No. 10.

An Act to consolidate and amend the Laws relating to District Councils.

[Assented to, 24th December, 1858.] WHEREAS it is expedient to consolidate and amend the Laws relating to District Councils: Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows—

1. This Act may be cited, for all purposes, as the "District Councils Act, 1858," and shall take effect from the passing thereof.

2. The several Acts mentioned in the Schedule hereto, marked A, shall be and the same are hereby repealed, save so far as is necessary to give validity to all acts hitherto done in pursuance thereof, respectively, and save so far as may be necessary to enable any penalty to be imposed, enforced, or recovered, and save so far as may be necessary to enable any punishment to be inflicted for any offence against the said Acts, or any of them: Provided that all districts, wards, and District Councils heretofore constituted and designated, and appointed under the Acts respectively numbered 16 of 1852, intituled "An Act to appoint District Councils, and to define the powers thereof," and 16 of 1854, intituled "An Act to amend an Act to appoint District Councils and to define the powers thereof," shall be and continue districts, wards, and District Councils, under and subject to the provisions of this Act, and all Councillors, Chairmen, and officers or other persons appointed, elected, or holding any offices under or by virtue of the several Acts hereby repealed, which it would be lawful for such person to hold under the provisions of this Act, shall continue in and hold such offices under and subject...
subject to the provisions of this Act; and all proceedings _bona fide_
commenced and prosecuted and now depending under the repealed
Acts, or any of them, shall proceed in every respect as if this Act
had not been passed; and provided also that all lands, tenements,
and hereditaments vested in any District Council shall be and
continue vested in and the property of the District Council for the
district in which the same are situate; and all other property belonging
to any District Council shall be and continue the property of the
said District Council; and all rates and debts due before the passing
of this Act to any District Council may be collected, levied, and
recovered in manner provided by this Act for the recovery of any
rates and debts; and all the rights, liabilities, contracts, and engage-
ments of any District Council, or any officer or other person
appointed or elected under the provisions of the repealed Acts, or
any of them, and entered into by any such District Council, officer,
or person under the provisions of the repealed Acts, or any of them,
or to which any District Council, officer, or person may be entitled
or subject under the said Acts, or any of them, before the passing
of this Act, may be enforced by and against the said District
Council, officer, or person, as if this Act had not been made, subject
in all cases to the provisions hereinafter contained.

3. In the construction and for the purposes of this Act (if not
inconsistent with the context or subject matter) the following terms
shall have the respective meanings hereinafter assigned to them, that
is to say—

or "Auditor," shall extend as well to any district, ward, District Council, Councillor, Chairman, or Auditor, respec-
tively established, appointed, or elected before, as to any
district, ward, District Council, Councillor, Chairman, or
Auditor, respectively established, appointed, or elected after
the passing of this Act:

"Officer," shall extend to any Clerk, Treasurer, Surveyor,
Valuator, Collector, Poundkeeper, Inspector, Ranger, or
Constable, who shall be employed in any district in any such
office, under or in the gift or appointment of a District
Council, and whether appointed before or after the passing
of this Act, and whether acting in performance of the duties
of one or more of the above-mentioned offices:

"Rateable Property," shall extend to all buildings, lands, tenements,
and hereditaments, but the following, namely—waste lands
of the Crown; land the property of the Crown and used
for any public purpose; churches, chapels, places for the
worship of God, licensed schools, or schools deriving aid from
Government or a District Council; public buildings and
lands appropriated or held upon trust for any charitable or
public purpose, or reserved or set apart for the benefit of the
aborigines of the said Province:

"Ratepayer"
"Ratepayer" shall mean the occupier of rateable property, or the owner of unoccupied rateable property:

"Waste Lands of the Crown," shall mean any land the property of the Crown, not sold or contracted to be sold, or set apart or appropriated for any public purpose:

"Common Lands of the Crown," shall mean all lands belonging to Her Majesty.

"Person," shall extend to a Corporation, sole or aggregate.

4. Wherever public notice is by this Act required to be given, it shall be given by insertion in the South Australian Government Gazette, and by posting handbills, either in writing or print, or partly in both, on every public pound and post office in the district, and on every other place appointed by the District Council by by-law as a place for posting notices.

5. This Act shall be divided into six parts—

The first relating to districts, wards, District Councils, Councillors, Chairmen, Auditors, and officers and servants of District Councils:

The second, to revenue and expenditure, assessments, rates, and loans:

The third, to the general powers, duties, and liabilities of District Councils, and their officers and servants:

The fourth, to meetings of Councils and ratepayers:

The fifth, to offences and penalties:

The sixth, to legal procedure and evidence:

6. Any one or more of the following acts may, from time to time, and at any time, be done by the Governor, with the advice of the Executive Council, by Proclamation, founded on a petition of ratepayers—

New districts may be constituted and designated of land, wholly without or wholly within, or partly without and partly within the limits of districts then in existence:

The boundaries of districts may be altered either by separating part of a district from and declaring that it shall no longer form part of a district, or by adding to a district other land, whether theretofore included or not within the limits of a district. Land so added, may be divided or formed into wards or a ward, with such names or name as may be thought fit; or the land so added, or any part thereof, may be joined to any ward or wards already existing:

A district, or any part of a district, may be divided or formed into wards or a ward, with such names or name as may be thought fit:
PART I.

Districts, Wards, District Councillors, Chairmen, Officers, &c.

Wards may be re-arranged. Name of District, &c., may be altered. Councillors may be appointed. Number of Councillors for wards may be fixed. Vacancy may be supplied.

What required in petition, and in what manner petition shall be signed.

Wards of a district may be re-arranged, and the number thereof increased or diminished, or the boundaries thereof altered:

The name of a district or ward may be altered:

The first District Councillors for a new district or ward or wards formed within or added to a district before the first election of Chairman for the District Council, may be appointed:

The number of Councillors to serve for each ward formed within or added to a district may be fixed:

Any vacancy in the office of Councillor occurring before the first Chairman of a District Council has been elected, may be supplied by fresh appointment.

7. The petition shall contain the following particulars, and shall be signed as follows—

For forming a new district, the boundaries of the proposed district, and also the boundaries of every district, or part of a district, intended to be included in the proposed district, shall be described, and the signatures of not less than two-fifths or twenty of the ratepayers of the proposed district shall be necessary:

For altering the boundaries of a district, the boundaries of the piece proposed to be separated or added shall be described, and the signatures of not less than two-fifths or twenty of the ratepayers of the piece proposed to be separated or added shall be necessary:

For dividing or forming a district or part of a district into wards or a ward, or re-arranging the wards of a district, the boundaries of the ward or several wards into which it is proposed that the district or part of a district shall be thenceforth divided or formed, shall be described, and the signatures of not less than two-fifths or twenty of the ratepayers of the district, or part of the district proposed to be divided or formed into wards, or a ward, or the wards of which are to be re-arranged, shall be necessary:

For altering the name of a district or ward the petition shall be signed by not less than two-fifths or twenty of the ratepayers of the district:

If there shall be no more than ten ratepayers within any district, or part of a district, or piece of land not therefore included in a district, and intended to be included in or added to any district, then the signatures of any ratepayers shall not be necessary; but the petition shall be signed by two-fifths or twenty of the ratepayers of the district, or proposed district, to which it is proposed that the addition shall be made, or wherein it is proposed that the district, part of a district, or piece of land, shall be included:
For appointing a Councillor or Councillors, the name or names of the person or persons proposed for the appointment shall be stated, and the signatures of five ratepayers shall be necessary:

For fixing the number of Councillors for wards, the number of Councillors proposed for each ward shall be stated, and the signatures of five ratepayers shall be necessary:

The petition shall pray the Governor to do the act or acts required.

8. The petition shall be published three successive weeks in the South Australian Government Gazette.

9. Any person or persons may, by memorial to the Governor, show cause against the petition, or any part thereof.

10. The Proclamation may issue at the expiration of three weeks from the first publication of the petition, and may grant the prayer of the petition, or any part thereof, with such alteration or modification as may appear necessary and expedient.

11. The Proclamation shall be published in the South Australian Government Gazette, and shall contain such description of boundaries, as would be required in a petition praying the Governor to do the particular act or acts by the Proclamation effected.

12. Any part of a district to which the provisions of the Acts relating to Municipal Corporations or any of them have, before the passing of this Act, or may hereafter be extended, shall cease to be or be considered part of a district, as from the date at which the provisions of the said Acts or any of them were or may be extended thereto.

13. Any part of a town, to which the provisions of the Acts relating to Municipal Corporations or any of them have or may be applied, and which, subsequently to the extension of such Acts, or any of them to such town, has been or may be by Proclamation, included in or added to a district, shall cease to be or be considered part of a town, or to be subject to the said Acts, or any of them, as from the date of the Proclamation, whereby the same part of a town has been or may be included in or added to a district.

14. The Council of every district shall consist of five members when the district is not divided into wards, and of a Councillor or Councillors for each ward where wards exist, the number for each ward to be as fixed before the passing of this Act, or as may be fixed under the provisions of this Act.

15. To qualify a person to be or continue a District Councillor, he must be a ratepayer of the district for which he is appointed or elected.

16. The
16. The following persons shall not be or continue members of District Councils—

A Special Magistrate or Stipendiary Magistrate:

A person holding any licence to sell fermented or spirituous liquors:

An uncertificated bankrupt or insolvent:

A person who, at the time of his appointment or election, shall hold, or, after his appointment, has accepted or shall accept or continue to hold any place of profit under or in the gift of the District Council for which he is appointed or elected, or of which he is a member, or who shall at the time of his appointment or election, or subsequently be concerned or participate in any manner, in any contract or work or the profit thereof, to be done under the authority of the District Council for which he is appointed or elected, or of which he is a member:

This provision shall not extend to any member of any joint stock company, incorporated by Royal Charter, or established by or incorporated under the provisions of any Act of the Imperial Parliament or the Legislature of South Australia, which may be concerned in, or party to any contract with, or work done under the authority of a District Council.

17. The following persons shall not be compelled to serve, or be liable to any penalty for not serving, as Councillors, that is to say—

A Member of the Legislative Council or House of Assembly:

A person who, at the time of his appointment or election, may reside, or after his election may go to reside, or by reason of alteration in the boundaries of a district, may become resident out of the district for which he is appointed or elected:

A person who, having been appointed or elected a Councillor under any of the Acts hereby repealed, or this Act, has served or shall serve the full time during which a person duly qualified was or may be entitled to hold the office under such appointment or election, without re-election, and who at any time within three years from the end of his aforesaid service, shall be again elected a member for the same Council:

A person who, at the time of his appointment or election, is, or during his tenure of office may attain, sixty years of age:

To entitle any person, other than a Member of the Legislative Council or House of Assembly, to exemption under this clause, he must, if appointed by Proclamation, and the first Chairman of the District Council has not been elected, within fourteen days after his appointment, or the happening of the event exempting him, send through the post to the Chief Secretary of the said Province; and whether he is appointed or elected, he
he must, if the first Chairman has been elected within fourteen
days after the election or appointment of such person, or the
happening of the event exempting him, deliver or send through
the post, addressed to the Chairman or Clerk of the Council, a
notice, claiming exemption, and stating the grounds thereof.

18. The following causes shall create a vacancy in the office of
Councillor; and no vacancy shall be supplied by appointment or
election unless it shall be occasioned or occur as under—

Death, lunacy, or idiocy:

Absence from the said Province for three consecutive ordinary
meetings without leave of the District Council, or non-
attendance at the meetings of the Council for three con-
secutive ordinary meetings, without sufficient cause, followed
in either case by a resolution of the District Council declar-
ing the seat vacant, which resolution the District Council
may pass within three weeks from the end of the absence
or non-attendance, but are not bound to pass:

Disqualification, and notice thereof sent through the post by the
disqualified person to the Chief Secretary, if the disqualifica-
tion exists or occurs before the first Chairman of the District
Council is elected; or in any other case, delivered or sent
through the post, addressed to the Chairman or Clerk:

Resignation, by notice delivered to the Chairman or Clerk by the
person resigning:

Retirement by rotation, as herein provided:

Exemption under this Act:

The judgment or order of any duly authorized Court or Justices
declaring a seat vacant on the ground that a Councillor
is not properly qualified, appointed, or elected, or declaring
that any person ought not, from any cause hereby declared,
to disqualify, or from incapacity to act, or any other lawful
cause, to hold or continue to hold office:

Judgment of ouster, under any proceedings in the Supreme
Court, instituted before the passing of this Act.

19. At the first annual election, after the passing of this Act,
on the establishment and appointment of a District Council, and at
every subsequent annual election, until a district may be divided
into wards, and, where no wards exist, three of the members shall
retire from office.

20. The members to retire shall be those that have been longest
in office without re-election; and when the number cannot be thus
made up, a ballot shall take place between those who have been an
equal
PART I.
Districts, Wards, District Councillors, Chairmen, Officers, &c.

Who shall retire when wards exist.

Chairman not to ballot.

Vacancies existing at the annual meeting how supplied.

When annual meeting not duly held, it may be held at any future time.

Vacancies to be filled up at general meeting of ratepayers.

When district divided into wards, Councillors to be elected.

Election to take place although assessment not made.

equal time in office without re-election, to decide as to which of them shall retire.

21. When a district is divided into wards, at the first annual election held after the passing of this Act, or after the appointment or election of Councillors for wards, one-half, or a majority of one when the members are uneven, to be decided by ballot between them, shall retire from office; and, at the next and every subsequent annual election, those Councillors who have been longest in office without re-election shall retire; and, if necessary, so many of the other Councillors as shall be required to make up the number of one-half, or a majority of one, as the case may be, to be decided by ballot between them, shall also retire.

22. The Chairman shall in no case be required to ballot; but the other member or members with whom it would be necessary, but for his position as Chairman that he should ballot, shall retire, or draw lots between them without the Chairman, to decide which of them shall retire.

23. When at the time of giving notice of an annual meeting, there shall be vacancies for any district, and no more Councillors are required to retire at that annual meeting for the district than there are seats then vacant, there shall be no need for any retirement of members, but the vacancies so existing shall be filled up at the annual meeting, and if any vacancy or vacancies shall exist at the time of giving notice of any annual meeting, every member whose seat is so vacant shall be taken to be a person bound to retire at the annual meeting, and every such vacancy shall be filled up at the annual meeting, and any other retirements which may be necessary shall be settled in manner herein provided.

24. If from any cause whatever the necessary notices shall not be given for, or the annual meeting shall not be held, or the object of the meeting shall not be effected, the vacancies may be filled up at a general meeting held at any time thereafter, and such meeting shall be considered as the annual meeting for all purposes.

25. Extraordinary vacancies shall be filled up at any general meeting of ratepayers, to be called for the purpose by the District Council.

26. Whenever after the appointment of the first Councillors for a district, the district or any part thereof, shall be divided or formed into wards or a ward, or a ward or wards shall be added to a district, a general meeting shall be forthwith called and held within each ward so formed or added, for the election of the necessary Councillor or Councillors.

27. Annual and other election meetings may and are required to be held, although the District Council may not have prepared the assessment
assessments-book for the then preceding or for any year, and notwithstanding any omission or breach or neglect of duty or default on the part of the District Council, or any of their officers.

28. Councillors retiring at the annual election shall continue in office until the necessary elections to supply vacancies have taken place.

29. After a district shall be divided into wards, and so soon as Councillors are elected for wards, all the former Councillors shall cease to be Councillors, unless re-elected.

30. When from any reason any ward shall cease to be a ward of a district, either on re-arrangement of boundaries or separation of part of a district from the residue, the Councillor or Councillors for such ward shall cease to be a member or members of the District Council.

31. When any person shall be elected for more than one ward, he shall not be considered a member for either until he, by notice in writing to the District Council, or in default thereof for six days after the election the District Council by resolution shall decide for which ward he shall serve, and a fresh meeting or meetings shall be held to supply the vacancy or vacancies for the ward or wards for which he may be elected and not serve.

32. Any ballot required to take place before the retirement of members shall take place before notice of the annual meeting shall be given.

33. In case the District Council shall not give the necessary notices for any meeting required to be held for any election purpose within fourteen days after the circumstance happened rendering such meeting necessary, or if the necessary notice for an annual meeting be not given, or if any election meeting, of which notice shall be given, shall not be held, or shall fail, any Justice of the Peace, whether resident within or without the district, may give public notice of and call such meeting.

34. When a Justice of the Peace is required to call a meeting for filling up vacancies occasioned by annual retirement, he shall cause to be held any ballot which may be necessary, at an open meeting within the district, in the presence of at least five ratepayers, of the time and place of holding which he shall cause to be given to the District Council three days' previous notice, and the ballot may be taken in the absence of any members of the Council.

35. Upon the publication of any notice in the *South Australian Government Gazette* by the Chairman of an election meeting, that any person has been elected a Councillor, such person shall be and continue a Councillor until a vacancy shall occur in respect of his seat as herein provided.

36. At the first meeting of a District Council, after the annual election
PART I.

Districts, Wards, District Councillors, Chairmen, Officers, &c.

First meeting of Council after annual election.

Business of Council may be carried on notwithstanding vacancy.

Councillor or Chairman may be re-elected.

Auditors to be elected.

Auditors, how to be elected at ward meetings.

Persons having the largest number of votes shall be Auditors

Omission to elect auditors may be remedied.

Qualification, &c., of auditors.

Election shall be held, a Chairman shall be elected by a majority of votes; and, if there shall be an equal number of votes for two or more members having the largest number of votes, the person to act as Chairman shall be chosen by lot between those members having the equality of votes; but the omission to elect a Chairman shall not prevent the District Council from making such appointment at any future meeting; and any vacancy in the office of Chairman may be filled up at any meeting of the District Council.

37. Notwithstanding any vacancies in the office of Councillor, the business of the District Council may be carried on by the member or members actually in office who shall have all the power of the District Council.

38. A Councillor or Chairman duly qualified, but retiring from or ceasing to hold his office, shall be eligible for re-election.

39. There shall be two Auditors for a District Council, who shall be elected at the annual meeting of ratepayers, in the same manner in every respect as Councillors are to be elected.

40. When a district shall be divided into wards, and annual meetings shall be held for more than one ward for election of Councillors, votes for Auditors shall be taken at each ward meeting, and any ratepayer, residing in a ward wherein no election takes place, may vote at either meeting, but except as by this clause provided, ratepayers can vote only in the ward wherein the rateable property, in respect of which they may be entitled to vote, is situated.

41. Those persons having the largest aggregate number of votes in the whole of the wards in which elections take place, shall be declared elected by the Chairman of the District Council to whom the voting papers and poll books are to be sent, and who, within three days of the election, shall declare by public notice who are elected as Auditors.

42. When there shall be an omission at the annual meeting or meetings to elect Auditors; and, in cases of vacancy, a meeting shall be held in some part of the district whereat any ratepayers of the district may vote, and the meeting shall be called, and held and the election shall take place in the same manner as at an election of Councillors within a district not divided into wards.

43. The qualification or disqualification for, or exemption from acting in the office of Auditor, shall be the same as in the case of a Councillor; except that the Auditors need not be ratepayers within the District; but no Councillor shall be Auditor for the District Council of which he is a member.

And the following causes shall create a vacancy in the office of Auditor, viz.:

Death, lunacy, or idiocy;

Absence from the said Province at the time at which the half-yearly audit is appointed to take place, or non-attendance at
at the audit after fourteen days' notice shall have been given to any Auditor of the time and place appointed for the audit:

Disqualification and notice thereof sent through the post by the disqualified person to the Chairman or Clerk of the District Council:

Exemption under this Act:

The judgment or order of any duly authorized Court or Justices declaring the office vacant on the ground that an Auditor is not properly qualified or elected, or declaring that any person ought not, from any cause hereby declared to disqualify, or from incapacity to act, or any other lawful cause, to hold, or continue to hold, the office of Auditor:

Judgment of ouster under any proceedings in the Supreme Court instituted before the passing of this Act.

44. Every District Council may from time to time appoint and remove such officers and servants and other persons, as may be necessary for carrying out the purposes of this Act; and take any security from or on behalf of any such officer or servant, or other person, as they may think fit and sufficient for the due performance of the duties of his office; and any person may hold two or more offices, but the offices of poundkeeper and ranger shall not be held by the same person.

45. To qualify a person to be a constable he must be a ratepayer and an able-bodied man, between the ages of twenty-one and fifty.

46. The following persons are exempt from serving as constables: Members of the Legislative Council or House of Assembly; officers in the service of Her Majesty on full pay; persons in the pay of the Government of the said Province; Justices of the Peace; Ministers of Religion authorized to solemnize marriages, and Schoolmasters; Members of the District Council; Practitioners of the Supreme Court actually practising, and duly qualified Medical Practitioners; Governors of Gaols, Gaolers, and Keepers of Lunatic Asylums; Sheriffs' Officers and Police Constables; and any one who has served in person or by a substitute, or has paid any penalty inflicted upon him for refusing to serve until every other person not exempted and able to serve on the list for the year of the service of the person so exempt, and of every ensuing year, shall have served in person or by substitute, or shall be resident out of the district, or shall have been convicted and fined for not serving; but service as a substitute is not to be reckoned as service for the purpose of exemption.

47. The Clerk or Collector of every District Council shall, on or before the first day of July next, and in every succeeding year, on or before the first day of July, make out a list in writing of persons liable to serve as District Constables, with the names, rank, and calling, and place of residence of every person so liable.

48. A copy of such list shall be affixed to the doors of all pounds and
and Post Offices and other places which may be appointed by the District Council for the district by by-law, as places for posting public notices, and to each copy so affixed shall be annexed a notice stating a place within the district, and a time, not being less than fourteen days from the posting of the list at which all objections to the list shall be heard before the District Council for the district.

49. A copy of such list shall also be kept at the office, or the place of meeting of the District Council, for perusal by ratepayers, at all reasonable times before the day appointed for the meeting, and hearing objections by the District Council.

50. The District Council shall meet at the time and place mentioned in the notice, and the Clerk or Collector shall attend, and the District Council shall hear objections to the list, and may examine any persons upon oath, or affirmation and may either allow or disallow any objections, and confirm the list with such alterations as may be necessary by reason of the allowance of any objections.

51. After the confirmation of the list, the District Council shall choose from the names of such persons as they may think necessary to serve as constables for one year from the date of their being sworn in.

52. Every person so chosen shall appear on a day to be fixed by the District Council, when the Chairman of the Council shall administer to each person chosen the following oath or affirmation:—

“I (A. B., of C.), do swear that I will truly serve our Sovereign Lady the Queen in the office of Constable, for the Province of South Australia, for the year now next following, according to the best of my ability and skill.—So help me God.”

53. If any person so chosen shall find a substitute, approved by the District Council, and shall attend with his proposed substitute at the time and place appointed for swearing in constables, and the substitute shall take the oath above prescribed, the person chosen shall be released from service for that year, save as hereinafter provided.

54. The Clerk of the District Council, within fourteen days after the appointment and swearing in of constables, shall send to the Chief Secretary a list containing the names of all persons so sworn, which shall be published in the South Australian Government Gazette.

55. If a constable shall die during his year of office, or be disqualified, or if any person chosen constable shall not, on being summoned, attend and be sworn, or find a substitute, the District Council shall at any time thereafter choose from the said list another person to serve as constable in the place of the person so refusing or neglecting for the remainder of the year: And if the constable causing the vacancy was substitute for some other person, the District Council shall summon the person originally chosen to attend and be sworn, who shall be bound to attend and be sworn, or to find
find a substitute to be sworn in his stead, to serve for the remainder of the year, and if less than two hundred days shall have elapsed since the first appointment of constables for that year, but not otherwise, the service of the person appointed to act and serve for the remainder of the year by himself or a substitute shall be reckoned to him as service for that year.

56. Every constable, when employed in the service of any summons or other process, shall receive, as a remuneration for the same, the fee payable in respect of such service, which fee the Justice issuing such summons or process, or the Clerk of any Local Court or Justices, shall and is hereby authorized to pay to the constable serving the same upon being satisfied that the summons or other process has been duly served.

57. The revenue of a District Council shall consist of the moneys following, namely:—

Rents, profits, and income which may be received from any lands, tenements, and hereditaments vested in them, or over which they may have the control and management.

Proceeds arising from the sale of any lands, tenements, and hereditaments vested in the District Council; or the property of, or under the management of, the District Council, which they may be authorized to sell.

Fines and penalties imposed or inflicted for any offence against this Act or the Repealed Acts, or any of them, or any by-law of a District Council, and committed within the district, or for any offence committed by, or for any breach or neglect of duty on the part of any Councillor, ratepayer, officer, or other person in any matter relating to the district or District Council, or any Councillor or officer, or in respect of any election or other meeting, or proceeding in connection with such district or District Council, Councillor, or officer, all which fines and penalties shall be paid to the District Council for the use of the district.

Fines and penalties imposed in respect of any offence committed within the district under the several Acts and Ordinances mentioned in the Schedule hereto, marked B; all which fines and penalties shall be paid over to the District Council for the use of the district, save such part of any fine or penalty as may be payable to informers, which shall be paid to such informers, except in cases when the information is laid at the instance of the District Council, when the whole penalty shall be paid to the District Council.

Fees payable for any licence granted, or act or thing done by virtue of this or any of the repealed Acts, or any of the above-mentioned Acts, or any by-law of a District Council by the District Council, or any officer of the District Council; or which, by virtue of the said Acts, may be received by the District Council, or any officer or person in their employ, and

| PART II. Revenue and Expenditure, Assessments, Rates, and Loans. |
| Remuneration of constables when employed. |

Revenue of District Council, of what it shall consist.
and appointed by the District Council, except fees payable for licences granted under the Acts relating to Licensed Victuallers.

58. The District Council may expend such revenue as follows—

In purchasing any land, tenements, and hereditaments, or property, real or personal, which may be required for carrying out the purposes of this Act:

In managing and maintaining any lands, houses, tenements, and hereditaments, and property real or personal which may be vested in them, or over which they may have the control and management:

In making, maintaining, altering, exchanging, and improving District Roads:

In maintaining and managing water and other reserves for public convenience, and all jetties, piers, and breakwaters, of which the District Council may have the control and management, and in the making thereon such improvements as may be considered necessary for the public convenience, or in furtherance of the purposes for which such reserves, jetties, piers, or breakwaters, were or may be made or appropriated:

In establishing, maintaining, and managing schools, and school-houses:

In salaries or fees, by way of remuneration to the Auditors, or to any Clerk, Treasurer, Surveyor, Valuator, Collector, Schoolmaster, Poundkeeper, Ranger, Inspector, Constable, or other officer, or person heretofore or hereafter appointed under the powers vested in the District Council by virtue of this or the repealed Acts:

And generally in carrying out the objects and purposes of this Act.

59. Any person appointed to, or holding any office under or in the gift of a District Council, may be paid either by salary or by any fees paid to, or received by him by virtue of his office, or partly by salary, and partly by fees.

60. All loans and special rates shall be applied to the purposes for which they shall be respectively raised or levied.

61. Every officer appointed or employed by any District Council shall, from time to time, when, and in such manner and form, and to such person, as shall be required by the District Council, or by any by-law thereof, make out and deliver a true and perfect account, in writing, under his hand, of all moneys received by him on behalf of
of such District Council, or by virtue of his office; and such account shall state how and to whom and for what purpose such moneys shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for all payments; and every such officer shall pay to such District Council, or to any person authorized to receive the same, all moneys which appear to be owing from him upon the balance of such account.

62. Every District Council shall keep true and regular accounts of all sums of money received and paid by such District Council, and of the several purposes for which such sums of money shall have been received and paid, and shall cause such accounts to be balanced twice at least in every year ending on the thirtieth day of June; and every member of such District Council, and every ratepayer for the district shall and may, at all reasonable times, without fee or reward, inspect and take copies of, or extracts from such accounts, both before and after the same are audited.

63. The Auditors shall, as soon as conveniently may be, after the half-yearly balancing of accounts, proceed to audit the accounts of the District Council for the half-year preceding the said half-yearly balance; and the District Council shall cause to be produced and laid before such Auditors the said accounts, together with proper vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto; and if the said accounts be found correct, such Auditors shall sign the same in token of their allowance thereof.

64. The Auditors may refuse to allow any person to be present at the audit of the accounts.

65. Every District Council shall, on or before the thirtieth day of June next (after the passing of this Act, or the appointment of the District Council), and on or before every subsequent thirtieth day of June, cause an account in abstract to be prepared, showing the total receipt and expenditure of all funds levied or received by virtue of this Act, for the year ending on the 30th day of June, as aforesaid, under the several distinct heads of receipt and expenditure; with a statement of the balance of such account duly audited and certified by the Chairman of the District Council, and also by the Auditors thereof; and shall produce a copy of the said account at the annual meeting of ratepayers, for the inspection of every ratepayer attending thereat.

66. All the money of every District Council, whenever the same amounts to Twenty Pounds, shall be paid into some bank, and no money shall be paid except by cheque, signed by the Chairman and one other Councillor.

67. Whenever it shall be considered necessary for any of the purposes of this Act, a District Council may make an assessment of all
all rateable property within the district, according to the full estimated annual value thereof, with the names of the several occupiers and owners thereof, so far as known, and the nature of the property assessed; and the same shall be entered into a book, and thereof three copies at least shall be made, which shall be deposited at different convenient places within the district.

68. Public notice shall be given of the making of such assessment, and of the places where the copies thereof may be seen; and the copies shall be open to inspection at all reasonable times.

69. Any person may, within ten days after the publication of the notice, appeal against the assessment, for any of the grounds following, that is to say—

That he is not owner or occupier of the whole, or any, or some particular part of the rateable property for which his name appears as owner or occupier:

That the rateable property for which he appears to be the owner or occupier is assessed beyond its full and fair annual value:

That any rateable property, or the owner or occupier of any rateable property within the district, is omitted from the assessment:

That any rateable property is assessed below its full and fair annual value:

That any property included in the assessment is not rateable.

70. The District Council from time to time, either before or after a rate is made upon such assessment, may correct the assessment, if any error of name or description shall appear therein; but the annual value of any rateable property shall not be altered at any time after the first notice of assessment shall have been published.

71. Public notice shall be given of every alteration; and any person affected thereby may, within ten days, appeal therefrom, on any ground which would have warranted an appeal, had the same appeared in the assessment when notice thereof was first published.

72. The District Council, in making an assessment, may use the assessment of the last or any previous year, with such alterations as may appear necessary, and such assessment, on notice thereof being given for the current year, shall be sufficient to satisfy the requirements of this Act.

73. At any time, and from time to time after ten days shall have elapsed from the public notice of the assessment, the District Council may levy a rate or rates on the property included in such assessment for the year ending on the thirtieth day of June next after such assessment may be made, so as the full amount of rate or rates so levied do not exceed One Shilling in the pound on the annual value of the property assessed for any one year.

74. From
74. From time to time, and at any time after the expiration of ten days from public notice of the assessment having been given, a rate or rates may be made for the year ending as aforesaid, at a general meeting or meetings of ratepayers, on the rateable property included in such assessment, so as the full amount of rates levied by the District Council, and at any meeting or meetings of ratepayers, do not exceed in the aggregate Two Shillings in the pound for any one year.

75. The District Council shall, at every meeting of ratepayers for making a rate, propose a rate, and the meeting may adopt the proposed or some other rate, or may refuse to adopt a rate.

76. If it shall at any time appear expedient to the District Council to raise any sums by way of loan upon the security of the rates of the district for any of the purposes of this Act, the District Council shall cause to be given public notice of their intention to raise a loan, with the amount proposed, and the rate of interest in respect thereof, and the purposes to which it is intended to be applied, and also the amount of the rate which it will be necessary to impose in order to provide for the reimbursement of the loan with interest within the period hereinafter prescribed to be given, and shall cause a special meeting of the ratepayers of such district to be called for the purpose of considering the expediency of raising such loan as aforesaid, and at such special meeting shall propose the raising of the loan, and a special rate to be made for reimbursement thereof, with interest.

77. The special meeting may authorize the raising, by way of loan, of any sum of money not exceeding the amount mentioned in the notice, and may make any special rate upon all the rateable property of the district according to the assessment for the time being in force, or to be in force in the district, or may refuse to raise any loan or make any rate.

78. A special meeting of ratepayers shall afterwards be called for the purpose of considering the resolution of the former meeting; and at that meeting the ratepayers may adopt or reject such loan and special rate.

79. At both meetings, the loans and special rate must be agreed to by two-thirds of the votes given.

80. The special rate shall not, with any other rate or rates to be raised under the authority hereof, exceed the amount of Two Shillings in the Pound, for any one year; and shall be of such an amount as shall, according to the annual value of the rateable property of the district as assessed for that year in which the loan is made, insure the payment of the loan and interest within fifteen years, at the furthest, from the time of raising the loan, allowing, in the collection of the rate, and for contingencies, Ten Pounds per centum on the special rate for each year.

81. At
PART II.
Revenue and Expenditure, Assessments, Rates, and Loans.

Section 81. At every meeting to consider the question of making any rate or raising any loan, the District Council shall produce the assessment book in force for the current year, with a statement of the aggregate annual value of all property included in the assessment according thereto.

Section 82. After any loan and special rate shall have been duly authorized, the District Council may issue bonds for such sums not exceeding in the whole the amount of the loan so authorized, and not exceeding the rate of interest authorized, and upon such terms as to the periodical payment thereof as to the District Council may seem fit, and may assign the special rate to the person lending the amount, or to any person in trust for the lender.

Section 83. General rates may be recovered by and in the name of the District Council, and special rates either in the same manner, or by and in the name of the assignee of the same, who shall have all the powers for the recovery of the same herein conferred on the District Council.

Section 84. The person primarily liable to payment of the rates shall be the person appearing in the assessment book as the occupier of any rateable property, or the owner of any unoccupied rateable property; or the rate may be recovered at any time after a demand from any person in possession of the property at the time the rate is demanded; and if at any time the property is vacant, or there be no sufficient distress, the owner shall be liable.

Section 85. Any person in the actual receipt of the rents or profits of any rateable property shall be considered and liable as owner, whether acting as agent for some other person or otherwise.

PART III.
General powers and duties of District Councils.

Section 86. Every District Council shall be called the District Council for the district for which it is appointed, and shall have perpetual succession, and by its corporate name may purchase, take, receive, accept, acquire, sell, demise, or dispose of, any lands, tenements, and hereditaments, goods, chattels, and things, and contract and agree for the same, and become a party to any deed, conveyance, agreement, or instrument, for giving effect to such purchase, acquisition, sale, demise, and disposition, or for the performance or construction of any work, or the delivery or removal of any materials, and may take security by way of bond, obligation, or otherwise, and by such name may sue and be sued, implead and be impleaded, in any Court or before any tribunal whatever.

Section 87. Every deed, conveyance, agreement, or instrument, to which any District Council is a party, or which it may be necessary for the District Council to make, shall be executed or signed by the Chairman in the name and on behalf of the District Council.

Section 88. The District Council may purchase or accept, either from the
the Crown or any person, any land, tenements, and hereditaments, for any cemetery, school, or for any other district purpose, and may accept a gift, conveyance, or assignment of any land, tenements, or hereditaments, for any charitable or public purpose not connected with religious worship, and hold the same upon such trusts or for such purposes as may be declared by the donor.

89. The District Council may, from time to time, demise, let, manage, or improve any lands, tenements, and hereditaments heretofore or hereafter acquired in such manner as may be considered expedient, and as shall not be inconsistent with the purposes for, or the trusts upon, which the same may be held.

90. Any land now or hereafter held by Trustees within a district upon trust for any public cemetery or school, may by the said Trustees be conveyed to the District Council, if the District Council shall be willing to accept the trust, and the said District Council shall hold the same upon the trusts originally declared in such grants or such of the trusts as are applicable, and the Trustees shall henceforth be discharged from such trusts.

91. Where any land within a district is now vested in Trustees for any public cemetery or school, and the District Council have the control and management thereof, or the appointment of new Trustees in case of vacancy, and the Trustees shall not be willing to convey the same to the District Council, or there shall be any difficulty in the way of such conveyance being perfected, the District Council may call a special meeting of ratepayers for the purpose of deciding whether such land shall be transferred to and held by the District Council, and at such meeting if a majority of three-fourths of the ratepayers decide that the land shall be transferred to and vested in the District Council, the same shall be transferred to and vested in the District Council accordingly.

92. When any land, tenements, and hereditaments have or may be granted or conveyed to any District Council for any purpose, or have or may be held upon trust for any District Council, and by reason of the district being incorporated with any other district, or of any separation, or from any other cause, the land so granted or conveyed does now or may form part of any new or other district, the land, tenements, and hereditaments aforesaid shall, from and after the passing of this Act, or from and after the same lands, tenements, or hereditaments shall become situate in any new or other district as aforesaid, as the case may be, become vested in the District Council of the new or other district.

93. When any district shall, from any reason, become included in or added to another district, or when any new district shall be formed out of any existing district, the rights, duties, and liabilities of the District Council of the district, so included or added, or of any existing District Council in respect of any part of any such newly-formed district,
PART III.
General powers and duties of District Councils.

Water reserve, care of, vested in District Council.

Water reserves may be exchanged.

Water reserves, agreements for exchange.

Water reserves, when exchanged, plan to be deposited in Surveyor-General's office.

Water reserve, objection to exchange.

Water reserve—Meeting for consideration of exchange of.

Drawing up agreement for exchange.

district, shall be transmitted to the District Council of the district to which the district so ceasing to be a district is added, or in which it is included, or of such newly-formed district, and may be enforced by and against the District Council to which such rights, duties, and liabilities are transmitted, in the same manner in every respect as though such rights, duties, and liabilities had originally attached to such District Council.

94. The care, management, and control of all water and other reserves for public convenience, and of any jetties, piers, and breakwaters situated within or on the boundaries of any District which by Proclamation of the Governor, with the advice of the Executive Council, may be placed under the care, control and management of any District Council, shall be vested in the District Council of the district within, or on the boundaries of which the same are situate; and the Governor may issue a grant to the District Council of any such reserve, upon such trusts and under such conditions as may appear expedient; and any water reserve may be exchanged by the District Council, if it shall be considered necessary.

95. In case of the exchange, an agreement shall be first entered into between the District Council and the owner and the occupier (if any such there be) of any land intended to be taken as a water reserve, in the form in the Schedule C to this Act annexed, or as near thereto as circumstances will admit.

96. In case of an exchange, a survey map and plan containing the exact dimensions and position of the reserve, or part thereof, intended to be exchanged, and also of the land intended to be taken in exchange, shall be deposited in the Surveyor-General's office; and notice shall be inserted in the South Australian Government Gazette of the intended exchange, and giving a general description of the land, and of the land to be taken in exchange, with the names of the owners or occupiers thereof, so far as known, and referring to the survey map and plan, and calling on all persons who have any objections to the proposed exchange to send notice in writing to the District Council or their clerk, within forty days, of any objection to the proposed exchange, and giving notice of the time and place of the meeting of the District Council, to take into consideration the said intended exchange, such meeting to be held not more than sixty days from the first publication of the notice; and any ratepayer, or other person interested, may object, in writing, during the forty days, to the proposed exchange.

97. At the time and place appointed, a meeting of the District Council shall be held, whereat the District Council may consider the proposed exchange, and any objections, of which notice has been given; and may decide either to make or to refuse to make an order for the proposed exchange.

98. Should the District Council at such meeting agree to the order, the
the same shall be drawn up in the form in the Schedule D to this Act annexed, or as near thereto as circumstances will admit, and the order, with all objections in writing, shall be submitted to the Governor, who may, within three calendar months of the order having been made, confirm the same, and a notice of the confirmation in the form in the Schedule E to this Act annexed shall be inserted in the South Australian Government Gazette within three calendar months from the making of the order.

99. The order, when confirmed, shall have the effect of authorizing the exchange proposed, and upon the payment of any amount which may be named in the agreement, and a receipt for the same in the form in the Schedule F to this Act being given, either to or by the District Council for equality of exchange, the old reserve or part of a reserve shall vest in the person with whom, by the order, the same is to be exchanged, and the land to be given in exchange shall vest in the District Council.

100. Should any person, after confirmation of any order for exchange, who is not a party to the agreement for exchange, have any estate, right, title, or interest in the land taken by the District Council in exchange, he shall be entitled to compensation under the Lands Clauses Consolidation Act, to be estimated and obtained in manner prescribed by that Act, which Act for all purposes of compensation under this clause, and for no other purpose, shall be incorporated with this Act.

101. If the District Council shall not at the meeting make the order, or if the meeting shall not be held, or fail, or if the Governor shall not confirm the order, or if notice of the confirmation shall not be inserted in the South Australian Government Gazette within three calendar months after the same shall be made, any agreement made as aforesaid shall be null and void.

102. All streets in any township or village which shall have been dedicated to the public, within a district, of which dedication five years' uninterrupted use of such street by the public after the laying out of any such township or village shall be evidence, shall be district roads, and the same, and all other district roads, shall be under the care and management, and subject to the control and direction of the District Council for the district, and the District Council shall be Commissioners of Roads for the district.

103. Any private road or roads, street or streets, now in existence or hereafter laid out, although the same may not be thirty feet wide, may be conveyed to the District Council of the district wherein the same may be situate, from the owner or owners thereof, and the same shall therefrom be a district road or roads, and all private rights of way thereon or thereover shall cease and be determined.

104. Every
PART III.
General powers and duties of District Councils.

Map of roads to be prepared, and to be deposited in Surveyor-General’s office for inspection.

104. Every District Council shall, so soon as may be practicable, cause to be prepared a survey map or plan of all the roads and public reserves of the said district, with the course and bearings, and admeasurements of the same; and so often as any new road or reserve, or any alteration in any existing line of road, or in any reserve shall be made under any authority vested in such District Council, such District Council shall cause such new road, or reserve, or alteration to be delineated upon the same map or plan, and one copy of such map or plan shall be deposited in the office of the Surveyor-General, and another copy thereof shall be kept in the office of the District Council, and such copies shall be open to public inspection at all reasonable hours.

Depasturing licences.

105. Subject to any rules of the Governor, which may from time to time be made, to regulate the depasturing of the waste and unsold common lands of the Crown, for the whole or any part of the said Province, the District Council may issue licences to the owners and occupiers of land within the district, authorizing the holders of such licences to depasture cattle upon the waste and unsold common lands of the Crown within the district, or that part of such waste and unsold lands as may be specified on the licence; but nothing herein contained shall affect any lease granted or to be granted by the Governor, under the authority of any Acts of the Imperial Parliament, Order in Council, or Act of the Legislature of the said Province.

Timber licences.

106. Subject to any rule which has been, or may from time to time be made by the Governor for regulating the granting of timber licences, or licences for quarrying stone, in the whole or any part of the said Province, the District Council may grant licences to cut timber upon, or quarry and remove stone from, the whole or any part of the waste and unsold common lands of the Crown within the district.

Fees.

107. Subject as aforesaid, the District Council may charge such fees for any depasturing, or timber, or stone licences as may be thought fit.

Impounding cattle.

108. Every District Council, within its district, shall have and exercise all the powers which, by the Impounding Act of 1858, are conferred upon and to be exercised by District Councils.

Ranger may impound cattle trespassing on Waste Lands.

109. The Ranger of any District Council shall have power to impound cattle trespassing upon public roads or the waste lands of the Crown within the district, and to make and receive for the use of the district such charges as are by the Act No. 17, of 1852, intituled “An Act for the making and improving of Roads in South Australia,” or the Act No. 9, of 1853, intituled “An Act to regulate the occupation of Crown Lands in South Australia,” to be charged and received in respect of cattle impounded from off district roads or
or the waste and unsold common lands of the Crown within the district.

110. The District Council may issue to any person residing in a district a licence to keep a slaughter-house for large or small cattle or pigs at any place within the district, which is situate not less than one mile from the boundary of the City of Adelaide; and every licensed person shall be liable to all the rules, penalties, and disabilities, and shall do and perform all things which by an Ordinance passed in the fourth year of the reign of Her present Majesty, intituled "An Act to regulate the slaughtering and prevent the stealing of Cattle," any persons licensed thereunder are required to do, and to which they are subject and liable.

111. The District Council may exercise all the powers by the said Ordinance conferred on the Governor and Justices of the Peace for the appointment of an Inspector or Inspectors of Slaughterhouses or brands; and any Inspector so appointed by the District Council, shall be considered as an Inspector appointed under the said Ordinance, and, within the district, shall have all the powers and authorities, and perform and be subject to the duties and obligations to which an Inspector appointed under the said Ordinance is liable; and such Inspector shall also act as Inspector of Nuisances, and all returns, which, by the said Ordinance, are to be made by Inspectors, shall be made to the District Council.

112. The District Council appointing an Inspector, shall be substituted for, and have within their district, all the powers and authorities which, by the said Ordinance, are vested in, and to be exercised by the Bench of Justices in all cases whatsoever; and when, by the said Ordinance, an Inspector is required to do any act, by direction of, or is subject to, the orders of a Bench of Magistrates, he shall do such act by directions of, or be subject to, the orders of the District Council by whom he was appointed.

113. Whenever, by the said Ordinance, any notice or information is required to be given to an Inspector, such notice or information, as to anything occurring within a district, shall be given to the Clerk or Chairman of the District Council for the district, if no Inspector has been appointed for the district, in the same manner as though an Inspector had been appointed; and any person omitting to give such notice or information to the Clerk or Chairman, shall be liable to the same penalties as are, by the said Ordinance fixed for an omission to give notice to an Inspector.

114. Every District Council shall have power to alter and vary from time to time the hours within which fires may be lighted within the district for the burning of stubble, hay, or grass, and to fix other hours for such purpose than those fixed by the Act, No. 14 of 1854, intituled "An Act to make provision against the danger
Part III.
General powers and duties of District Councils.

District Council to have all powers, under the Act, to prevent spread of Scotch thistle.

District Council to have all powers, &c., under the Act to promote education.

Public houses may be licensed and licences transferred.

Notices to be served on Clerk of District Council.

Notices of meetings.

Weights and measures.

danger of bush and other fires;" but any such alteration shall not have the force of law until public notice thereof shall have been given in the South Australian Government Gazette, and by affixing the same on the door of the District Council office for at least thirty days.

115. Every District Council shall have, within the district, all the powers, authorities, and rights, and be subject to the liabilities which, by the Act passed in the fifteenth year of the reign of Her present Majesty, No. 15, intituled "An Act to prevent the further spread of the Scotch Thistle," are conferred or imposed upon District Councils.

116. Every District Council shall have within the district all the powers, authorities, and rights, and be subject to the liabilities which, by the Act, No. 20 of 1851, intituled "An Act to promote education in South Australia, by aids towards the erection of schools, and the payment of stipends to teachers," are conferred or imposed upon District Councils.

117. Every District Council within its district may exercise all the powers which by an Ordinance No. 1, of the second year of the reign of Her present Majesty, intituled "An Act to regulate the retail of liquors, and to preserve good order in licensed public houses," and another Act, No. 14 of 1855-6, intituled "An Act to alter and amend an Ordinance, intituled 'An Act to regulate the retail of liquors and preserve good order in licensed public houses,'" are given to general meetings of Justices of the Peace with regard to the hearing of application for licences, and for the transfer thereof, for granting of certificates of approval, or authorizing the transfer of licences, or the removal of a licence to other premises.

118. Every notice required by the said Acts or either of them to be served upon the Clerk to the Magistrates, in respect of any matter in which a District Council is hereby empowered to act, shall be served on the Clerk of the District Council.

119. Notice of the meetings of the District Council for any purpose connected with the last-mentioned Ordinances shall be given, the meetings held, and proceedings shall be conducted in the manner appointed by the Act "To regulate the retail of liquors and preserve good order in licensed public houses," for the giving of notices of general meetings of Justices of the Peace, and for the holding of such meetings and proceedings thereat, and every act required to be done and performed by the said Acts, or either of them, by the Clerk of the Magistrates shall, in every district, be done and performed by the Clerk to the District Council thereof.

120. The District Council shall have and exercise within their district the several powers and authorities which by the several Acts following, that is to say—An Act, 6 Victoria, No. 13, intituled "An Act for establishing standard weights and measures in
in the Province of South Australia, and for the prevention of the use of such as are false and deficient;" An Ordinance, No. 7, of 1845, intituled "An Ordinance to amend an Act for establishing standard weights and measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient;" and an Ordinance No. 16 of 1845, intituled "An Ordinance to regulate the use of weighbridges and steelyards," are conferred upon the Governor or Justices of the Peace for the appointment of persons to examine balances, weights, and measures.

121. Recognizances required by the Acts or Ordinances aforesaid, or any of them, may be taken before the Chairman, or any member, or the Clerk of the District Council, and all fees payable under any of the said Acts or Ordinances to the Clerk of the Magistrates, shall, for any act done by the District Council by virtue of the powers hereby transferred to them, be paid to the District Council.

122. The District Council may, from time to time, make, publish, alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet for any of the following purposes:—

For regulating the election of Councillors, Chairman, or Auditors, or the appointment of any officer or other person for carrying out any of the purposes of this Act.

For the regulation and control of any officer or servant of the Council, and the time and mode of payment of their salaries or fees.

For fixing and regulating the securities to be taken from or on behalf of any officer or servant.

For making, imposing, levying, and collecting any assessment or rates.

For the appropriation and expenditure of district moneys.

For the management of any land, houses, tenements, and hereditaments, or other property, real or personal, vested in or under the control of the District Council for any purpose whatever.

For regulating and maintaining, protecting and improving, any water or other reserves for public purposes.

For regulating the fees payable by any person resorting to or using or obtaining or drawing any stone, water, wood, or any other thing from any land, tenements, or hereditaments, the property of or under the control of the District Council, and to regulate the mode of collecting such fees.

For regulating the depasturing of cattle upon, or cutting or removing timber from, the waste and unsold common lands of the Crown within the district, and for regulating the issue of certificates to licence the depasturing of cattle, or cutting or removing of timber, or quarrying stone, and to provide for and regulate the transfer of any such licences, and to fix the amount and manner of payment of fees for the same, and to regulate the description

PART III.
General powers and duties of District Councils.

Recognizances taken before Clerk, Chairman, or member of District Council.

By-laws may be made by District Council.

cription
PART III.
General powers and duties of District Councils.

Description of cattle allowed on such lands, and to prevent any particular description of cattle from depasturing on the said lands, or any part thereof, and to prevent any unlicensed person from depasturing cattle upon the said lands, or any licensed person from exceeding the number of cattle which he may be entitled to depasture thereon.

For the establishment and regulation, or support of any schools receiving aid from the Central Board of Education, or the District Council:

For regulating the amount of fees to be taken for slaughtering licences:

For the inspection of balances, weights, and measures, and for ensuring the use of just balances, weights, and measures:

For the prevention and suppression of nuisances:

For regulating the manner of calling and holding meetings of the District Council and ratepayers:

For the more effectually carrying out all and every the powers and authorities herein given to District Councils:

For inflicting fines, not exceeding Ten Pounds, for the breach of any by-law.

By-law to be passed by four-fifths of members in office.

No by-law to be repugnant to any Act of the Legislature.

Any regulation of Governor, in relation to waste lands, shall repeal any inconsistent by-law.

Electoral duties of clerks of District Councils.

123. Such by-laws shall not be passed, except at a meeting of the District Council, at which at least four-fifths of the members then in office shall be present; and any such by-law shall not be of any force, until signed by the Chairman or Clerk of the District Council, and confirmed by the Governor, and until one week shall have elapsed from its publication in the South Australian Government Gazette, and then the by-law shall have the force of law.

124. No such by-law shall be repugnant to this or any other Act of the Legislature of the said Province, or to any regulation by the Governor already issued, or hereafter to be issued, for regulating the depasturing of cattle, or cutting or removing of timber, or quarrying stone, within the district, or inconsistent with the trusts or purposes on which any land, tenements, hereditaments, or other property, may be held by the District Council; and no District Council shall be authorized to inflict any punishment, except by way of fine, as above provided.

125. If at any time after a by-law shall be made under this Act, any regulation of the Governor for regulating the depasturing of cattle upon, or cutting or removing of timber, or quarrying stone, from the waste or unsold common lands of the Crown, within the district, shall be published in the South Australian Government Gazette, such regulations shall repeal so much of any such by-law as shall be inconsistent with any such regulation.

126. Every clerk to a District Council shall have such powers and perform such duties as are by the Electoral Act conferred or imposed
imposed upon clerks to District Councils, and shall receive such fees therefor as are by the said Act provided.

127. Every meeting of a District Council or ratepayers shall be held within the district; and every meeting for the election of a Councillor or Councillors for a ward shall be held within the ward.

128. The annual meeting of the District Council shall be held in the second week in July next, after the passing of this Act, or the appointment of the District Council, and in the second week in July in every succeeding year.

129. Ordinary meetings of the Council shall be held twice in each month for the dispatch of business; and special meetings may be held at any time, and any business required to be done at an annual or ordinary meeting, may be transacted at any special meeting, and until otherwise provided for by by-law, every special meeting shall be called by sending three days before the meeting, a notice thereof, stating the time and place and business of such meeting, to each member of the District Council, addressed to him through the post.

130. At all meetings of District Councils, except where otherwise provided for in this Act, three-fifths of the members of the Council, actually in office at the time, shall form a quorum.

131. The Chairman of the District Council, and in his absence, any other member, to be elected in manner appointed for the election of Chairman of the Council, shall preside at any meeting of the District Council; and the Chairman of the meeting shall have a casting vote.

132. The District Council shall keep a minute-book, in which the proceedings of each meeting and business performed thereat shall be entered.

133. The annual meeting of ratepayers shall be held, for election purposes, on the first Monday in July next, after the passing of this Act, or the appointment of the District Council, and on the first Monday in every subsequent July.

134. Meetings of ratepayers shall be called by public notice of the time, place, and object of the meeting, to be given, in the case of annual or general meetings, ten days before, and in case of special meetings, four weeks before; and notice of a general meeting shall be inserted once, and of a special meeting four times in the South Australian Government Gazette.

135. Every meeting of ratepayers shall open at ten o'clock in the morning; and the Chairman of the District Council, if present and willing, and in default of Chairman, a Councillor, or any person appointed by the meeting, shall preside as Chairman.

136. At election meetings, no person shall be elected Councillor or Auditor,
PART IV.
Meeting of Council and ratepayers.

Within one hour from commencement of meeting, show of hands to be taken.

At meeting to adopt rate, show of hands to be taken, &c.

Ratepayers may demand a poll.

Adjourned poll meeting.

Who shall vote.

Who may vote in ward.

No person to vote who owes arrears of rates.

Clerk to produce list of persons who are in arrears.

Number of votes ratepayer to be entitled to.

Auditor, unless nominated and seconded by ratepayers present at the meeting; and if no more Councillors or Auditors than must be elected shall be nominated and seconded within one hour from the commencement of the meeting, the Chairman shall declare the one or more persons, so nominated and seconded, duly elected.

137. At the expiration of one hour from the commencement of the meeting, when more than the requisite number are nominated and seconded, the Chairman shall take a show of hands for each candidate separately, and shall declare that person or persons elected, who shall, in the opinion of the Chairman, have the greatest show of hands.

138. At a meeting to adopt a rate or for any other purpose, the Chairman shall, in the usual way, take a show of hands for every resolution and amendment touching the object of the meeting, and shall declare that proposition carried for which, in his opinion, the largest show of hands appears.

139. After the Chairman shall have declared the result of a show of hands at any meeting, any ratepayer may demand a poll, which shall be immediately held, and shall finally close at four in the afternoon, unless in the case of obstruction or necessary hindrance, when the Chairman shall adjourn the poll to the next day, unless that day shall be on a Sunday, and then to the next Monday, when the poll shall finally close; and every adjourned poll meeting shall be held at the same place, and open at ten in the forenoon and close at four in the afternoon.

140. Every ratepayer, whether his name appears in the assessment book or not, shall be entitled to vote at all meetings, except meetings for making a rate or raising a loan; and then those persons who appear as ratepayers upon the assessment book for the current year, shall be entitled to vote, and no one else.

141. At any meeting in a ward for the election of a Councillor or Councillors, every person who is a ratepayer in respect of any property within the ward, may vote.

142. No person shall vote at any meeting who shall not have paid all rates, of which notice shall have appeared, at least fourteen days before the meeting, in the South Australian Government Gazette, and for which he may be primarily liable under this Act, or which he may owe under the repealed Acts, or either of them.

143. The Clerk of the District Council shall cause a list of all persons primarily liable under this Act, and who owe any arrears to be produced at every meeting; but the nonproduction shall not render the proceedings of the meeting invalid.

144. At all meetings, except meetings for making a rate or raising a loan, each ratepayer shall be entitled to one vote only; and at meetings for making a rate or raising a loan, each person, entitled to vote
vote, may vote on a scale according to the amount of annual value at which he is assessed, as under—Twenty-five Pounds or under, one vote; from Twenty-five to Thirty-five Pounds, two votes; from Thirty-five to Forty-five Pounds three votes; from Forty-five to Fifty-five Pounds four votes; from Fifty-five to Sixty-five Pounds five votes; from Sixty-five to Seventy-five Pounds, six votes—and no person shall have more than six votes.

145. In case of joint tenancy or tenancy in common, one person only shall vote, unless the property shall be assessed at an annual value above Seventy-five Pounds, and then one other joint tenant or tenants in common as aforesaid may vote for each additional Seventy-five Pounds or for any fractional part of Seventy-five Pounds of annual value on the same scale as is allowed for the first Seventy-five Pounds, or fractional parts thereof, and joint tenants or tenants in common entitled may vote in the order in which they tender their votes at any rate or loan meeting until votes shall have been taken for the whole annual value, or all the joint tenants or tenants in common shall have voted.

146. Each voter at any meeting shall vote by giving to the Chairman a paper signed by the voter, containing a description of his qualification to vote, and when a scale of voting is allowed, the number of votes he is entitled to give, and also the names of the person or persons for whom he votes, not exceeding in the whole the number of persons to be elected, or a statement of or reference to the particular proposition for which he votes, as the case may be, and the Chairman, or his Clerk, or other authorized officer, shall thereupon openly record such vote or votes in the poll-book, and the voting-paper shall be carefully preserved amongst the records of the District Council, and be open to public inspection at all reasonable times for three months afterwards.

147. Any person tendering a voting-paper may be asked by the Chairman, on the application of any ratepayer present at the meeting, the questions following, or any of them, and no others:

1. Are you the person whose name is signed to the voting-paper now produced?

2. At meetings for making a rate or raising a loan—Are you the person appearing in the assessment-book now in force for this district as the occupier of the property mentioned in the voting-paper now tendered by you, being (here describe the property)? Or, are you the person appearing in the assessment-book now in force for this district as the owner of the property mentioned in the voting-paper now tendered by you, being (here describe the property)? At all meetings, except meetings for making a rate or raising a loan—Are you the occupier of the property mentioned in the voting-paper now tendered by you, being (here describe the property)? Or, are you the owner of the property mentioned in the voting-paper now tendered by you, being (here describe the property), and
PART IV.
Meeting of Council and ratepayers.

Proceedings after poll.

is such land unoccupied? And no person shall be entitled to vote unless he shall answer any of the above questions, which may be put to him, in the affirmative.

148. At the close of the poll the Chairman shall fix a time, either on the same day, or not later than two o'clock of the following, for declaring the result of the poll, and shall examine the poll-book and compare the same with the voting-papers, and such person or persons as shall have the largest number of votes, and shall be duly qualified, not being in excess of the number to be elected, shall be deemed elected, or the proposition for which the largest and requisite number or proportion of votes shall be recorded shall be carried; and in case of an equality of votes for two or more candidates, or propositions when a simple majority is sufficient to carry a proposition, the Chairman shall decide by lot which is elected or carried, and at the time appointed shall declare who is or are the duly elected member or members, or which proposition is carried.

149. The Chairman of the meeting shall cause a notice to be given to each person elected, or sent to him, directed to him through the post at his residence within twenty-four hours from the time of election, informing him of his having been elected a District Councillor.

150. Any person who at the time of his appointment or election to the office of District Councillor, or Auditor, shall be disqualified to act in such office, or who after his appointment or election shall become disqualified, and who shall in any manner act as a District Councillor or Auditor after his appointment or election, and the existence of his disqualification, shall be liable to a penalty of Ten Pounds.

151. Every person appointed or elected to the office of District Councillor or Auditor, and who, at the time of his appointment or election is disqualified, or who shall after his appointment or election become disqualified, and who, being a Councillor, shall not within fourteen days after he shall have notice of his appointment, or the existence of the disqualification, send through the post, addressed to the Chief Secretary, in case the first Chairman of the District Council has not been elected, or being a Councillor or Auditor, shall not, in case the first Chairman has been elected within fourteen days after he shall have notice of his appointment or election, or the existence of the disqualification, deliver or send through the post, addressed to the Chairman or Clerk of the District Council, a notice, stating that he is disqualified to act as a Councillor or Auditor, with the grounds of such disqualification, shall be liable to a penalty of Ten Pounds.

152. Any person duly qualified, who having been duly appointed or elected as Councillor shall refuse to take upon himself and to act in the office of Councillor, or shall neglect so to do for three consecutive ordinary meetings of the District Council after his appointment or election, and any qualified person who shall have taken upon himself the office of District Councillor, and shall resign such office in
in manner herein provided, or shall absent himself from the Province for three consecutive ordinary meetings without licence of the District Council, or shall without reasonable cause absent himself from three consecutive ordinary meetings of the District Council, shall be liable to a penalty of Twenty Pounds.

153. Any Auditor who, being duly qualified and elected and resident in the district, shall refuse or neglect to act in the duties of his office, shall forfeit and pay a penalty of Ten Pounds.

154. Any Councillor or Auditor who being duly qualified and duly elected shall be called upon in manner by this Act prescribed to defend his title to his office, and shall by default, or by collusion with any person laying the information against him, suffer an order to be made declaring his seat to be vacant, or that he is not a Councillor or Auditor, as the case may be, shall forfeit and pay a penalty of Twenty Pounds, but no Auditor resident out of the district shall be subject to this provision.

155. Any Councillor who shall be a shareholder or a member of any Joint Stock Company incorporated by Royal Charter, or established by, or incorporated under the provisions of any Act of the Imperial Parliament, or any Act of the Legislature of the said Province, and who shall vote as Councillor in any question in which the Company of which he shall be a shareholder is interested, shall forfeit and pay a penalty of Twenty Pounds.

156. Every person liable to serve, and who shall be chosen by a District Council to serve the office of constable, and shall be duly summoned to be sworn, and take upon himself the office of constable, and who shall refuse, or without reasonable cause, to be allowed by the District Council, neglect to attend and be sworn as constable, or to find a qualified substitute to be sworn in his stead, shall forfeit and pay the sum of Ten Pounds.

157. Every person who, after being sworn as constable, shall refuse, or wilfully neglect to act in the execution of his office, or shall neglect his duty, or shall disobey any lawful warrant, or order of any Justice or Justices of the Peace, to be executed within the District, shall forfeit and pay for every such offence, a sum not exceeding Five Pounds.

158. If any person shall assault, disturb, or hinder any officer of any District Council, or appointed by a District Council, while engaged in the performance of his duties, such person shall forfeit and pay a penalty not exceeding Ten Pounds.

159. Any officer, or other person, who shall be entrusted with, or receive money under this Act, or by virtue of any office to which he may be appointed, or by virtue of any duty confided to him by a District Council, and shall fraudulently dispose of, or retain in his possession,
PART V.
Offences and Penalties.

160. Any clerk who shall neglect to produce, or cause to be produced, at any meeting of ratepayers a list of all persons who are in arrear with their rates, shall forfeit and pay a penalty of not less than One Pound, nor more than Five Pounds.

161. Any person who shall cut, saw, or remove any timber growing, or lying, or being upon, or shall carry away any stone, sand, or any other material or thing from any land, tenement, or public reserve, belonging to, vested in, or under the care or management of the District Council, without having a licence or authority from the District Council for the same, shall forfeit and pay the value of the timber so cut down or removed, or of the stone, sand, or other material or thing so carried away, and also a penalty of not less than One Pound nor more than Ten Pounds; and this provision shall not exempt the offender from the provisions of the Act of the Imperial Parliament, passed in the seventh and eighth years of the reign of Geo. IV c. 30, intituled "An Act for consolidating and amending the laws in England relative to malicious injuries to property."

162. Any person who shall wilfully make any false answer to any question put to him by the Chairman at a meeting of ratepayers, and which the Chairman has by this Act authority to put, shall be guilty of a misdemeanor, and be liable to be imprisoned, with or without hard labor, for a period not exceeding twelve calendar months.

163. Any person who shall give any money or other article to a voter with a view to influence his vote, or who shall hold out to him any promise or expectation of profit, advancement, or enrichment in any shape, in order to influence his vote, or make use of any threat to a voter with a view to influence his vote; and any voter who shall receive any money or article for his vote, or shall, in consequence of any promise of profit, advancement, or enrichment, promise his vote, shall be guilty of a misdemeanor, and be liable to pay a sum of not less than Ten Pounds or more than Twenty-five Pounds, or to be imprisoned for any period not exceeding three calendar months.

164. Any person who shall be examined upon oath by any Justice or Justices of the Peace, or other person under the authority of this Act, and shall wilfully, upon any such examination, make any false statement, shall be guilty of wilful and corrupt perjury, and be punished accordingly.

165. Any person who shall wilfully obstruct or hinder the proceedings of any meeting of ratepayers shall be guilty of a misdemeanor, and be liable to imprisonment for any term not exceeding two calendar months.

166. Any
166. Any person who shall wilfully publish in the South Australian Government Gazette any false notice, in any matter in which by this Act a notice is required to be published in the South Australian Government Gazette, or shall post any false notice, in any matter of which public notice, or any notice is by this Act required to be given, or shall tear down, mutilate, deface, or obliterate, any notice or other document posted in any place within the district under the authority of this Act, shall forfeit and pay a penalty of not less than One Pound, or more than Ten Pounds.

167. The District Council may remit any penalty imposed by virtue of this Act, or any penalty which the District Council are authorized to receive by virtue of this Act, in whole or in part, except any penalty imposed for neglect or refusal to act as a Councillor, Auditor, or Constable, or for any offence against the provisions of clause 163.

168. No writ of quo warranto or information in the nature of a quo warranto or other proceeding, shall issue or be filed, or had, or taken in the Supreme Court, to try or question the title of any District Council, or the title of any person to act as Councillor, Chairman, Auditor, or in any office or place in, or in the gift of a District Council.

169. No mandamus shall issue from the Supreme Court to admit or restore to office, or to compel a District Council to proceed to the election or appointment of any Councillor, Chairman, Auditor, Officer, or other person, to any office or place in, or in the gift of a District Council, or to compel any person or persons to proceed to any ballot, or to compel the production or delivery of any books, voting papers, or other documents or papers, to the production or possession whereof any District Council or person may be entitled under this Act.

170. No assessment, rate, or loan, or notice thereof, or order for making the same, or for making or allowing any alteration thereof, or any proceeding in relation thereto, shall be removed by certiorari or otherwise to the Supreme Court.

171. The proceedings for trying the title of a Councillor, Chairman, Auditor, Officer, or other person to his office or place, or trying the right of any person to be admitted or restored to any such office or place, or to compel his restoration or admission, or to compel any District Council to proceed to any election or appointment, or to try the validity of any assessment, rate, or loan, or to compel the production or delivery of any books, voting papers, or other documents or papers, to the production or possession whereof any District Council or person may be entitled under this Act, shall be had and taken before, and determined by, two or more Justices of the Peace in a summary way.

172. The
172. The information may be laid at the instance of any District Council, or by any ratepayer of the district, or other person interested, and the Justices may make an order declaring any person not entitled to the office or place then possessed by him, and that such office or place is vacant, or that the informant is entitled to the said office or place, or command, the District Council to proceed to take the necessary steps for, and hold any election, or make any appointment, or to compel any person or persons to proceed to any ballot that may be necessary, or may make an order quashing any assessment, rate, or loan, which for any reason is invalid, or may make an order to compel the production or delivery of any books, voting papers, or documents by, or to any District Council, or officer thereof, to any person, or by any person to a District Council or any officer thereof, but no order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

173. All claims by or on the part of any District Council to any moneys, or to any vouchers, receipts, papers, writings, property, and effects whatsoever, retained or not duly accounted for by any Collector, or other officer, or person employed by the District Council, may be heard and determined by any two or more Justices of the Peace, in a summary way.

174. On noncompliance with any order made by any Justices of the Peace under the provisions hereof, on information laid at the instance of any District Council, or by any ratepayer, or person interested, any two or more Justices of the Peace may order any sum of money to be paid by or to any District Council, or officer, or person, as compensation for any injury sustained by reason of the noncompliance with any order, and may order any person to be imprisoned either for a specified time, not exceeding six calendar months, or until the order aforesaid is obeyed, and such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid; and on noncompliance with any order commanding anything to be done by a District Council, any two or more Justices of the Peace may order the payment of any sum of money by, or the imprisonment of, any person who would, before the passing of this Act, have been liable to attachment, or subject to process of contempt for disobedience to any peremptory writ of mandamus issued out of the Supreme Court commanding the District Council to do the act directed by such order.

175. No proceedings to try the title of any person to any office or place in, or in the gift of a District Council, shall be had or taken except upon an information laid within three calendar months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person shall be liable to be ousted, which shall last happen; and, no proceedings to try the validity of any assessment, rate, or loan, shall be had or taken, except upon an information laid within three calendar months
months from the time at which notice of the assessment, rate, or loan, first appeared in the South Australian Government Gazette.

176. The proceedings before Justices shall be conducted as appointed by and shall be regulated under the Ordinance No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders."

177. There shall be an appeal from any order of Justices of the Peace, made under the provisions hereinafore contained, which appeal shall be to the Local Court of Adelaide, of full jurisdiction only, and the proceedings of such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, but the Local Court of Adelaide aforesaid, may make such order as to payment of costs of appeal, as they shall think fit, although such costs may exceed Ten Pounds.

178. Any proclamation of the Governor, at any time heretofore published in the South Australian Government Gazette, for the purpose of effecting any act which the Governor, with the advice of his Executive Council, is hereby empowered to do, shall be, and the same is hereby declared to be, valid and effectual to all intents and purposes as though made under the provisions of this Act, and the title of any District Council or Councillors to act as such in any case in which they are appointed, or in which any jurisdiction is conferred upon them by any proclamation heretofore or hereafter published, in any case in which by this Act the Governor is empowered to issue a proclamation, shall not be impeached or questioned in any proceeding whatever on the ground of any neglect or omission to perform, or any error or irregularity in the performance of, any act which is required as a preliminary to the issue of a proclamation; and the production of the South Australian Government Gazette containing any proclamation heretofore or hereafter published for effecting anything which the Governor, with the advice of his Executive Council, is empowered to do by this Act, shall be conclusive evidence in all proceedings that everything has been duly done which is required as a preliminary to the publication of the proclamation, and shall be conclusive evidence of all matters and things in such proclamation contained.

179. The list of persons duly qualified to act as District Constables, when duly confirmed by the said District Council, shall be conclusive evidence that every person therein named and resident in the district is duly qualified to serve as Constable for the then year.

180. The production of the South Australian Government Gazette, containing any notice of the election of any person to the office of Councillor or Auditor, shall be conclusive evidence of such election, except in any proceeding to try the title of the person elected.

181. Appeals
PART VI.
Legal procedure and evidence.

Appeals against assessment or alteration in assessment to be heard before Local Court.

181. Appeals against assessments, or alterations in assessments, shall be heard before the Local Court of full jurisdiction sitting within the district, or nearest to the ordinary place of meeting of the District Council, and shall be commenced by a notice, in the form in the Schedule G to this Act annexed, or as near thereto as circumstances will permit, served by the appellant within the period allowed for appeals, upon the District Council, and also upon any person whose name it is proposed to insert in the assessment, or whose property it is alleged is omitted or assessed below its full and fair annual value; and a copy of such notice shall be delivered to the Clerk to the Local Court to which the appeal lies six days before the day of hearing.

182. The appeal shall come on for hearing at the sittings of the Local Court next after sixteen days from public notice of the assessment or alteration appealed against having been given, and the Clerk to the District Council shall produce the assessment-book appealed against; and upon examining the parties and their witnesses upon oath, the Court, at the sittings aforesaid, or at some adjourned or subsequent sittings, may make such order as shall be just, and shall cause any alteration occasioned by the decision on the appeal to be made by the Clerk of the Court in the assessment-book, and may make such order as the Court may think fit for the payment of costs by or to the District Council, or by or to the respondent other than the District Council or by the appellant.

183. The assessment-book produced from the custody of the District Council, and the South Australian Government Gazette, containing a notice in the form in the Schedule II to this Act annexed, or as near thereto as circumstances will admit, shall be conclusive evidence, except on proceedings to quash such assessment, that such assessment has been duly made and notice thereof duly published; and the Gazette, containing a notice of the making of any general or special rate or loan in the form in the Schedule I to this Act annexed, or as near thereto as circumstances will admit, shall be conclusive evidence, except on proceedings to quash such rate or loan, that the rate or loan has been duly made and adopted; and shall be evidence, until the contrary is shown, that any special rate referred to in such notice, was in force and payable in respect of the year in which such Gazette is published.

184. Rates may be recovered by action in any Court of competent jurisdiction, or in a summary manner before any two or more Justices of the Peace, from any person liable to pay the same.

185. If rates or any arrears are unpaid for the space of twenty-one days after demand in writing shall have been served upon the occupier, or left at the house, land, or tenement rated and assessed thereto, the Clerk or Collector or his assistant may thereupon, without any warrant, enter into any part of the premises, and distrain the goods and chattels found therein; or may enter into any other house or land
land in the same district, occupied by any person liable to the same
rates, and on whom such notice has been served by personal de-
ivery, or by leaving the same at his house for him, and to distrain
his goods and chattels, therein and thereon; and if the sums for
which the distress is taken be not paid for five days after the dis-
tress, together with reasonable costs, then the said distress, or so
much as shall be sufficient to pay the rates and costs aforesaid may be
sold, and any overplus shall be returned to the owner of the goods.

186. In any case in which rates hereafter to be made, in respect
of any rateable property situated in a district shall be due, and
unpaid, and in arrear, for the space of two years, it shall be lawful
for the District Council by whom the assessment was made, whereon
the rates in arrear were due, at any time after the expiration of
one year, to cause to be published three times in the South Aus-
tralian Government Gazette a notice, in the form of Schedule J to
this Act annexed, addressed to the owner, or reputed owner of the
rateable property when known, and when the owner or reputed
owner is not known, addressed to all whom it may concern; and, if
after one year from the last publication of the notice, the rates
due at the time of the first publication thereof are still unpaid, the
District Council may let the same from year to year, and may
receive the rents, apply the same towards the payment of the rates, and
hold any surplus for the owners of the land, or by petition to the Su-
preme Court or any Judge thereof, may apply for a sale of the rate-
able property described in such notice, or of so much thereof as may
be necessary; and the Court or Judge, on being satisfied by
affidavit or otherwise that the arrears are lawfully due, and were in
arrear at the time of the first publication of such notice, and that
all things required by this clause to be done have been done, shall
order the sale of the said rateable property, or so much thereof
as may be sufficient to pay the arrears and interest, at five per
centum per annum, from the time of the first publication of
the notice, together with all costs of and attending the notice, and the
costs of and attending the application, and of and attending the
sale by public auction, and the proceeds to be paid into Court; and
the Court or a Judge may order payment of the said rates, in-
terest, costs, and expenses, in preference to any mortgage or other
security; and that a conveyance shall be executed by the Master or
other officer of the Court, to the purchaser, his heirs, and assigns,
in such form as shall be approved by the Court or a Judge, which
shall vest the legal estate in the said rateable property in the pur-
chaser, his heirs, and assigns, free from all incumbrances; and the
balance arising from the proceeds of such sale shall remain, and be
subject to any future or other orders of the Court, for behoof
of the party or parties interested therein.

187. All rates due before the passing of this Act may be recovered
by the District Council against the persons who owe the same, in every
respect in the same manner as though the rates had become due
under this Act.

188. Every
PART VI.

Legal procedure and evidence.

Map, prima facie evidence.

Signature of Chairman to minutes evidence of proceedings.

Notice in Gazette that any proposition has been adopted at a meeting evidence thereof.

No writ of certiorari to remove order for exchange of water reserve, to issue after six months from confirmation.

Information under No. 8 of 1863, may be laid by Chairman, Clerk, or Ranger.

Fines against provision of Act may be recovered before two Justices.

Appeal from order of Justice.

Local Court of Adelaide may on appeal state a case for opinion of Supreme Court.

188. Every map prepared by a District Council, under the authority of this Act, and certified to be correct by the Surveyor-General, shall be prima facie evidence in every Court, or before any tribunal, in reference to any roads or reserves of which the District Council shall have the control and management.

189. The minute-book of the District Council, containing a statement of the proceedings at meetings thereof, and the business transacted at such meetings, shall be evidence of all such proceedings as are authenticated by the signature of the Chairman.

190. The South Australian Government Gazette, containing a notice that any proposition has been adopted at a meeting of rate-payers, shall be conclusive evidence that such proposition has been duly made and carried at such meeting, and that such meeting has been duly called and held.

191. No order for the exchange of any water-reserve shall be removed into the Supreme Court by writ of certiorari or otherwise, at any time after six calendar months from the insertion in the South Australian Government Gazette of a notice of the confirmation of the order by the Governor.

192. All proceedings under the Act No. 9 of 1853, intituled an Act to regulate the occupation of Crown lands in South Australia, in respect of matters arising within the limits of any district, which the District Council thereof shall have power to regulate by any by-law, may be had and taken on the information or at the suit of any Chairman, Clerk, or Ranger of the District Council for the district.

193. All fines and penalties for any offence against this Act, or any by-law of a District Council, may be recovered before any two or more Justices of the Peace in a summary way, on an information at the instance of the District Council, or of any person or persons whatever.

194. There shall be an appeal from any order of Justices inflicting a penalty for any offence against this Act, or any by-law of a District Council, or for any offence in respect of which any District Council are entitled to the penalty, or any part thereof; and from any order of Justices for payment of any rates or arrears of rates; and the appeal shall lie to the Local Court of full jurisdiction at Adelaide, and the proceedings thereunder shall be conducted and regulated in manner appointed by the said Ordinance No. 6 of 1850.

195. It shall be lawful for the Local Court of Adelaide, upon the hearing of any appeal, to state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases; and the Supreme Court shall
shall make such order as to costs of any such special case as to the said Court shall appear just; and any two or more Justices, or the Local Court of Adelaide, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the Justices of the Peace or Local Court shall be enforced in manner provided for the enforcement of orders of Justices of the Peace, under the said Ordinance No. 6 of 1850, and save as herein provided, no order or proceeding of Justices, or of any Local Court made under the authority of this Act, shall be appealed against or removed by certiorari or otherwise into the Supreme Court of the said Province.

196. No Councillor shall be subject to be sued or prosecuted by any person whomsoever, and the bodies, goods, or lands of a Councillor shall not be liable to execution of any legal process by reason of any contract, or other instrument entered into by any District Council, or by reason of any other lawful act done by the District Council in the execution of any of their powers, and every Councillor, his heirs, executors, and administrators shall be indemnified by the District Council for all payments made or liability incurred in respect of any acts done by him, and of all losses, costs, and damages which he may incur in the bona fide execution of the powers granted to him by this or any other Act.

197. If any person against whom any District Council have any claim or demand shall become insolvent under the provisions of any Ordinance relating to insolvents, the Clerk or other officer in that behalf appointed by the District Council in all proceedings against the estates of such insolvent, or under any adjudication or act of insolvency against such insolvent, may represent the District Council and act in their behalf in all respects as if such claim or demand were the claim or demand of the Clerk or other officer in his own right.

198. In any indictment to be preferred by any District Council against any person who shall steal, or wilfully injure, and in any proceedings to be instituted in relation to any property or thing belonging to District Councils, or under their management, it shall be sufficient to state generally the property or thing in respect of which such indictment shall be preferred, or proceeding instituted, to be the property of such District Council.

199. Any summons, or notice, or writ, or other proceeding at law or in equity requiring to be served upon any District Council may be served by the same being left for or sent through the Post Office directed to such District Council at their principal office or usual place of meeting, or by being given personally to the clerk or in case there be no clerk there then by being given to any one Councillor, and every letter containing such summons, or notice, or writ shall be registered.

200. Every
200. Every order, summons, notice, or other document in any proceedings at law or in equity requiring authentication by any District Council, shall be sufficiently authenticated if signed by the Chairman or by the Clerk of the District Council, and the same may be in writing or in print, or partly in writing and partly in print.

201. All actions and prosecutions to be commenced against any Councillor, Chairman, officer, or person for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact was committed and not otherwise, and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action, and the defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if after action brought, the defendant shall pay into Court sufficient amends; but in such last mentioned case the plaintiff shall recover his costs of suit up to the time of payment into Court, and if a verdict shall pass for the defendant, or the plaintiff become nonsuit, or discontinue, or otherwise, the defendant recover judgment, he shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.
SCHEDULES REFERRED TO.

A
Acts repealed.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15 of 1852</td>
<td>An Act to provide for the appointment of Constables in the Country Districts of South Australia</td>
<td>The whole.</td>
</tr>
<tr>
<td>16 of 1852</td>
<td>An Act to appoint District Councils and to define the powers thereof</td>
<td>The whole.</td>
</tr>
<tr>
<td>16 of 1854</td>
<td>An Act to amend &quot;An Act to appoint District Councils and to define the powers thereof&quot;</td>
<td>The whole.</td>
</tr>
<tr>
<td>21 of 1855-6</td>
<td>An Act to amend an Act to make provision against the danger of Bush and other Fires</td>
<td>The whole.</td>
</tr>
</tbody>
</table>

B
Acts, the penalties for offences against, and fees received under which, are to be paid to District Councils.

<table>
<thead>
<tr>
<th>Reference to Act.</th>
<th>Title to Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 of 1852</td>
<td>An Act for the making and improving of Roads in South Australia.</td>
</tr>
<tr>
<td>9 of 1853</td>
<td>An Act to regulate the occupation of Crown Lands in South Australia.</td>
</tr>
<tr>
<td>18 of 1858</td>
<td>An Act to consolidate and amend the Laws relating to the Impounding of Cattle.</td>
</tr>
<tr>
<td>4 Victoria, No. 6</td>
<td>An Act to regulate the slaughtering and prevent the stealing of Cattle.</td>
</tr>
<tr>
<td>2 of 1844</td>
<td>An Ordinance to authorize the levying of Fees on the slaughtering of Cattle in South Australia.</td>
</tr>
<tr>
<td>19 of 1847</td>
<td>An Act to impose penalties on persons injuring or endangering the property of others by the wilful or negligent burning of stubble or other produce.</td>
</tr>
<tr>
<td>14 of 1854</td>
<td>An Act to make provision against the danger of Bush and other Fires.</td>
</tr>
<tr>
<td>15 Victoria, No. 15</td>
<td>An Act to prevent the further spread of the Scotch Thistle.</td>
</tr>
<tr>
<td>2 Victoria, No. 1</td>
<td>An Act to regulate the retail of Liquors, and to preserve good order in licensed Public Houses.</td>
</tr>
<tr>
<td>14 of 1855-6</td>
<td>An Act to alter and amend an Ordinance intituled &quot;An Act to regulate the sale of Liquors, and preserve order in Licensed Public Houses.</td>
</tr>
<tr>
<td>6th Vic., No. 13</td>
<td>An Act for establishing standard weights and measures in the Province of South Australia and for the prevention of the use of such as are false and deficient.</td>
</tr>
<tr>
<td>7 of 1845</td>
<td>An Ordinance to amend an Act for establishing standard weights and measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient.</td>
</tr>
<tr>
<td>16 of 1845</td>
<td>An Ordinance to regulate the use of Weighbridges and Steelyards.</td>
</tr>
</tbody>
</table>
C


District of

An agreement made, pursuant to the District Councils Act, 1858, between the District Council of [and (occupier, if any, other than the owner) of ], of the other part:

Whereas, the said [is the owner (or the owner and occupier) [and the said is the occupier] of a piece of land within the said district (here describe the land to be taken in exchange), and it is considered expedient that the water reserve [or part of a water reserve], situate within the said district (here describe the reserve, or part to be exchanged] should be exchanged for the land first above described: It is hereby agreed between the said parties that such exchange shall be made [and that the said shall pay to the said the sum of for equality of exchange.] Dated the day of

D

Order for exchange of Water Reserve.

District of

Whereas we, the District Council of , deeming it expedient to exchange the piece of land containing , being [part of] the water reserve situate (here describe the piece of land generally), and within the said district, for another piece of land containing (here describe same), and situate within the said district, have, pursuant to the District Councils Act 1858, entered into an agreement for such exchange with the [reputed] owner, and the occupier of the last-mentioned land; and have caused a survey map and plan, containing the exact dimensions and position of the said pieces of land, to be deposited in the Surveyor-General's office: And whereas we have caused a notice to be inserted in the South Australian Government Gazette of the stating our intention to make the said exchange, and giving all other the particulars required by the said Act: And whereas [no objections having been made to the said exchange] or [notice having been given us by (names of objectors) of (state how many) objections to the said exchange], a meeting of us, the said District Council, was held after the expiration of forty days, and within sixty days from the first publication of the said Gazette notice; that is to say, on the day of 18 , at , in the said Province, being the time and place appointed in the said Gazette notice; at which meeting we considered the said proposed exchange [and the said objections], and determined to make the order hereinafter contained: Now therefore, in pursuance of the provisions of the said Act, we, the said District Council of , do hereby order that the said piece of land first above described shall be exchanged with the said (owner), for the said piece of land secondly above described, in manner set forth in the said Gazette notice.

Dated the day of 18 .

E

Notice of Confirmation of Order for exchange of Water Reserve.

District of

Notice is hereby given, that the District Council of did on the day of 18 , cause to be published a notice intimating their intention to exchange a water reserve [or part of a water reserve] situate [describe generally the situation of the reserve, giving general description of the piece to be taken in exchange], and the District Council by an order dated the day of 18 , having ordered the exchange to take place in manner stated in the notice, His Excellency the Governor-in-Chief has been pleased to confirm the order.

Dated

Crown Solicitor.

Receipt
Receipt for money paid for equality of exchange of Water Reserve (where endorsed on agreement.)

District of
We (or I), the within named, do hereby acknowledge to have received from the within named, the sum of , being the amount to , for equality of exchange.
Dated the day of 18.

The like, where not endorsed.

District of
Whereas, by an agreement dated the day of 18, and made pursuant to the District Councils Act, 1858, between the District Council of, &c. (recite the agreement for exchange), and the sum of , the amount by the said agreement agreed to be paid for equality of exchange, having been paid to by , I (or we), the said , do hereby acknowledge to have received the same.
Dated the day of 18.

Notice of Appeal from Assessment.

District of
To the District Council of , (and to Mr. , of )
Take notice that it is my intention to appeal against the assessment made for the District of , at the Sittings of the Local Court of , of full jurisdiction, to be held next, after sixteen days from the publication of the notice of such assessment, and that the grounds of my appeal are [here state clearly the grounds of appeal.]
Dated, &c.

Notice of Assessment.

District of
Notice is hereby given that the District Council of have caused to be made an assessment of all rateable property within the above District, with the names of the owners and occupiers, so far as known of such property, and that copies of the assessment have been made, and that such copies are deposited at [here describe where the copies are deposited], and are open for inspection at all reasonable times; and any person intending to appeal against the assessment may do so by notice as is required by the District Councils Act, 1858, within ten days from the first publication of this notice.
Dated, &c.

Notice of Rate.

District of
Notice is hereby given, that at a meeting of the District Council [or at a public meeting of ratepayers] of the above district, duly held on the day of 18, a rate was made of , in the pound upon the assessment for the district; and all persons liable are required within fourteen days from the first publication of this notice, to pay the amount of the rate according to the assessment, to the Clerk, Collector, or other officer, at
Dated

Signed , Chairman.

Notice
Notice of Special Rate.

District of

Notice is hereby given, that at a public meeting of the ratepayers of the said district, duly held on the day of , at , it was resolved to adopt a special rate of in the pound, upon the assessment of the said district; and that such rate should remain in force for the period of fifteen years from the making thereof, or until the repayment of the loan by the said meeting, authorized to be raised; and all persons liable on the assessment for such district for the current year, are hereby required, within fourteen days after the publication hereof, to pay the amount of such rate, according to the assessment, to the Clerk, Collector, or other officer or assignee of such rates (as the case may be), at

Dated

Signed , Chairman, or Assignee of the Rate.

District of

Notice is hereby given that there is now due in respect of the land mentioned in the Schedule hereto, the sum [or respective sums] set opposite to the description of such land in the Schedule for a rate [or rates] made for the district of , for the year [or years] ending ; and the owners of such land are required to take notice that, unless the amount so due, together with the costs of, and attending this notice, be paid in one year from the first publication of this notice, the District Council will let the same from year to year, in manner provided by the District Councils Act, 1858, or an application will be made by the District Council of the said district, to the Supreme Court of this Province, or a Judge thereof, for an order for the sale of the said lands, or so much as may be necessary to produce the rates so due and costs as aforesaid, and also the costs of, and attending the said application.

Dated

Chairman, or Clerk.

The Schedule.

<table>
<thead>
<tr>
<th>Description of Land by No. of Section and name of Hundred or other exact description.</th>
<th>Name of owner or reputed owner.</th>
<th>Amount of rates due.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>£ s. d.</td>
</tr>
</tbody>
</table>