



ANNO QUINQUAGESIMO SEXTO ET QUINQUAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1893.

No. 573.

An Act to amend "The District Councils Act, 1887" and
"The Municipal Corporations Act, 1890," and to
provide for Assessments by Municipal Corpora-
tions on Land Values and for Rates on such
Assessments, and for other purposes.

[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:

1. This Act may be cited as "The Land Value Assessment Act, 1893," and shall, so far as practicable, be read as one Act with "The Municipal Corporations Act, 1890," in so far as it relates to Municipalities or Municipal Corporations; and as one Act with "The District Councils Act, 1887," in so far as it relates to Districts or District Councils.

Short title and
incorporation.

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AMENDMENT OF DISTRICT COUNCILS ACT.

2. That part of section 156 of "The District Councils Act, 1887," consisting of the words "and no special rate shall be declared without the consent of a majority of the ratepayers present at a meeting called for considering the question," is hereby repealed.

Repeal of part section
156 of "The District
Councils Act, 1887."

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No special rate
without consent of
ratepayers.

3. No special rate shall be declared under section 156 of "The District Councils Act, 1887," without the consent of the ratepayers, to be obtained at a meeting of ratepayers to be called by the Council. At every such meeting the chairman 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.

Ratepayers may
demand poll.

Poll may be taken.

4. Immediately after the chairman shall have declared the result of the show of hands at any such meeting he shall publicly inquire from the meeting whether any ratepayers demand a poll, and thereupon any six ratepayers of the District 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.

Number of votes
regulated by amount
of assessment.

5. At polls to consent to a rate, each ratepayer entitled to vote may vote on a scale according to the amount of annual value of the property, or properties, if more than one, and whether situate in one or several wards, in respect of which he is assessed, as under:—Twenty-five Pounds or under, one vote; from Twenty-five Pounds to Thirty-five Pounds, two votes; from Thirty-five Pounds to Forty-five Pounds, three votes; from Forty-five Pounds to Fifty-five Pounds, four votes; from Fifty-five Pounds to Sixty-five Pounds, five votes; and from Sixty-five Pounds upwards, six votes; but no person shall have more than six votes.

General provisions for
voting at ratepayers'
polls.

6. Except where otherwise provided, every poll of ratepayers shall be taken by ballot—

i. The Council shall appoint a Returning Officer, who shall, *mutatis mutandis*, have all the powers conferred by "The District Councils Act, 1887," or "The Ballot Act, 1862," on a Returning Officer in case of an election, including the power to appoint deputies, and shall preside at the taking of the poll:

ii. The Council may appoint one or more polling-places for any poll, or a polling-place in each ward. The taking of the poll shall commence at eight o'clock in the forenoon, and shall continue 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:

iii. One scrutineer, to be present at the voting at each polling-place, shall be appointed by the Council, 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:

iv. At every poll the Returning Officer, if it shall appear to him expedient, may cause booths to be erected, or rooms to

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to be hired and used as booths, at the several polling-places of the District; 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 to be furnished for use at each polling-place a copy of that portion of the assessment-book which contains the names of the persons entitled to vote at such polling-place, and shall, under his hand, certify such copy to be a true copy:

- v. In case of joint tenancy or tenancy in common one person only shall vote, unless the assessed value of the property shall exceed Seventy-five Pounds, and then one other joint tenant, or tenant in common, may vote for each additional Seventy-five Pounds, or for any fractional part of Seventy-five Pounds, of assessed value, and at polls to consent to a rate on the same scale as is allowed for the first Seventy-five Pounds, or fractional part thereof, and joint tenants, or tenants in common entitled, may vote in the order in which they shall tender their votes, until votes shall have been taken for the whole assessed value, or all the joint tenants, or tenants in common, shall have voted:
- vi. Except as otherwise specially provided, no person shall have more than one vote:
- vii. Every person entitled to vote shall present himself to the Returning Officer, or his Deputy, at the polling-place where such person claims to vote, and state his christian and surname, abode, profession, or occupation, the nature of his qualification, and the place where the property constituting his qualification is situate. The Returning Officer, or Deputy, shall thereupon place a mark against the voter's name on the copy assessment-book, and hand such voter a voting-paper for every vote to which he shall be entitled, which voting-paper shall bear the initials of the Returning Officer, or Deputy, and 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, and nothing else shall be inserted in or placed on such voting-paper:
- viii. 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 or papers, immediately

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mediately retire, and there alone and in private, without interruption, indicate his vote or votes by making a cross within one of the squares on his voting-paper, or on each of his voting-papers, as the case may be, and shall then fold the paper or papers and immediately deliver it or them so folded to the Returning Officer, or his Deputy, who shall forthwith publicly, and without opening the same, deposit it or them 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 whether the vote is given for or against the proposition:

- ix. 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:
- x. 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 the voter to accompany him into the apartment or place for voting to mark the voting-paper on such voter's behalf, and shall receive the paper from the agent and deposit it in the ballot-box:
- xi. The only person who shall be allowed to remain in the polling booth or room shall be the person about to vote, the Returning Officers, the Deputy Returning Officers, and the scrutineers:
- xii. No inquiry shall be permitted at any 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 the owner (*or* occupier) of the property set opposite your name in the assessment-book now in force for this District?
- (2) Have you already voted at the present poll?
- (3) Are you the owner (within the meaning of the District Councils Act), or the lessee, or tenant of the property for which you now claim to vote?

And no person shall be entitled to vote unless his answer to the first and third questions, or such of them as shall be put

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put to him, 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 any of such questions shall be guilty of a misdemeanor:

- xiii. Every person who shall vote a second time, or offer to vote a second time at any poll, or who shall personate any other person for the purpose of voting at any such poll, shall be guilty of a misdemeanor, and upon conviction shall be imprisoned for a term not exceeding six months:
- xiv. 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 which shall have been taken at the voting-place at which he presided, and each Deputy Returning Officer shall, with as little delay as possible, deliver, or cause his box to be delivered, to the Returning Officer; 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:
- xv. At the close of the poll the Returning Officer shall fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the 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 taking of the poll, and shall examine such voting-papers, and shall reject all such as shall contain crosses 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 poll, as the same shall be made up by him from the voting-papers taken at the several voting-places: And 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 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.
- xvi. All voting-papers shall be destroyed by the Returning Officer immediately after the declaration of the result of the poll.

7. Section 75 of "The District Councils Act, 1887," is hereby repealed and the following is substituted in lieu thereof:—"No ratepayer

No ratepayer to vote unless he has paid his rates.

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ratepayer shall be entitled to vote at any election unless all rates due by him have been paid at least ten days before such election: Provided such rate or rates have been declared three months prior to such election; and any ratepayer or collector of rates or scrutineer appointed under this Act may object to any person voting if such rates are not paid. The clerk shall cause a list of all persons whose rates are paid in accordance with the provisions hereof to be prepared for use at every polling-place, and such list shall constitute the voters' roll in respect of such polling-place, and for the purpose of the annual elections such list shall be compiled from the assessment book for the year ending June thirtieth preceding the day of election."

Assessment for ward only to be exhibited in ward.

8. Section 136 of "The District Councils Act, 1887," is hereby amended by adding thereto the following words:—"When a district is divided into wards a copy of the assessment of the ward only shall be exhibited in each ward: Provided, however, that the assessment book shall be open for inspection by any ratepayer during office hours."

PART II.**PART II.****ASSESSMENT OF LAND VALUES.**

When this part of Act to come into operation as regards any Municipality.

9. This part of this Act shall not apply to District Councils and shall not come into operation until after a special Proclamation by the Governor in the *Government Gazette*, made upon the petition of the Council of any Municipality to the effect that this part of this Act shall come into operation as regards such Municipality.

No ratepayer to vote unless he has paid his rates.

10. No ratepayer shall be entitled to vote at any poll of ratepayers under this Act unless he shall have paid all rates which shall have been declared six months previously, and which shall then be payable by him in respect of the property for which he may claim to vote; and any ratepayer or collector of rates appointed under the provisions of "The Municipal Corporations Act, 1890," may object to any person attempting to vote who shall not have paid such rates.

Poll of ratepayers to be taken before petition presented.

11. (1) No such petition shall be presented by any Council until after a poll of the ratepayers of the Municipality shall have been taken affirming a proposition in favor of this part of this Act coming into operation as regards such Municipality and at which at least one-half in number of ratepayers shall have voted. In taking such poll each ratepayer for any Municipality shall be entitled to one vote only in each ward in which he has ratable property.

(2) One month's previous public notice by advertisement in the *Government Gazette*, two newspapers circulating in the Municipality, and by printed placard placed outside the office of the Corporation of the intention to hold such poll shall be given by the Council, and

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and before the poll is taken the Town Clerk shall prepare a tentative assessment of all the ratable property in the Municipality showing, so far as practicable, how such property will be assessed on this part of this Act coming into operation, and also the rates which will then be payable by each assessed property on the assumption that the total rates to be declared will be equal in amount to the total rates for the year in which the poll is taken. The tentative assessment, as well as the actual assessment, for that year shall be open for the inspection of any person interested for at least twenty-one days before the taking of the poll.

(3) The petition shall be accompanied by a certificate, under the hands of the Mayor and Town Clerk, of the result of such poll.

12. The proposition to be submitted to the ratepayers at such poll shall be the following:— How poll to be taken.

That Part II. of “The Land Value Assessment Act, 1893,” providing for taxing land values only, come into operation as regards this Municipality.

13. After this part of this Act shall have come into operation as regards any Municipality, then, so far as such Municipality is concerned, the following expressions in “The Municipal Corporations Act, 1890,” and this Act shall have the meaning by this section assigned to them, save where the context or subject is inconsistent with such meaning— Interpretation clause.

“Assessment” shall mean an assessment made pursuant to this part of this Act:

“Assessed value” shall mean the land value of the ratable property assessed:

“Commissioner of Taxes” shall include any Acting or Deputy Commissioner appointed under the Taxation Act:

“Government assessment” shall mean the assessment for land tax for the time being in force under the Taxation Act:

“Land value” shall mean unimproved value as defined by the Taxation Act, and as assessed by the Council under this Act:

“Ratable property” shall mean and include all land, with all buildings and erections thereon, with the following exceptions—

- i. Land of the Crown which, for the time being, shall not be subject to any agreement for sale or right of purchase or to any lease:
- ii. Park lands, public roads, public cemeteries, and other public reserves:
- iii. Land used solely for religious or charitable purposes, or used by any Institute under the provisions of the

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the “Public Library, Museum, and Art Gallery Act, 1883-4,” or any Act amending the same or substituted therefor:

“Ratepayer” shall mean the owner, other than the Crown, of ratable property within the Municipality, including the lessee or tenant liable to pay rates, and the owner of a leasehold estate granted by the Crown, or by the Government of the province, or by the Commissioner of Crown Lands, or by any person on behalf of the Crown or of the said Government:

“Taxation Act” shall mean and include the “Taxation Act, 1884,” the “Taxation Act Amendment Act, 1885,” and the “Taxation Act Amendment Act, 1887,” and any Act or Acts amending the same or substituted therefor, and all regulations made under or by virtue of any such Act or Acts.

Council to make
assessment.

14. The Council shall, as soon as practicable after this Act shall come into operation in the Municipality, and also as soon as practicable after the expiration of six months next after every general assessment of land under the Taxation Act, cause an assessment to be made of the ratable property within the Municipality.

i. The Commissioner of Taxes shall, upon request of the Council, prepare, and forward to the Council, a copy, certified under his hand, of the assessment of land for the time being in force under the Taxation Act, so far as such assessment shall relate to land within the Municipality, and the Council shall pay the Commissioner of Taxes Fourpence per folio of seventy-two words for every such copy:

ii. The assessment made under this part of this Act shall adopt the Government assessment as to amounts of land values: Provided that as to any land not included in the Government assessment, and as to any land included by the Commissioner in one assessment with other land not situate within the Municipality, and as to any land assessed by the Commissioner as an entirety, but which may subsequently be divided between two or more owners, the Council may cause to be made a fresh assessment or fresh assessments which shall, so far as practicable, be founded upon the Government assessment.

iii. Upon a leasehold estate being granted by the Crown, or by the Government of the province, or by the Commissioner of Crown Lands, or by any person on behalf of the Crown or of the said Government, of land not included in the Government assessment, the Council may at any time make a part assessment or part assessments thereof.

Form of assessment-
book.

15. Every assessment shall be written in a book to be called the assessment-book, which shall contain the following particulars:—

(a) The

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- (a) The names of the several owners and occupiers of the ratable property assessed, so far as known :
- (b) A short description of, or reference to, the ratable property :
- (c) The land value of the ratable property assessed.

16. In the event of any person interested in any fresh assessment made under sub-section II. or sub-section III. of section 11 of this Act being dissatisfied therewith with regard to any of the particulars entered in the assessment-book, or in the event of any person interested in any other assessment being dissatisfied therewith with regard to any of such particulars except to those relating to the value of the property assessed, he may appeal to the Commissioner of Taxes or, at the option of the appellant, to the nearest Court of Full Jurisdiction thereon within twenty-one days from the time when public notice of such assessment shall be given as herein after provided, and the decision of the Commissioner of Taxes or Local Court shall be final. Such appeal shall be commenced by notice in the form in the First Schedule hereto, or in a form to the like effect, given to the Commissioner of Taxes or the Local Court and to the Town Clerk.

Appeal from assessment.

17. When any assessment under the provisions of this Act shall be approved by the Council, a minute of such approval shall be written at the foot thereof, and signed by the Mayor, or by two Councillors and the Town Clerk ; and such assessment shall be deemed to have been made at the time of such minute being so signed, and shall thenceforth, subject to the provisions hereinafter contained, become and remain binding on the Municipality, and the ratepayers thereof until a new assessment shall be made and approved, and the minute of such approval shall be signed as aforesaid.

Assessment when approved by Council to be binding.

18. One full copy at least of every assessment-book shall be made, and shall be deposited at the town office for inspection by the ratepayers. A copy of that portion of the assessment having reference to each ward shall also be open for inspection in such ward.

One copy of assessment-book open for inspection.

19. Every person whose name appears in the assessment-book as owner or occupier of any ratable property shall, upon a change of ownership or occupation as to the whole or any portion or portions of such ratable property, and notice in writing thereof given to the Council under his hand, be entitled, except within fourteen days immediately preceding any annual election, to have his name removed from the assessment-book, or to have such assessment-book altered so as to accord with such change, he having first paid all rates for which he shall be liable, notice of which has been duly given him : And the Council may make any apportionment of the assessment which they shall deem just where such change of ownership shall relate to a part only of the ratable property comprised in one assessment.

Persons appearing as owners or occupiers may have their names removed on change of ownership or occupation.

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Owners and occupiers whose names do not appear in assessment-book, may apply to have them inserted.

20. An owner or occupier of any ratable property, but whose name does not appear in the assessment-book as such owner or occupier, may apply to the Council 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: And the Council may make a similar apportionment of assessment to that in the last preceding section provided for in any case requiring the same.

Council to rectify all errors and omissions in assessment-book when discovered.

21. Except within fourteen days immediately preceding any annual election, all errors and omissions in the assessment-book, with regard to any ratable property, or its assessed value, or the ownership or occupation thereof (including errors and omissions arising from changes of ownership or occupation), shall be rectified by the Council immediately on the discovery thereof, and a minute shall be made of such rectification, and a copy thereof, signed by the Town Clerk, shall be entered in the assessment-book and every copy thereof, and the assessment-book and every copy thereof shall be rectified accordingly.

Public notice of every assessment.

22. Public notice of the making of any assessment, and that a copy thereof may be inspected at the Town Office, shall be given within fourteen days from such making; and notice of the making of such assessment, and that the said copy may be inspected as aforesaid, shall, within twenty-one days from the making thereof, be given by posting or delivering the same to every person appearing in the assessment-book as the owner or occupier of the property concerned.

Person interested may take extracts from assessment.

23. Every person interested in any assessment under this Act, whether as principal or agent, shall be entitled to take extracts therefrom in respect of any property of or for which he is the owner, occupier, or agent without the payment of any fee.

Alteration by Commissioner in assessment of land within Municipality to be notified to Clerk.

24. On any alteration or reduction of land value being made by the Commissioner of Taxes, or under the order of a Court, in pursuance of the Taxation Act, as to any land the whole or portion of which is ratable property comprised within a Municipality, the Commissioner of Taxes shall send to the Town Clerk a certificate under his hand, notifying the particulars of such alteration or reduction—

- i. If the whole of the land to which such alteration or reduction relates shall be comprised within the Municipality, and no fresh assessment shall be required by reason of sub-division, the Council shall alter its assessment thereof, so as to accord with the alteration or reduction notified; and a minute shall be made of such alteration by the Council, and a copy of such minute, signed by the Town Clerk, shall be entered in the assessment-book, and in every copy thereof:

ii. If

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11. If the whole of the land to which such alteration or reduction relates shall not be comprised within the Municipality, or if a fresh assessment shall be required by reason of sub-division between two or more owners, the Council shall cause a fresh assessment, or fresh assessments, to be made of such portion of such land as lies within the Municipality, or the whole of such land as the case may demand, which fresh assessment, or fresh assessments, shall, as far as practicable, be founded upon the Government assessment as altered or reduced. The assessment shall be altered so as to accord with such fresh assessment, and a minute shall be made of such alteration by the Council, and a copy of such minute, signed by the Town Clerk, shall be entered in the assessment-book, and in every copy thereof.

25. The person appearing in the assessment-book as the owner of any ratable property shall pay to the Corporation the rates declared in respect of such property, and shall continue liable for all rates in respect thereof, notwithstanding any change in the ownership thereof, except as to rates declared after the name of another person is inserted in the assessment-book as the owner, or after the person so ceasing to be the owner has given written notice to the Town Clerk of such change of ownership, stating who is the person who has become owner. Owner liable for rates.

26. (1) Where, at the time of the making of the first assessment under this Act, any loan raised on the security of any special or separate rate shall not have been repaid in full, with all interest, the Council shall, as soon as practicable after the making of such assessment, declare a special or separate rate, as the case may require, in lieu of the rate on which the loan was contracted. Provision where loan has been contracted on special or separate rate.

(2) Should the Council neglect or unreasonably delay to comply with the provisions of this section, the Governor, on the petition of any holder of a debenture or coupon, issued in respect of the loan, or of any ratepayer, may, after notice of such petition given to the Council, make an order declaring a special or separate rate in lieu of the rate on which the loan was contracted.

(3) Any rate declared under this section shall be of such an amount in the pound as shall suffice to produce a sum equal to that produced by the rate on which the loan was raised during the year next preceding that in which the Municipality was brought under the operation of this part of this Act, and shall become a continuous annual rate until the discharge of such loan.

(4) The provisions of Parts VIII., IX., and X. of "The Municipal Corporations Act, 1890," shall, as modified by this part of this Act, and so far as practicable, apply to the rate declared under this section and to the loan aforesaid, as if such rate had been originally declared and such loan raised subsequently to the Municipality coming under the operation of this part of this Act.

27. At

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Number of votes at
polls regulated by
amount of assessment.

27. At polls to consent to a rate or with respect to a loan, each ratepayer entitled to vote may vote on a scale according to the total amount of land value of the property, or properties if more than one, and whether situated in one or several wards, in respect of which he is assessed as under:—Five Hundred Pounds or under, one vote; from Five Hundred Pounds to Seven Hundred Pounds, two votes; from Seven Hundred Pounds to Nine Hundred Pounds, three votes; from Nine Hundred Pounds to Eleven Hundred Pounds, four votes; from Eleven Hundred Pounds to Thirteen Hundred Pounds, five votes; and from Thirteen Hundred Pounds upwards, six votes; but no person shall have more than six votes.

Recovery of rates, &c.,
by owner from occu-
pier.

28. Nothing herein contained shall affect the right of an owner or any other person who has paid rates, or other moneys payable by him as a ratepayer, to recover the same, or any part thereof, from any occupier or other person from whom he is by law, contract, or otherwise, entitled to recover such rates or other moneys, or any part thereof.

Certified copy of
Government
assessment to be
evidence.

29. A copy of the assessment of land for the time being in force under the Taxation Act, or of any portion thereof, purporting to be certified under the hand of the Commissioner of Taxes, or by the Mayor and Town Clerk, shall be evidence of everything contained in such copy, and of the Government assessment, so far as the same shall relate to land within the Municipality.

Withdrawal of
Municipality
from this part of Act

30. When this part of this Act shall have been in operation in any Municipality for two years or upwards, the Governor may, on the petition of the Council of the Municipality, publish a special Proclamation in the *Government Gazette* to the effect that this part of this Act shall cease to operate in such Municipality, and thereupon it shall cease to operate accordingly.

Poll of ratepayers to be
taken before petition
presented.

31. No such petition shall be presented by any Council until after a poll of the ratepayers of the Municipality shall have been taken affirming a proposition in favor of this part of this Act ceasing to operate as regards such Municipality. One month's previous public notice of the intention to hold such poll shall be given by the Council, and the petition shall be accompanied by a certificate, under the hands of the Mayor and Town Clerk, of the result of such poll.

How poll to be taken.

32. The proposition to be submitted to the ratepayers at such poll shall be the following:—

That Part II. of "The Land Value Assessment Act, 1893," providing for taxing land values only, cease to operate as regards this Municipality:

Votes of ratepayers.

The voting at such poll shall be in all respects the same as at a poll under section 11 hereof.

Effect of withdrawal.

33. On this part of this Act ceasing to operate as regards any Municipality, "The Municipal Corporations Act, 1890," and any Act

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Act amending such Act or substituted therefor, shall operate as regards such Municipality as if this part of this Act had never come into operation therein. The Municipality may from time to time be again brought under this part of this Act and again withdrawn therefrom as herein provided.

34. On this part of this Act coming into operation as regards any Municipality, then, as to such Municipality, the following portions of "The Municipal Corporations Act, 1890," shall cease to operate, that is to say—Sections numbered respectively 222, 224 to 240 inclusive, 251, 252, 253, 256, 257, 270, and the Fourth and Fifth Schedules; in section 215 the words "exceeding Four Hundred Pounds," shall be read in place of the words "exceeding Twenty Pounds per annum;" in section 266 the words "One Penny" shall be read in place of the words "One Shilling;" for the words "Seventy-five" wherever occurring in sub-section v. of section 381 are to be read the words "Fifteen Hundred;" and so far as regards a poll of ratepayers, sub-section xii. of section 381 shall be read as if the words "or occupier" and the words "or the lessee or tenant" were not there. Nothing herein contained shall affect any provisions for recovering rates declared before this part of this Act shall come into operation, or any liability in respect of any such rates.

Certain sections of Municipal Corporations Act, 1890, to cease to operate, and others to be modified.

35. Section 12 of "The Public Health Act," No. 22 of 1873, is repealed as regards any Municipality under the operation of this part of this Act.

Repeal.

36. Any repeal by virtue of this part of this Act shall not affect any right accrued, any liability, forfeiture, or penalty incurred, any offence committed, or anything done or omitted to be done before the coming into operation of this part of this Act, nor any legal proceedings commenced or hereafter to be commenced with respect to such right, liability, forfeiture, penalty, offence, or thing.

Savings of rights.

37. (1) The Council may from time to time declare a rate on the property included in the assessment for the following purposes, or any of them:—

Council may declare rates.

For the general purposes of "The Municipal Corporations Act, 1890":

For carrying out the purposes and provisions of "The Public Health Act," and any other Act now or hereafter requiring or authorising a rate to be declared, made, or levied by the Council:

For lighting the Municipality:

For the improvement and ornamentation of the park lands, squares, or reserves of the Municipality.

(2) As to the Corporation of the City of Adelaide, the total rates under this section shall not in any one year exceed Threepence in the Pound of assessed value.

(3) As

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(3) As to any other Corporation now existing, the amount in the Pound of any rate shall in no case, in any one year, be more than would, if such rate had been declared on the assessed value of the ratable property within the Municipality according to the first assessment made under this Act, have sufficed to produce a sum equal to that which the Corporation could, before the coming into operation of this part of this Act, have raised by a rate for a similar purpose on the assessment in force immediately before this part of this Act shall, as regards such Municipality, have come into operation.

(4) As to any Corporation constituted after the passing of this Act, the total amount of rates under this section shall not, in any one year, exceed Twopence in the Pound of assessed value.

Watering rate.

38. The Council may declare a particular rate for defraying the expense of watering any public street or place, or portion of a public street or place, which rate may be apportioned among, and shall be paid by, the persons liable for the rates in respect of the ratable properties fronting to such street or place, or portion thereof watered, ratably according to the lineal frontage of such ratable properties respectively.

Special rate.

39. (1) If the general rate be insufficient for carrying out any purpose by this or any other Act authorised to be carried out by the Council, and if the same has not been provided for by a separate or other rate, the Council, by a resolution passed by a majority of all the members thereof, may, with the consent of the ratepayers, to be obtained as provided by sections 249 and 250 of "The Municipal Corporations Act, 1890," declare a special rate for the year on the ratable property within the Municipality. The Council may also, with the like consent, declare a like special rate for the purpose of renewing any loan in whole or in part.

(2) As to the Corporation of the City of Adelaide the total amount of rates under section 37 and this section shall not in any one year exceed Fourpence in the Pound of assessed value.

(3) As to any other Corporation now existing, the amount in the Pound of such special rate shall not in any one year be more than, together with the general rate, would, if such rate had been declared on the assessed value of the ratable property within the Municipality according to the first assessment made under this Act, have sufficed to produce a sum equal to that which the Corporation could, before the coming into operation of this part of this Act, have raised by a general and by a special rate together on the assessment in force, immediately before this part of this Act shall, as regards such Municipality, have come into operation.

(4) As to any Corporation constituted after the passing of this Act, the total amount of rates under section 38 and this section shall not in any one year exceed Threepence in the Pound of assessed value.

40. Every

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40. Every rate shall become due when it is declared, but no rate shall be recoverable by action or by proceeding before Justices from any person until fourteen days after a written notice from some officer of the Council informing such person of the amount of rate payable by him, and in respect of what property the same is payable, shall be served upon such person in manner by section 339 of "The Municipal Corporations Act, 1890," provided.

PART II.

Fourteen days' notice to be given before recovery of rates.

41. The Council may, in manner to be prescribed by by-law, in case of an election or of a poll with respect to a loan, appoint one or more polling-places for the district, when not sub-divided into wards, or for each ward when the district is sub-divided, and the district office near need not be a polling-place: Provided that the Council may fix one or more ward or wards in which alone the vote for electing auditors shall be taken.

Council may appoint several polling-places

Section 70 of "The District Councils Act, 1887," is hereby repealed.

PART III.**PART III.**

42. No petition by any Municipal Corporation or District Council to the Supreme Court for an order for the sale of land for arrears of rates shall be presented under either the Municipal Corporation or District Councils Acts until the expiration of one year from the time that the Corporation or Council shall have given a notice of intention to present such petition by registered letter, addressed to the registered owner and to the registered mortgagee of the land and forwarded through the post to the last known place of abode of such owner and mortgagee, which notice shall be in the form in the Second Schedule hereto, and the cost of every such notice shall be added to the rate.

No petition for sale of land for rates to be presented until after twelve months' previous notice to owner.

43. No petition for the sale of land for arrears of rates under either of the said Acts shall hereafter be presented unless and until the same shall have been in arrear for the space of three years.

Rates to be in arrear for three years before petition presented.

44. Every such petition shall be in the form of the 'Third Schedule hereto or in a form to the like effect, and shall be verified by affidavit, as in the form at the end thereof.

Form of petition.

45. Up to the time of the actual sale of any land for arrears of rates the owner may pay such rates, including the costs then incurred, and thereupon, and without any order of the Court, the petition and order thereon shall be abandoned so far as regards the land in respect of which such rates are paid.

Owner may pay rates after petition and before actual sale.

46. Any owner whose land shall have been sold for arrears of rates, or if such land was under mortgage the mortgagee thereof, shall, without any order of the Court, on handing over to the Master

Owner of land entitled to surplus on giving up title.

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Master of the Supreme Court the certificate or other title to the land sold, be entitled to and shall be paid by the Master the surplus moneys in Court.

Governor may on petition do certain acts by Proclamation.

47. The Governor, on a petition, as hereinafter mentioned, may, by Proclamation in the *Government Gazette*, dissolve any Municipal Corporation, and may, by such Proclamation, determine all matters relating to the dissolved Corporation, and to its assets, liabilities, contracts, affairs, rights, property, and obligations.

Petitions, how signed.

48. A petition to dissolve a Corporation shall be signed by not less than one-half of the ratepayers or owners of ratable property within the Municipality of which it is proposed to dissolve the Corporation.

Principal Act to apply to petitions hereunder.

49. Counter petitions may be presented, and all the provisions of clauses 10, 11, and 12 of "The Municipal Corporations Act, 1890," shall apply to petitions and counter petitions under this Act.

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

S. J. WAY, Lieutenant-Governor.

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SCHEDULES REFERRED TO.

FIRST SCHEDULE.

The Corporation of the City (or Town) of

Notice of Appeal to Commissioner of Taxes or Local Court against Assessment.

Take notice that I appeal to the _____ against the assessment of
 my property (or the property of _____) street,
 acre No. _____, (or section No. _____), Hundred of _____, assessment
 No. _____, Ward, on the following grounds [*here set forth*
grounds of appeal].

Dated the _____

day of _____

18 _____

[Signature.]

Address for service

To the
may be].and to the Town Clerk, Adelaide [*or as the case*]

SECOND SCHEDULE.

Notice to Owner.

Municipal Corporation of _____

(or District Council of _____).

To

Notice is hereby given that there is now due to the above Municipal Corporation
 (or District Council of _____) in respect of [*here describe property*] the
 sum of £ _____ for rates up to the year ending [*insert date*]; and you are
 required to take notice, that unless the amount so due be paid within one year from
 the posting of this notice, a petition will be presented by the said Municipal
 Corporation (or District Council) to the Supreme Court for an order for the sale of
 the said land to satisfy the said rates.

Dated this _____

day of _____

189 _____

A.B.,

Town Clerk of the Municipal Corporation
of the Town of _____

(or,

C.D.,

Clerk of the District Council
of _____)

THIRD SCHEDULE.

Petition for Sale of Land for Rates.

[South Australia.]

In the Supreme Court.

To their Honors the Judges of the Supreme Court.

The humble petition of the Municipal Corporation of the town of _____

(or the District Council of _____) sheweth—

1. That certain rates, duly made on assessments by your petitioners in respect
 of [*here shortly describe properties*], which said allotments and pieces of land
 are all ratable property, situated in the said town of _____, (or District of
 _____), and were for the period of _____ years prior to the _____
 and _____

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and still are due and unpaid and in arrear, and there are no goods or chattels on the said allotments and pieces of land, or any of them, for which any distress can be made for such arrears of rates, or any part thereof.

2. Your petitioners, in accordance with "The Municipal Corporations Act, 1890" (or "The District Councils Act, 1887,"), caused to be published three times in *The South Australian Government Gazette*, viz., on the _____ day of _____, the _____ day of _____, and the _____ day of _____, the notice, a print whereof is annexed to this petition.

3. Your petitioners also, on the _____ day of _____, caused a notice to be given to the registered owners (and the registered mortgagees, if any) of the said allotments and pieces of land, pursuant to Part III. of "The Land Value Assessment Act, 1893."

4. The rates in respect of the said allotments and pieces of land which were in arrear at the time of the first publication of the said notice amounts to the sum of £ _____, and are still lawfully due to your petitioners, and there is also due to your petitioners for interest on the said rates at the rate of Ten Pounds per centum per annum from the time of the same becoming due respectively, until the day of _____, 189____, the sum of £ _____.

5. Since the time of the first publication of the said notice rates to the amount of £ _____ have become due and in arrear in respect of the said allotments and pieces of land.

Your petitioners therefore humbly pray that in pursuance of "The Municipal Corporations Act, 1890" (or "The District Councils Act, 1887") your Honors will be pleased to order the sale by public auction of the said allotments and pieces of land, or so much thereof as may be sufficient to pay the said rates and all other rates 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, and together with all costs and expenses of and attending the said notice and this application and the sale, and that the proceeds may be paid into Court, and that your Honors will order payment out of such proceeds of the said rates, interest, costs and expenses in preference to any mortgage or other security on the said land; and also that your Honors will be pleased to make all proper orders for carrying out the said sale, or that your Honors will be pleased to make such other order in the premises as to your Honors may seem meet. And your petitioners will ever pray.

I, _____ of _____ Town Clerk of the Municipal Corporation of _____ (or Clerk to the District Council of _____) make oath and say that all the statements contained in the above petition are true.

Sworn, &c.