



1852.

No. 23.

*An Act to alter and amend the Ordinance, No. 11 of One Thousand Eight Hundred and Forty-nine, "To constitute a Municipal Corporation for the City of Adelaide."*

[Assented to 2nd December, 1852.]

*Amended by  
No 23 - 1854  
and No 29 - 1855-6*

**W**HEREAS an Ordinance was passed by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council thereof, bearing date the twenty-fourth day of August, one thousand eight hundred and forty-nine, No. 11, "To constitute a Municipal Corporation for the City of Adelaide:" And whereas it is expedient to alter and amend the said recited Ordinance:

Preamble.

No. 11, 1849.

Be it therefore Enacted, by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council thereof, That the twelve persons who are in and by the said recited Ordinance directed to be elected at the time and in manner therein-after mentioned, and to be and be called the Councillors of the said City, before being qualified to act as such councillors, shall each read aloud the declaration required to be made by the said recited Act, and shall sign the same by writing their name at full length under such declaration.

Councillors to be able to read and sign declaration.

2. And be it Enacted, That so much of the said recited Ordinance as enacts that every person duly qualified, who shall be duly elected to the office of Mayor, Alderman, Councillor, Auditor, or Assessor, under the provisions of the said recited Ordinance shall accept such office to which he shall have been elected, or shall, in lieu thereof, pay to the Corporate Body of the said City a fine of

Repeal of fine payable on non-acceptance of office by Mayor, Alderman, Councillor, Auditor, or Assessor.

not less than Twenty-five Pounds, nor more than Fifty Pounds in the case of Alderman, Councillor, Auditor, or Assessor; and a fine of not less than Fifty Pounds, nor more than One Hundred Pounds in the case of Mayor, as the Council of the said City, by a resolution to be made in every such case, shall determine, and such fine, if not duly paid, shall be levied under the warrant of any Justice having jurisdiction within the said City (who is hereby authorized and required on the application of the Council to issue the same) by distress and sale of the goods and chattels of the person so refusing to accept office, together with the reasonable costs and expenses of such distress and sale, shall be and the same is hereby repealed; and, in lieu thereof, be it Enacted, That every person duly qualified who shall be duly elected to the office of Mayor, Alderman, Councillor, Auditor, or Assessor, under the provisions of the said recited Ordinance, shall accept such office to which he shall have been elected, or shall, in lieu thereof, pay to the Corporate Body of the said City a fine of Fifty Pounds in the case of Alderman, Councillor, Auditor, or Assessor; and a fine of One Hundred Pounds in the case of Mayor.

Fine to be payable on such non-acceptance.

Fine recoverable by distress, &c.

Proviso that Council may reduce or remit fine.

Limiting expenditure for salaries, &c., to £2,000 per annum.

3. And be it Enacted, That if any person who shall have become liable under the said recited Ordinance to any fine or penalty by reason of non-acceptance, resignation, or vacation by absence of any Corporate Office, shall neglect to pay such fine or penalty into the hands of the Treasurer of the said City or Corporation, within such time, not exceeding three calendar months, as shall be fixed by the said Council, then and in every such case it shall be lawful for the said Treasurer, and he is hereby required under a penalty of Fifty Pounds, in case he neglect or refuse to do so, to make immediate application to the Mayor, or some Justice of the Peace, having jurisdiction within the said City, to have such fine or penalty levied under the warrant of such Mayor or Justice (who is hereby required on application of such Treasurer to issue the same), by distress and sale of the goods and chattels of the person so liable to such fine or penalty as aforesaid, together with the reasonable costs and expenses of such distress and sale: Provided always, that it shall be lawful for the Council of the said City, at their discretion, to reduce the amount of, or altogether to remit, any such fine or penalty in consequence of any special circumstances attending such non-acceptance, resignation, or vacation by absence of any Corporate Office, anything in the said recited Ordinance, or in this Act to the contrary notwithstanding.

4. And be it Enacted, That, anything in the said recited Ordinance to the contrary notwithstanding, in all cases where salaries, or other pecuniary allowances, are assigned by the said Council to the Mayor, Town Clerk, Treasurer, or any other officer or official person whomsoever, to be employed as in the said recited Ordinance is mentioned, the said payment shall not in any one year exceed

exceed in the aggregate Two Thousand Pounds of the current annual city revenue after providing for the collection thereof.

5. And be it Enacted, That so much of the said recited Ordinance as provides that no by-law therein referred to shall be of any force until the expiration of forty days after the same, or a copy thereof, sealed with the seal of the Corporation, shall have been laid before the Governor and Legislative Council of the said Province, at any Session next ensuing the date of the by-laws, and by the said Governor with the advice and consent of the Council aforesaid, shall be then left unaltered; nor until a copy of the same shall have been published in the *South Australian Government Gazette* for at least one week; and if at any time within the said period of forty days, the Governor with the advice and consent of the Council aforesaid, shall disallow such by-law or any part thereof, such by-law or the part thereof so disallowed shall not come into operation; and that in case of any such by-laws, it shall be lawful for the said Governor with the advice and consent of the Council aforesaid, at any time within such forty days as aforesaid, to enlarge as he shall think fit the period within which any such by-laws shall remain inoperative, and no such by-law shall come into force until after the expiration of such enlarged period, shall be, and the same is hereby repealed; and in lieu thereof, Be it Enacted, That no such by-law shall be of any force until the expiration of twenty-one days after the same or a copy thereof, sealed with the seal of the Corporation, shall be sent to the Governor and Executive Council of the said Province, and by the said Governor, with the advice and consent of the Executive Council aforesaid, shall be then left unaltered, nor until a copy of the same shall have been published in the *South Australian Government Gazette* for at least one week; and if at any time within the period of twenty-one days, the Governor, with the advice and consent of the Executive Council aforesaid, shall disallow such by-law, or any part thereof, such by-law, or the part thereof, so disallowed shall not come into operation: Provided, likewise, that in the case of any such by-laws it shall be lawful for said Governor with the advice and consent of the Executive Council aforesaid, at any time within such twenty-one days as aforesaid, to enlarge as he shall think fit the period within which any such by-laws shall remain inoperative; and no such by-law shall come into force until after the expiration of such enlarged period.

Repeal of proviso requiring sanction of Governor and Legislative Council to by-laws.

Sanction of Governor and Executive Council to by-laws.

6. And be it Enacted, That so much of the said recited Ordinance as provides that in every case a summons to attend the Council shall specify the business proposed to be transacted at such meeting, and that no business shall be transacted at such meeting other than is specified in such notice, shall be and the same is hereby repealed.

Summons to attend Council not to specify business to be done.

7. And be it Enacted, That all the provisions in the said herein-before

Certain provisions of No. 11 of 1849, to apply to this Act.

before recited Ordinance not hereby repealed shall be applicable and shall apply to the provisions of this present Act so far as they are consistent therewith, and in the same manner, and to the same extent as if the provisions of this present Act had been contained in the said recited Ordinance in lieu of those hereby repealed.

JOHN MORPHETT, Speaker.

*Passed the Legislative Council this first day of }  
December, one thousand eight hundred and }  
fifty-two.*

F. C. SINGLETON,  
Clerk of the Legislative Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,  
Lieutenant-Governor.

Government House, Adelaide,  
2nd December, 1852.