Municipality incorporated hereunder at the time of the incorporation thereof shall be deemed to all intents and purposes to have been established and appointed on the recommendation of the Council thereof.

Council to have certain powers vested in Police Magistrate &c. under Country Towns Police and Alignment Act 2 Vict. No. 2 secs. 31 37 38 48 49 52 54 56 and 57 Country Towns Police and Alignment Act Amendment Acts 11 Vict. No. 44 and 19 Vict. No. 10 and Sydney Hamlets Police Act 17 Vict. No. 25 secs. 26 30 and 31.

128. The Council of every Municipality shall alone in and for such Municipality have exercise and incur the following powers and obligations which by the Acts second Victoria number two eleventh Victoria number forty-four seventeenth Victoria number twenty-five and nineteenth Victoria number ten respectively may or are required to be exercised and incurred by the Police Magistrate or by other Justices of the Peace or by the Surveyor General or person deputed by him or by any Magistrate or municipal officer of any town or other person acting under the authority of the Governor or by the Police Magistrate with the assistance of the Bench of Magistrates or by the Colonial Treasurer or other such officer as the Governor may authorize respectively that is to say the powers conferred by the said Acts or either of them for or in respect of the enclosure of holes or foundations near any public place and the lighting of such enclosures and for and in respect of the

Municipalities.

the receiving of notices as to the blasting of rocks and the giving of such directions thereon as may be deemed necessary for the public safety and for and in respect of the granting of leave for the opening of any drain or sewer or the removal of any turf clay sand gravel stone or other material from any carriageway or footway and for and in respect of the setting out and defining of carriageways and footways in streets and public places and for and in respect of the giving of notice for the removal or abatement of any building or erection in any street part of a street or public place within the distance from the curb stone or extreme edge of the footway fixed and declared by the Governor and Executive Council and for and in respect of the receiving of notice of the intention to erect any house shop or other building in any street before such erection shall be commenced and the furnishing of information as to any legal provisions relating to such proposed erection and for and in respect of the marking of names of streets upon any walls and the numbering of houses and for and in respect of causing footways to be levelled and removing or abating any flagging steps or other injury or obstruction therefrom and for and in respect of the receiving of notice from any person desirous of flagging paving gravelling or putting a kerb stone to the footway in front of his house or premises and the giving of directions as to the length breadth height slope and inclination of such footway and for and in respect of the framing and alteration with the Governor's approval of rules and regulations for the holding of markets and the preservation of order and cleanliness therein and of enforcing such regulations by fines or penalties and for and in respect of the farming by public auction of any stalls or standings in any market-house And with respect only to the foregoing provisions the said Acts shall be severally read so far as they relate to any Municipality as if the words "Council of the Municipality" stood in such Acts respectively instead of the following words and descriptions respectively namely "Police Magistrate" "any Justice" "Justice of the Peace" "one of the nearest resident Justices of the Peace" "said Justice" "some Justice of the Peace" "the Surveyor" "General or any person deputed by him or for any Magistrate or municipal officer of any such town under the authority of the Governor" "Any person appointed by the Governor" "Police Magistrate with the assistance of the Bench of Magistrates" and "Colonial Treasurer or other such officer as the Governor of the said Colony shall otherwise authorize and appoint" And no Police Magistrate or Justice of the Peace or other officer or person as aforesaid shall be required or empowered to do any act or give any notice or direction or information or receive any notice as hereinbefore mentioned as to any of the said matters or things existing arising or occurring within the limits of any Municipality And so much of all fines fees and sums of money which by reason of the operation of the said Acts or either of them in for or in respect of any Municipality shall be payable by any person as would if this Act had not been passed be paid into the Consolidated Revenue shall belong to the said Municipality and shall be paid to the Treasurer or other proper officer of such Municipality for the general purposes thereof Provided that the said Council may by any by-law made sanctioned and published as herein directed delegate all or any of the said powers to any officer of such Council.

129. The Council of any Municipality may with the consent of the Governor impose and enforce a fixed annual half-yearly or quarterly charge upon vehicles plying or carrying passengers or goods for hire within such Municipality whether such vehicles shall be licensed by the Municipal Council of the City of Sydney or not.

Council may impose fixed charge on public vehicles.

130. Subject to the approval of the Governor it shall be lawful for the Council of any Municipality from time to time to contract upon such terms

Co-operation of Councils.

Municipalities.

Composition for
breaches of contract
in certain cases.

terms and conditions as they may see fit with the Council of any other Municipality or with any other body corporate or public body empowered in that behalf for or in respect to the doing and the control and management by either or both of the contracting parties of any matter or thing which the Council of the Municipality or such other body is by law empowered to do and perform.

131. The Council may compound with any party who has entered into any contract or against whom any action or suit has been brought for any penalty contained in any such contract or in any bond or other security for the performance thereof or on account of any breach or non-performance of any contract bond or security for such sums of money or other recompense as the Council may think proper.

Powers as to
nuisances.

132. The Council shall have power by themselves or their officers to abate and remove all nuisances within the Municipality and any two Justices in Petty Sessions upon information or complaint made before them may in a summary manner compel such nuisances to be abated and removed by the owners or occupiers of the premises upon from or in respect of which the nuisance shall exist or have arisen And the word "nuisance" in this Act shall mean and include the following matters—any boiling-down establishment slaughter-house or other premises in such a state as to be a nuisance or injurious to health any pool ditch gutter watercourse privy urinal cesspool drain or ashpit so foul as to be a nuisance or injurious to health any animal or the carcass of any animal or any part thereof in such a state or so kept or left as to be a nuisance or injurious to health and any accumulation or deposit which is a nuisance or injurious to health.

Definition of
nuisances.

Power to extirpate
weeds.

133. The Council of every Municipality shall have power in like manner and by like process in respect to Districts where the lands for the most part are under cultivation or have been cleared and enclosed by fences to order and compel the extirpation of the weeds known as the Bathurst burr and the Scotch thistle and other noisome weeds and generally to make by-laws and adopt the necessary means for preventing the growth of weeds detrimental to good husbandry.

Common nuisances.

134. Nothing in the preceding sections shall be construed to prevent or affect prosecutions by information or indictment or any other proceeding in respect of nuisances now or hereafter existing which may be abated or made the subject of presentment or prosecution at the common law or under any existing Act.

Houses to be
spouted.

135. All proprietors of houses in any town having a frontage to a street formed with footpaths by the Municipality wherein the same is situate shall be bound to have such frontage sufficiently spouted so as to prevent the drip of water on the footpaths and when any such spouting shall be effected by the tenant of any such houses the cost thereof may be deducted from the rent.

Encroachment upon
streets.

136. Every person who encroaches by making or causing to be made any building hedge ditch or other fence or any drain on any street or other public thoroughfare within any municipality shall on conviction forfeit for every such offence any sum not exceeding five pounds and the Council shall cause such building hedge ditch fence or drain to be taken down or filled up or otherwise made good at the expense of the person by or to whom the same shall have been made or belong and such expenses may in default of payment be recovered by the Council before any two Justices.

Power of appointing
substitute for Mayor
&c. when prevented
from performing any
duty directed by this
Act.

137. Whenever in consequence of death absence or otherwise any Alderman Council Clerk or other officer other than an Auditor shall be prevented from performing any duty which by this Act he is directed to perform it shall be lawful for the Mayor to appoint any other Alderman or person to perform the same And if for any like reason the Mayor shall be prevented

Municipalities.

prevented from performing any such duty the Council shall appoint some other Alderman to perform the same And if for any like reason any Auditor shall be prevented from performing or shall refuse or neglect to perform any such duty the Council shall appoint some elector of the Municipality not being an Alderman thereof to perform the same And all the acts and proceedings of any person so appointed as aforesaid shall have the same validity as the acts and proceedings of the Mayor Alderman Auditor Council Clerk or other officer in whose place such person has been so appointed as aforesaid would have had.

138. The Mayor or the Council Clerk or any Alderman or officer of the Council of any Municipality appointed by such Council in that behalf shall have the same right and authority to represent the body corporate in the conduct of any action suit or other proceeding in any Court of Law or in Equity by for on account of or against such corporate body as if such action suit or proceeding had been brought or instituted by for on account of or against such Mayor Council Clerk Alderman or officer individually.

Mayor or Council Clerk &c. to conduct suits and proceedings on behalf of the body corporate.

139. Any summons or notice or any writ or other process document writing or other matter issued according to the course of any proceeding at law or in equity and required to be served upon the Council may be served by the same being sent through the Post Office directed to the Council at their office or left at such office or by being given personally to the Mayor or Council Clerk.

Service of notices &c. on Council.

140. Every person who shall wilfully hinder or interrupt or cause or procure to be interrupted the Council or their managers surveyors agents servants or workmen or any of them or the Auditors in doing or performing any of the works or in the exercise of any of the powers and authorities exercisable by or vested in them by law shall for every such offence forfeit and pay any sum not exceeding ten pounds.

Penalty for interrupting Council or their officers.

Special Powers.

141. The Council of any Municipality may establish and maintain Free Libraries every such Library to be in a room under the control of the Council which shall be open to the public every day except Sunday Christmas Day and Good Friday for a stated period to be defined in each case by by-laws and without any restriction other than what may be necessary for the preservation of the property therein and the observance of good order.

Councils may establish Free Libraries.

142. Wherever a Free Library is established by a Municipality the Council shall be entitled to receive a grant from the Consolidated Revenue in aid of the purchase of books in the manner and on the conditions following:—

Free Libraries may be aided from the Consolidated Revenue.

- | | |
|---|-----|
| (1.) If the Library is in a District where a population | £ |
| of at least three hundred souls can regularly | |
| make use of it | 100 |
| (2.) If the Library is reasonably available for the use | |
| of a population of at least one thousand souls ... | 200 |

Provided always that the Governor shall be satisfied of the facts in each case and the list of books to be so purchased shall be approved of by the Inspector of Public Charities or the Minister exercising the powers of that office.

143. The Council shall be entitled to receive without payment for the use of any such Free Library a complete copy of the Public Statutes and copies of all publications issued from the Government Printing Office on and after the date of the establishment of such Library.

Public Statutes &c. to be presented to Free Libraries.

Municipalities.

Property of Free Libraries to be vested in Councils.

144. The property of every Free Library shall be vested in the Council for the permanent use of the whole of the inhabitants of the Municipality and the Council acting as Trustees thereof shall be competent to acquire possess and hold property in books papers and instruments on behalf of such Free Library by bequest purchase or otherwise.

Councils may establish Free Infant Schools.

145. The Council of any Municipality may establish Free Infant Schools for the instruction and industrial training of children whose parents are in prison half-caste children and other children who are objects of charity and shall be competent to acquire possess and hold land and other property by grant from the Crown bequest or purchase for the purposes of such schools Provided always that the instruction given in any such school shall be of a character not calculated to interfere with the religious belief of any child.

Free Infant Schools may be aided by the Council of Education.

146. It shall be lawful for the Council of Education to grant aid towards the maintenance of Free Infant Schools to be determined by the number of children and other circumstances in each case and all such Schools shall be subject to the provisions of the Act thirty Victoria number twenty-two in respect to the course of secular instruction to be enforced the examination of teachers and the inspection of Schools.

Two or more Municipalities may unite in establishing Free Infant Schools.

147. The Councils of any two or more Municipalities may unite in establishing Free Infant Schools as hereinbefore provided for the common use and advantage of such Municipalities and may from time to time appoint joint committees of management for the proper conduct of the same Provided that no person shall be a member of any such joint committee of management who is not an Alderman of one of the Municipalities so uniting in the establishment of any such School.

By-laws of Free Infant Schools in certain cases to be confirmed by two or more Councils.

148. All by-laws for the regulation of any Free Infant School which may be established by the united action of two or more Municipalities shall be confirmed by the Council of each of such Municipalities.

Officers and Servants.

Power to Council to appoint and remunerate officers.

149. The Council of every Municipality shall appoint such officers and servants as in their discretion they may deem necessary for the execution of the powers and duties hereby vested in such Council and shall assign remuneration to such officers and servants by way of salaries allowances or wages which shall be in lieu of all fees perquisites and other emoluments whatever.

Officers or servants exacting or accepting fees.

150. Every officer employed by the Council who shall exact or accept on account of anything done by virtue of his office or in relation to the matters to be done under this Act any fee or reward whatever other than the salary or allowance allowed by the Council shall be liable to a penalty of not less than ten pounds nor more than one hundred pounds.

Officers intrusted with money to give security and to account.

151. Every officer or servant who by reason of his office or employment under the Council may be intrusted with the custody or control of any moneys shall give such security for faithfully and duly accounting for the same as the Council may think sufficient and shall within seven days after having received any moneys or within such shorter time as the Council may appoint pay over the same to the Treasurer of the Municipality or into some Bank selected by the Council And shall also as and when the Council may direct deliver a list signed by him containing the names of all persons who have neglected or refused to pay any sums due by them And shall when and as required by the Council make out and deliver a true and perfect account in writing under his hand and signature of all moneys received by him for the purposes of this Act distinguishing how and to whom and for what purposes such moneys have been disposed of And shall together with such account deliver the vouchers or receipts for all payments made by him and shall pay over to or receive from the

Municipalities.

the said Treasurer or the Mayor the balance of such accounts if any And if any such officer or servant shall fail to render such account or to produce and deliver up all vouchers and receipts in his possession or power or to pay over any such moneys or balance as aforesaid or if for the space of seven days after being thereunto required he shall fail to deliver up to the Council all books papers writings property effects matters and things in his possession or power belonging to the Council he shall on proof thereof before any Justice and on his still failing or refusing to do such or any other required act relating to the premises be liable on summary conviction before a Justice to be imprisoned for any term not exceeding three weeks or until he shall have done such act And if it shall appear that he has failed to pay over such moneys as aforesaid and he still fails or refuses so to do the Justice may cause any such moneys as aforesaid to be levied by distress upon his goods and chattels and in default of any sufficient distress may commit him to gaol without bail for any time not exceeding three months unless such moneys be sooner paid Provided that upon proof on oath to any Justice that there is probable cause for believing that any such officer or servant so charged is about to abscond such Justice may without summons cause him to be forthwith apprehended upon warrant and may upon *primâ facie* proof on oath of the charge require him to give bail for his subsequent appearance to answer the same Provided also that no such proceeding shall relieve any surety of the offender from any liability whatsoever nor any such offender from being held to answer any criminal information charge or proceeding whatsoever.

152. The Mayor may suspend from office at any time any officer or servant of the Council who may in his opinion be guilty of misconduct or neglect and if necessary may temporarily appoint and may take security from another officer or servant to fulfil the duties of such officer or servant so suspended as aforesaid Provided that at the then next meeting of the Council the Mayor shall report the matter to the Council and if the officer or servant so suspended be dismissed by the Council no salary or wages shall be due or payable to him from or after the date of his suspension And every officer or servant so temporarily appointed shall only hold office and receive remuneration in no case exceeding that paid to the suspended officer or servant until the Council shall decide whether the person suspended shall be reinstated or shall be dismissed and a successor appointed in his stead.

Mayor may suspend officers.

By-laws.

153. The Council of any Municipality may from time to time make by-laws for the following matters so far as the same are not herein expressly provided for and may from time to time by other by-laws alter or repeal any such by-laws namely for—

Council to make by-laws generally.

- Regulating their own proceedings and the duties of their officers and servants and preserving order at Council Meetings
- Determining the times and modes of collecting and enforcing payment of their rates either current or in arrear
- Preventing and extinguishing fires
- Suppressing nuisances houses of ill fame and gaming-houses
- Preventing or regulating and licensing exhibitions held or kept for hire or profit bowling alleys and other places of amusements
- Compelling residents to keep their premises free from offensive or unwholesome matters
- Regulating and licensing porters public carriers carters water-drawers and vehicles plying for hire—the killing of cattle and sale of butchers meat and the establishment and locality of slaughter-houses or abattoirs

Regulating

Municipalities.

Regulating markets market dues fairs and sales
 Opening new public roads ways and parks
 Aligning curbing paving guttering gravelling and cleansing roads and streets
 Regulating the supply and distribution of water
 Sewerage and drainage
 Lighting with gas or otherwise
 Causing vacant building lots in towns to be enclosed where public safety is likely to be endangered
 Regulating the interment of the dead
 Planting and preserving trees and shrubs
 Generally controlling and managing public reserves
 Regulating Free Libraries and Free Infant Schools
 Collecting and enforcing special rates for water supply Free Libraries and Free Infant Schools
 Preventing or regulating the bathing or washing the person in any public water near a public thoroughfare
 Preserving public decency
 Providing for the health of the Municipality and against the spreading of contagious or infectious diseases
 Restraining noisome and offensive trades
 Collecting and managing tolls rates and dues upon roads bridges wharves jetties and markets
 And generally maintaining the good rule and government of the Municipality.

And for hospitals
 asylums &c.

154. The Council may also make by-laws for the establishment maintenance or regulation of hospitals for the care of the destitute poor and sick and of asylums for the protection support and moral and religious instruction of destitute or deserted children And may take over any existing hospital or asylum with the consent of the managers thereof and make by-laws for it in like manner.

And for libraries
 gardens &c.

155. The Council may also make by-laws for the establishment maintenance and regulation of infant schools public libraries schools of arts museums botanical gardens public baths and wash-houses or other public places of recreation or improvement and may with the approval of the Governor grant money from the corporate funds in aid of any such purpose.

And respecting
 commonage rights.

156. The Council may also make by-laws for regulating the rights and privileges to be enjoyed by the inhabitants of any Municipality over any common or reserve already or hereafter set apart or dedicated for the use of such inhabitants.

By-laws to be
 enforced by penalty.

157. Any by-laws made under this Act may state some minimum and maximum penalty for any neglect or breach thereof respectively and may also fix minimum penalties in case of successive convictions in respect of the same offence Provided that no such maximum penalty shall exceed fifty pounds.

By-laws to be ap-
 proved by Governor
 in Council and
 gazetted.

158. All or any such by-laws being consistent with the provisions of this Act and not repugnant to any other Act or Law in force within the Colony of New South Wales shall have the force of law when confirmed by the Governor and published in the *Government Gazette* but not sooner or otherwise And copies thereof shall be laid before both Houses of Parliament forthwith if Parliament be sitting and if not then within fourteen days after the opening of the next session.

By-laws to be proved
 by production of the
Government Gazette.

159. The production of the *Government Gazette* with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-law has been made confirmed and published as is herein required Provided that no objection to the validity of such by-law which may be sustained on the ground of its repugnancy to this Act or to any Act or Law as aforesaid shall be affected by anything in this section contained.

Municipalities.

the said Treasurer or the Mayor the balance of such accounts if any And if any such officer or servant shall fail to render such account or to produce and deliver up all vouchers and receipts in his possession or power or to pay over any such moneys or balance as aforesaid or if for the space of seven days after being thereunto required he shall fail to deliver up to the Council all books papers writings property effects matters and things in his possession or power belonging to the Council he shall on proof thereof before any Justice and on his still failing or refusing to do such or any other required act relating to the premises be liable on summary conviction before a Justice to be imprisoned for any term not exceeding three weeks or until he shall have done such act And if it shall appear that he has failed to pay over such moneys as aforesaid and he still fails or refuses so to do the Justice may cause any such moneys as aforesaid to be levied by distress upon his goods and chattels and in default of any sufficient distress may commit him to gaol without bail for any time not exceeding three months unless such moneys be sooner paid Provided that upon proof on oath to any Justice that there is probable cause for believing that any such officer or servant so charged is about to abscond such Justice may without summons cause him to be forthwith apprehended upon warrant and may upon *primâ facie* proof on oath of the charge require him to give bail for his subsequent appearance to answer the same Provided also that no such proceeding shall relieve any surety of the offender from any liability whatsoever nor any such offender from being held to answer any criminal information charge or proceeding whatsoever.

152. The Mayor may suspend from office at any time any officer or servant of the Council who may in his opinion be guilty of misconduct or neglect and if necessary may temporarily appoint and may take security from another officer or servant to fulfil the duties of such officer or servant so suspended as aforesaid Provided that at the then next meeting of the Council the Mayor shall report the matter to the Council and if the officer or servant so suspended be dismissed by the Council no salary or wages shall be due or payable to him from or after the date of his suspension And every officer or servant so temporarily appointed shall only hold office and receive remuneration in no case exceeding that paid to the suspended officer or servant until the Council shall decide whether the person suspended shall be reinstated or shall be dismissed and a successor appointed in his stead.

Mayor may suspend officers.

By-laws.

153. The Council of any Municipality may from time to time make by-laws for the following matters so far as the same are not herein expressly provided for and may from time to time by other by-laws alter or repeal any such by-laws namely for—

Council to make by-laws generally.

- Regulating their own proceedings and the duties of their officers and servants and preserving order at Council Meetings
- Determining the times and modes of collecting and enforcing payment of their rates either current or in arrear
- Preventing and extinguishing fires
- Suppressing nuisances houses of ill fame and gaming-houses
- Preventing or regulating and licensing exhibitions held or kept for hire or profit bowling alleys and other places of amusements
- Compelling residents to keep their premises free from offensive or unwholesome matters
- Regulating and licensing porters public carriers carters water-drawers and vehicles plying for hire—the killing of cattle and sale of butchers meat and the establishment and locality of slaughter-houses or abattoirs

Regulating

Municipalities.

Regulating markets market dues fairs and sales
 Opening new public roads ways and parks
 Aligning curbing paving guttering gravelling and cleansing roads and streets
 Regulating the supply and distribution of water
 Sewerage and drainage
 Lighting with gas or otherwise
 Causing vacant building lots in towns to be enclosed where public safety is likely to be endangered
 Regulating the interment of the dead
 Planting and preserving trees and shrubs
 Generally controlling and managing public reserves
 Regulating Free Libraries and Free Infant Schools
 Collecting and enforcing special rates for water supply Free Libraries and Free Infant Schools
 Preventing or regulating the bathing or washing the person in any public water near a public thoroughfare
 Preserving public decency
 Providing for the health of the Municipality and against the spreading of contagious or infectious diseases
 Restraining noisome and offensive trades
 Collecting and managing tolls rates and dues upon roads bridges wharves jetties and markets
 And generally maintaining the good rule and government of the Municipality.

And for hospitals
 asylums &c.

154. The Council may also make by-laws for the establishment maintenance or regulation of hospitals for the care of the destitute poor and sick and of asylums for the protection support and moral and religious instruction of destitute or deserted children And may take over any existing hospital or asylum with the consent of the managers thereof and make by-laws for it in like manner.

And for libraries
 gardens &c.

155. The Council may also make by-laws for the establishment maintenance and regulation of infant schools public libraries schools of arts museums botanical gardens public baths and wash-houses or other public places of recreation or improvement and may with the approval of the Governor grant money from the corporate funds in aid of any such purpose.

And respecting
 commonage rights.

156. The Council may also make by-laws for regulating the rights and privileges to be enjoyed by the inhabitants of any Municipality over any common or reserve already or hereafter set apart or dedicated for the use of such inhabitants.

By-laws to be
 enforced by penalty.

157. Any by-laws made under this Act may state some minimum and maximum penalty for any neglect or breach thereof respectively and may also fix minimum penalties in case of successive convictions in respect of the same offence Provided that no such maximum penalty shall exceed fifty pounds.

By-laws to be ap-
 proved by Governor
 in Council and
 gazetted.

158. All or any such by-laws being consistent with the provisions of this Act and not repugnant to any other Act or Law in force within the Colony of New South Wales shall have the force of law when confirmed by the Governor and published in the *Government Gazette* but not sooner or otherwise And copies thereof shall be laid before both Houses of Parliament forthwith if Parliament be sitting and if not then within fourteen days after the opening of the next session.

By-laws to be proved
 by production of the
Government Gazette.

159. The production of the *Government Gazette* with any such by-laws so published as aforesaid shall in any suit or proceeding whatsoever be sufficient evidence that such by-law has been made confirmed and published as is herein required Provided that no objection to the validity of such by-law which may be sustained on the ground of its repugnancy to this Act or to any Act or Law as aforesaid shall be affected by anything in this section contained.

Municipalities.

160. Upon and after any division of any Municipality in manner aforesaid and the constitution of the parts so divided into distinct Municipalities the by-laws in force in such first-named Municipality at the time of such division shall be the by-laws of each such Municipality after such division until such by-laws shall be amended altered or repealed by the Council thereof and such amendment alteration or repeal shall have been confirmed and published as herein directed.

By-laws in force on division of Municipalities.

161. Upon the union as herein provided of any two or more Municipalities the Minister shall declare what by-laws of those in force for such several Municipalities at the time of such union shall be the by-laws of the United Municipality And such by-laws so declared to be the by-laws of the United Municipality shall be in full force therein until such by-laws shall be amended altered or repealed by the Council thereof and such amendment alteration or repeal shall have been confirmed and published as herein directed And all other by-laws previously in force in the said Municipalities so united as aforesaid or any of them shall after such declaration by the Minister as aforesaid become null and void Provided that all acts or things done or had and all fines penalties and forfeitures imposed under or by virtue of any by-law so become null and void shall be of the same force and effect and be recovered in like manner as if such union had not taken place and such declaration by the Minister had not been made Provided also that in every such case of union or division as mentioned in this and in the last preceding section the Council of every Municipality created in pursuance of this Act on and by such union or division shall have the same power as to the enforcement of any by-laws in force or enforceable in such Municipality under the provisions hereof as if such by-laws had been made by such Council Provided further that in the case of any road dividing two or more Municipalities the Governor shall have power to declare and determine which set of by-laws of the Municipalities so divided shall be in force on such road.

By-laws in force on union of Municipalities.

Power of Council of New Municipalities created by union or division to enforce by-laws.

162. In every case where two or more Municipalities have been united and the Minister shall have declared as aforesaid what by-laws are to be in force as the by-laws of the United Municipality such by-laws so declared to be in force shall be published in the *Government Gazette* and the production of such *Government Gazette* with such by-laws so published therein shall be as sufficient evidence as hereinbefore provided that such by-laws are in as full force for such United Municipality as if the same had been made by the Council thereof and had been confirmed and published as hereinbefore enacted.

By-laws of United Municipality to be gazetted and to be proved by *Government Gazette*.

Assessments Rates and Accounts.

163. All Lands Houses Warehouses Counting-houses Shops and other Buildings Tenements or Hereditaments within any Municipality shall be rateable property within the meaning and for all the purposes of this Act save as is next hereinafter excepted that is to say Land the property of Her Majesty and unoccupied or used or reserved or vested in Trustees for public purposes Land and Buildings in the occupation of the Imperial Government or the Government of New South Wales or of the Council of the Municipality Hospitals Benevolent Institutions and Buildings used exclusively for public charitable purposes Churches Chapels and other buildings used exclusively for Public Worship all Schools subject to the provisions of the Public Schools Act of 1866 Colleges and Universities.

Definition of rateable property.

164. The Council of each Municipality shall annually within three months after the election of the Mayor thereof make or cause to be made an estimate of the probable amount which will be required for the then current year in addition to any tolls rates or dues levied or authorized to be levied within the Municipality and to any probable income from fines voluntary contributions endowments or any other source

Annual estimate assessment and rates.

E

of

Municipalities.

of revenue to carry on the fencing making and repairing of any roads bridges punts wharvés piers or other public works in the said Municipality and any other expenses necessary in carrying into effect the provisions of this Act and shall raise the amount so estimated by an assessment and rate upon all rateable property within such Municipality assessing the same at nine-tenths of the fair average annual rental of all buildings and cultivated lands or lands which are or have been let for pastoral mining or other purposes whether such buildings or lands shall be then occupied or not and at the rate of five pounds *per centum* upon the capital value of the fee simple of all unimproved lands such average rental and capital value of all such rateable property to be estimated by valuers as is hereinafter provided And notice of such assessment and rate shall be served if the property be occupied upon the occupier by a notice addressed to such occupier and left at or sent through the post to the premises and if unoccupied by a notice addressed to the lessee or owner of such property and left at or sent through the post to his last-known residence or place of business in the Colony And as to any rateable property which is unoccupied and the owner of which is not known to the Council notice of such assessment and rate upon such last-mentioned property shall be advertised twice at least in two successive weeks in some newspaper circulating in the Municipality Provided that no such rate shall exceed one shilling in the pound on the assessed value of all such rateable property calculated and determined as hereinbefore directed And the rate so imposed as aforesaid shall be payable by the occupier of the property for which such rate is payable if occupied and if unoccupied then by the lessee or owner Provided also that nothing herein contained shall prevent any private arrangement between landlords and tenants as between themselves with respect to their ultimate liability to rates respectively Provided further that in any notice by advertisement as herein required of the assessment and rate upon property of which the owner is unknown to the Council it shall not be necessary to describe such property by metes and bounds but only to state in general terms so that the same may be intelligible its situation and estimated area and the name or names of the original grantee or grantees And provided also that nothing herein contained shall prevent the Council from collecting their rates by half-yearly instalments if they shall think fit.

Special rates for
sewerage water &c.

165. For the purpose of constructing and maintaining any works for or relating to the draining of lands water supply sewerage or lighting with gas or otherwise the Council of any Municipality may establish special rates and may levy the same upon the owners or occupiers of any property within the Municipality deriving any benefit or advantage from such works Provided that such special rates so levied shall not in the aggregate in any one year exceed one shilling in the pound on the annual value of the rated property assessed as aforesaid Provided however that the Council of any Municipality may in order to provide funds for the watering of any street or road within such Municipality establish a special rate or charge on the rateable property in such street or road not exceeding sixpence in the pound in any one year on the assessed annual value of such property and may levy the same upon the owners or occupiers thereof in addition to any special rate for drainage water supply or lighting which may have been established and levied as aforesaid.

Special Water Rates.

166. For the purpose of constructing and maintaining Water Works and ensuring a supply of pure water the Council of any Municipality may establish special water rates in towns and may levy the same upon the owners or occupiers of all houses in streets where the water mains are laid down Provided that no such special water rate shall exceed five shillings per annum for every separate room in a dwelling-house.

Educational Rate.

167. For the purpose of establishing and maintaining Free Libraries and Free Infant Schools or either of them the Council of any Municipality

Municipalities.

Municipality may establish a rate or rates and levy the same on the owners or occupiers of any property within the said Municipality. Provided that any such rate or rates shall not in any one year exceed threepence in the pound on the annual value of the rated property assessed as aforesaid.

168. The special and general rates taken together for any Municipality shall not at any one time exceed two shillings in the pound of the assessment of the rateable property and no special rate shall at any time be made so that together with any special rates theretofore made and for the time in force it shall exceed one shilling in the pound of such assessment for the time being. Limitation of rates.

169. Every such assessment and rate shall be fairly transcribed in a book to be kept for that purpose and to be called the "Rate Book" and may be in the form or to the effect of Schedule L hereto and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and shall be sealed with the seal of the Municipality. And notice of such assessment and rate having been made shall be advertised once in each week for two weeks after the making thereof in some newspaper circulating in or near the Municipality and the book containing the same shall be open to the inspection of any person rated or interested in such rate at all reasonable times and any such person may take copies or extracts from such book without fee. And any person having the custody of such book who refuses or does not permit any person so rated or interested to take copies or extracts therefrom shall for every such offence be liable to a penalty not exceeding five pounds. Form of rate and how notice to be given.

170. The Council may from time to time amend any rate made in pursuance of this Act by inserting therein and transcribing into the said book the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting therein the name of any person who ought to have been rated or by raising or reducing the sum at which any person has been rated if it appear to them that such person has been under-rated or over-rated or by making such other amendments therein as will make such rate conformable to this Act and no such amendment shall be held to avoid the assessment or rate. Provided that every person aggrieved or affected by any such alteration shall have the same right to appeal therefrom as he would have had if his name had been originally inserted or no such alteration had been made and as respects every such person the assessment and rate shall be considered to have been made at the time when he received notice of such alteration and every person whose rates are altered shall be entitled to receive seven days notice of such alteration before the rate shall be payable by him. Amending rate.

171. Whenever the name of any owner liable to be rated under this Act is not known to the Council it shall be sufficient to rate such owner in the rate book by the designation of "the owner" without stating his name. Words "the owner" enough if name unknown.

172. The Council of each Municipality shall cause a valuation to be made in each year of all rateable property within such Municipality by two competent persons to be styled valuers. Provided however that as to property which has been already assessed and rated the valuation of the last year may be used with such alterations if any as may appear necessary to the valuers and shall be taken to be the valuation for the then current year. And every valuer before acting as such shall before a Commissioner of the Supreme Court or a Justice subscribe a solemn declaration to make such valuation impartially and truly according to the best of his judgment and shall give or transmit such declaration to the Mayor. Annual valuation of rateable property.

173. Every valuer shall for the purpose of making such valuation as aforesaid have power to enter at all reasonable hours in the day time into and upon any rateable property within the Municipality without being liable to any legal proceedings on account thereof. Entry of premises by valuer.

Municipalities.

Valuer empowered
to make inquiries.

174. It shall be lawful for any valuer to put to any person in occupation or charge or being the owner of any rateable property which such valuer shall have been authorized under the provisions hereof to value questions upon all such matters as shall be necessary for the purpose of ascertaining the particulars required by this Act to be transcribed in the rate book with regard to the said property and if after being informed by such valuer of his purpose in putting such questions and of his authority under this Act to put the same any such person in occupation or charge or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief or shall wilfully make any false answer or statement in reply to any such question such person shall on conviction forfeit and pay a penalty not exceeding ten pounds.

Appeal from assess-
ment and rates.

175. If any person shall think himself aggrieved by the value at which his property has been assessed for any year he may on some day to be fixed annually by the Council for the purpose of such appeals and notified by advertisement in some newspaper circulated within the Municipality appeal against such assessment to two or more Justices in Petty Sessions held within or nearest to the Municipality in which the property is situated such day not being earlier than fourteen nor later than twenty-one days after such service of notice as aforesaid and such Justices shall have power to hear and determine the same and to award such relief in the premises as the justice of the case may require and such decision shall be final as regards the matter of such appeal and the rate book aforesaid shall if necessary be amended in accordance with such decision. Provided that the person so appealing shall give notice in writing to the Council of his intention to appeal against the assessment seven days at least before the holding of such Petty Sessions. Provided also that in the case of any amendment of the rate as aforesaid any person aggrieved or affected by such amendment shall have a right of appeal to such Petty Sessions in manner aforesaid at any time after the day so annually fixed as aforesaid on giving notice of such intended appeal as aforesaid within fourteen days after he shall have received notice of such amendment. Provided also that no Mayor or Alderman or any Magistrate who has any personal interest in any such appeal shall act in the hearing or decision thereof. And provided also that no such notice of appeal shall prevent the receiving of any rate until such appeal shall be decided.

Enforcement of
rates.

176. In case any occupier of any rateable property shall fail after thirty days notice as aforesaid to pay any such rate as aforesaid in such instalments and at such periods as the Council shall have directed by any by-law or until such by-law shall be in force by any resolution the Mayor may issue his warrant for levying the amount—with costs by distress and sale of the goods and chattels found on the premises for which such rate or assessment shall be due and continuing to be occupied by the person on whom such notice as aforesaid shall have been served and such warrant shall authorize the person executing the same or his assistant to remain on the premises during the interval between such distress and sale whether such authority be expressed or not in such warrant. And in case any premises for which such rate as aforesaid shall be payable shall be unoccupied or if the occupier thereof—not being the tenant or owner—shall after such notice as aforesaid not pay the same or goods and chattels shall not be found on the premises sufficient for payment thereof with costs or such tenant or owner shall fail after notice as aforesaid to pay such rate in such instalments and at such periods as may be directed as aforesaid such tenant or owner may be sued for the same in the Court of Petty Sessions or District Court for the district within which the assessed property shall be situate or in any other Court of competent jurisdiction and such Court shall have the same power as to costs as in ordinary actions of debt between

Municipalities.

between private parties And any such overdue rate or assessment shall be and remain a charge upon the rateable property in respect of which the same is payable and may be recovered at any future time from any owner of such property with full costs of suit in any Court of competent jurisdiction Provided always that it shall be lawful for the Council of any Municipality at their discretion to withhold the said proceedings by distress and sale and notwithstanding anything to the contrary herein contained to recover the amount of rates due from any person liable to the payment thereof in pursuance of the provisions of this Act by action of debt in any Court of competent jurisdiction And provided also that it shall not be lawful in Municipalities that have been in a state of suspension to sue or distrain for any rates other than those due for the then current or last preceding year.

177. If on the request of the Council or on the request of any Collector of the said rates duly authorized by such Council as such the occupier of any property refuses or wilfully omits to disclose or wilfully mis-states to the Council or Collector making such request the name and address of the owner of such property or of the person receiving or authorized to receive the rents of the same such occupier shall be liable to a penalty not exceeding five pounds.

Occupier refusing to give name of owner liable to penalty.

178. In any proceeding to levy or recover or consequent on the levying or recovering of any rate under this Act the rate book aforesaid and all entries made therein as aforesaid shall upon the production thereof alone and without any proof of the seal of the Municipality having been affixed be and be held to be conclusive evidence of such rate and of the contents thereof for all intents and purposes.

Rate books to be evidence.

179. The Council may also establish tolls rates and dues upon any road street market bridge ferry wharf or jetty within and belonging to the Municipality and erect toll-gates toll-bars or other works necessary for the collection of such tolls rates and dues and may make by-laws for the proper collection and management of such tolls rates and dues.

Council may establish tolls &c.

180. All moneys of the Council amounting to twenty pounds and upwards shall within seven days after they shall have come to the hands of the Treasurer or other proper officer of the Council be paid into such Bank as the Council shall from time to time have appointed for that purpose and no such money shall be drawn out of such Bank save by cheque signed by the Mayor and any one or more Alderman or Aldermen authorized from time to time by the Council in that behalf and countersigned by the Council Clerk.

Bank account.

181. The Council shall cause books of account to be provided and true and regular accounts to be entered therein of all sums of money received and paid in accordance with the provisions of this Act and of the several purposes for which such sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the Aldermen or rate-payers and any creditor of the body corporate without fee or reward and the Aldermen and persons aforesaid or any of them may take copies of and extracts from the said books without paying anything for the same and any Council Clerk or other person having the custody of the said books who shall not on any reasonable demand of any Alderman rate-payer or creditor as aforesaid permit him to inspect the said books or to take such copies or extracts as aforesaid shall be liable to a penalty of not more than five pounds for every such offence.

Books of account and inspection by persons interested.

182. The Council shall in every case in which they shall make or levy any such special rate as aforesaid cause a separate and distinct account to be kept of all moneys collected and received and of all payments and disbursements in respect of such rate and shall apply the said moneys for the

Separate account to be kept of special rate.

Municipalities.

the several purposes in respect of which they shall have been hereby authorized to make and levy such rate and not otherwise.

Accounts to be
audited and pub-
lished.

183. Every Council shall not later than the fifteenth day of March and the fifteenth day of September in every year exhibit to the Auditors all books of account and all vouchers or other documents in support thereof in their possession or power together with a detailed account of the revenue and expenditure of such Council for the then next past half of the late year or of the current year as the case may be or for the fraction of a year hereinafter provided for certified by the Mayor to be correct and to correspond with the books of account and vouchers or other documents exhibited to them And no endowment as hereinafter provided shall be paid to any Council until the accounts in the form and subject to the requirements hereby imposed shall have been certified by the Auditors to be correct and an abstract of such account similarly certified published in the *Government Gazette* and in some newspaper circulating in or near the Municipality.

Special Auditors
may be appointed.

184. The Governor may from time to time appoint for every Municipality two Auditors to be called "Special Auditors" and such Auditors shall at any time on being required so to do by the Minister or by any fifty electors of such Municipality or by any creditor or creditors of the same by writing under the hands of such Minister electors or creditor or creditors respectively proceed to hold a special audit of the accounts of such Municipality upon a day to be appointed by such Auditors not less than thirty nor more than forty days from the time of their being so required and shall forthwith notify by advertisement in the *Government Gazette* and in some newspaper circulating in the Municipality the fact of their having been so required and the day so appointed and the said special Auditors shall attend at the office of the Council on the day so appointed for such audit as aforesaid.

Accounts to be
balanced for special
audit and books of
account &c. to be laid
before Auditors.

185. When any day shall have been appointed for a special audit as aforesaid the Council shall cause their accounts to be balanced to a day not less than one month before the day so appointed and shall lay before the said special Auditors all books of account and all vouchers or other documents in support thereof And the special Auditors shall forthwith after such audit report to the Minister the result thereof.

Expenses of special
audit.

186. If any such special audit shall have been required by electors as aforesaid the Council shall defray the expenses thereof If such audit shall have been required by any creditor or creditors of the Municipality such creditor or creditors shall defray the said expenses If such audit shall have been required by the Minister the said expenses shall be defrayed from the Consolidated Revenue Fund.

Time for making
assessment &c. may
be extended.

187. If from any cause any assessment or rate shall not be made within the time herein prescribed the Governor may by proclamation in the *Government Gazette* extend the time for making such assessment or rate for any further period not exceeding three months beyond such first-mentioned time.

Proceedings in
Insolvent Estates.

188. If any person against whom the Council has any claim or demand shall take the benefit of any Act for the relief of insolvent debtors the Council Clerk or Treasurer of the Municipality in all proceedings against the estate of such insolvent debtor or under any sequestration or act of insolvency against such debtor may represent the Council and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Council Clerk or Treasurer and not of the Council.

Endowment and Loans.

Proportionate
endowment to be
made by Govern-
ment.

189. On or before the thirty-first of March and the thirtieth of September in every year the Council of every Municipality shall cause to be

Municipalities.

be prepared and transmitted to the Colonial Treasurer a detailed account of all sums of money actually raised therein by rates and all subscriptions paid up for corporate purposes during the last past half of the late year or of the current year or the fraction of a year as herein provided for such account to be signed by the Mayor and countersigned by the Treasurer of the Municipality. And upon receipt of such account it shall be lawful for the Governor by warrant under his hand addressed to the Colonial Treasurer to direct him to pay from the Consolidated Revenue to the Treasurer of the Municipality by way of endowment for corporate purposes according to the provisions of this Act any sums of money equal to but not exceeding the following proportions that is to say—in each of the first five years after the incorporation of such Municipality a sum equal to but not exceeding the whole amount actually raised by rates or assessments and subscriptions so paid up as aforesaid for the general purposes in the one hundred and sixty-fourth clause mentioned in the year last past—in each of the next succeeding five years a sum equal to but not exceeding one moiety of the amount so paid up in the year last past—and in each of the next succeeding five years a sum equal to but not exceeding one-fourth part of the amount so paid up in the year last past—and thenceforth all contribution from public funds by way of endowment shall absolutely cease except as hereinafter mentioned. And all such sums from the Consolidated Revenue shall be payable half-yearly and the Colonial Treasurer shall from time to time be allowed credit for any sum or sums of money paid by him in pursuance of any such warrant or order in writing as aforesaid and the receipt of the Treasurer of the Municipality or other proper officer acting as such Treasurer under his hand countersigned by the Mayor shall be a sufficient discharge for the Colonial Treasurer.

190. The Council of any Municipality may borrow by debentures mortgage or otherwise on the credit of any land personal estate or annual revenues actual or prospective belonging to the body corporate of such Municipality for or towards or incidental to the making carrying on or completing of any permanent improvements within the Municipality any moneys not exceeding in the whole the estimated revenues thereof for five years. Provided that no money shall be so borrowed except with the sanction of the Governor in writing under his hand. Provided also that with the like sanction the Government may be the lenders to such Council. Provided further that before any loan shall be so contracted the Council shall by advertisement in some newspaper circulating within the Municipality give fourteen days notice of their intention to borrow and shall at the same time state in such notice the amount of the proposed loan the rate of interest to be paid in respect thereof the purposes to which it is intended to be applied the time place and manner of payment of the principal and interest due thereon and the nature and estimated amount of the proposed security for such loan. Provided always that when any money shall have been borrowed as aforesaid on the security of the general rate the Council shall assess and collect such general rate to the full extent of one shilling in the pound per annum being the maximum hereunder until the debt shall have been therefrom paid off. And that when any such debt shall have been contracted on the security of any special rate hereby authorized to be levied the amount of such special rate shall not be reduced until such debt shall have been paid off.

Council may borrow money.

Of general rates to be assessed and collected.

191. For securing the payment of the principal and interest of any loan contracted hereunder the Council of any Municipality may by deed under their common seal wherein the consideration shall be truly stated mortgage or otherwise bind and charge all general and special rates or either of them already levied or to be levied within the Municipality subject however to the proviso hereinbefore contained and the Debentures in the next preceding section hereof mentioned and such last mentioned mortgage deed or bond may be according to the forms in Schedules M N and O hereto

Securities for loan.

or

Municipalities.

When receiver may
be appointed.

or to the like effect And any person may transfer his right and interest in such last-mentioned mortgage deeds or bonds to any other person by deed wherein the consideration shall be truly stated according to the form in the Schedule P hereto or to the like effect Provided that within thirty days after the making of any such transfer notice thereof shall be given by the transferror to the Council which gave the said mortgage or bond And after default for the period of three calendar months made by any Council in the payment of the principal sum and interest secured by any debenture mortgage deed or bond made hereunder or under the provisions of the Act hereby repealed or purporting to be so made upon the rates and other revenues of the said Council it shall be lawful for the mortgagee to make application to the Supreme Court that a receiver of the said rates and other revenues of such Council may be appointed And when appointed under the direction of the said Court such receiver shall pay over to the said mortgagee from and out of the produce of such rates and revenues at such times and in such proportions as may be ordered by such Court the sum which such Court shall have found to be due to the said mortgagee under the said mortgage deed and the said receiver shall in all respects have the same powers and be subject to the same obligations and liabilities as a receiver appointed under the equitable jurisdiction of the said Court and shall continue to receive the rates and other revenues of such Council so mortgaged as aforesaid and to pay them under such direction until such time as the said mortgage debt shall be fully paid off and although the period of three years for which the revenue of such Council may have been estimated according to the provisions hereinbefore set forth shall have already elapsed before the payment of the said debt.

Miscellaneous.

Penalties for inter-
rupting Council or
their officers.

192. Every person committing a breach of any provision of this Act or of any by-law made hereunder by wilful act or refusal or neglect to act or otherwise shall when no specific penalty shall have been provided for such offence be liable to a penalty not exceeding twenty pounds.

How to be recovered.

193. All fines penalties and forfeitures incurred under this Act or under any by-law made hereunder may unless otherwise provided for be recovered in a summary way before any two Justices in Petty Sessions according to the provisions of the Act fourteen Victoria number forty-three and the Acts therein adopted.

How to be applied.

194. All fines penalties and forfeitures imposed and recovered as aforesaid shall be paid into the corporate fund of the Municipality.

Authentication of
certain documents.

195. Every advertisement order direction summons notice demand or other such document requiring authentication by the Council shall be sufficiently authenticated if signed by the Mayor or by the Council Clerk and need not be under the Common Seal of the Municipality And every such document may be in writing or in print or partly in writing and partly in print.

Order &c. not to be
void for informality.

196. No advertisement order direction notice demand or other such document herein required to be published made or given shall be held void for any want of form provided the same be intelligible.

Limitation of legal
proceedings for
penalties &c.

197. No person shall be liable to any incapacity disability fine penalty or forfeiture under this Act unless proceedings in respect thereof be commenced within six months after such incapacity disability forfeiture or penalty shall have been incurred.

Power to Minister
to direct reference to
arbitration on mat-
ters of account &c.

198. Whenever it shall become necessary hereunder that any matters of account or other matters should be adjusted or any debt or other claims apportioned or any other arrangements effected to the satisfaction of the Minister such Minister shall have power to direct such a reference thereon to an arbitrator or arbitrators as he may think fit and to confirm and act upon or to amend the report of such arbitrators or to direct a fresh reference if he shall not think such report satisfactory and the cost of

Municipalities.

of such reference shall be borne by whichever of the parties the arbitrators or arbitrator may direct And the decision of the Minister in every such case shall be final.

199. Whenever any matter or thing shall by this Act or by any by-law made hereunder be directed to be done or to take place on a certain day and that day shall happen to be Sunday Good Friday or any public holiday such matter or thing may be performed on the next day not being any such Sunday Good Friday or public holiday And all changes of time rendered necessary by any such alteration may also lawfully be made.

Postponement of matters falling on Sundays &c.

200. Nothing herein except as hereinbefore in the one hundred and twenty-ninth section provided shall affect the Corporation of the City of Sydney or the powers vested in the Municipal Council of the said City by the "Sydney Corporation Act of 1857" or any Act or Acts amending the same.

Act not to affect Sydney Corporation.

201. In the construction of this Act whenever the term "Municipality" occurs in a context wherein one or other of the words "Borough" or "Municipal District" might have been expected the former word shall be taken to include and be convertible with such one or other of the two latter as the circumstances of the case and the meaning and intent of this Act shall demand And in any such case the word "Borough" or "Municipal District" may be read in lieu of the word "Municipality"—

Interpretation clause.

And the following terms in inverted commas shall unless inconsistent with the context or subject matter have the respective meanings hereby assigned to them—

"Governor"—The Governor with the advice of the Executive Council

"Minister"—The Colonial Secretary for the time being or other Member of the Government acting in his behalf

"Returning Officer"—Any Officer duly appointed to preside at and take the poll in a Municipal Election

"Electoral Roll"—The revised electoral roll of electors entitled to vote at the election of any Member of the Legislative Assembly

"Municipal Roll"—The revised list of ratepayers made in pursuance of the provisions of this Act in and for any Municipality

"Adjoining Municipalities"—Municipalities whose boundaries touch at any point or points but such point or points need not be common to all

"United Municipality"—A Municipality formed by the union and combination of two or more adjoining Municipalities according to the provisions of this Act

"Existing Municipality"—Any Municipalities constituted under the Municipalities Act of 1858

"Justice"—Any Justice of the Peace for the Colony of New South Wales

"Town"—Any collection of houses adjoining or near to each other with frontage to streets regularly laid out and formed the inhabitants of which do not number less than five hundred souls

"Council"—The Council of any Municipality

"Council Clerk"—The Council Clerk Town Clerk or other person authorized by the Council to perform the duties of Council or Town Clerk

"Capital Value"—The current market value of any freehold or leasehold estate or interest whatsoever in property capable of being rated for the purposes of this Act assessed as hereinbefore provided.

202. The term "current year" or "Municipal year" when applied by this Act to any matter of assessment rate or account or to the municipal roll shall mean the year commencing the first Tuesday in February.

Definition of current or Municipal year.

203. This Act may be cited for all purposes as the "Municipalities Act of 1867."

Short title

Municipalities.

SCHEDULES.

SCHEDULE A.

I A. B. do solemnly declare that all the signatures affixed to the above Petition are the genuine signatures of the persons whose signatures they purport to be and that such persons are persons liable to assessment for Municipal Taxes in respect of property or household residence within the boundaries of the proposed *Borough* or *Municipal District* as set forth in this Petition.

SCHEDULE B.

I A. B. having been elected Mayor *or* Alderman *or* Auditor for the Municipality of _____ do hereby solemnly declare that I accept and take upon myself the said office and will duly and faithfully fulfil the duties thereof to the best of my judgment and ability in accordance with the provisions and directions of the Municipalities Act of 1867 and that I have not fraudulently or collusively obtained the office to which I have been elected.

SCHEDULE C.*Voter's Declaration.*

Voter's Number—

I A. B. do hereby solemnly declare that I am the person named in the Municipal Roll now in force for the Municipality of _____ (or for _____ ward) my name being numbered therein as in the margin hereto and that I have not already voted at this election (or in this ward) And I further solemnly declare that I am a ratepayer in the said Municipality (or in said ward) and that no part of any rate due by me is in arrear.

SCHEDULE D.

MUNICIPAL List for the Municipality of _____
Municipality for the _____

(if for the Ward of a
Ward of the Municipality of _____)

Surname of Person supposed to be entitled to Vote.	Christian Name of same Person.	Residence.	Whether Occupier, Lessee, or Owner.	Description and Situation of Property giving title to Vote.	Value at which Property is Assessed.	Number of Votes.

(Signed)

A. B.

Council Clerk.

(Date)

SCHEDULE E.

Municipalities.

SCHEDULE E.

To the Council Clerk of the Municipality of

I hereby give you notice that I claim to have my name inserted in the Municipal List for the Municipality of (or if the Municipality be divided into Wards say for the Ward of the Municipality of) in virtue of my qualification as under namely (Here state accurately the description and situation of the rateable property in respect of which the right to vote is claimed that the claimant is liable to be rated for the same as owner or occupier as the case may be the value at which the property is assessed to the last rate or if not so assessed is valued by the claimant.)

Dated this day of 18
A.B. (Christian Name and Surname in full.)
of (State residence.)

SCHEDULE F.

To the Council Clerk of the Municipality of and to A.B. of

I hereby give you notice that I object to the name of A. B. of being retained for the Municipal List of the Municipality of (or if the Municipality has been divided into Wards say) for the Ward of the Municipality of on the following grounds (here state the grounds of objection.)

(Signed) C.D.

(Objector must here state his name and description as inserted in the Municipal List.)

SCHEDULE G.

LIST of Persons having claimed to have their names inserted in the Municipal List for the Municipality of (or if the Municipality be divided into Wards say) Ward for the Municipality of

Surname.	Christian Name.	Residence.	Whether Occupier, Lessee, or Owner.	Description and Situation of Property giving title to Vote.	Value at which Property is assessed.	Number of Votes.

(Signed) C. D.
Council Clerk.

(Date)

SCHEDULE H.

Municipalities.

SCHEDULE H.

LIST of Persons whose names appear on the Municipal List for the Municipality of
(or if the Municipality be divided into Wards say)
for the Ward of the Municipality of
against whom objections have been sent in.

Surnames of persons objected to (in full).	Christian Names of same person.	Description of person objected to on Municipal List.	Christian Names and Surname of Objector.	Substance and ground of objections.	Number of Votes.

(Signed)

C. D.
Council Clerk.

SCHEDULE I.

MUNICIPAL Roll for the Municipality of
be divided into Wards) for the Ward of the Municipality of
for the year ending .

No.	Voters Surname.	Voters Christian Name.	Whether Occupier, Lessee, or Owner.	Description and Situation of Rateable Property.	Number of Votes.

(Signed)

E. F.
Council Clerk.

SCHEDULE J.

Declaration of Office for Returning Officer Presiding Officer Scrutineer Poll Clerk.

I A B. duly appointed Returning Officer (or Presiding Officer or Scrutineer or Poll Clerk) at this election do hereby solemnly declare that I will faithfully act and assist in such office and will not attempt to ascertain for whom any elector shall vote nor by any word or action directly or indirectly aid in discovering the same unless in answer to any question which I may be legally bound to answer or in compliance with the provisions of the Municipalities Act of 1867.

SCHEDULE K.

Ballot-paper.

Election of Aldermen (or Auditors) on the day of 18 .

List of Candidates for Election.

Names in full as Aldermen

Addresses.

or Auditors.

SCHEDULE L.

Municipalities.

SCHEDULE L.

THE MUNICIPALITY } Form of an Assessment of the Annual Value of all Property liable to be rated in the Municipality of
OF } " Municipalities Act of 186 " and Rate thereon after the rate of
by virtue of the
in the pound by virtue of the said Act for

No.	Situation.	Name of Person in Occupation.	Name of Lessee.	Name of Owner.	Description of Property.	Annual value.	The value assessed by the Council.	Value as determined on Appeal.	Amount of Rate at in the pound.	Observations.
						£ s. d.	£ s. d.	£ s. d.	£ s. d.	

Municipalities.

SCHEDULE M.

Form of Mortgage Deed.

The Municipal Council of
 Mortgage number £
 We the Municipal Council of in consideration of the
 sum of pounds paid to us by A.B. of
 do assign unto the said A.B. his executors administrators and assigns [or the said corporation
 their successors or assigns] all the interest of the said Municipal Council in all rates and
 assessments endowments and other revenues of the said Council coming or arising from
 any source whatsoever and all the estate right title and interest of the Council in the same to
 hold unto the said A.B. his executors administrators and assigns [or the said corporation
 their successors or assigns] until the said sum of pounds be repaid together
 with interest for the same at the rate of pounds for every one hundred pounds
 per annum [the principal sum to be repaid at the end of years from the date
 hereof in case any period be agreed upon for that purpose.]
 Given under our common seal this day of
 in the year of our Lord 18 .

SCHEDULE N.

FORM OF DEBENTURE.

Transferable by Delivery.

Municipalities Act of 1867.

Borough or Municipal District of

N.B.—*The holder of this debenture has no claim with respect thereto upon the Government
 of New South Wales or the Consolidated or Public Revenue thereof.*

THIS Debenture entitles the bearer to pounds sterling which
 with interest thereon at the rate of pounds per centum per annum is hereby
 secured upon [here state fully the nature of the security or securities if a rate describe it in
 like manner] such interest being payable half-yearly on the first day of April and the first
 day of October in every year (dividend coupons for which are annexed) at
 and such principal money being payable on the day of
 A.D. 18 at

Dated this day of 18 .

(Signed) { A.B. Mayor.
 C.D. } Aldermen.
 E.F. }

Council Clerk.

SCHEDULE O.

Form of Bond.

The Municipal Council of
 Bond number £
 We the Municipal Council of in consideration of the sum
 of pounds to us in hand paid by A.B. of A. B
 [or the Corporation of] do bind ourselves and our successors unto the
 said A.B. his executors administrators and assigns [or the said Corporation of]
 in the penal sum of pounds.
 The condition of the above obligation is such that if the said Council shall pay to
 the said A.B. his executors administrators or assigns [or the said Corporation their
 successors or assigns] on the day of in the year one
 thousand eight hundred and the principal sum of pounds
 together with interest for the same at the rate of pounds per centum per
 annum payable half-yearly on the day of and
 day of then the above written obligation is to become void otherwise to
 remain in full force.

Given under our common seal this day of
 one thousand eight hundred and

SCHEDULE P.

Municipalities.

SCHEDULE P.

Form of Transfer of Mortgage or Bond.

I A. B. in consideration of the sum of _____ pounds paid to me by
G. H. of _____ do hereby transfer to the said G. H. his executors administrators
and assigns a certain bond [or mortgage] number _____ made by the Municipal
Council of _____ to _____ bearing date the _____
day of _____ for securing the sum of _____ pounds and interest
[if such transfer be by indorsement being the within security] and all my estate right title
and interest in and to the money thereby secured [and if the transfer be of a mortgage and
in and to the rates assessments endowments and other revenues thereby assigned.]

In witness whereof I have hereunto set my hand and seal this
day of _____ one thousand eight hundred and _____

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1867.

[Price, 1s. 8d.]

