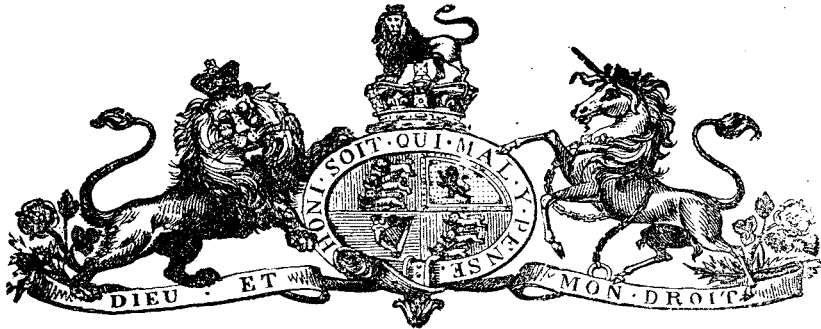


T A S M A N I A.



1890.

ANNO QUINQUAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 49.

REV. 36

AN ACT to incorporate the Electors of the A.D. 1890.
Town of *Devonport*, and to make better
provision for the Administration of the
Affairs of the said Town.

[28 November, 1890.]

WHEREAS it is expedient to incorporate the Electors of the PREAMBLE.
Town of *Devonport*, and to amend the Law relating to the adminis-
tration of the affairs of the said Town:

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:—

Short Title.

1 This Act may be cited for all purposes as “The *Devonport* Short title.
Corporation Act, 1890.”

Operation of Act.

2 This Act shall come into operation and take effect on and after Operation of Act.
the First day of *January*, 1891.

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*Repeal.*Repeal of
53 Vict. No. 45.

3 On and after the day on which this Act comes into operation, "The *Devonport* Town Board Act" shall be and is hereby repealed : Provided that such repeal shall not affect—

- I. Anything duly done under the Act hereby repealed before the date on which this Act comes into operation :
- II. Any liability accruing under such repealed Act before the date on which this Act comes into operation.

Application of
Act to matters
and things done.

And, excepting so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things done under such repealed Act, and of any force or effect at the date on which this Act comes into operation by virtue of the Act hereby repealed, as if made or done hereunder.

Electors to be
Body Corporate
and be capable of
being sued, and
hold land, &c.

4 The Electors of the Town of *Devonport* shall be a Body Corporate and Politic, and shall have perpetual succession, and be capable in Law to sue and be sued in all Courts by the corporate name of "The Board and Electors of the Town of *Devonport*," and shall by such corporate name be capable to take, purchase, and hold land and personal estate ; and to grant, sell, alienate, assign, demise, assure, and convey the same for any estate, term, or interest ; and to do and suffer all acts as a Body Corporate under the provisions of this Act ; and shall have a Common Seal ; and in all cases of legal proceedings service of notice thereof upon either the Chairman or Secretary for the time being shall be taken as good and sufficient service upon the Corporation : Provided, that it shall not be lawful for such Corporation to sell and dispose of, or to convey any real estate without the consent in writing of the Governor previously obtained, or to demise any such real estate for any term exceeding Twenty-one years in possession.

Custody of the
Seal and Cor-
porate Records.

5 The Common Seal, and all Deeds, Muniments, and Records of every such Corporation, or relating to the property thereof, shall be kept in such place as the Board from time to time directs ; and the Chairman or Secretary for the time being shall have the charge and custody thereof, and be responsible for the same.

Boundaries of
Town.

6 The boundaries of the said Town shall be those described in the Schedule hereto, and shall so remain until altered by legislative authority.

Division of
Town.

7 That portion of the said Town of *Devonport* which is situate on the West bank of the River *Mersey* shall for the purposes of this Act be called *West Devonport*, and that portion of the said Town which is situate on the East bank of the River *Mersey* shall for the purposes of this Act be called *East Devonport*.

Boundary marks.

8 The Board of the said Town shall cause to be set up, and maintain, at the expense of the Corporation, permanent and conspicuous boundary marks of iron, wood, stone, or other durable material, in exact conformity, or as near thereto as circumstances will admit, with the metes and bounds of the Town, and in the most public and convenient places along or near the line of such metes and bounds.

Devonport Corporation.

- 9** Any person who wilfully or maliciously destroys, pulls down, or obliterates, defaces, injures, or conceals any such boundary mark as aforesaid, shall for any such offence forfeit and pay, in addition to the value of such boundary mark, a penalty not exceeding Five Pounds. A.D. 1890.
Penalty for destroying, &c. boundary marks.
- 10** The administration of the affairs of the said Town of *Devonport* shall be committed to a Board consisting of Eight Members elected as hereinafter provided, and styled "The Board of the Town of *Devonport*." Board to be elected.
- 11** Four Members of the said Board shall be elected by the Electors of *West Devonport*, and Four Members of the said Board shall be elected by the Electors of *East Devonport*. How Board elected.
- 12** All the provisions of "The Town Boards Act, 1884," shall apply to all meetings of Electors held under this Act. Application of 48 Vict. No. 30.
- 13** Two of the Members of the said Town Board elected by the Electors of *West Devonport*, and Two of the Members of the said Town Board elected by the Electors of *East Devonport*, shall retire from office in the month of *April* in the year 1891, and the remaining Members of the said Town Board shall retire from office in the month of *April* in the year 1892; and in each case it shall be determined by lot amongst the Members of the said Town Board which of them shall retire first. How Members retire.
- 14** Every Member of the said Town Board shall, subject to the provisions of this Act, hold office for a period of Two years. Period of office.
- 15** Annual meetings of the Electors of *West Devonport* and *East Devonport* shall be held for the purpose of electing Members of the said Town Board, in accordance with the provisions of "The Town Boards Act, 1884." Annual meeting of Electors. 48 Vict. No. 30.
- 16** The said Town Board shall have and exercise all the powers and authorities conferred by "The Town Boards Act, 1884," and every Act amending the same, upon Boards elected thereunder, except the powers contained in Section Eight of the said Act and Section One of "The Town Boards Amendment Act, 1885." Board to have powers, &c. conferred by 48 Vict. No. 30.
49 Vict. No. 37.
- 17**—(1.) All acts and proceedings relating to this Act which are directed to be had or done by the Board, and all the powers and authorities vested in them generally, shall and may be had, done, and exercised by any Five Members of the Board present at any meeting of the Board; and any such Five Members shall form a quorum. Quorum of Board.
- (2.) At all meetings of the Board all Members present shall vote, and all questions there considered shall be decided by the majority present.
- (3.) The Chairman shall be entitled to a deliberative vote only; and if there is an equal division of votes upon any question it shall be considered lost. Equal division of votes.
- 18**—(1.) The Town of *Devonport* shall be and is hereby constituted a Road District under and for the purposes of "The Roads Act, 1884;" and the Board of the said Town shall be deemed to be the Trustees of the said Road District; and the Members of the said Board shall hold Town to be a Road District, &c. 48 Vict. No. 28.

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office as Trustees during the tenure of their office as Members of the Board.

(2.) The said Town shall, upon this Act coming into operation, cease to be a portion of any Road District in which the said Town or any portion thereof may be situated.

Board may make and levy Rate.

19 It shall be lawful for the Board, at yearly, half-yearly, or such other periods as to them may seem necessary, to make and levy a Rate, to be called the Town Rate, upon the Capital Value of all property situated within the Town of *Devonport*, for the purpose of raising the necessary funds for carrying out in the said Town the several objects of this Act and "The Town Boards Act, 1884;" and every such Rate, when received, shall form part of the moneys at the disposal of the Board for the purposes of this Act and the said Act; Provided, that such Rate so to be made and levied shall not in any case exceed in any one year the sum of One Penny in the Pound on the Capital Value of the property within the said Town.

48 Vict. No. 30.

Capital value to be capital value assessed under 51 Vict. No. 20.

20 The Capital Value upon which any Rate payable in respect of any property under this Act shall be calculated shall be the Capital Value at which such Land is assessed under the provisions of "The Assessment Act, 1887," and every such Rate shall be payable upon the basis of such Capital Value as aforesaid.

Board may make Special Rate.

21 It shall be lawful for the Board, at yearly, half-yearly, or such other periods as to them may seem necessary, to make and levy a Special Rate upon the Capital Value of all property situated within the limits of *West Devonport*, for the purpose of raising the necessary funds to pay the interest on money borrowed by the Town Board of the Town of *Formby* before the date on which the Act hereby repealed came into operation, and which liability is by the said Act transferred to the Town Board of the Town of *Devonport*; and the said Rate shall be made, levied, collected, and paid in the same manner and by the same person, as if such Rate had been made and levied under the authority of "The Town Boards Act, 1884."

48 Vict. No. 30.

Provided, that such Special Rate so to be made and levied shall not in any case exceed in any one year the sum of One Penny in the Pound upon the Capital Value of the property within the limits of *West Devonport*.

Appropriation of Rate.

22 The proceeds of any such Special Rate levied as aforesaid when received shall be used and applied only for and towards the object set forth in the immediately preceding Section, and to no other object whatsoever. Such proceeds shall not for the purposes of this Act be considered as part of the revenue of the said Board.

Board may raise loan by Debentures. 45 Vict. No. 16.

23 It shall be lawful for the Board to raise by the sale of Debentures under the provisions of "The Local Bodies Loans Act," any sum or sums of money, not exceeding Ten times the income of the Board for the year next preceding the *Gazette* Notice of such Loan; and such Debentures shall be charged upon the revenues of the Board.

If after having borrowed any sum or sums of money as aforesaid, or any part thereof, such Board pays off the same, it shall be lawful for the Board again to borrow the amount so paid off, and so from time to time.

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24 Any sum of money heretofore borrowed by the Town Board of the Town of *Formby*, the liability of which is now vested in the Board of the Town of *Devonport*, shall not for the purposes of this Act be considered to have been borrowed by the last-mentioned Board.

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Amount borrowed by *Formby* Town Board.

25 The Members of the Town Board of the Town of *Devonport* elected under the Act hereby repealed, and in office on the day immediately preceding the day on which this Act comes into operation, shall continue in office notwithstanding such repeal, and shall be deemed to have been elected under this Act, and shall be subject to its provisions, and shall retire in the manner provided by this Act.

Existing Board continued.

26 All property, rights of property, and interests whatsoever vested in the Town Board of the Town of *Devonport* on the day immediately preceding the date on which this Act shall come into operation shall continue to vest in such Board; and all moneys due and owing to or by such Board, and all Rates levied and made by such Board and not paid when this Act takes effect, shall be payable and recoverable to, by, or from such Board; and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into with and in favour of or by or for such Board, or any person on behalf thereof, and all obligations incurred, and all Rates levied and made or to be levied and made under and by virtue of the Act hereby repealed, shall take effect and may be proceeded on and enforced by, against, and with reference to such Board, as fully in all respects as they might have been by, against, and with reference to such Board if this Act had not been passed: Provided, that *East Devonport* shall not be liable for any money borrowed or liability incurred by the Town Board of the Town of *Formby* previous to the amalgamation of the Towns of *Torquay* and *Formby*.

Rights, &c. of present Corporation vested in the Corporation created hereby.

SCHEDULE.

TOWN OF DEVONPORT.

Sect. 6.

West Devonport.

Bounded on the south by 65 chains and 16 links or thereabouts easterly crossing the Crown reservation and along Lots 5063 and 5275 purchased by James Sayer and James Monaghan Dooley respectively, commencing at the River Don, on the west by 51 chains and 96 links or thereabouts southerly also along the last-mentioned lot and along Lot 1754 purchased by Andrew Lyell and John Henry, again on the south by 104 chains or thereabouts easterly along Lots 4873 and 278 purchased by Hester Charlotte Thomas and Jocelyn Thomas respectively, and crossing the Crown reservation to the River Mersey, thence crossing that river to the south-west angle of East Devonport, thence by East Devonport to Bass Straits, and thence by Bass Straits and the River Don aforesaid to the point of commencement.

East Devonport.

Commencing at a point on Bass Straits being the extremity of a line in continuation northerly of the west boundary of a grant to Robert Stewart, and bounded on the east by 119 chains 20 links southerly across a Crown reservation of 100 feet and along the aforesaid grant to Robert Stewart, on the south by 31 chains 60 links westerly also along that grant and across a similar reservation to Port Frederick, by Port Frederick northerly to Bass Straits aforesaid, and by those Straits to the point of commencement.

