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VICTORIÆ REGINÆ.
A.D. 1893.

No. 578.

An Act relating to the Renmark Irrigation Settlement.

[Assented to, December 23rd, 1893.]

Be it Enacted by the Governor of the Province of South Aus-
tralia, with the advice and consent of the Legislative Council
and House of Assembly of the said province, in this present Parlia-
ment assembled, as follows:

PART I.
PRELIMINARY.

1. This Act may be cited as "The Renmark Irrigation Trusts
Act, 1893," and is divided into parts, as follows—

PART I. Preliminary:
PART II. Constitution of Trusts and Districts:
PART III. Members, Auditors, and Elections:
PART IV. Meetings of the Trust:
PART V. General Purposes and Powers of the Trust:
PART VI. Assessments:
PART VII. Rates:
PART VIII. Ratepayers' Meetings and Polls:
PART IX. Legal Proceedings; Penalties; Evidence.

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2. In this Act the following expressions shall have the meanings by this section assigned to them, except where any such meaning is inconsistent with the context or subject-matter—

"Business day"—Any day not being a Sunday, Good Friday, Christmas Day, or public or bank holiday:

"Chaffey Brothers, Limited," includes persons lawfully claiming through Chaffey Brothers, Limited:

"Company"—Renmark Irrigation Company, Limited:

"District"—A district constituted by or under this Act:

"Irrigation area"—The area of land for the time being comprised in any licence or licences granted by or on behalf of Her Majesty's Government of South Australia under the Chaffey Brothers Act:

"Irrigation works"—All water-courses, machinery, and other property and improvements constructed or brought upon or established in connection with the irrigation area and for irrigation purposes:

"Justice"—A Justice of the Peace for the province:

"Member"—A member of a Trust:

"Minister"—The Commissioner of Public Works:

"Outlying district"—A portion of the irrigation area not for the time being included in a district:

"Owner" as regards land includes the person for the time being receiving or entitled to receive the rents and profits of any ratable land, whether on his own account or as trustee, attorney, or agent for another, and as to ratable land set apart under clause 18 of the Chaffey Brothers agreement includes the Crown or any person holding on behalf of the Crown:

"Public notice"—Notice given by advertisement in a newspaper circulating in the district and by posting handbills on every post office and on every other place in the district appointed by the Trust as a place for posting notices:

"Ratable land"—All land within a district and available for irrigated culture under the system of irrigation works for the time being established for the service of land in the district (excluding land set apart under clause 18 of the Chaffey Brothers agreement) except township allotments, and except lands up to five thousand acres, which, being open for sale to any applicant at a price not more than the standard price fixed under the next succeeding section, have not been sold or otherwise disposed of, or agreed to be sold or otherwise disposed of, and which are not actually under irrigated culture:

"Rate."
"Rate"—A rate declared under the powers given by this Act:

"Ratepayer"—The owner or occupier of ratable land or the owner of unoccupied ratable land, and whose name appears in the assessment book in respect of such land:

"Secretary"—The secretary of a Trust appointed under this Act:

"The Chaffey Brothers Act"—"The Chaffey Brothers Irrigation Works Act, 1887":

"The Chaffey Brothers agreement"—The agreement referred to in "The Chaffey Brothers Irrigation Works Act, 1887":

"Township allotments"—Land laid out as township allotments whereof a sub-division plan shall, with the consent under seal of Chaffey Brothers, Limited, have been lodged in the Lands Titles Registration Office, pursuant to "The Real Property Act, 1886," and any Act amending the same:

"Trust"—A Renmark Irrigation Trust constituted by or under this Act.

3. For the purpose of determining the standard price of land—

1) Chaffey Brothers, Limited, shall, within thirty days after the commencement of this Act, as to all unsold lands, other than township allotments, belonging to them and included in any grant heretofore issued by the Crown pursuant to, or which purports to have been issued pursuant to, the Chaffey Brothers Act, fix prices at which they are prepared to sell the same with the appurtenant water rights by giving written notice of such prices, together with a plan or description of the lands, to the Trust, and publishing the same in the Government Gazette. If Chaffey Brothers, Limited, shall make default in complying with this sub-section they shall be guilty of an offence against this Act on every day during which such default continues.

2) Chaffey Brothers, Limited, shall, before selling or otherwise disposing of, or agreeing to sell or otherwise dispose of, any lands in the irrigation area other than those in sub-section 1 of this section mentioned, and other than township allotments, from time to time fix the prices at which they are prepared to sell the same with the appurtenant water rights by the like written notice and plan or description and the like publication as is in sub-section 1 of this section mentioned. If Chaffey Brothers, Limited, sell or otherwise dispose of, or agree to sell or otherwise dispose of, any land without having complied with the provisions of this sub-section and sub-section 3, so far as regards such land, they shall for every such sale, disposition, or agreement, be guilty of an offence against this Act.

3) Any notice under sub-section 2 of this section shall comprise not less than two hundred and fifty acres.

4) On
PART I.

(4) On proof to the satisfaction of the Trust that any land comprised in any notice under sub-section 1 or 2 of this section is withheld from sale at the price fixed by such notice, plus a reasonable sum in respect of improvements effected on such land after the publication of the notice, or that such price is higher than it ought to be, the Trust may declare the land so withheld to be ratable land, and shall cause notice of such declaration, with a description of the land so withheld, to be given to Chaffey Brothers, Limited, and published in the Government Gazette, and the land so withheld shall thereupon, subject to sub-section 5 of this section, become and be ratable land.

(5) If Chaffey Brothers, Limited, shall be dissatisfied with any declaration of the Trust under sub-section 4 of this section, and shall, within thirty days after the first publication thereof in the Government Gazette, give written notice of such dissatisfaction to the Trust, a difference shall be deemed to have arisen in respect of the matter as between the Trust in whose district the land is situated and Chaffey Brothers Limited, within the meaning of section 136, and the arbitrators may declare that any lands concerned shall not be ratable lands, and such declaration shall be published in the Government Gazette, whereupon the lands shall cease to be ratable lands, and any rate declared and not paid in respect thereof shall cease to be valid.

PART II.

CONSTITUTION OF TRUSTS AND DISTRICTS.

4. (1) A Trust is hereby constituted, to be called "The Renmark Irrigation Trust, No. 1."

(2) The Trust hereby constituted, and every Trust constituted under this Act, shall be a body corporate, and shall have perpetual succession and a common seal, of which judicial notice shall be taken, and shall by its name be capable of suing and being sued, of purchasing, holding, and alienating land, of doing all acts necessary or expedient for carrying out the purposes of this Act, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

(3) A Trust constituted under this Act shall be named "The Renmark Irrigation Trust, No. —,", such blank being filled in with the distinctive number of the particular district for which the Trust is constituted.

(4) The district of the Trust hereby constituted shall be the area mentioned in the First Schedule hereto, and shall be called "The Renmark Irrigation District No. 1."

(5) A
(5) A district constituted under this Act shall be called "The Renmark Irrigation District No. —," such blank being filled in with the distinctive number of the district.

5. Subject to the provisions of this Act, the Governor may, from time to time, make orders exercising the powers following—

1. To constitute any part of the irrigation area, and being either an outlying district or partly an outlying district, and partly land comprised within one or more previously existing districts, a new district; and to appoint two auditors for such new district, or for a new district constituted under subsection 111. of this section; to constitute a Trust for such district, and to appoint the first members of such Trust:

11. To unite any number of districts, whether in one area or not, into one district:

111. To sever any portion of the irrigation area, forming part of a district from such district, and either to declare it a new district or that the severed portion shall no longer form part of a district, or to annex such portion to any other district, whether forming one area therewith or not, and from time to time to make any apportionment of property, rights, and liabilities, and give directions as to any matters and things that may be necessary to do justice as between the districts concerned:

iv. To annex to any district any outlying district whether forming one area with such district or not:

v. To alter and adjust the boundaries of adjoining districts, and determine any questions arising out of such alteration and adjustment.

6. Where, in consequence of the exercise of any of the foregoing powers, any rights, liabilities, or matters require to be adjusted, the Governor may by order settle and adjust the same.

Constitution of New Districts by order of the Governor.

7. Every order constituting a new district shall—

1. Assign a distinctive number to such district:

11. Describe the boundaries thereof:

And shall take effect according to the tenor of the order; and every such order constituting a new district, so as to include a portion of a previously existing district, shall operate to sever such portion from such previously existing district.

8. When a new district is constituted of portion, or so as to include a portion, of a previously existing district, the following consequences shall follow—

1. All
PART II.

1. All by-laws and regulations of the previously existing district in force in the portion comprising or included in the newly constituted district shall, so far as they are applicable, be deemed by-laws and regulations respectively of such newly constituted district, and may, by the Trust thereof, be repealed or altered; and, save as aforesaid, all such by-laws and regulations shall, as to the portion included in the newly constituted district, be repealed:

11. The Trust of such newly constituted district shall become jointly liable with the Trust of the previously existing district to all creditors of such last mentioned Trust in respect of all debts and liabilities due or incurred at the time of the severance:

111. No action, suit, or other proceeding by or against the Trust of any such previously existing district shall be affected or abated:

iv. The Trust of such newly constituted district shall be entitled to such portion of the property and assets of the Trust of the previously existing district, and shall be, as between such Trusts, liable to pay such portion of the debts and liabilities thereof as bears the same proportion to the whole as the area of the ratable land in the portion severed from the previously existing district bore to the area of the ratable land in the whole of that district upon the last assessment before the severance.

Union of Districts by order of the Governor.

9. Every order uniting two or more districts shall assign a number to the district formed by such union.

10. Upon the union of districts, the district formed by such union shall consist of the areas of the districts united, and the Trust of the district so formed shall be deemed to be one and the same corporation as the Trust of each of the districts by the union of which it was formed; and all rights and duties of the Trusts of such districts against or owing to each other shall be extinguished, and all property rights and liabilities vested, possessed, or incurred, and all matters and things not otherwise provided for, made, or done, in, by, or on behalf of the Trust of any of the districts so united, shall vest in, and attach to, and be deemed to have been made or done by, or on behalf of, the Trust of the district formed by such union.

11. Upon any union of districts all by-laws and regulations in force in any of the districts united at the time of the union which are applicable to the altered circumstances shall become by-laws and regulations respectively of the district formed by such union, and may be repealed or altered by the Trust of such district; but, until so repealed or altered, every such by-law and regulation shall remain in force in the territorial area only in which it was in force previous to
to such union; and every by-law and regulation which cannot be restricted to any particular territorial area shall be deemed inapplicable, and all by-laws and regulations which are inapplicable to the altered circumstances shall be by such union repealed.

12. When districts are united the Trust of the district formed by such union shall, until the conclusion of the next annual election, consist of all the members for the districts united, or who may be elected in their places to fill any extraordinary vacancies; and such Trust at its first meeting shall elect one of its members to be chairman. On the first Monday in the month of July next following the union all the members shall retire from office.

Annexation of Portions to Districts.

13. Upon the annexation to a district of a portion severed from another district, all by-laws and regulations in force in the portion severed which are applicable to the altered circumstances thereof shall remain in force therein, and as so in force shall be deemed by-laws and regulations respectively for the district to which the severed portion is annexed, and may by the Trust of that district be repealed or altered; and no by-law or regulation of such district, the application of which can be restricted to any separate portion of such district, shall be deemed in force in such annexed portion unless and until it is by any by-law or by-laws provided otherwise; and all by-laws and regulations of the district from which such portion was severed which are inapplicable to the altered circumstances shall as to such severed portion be by such severance repealed.

Procedure.

14. The Governor may exercise any of the powers hereinbefore conferred after the presentation of a petition, in pursuance of this Act, praying for the exercise thereof, and after the publication of such petition as by this Act directed, and the lapse of six weeks at the least from the day of such publication, and, except as hereinafter provided, not otherwise; but it shall be in the discretion of the Governor absolutely to refuse the prayer of such petition, or to grant the whole or any part thereof: Provided that the Governor shall not refuse to grant a petition duly preferred for the constitution of a new district under sub-section 1. of section 5.

15. (1) Every petition for the constitution of a new district must be under the common seal of Chaffey Brothers, Limited, unless otherwise ordered by the Governor.

(2) Every petition for the constitution of a new district shall state the names of the proposed first auditors for the district, and of the proposed first members of the trust for the district.

(3) Every petition for the union of districts shall be under the common seals of the trusts of the districts affected.

(4) Every petition to sever any portion of a district shall be signed by a majority of the ratepayers of such portion.
PART II.

1. If the severance is sought for the purpose of declaring the severed portion to be a new district, the petition shall also be signed by a majority of the ratepayers of the portion which will remain in the old district after such severance:

11. If the severance is sought for the purpose of annexing the severed portion to another district, the petition shall also be signed by a majority of the ratepayers of such other district.

(5) Every petition for the annexation of an outlying district to a district shall be under the common seal of the Trust for such district and of Chaffey Brothers, Limited.

(6) Every petition to alter and adjust the boundaries of adjoining districts shall be under the common seals of the Trusts of such districts, or of the Trust of one of such districts, and of Chaffey Brothers, Limited.

(7) A petition for the exercise of any of the powers hereinbefore mentioned shall be sufficient to support the exercise of any other of such powers necessary for the convenient exercise of the first-mentioned power.

16. Any person or persons may present a counter-petition within six weeks after the publication of a petition.

17. Every petition and counter-petition shall be addressed to the Governor, and shall be left with the Minister, which shall be deemed the presentation thereof.

18. Every signature to a petition or counter-petition, other than the seal of a Trust or of Chaffey Brothers, Limited, shall be verified by one or more declaration or declarations of some person or persons signing such petition, and such declaration shall be in the form or to the effect of the Second Schedule hereto; and no petition or counter-petition shall be received by the Minister unless accompanied by a declaration or declarations in accordance with the provisions of this section.

19. (1) Every petition shall state precisely what exercise of any of the powers hereinbefore conferred on the Governor is sought by the petitioners, and shall pray for the specific exercise thereof, and may in addition pray for any partial or alternative exercise of such powers.

(2) Every petition for the constitution of a new district, or for any severance, annexation, or alteration of boundaries shall describe the boundaries of the proposed new district, and of any portion of a previously existing district proposed to be included therein, or the proposed alteration of boundaries, or the boundaries of the area proposed to be severed or annexed, as the case may be.

(3) Every petition shall state an address at which notices may be served on the petitioners.

(4) The
(4) The same petition may pray for the exercise of any one or more of the powers hereinbefore conferred on the Governor, and every petition shall be framed so as to enable the subject matter of such petition to be completely disposed of in one order.

20. On the presentation of any petition or counter-petition the Minister shall cause the substance and prayer thereof to be published twice in the Government Gazette, and in some newspaper circulating in the irrigation area, and the last day on which such petition or counter-petition is so published shall be deemed the day of the publication thereof.

21. In order to investigate any matter connected with a petition, or counter-petition, or to ascertain whether the provisions hereof have been observed, the Minister may appoint one or more Special Magistrates, by whom an inquiry shall be held, and for the purposes of such inquiry such Special Magistrate or Magistrates shall have every power that may be exercised by a Local Court of Limited Jurisdiction, and shall report to the Minister within thirty days; and, in any case in which a Special Magistrate is appointed to hold such inquiries, no order shall be made by the Governor in the matter until such report has been received.

22. (1) Every order under this part of this Act shall be published in the Government Gazette, and shall take effect as on and from the day of such publication.

(2) Any error in any order, under this part of this Act, may be rectified by the Governor by any subsequent order.

23. No order purporting to be made under this part of this Act, and within the powers by this Act conferred on the Governor, shall be deemed invalid on account of any non-compliance with any of the matters required by this Act as preliminary to such order.

PART III.

MEMBERS, AUDITORS, AND ELECTIONS.

24. Every Trust shall consist of seven members. The first members of the Renmark Irrigation Trust, No. 1, shall be elected by the ratepayers in a manner to be prescribed by the Governor by proclamation in the Government Gazette.

25. Every ratepayer, male or female, who is of the age of twenty-one years or upwards, and holds not less than ten acres of ratable land in the district in fee simple in his own right, is qualified to be and continue a member of the Trust, except—

An uncertificated insolvent:

A ratepayer in arrear for one month with the payment of any rate for which he is liable in respect of ratable land within the district:
PART III.

A person who holds any place of profit in the gift of the Trust:

A person who directly or indirectly participates or is interested in any contract, except for advertisements and printing, with, or employment under, the Trust:

Provided that no person shall be disqualified from being or continuing a member by reason of his receiving travelling expenses incurred in pursuance of and authorised to be paid by a resolution of the Trust, or acting as Returning Officer or Deputy Returning Officer under this Act, or receiving remuneration for so acting, or by reason of his being a member of a public or joint-stock company, incorporated by the law of the United Kingdom or any British possession, which is concerned with any contract or dealing with the Trust; but no member shall vote on a question relating to a contract or dealing with a company of which he is a member.

26. Every person qualified to serve as member shall be compellable to serve, except—

A person who, when appointed or elected, was not resident within the district, and who, in case of election, has not expressed his assent to his candidature in a writing delivered to the Returning Officer previous to the election:

A person who, after his election, goes to reside, or by reason of a change of boundaries, becomes resident, out of the district:

A person who has served the full time during which a person duly qualified is entitled to serve as member, and who, within three years of the termination of his former service, is again elected a member for the same district, and who has not expressed his assent as above mentioned:

A person who is, or during his tenure of office may become, sixty years of age:

A person receiving any salary from the Government:

Members of Parliament:

To entitle any person other than a member of the Parliament to exemption under this section, he must, by writing, make a claim of exemption, which writing must be posted or delivered to the chairman of the Trust, if there is a chairman, or otherwise to the Minister, within fourteen days from the appointment or election of the person so exempt, or from the happening of the exemption, whichever shall last happen.

27. Any of the following acts and events shall cause a vacancy in the office of member, namely—

Death, lunacy, idiocy, insolvency, the execution by the member of a statutory deed of assignment for the benefit of his creditors, or a member compounding with his creditors for less
The Renmark Irrigation Trusts Act.—1893.

less than Twenty Shillings in the Pound, or the conviction of the member for felony:

Absence from the province, without leave of the Trust, during the holding of three consecutive ordinary meetings, or failure to attend the meetings of the Trust for three consecutive ordinary meetings without sufficient cause, and followed, in either case, by a resolution passed by the Trust within three weeks after the last of such three consecutive ordinary meetings, declaring the office vacant, which resolution the Trust may pass, but are not bound to pass:

Any disqualification, and notice thereof, by the disqualified person, or some person on his behalf, posted or delivered to the chairman or secretary of the Trust, or, if there be no chairman, to the Minister:

Resignation by notice posted or delivered as aforesaid:

Retirement by rotation, as provided by this Act:

The judgment or order of any duly authorised Court or Justices declaring the office vacant.

28. On the first Monday in July, one thousand eight hundred and ninety-four, and on every subsequent first Monday in July, half of the members shall retire, or, if the number be uneven, a majority of one shall retire. The members to retire shall be those who have been longest in office without re-election, and when the number cannot thus be made up lots shall be drawn between those who have been an equal time in office, and in the case of elected members without re-election, to decide which of them shall retire, and the retirement shall take place accordingly.

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

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

31. All drawing of lots by members to decide retirements shall be had a week at least before notice is given of the day for the nomination of candidates for election.

32. Where lots are required to decide retirements, if the members who should draw lots fail to do so till within a week of the last day when notice has to be given for the nomination of candidates for election, the chairman, or any Justice resident in the irrigation area, on the request, in writing, of any one member or any three ratepayers, shall, in the presence of three or more ratepayers, draw
draw lots and decide which of the members shall retire, and shall thereupon declare and give public notice under his hand of the names of the members who are to retire, and they shall retire accordingly.

33. When, at the time of giving notice of the annual day of nomination, there shall be vacancies in the Trust, and no more members are required to retire on the first Monday in July of that year 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 election meeting; and if any vacancy or vacancies shall exist at the time of giving notice of any annual day of nomination, every member whose seat is so vacant shall be taken to be a person bound to retire on the first Monday in July of that year, and every such vacancy shall be filled up at the annual election and any other retirements which may be necessary shall be settled in manner herein provided.

34. A member or chairman retiring from or ceasing to hold office, but duly qualified, shall be eligible for re-election.

35. There shall be two auditors for the Trust, and the first auditors for the Renmark Irrigation Trust No. 1 shall be appointed by the Governor by Proclamation in the Government Gazette. Future auditors shall be nominated and elected by the ratepayers in like manner as members are nominated and elected. Any auditor elected at an annual election shall hold office as from the first Monday in the September following his election. On the first Monday in September, one thousand eight hundred and ninety-four, and in every subsequent September, one auditor shall retire from office, and the auditor to retire shall be the one who has held office longest without re-election; and if both shall have so held office the same length of time the auditor to retire shall be decided by lot to be drawn by the chairman one week at least before notice is given of the day for the nomination of candidates for election, and if the chairman shall fail so to draw lots both auditors shall retire; and no auditor who has been continuously in office for two years shall be eligible for re-election for the space of one year.

36. The qualification and disqualifications for the office of auditor shall be the same as in the case of a member, except that an auditor need not be a ratepayer, and that no member shall be auditor. An auditor otherwise qualified to be member may be elected member, and shall thereupon cease to be auditor.

37. Any of the following acts and events shall cause a vacancy in the office of auditor, namely—

Death, lunacy, idiocy, being adjudicated insolvent, or the execution by the auditor of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound: Absence
Absence from the province at the time at which any periodical audit is appointed to be held, or non-attendance at any audit after fourteen days’ notice shall have been given to the auditor of the time and place appointed for holding the same:

Election as a member:

Resignation by notice posted or delivered to the chairman, if there be a chairman, and otherwise to the Minister:

The judgment or order of any competent Court or Justices declaring the office vacant:

The being concerned directly or indirectly, save as member of a public or joint-stock company incorporated by the law of the United Kingdom or any British possession, in any contract or dealing with the Trust other than his employment as auditor.

38. The auditors shall, as soon as conveniently may be after the half-yearly balancing of accounts in accordance with this Act, proceed to audit the accounts of the Trust for the half-year preceding the said half-year balance; and the Trust 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 the custody or power of the Trust relating thereto; and if the said accounts be found correct, such auditors shall sign the same in token of their allowance thereof.

39. The Trust shall cause the yearly balance-sheet to be advertised once in one of the newspapers of the said province and in the Government Gazette, within one month after the auditors have certified the same.

40. The auditors may refuse to allow any person, except the chairman of the Trust, to be present at the audit of the accounts.

41. The Trust shall appoint a Returning Officer, not being a candidate, to preside at the nomination and election of members and auditors. The Trust shall reimburse such Returning Officer all expenses incurred by him in discharge of his duties, and shall pay him any remuneration that shall be agreed on. Such Returning Officer, if he shall accept office, shall not be eligible as a candidate at the election at which he is appointed to preside.

42. The nominations of members and auditors for the annual election shall take place at the Trust office, at noon, on the third Monday in June in every year; and ten clear days at least before that day the Trust shall cause public notice to be given of the place, day, and hour for the nomination of candidates.

43. The nominations of members and auditors shall be signed by two ratepayers, and shall be in such one of the forms in the Third Schedule.
Schedule to this Act as shall be applicable, or in a form as nearly thereto as circumstances will admit; but no nomination shall be acted upon unless the same shall have been lodged in the Trust office before the hour of noon of the day fixed for nominations.

44. On the day of nomination the Returning Officer shall attend at the Trust office at the hour of noon, at which time and place he shall cause all the nominations lodged in the office to be publicly opened and read aloud. If there be such number of candidates nominated as are required to be elected and no more, the Returning Officer shall declare such candidates to be elected to serve in their respective offices, in the case of members, as from the first Monday in the July next ensuing, and in the case of auditors, as from the first Monday in September next ensuing; but, in the event of there being more candidates nominated than are required to be elected, the Returning Officer shall adjourn all further proceedings in respect of such election until the first Monday in the July following, when the election shall be by ballot, as by this Act provided.

45. The Returning Officer upon any such adjournment shall forthwith give notice thereof, and of the object thereof, and the names of the several candidates, and the day, hour, and place when and where such election is to take place, by posting handbills on every post office in the irrigation area, and on every other place appointed by the Trust by by-law as a place for posting notices.

46. No ratepayer shall be entitled to vote at any election until all rates which shall then be payable by him in respect of the land for which he may claim to vote shall have been paid; and any ratepayer may object to any person attempting to vote if such rates shall not have been paid. The secretary shall cause a list of all ratepayers who owe any rates to be produced at every polling-place, but the non-production of such list shall not invalidate the proceedings.

47. Wherever the annual election shall from any cause wholly or in part fail to be made upon the day appointed by this Act, or, such election being made, shall afterwards become wholly or in part void, and whenever an extraordinary vacancy occurs in the office of member or auditor, a supplementary election shall be held: Provided that the Governor may appoint a member or auditor to supply any extraordinary vacancy occurring before the first meeting of the Trust.

48. Immediately upon the happening of such whole or part failure or avoidance, or such extraordinary vacancy, the Trust shall by public notice appoint a day, not being earlier than seven days nor later than twenty-one days from such notice, for the nomination of the persons to be elected, and such nomination shall take place on the day so appointed in like manner as at the annual election; and, if there shall be such number of candidates nominated as are required
required to be elected and no more, the Returning Officer shall declare such candidates to be elected to serve in their respective offices as from the day of nomination and election; but, in the event of there being more candidates nominated than are required to be elected, the Returning Officer shall adjourn all further proceedings in respect of such election until a day to be fixed by him for such election, not being less than six nor more than ten clear days from the day of nomination, and on the day so fixed the election shall take place in like manner as at the annual election.

49. The Returning Officer shall cause public notice, but without advertisement in the Government Gazette, to be given of such adjournment, and the object thereof, and the names of the several candidates, and, in the case of wards, for which wards they are respectively nominated, and the hour and places when and where such election is to take place.

50. Whenever any supplementary election shall wholly or in part fail to be made, or shall become wholly or in part void, the Trust shall hold another supplementary election in like time and manner as upon the failure or avoidance of an annual election.

51. Every person elected to supply an extraordinary vacancy shall, for the purposes of retirement, be deemed to have been elected when his immediate predecessor in office was elected, and shall retire accordingly, but shall be capable of being forthwith re-elected if qualified.

52. Within forty-eight hours from the election of any person to any office in connection with the Trust, the Returning Officer shall cause to be delivered or posted to such person a notice informing him of such election, and within fourteen days of such election shall cause a notice thereof to be inserted in the Government Gazette.

53. If the Trust shall fail to proceed as by this Act required to any election for the space of twenty-one days from the last day on which such election is required by this Act to be held; or if by resignation or otherwise it happens that there are no members of the Trust, any Justice of the Peace resident within the irrigation area, or any Special Magistrate, may, upon the request in writing of any three ratepayers, do every act by this Act required to be done for holding such election, including the appointment of a day of nomination and a Returning Officer.

PART IV.

MEETINGS OF THE TRUST.

54. The Trust shall have and maintain a suitable office within the district, or within the township of Renmark, for transacting the business of the Trust.

55. At
55. At the first meeting of the Trust, and at the first meeting after every annual election, the members present shall elect a chairman from among them; 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 Trust from making such appointment at any future meeting. The chairman may resign his office at any time; and any vacancy in the office of chairman may be filled up at any meeting of the Trust.

56. The Trust shall appoint a man of full age who is not an auditor to be secretary to the Trust; but any other person appointed as hereinafter provided may perform the duties of such secretary in his absence.

57. An annual meeting of the Trust shall be held in the month of July next after the passing of this Act and in the month of July in every succeeding year, at the Trust office, on such day and at such hour as the Trust shall determine.

58. Ordinary meetings of the Trust shall be held at the Trust office at such times, not being less than one in each month, as the Trust shall from time to time determine; and special meetings may be held at any time and at any place within the irrigation area. Any meeting may be adjourned to any time and to any place within the irrigation area, and any business required to be done at an annual or ordinary meeting may be done at a special meeting.

59. A special meeting may be called by the chairman at any time, and, on the requisition in writing of any three members, it shall be his duty to call such meeting; and if the chairman refuses or for two clear days fails to call such meeting upon such requisition any three members may call such meeting by public notice, signed by them, and stating the object of such meeting and the time and place of holding the same.

60. Unless and until otherwise provided by by-law, three days notice of every meeting, signed by the secretary, shall be sent by post to every member, informing him of the time and place of meeting, and, in the case of a special meeting, of the business to be done thereat.

61. At all meetings of the Trust, except where otherwise provided by this Act, one-half of the members for the time being shall form a quorum; but the secretary, in the absence of all the members, or any member present alone, or the majority of members present at a meeting at which there shall be no quorum, may, at the expiration of half an hour from the time fixed for such meeting, adjourn the same, and any business which could have been transacted at such meeting may be transacted at the adjourned meeting.

62. At
62. At every meeting of the Trust the chairman, or, in his absence, such member as the members assembled shall choose to preside, shall preside, and shall have a deliberative vote, and, in case of equality of votes, a casting-vote.

63. Notwithstanding any vacancies in the office of member the business of the Trust shall be carried on by the member or members actually in office, who shall have all the powers of the Trust.

64. All proceedings of the Trust, or of a committee of the Trust, or of any person acting as a member, shall, notwithstanding it may be afterwards discovered that there was some defect in the election or appointment of the members or any of them, or of any person acting as aforesaid, or that they or any of them were incapable of being members, be as valid as if such members or member, or such person, had been duly elected or appointed, and was capable of being a member.

65. If, in consequence of death, absence, or any lawful impediment, it shall be impossible or inconvenient for the secretary or any member or other person to perform any particular matter or thing which by this Act he is required to perform, the chairman, or, if for the like reason it shall be impossible or inconvenient for the chairman, the Trust may perform the matter or thing, or appoint some member or other person to perform it.

66. If the day for any meeting or adjourned meeting, or for any business or thing required by this Act or any by-law to be held or done, shall fall on a Sunday, Good Friday, Christmas Day, or public holiday, such meeting shall be held, or business or thing done, on the third business day after the day on which it fell.

67. No resolution passed at any meeting of the Trust shall be revoked or altered at any subsequent meeting, unless written notice of an intention to propose such revocation or alteration be given or posted to each of the members seven days at least before holding the meeting; nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the members present at such subsequent meeting, if the number of members present at such subsequent meeting be not greater than the number present when such resolution was come to; or by a majority if the number of members present at such subsequent meeting be greater than the number present at such former meeting.

68. 1. The Trust may appoint a committee or committees of their members, and may delegate to any such committee such of their powers and duties under this Act as they think fit.

11. The Trust may, from time to time, make such regulations as they think fit for the guidance of a committee, and may, from time to time, remove any members of the committee and appoint in the stead of them, or any of them, other members of the Trust.
PART IV
Proceedings to require approval.

Sub-committees.

Proceedings of committees.

Adjournment.
Quorum.

Chairman.

Trust may delegate powers to chairman.

Minutes of meetings.

69. The Trust may delegate all or any of its powers to the chairman, with such restrictions and limitations (if any) as the Trust may think proper.

70. The Trust shall cause minutes of all the meetings of the Trust, and of every committee thereof, and of the proceedings thereof, with the names of the members who attend at each meeting, and the names of all members voting on any question for the decision of which a division is called, to be duly made in books provided for the purpose, and to be kept by the secretary, under the superintendence of the Trust. The minutes of every Trust meeting and of every meeting of a committee, until a report is agreed upon, shall be put for confirmation to the next succeeding meeting, or, if that shall be omitted, to some subsequent meeting, and, if found correct, shall be signed by the chairman of the meeting at which the same shall be confirmed, or if he shall refuse or neglect so to do for seven days after such meeting, then by any two members present and entitled to vote at such meeting; and the minutes of a committee meeting at which a report is agreed to shall, if found correct, be signed at such meeting, or some adjournment thereof, by the chairman thereof.

71. Every minute purporting to be such minute as aforesaid and to be so signed, or a copy of or extract from any such minute purporting
purporting to be attested by the seal of the Trust and signed by
the secretary, shall be received as evidence in all Courts, and before
all Judges, bodies politic, and persons without proof that the
meeting to which the same refers was duly convened or held, or that
the persons attending thereat were members of the Trust or com-
mittee, or of the signature of the chairman or members, or of the
fact of his having been such chairman, or of their having been
members entitled to sign such minutes, or of the affixing of the
seal or of the signature of the secretary; but all such matters shall
be presumed until the contrary is proved, and all such books shall,
at all reasonable times, be open to the inspection of any member and
of any creditor of the Trust; and every ratepayer may inspect and
take copies of the same at all reasonable times on payment of One
Shilling to the secretary.

PART V.

GENERAL PURPOSES AND POWERS OF THE TRUST.

72. The purposes for which a Trust is constituted by, or is to
be constituted under, this Act, are—

I. To facilitate the putting into operation of the water rights to
which the ratepayers are or shall be entitled under or by
virtue of this Act, or of the Chaffey Brothers Act, or
any licence granted or to be granted in pursuance of such
Act, or any sale, disposition, lease, or transfer of land, such
as is mentioned in paragraph 13 of the Chaffey Brothers
agreement.

II. To supply and distribute to, or for the benefit of, the rate-
payers water within the district:

III. To supply water, at the option of the Trust, to persons or
corporations other than the ratepayers:

IV. To acquire, at the option of the Trust, and so far as practi-
cable, from the person for the time being entitled thereto,
all or any portion of the water rights, privileges, conces-
sions, and easements in respect of water now or hereafter given, granted, licensed, or assigned, or agreed
to be given, granted, licensed, or assigned to George Chaffey
or William Benjamin Chaffey, or either of them, or to
Chaffey Brothers, Limited, under or by virtue of the
Chaffey Brothers Act, or of the Chaffey Brothers agree-
ment, or any licence issued or to be issued under or in
pursuance of such Act or agreement:

V. To acquire and take over any irrigation works, at the option
of the Trust, from Chaffey Brothers, Limited, or any other
person:

VI. To enter into any agreement with Chaffey Brothers, Limited,
or with any other person, for the supply of water to the
ratepayers, or for carrying out any of the powers or purposes
of the Trust:

VII. To
vii. To exercise and carry out the powers of this Act vested in
the Trust, and to do all such lawful things as may be
incidental or conducive to carrying out the above-mentioned
purposes or any of them.

78. (1) Where upon the future sale, disposition, or transfer by
Chaffey Brothers, Limited, of any land granted to them in pursuance
of the Chaffey Brothers Act, or the grant of which to them purports
to be in pursuance of such Act, a water right to be held with and
run with such land as a perpetual easement shall be granted or
given, or expressed to be granted or given, by Chaffey Brothers,
Limited, to the person to whom such sale, disposition, or transfer
shall be made, the power to exercise such water right shall be
deemed to be irrevocably granted by such person on behalf of
himself and all persons claiming through or under him to the Trust
of the district in which such land is situated.

(2) In every case of a sale, disposition, or transfer by Chaffey
Brothers, Limited, of any land granted to them in pursuance of
the Chaffey Brothers Act, or the grant of which to them purports
to be in pursuance of such Act, where a water right to be held
with and run with such land as a perpetual easement shall on such
sale, disposition, or transfer have been before the commencement of
this Act granted or given, or expressed to be granted or given, by
Chaffey Brothers, Limited, to the person to whom such sale,
disposition, or transfer was made, the power to exercise such water
right shall, on the passing of this Act, be deemed to be irrevocably
granted by such person on behalf of himself and all persons
claiming through or under him to the Renmark Irrigation Trust,
No. 1.

(3) All ratable land now or hereafter belonging to Chaffey
Brothers, Limited, shall be deemed to carry with it a water right to
be held with and run with such land as a perpetual easement, and
the power to exercise such right shall be deemed irrevocably granted
by Chaffey Brothers, Limited, on behalf of themselves and all per-
sons claiming through or under them, to the Trust of the district in
which such land is situated.

(4) Any such water right as in sub-sections (1), (2), and (3) of
this section mentioned shall be deemed to be a right to take and
divert water from the River Murray in such manner as is or may
be permitted under any present or future licence covering the land
to which the right is annexed and issued, or purporting to be
issued, pursuant to the Chaffey Brothers Act, and in the proportion
attributable under such licence to so much of the said land as shall
for the time being be under irrigated culture within the meaning and
for the purposes of such licence, and the granting or giving of such
right by Chaffey Brothers, Limited, shall be deemed to have
been or to be in satisfaction of the obligations imposed by the
Chaffey Brothers Act on George Chaffey and William Benjamin
Chaffey, or any person claiming through them, to secure in pursuance
of
of the said Act and the agreement therein mentioned a sufficient water right to the purchasers of any land as in such agreement mentioned to be held with and run with such land as a perpetual easement.

(5) The obligation imposed on George Chaffey and William Benjamin Chaffey and Chaffey Brothers, Limited, by and pursuant to clause 10 of the Chaffey Brothers' agreement with regard to the gathering and distribution of the water in the same clause referred to shall cease on the commencement of this Act so far as regards land in the Renmark Irrigation District No. 1, and on the constitution of a new district, so far as regards land in such district.

74. (1) The Trust shall, so far as practicable, take and divert from the River Murray and supply to the ratepayers in the district water in such manner as shall be permitted under any licence or licences for the time being in force under the Chaffey Brothers Act, and in the proportion attributable under any such licence or licences to so much of the ratable land in the district as shall for the time being be under irrigated culture within the meaning and for the purposes of any such licence or licences, and shall distribute such water, less reasonable allowance for evaporation and other unavoidable loss, to the ratepayers in such manner as the Trust shall consider most advantageous.

(2) The Trust shall not be required to take, divert, or distribute water in excess of the quantity actually required from time to time for irrigation and domestic purposes.

(3) In distributing water in pursuance of this section the Trust may use any irrigation works as in section 76 mentioned which shall be situated in the district, and the same shall be under the control of the Trust, which, on the expiration or other determination of the agreement in section 80 mentioned, shall maintain the same in good repair and condition.

(4) Every Trust shall allow Chaffey Brothers, Limited, to use any irrigation works under its control by virtue of the last preceding sub-section, for the purpose of supplying water to outlying districts in manner contemplated by the Chaffey Brothers agreement, but so that such user shall not prejudice the supply to the ratepayers of all water to which they are entitled under this Act, for irrigation and domestic purposes, and Chaffey Brothers, Limited, shall do as little damage as may be, and making compensation as provided by this Act for any damage necessarily done.

(5) The Trust may, for the purpose of supplying water to township allotments for irrigation and domestic purposes, lay down pipes in streets and roads and elsewhere, and do all other acts necessary for such purpose, doing as little damage as may be, and making compensation as provided by this Act for any damage necessarily done.

75. In supplying water to persons or corporations other than ratepayers—

i. The
PART V.

1. The Trust shall not supply more water to township allotments than the proportion, which would be attributable to such allotments under the Chaffey Brothers Act, and any licence or licences issued pursuant thereto, if such allotments were under irrigated culture:

11. The Trust shall not supply water to persons or corporations for use outside of the irrigation area so as to diminish the supply to which persons within the irrigation area are entitled.

76. (1) All irrigation works now or hereafter actually constructed or erected on and affixed to or forming part of the land in the irrigation area, and vested in or belonging to George Chaffey, William Benjamin Chaffey, and Chaffey Brothers, Limited, or any of them, and all rights, powers, easements, and privileges now or hereafter vested in or belonging to George Chaffey, William Benjamin Chaffey, and Chaffey Brothers, Limited, or any of them, in relation to any such irrigation works, except any such right as in section 73 mentioned, are hereby vested in and shall henceforth be held by the Trust for the purposes of the Chaffey Brothers Act, and of this Act, and so that none of the property in this section mentioned shall be liable to be seized, attached, or dealt with under any process of any Court at the suit of a creditor of the said George Chaffey, William Benjamin Chaffey, and Chaffey Brothers, Limited, or any of them, or on the insolvency or statutory assignment of the said George Chaffey and William Benjamin Chaffey, or either of them, or the winding up of Chaffey Brothers, Limited, or otherwise howsoever.

(2) Nothing in this section shall prevent the sale or other dealing with any beneficial interest of the said George Chaffey, William Benjamin Chaffey, and Chaffey Brothers, Limited, or any of them, in the property in this section mentioned, but any such sale or other dealing shall be deemed to be subject to the purposes of the Acts in this section mentioned and to this Act.

(3) If the Government, under clause 19 of the Chaffey Brothers agreement determine the said agreement and resume possession of the land and take possession of the irrigation works and improvements in the same clause mentioned—

1. The sum to be paid under the same clause shall be determined by arbitration, as mentioned in the said clause, and shall be eighty per centum of the value of the beneficial interest of the person or company to whom such sum shall be payable in such works and improvements:

11. The Trust or Trusts existing at the time of the determination of the said agreement shall be entitled, at any time within two years from such determination, to take over the said land, irrigation works, and improvements at the
the sum paid by the Government under the same clause, with interest at the rate of Five Pounds per centum per annum added.

77. The water in an irrigation work under the control of the Trust shall be the property of the Trust for the purposes of this Act and of the Chaffey Brothers Act.

78. Irrigation works under the control of a Trust shall not be liable to any rates under this Act.

79. The Trust may, with the consent in writing of the Minister, who is hereby authorised to give such consent, make special arrangements and contracts for supplying to ratepayers water in excess of the proportion to which such ratepayers may for the time being be entitled under the provisions hereinbefore contained.

80. (1) The Renmark Irrigation Trust No. 1 shall take the place of the company as regards the agreement dated the thirty-first day of December, one thousand eight hundred and ninety-two, and made between the company, of the first part, and Chaffey Brothers, Limited, of the second part, a copy of which agreement is in the Eleventh Schedule hereto: The said agreement shall, as from the commencement of this Act, and so far as practicable, be deemed to have been made between such Trust of the first part and Chaffey Brothers, Limited, of the second part.

(2) On the constitution of any other Trust under this Act the said agreement, if then subsisting, shall, as from the date of such constitution, and, so far as practicable, be deemed to have been made between such Trust and any previously existing Trust or Trusts of the first part, and Chaffey Brothers, Limited, of the second part. Each Trust shall carry out the said agreement so far as relates to the land in its district, and so far as practicable.

(3) The said agreement shall be read with the following alterations which shall take effect from the passing of this Act, but shall not affect the past operation of the agreement:

(a) In clause 2 for "shareholders of the Irrigation Company" read "ratepayers":

(b) In clause 2 for "in all engagements in that behalf to which both the Irrigation Company and the contractors are parties entered into or to be entered into" read "and the purposes of 'The Renmark Irrigation Trust Act, 1893'":

(c) In clause 3 after "a shareholder of the Irrigation Company" read "or a ratepayer of a district":

(d) In clause 4 after "scheme" where first occurring add "for each district"; for "shareholder" read "ratepayer"; for "directors of the Irrigation Company" or "directors" or "Irrigation Company" read "Trust of the district concerned"; for "registered office of the company" read "the office of the Trust":

(e) For
(e) For clause 6 read the following:—"Each Trust party hereto will pay to the contractors at Renmark aforesaid on the first day of January and the first day of July in every year of the said period (except for the year one thousand nine hundred and eight) an amount equal to Ten Shillings for every acre of ratable land within its district, and for the part of the year one thousand nine hundred and eight which is embraced within the period provided for by paragraph 2 the sum of Eight Shillings and Four Pence for every such acre; and will duly make and declare the assessments and rates and do all other acts and deeds from time to time necessary to raise, obtain, and provide the said amounts payable to the contractors; and will duly collect, get in, sue for, recover, and receive the said rates aforesaid, and will from to time pay the said amounts to the contractors as the same shall become due and subject as hereafter appears, and will not otherwise deal with, charge, or dispose thereof. The costs and expenses of and incidental to the collection and getting in of the said rates shall be borne by the contractors, and the said amount shall from time to time (except as to the said sum of Eight Shillings and Four Pence per acre) be payable in advance and by two equal instalments, the one on the first day of January and the other on the first day of July in each year as aforesaid, the first instalment to be paid on the first day of January, one thousand eight hundred and ninety-three; and as to the said sum of Eight Shillings and Four Pence per acre, the same shall be payable on the first day of January, one thousand nine hundred and eight: Provided that in cases of ratable land of which the purchase-money, or any part thereof, has been paid to Chaffey Brothers, Limited, or their predecessors, prior to the first day of November, one thousand eight hundred and ninety-two, the contractors shall in each half year during the continuance of this agreement rebate and allow to the Trust in respect of each such acre the sum of Two Shillings and Six Pence for the benefit of the person holding such land":

(f) In clause 7 for "Irrigation Company" and for "directors" read "Trust":

(g) In clause 8 for "shares in the Irrigation Company held in respect of such lands such rebate to be for the benefit of the holders of such shares" read "the ratable land comprised in such unlet Trust lands such rebate to be for the benefit of the said trustees and of the Trust funds.

In the alterations effected by this sub-section "district" means a district constituted by or under this Act.

81. (1) The rates declared by the directors of the company and specified in the Tenth Schedule hereto shall be deemed valid, and the
the right to recover such rates is vested in the Renmark Irrigation Trust, No. 1, as if they had been rates declared under this Act; and the Trust shall apply all sums recovered in respect of such rates towards payment of the money due to Chaffey Brothers, Limited, under the said agreement before the commencement of this Act.

(2) Subject to the provisions of this Act, all the undertaking, works, lands, buildings, property, stock, plant, interest, rights, powers, privileges, easements, licences and agreements, and benefits of licences and agreements, which immediately before the passing of this Act were vested in the company, or any person or persons in trust for them, or to which the company were in anywise entitled are hereby vested in the Renmark Irrigation Trust No. 1, and may, subject to and in accordance with the provisions of this Act, be held, enjoyed, sued for, recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by such Trust as they think fit:

(3) As from the commencement of and subject to the provisions of this Act the memorandum and articles of association of the company shall, as to any prospective operation thereof, be wholly void, and the company and the members thereof shall be exempted from all the provisions, restrictions, and requirements of any Act which applied to the company and the members thereof as such; but nothing in this Act contained shall discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles or of any agreement to which the company is a party, incurred before the commencement of this Act, but such liability or obligation shall continue, and save as in this Act otherwise provided, may be enforced by or on behalf of the Renmark Irrigation Trust No. 1 as nearly as may be in like manner as the same might have been enforced by or on behalf of the company if this Act had not been passed:

(4) Except as by this Act otherwise expressly provided, everything before the commencement of this Act done or suffered by or with reference to the company, or the members thereof as such, shall be as valid as if this Act had not been passed, and this Act shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if this Act had not been passed, would be incident to or consequent on anything so done or suffered; and with respect to all such rights, liabilities, claims, and demands the Renmark Irrigation Trust No. 1 and its property shall, as from the time of vesting, represent the company, and the members thereof as such, and the property of the company, as the case may be.

82. The Trust shall, at the first meeting at which business is transacted or as soon thereafter as conveniently may be, adopt a common seal.

83. The Trust may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows, that is to say—

1. Any

Mode in which Trust may make, vary, and discharge contracts.
I. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the Trust may make in writing and under the common seal of the Trust, and in the same manner may vary or discharge the same:

II. Any contract which, if made between private persons, would be by law required to be in writing signed by or on behalf of the parties to be charged therewith, the Trust may make in writing, under the common seal as aforesaid, or in writing signed by the members or any two of their number acting by the direction and on behalf of the Trust, and may vary or discharge such contract in the same way as it was or might have been made:

III. Any contract which, if made by private persons, would be by law valid although only made orally, may be made by the Trust in either of the two ways aforesaid, or by any two of the members acting by the direction and on behalf of the Trust orally or in writing, or may be varied or discharged in the same manner as it was or might have been made:

And all contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

84. The Trust may compound with any party who has entered into any contract with the Trust, or by or against whom any action or proceeding has been brought or threatened on behalf of or against the Trust, for any cause whatsoever, for such sums of money or other consideration as the Trust shall think proper.

85. The Trust may, from time to time, contract, upon such terms as they think fit, with any person or corporate or public body in or out of the said province, for or with respect to the doing and the control and management by either or both of the contracting parties of any matter or thing which such contracting parties are, or either of them is, by law empowered to do, control, or manage; and the Trust may carry out such contract according to the tenor thereof.

86. The Trust may, from time to time, demise, let, manage, and improve all lands, hereditaments, jetties, piers, breakwaters, wharves, foreshores, and other property real or personal acquired by, held in trust for or by, or placed under the care of the Trust, so as such property be dealt with in a manner consistent with the terms, trusts, or purposes under and for which the same was acquired: Provided no such lease shall be granted for a term exceeding fifty years.

87. Subject to the approval of the Minister, the Trust may, from time to time, make, amend, and repeal by-laws and regulations for or relating to all or any of the following subjects; and may, by such
such by-laws, inflict penalties, not exceeding Fifty Pounds for each offence, for the better enforcing the said several by-laws and regulations, or for punishing the breach thereof, or of any of them:

The appointment of the time and place for meetings of the Trust, whether ordinary or special:

The powers and duties, and the control, supervision, and guidance of all officers, servants, and persons employed by the Trust:

The form of contracts to be entered into with the Trust:

The leasing, care, or control of any irrigation works:

The measures to be taken to prevent and remedy the waste, undue consumption, obstruction, and contamination of water contained or supplied from any part of the irrigation works, and to regulate the days and hours when water can be obtained for irrigation or domestic use on any land, and the quantity to be allowed:

For stopping the supply of water to or for the benefit of any ratepayer whose rates shall be in arrear, or to any ratable land the rates in respect of which shall be in arrear:

The protection of every part of the irrigation works from trespass or injury:

Granting licences to competent plumbers, and cancelling such licences, and also for preventing any other than licensed plumbers from fixing, altering, or repairing any pipes, fittings, or meters connected with the pipes or works under the control of the Trust:

For compelling persons using water supplied by the Trust to keep their pipes, fittings, and other appliances in proper repair; for preventing any alteration of or interference with such pipes or fittings without the consent of or notice to the Trust; for repairing such pipes, fittings, and appliances so as to prevent waste of water, and for recovering the cost of such repairs:

For preventing unauthorised persons using, directly or indirectly, water supplied by the Trust:

For regulating the number, form, material, dimensions, construction, and arrangement of pipes, fittings, and other works supplying water from the irrigation works under the control of the Trust; the time of executing and the notices to be given for such works; the superintendence thereof; the making good and replacing ground which may be displaced in the course of such works; and for inspecting, at any hour, irrigation works, pipes, and fittings, whether situate within any buildings or otherwise:

And generally for more effectually exercising the powers conferred upon the Trust by this Act, and for carrying out the provisions of the same in every particular.
PART V.

No by-law to be repugnant to any laws in force in the province, or any regulations proclaimed by the Governor.

Saving of past operation of repealed or altered by-law.

By-law not to exempt from proceedings for nuisance.

No one to be subject to double prosecution under this Act and any other Act.

Facilities for testing validity of by-laws.

By-laws to be gazetted.

Minister may revoke by-laws.

88. No such by-law or regulation shall be repugnant to this or any other Act of the Legislature of the said province, or to the general spirit and intendment of the laws in force in the said province, or inconsistent with the trusts or purposes on which any land, hereditaments, or other property may be held by the Trust, or with any regulations made by the Governor under any Act for the time being in force, and no Trust shall be authorised to inflict any punishment except by way of fine as above provided.

89. Notwithstanding the repeal or alteration of any by-law or regulation, every offence committed against such by-law or regulation before the repeal or alteration thereof, shall be adjudicated upon, and punished, and every act or proceeding done or commenced, and every right, privilege, or protection acquired, and every liability incurred, shall continue, be prosecuted, and be of the same force and effect as if such by-law or regulation had not been altered or repealed.

90. Nothing contained in any by-law or regulation shall be construed to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof, nor from the consequences of conviction thereof.

91. No person shall be prosecuted or punished for the same offence under this Act or any by-law or regulation made thereunder, and also under any other Act or any by-law or regulation made thereunder.

92. If any ratepayer of a district desires to dispute the validity of any by-law or regulation made or purporting to be made under this Act, such ratepayer may apply to the Supreme Court upon an affidavit setting out the facts for a rule calling upon the Trust concerned to show cause why such by-law or regulation should not be quashed for illegality, and the Court may make the said rule absolute or discharge it with or without costs as to the Court shall seem fit: Provided that no such rule to show cause shall be drawn up until such ratepayer shall have paid into the Supreme Court the sum of Fifteen Pounds as security for the costs of the proceedings.

93. Every by-law or regulation made in pursuance of section 87 shall, after being approved by the Minister, be published in the Government Gazette, and shall from the date of such publication have the force of law within the district.

94. The Minister may at any time after fourteen days' notice in writing given to the chairman of the Trust, revoke, amend, alter, or add to all or any of such by-laws or regulations, and every order by which any of such by-laws or regulations shall be revoked, amended, altered, or added to, shall be published in the Government Gazette, and shall take effect and have the force of law from the time of such publication.
PART VI.

ASSESSMENTS.

95. (1) The Trust shall, as soon as practicable after the members enter into office, and whenever the Trust shall consider it necessary for the purposes of this Act, cause to be prepared and entered in a book to be called the “Assessment Book” an assessment, which shall contain in the form in the Fourth Schedule hereto the name (as a ratepayer) of every person who is the owner or occupier of ratable land, to the extent in one block of half an acre or more, within the district, and the description, area, and situation of such land.

(2) Such assessment shall be signed in the said book by the chairman and two members and the secretary, who shall specify in such book the date of such signature. And such assessment shall thenceforth become and remain binding on the ratepayers until a new assessment shall be in like manner prepared, entered, and signed.

96. Every new assessment, except as by this Act otherwise provided, shall be made by one or more assessors, to be appointed by the Trust, and every such assessor shall, for the purpose of making the assessment, have power to put to any owner or occupier, or person in charge thereof, questions upon all such matters as may be necessary to enable such assessor to state correctly the particulars by this Act required to be stated in the assessment with regard to the premises; and if, after being informed by such assessor of his being an assessor, and of his purpose in putting such questions, and of his authority under this Act to put the same, any such owner or occupier or person in charge shall refuse or wilfully omit to answer the same to the best of his knowledge and belief, or shall wilfully make any false statement in answer to any such question, such person shall for every such offence be liable to a penalty not exceeding Ten Pounds.

97. The Trust may, instead of causing any new assessment to be made by assessors, approve as a new assessment the last previous assessment, with such alterations and additions as may appear necessary.

98. Every person whose name appears in the assessment book as owner or occupier of any ratable land shall be entitled to have his name removed from the book, upon a change of ownership or occupation, and notice in writing thereof given to the Trust under his hand, he having first paid all rates, notice of which has been duly given him.

99. An owner or occupier of any ratable land, but whose name does not appear in the assessment book as such, may apply to the Trust
PART VI.

Trust to have his name inserted in the assessment book, and shall be entitled to have his name inserted accordingly, except within fourteen days immediately preceding any annual election.

100. Except within fourteen days immediately preceding any annual election, all errors and omissions in the assessment book, with regard to any ratable land, or the ownership thereof (including errors and omissions arising from changes of ownership), shall be rectified by the Trust immediately on the discovery thereof, and a minute shall be made of such rectification, and a copy thereof, signed by the secretary, shall be entered in the assessment book, and every copy thereof; and the assessment book, and every copy thereof, shall be rectified accordingly.

101. Public notice of the making of any new assessment, of the adoption of any previous assessment, and of the place or places where copy or copies thereof may be inspected, shall be given to the effect of the form in the Fifth Schedule applicable thereto, within fourteen days from such making or adoption; and notice of the making of every new assessment, not being an adoption of a previous assessment, and of the making of any alteration or rectification of or addition to any assessment, shall, within fourteen days from such new assessment, alteration, rectification, or addition, be given in the form in the said Schedule applicable thereto, or to the like effect, by posting or delivering the same to every person appearing in the assessment book as the owner of the land concerned; but if no person appears in the assessment book as owner, such notice shall be given in the Government Gazette.

102. Any person may appeal against the assessment or any alteration or rectification thereof, or addition thereto, on 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 ratable land for which his name appears as owner or occupier:

That any ratable land, or the owner or occupier of any ratable land, within the district is omitted from the assessment:

That any land included in the assessment is not ratable.

103. Appeals as aforesaid may be made either to the Trust or directly to the Local Court of Full Jurisdiction nearest to the Trust office, and from the decision of the Trust on any such appeal there may be a further appeal to such Local Court, and the decision of such Local Court shall be final, whether the appeal be to such Local Court direct or after a previous appeal to the Trust.

104. Every appeal to the Trust or to the Local Court direct shall be commenced within twenty-one days after the publication of the notice of the adoption or making of the assessment in the Government Gazette, or the giving of the notice of the alteration or rectification
rectification of or addition to any assessment, as the case may be, by notice in the form in the Sixth Schedule to this Act, or in a form to the like effect, with such modifications as circumstances may require. If the appeal be to the Trust the notice shall be given to the secretary; if the appeal be to the Local Court the notice shall be given to the clerk of the Local Court, and also to the secretary; and notice shall also be served upon the person (if any) whose name it is proposed to insert in the assessment, or whose property is alleged to be omitted, fourteen days before the hearing of the appeal. Appeals made to the Local Court direct shall be heard at the sittings of the Local Court of Full Jurisdiction next after twenty-seven days from the said publication in the Government Gazette, or the giving of the notice of alteration or addition, as the case may be. Appeals made to the Trust shall be heard within thirty-two days next after the publication or the giving of such notice, and notice of the day appointed by the Trust for the hearing of such appeals shall, fourteen days before the day of hearing, be given by advertisement in some convenient public newspaper (if any), and be posted on a conspicuous part of the Trust office.

105. On the hearing of all such appeals the secretary shall produce the assessment book containing the assessment, alteration, rectification, or addition appealed against, and the Trust, upon examining the witnesses without oath, or the Local Court, upon examining the witnesses on oath on the day of hearing, or at some adjournment of the hearing, may make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment book by the secretary, if the appeal be to the Trust, or by the clerk of the Local Court if the appeal be to the Local Court.

106. Every appeal from the decision of the Trust given or made on the hearing of any appeal to such Trust as hereinbefore provided shall be commenced by a notice in the form in the Seventh Schedule to this Act, or in a form to the like effect, with such modifications as circumstances may require, which notice shall, within ten days after the giving or making of such decision, be served on the secretary and the clerk of the Local Court, and such appeal shall come on for hearing at the sittings of the Local Court next after ten days from the service of such notice on the clerk of the Local Court; and on the hearing of such appeal the secretary shall produce the assessment book containing the assessment, alteration, rectification, or addition in question, and such Local Court may, on the day of hearing, or at some adjournment of the hearing, make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment book by the clerk of the Local Court.

107. The Local Court, on the hearing of any appeal, may make such order as may seem just for the payment by any party to such appeal to any other party to such appeal of the costs of such appeal, and
and of the previous appeal (if any) to the Trust; and, in addition to any other legal remedy available for the recovery of such costs, payment of the same may be enforced in the same manner as the judgment of the Local Court.

PART VII.

RATES.

108. The Trust shall, from time to time, before proceeding to make any rate by this Act authorised, cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorised to expend or apply the funds of the Trust, showing the several sums (if any) already available for such purposes, the several sums required, and the sum per acre of ratable land necessary to raise the money required, which estimate, after the same has been approved of by the Trust, shall be entered in a book, to be called the "Rate Estimate Book," which shall be kept at the Trust office, and shall be accessible to the ratepayers at all reasonable hours.

109. (1) After making such estimate, and after twenty-one days shall have elapsed from the giving of public notice of an assessment, the Trust shall—

(a) For the purposes in section 110 mentioned declare on the land included in the assessment book a general rate for the half-year ending the thirtieth day of June, and another general rate for the half-year ending the thirty-first day of December next after the declaring of the rate, each rate not to exceed Ten Shillings for every acre of such land:

and may—

(b) For the purposes in section 111 mentioned declare on the land included in the assessment book a special rate for the half-year ending the thirtieth day of June, and also, if they shall think fit, another special rate for the half-year ending the thirty-first day of December next after the declaring of the rate, each rate not to exceed Two Shillings and Sixpence per acre of such land: Provided that no special rate shall be declared without the consent of the ratepayers, to be obtained at a meeting of ratepayers or by a poll taken pursuant to a meeting.

(2) For the purposes of this section a fractional part of an acre of land equal to or exceeding half an acre shall be deemed to be one acre; but any fractional part of an acre less than one-half shall not be taken into account.
(3) A rate for any half-year shall be declared during such half-year.

110. The purposes for which a general rate may be declared are as follows—

1. For diverting, taking, raising, and distributing water in pursuance of the purposes of the Trust:

11. For keeping in repair all irrigation works belonging to or used or required for the purposes of the Trust, including all pumping apparatus, machinery, works, reservoirs, embankments, dams, conduits, channels, races, sluices, pipes, and all other property built or constructed for or in connection with the purposes of the Trust, and also the lining or cementing of all channels and aqueducts:

111. For paying all moneys expended or liabilities incurred by the Trust in working and managing the irrigation works, and in distributing or causing to be distributed or rendering available, or causing to be rendered available for distribution, water for the purposes of this Act, and otherwise in carrying out the purposes of the Trust:

11. Generally, and without limiting the effect of any of the preceding paragraphs, for raising money for carrying out the purposes of the Trust.

111. The purpose for which a special rate may be declared is the raising of money for carrying out any of the objects of the Trust, and paying any expenses and liabilities incidental to the carrying out of such objects, in so far as such money has not been raised by a general rate.

112. Every rate when declared shall forthwith be entered by the secretary in Part II. of the assessment book according to the form in the Fourth Schedule, and so that the particulars therein required in respect of each such rate shall be entered in the proper column opposite the names of the ratepayers liable to pay the same respectively, and the assessment book shall at all times show a complete record of the moneys due in respect of all assessed land.

113. Within fourteen days after declaring any rate, the Trust shall cause notice to be given in the Government Gazette and in some newspaper generally circulating in the neighborhood, of the nature and amount thereof, according to the form applicable thereto contained in the Eighth Schedule to this Act, or in a form to the like effect.

114. All moneys received on account of the Trust shall be paid into a bank appointed by the Trust to receive the same. Such payment shall in every case be made as soon as the moneys in hand amount to Five Pounds or more. Every payment of One Pound or more
more made on behalf of the Trust shall be by cheque on the bank, drawn by the chairman and by a member authorised from time to time by the Trust in that behalf, and countersigned by the secretary. Payments of less than One Pound may be made out of a petty cash fund, replenished from time to time by cheques drawn and countersigned as aforesaid.

115. The person primarily liable for the payment of rates in respect of any ratable land shall be the person for the time being appearing in the assessment book as the occupier of such land; and in default of payment by or recovery from him, or if such land shall be or become unoccupied, then the person for the time being appearing in the assessment book as the owner of such land shall be liable.

116. Every rate shall become due when it is declared, but no rate shall be recoverable by action or by a proceeding before Justices from any person resident in the said province until twenty-one days after a written notice from some officer of the Trust be delivered or sent by post to the usual or last known place of abode in South Australia of such person, informing him of the amount of the rate payable by him, and in respect of what land the same is payable.

117. Every person appearing in the assessment book as the owner of any ratable land shall continue liable for all rates declared in respect of such land, notwithstanding any change in the ownership thereof prior to the declaration of such rates, unless before such declaration the name of another person shall have been inserted in the assessment book as the owner, or the person so ceasing to be owner shall have given written notice to the secretary of such change of ownership, stating who is the person who has become owner.

118. The words "or to any Trust constituted by or under The Renmark Irrigation Trusts Act, 1893," are hereby inserted in section 219 of "The Insolvent Act, 1886," after the words "District Council."

119. Rates may be recovered from any person liable to pay them, in the name of the Trust, by action in any Court of competent jurisdiction, or in a summary way before any two or more Justices.

120. In any case in which rates heretofore due or hereafter to become due in respect of any ratable land shall be in arrear for the period of one year, the Trust may, at any time after the expiration of such period of one year, cause to be published three times in the Government Gazette a notice in the form in the Ninth Schedule hereto, or in a form to the like effect.

121. If in such case as hereinbefore stated, after one year from the last publication of the said notice, the rates due at the time of
of the first publication thereof, or any part of such rates, are or is still unpaid, the Trust may let the land from year to year, or for any term not exceeding fifteen years, and may receive the rents, and shall then apply the same, in the first place, in and towards reimbursing all costs of and attending such notice and letting, and, in the next place, in and towards the payment of the rates in arrear, including as well the rates in arrear at the time of the first publication of the said notice as any rates that may become due and in arrear up to the time of such letting, and also interest on all such rates at the rate of Ten Pounds per centum per annum, from the time of the same becoming due respectively until such letting as aforesaid, and shall hold any surplus for the owner of the land; and every deed or other instrument entered into by the Trust for effectuating such letting shall be valid and binding upon the owner or any person claiming through or under him.

122. Instead of letting such land as aforesaid the Trust may, after one year from the last publication of the notice, if the rates due at the time of the first publication thereof, or any part of such rates, are still unpaid, apply by petition to the Supreme Court for a sale of all or any part of the ratable land comprised in such notice; and the said Court, on being satisfied, by affidavit or otherwise, that the rates mentioned in such notice are lawfully due, and were in arrear for one year at the time of the first publication of such notice, and that all things required by this part of this Act to be done have been done shall—

Order the sale, by public auction, of the ratable land comprised in such petition, or so much thereof as may be sufficient to pay the rates in arrear, including as well the rates in arrear at the time of the first publication of the notice as any rates that may become due and in arrear up to the time of the application for sale, together with interest on all such rates, at the rate of Ten Pounds per centum per annum, from the time of the same becoming due respectively until such application for sale, and together with all costs and expenses of and attending the notice, the application, and the sale, and that the proceeds be paid into Court; and may

Order that a memorandum of transfer be executed by the Master or other officer of the Court, in such form as shall be approved by the Court or a Judge thereof, transferring the premises to the purchaser, free from any mortgage or encumbrance; and the registration of such memorandum of transfer shall vest in the purchaser an indefeasible estate in the premises, according to the tenure of such ratable land, and free from any mortgage or encumbrance.

The Court may order payment out of the proceeds of such sale of the said rates, interest, costs, and expenses, and the balance of the proceeds of such sale shall remain subject to any future or other orders of the Court for the behoof of the parties interested therein.

123. Every
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Transfer to have effect as ordered, and Registrar-General to do all acts necessary.

Properties comprised in different assessments may be included in one petition.

123. Every transfer ordered by the Court as aforesaid shall have effect in accordance with such order, and the Registrar-General shall register every such transfer, and, where appropriate to the tenure, shall issue a certificate of title to the purchaser of the premises comprised therein, and do such other acts and things as may be necessary to give effect to the order of the Court.

124. In case there shall be included in any such notice as aforesaid any ratable lands comprised in different assessments or belonging to different owners, the same may be included in one petition for sale, and the Court may make such orders as to the apportionment of rates, interest, costs, and expenses in respect of such ratable lands, or any part thereof, as such Court may deem just.

PART VIII.

RATEPAYERS’ MEETINGS AND POLLS.

Ratepayers’ meetings.

125. (1) Meetings of ratepayers may be called by the Trust at any time.

(2) Whenever twenty ratepayers shall, by writing under their hands, left at the Trust office, require the Trust to call a meeting the Trust shall do so within two weeks from the day of leaving the notice, the meeting to be held within five weeks from the same day.

General provision for voting at ratepayers’ meetings.

126. In the absence of special provision, the proceedings at any meeting of ratepayers shall be regulated as follows—

1. The chairman of such meeting shall in the usual way take a show of hands for every proposition 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:

11. In cases where it is provided that a poll may be demanded, the chairman shall immediately after he shall have declared the result of the show of hands publicly inquire from the meeting whether any ratepayers demand a poll, and thereupon any six ratepayers may demand a poll by giving notice in writing of such demand to the chairman of the meeting, and such chairman shall thereupon appoint a day, not later than eight days thereafter, to take a poll of the ratepayers on the subject.

General provisions for voting at elections and polls.

127. Every election under this Act, and every poll of ratepayers, shall be taken by ballot, and the following provisions shall apply—

1. The Trust shall appoint a Returning Officer, who shall, mutatis mutandis, have all the powers conferred by “The Ballot Act, 1862,” on a Returning Officer in case of an election, including the power to appoint deputies, and shall preside at the election or the taking of the poll:

11. The
11. The Trust shall appoint a polling-place for the election or poll. The election or the taking of the poll shall commence at eight o'clock in the forenoon, and shall continue open until all the voters present in the polling booth at seven o'clock in the afternoon shall have had an opportunity of voting, and shall then close:

111. In polls other than elections one scrutineer, to be present at the voting at each polling-place, shall be appointed by the Trust, and the persons demanding the poll may, by writing under their hands, or the hands of any three of them, appoint one scrutineer to be so present. In case of an election each candidate may appoint, in writing, one scrutineer to be present in the polling-place:

IV. At every election or poll the Returning Officer, if it shall appear to him expedient, may cause booths to be erected, or rooms to be hired and used as booths, at the polling-place; and the same shall be so divided and allotted into compartments as to the Returning Officer may seem most convenient; and the Returning Officer shall, before the day fixed for taking the votes, cause a copy of the assessment book to be furnished for use at the polling-place:

V. At any election or poll every person of the age of eighteen years or upwards, whose name appears as a ratepayer in the assessment book in force for the time being, shall have one vote for every acre of ratable land in one area in respect of which he is assessed. A ratepayer may vote by his attorney under power, such power to be produced to the Returning Officer at the election or poll.

VI. For the purposes of this section a fractional part of an acre of land equal to or exceeding half an acre shall be deemed to be one acre:

VII. In case of joint tenancy or tenancy in common the vote of the person who shall first tender his vote shall be taken, and none of the other joint tenants or tenants in common shall vote at the same election or poll:

VIII. Where different persons appear in the assessment book as owner and occupier respectively of the same ratable land, only that one of such persons shall vote in respect of such land who first offers to do so, and if both offer simultaneously the owner only shall so vote:

IX. Every person entitled to vote shall present himself, personally or by attorney, to the Returning Officer or his deputy, at the polling-place, and state his Christian and surname, abode, profession or occupation, the nature of his qualification, and the place where the land or qualification is situate.
The Returning Officer or deputy shall thereupon place a mark against the name of the voter or of his principal on the copy of the assessment book, and hand such voter a voting-paper specifying the number of votes to which he or his principal is entitled, which voting-paper shall bear the initials of the Returning Officer or deputy:

x. In cases of elections such voting-paper shall contain the christian and surname of each candidate, arranged in alphabetical order, according to such surnames; and if there are several candidates of the same surname, then according to the christian name or names of such candidates; and if there are several candidates of the same christian and surname, then as to such candidates in such order as the Returning Officer shall think proper. Every such voting-paper shall have a square printed opposite to the name of each candidate, with a number corresponding with the order of nomination inserted in such square:

xi. In cases other than elections the voting-paper shall contain a statement of or reference to the particular proposition in respect of which the votes are given, and underneath such statement or reference shall contain, on separate lines, the following sentences, that is to say:—

“I agree to the above proposition”:

“I object to the above proposition”:

And shall have a square printed opposite each such sentence:

xii. Except as above provided, nothing shall be inserted in or placed on any voting-paper:

xiii. There shall be provided one or more separate apartments or places forming part of the polling-booth, into which the voter shall, on receiving his voting-paper, immediately retire, and there alone and in private, without interruption, indicate his vote or votes by making a cross within the square on his voting-paper which is opposite the name of the candidate for whom he intends to vote, or opposite the affirmation or negation of the proposition voted upon, and shall then fold the paper and immediately deliver it so folded to the Returning Officer or his deputy, who shall forthwith publicly, and without opening the same, deposit it in a box to be provided for that purpose; and no voting-paper so deposited in any box shall on any account be taken therefrom unless in the presence of the scrutineers after the close of the poll. No voting-paper shall be received unless it be so folded as to render it impossible for the Returning Officer, his deputy, or any other person, to see how the vote is given.

xiv. Any
xiv. Any voter wilfully infringing any of the provisions of this section, or obstructing the voting by any unnecessary delay in performing any act within the said polling booth or room, shall be guilty of a misdemeanor:

xv. Any voter may signify to the Returning Officer or his deputy that by reason of blindness or defective eyesight he is unable to vote without assistance, and thereupon such officer or deputy, if satisfied of such inability, shall permit any agent named by such voter to accompany him into the apartment or place for voting to mark the voting-paper on such voter's behalf, and shall receive such paper from such agent and deposit it in the ballot-box:

xvi. The only persons who shall be allowed to remain in the polling booth or room shall be the persons about to vote, the Returning Officers, the Deputy Returning Officers, and the scrutineers:

xvii. No inquiry shall be permitted at any election or poll as to the right of any person to vote, except as follows, that is to say:—The Returning Officer or his deputy may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other:

(1) Are you the person whose name appears as and as a ratepayer in the assessment book of the Renmark Irrigation Trust No. —; or (in case of a person claiming to vote as attorney for a ratepayer) Are you the person mentioned as attorney for in the power of attorney under which you claim to vote, and is the person appointing you the person whose name appears as and as a ratepayer in the assessment book of the Renmark Irrigation Trust No. —?

(2) Have you already voted at the present poll except in a different capacity to that in which you now claim to vote?

And no person shall be entitled to vote unless his answer to the first question, if put, shall be in the affirmative, and to the second, if put, in the negative; and any person who shall wilfully make a false answer to either of such questions shall be guilty of a misdemeanor:

xviii. Every person who in the same capacity shall vote a second time, or offer to vote a second time, at any election or poll or who shall personate any other person for the purpose of voting at any such election or poll, shall be guilty of a misdemeanor, and upon conviction shall be imprisoned for a term not exceeding six months:

xix. Immediately
XIX. Immediately before taking the votes the Returning Officer or Deputy Returning Officer shall exhibit the ballot-box empty; and shall immediately, upon the close of the voting, publicly close and seal the box containing the voting-papers and any Returning Officer or Deputy Returning Officer who shall unlawfully tamper with any ballot-box or voting-paper shall be guilty of a misdemeanor, and be liable to imprisonment for not exceeding six months.

XX. At the close of the election or poll the Returning Officer shall fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the election or poll, and shall, in the presence of such of the scrutineers as choose to be present, open all the boxes containing voting-papers delivered in at the election or poll, and shall examine such voting-papers, and shall reject all such as shall contain crosses against the names of a larger number of persons than are required to be elected, or against both the affirmation and the negation of any proposition, or shall contain anything other than such matters as are hereinbefore prescribed for such voting-papers; and shall openly declare the general state of the votes at the close of the election or poll, as the same shall be made up by him from the voting-papers; and shall declare the name or names of the person or persons who may have been duly elected, and in the event of the number of votes being found to have been equal for any two or more candidates, shall, by his casting-vote, decide which candidate shall be elected, or shall declare any proposition or propositions carried or not, according as the majority of votes shall be for or against the same. In case of an equality of votes for and against a proposition, the Returning Officer shall, by his casting vote, decide for or against the same: Provided that no Returning Officer shall vote at any election or poll at which he is Returning Officer, except in case of an equality of votes as aforesaid; but this provision shall not apply to a Deputy Returning Officer.

XXI. All voting-papers shall be destroyed by the Returning Officer immediately after the declaration of the result of the election or poll.

128. Every Returning Officer and his deputy shall have authority to maintain and enforce order and keep the peace at any election or poll held by him, and, without any other warrant than this Act, to cause to be arrested and taken before a Justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions which may be put to him under this Act or any other Act for the time being in force in that behalf, or of personating or attempting to personate any voter, or of attempting unlawfully to vote more than once at the same election or poll, or leaving or attempting to leave the polling-place after having received
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129. The following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate, whether committed by such candidate or by any agent authorised to act for him, that is to say:—The giving of money or any other article whatsoever, cockades included, to any elector with a view to influence his vote, or the holding out to him any promise or expectation of profit, advancement, or enrichment in any shape in order to influence his vote, or making use of any threat to any elector, or otherwise intimidating him in any manner with a view to influence his vote, the treating of any elector or supplying him with meat, drink, lodging, horse or carriage hire, or conveyance by steam or otherwise whilst at such election or whilst engaged in coming to or going from such election; the payment to any elector of any sum of money for acting or joining in any procession during such election, or before or after the same; the keeping open or allowing to be kept open any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of any kind be distributed at such places of entertainment or not; the giving of any dinner, supper, breakfast or other entertainment at any place whatsoever by a candidate to any number of electors with a view to influencing their votes.

130. The commission of any one of the above-mentioned acts shall, on proof thereof, be held to render void the election of the person committing such act, and to disqualify him from being elected for the same office during the whole period that may intervene between the commission of the same and the time of the next periodical election.

131. The acts of all authorised agents of a candidate shall, in matters connected with elections, be held to be acts of their principal: Provided that it shall be proved that such acts were committed with his knowledge or consent.

132. If any of the above-mentioned acts, hereby declared to be acts of bribery and corruption, shall be committed by any persons not the authorised agent of any candidate, the person so committing or having committed them shall be deemed guilty of a misdemeanor, and may be indicted for such act as for a misdemeanor in the Supreme Court, and punished with a fine not exceeding Two Hundred Pounds, or imprisonment not exceeding six calendar months, at the suit or on the plaint of Her Majesty's Attorney-General or of any ratepayer of the district.

133. If any person who shall have, or claim to have, any right to vote in any election shall directly or indirectly ask, receive, or take any
any money or other reward by way of gift, employment, or other reward whatsoever, for himself or for any of his family or kindred, to give his vote or to abstain from giving his vote in any such election, or if any person by himself, his friends, or by any person employed by him, shall by any gift or reward, or by any promise and agreement or security for any gift or reward, procure any person to give his vote in any such election, or to abstain from giving the same, such offender shall for such offence forfeit the sum of Fifty Pounds sterling to the person who shall first sue for the same, to be recovered with full costs by action as of debt in the Local Court of full jurisdiction in or nearest to the district.

134. No action, suit, or other proceeding shall be maintainable against any person who may have been a candidate at any election for or in respect of costs or expenses whatsoever in or about or relating to such election.

135. No election or poll shall be held to be void in consequence solely of any delay of the holding of such election or poll at the time appointed, or the absence of the Returning Officer or any Deputy Returning Officer, or any error on the part of any Returning Officer or Deputy Returning Officer, which shall not affect the result of the election or poll, or of any error or impediment of a mere formal nature. And within the period of twenty days before or after the day appointed for the holding of any election or poll it shall be lawful for the Governor, with the advice of the Executive Council, to extend the time allowed for the holding of such election or poll, and to adopt, or cause to be adopted, such measures as may be necessary to remove any obstacle by which the due course of any election or poll may be impeded, and to supply any deficiency that may otherwise affect the same.

PART IX.

LEGAL PROCEEDINGS; PENALTIES; EVIDENCE.

136. (1) If any question or difference occurs—

a. Between a Trust or Trusts and any other Trust or Trusts; or

b. Between a Trust or Trusts and Chaffey Brothers, Limited:

with regard to the reasonable construction or intent of this Act and of the Chaffey Brothers Act, or either of such Acts, or to any rights, powers, privileges, duties, or authorities under such Acts or Act; or

c. Between a Trust or Trusts and any other person or persons; or

d. Between Chaffey Brothers, Limited and any other person or persons; or

e. Between any person or persons whatever

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with regard to the reasonable construction or intent of section 76 of this Act or to any rights, powers, privileges, duties, or authorities under the same section—

such question or difference is, except where by this Act otherwise provided, to be referred to and settled or determined by arbitration, which shall be conducted under "The Arbitration Act, 1891": Provided that there shall be three arbitrators, who shall be appointed by the Court or a Judge thereof on the application of any party in difference, and that an arbitrator or arbitrators may in like manner be appointed in place of any arbitrator or arbitrators who shall die or refuse to act or become incapable of acting.

(2) The decision, award, or other act of any two arbitrators in relation to the reference or arbitration shall in case of difference on the part of the third arbitrator be valid and effectual.

(3) In this section and in "The Arbitration Act, 1891," so far as regards its application to any arbitration under this Act, the word "Court" shall mean the Supreme Court.

(4) If any case shall, under section 20 of "The Arbitration Act, 1891," be stated by the arbitrators or any of them for the opinion of the Court, such Court may, in giving its opinion on such case, place such a construction on this Act and on the Chaffey Brothers Act, or either of them, as it shall think most in consonance with the intent and purposes of such Acts or either of them, although such construction may in its opinion not be strictly according to the words of the Acts or Act in question.

137. The Trust shall not be liable to make compensation for the exercise of their powers under this Act unless a claim for such compensation be made in writing, addressed to the Trust so liable, within one year after the right to such compensation arises.

138. When any claim for compensation in respect of any of the matters mentioned in the last section is made by any person against a Trust, and such person and Trust do not agree on such claim, the question whether any and what compensation shall be made to such person shall be determined by the Local Court of Adelaide of full jurisdiction.

139. Upon the application of either party, the Local Court shall summon the other party to appear before the said Local Court at a time and place to be named in the summons, and upon the appearance of the parties, or in the absence of either of them upon proof of due service of the summons, the Court shall hear and determine such question, and for that purpose may examine such parties and their witnesses upon oath, and the costs of every such inquiry and the amount thereof shall be in the discretion of the Court; but if the amount awarded by the Court is less than one-fourth than the amount claimed, the person claiming compensation shall pay to the other party the said costs, the amount of which shall be fixed by the Court.

140. The
PART IX.

Award.

140. The Local Court shall, after such hearing and determination, draw up an award which shall be signed by the Judge or Special Magistrate presiding at the hearing, and judgment may thereupon be entered in the Local Court, or the award may be made a rule of the Supreme Court.

Incomplete works.

141. If compensation is sought to be recovered for injury alleged to be the result of the execution of works which at the time of the alleged injury and of the claim to compensation in respect thereof are incomplete, the Supreme Court or a Judge thereof, upon an application by the Trust, made without action and either by summons or by motion upon notice to the claimant, may order the proceedings to be stayed until the completion of such works or for such period as the Supreme Court or Judge may consider sufficient for such completion.

Principles in awarding compensation.

142. In determining whether any and what compensation is to be made the Court shall apply the following principles—

i. No compensation shall be made for injury occasioned by taking or diverting surplus or flood water, permanently or temporarily, from any stream, creek, water-course, lake, or lagoon:

ii. Where, by the execution of any works by the Trust, enhancement in value of any property of the claimant wherever situated has been directly or indirectly caused, or any other benefit has been gained by or become available to the claimant by reason of the execution of the works, or of any other works by the same Trust under this Act, the compensation shall be reduced by the amount of the value of such enhancement or other benefit:

iii. The measure of compensation shall be the direct pecuniary injury to the claimant by the loss of something of substantial benefit previously enjoyed by him, and shall not include remote, indirect, or speculative damages:

iv. Where the injury complained of appears to be of a permanent or continuing character, or likely to be repeated, a sum may be awarded which the Court may declare to be a compensation for all possible future repetitions of such injury, as well as for the injury already done; and after such award no further compensation shall be made to any person in respect of future repetitions of such injury.

143. (1) No compensation shall be made in respect of more than one claim for any act or acts causing, or likely to cause, the same kind of injury to the same property, though such acts may injure the interest in reversion as well as in possession in such property.

(2) Before any sum is awarded as compensation the claimant shall satisfy the Court as to the nature and extent of the respective estates or
The Renmark Irrigation Trusts Act.—1893.

or interests of himself and of all other persons (if any) in the property said to be injured, and that he has given sufficient notice to all such other persons of his proceedings to obtain compensation.

(3) All such other persons who may appear before the Court shall be entitled to be heard on behalf of their respective interests in the compensation to be awarded, and in giving compensation the Court shall award as between the claimant and such other persons the proportions of such compensation to be received by any, or some, or all of them respectively, for all injury actually caused or at any time to be caused to their respective interests in such property.

(4) Such proportion shall be received in full discharge and satisfaction of any rights, claims, or demands whatsoever accrued or to accrue to any of such persons in respect of the act or acts complained of, or any future continuance or repetitions thereof.

(5) Any person to whom any such proportion has been awarded shall have all such remedies and means for recovering the same from the party against whom the claim has been made as though such person had originally been a claimant under the claim on which such award has been made.

144. The Trust shall not be liable to any penalty or damage for not supplying water if the want of supply arises from drought or other unavoidable cause or accident.

145. Every owner or occupier of land through which a channel, water-course, or drain shall be cut, or over which an aqueduct or pipe shall be conducted or carried by the Trust, shall give free passage to water of supply or drainage turned into such channel, water-course, drain, aqueduct, or pipe by the Trust.

146. Every person who illegally diverts or takes the waters supplying, or flowing into, any aqueduct, waterworks, stream, or reservoir in a district or outlying district, or who does any unlawful act whereby the water therein may be drawn off or diminished in quantity, or the flow of water therein otherwise improperly affected, and who does not immediately repair the injury done by him on being required so to do, by the Trust of the district (or in case of an outlying district, by or on behalf of Chaffey Brothers, Limited), so as to restore the said waters to the state in which they were before such act, shall be liable to a penalty not exceeding Fifty Pounds for every day during which the said supply of water is diverted or diminished, or otherwise improperly affected by reason of any act done by or by the authority of such person.

147. If any person unlawfully and maliciously destroys or damages, or attempts to destroy or damage, any irrigation work in the irrigation area, he shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding ten years.

148. If
PART IX.

Penalty for unlawful injury of property.

148. If any person unlawfully destroys or injures any irrigation work in the irrigation area he shall for every such offence be liable to a penalty not exceeding One Hundred Pounds, and the convicting Justices may sentence the offender to be imprisoned for any period not exceeding six months, in addition to or in substitution for the said pecuniary penalty.

Penalty for unlawfully taking water.

149. If any person wrongfully takes or uses any water from any aqueduct, reservoir, watercourse, conduit, or pipe in the irrigation area, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any tank or other like place in the said area containing water, he shall for every such offence be liable to a penalty not exceeding Fifty Pounds, and the convicting Justices may sentence the offender to be imprisoned for any period not exceeding six months, in addition to or in substitution for the said pecuniary penalty.

Notification of waters required to be kept free.

150. (1) Any Trust may give public notice of all the channels, streams, reservoirs, aqueducts, or other waterworks in the irrigation area, whether belonging to or under the control of the Trust or not, required (for domestic water supply) to be kept free from contamination or pollution.

(2) If any person bathe in any channel, stream, reservoir, aqueduct, or other waterwork comprised in such notice, or wash, throw, or cause to enter, or, having charge of, allow to enter therein, any dog or other animal, he shall for every such offence be liable to a penalty not exceeding Ten Pounds.

(3) If any person throw or convey, or cause or permit to be thrown or conveyed, any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other waterwork comprised in such notice, or wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes, or other thing, he shall for each offence be liable to a penalty not exceeding Fifty Pounds.

(4) If any person cause the water of any sink, sewer, or drain, or other filthy water belonging to him or under his control to run or be brought into any stream, reservoir, aqueduct, or other waterwork comprised in such notice, or do any other act whereby the water therein shall be fouled, he shall for each offence be liable to a penalty not exceeding Fifty Pounds and a further sum of Twenty Shillings for each day, if more than one, for which such offence continues.

Penalty for throwing dirt, &c., therein.

Penalty for letting foul water flow thereinto.

151. Where any owner or occupier of land does or permits to be done on his land any act or permits to remain thereon any water or thing likely to injure the water supply in the irrigation area if notice to discontinue or remove the same be given to him in writing by any Trust, and he neglect or refuse to discontinue such act or to remove such matter or thing, he shall be liable for each such offence to a penalty not exceeding Fifty Pounds, and a further sum...
sum not exceeding Ten Pounds for each day, if more than one, for
which such offence continues. This section shall not apply to the
ordinary grazing of animals, except pigs and geese, on such land.

152. Every person who at the time of his appointment or elec-
tion to the office of member or auditor shall to his knowledge 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 member or auditor after his appointment or election, and his
knowledge of the existence of his disqualification, shall be liable to
a penalty of Ten Pounds.

153. Every person appointed or elected to the office of member
or auditor, and who at the time of his appointment or election
shall be disqualified, or who shall after his appointment or elec-
tion become disqualified, and who shall not, within fourteen days
after having knowledge of his appointment or election and the
existence of his disqualification, deliver or send through the post to
the chairman of the Trust, or, if there be no chairman, to the
Minister, a notice stating the fact of such disqualification to act as
member or auditor, as the case may be, with the grounds thereof, shall
be liable to a penalty of Ten Pounds.

154. Every person duly qualified and not exempt who, having
been duly appointed or elected as member, shall refuse to take upon
himself the office of member and to act in the same, or who shall
neglect so to do for three consecutive ordinary meetings of the
Trust after his appointment or election, and any qualified person
who shall have taken upon himself the office of member, and who
shall without the licence of the Trust resign such office in manner
herein provided, or shall without such licence absent himself from
the province for three consecutive ordinary meetings, or shall with
out reasonable cause absent himself from three consecutive ordinary
meetings of the Trust, shall be liable to a penalty of Twenty
Pounds.

155. Every member 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 member,
shall forfeit and pay a penalty of Twenty Pounds.

156. Every person who, not being eighteen years of age, shall
vote at any election or poll held under this Act, or who, not being
twenty-one years of age, shall sit or act as a member under this
Act, shall be liable to a penalty of Ten Pounds.

157. Every member who shall be a shareholder or a member of
any incorporated company, and who shall vote as member of the
Trust in any question concerning any contract or dealing in which
the
the company of which he shall be a shareholder or member is interested, shall forfeit and pay a penalty of Twenty Pounds.

**158.** Every person who shall at any time obstruct the Trust, or any officer or person employed by them, in the performance of anything which they are respectively empowered to do by this or any other Act shall be liable to a penalty not exceeding Five Pounds.

**159.** Every person who shall be examined upon oath, affirmation, or declaration by any Court or Trust, or any Justice or Justices, 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.

**160.** Every person who shall forge or alter, or shall utter, use, dispose of, or put off, knowing the same to be forged or altered, any document or writing required or authorised by this Act, or any signature thereto or seal thereon, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding seven years with hard labor.

**161.** Every person who shall wilfully publish in the Government Gazette any false petition, notice, or other document in any matter in which a petition, notice, or other document is by this Act required or authorised to be published in the Government Gazette, or shall wilfully 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 public 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.

**162.** Where any matter or thing is by or under this Act, or by any order or notice made and published under the authority hereof, directed or forbidden to be done, or where any authority is given by this Act to any person to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such act so directed to be done remains undone, or such act so forbidden to be done is done, in every such case every such person offending against such direction or prohibition shall be deemed guilty of an offence against such Act.

**163.** Every person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed by this Act or by any by-law or regulation in force in that behalf; and, if no other penalty be imposed, to a penalty not exceeding Twenty Pounds.

**164.** The Trust may remit any pecuniary penalty imposed by or under this Act, or any penalty which the Trust are authorised to receive
receive by virtue of this Act, in whole or in part, except any penalty imposed for neglect or refusal to act as member, or for any offence against the provisions of section 129 or section 161.

165. The imposition of a penalty for any offence under this Act shall not affect any action or other remedy at the instance of the Trust or any person for compensation for or the prevention of injury that may result from such offence.

166. Save where it is otherwise expressly provided, every notice or demand which by this Act is required to be given to the owner of any building or land shall be addressed to the owner of such building or land, and shall be served on the occupier thereof (if any), or left with some adult inmate of his abode; or, if there be no occupier, shall be put up on some conspicuous part of such building or land, and it shall not be necessary in any such notice or demand to name the owner of any such building or land; and when the owner of any such building or land and his residence are known to the Trust a copy of every such notice or demand shall, if such owner be resident within the district, be served on such owner or left with some adult inmate of his abode; and, if such owner be not resident within the district, be sent by the post addressed to such owner at his residence.

167. Every penalty imposed on any person under this Act shall be in addition to the sum which he may be lawfully adjudged liable to pay to the Trust or any person for any damage sustained, and the payment of the penalty shall not bar or affect the right of the Trust or any other person to bring an action against such person for such damage.

168. Any summons, notice, writ, or other proceeding may be served on the Trust by being given personally to the chairman or secretary, or at the Trust office to some officer of the Trust there.

169. Every order, summons, notice, or other document requiring to be authenticated by the Trust may be sufficiently authenticated without the common seal of the Trust, if signed by the chairman, by two members, or by the secretary.

170. In the event of any person against whom the Trust have any claim or demand being adjudicated insolvent, or making a statutory assignment for the benefit of, or composition with, his creditors, any officer of the Trust appointed by the chairman in writing under his hand, may represent the Trust in all proceedings relating to the insolvency or assignment of the estate of such person as if such claim or demand had been the claim or demand of such officer.

171. In all proceedings before Justices or any Local Court any officer of the Trust appointed by the chairman in writing under his
his hand may represent the Trust in all respects as though such officer had been the party concerned.

172. The officer appointed as aforesaid shall be reimbursed out of the Trust funds all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in either of the two last preceding sections.

173. Any Trust shall, for the purposes of this Act, have power by its members or officers to enter at all reasonable hours into and upon any building or land within the irrigation area for the purpose of executing any work or making any inspection authorised to be executed or made by the Trust under this Act, without being liable to any legal proceedings on account thereof: Provided that such Trust, its members or officers, shall do as little damage as may be, and making compensation, as provided by this Act, for any damage necessarily done.

174. 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 the Trust, or the title of any person to act as member, chairman, or auditor, or in any office or place in or in the gift of the Trust.

175. No mandamus shall issue from the Supreme Court to admit or restore to office, or to compel the Trust to proceed to the election or appointment of any member, chairman, auditor, officer, or other person to any office or place in or in the gift of the Trust, 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 the Trust or person may be entitled under this Act.

176. The proceedings for trying the title of a member, 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 the Trust to proceed to any election or appointment, or try the validity of any assessment or rate, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the Trust or any person may be entitled under this Act, shall be had and taken before, and determined by, two or more Justices in a summary way.

177. The information for the purposes of the last preceding section may be laid at the instance of the Trust, or by any ratepayer or other person interested, and the Justices may make an order declaring any person to be 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 Trust to
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 any order quashing any assessment or rate 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 the Trust, or any officer thereof, to or by any person; 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.

178. On non-compliance with any order made by any Justices, under the provisions hereof, on information laid at the instance of the Trust, or by any ratepayer or person interested, any two or more Justices may order any sum of money to be paid by or to the Trust, or any officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with any such order, and may order any such officer or person to be imprisoned, either for a specified time, not exceeding six months, or until the order aforesaid is obeyed, and such imprisonment may be ordered in addition to and without any order for payment of money as aforesaid; and on non-compliance with any order commanding anything to be done by the Trust, any two or more Justices 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 Trust to do the act directed by such order.

179. No proceedings to try the title of any person to any office or place in or in the gift of the Trust shall be had or taken except upon an information laid within two 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, whichever shall last happen; and no proceedings to try the validity of any assessment or rate shall be had or taken except upon an information laid within two months from the time at which notice of the assessment or rate appeared in the Government Gazette.

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

181. A Special Magistrate or Justice shall not be disqualified from acting on an appeal in respect of an assessment, or in proceedings for the recovery of rates or under the penal sections of this Act, by reason of his being a ratepayer.

182. The proceedings to recover any penalty under this Act, or any by-law or regulation of the Trust, shall be commenced within three
three months from the commission of the offence, and the money arising from any such penalty shall, except as hereinbefore provided, after payment of the expenses attending the recovery thereof, be paid one moiety thereof to the informer or person suing for the same, and the other moiety thereof to Her Majesty for the public uses of the said province and the support of the Government thereof.

183. All proceedings before Justices shall be regulated by Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 298 of 1883-4," and any other Act that may be law in that behalf.

184. In every case of the adjudication of a fine or pecuniary penalty or amends under this Act, or any by-law or regulation of the Trust, and of the non-payment of such fine or pecuniary penalty or amends, any Justice may commit the offender or person making default in payment to any gaol in the said province for any time not exceeding three months, the imprisonment to cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof; but this section shall not affect any remedy under the said Ordinance No. 6 of 1850, or the Act No. 298 of 1883-4, for the recovery of any fine or penalty or amends.

185. There shall be an appeal from any order of Justices made under this Act, or any by-law or regulation of the Trust, and from any conviction by Justices for any offence under this Act, or any such by-law or regulation, and from any order dismissing any information or complaint under this Act, or any such by-law or regulation, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction; and the proceedings in such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4, for appeals to Local Courts; but the Local Court may make such order as to payment of the costs of such appeal as the Court shall think fit, although such costs may exceed Ten Pounds. Nothing in this Act shall affect any provisions of the Act No. 298 of 1883-4.

186. The Local Court, upon the hearing of any appeal under the last preceding section, may 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 shall make such order as to the costs of any such special case as shall appear just; and the Local Court shall make an order in respect of the matters referred to the Supreme Court in conformity with the certificate of the Supreme Court, or of any Judge thereof, which order shall be enforced in manner provided by this Act or otherwise for the enforcement of orders of Justices; and, save as herein, or by Act No. 298 of 1883-4, or any other Act in that behalf 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.

187. No member shall be subject to be sued or prosecuted by any person and the body, goods, or lands of a member shall not be liable to execution of any legal process by reason of any contractual or other instrument entered into by the Trust, or by reason of any other lawful act done by the Trust in the execution of any of their powers; and every member, his heirs, executors, and administrators, shall be indemnified by the Trust for all payments made or liabilities 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.

188. All prosecutions for the infliction of pecuniary penalties upon, and all actions against, any member, chairman, officer, or person for anything done or omitted to be done in pursuance of this Act shall be commenced within six months after the happening of the cause of prosecution or action, and not otherwise except as hereinbefore to the contrary provided; and the defendant in any such action may plead for the general issue and give this Act and the special matter in evidence at the trial. 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 judgment shall pass for the defendant, or the plaintiff become nonsuit or discontinue, or the defendant otherwise recover judgment, he shall recover full costs as between solicitor and client, and have his remedy for the same in the usual way.

189. The Government Gazette containing a notice of the appointment or election of any person to any office in the Trust shall be conclusive evidence of such appointment or election, except in any proceeding brought to try the title of the person so appointed or elected.

190. The Government Gazette containing a notice that any resolution was passed or order made at a meeting of the Trust shall be conclusive evidence of such resolution being passed or order made, and of the meeting being lawfully convened, and of any facts stated in such notice relating to the majority by which such resolution was passed, and the number and proportion of members present.

191. The Government Gazette containing any Proclamation or Order made by the Governor under this Act shall be conclusive evidence of the fact, tenor, and validity of such Proclamation or Order, and shall be evidence of the facts stated, recited, or assumed therein; and no such Proclamation shall be invalid by reason of anything
PART IX.

Assessment book and certified copies of or extracts therefrom made evidence.

192. The assessment book or any copy of or extract therefrom, certified as a true copy or extract under the hand of the chairman or the clerk, or the hands of two members, shall be conclusive evidence, except on proceedings to quash such assessment, that such assessment was duly made, and, except as aforesaid, the production of the Government Gazette containing a notice in any of the forms given in the Fifth Schedule hereto, or to the like effect, with such modifications as circumstances may have required, shall be evidence of the facts in such notice stated or referred to.

Gazette containing notice of the making of a rate conclusive evidence.

193. The Government Gazette containing a notice of the declaring of any rate in the form in the Eighth Schedule hereto, or in a form to the like effect, shall, except on proceedings to quash such rate, be conclusive evidence that the rate has been duly declared.

Ratepayers entitled to signed copy of by-laws on payment of One Shilling.

194. Every ratepayer shall be entitled, on payment of One Shilling at the Trust office, to receive a printed copy, signed by the chairman, secretary, or two members, of all by-laws and regulations of the Trust in force for the time being in the district, or any part thereof.

By-laws, minutes, contracts, &c., or certified copies, evidence.

195. By-laws, regulations, minutes of the Trust or any committee thereof, and contracts, specifications, plans, estimates, and other documents in the hands of the Trust by this Act required or authorised, and any copy thereof or extract therefrom purporting to be signed by the chairman, two members, or the secretary, shall be receivable in any proceeding before any Court or person as evidence of the matters therein contained; and, in the case of by-laws or regulations, shall be evidence of the passing, confirmation, and publication thereof, and of the performance of the requirements of this Act in respect thereof.

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

Seal of Trust to prove itself.

197. Nothing in this Act contained shall prevent proof being given of the tenure of any office by evidence of acting in such office, nor any notice purporting to be a notice given by the Trust, and published or posted as by this Act directed, or a copy thereof, being given in evidence in any proceeding against the Trust, or any officer thereof, or shall negative any statutory or other rule of law as to evidence or presumptions therefrom.

Saving of rules of evidence.

198. No trustee, agent, or attorney for any owner of ratable land shall be liable to pay any money recovered or penalty imposed under the provisions of this Act in excess of the amount then in his hands or under his control and belonging to his cestui que trust or principal.

Limitation of liability of trustee, agent, or attorney.

199. Any
199. Any declaration required by this Act may be made before a notary public, justice, or commissioner for taking affidavits in the Supreme Court, and shall be sufficient if it purport to be a solemn and sincere declaration made in pursuance of this Act; and every person who shall wilfully make a false declaration purporting to be made in pursuance of this Act shall be guilty of the crime of perjury.

200. The cost of any advertisement required by this Act shall be paid by the Trust or person whose action immediately necessitates such advertisement, and the Minister may require payment of such cost before causing any advertisement to be inserted.

201. Nothing in this Act contained or hereby implied shall limit, prejudice, or affect any estate, interest, power, or right possessed by or conferred on the Government of South Australia. And nothing herein contained or implied shall impose any liability or responsibility upon the Government of South Australia in any way relating to the Renmark Irrigation Settlement, nor shall the Government undertake any such liability or responsibility.

202. The Commissioner of Crown Lands may make and carry into effect any agreement for the exchange of any Crown lands adjacent to or in the vicinity of the lands set apart, pursuant to the Chaffey Brothers Act. Particulars of any proposed exchange shall be laid before both Houses of Parliament for at least thirty days before the agreement is made.

203. Subject to the consent in writing of the Commissioner of Crown Lands, which consent he is hereby authorised to give on such terms as to him may seem fit, Chaffey Brothers, Limited, may from time to time mortgage or otherwise pledge any lands granted, or which may hereafter be granted to, and which are for the time being held by them, and the lands comprised in such mortgage or mortgages shall be free and exempt from the right of resumption by the Government, reserved by the Chaffey Brothers' agreement, in the same manner as lands which have been bonâ fide sold and disposed of are exempted from resumption under the same agreement: Provided that the mortgagee or mortgagees, or any transferee of such mortgage or mortgages, shall not sell or dispose of the land so mortgaged, except under and subject to the limitations and restrictions as to area and otherwise imposed on the grantees of the said mortgaged lands: Provided also that all land mortgaged shall continue subject to all equities affecting the same at the time of the mortgage.

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

S. J. WAY, Lieutenant-Governor.

SCHEDULES
SCHEDULES REFERRED TO.

THE FIRST SCHEDULE.

District of Renmark Irrigation Trust, No. 1.

The land comprised in the plan lodged in the Survey Office at Adelaide, signed by the Minister and the Surveyor-General, and in such plan margined pink.

THE SECOND SCHEDULE.

Declaration verifying Petition.

I, A.B., of do solemnly and sincerely declare that all the signatures [or, if the case so require, such and such signatures, describing them as initialed or marked by each declarant] affixed to the above petition are the genuine signatures of the persons whose they purport to be, and that such persons are rate-payers [or as the case may be] of [district].

THE THIRD SCHEDULE.

Nomination of Member.

The Renmark Irrigation District, No. Annual election, 18 [or as the case may be]

We, the undersigned ratepayers of the district, do hereby nominate [here state names of candidate], of as a candidate for the office of Member of the Trust at the election to be held for the district on the day of 18 [fill in date of nomination day].

[Signatures of nominators.]

Nomination of Auditor.

The Renmark Irrigation District, No. Annual election, 18 [or as the case may be].

We, the undersigned ratepayers of the district, hereby nominate [here state names of candidate] as a candidate for the office of Auditor of the district at the election to be held on the day of 18 [fill in date of nomination day].

[Signatures of nominators.]

I, the above-named [candidate's name] do hereby consent to the above nomination.

[Candidate's signature.]
The Renmark Irrigation District, No. 578.

The Fourth Schedule.

The Renmark Irrigation District, No. 578. Assessment Book.

Part I.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Occupier</th>
<th>Name of Owner</th>
<th>No. or Distinguishing Mark of Lot, Section, or Block</th>
<th>Area</th>
<th>Situation</th>
<th>Description of Property</th>
</tr>
</thead>
</table>

Part II.

<table>
<thead>
<tr>
<th>Arrears of Rates</th>
<th>General Rate of declared on the day of for the half year ending</th>
<th>Special Rate of declared on the day of for the half year ending</th>
<th>Remarks</th>
</tr>
</thead>
</table>

The Fifth Schedule.

Notice of Assessment.

The Renmark Irrigation District, No. 578. have caused to be made an assessment of all ratable land within the district, with the names of the owners and occupiers, so far as known, of such land; and copies of the assessment have been made, and such copies are deposited at [here state 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 required by "The Renmark Irrigation Trusts Act, 1893," within twenty-one days from the publication of this notice in the Government Gazette.

Dated the day of 18

(Signed) A. B., Chairman (or Secretary).

Notice of Assessment by adoption of previous Assessment [and of new Assessment of portion not previously assessed].

The Renmark Irrigation District, No. 578. have caused to be made an assessment of the ratable land within the district by adopting the above-mentioned assessment, with and subject to certain alterations (or additions), [and have caused to be made an assessment of all other ratable land within the above district].

Copies of the adopted assessment so altered (or added to) [and of the said assessment] are deposited at [here state where the copies are deposited], and are open for inspection at all reasonable times.

Any
The Renmark Irrigation Trusts Act.—1893.

Any person intending to appeal against either of the said assessments may do so in manner required by "The Renmark Irrigation Trusts Act, 1893," within twenty-one days from the publication of this notice in the Government Gazette.

Dated this day of

(Signed) A. B., Chairman (or Secretary).

Notice of Alteration or Rectification of or Addition to Assessment.

The Renmark Irrigation District, No. Assessment made the day of , 18.

The Renmark Irrigation Trust, No. have caused the following alterations (or rectifications, or additions, as the case may be) to be made in the above-mentioned assessment, that is to say [here state nature of alterations, rectifications, or additions].

Copies of the assessment so altered (or rectified, or added to) are deposited at [here state where the copies are deposited], and are open for inspection at all reasonable hours.

Any person intending to appeal against such alteration (or rectification, or addition) may do so in manner required by "The Renmark Irrigation Trusts Act, 1893," within twenty-one days from the giving of this notice.

Dated the day of 18.

(Signed) A. B., Chairman (or Secretary).

THE SIXTH SCHEDULE.

Notice of Appeal from Assessment.

Take notice that I appeal to the Renmark Irrigation Trust No. (or Local Court of full jurisdiction, as the case may be) against the assessment of my land, section (or block or lot) Assessment No. [or as the case may be] on the following grounds [here set forth grounds of appeal].

[Signature of Appellant, by himself or his Agent]

To the Secretary of the Renmark Irrigation Trust No.; or to the Secretary of the Renmark Irrigation Trust No.; and to the Clerk of the Local Court of [as the case may be].

THE SEVENTH SCHEDULE.

Notice of Appeal from the Decision of the Trust.

To the Secretary of the Renmark Irrigation Trust No., and to the Clerk of the Local Court of:

Take notice that it is my intention to appeal to the Local Court of full jurisdiction, from the decision of the Renmark Irrigation Trust No. on my appeal thereto against the assessment of my land, section (or block or lot) No. Assessment No. [or as the case may be], on the following grounds [here set forth grounds of appeal].

[Signature of Appellant, by himself or his Agent.]
THE EIGHTH SCHEDULE.

Notice of General or Special Rate.

At a meeting of the Renmark Irrigation Trust No. duly held on the day of 18, a general (or special) rate for the half year ending was declared of per acre upon the land included in the assessment for the district; and all persons liable are required to pay the amount of the rate, according to the assessment, to the secretary (or other officer), at the Trust office.

Dated the day of 18.

(Signed) A.B., Chairman (or Secretary) of the Renmark Irrigation Trust No.

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THE NINTH SCHEDULE.

Notice of Letting or Selling Land for Arrears of Rates.

The Renmark Irrigation District No.

There is now due, in respect of the land (or lands, as the case may be) mentioned in the schedule hereto the sum (or respective sums) set opposite to the description of such land (or lands) in the schedule, for a rate (or rates) declared by the Renmark Irrigation Trust No., for the half year (or half years) ending as in the said schedule mentioned; and the owner (or owners) of such land (or lands) are required to take notice that unless the amount (or amounts) so due, together with the costs of and attending this notice, be paid in one year from the first publication of this notice, the said Trust will let the same in manner provided by “The Renmark Irrigation Trusts Act, 1893,” or an application will be made by the said Trust to the Supreme Court for an order for the sale of the said land (or lands) or so much thereof 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 this day of 18.

Chairman (or Secretary).

The Schedule.

<table>
<thead>
<tr>
<th>Description of Land—by numbers or distinguishing marks of Lots, Sections, and Blocks or other description.</th>
<th>Name of Owner, or Reputed Owner (or state if owner unknown).</th>
<th>Number of Half Years for which Rates in arrear.</th>
<th>Date of ending of last Half Year for which Rates in arrear.</th>
<th>Amount of Rates.</th>
</tr>
</thead>
</table>

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THE TENTH SCHEDULE.

Rates Declared by the Company.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>April 3rd, 1893</td>
<td>Six months ending June 30th, 1893</td>
<td>All shares issued or agreed to be issued as at December 31st, 1892</td>
<td>Ten shillings</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>June 30th, 1893</td>
<td>Six months ending December 31st, 1893</td>
<td>All shares issued or agreed to be issued as at June 30th, 1893</td>
<td>Ten shillings</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

THE
56° & 57° VICTORIÆ, No. 578.

The Renmark Irrigation Trusts Act.—1893.

THE ELEVENTH SCHEDULE.

Agreement between Company and Chaffey Brothers, Limited.

An agreement made the 31st day of December 1892 Between Renmark Irrigation Company Limited a company registered and incorporated in the Province of South Australia under the provisions of “The Companies Act 1864” and having its registered office at Murray Avenue Renmark in the said province (hereinafter with its successors and assigns termed “the Irrigation Company”) of the first part and Chaffey Brothers Limited being a company established and incorporated in the colony of Victoria under the provisions of “The Companies Act 1854” and having its registered office at Temperance Life Buildings Swanston-street Melbourne in the colony of Victoria (hereinafter with its successors and assigns termed “the contractors”) of the second part: Whereas the Irrigation Company is a company whose objects as described in its memorandum of association and provided for by its articles are, amongst other purposes to secure to all persons who shall become members of the Irrigation Company and shall be holders of any parcel or parcels of the two hundred and fifty thousand acres more or less of Crown lands under licence by indenture dated the 36th day of May 1887 from Her Majesty to George Chaffey and William Benjamin Chaffey a sufficient water right to be held with and to run with such parcels as a perpetual easement within the intent and subject to the covenants in that behalf by the licencees in the said licence contained And also to enter into any contracts or agreements with Chaffey Brothers Renmark Limited or (subject to the previous written consent of the said Chaffey Brothers Renmark Limited, with any other person or corporation for the supply of water to the Irrigation Company or for carrying into effect all or any of the objects of the Memorandum of Association of the Irrigation Company And whereas the said Chaffey Brothers Renmark Limited (a company registered and incorporated in the said colony of Victoria) has been dissolved pursuant to the “Companies’ Statute 1890” of the said colony the liquidator thereof having on the 30th day of September 1890 duly made and filed a return of the holding of the final meeting of the said Chaffey Brothers Renmark Limited And whereas by divers mesne assignments in the law all that the right title estate and interest of the said George Chaffey and William Benjamin Chaffey under and derived from the said indenture of licence and from the agreement therein referred to in and to the lands and concessions rights privileges and licences therein mentioned and in and to all the irrigation works and substantial and permanent improvements made and being made upon the lands comprised in the said licence and agreements have been assigned and transferred unto the contractors their successors and assigns And whereas the Irrigation Company in pursuance of such its objects and powers as aforesaid and of an agreement made between the Irrigation Company the contractors the liquidator of the said Chaffey Brothers Renmark Limited and the said Chaffey Brothers Renmark Limited dated the 23rd day of December 1890 and of all other powers and authorities it thereunto enabling has hitherto taken and diverted water from the River Murray for the objects and purposes of the Irrigation Company Now this agreement witnesseth

1. The contractors hereby acknowledge to have received from the Irrigation Company in good order and condition the pumping apparatus machinery works reservoirs dams conduits channels sluices pipes and all other the property received or used by the Irrigation Company under and pursuant to the said agreement of the 23rd day of December 1890

2. The contractors shall for the purposes of this agreement and of the said agreement of the 23rd day of December 1890 and of the Irrigation Company for a period commencing on the day of the date hereof and expiring on the 30th day of May 1908 take and divert water from the River Murray in such a manner as is permitted under the said licence and in the same proportion at least to the total quantity of water which for the time it shall be lawful for the contractors to take under the said licence or any future licence or licences issued pursuant to “The Chaffey Brothers Irrigation Works Act, 1857” as the number of acres for the time being held by shareholders of the Irrigation Company and under irrigated culture (not including lands set apart for town allotments as mentioned in article 9 of the Irrigation Company’s articles of association) shall bear to the total number of acres for the time being under irrigated culture within the meaning and for the purposes of the said license or any future licence or licences as aforesaid Provided that the contractors shall not be required to pump water in excess of the quantity actually required from time to time to be used for irrigation and domestic purposes And
The Renmark Irrigation Trusts Act.—1893.

will subject as hereinafter appears during the said period distribute such water (less a reasonable allowance for evaporation and other unavoidable loss) in manner required by and so as to satisfy the purposes conditions liabilities and engagements in that behalf expressed by and contained in the said licence and in all engagements in that behalf to which both the Irrigation Company and the contractors are parties entered into or to be entered into. Provided always and this clause shall not apply to land set apart for town allotments.

3. The contractors will with all reasonable speed at their own costs and charges in all things line or otherwise make or render reasonably watertight and will thereafter so maintain all now existing channels and other aqueducts made by the contractors or their predecessors under or in pursuance of the said licence or of “The Chaffey Brothers Irrigation Works Act, 1887” or the agreement in the schedule thereto or in pursuance of the purposes of the said licence Act or agreement. And all channels and other aqueducts which shall hereafter be made by the contractors under or in pursuance of the same licence or any such future licences as aforesaid or under or in pursuance of the same Act or agreement or in pursuance of the purposes of the said licence or licences Act or agreement. And also all channels and other aqueducts now made or hereafter to be made by the contractors under or in pursuance of any agreement herebefore or hereafter entered into by the contractors for the conveyance of water for the benefit of any person who is now or hereafter shall be a shareholder of the Irrigation Company but as to any such agreement as last mentioned this paragraph shall only apply to channels and aqueducts for the conveyance of water to the highest corner of each allotment or to such other point as may have been agreed to by the party entitled to the benefit of the water under the same agreement. And also will during the said period mentioned in paragraph 2 hereof properly cleanse maintain and keep in repair the said channels and aqueducts and also all pumping apparatus machinery works reservoirs embankments dams conduits races sluices pipes and all other property built or constructed or which during the said period shall or may be built or constructed for the purposes of the said agreement of the 23rd day of December 1890 or of this agreement and will indemnify and hold harmless the Irrigation Company from and against loss and damage arising from the defective condition thereof and at the expiry of the same period will leave and yield up to the Irrigation Company all such channels aqueducts pumping apparatus machinery works reservoirs dams conduits sluices pipes and other property as aforesaid in good order and condition.

4. The contractors shall forthwith prepare with all necessary plans and specifications a scheme for the distribution of water for the purposes of this agreement in relation to the area sold and to be served or as far as the same can be set out which scheme shall show the subdivision into convenient sections for the purposes of irrigation of the lands to be supplied with water the dates when and the quantities in which water is to be supplied to each section and all other information necessary or desirable for the purposes of such scheme and of this agreement. Provided that the contractor need not furnish any shareholder with water oftener than once in every thirty days and this proviso is not subject to arbitration or variation except by mutual consent. Every such scheme when prepared be immediately submitted for approval to the directors of the Irrigation Company by leaving the same for them at the registered office of the company and the directors shall be deemed to have approved of the same unless they shall signify their disapproval thereof within fourteen days from the time when the scheme shall be so left by written notice under the seal of the company and the hands of the directors sent through the post in a registered letter addressed “Chaffey Brothers Limited Renmark” or delivered at the place of business of the contractors at Renmark. If the directors shall so signify their disapproval of the scheme and the grounds of such disapproval the same shall be referred to arbitration under the provisions of paragraph 9 hereof and the arbitrators shall have power to approve of the scheme on behalf of the directors either as submitted or with such modifications as they shall think proper and such scheme when so approved shall be binding on the contractors and the Irrigation Company until superseded or varied under the provisions hereinafter contained. The contractors may at any time and from time to time during the continuance of this agreement submit as aforesaid to the directors for approval a fresh scheme or a modification of or addition to any existing scheme and the provisions hereinbefore contained with regard to the scheme to be forthwith prepared shall apply to such fresh scheme or to such modification or addition. The directors may at any time during the continuance of this agreement give notice to the contractors posted or left as is provided with regard to the disapproval of a scheme that they require the contractors to submit as aforesaid.

Contractors to line and maintain channels &c. and keep works &c. in repair &c.
said for the approval of the directors a fresh scheme or a modification of or addition to any existing scheme and if the contractors shall so submit the same within twenty-one days from the requisition being so posted or left the provisions hereinbefore contained with regard to the scheme to be forthwith prepared shall apply to such fresh scheme or to such modification or addition but if the contractors shall not so submit a fresh scheme or a modification or addition as the case may be within the said period of twenty-one days the requisition of the directors in that behalf shall be referred to arbitration under paragraph 9 hereof and the arbitrators shall deal with such requisition as they shall think proper and may either reject the same or may settle a fresh scheme or a modification of or an addition to any existing scheme which shall be binding on the contractors and the Irrigation Company until superseded or varied under the provisions hereinafter contained.

5. The contractors shall accept carry out pay and discharge all the responsibilities engagements and liabilities heretofore entered into or incurred by the Irrigation Company and set forth in the schedule hereto annexed which responsibilities engagements and liabilities are for the purposes of the Stamp Act 1886 estimated not to exceed the sum of £2,500 and the contractors shall credit to the Irrigation Company towards moneys to become due by the Irrigation Company to the contractors hereunder the sum of £121 10s. (being for Irrigation Company's shares issued) and the Irrigation Company hereby assigns and transfers to the contractors all the movable goods chattels and effects belonging to the Irrigation Company.

6. The Irrigation Company will pay to the contractors at Renmark aforesaid on the 1st day of January and the 1st day of July in every year of the said period (except for the year 1908) an amount equal to 10s. for every share in the Irrigation Company which shall on the 1st day of January and July respectively in each such year be held by any person or persons or corporation or corporations excepting shares held in respect of lands set apart for town allotments as mentioned in article 9 of the Irrigation Company's articles of association and excepting the seven shares aforesaid to be taken by the subscribers of the memorandum and articles of association of the Irrigation Company and for the part of the year 1908 which is comprised within the period provided for by paragraph 2 the sum of 8s. 4d. for every such share
And the Irrigation Company will from time to time issue shares to all purchasers of land and their transferrees and other persons as provided by its articles of association and will duly vest one share in every such purchaser or transferree of such land or in such other person as aforesaid for every acre held by him and will duly make or declare the assessments and rates and do all other acts and deeds from time to time necessary to reise obtain and provide the said amounts payable to the contractors and will duly collect get in sue for recover and receive the said rates aforesaid and will from time to time pay the said amounts to the contractors as the same shall become due and subject as herinafter appears and will not otherwise deal with charge or dispose thereof

The costs and expenses of and incidental to the collection and getting in of the said rates shall be borne by the contractors and the said amount shall from time to time except as to the said sum of 8s. 4d. per share be payable in advance and by two equal instalments the one on the 1st day of January and the other on the 1st day of July in each year as aforesaid the first instalment to be paid on the 1st day of January 1893 and as to the said sum of 8s. 4d. per share the same shall be payable on the 1st day of January 1908 Provided that in cases of shares held in respect of lands of which the purchase-money or any part thereof has been paid to Chaffey Brothers Limited or their predecessors prior to the 1st day of November 1892 the contractors shall in each half year during the continuance of this agreement rebate and allow to the Irrigation Company in respect of each such share the sum of 2s. 6d. for the benefit of the person holding such share
Provided also that the amount of all rates heretofore paid to the Irrigation Company or the contractors in respect of horticultural lands shall be credited by the contractors to the Irrigation Company and the Irrigation Company hereby declares that such credit is taken by it for and on behalf of and in trust pro rata for the respective persons who shall at the date hereof be the holders of the shares in respect of which such rates were so paid And also that all unpaid rates on horticultural lands are hereby released and discharged.

7. For the purpose of providing for and ensuring the due performance by them of the stipulations and agreements herein contained the contractors will on the 1st day of January 1893 and on the 1st day of January in each of the four next succeeding years and also (subject as is hereinafter provided) on the 1st day of January in each following year during the said period (excepting the year 1908) set apart 200 acres of irrigable land (hereinafter termed the “trust lands”) being portion of the said 250,000
The Renmark Irrigation Trusts Act.—1893.

250,000 acres and being land which shall be vested in them in fee simple or being land which they shall be entitled to have vested in them in fee simple and such trust lands shall from time to time be selected by lot by the directors in parcels of not less than 40 acres from an area or areas aggregating at least 1,000 acres to be submitted by the contractors for that purpose at least two weeks prior to each such 1st day of January as aforesaid and forthwith after such selection the contractor shall transfer the fee simple of the trust lands so from time to time to be selected as aforesaid to or otherwise vest the same in three trustees one to be appointed by the Irrigation Company one by the contractors and the third by the trustees appointed by the Irrigation Company and the contractors on trust to let the same in parcels of not less than ten acres for any term of years in possession not exceeding the term then unexpired of the said period provided by paragraph 2 at the best rent for the time being obtainable for the same and either with or without a right of purchase and otherwise on such terms and conditions as the said trustees shall think fit. The said trust lands shall be submitted by tender for lease and if a right of purchase be reserved or given to the lessee under any lease such right of purchase shall be in respect of an area of not less than ten acres and shall include a water right and the purchase money shall not be less than at the rate of £35 per acre and on further trust to receive and recover the rents reserved or other income which shall or may from time to time accrue and arise for and in respect of the trust lands and thereout to pay all expenses which in the opinion of the said trustees are or may be incidental to the carrying out of the said trusts including the costs of care and management of the said trust lands or any part thereof and also reasonable remuneration to the said trustees for their services as such and from time to time to invest the remainder if any of the said rents or other income and the resulting income and accumulations thereof all hereinafter included in the term “the trust funds” in the names of the said trustees upon mortgage of real estate in South Australia whether on any portion of the said 250,000 acres or otherwise or on Government securities or on deposit in any incorporated bank carrying on business in the said province. And further to hold and to dispose of the said trust lands and trust funds and the securities from time to time representing the same or on which the same may be invested in manner and for the purposes directed by any award or awards made pursuant to paragraph 9. And in the absence of any such award or awards or to the extent to which the same shall not affect the said trust lands and trust funds the same or the balance thereof and the securities representing the same shall at the expiry of the said period belong to and become and be invested in the contractors absolutely. Provided always and it is hereby expressly agreed and declared that after the expiration of the first five years of the said period the contractors shall not be required to set apart transfer or vest as aforesaid any further or other lands under the provisions herein contained unless and until there shall have been for a period of six calendar months after the date fixed in that behalf in some award of arbitrators under this agreement a non-compliance with or non-performance of such award on the part of the contractors in which case the contractors shall on the 1st day of January following the date of the expiration of such period of six calendar months and on each subsequent 1st day of January during the said period set apart vest and transfer trust lands in manner aforesaid.

8. While any trust lands held by the trustees under paragraph 7 hereof shall be unlet the contractors will make a rebate to the Irrigation Company of all moneys to which they shall be entitled under paragraph 6 hereof with regard to the shares in the Irrigation Company held in respect of such lands such rebate to be for the benefit of the holders of such shares.

9. If and so often as any dispute shall arise between the Irrigation Company and the contractors as to their respective liabilities under these presents or as to the nature and extent thereof or as to the due performance by the contractors of their obligations hereby created or as to the reasonable construction or intent of this agreement or as to any matter provided for or arising under paragraph 4 hereof or as to what is in any case to be deemed a reasonable performance of or compliance with any covenant or condition herein expressed such question or dispute is to be referred to and settled or determined by arbitration which shall be conducted under "The Arbitration Act 1891" provided that there shall be three arbitrators who shall be appointed by the Supreme Court or a Judge thereof on the application of the company or the contractors. The decision award or other act of any two arbitrators in relation to the reference or arbitration shall in case of difference on the part of the third arbitrator be valid and sufficient.

10. On
Arbitrators may direct sale.

Further assurance.

Provisions not to extend to town lands.

10. On any reference under this agreement the arbitrators may (in addition to any other award they may have power to make) make such award and give such directions with regard to the sale and disposal of the trust lands and trust funds provided for by paragraph 7 hereof and with regard to the payment to the Irrigation Company or to any other person or persons of the proceeds of such trust lands or of such trust funds as an indemnity or satisfaction to the Irrigation Company or such other person or persons for the non-performance or non-compliance by the contractors of or with all or any of the stipulations or agreements herein contained or otherwise as the arbitrators may think proper.

11. Each party to these presents will execute all such documents and do all such things as may from time to time and at all times become necessary for the more effectually carrying out of the reasonable intent of these presents including the giving of every reasonable facility to the contractors for lining the channels as aforesaid and including also the promoting and passing of an Act of Parliament for the purposes of more effectually carrying out the objects of this agreement and all other purposes mutually agreed upon by the Irrigation Company and the contractors.

12. And it is hereby agreed and declared that anything hereinbefore expressed or implied to the contrary notwithstanding the provisions hereof as regards the supply of water or lining and maintenance of the channels and other aqueducts works and machinery shall not extend or apply to land set apart for town allotments as mentioned in article 9 of the Irrigation Company's articles of association or to works in connection therewith but that the supply of water to such land and the consideration money or water rate in respect of water supply to the same shall be such as may hereafter be decided.

13. This agreement may be modified as the parties may mutually agree.

14. The said agreement of the 23rd day of December 1890 is confirmed subject to the variations and modifications hereby effected.

15. The marginal notes are for the purpose of convenient reference only and are not to be taken into consideration in construing this agreement.

As witness the common seal of the said Chaffey Brothers Limited and the common seal of Renmark Irrigation Company Limited the day and year firstly hereinafter written

Chaffey Brothers Limited has hereunto affixed its common seal

J. F. LEVIEN
GEO. CHAFFEY
P. BELL Acting Secretary

(Seal of Chaffey Brothers Limited)

Renmark Irrigation Company Limited has hereunto affixed its common seal

T. MADIGAN
J. J. McGRARIE
C. H. HOLLINGDRAKE, Secretary

(Seal of Renmark Irrigation Company Limited)

SCHEDULE.

Liabilities of Irrigation Company in terms of paragraph 5 hereof.

<table>
<thead>
<tr>
<th>Name of Creditor</th>
<th>Amount.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chaffey Brothers Limited</td>
<td>£1,425 13 2</td>
</tr>
<tr>
<td>Chaffey Brothers Limited (O'Connor's judgment assigned)</td>
<td>96 9 6</td>
</tr>
<tr>
<td>Fisher &amp; Culross (law costs and disbursements)</td>
<td>106 15 0</td>
</tr>
<tr>
<td>Sundry accounts about</td>
<td>75 0 0</td>
</tr>
<tr>
<td>Wages about</td>
<td>500 0 0</td>
</tr>
</tbody>
</table>

As per particulars appearing in a list signed by William Benjamin Chaffey on behalf of the contractors and by C. H. Hollingd rake on behalf of the Irrigation Company.