

TASMANIA.

THE HOBART CORPORATION ACT, 1929.

ANALYSIS.

PART I.—PRELIMINARY.

1. Short title and commencement.
2. Division of Act.
3. Repeal.
Provisions of certain Acts not to apply to Hobart.
4. Interpretation.

PART II.—CITY BOUNDARIES.

5. Boundaries of the City.
6. Boundary marks.
7. Penalty for destroying, &c. boundary marks.

PART III.—THE CORPORATION AND COUNCIL.

8. Citizens of Hobart incorporated.
9. Custody of common seal and records.
Affixing of the common seal.
10. Who are citizens.
11. The City Council.
12. The Mayor to be elected.
13. Who is eligible to be Mayor.
14. Mayor to be also an alderman.
15. Deputy-Mayor.
16. Allowance to Mayor.
17. Aldermen to be elected.
Term of office.
18. Rotation in which aldermen go out of office.
19. Qualification of alderman.
20. Retiring Mayor, &c., to hold office until, &c.
21. Declaration to be made by Mayor and alderman.
22. Disqualifications of Mayor and aldermen.
23. Mayor or aldermen may resign.
24. Vacancies in office of Mayor or alderman.
25. When vacancies not to be filled up.
When vacancy to be filled up at next election.
26. When election to take place.
27. Mode of proceeding in extraordinary elections.

28. Mode of ascertaining alderman to fill extraordinary vacancy.
29. Retirement of persons elected to fill extraordinary vacancies.
30. Imposition of fines.
31. Limit of time for obtaining *quo warranto*.
32. Disputed elections or exercise of office.
33. Supreme Court may direct an inquiry.
34. Proceedings not to be invalidated by reason of irregularities.

PART IV.—ELECTIONS.

35. Citizens entitled to vote at elections.
Scale of voting.
36. Aggregation of votes.
37. Provides for joint ownership or occupancy.
38. Joint trustees, &c.
39. Citizens may vote.
40. Date of election.
41. How election to be conducted.
42. Returning officer.
43. Election of Mayor and of aldermen to be at same time, but distinct.
44. Preparation of roll.
45. Objections to citizens' roll.
46. Citizens' roll in case of an extraordinary election.
47. Nominations of persons for election as Mayor and as aldermen.
48. Notification of nominations.
49. Declaration of election where uncontested.
50. Scrutineers.
51. Polling-place or places.
52. The poll.
53. Presiding officers.
54. Substitute for presiding officer.
55. Powers of assistants and substitutes.
56. Declaration by presiding officers and poll-clerks.
57. Duties of returning officer.
58. Powers, &c., of presiding officers.
Police to assist.

59. Ballot-papers to be prepared.
60. Provision as to ballot-boxes.
61. Time for taking poll.
62. Citizens may vote at any polling-place.
63. Adjournment of election in case of riot.
64. Mode of election of aldermen.
Citizen to sign declaration.
Ballot-paper to be given to citizen.
How papers to be marked.
And how placed in ballot-box.
No further entry by the same citizen, &c.
Penalty for contravention of provisions.
Presiding officer to explain mode of voting.
65. Mode of election of Mayor.
66. Provides for blind men and marksmen voting at elections of aldermen.
67. Spoilt ballot-papers.
68. No other question or declaration necessary.
Declaration against bribery.
Penalty for false declaration.
69. Obtaining of forms on application for postal ballot-paper.
Application for a postal vote certificate.
70. Authorised witnesses.
71. Duty of authorised witnesses as to applications.
72. Witness to application must satisfy himself of truth of statements.
73. Issue of certificates and ballot-papers.
74. Returning officer to initial ballot-paper.
75. Returning officer to note issue of certificate.
76. Citizen receiving certificate not to vote at booth unless he delivers it up.
77. Provisions when citizen claims to vote although postal ballot-paper already issued.
78. Effect of immaterial error.
79. Directions for postal voting.
80. Duty of authorised witness.
81. Letters to be produced at scrutiny.
82. Returning officer to decide.
83. Mistakes.
84. Scrutiny.
Informal ballot-papers.
Ballot-papers.
85. Duties of presiding officer, other than returning officer, at close of poll.
86. Duties of returning officer at close of poll.

87. Declaration of poll.
88. In case of equality, lot to decide.
Other presiding officers may vote.
89. Ballot-papers to be deposited.
90. False answer, polling twice, and personation.
91. Bribery and corruption.
92. Penalty for receiving or offering reward for voting or withholding vote.
93. Election not to be questioned.
94. Invalidity of election no plea in action.

PART V.—MINUTES AND PROCEEDINGS OF COUNCIL.

95. The Council to act by a majority of the members.
96. Chairman at meetings of Council
97. Equality of votes on division.
98. Notices of meetings.
99. Notices to be served.
100. When meetings to be called.
101. Minutes of proceedings.
102. Copies and extracts from minute-book.
103. Committees.
104. Committee meetings.

PART VI.—RATES AND CHARGES.

105. Power to levy city rate.
106. Notice of rate.
107. Rates payable in advance.
108. Service of demand of rates.
109. Rates may be recoverable from occupier.
110. Proportion of rate in arrear to be recoverable from purchaser.
111. Proportionate part of rate payable by new owner.
112. Agreement between owner and occupier regarding rates not affected.
113. Occupier refusing to give name of owner.
114. Charges for water.
115. Council may make by-laws.
116. Owner paying city rates entitled to certain water free of charge.
117. Sewerage rate or charge may be imposed upon properties exempt from city rate.
118. New Town sewerage rate.
119. Charge for water supplied to the Government.
120. Council may enter into agreements with Governments and charitable institutions.

121. Charges payable by owners and recoverable in same manner as city rate.
122. Exemptions from city rate.
123. Hospitals, &c., entitled to a supply of water.
124. Remissions of rates on ground of poverty.
125. Rebate on punctual payment.
126. Interest on overdue rates and other moneys.
127. Unoccupied buildings to pay reduced rates.
128. Abatement of rates.
129. Owner or occupier may be sued.
130. Rates leviable by distress.
131. Form of distress warrant.
132. Complaint before justices. Council may appoint bailiffs. Bailiff may sell by auction without licence.
133. Unpaid rates charged on property.
134. Method of enforcing charge.
135. Power to take possession and lease property on which rates are in arrear.
136. Notice to be given before possession taken.
137. Release of property after demand and payment of arrears.
138. Term, &c., of lease.
139. Application of rents.
140. After 21 years property to vest in Corporation.
141. Corporation may repair and insure.
142. Notice to be affixed on taking possession.
143. Rates and charges to form part of municipal fund.
144. Misnomers, &c., not to affect proceedings for the recovery of rates.
145. Rates not recoverable after six years except when charged on property within 20 years.
146. Distress not unlawful for want of form.
147. All goods found on property liable to rates.
148. Certificate as to rates and other charges may be demanded.
149. Remedies concurrent.
150. Persons not to be imprisoned for non-payment of charges
151. Provisions of Annual Values Assessment Act varied in relation to Hobart.
152. Moneys borrowed on particular rates to be charged upon all the revenues of the Corporation.

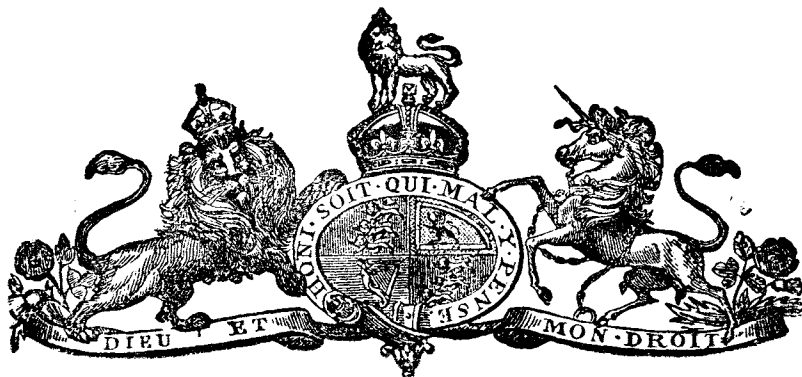
PART VII.—ACCOUNTS AND AUDIT.

153. Account books to be kept.
154. Annual statement of accounts.
155. All corporate moneys to be paid into municipal fund.
156. Certiorari.
157. Appropriation of municipal fund.
158. Advertising City. Child Welfare Association. Superannuation or pension fund.
159. Unforeseen expenditure.
160. Municipal accounts to be subject to the Audit Act, 1918.
161. Accounts to be forwarded to the Auditor-General.
162. Publication of accounts.
163. Officers to be amendable to provisions of the Audit Act, 1918.

PART VIII.—GENERAL POWERS AND PROVISIONS.

164. Registration of premises whereon pigs are kept.
165. Presumption of user of premises as stable or pigsty.
166. Vesting of certain land in Corporation.
167. Power of Corporation to lease lands.
168. Queenborough Cemetery closed for burials.
169. Hoardings not to be erected without consent of Council.
170. Registration of premises on which animals are kept.
171. Regulation of hawkers and itinerant vendors.
172. Repeal and re-enactment of Section 17 of 18 Geo. V. No. 87. Penalties.
173. Repeal and re-enactment of Section 40 of 10 Geo. V. No. 64. Construction of private streets.
174. Erection of children's clinic.
175. Confirmation of expenditure of £1000 for Flood Relief Fund.

TASMANIA.



1929.

ANNO VICESIMO

GEORGII V. REGIS.

No. 44.

AN ACT to amend the Hobart Corporation
Acts, 1893-1927. [16 December, 1929.]

A.D.
1929.

BE it 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:—

PART I.

PRELIMINARY.

1—(1) This Act may be cited as “The Hobart Corporation
Act, 1929.”

Short title and
commencement.

(2) This Act and the Hobart Corporation Acts, 1893-1927,
may be cited as “The Hobart Corporation Acts, 1893-1929.”

(3) This Act shall come into operation on the first day of
January, one thousand nine hundred and thirty.

Hobart Corporation.

A.D. 1929.

Division of Act.

2 This Act is divided into parts and divisions, as follows:—

Part I.—Preliminary.

Part II.—City Boundaries.

Part III.—The Corporation and Council.

(a) Incorporation.

(b) Citizens.

(c) The City Council.

(d) The Mayor.

(e) The Aldermen.

(f) Declaration.

(g) Disqualifications.

(h) Resignation.

(i) Vacancies.

(j) Extraordinary Vacancies.

(k) Penalties.

(l) Ouster of Office.

(m) Proceedings Not Invalidated.

Part IV.—Elections.

Division (1)—Electors.

Division (2)—Preliminary to Elections.

Division (3)—Citizens' Roll.

Division (4)—Nominations.

Division (5)—Polling-places, Election Officers,
and Ballot-papers.

Division (6)—The Poll.

Division (7)—Voting by Post.

Division (8)—Scrutiny and Declaration of Result
of Election.

Division (9)—Offences.

Division (10)—Proceedings Validated.

Part V.—Minutes and Proceedings of Council.

Part VI.—Rates and Charges.

Division (1)—The City Rate.

Division (2)—Charges.

Division (3)—Exemptions, Remissions, Interest,
&c.

Division (4)—Recovery of Rates and Charges—

(a) By action.

(b) By distress.

(c) By complaint.

(d) By charge.

(e) By taking possession.

Division (5)—Miscellaneous.

Part VII.—Accounts and Audit.

Division (1)—Books of Accounts.

Division (2)—Corporate Funds.

Division (3)—Appropriation of Corporate Funds.

Division (4)—Audit.

Hobart Corporation.

Part VIII.—General Powers and Provisions.

A.D. 1929.

- Division (1)—Registration of Piggeries.
- Division (2)—Provision of Service Reservoirs.
- Division (3)—Queenborough Cemetery Closing.
- Division (4)—Regulation of Hoardings.
- Division (5)—Registration of Premises on which
Animals are Kept.
- Division (6)—Regulation of Hawkers.
- Division (7)—Provisions as to Private Streets.
- Division (8)—Extraordinary Expenditure.

Schedules.

3—(1) The Acts set forth in Part I. of Schedule (1) to this Act are hereby repealed to the extent specified in the third column of that schedule. Repeal.

(2) The provisions of the Acts mentioned in Part II. of Schedule (1) shall not, after the commencement of this Act, apply to the City of Hobart or the Corporation or the Council. Provisions of certain Acts not to apply to Hobart.

(3) Parts II., III., and IV. of this Act shall be deemed to be substituted for Parts II. to IX., both inclusive, of the Hobart Corporation Act, 1893; Part V. for Part XVII.; Part VI. for Part XI.; and Part VII. for Part XIV. thereof, respectively.

4 In this Act, unless the context otherwise determines— Interpretation.

“Assessment roll” means the assessment roll for the city for the time being in force under the Annual Values Assessment Act, 1911, as modified by Section One hundred and fifty-one of this Act: 2 Geo. V. No. 61.

“City” means the City of Hobart:

“Collector” means any person lawfully authorised by the Council to demand, collect, or receive any rate or charge:

“Corporation” means the Corporation of the Mayor, aldermen, and citizens of the City:

“Property” includes land or buildings, and land and buildings:

“Returning Officer” includes the Town Clerk or other person holding an election of Mayor or aldermen, or acting as returning officer at any such election:

“Schedule” means schedule to this Act:

“Section” means section of this Act:

“The Council” means the Hobart City Council:

“The financial year” means the period commencing on the first day of July in each year and ending on the thirtieth day of June in the following year:

“The Principal Act” means the Hobart Corporation Act, 1893: 57 Vict. No. 11.

Hobart Corporation.

A.D. 1929.

“The Town Clerk” means the Town Clerk for the time being of the City of Hobart, and includes a deputy or substitute or acting Town Clerk:
 “Year” means the financial year.

PART II.

CITY BOUNDARIES.

Boundaries of the City.

5 The boundaries of the City shall be those described in Schedule (2), and shall so remain until altered by legislative authority.

Boundary marks.

6 It shall be lawful for the Council to cause to be set up and to 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 City, and in the most public and convenient places along or near the line of such metes and bounds.

Penalty for destroying, &c., boundary marks.

7 Any person who wilfully or maliciously destroys, pulls down, 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.

PART III.

THE CORPORATION AND COUNCIL.

(a) Incorporation.

Citizens of Hobart incorporated.

8—(1) The citizens of the City of Hobart for the time being are and shall be a Corporation and Body Politic by the name of “The Mayor, Aldermen, and Citizens of the City of Hobart.”

(2) Such Corporation shall by that name have perpetual succession, and shall have and use a common seal, and shall be capable of—

- I. Suing and being sued in all courts:
- II. Taking, purchasing, and holding land and personal estate:
- III. Granting, selling, alienating, assigning, demising, assuring, and conveying such land and personal estate for any estate, term, or interest:
- IV. Doing or suffering all acts and things as a corporation or body politic under the provisions of the Principal Act and this Act, and all such other acts and things as bodies corporate may by law do or suffer.

Hobart Corporation.

(3) In all cases of legal proceedings, service of notice thereof upon the Mayor or the Town Clerk shall be taken as good and sufficient service upon the Corporation. A.D. 1929.

9—(1) The common seal and all deeds, muniments, and records of the Corporation, or relating to the property thereof, shall be kept in such place as the Council from time to time directs; and the Town Clerk shall have charge and custody thereof, and be responsible for the same. Custody of common seal and records.

(2) The common seal shall not be affixed to any document unless the Mayor and Town Clerk be present, or, in the case of absence, incapacity, or death of either, unless such persons be present as the Council shall appoint for the purpose. Affixing of the common seal.

(b) Citizens.

10 Every person, whether male or female, of the age of twenty-one years— Who are citizens.

- I. Whose name appears on the assessment roll for the time being in force for the City as the owner or occupier of any land or building within the City: and
 - II. Who is a natural-born or naturalised subject of His Majesty—
- shall be a citizen of the City.

(c) The City Council.

11—(1) The Hobart City Council shall consist of the Mayor and eleven other aldermen, to be elected from among, and by, the qualified citizens in manner hereinafter provided. The City Council.

(2) All powers and authorities conferred upon or vested in the Corporation by the Principal Act or by this Act shall be exercisable by the Corporation through the Council.

(3) The Council shall also exercise such powers and authorities as are conferred upon or vested in the Council by the Principal Act, or by this or any other Act.

(d) The Mayor.

12—(1) The Mayor shall be elected by the citizens on the Wednesday preceding the second Friday in the month of May in the year one thousand nine hundred and thirty, and each alternate year thereafter. The Mayor to be elected.

(2) The election shall be held in the manner herein provided.

(3) The Mayor so elected shall come into office at noon on the Friday following his election, and shall continue in office for two years.

(4) The person holding the office of Mayor at the commencement of this Act shall continue as Mayor until noon of the second Friday in the month of May, one thousand nine hundred and thirty.

Hobart Corporation.

A.D. 1929.

Who is eligible to
be Mayor.**13** Any person—

- I. Who is eligible to be elected and to act as an alderman: and
 - II. Who has at the time of his election served as an alderman of the City for a period or periods totalling at least twenty-three months—
- shall be eligible to be elected and to act as Mayor.

Mayor to be also
an alderman.

14 Only a citizen who is continuing in office as an alderman, or who has been duly elected to fill that office, may be elected to fill the office of Mayor.

Deputy-Mayor.

15 —(1) The alderman who has most recently occupied the office of Mayor of the City shall, if willing to act, be and become Deputy-Mayor.

(2) If such alderman is not willing or is unable to act, then the alderman who occupied the office of Mayor immediately prior to him shall, if willing to act, be and become Deputy-Mayor, and so in the order of their respective tenure of the office of Mayor, the more recent holder of the office being preferred to the more remote.

(3) If there is no alderman who has occupied the office of Mayor, or none willing or able to act at Deputy-Mayor, then the aldermen shall choose one of their number to be Deputy-Mayor.

(4) During the temporary absence, or illness, or incapacity of the Mayor the Deputy-Mayor shall act and discharge the duties of Mayor until the Mayor resumes his duties.

(5) If any extraordinary vacancy shall occur in the office of Mayor, the Deputy-Mayor shall forthwith become Mayor for the remainder of the period for which the Mayor was elected; and in such case a Deputy-Mayor shall be appointed by the Council in accordance with the provisions of this section.

Allowance to
Mayor.

16 The Mayor shall be entitled to receive for his services, out of the Municipal Fund, an annual allowance of Seven hundred and fifty Pounds, and may also be paid such additional allowance to cover any extraordinary or special expenses as the Council may from time to time determine.

*(e) Aldermen.*Aldermen to be
elected.

17—(1) The aldermen shall be elected by the citizens in the manner hereinafter provided.

(2) On the Wednesday preceding the second Friday in the month of May in the year one thousand nine hundred and thirty, and in each alternate year thereafter, an election shall be held to supply the places of those who retire by rotation, and the persons elected shall assume office upon their predecessors going out of office.

Hobart Corporation.

(3) Every present and future alderman, except as otherwise provided in this Act, and except in the case of aldermen elected to supply any extraordinary vacancy, shall hold office for four years, and shall go out of office at noon on the second Friday in the month of May in the fourth year following his election, and in the rotation hereinafter declared.

A.D. 1929.

Term of office.

18 The rotation in which the aldermen shall go out of office shall be regulated as follows:—

Rotation in which aldermen go out of office.

- I. On the second Friday in the month of May, one thousand nine hundred and thirty, the four aldermen who were elected in the month of May, one thousand nine hundred and twenty-seven, shall go out of office, and three aldermen shall be elected on the preceding Wednesday:
- II. The period for which the four aldermen elected in the month of May, one thousand nine hundred and twenty-eight, were so elected, is hereby extended to the second Friday in the month of May, one thousand nine hundred and thirty-two:
- III. On the second Friday in the month of May, one thousand nine hundred and thirty-two, the four aldermen whose respective periods of office were extended under the provisions contained in the last subparagraph, and the five aldermen who were elected in the month of May, one thousand nine hundred and twenty-nine, shall go out of office, and nine aldermen shall be elected on the preceding Wednesday:
- IV. Of the nine aldermen elected under the provisions contained in the last subparagraph, the three aldermen elected by the lowest number of votes shall retire on the second Friday in the month of May, one thousand nine hundred and thirty-four, and the other six aldermen shall continue in office until the second Friday in the month of May, one thousand nine hundred and thirty-six:
- V. On the second Friday in the month of May, one thousand nine hundred and thirty-four, the three aldermen to be elected in May, one thousand nine hundred and thirty, and the three aldermen to be elected in May, one thousand nine hundred and thirty-two by the lowest number of votes and who retire in May, one thousand nine hundred and thirty-four, under the provisions contained in the last subparagraph, shall go out of office, and six aldermen shall be elected on the preceding Wednesday:

Hobart Corporation.

A.D. 1929.

VI. On the second Friday in the month of May, one thousand nine hundred and thirty-six, the six aldermen who were elected by the largest number of votes at the ordinary election held in the month of May, one thousand nine hundred and thirty-two, shall go out of office, and six aldermen shall be elected on the preceding Wednesday, and, in each alternate year thereafter, the six aldermen who were elected at the ordinary election held in the month of May in the fourth preceding year shall go out of office, and six aldermen shall be elected on the preceding Wednesday.

Qualification of
alderman.**19** Every citizen—

- I. Whose name appears in the assessment roll for the time being in force as the owner of property of the annual value of not less than Twenty-five Pounds, or as the occupier of property of the annual value of not less than Fifty Pounds: and
- II. Whose name appears upon the citizens' roll hereinafter referred to: and
- III. Has paid all rates payable by him to the Corporation up to the day of the month in the preceding year corresponding to the day of holding the election: and
- IV. Is not under any of the disqualifications hereinafter specified—

shall be eligible to be elected and to act as an alderman.

Retiring Mayor,
&c., to hold
office until, &c.

20 Notwithstanding anything to the contrary contained in this Act, every Mayor and alderman shall continue in office until his successor enters on office.

*(f) Declaration.*Declaration to be
made by Mayor
and alderman.

21—(1) Every person duly qualified, and duly elected to the office of Mayor or alderman, shall accept such office by making and subscribing a declaration in the form in Schedule (3) within two months after the date of his election.

(2) No person elected as Mayor or as alderman shall be capable of acting as such, except in administering such declaration, until he has made and subscribed such declaration before any two or more aldermen.

(3) Any two aldermen, whether they have already made such declaration or not, are hereby authorised and required, upon request so to do, to administer such declaration.

*Hobart Corporation.**(g) Disqualifications.*

A.D. 1929.

22—(1) Subject to Subsection (2) of this section, the following persons shall be incapable of being elected as, or continuing to be, either Mayor or alderman:—

Disqualifications
of Mayor and
aldermen.

- I. Any person who is not qualified under the provisions hereinbefore contained, or is not a citizen:
- II. Any person who by himself, or by his partner, or otherwise has any interest in any contract with, or employment under, the Council:
- III. Any person who holds any office or place of profit, other than that of Mayor or Deputy-Mayor, under or in the gift of the Council:
- IV. Any person who is a judge or chairman of any court of justice, or is a minister of any religious denomination, or is an officer on full pay in the naval or military service:
- V. Any person who is an alien, or an undischarged bankrupt, or a person of unsound mind:
- VI. Any person who has been convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed on him.

(2) But no person shall be disqualified from being or continuing to be Mayor or an alderman solely because he is concerned or participates in any contract or transaction—

- I. Made by the Corporation or the Council with any incorporated company (other than a proprietary company of less than seven members) of which he is a member, and is neither a director nor the general manager:
- II. Made between him and the Corporation or the Council—
 - (a) For the supply of water, light, or power to such citizen under the provisions of any Act authorising the Corporation or the Council to supply water, light, or power to the citizens of Hobart;
 - (b) For the performance by the Council at his expense of any sanitation or road construction or work;
 - (c) In respect of the use by him of any market, abattoirs, or sale-yard, or in respect of the payment for any licence issued to him by the Council;
 - (d) In respect of any agreement for the loan of money, or any security for the payment of money, or in the nature of a deposit to be made by him under any Act;

Hobart Corporation.

A.D. 1929.

- (e) For the lease, sale, or purchase of lands, or for an agreement for the lease, sale, or purchase of lands;
- (f) For any work done or service rendered by the Corporation or the Council under the provisions of any Act—

Provided that the contract made between the citizen and the Council or the Corporation for any of the purposes aforesaid is upon the same terms, and subject to the like conditions in every respect, as are applicable in the case of persons who are not aldermen.

(h) Resignation.

Mayor or aldermen may resign.

23—(1) Subject to his liability to pay any fine or penalty herein imposed upon him for so doing, every person elected to the office of Mayor or alderman under this Act may, at any time, resign such office, and the resignation shall be deemed to be complete from the date of its being received by the Town Clerk.

(2) An alderman who shall resign office at any time not more than six months before the day fixed for the ordinary biennial election shall not be liable to pay any fine or penalty in consequence of such resignation.

(i) Vacancies.

Vacancies in office of Mayor or alderman.

24 Any of the following causes shall create a vacancy in the office of Mayor or alderman:—

- I. Death, being mentally defective, bankruptcy, the execution of a statutory deed of assignment:
- II. Absence from the Council for three consecutive ordinary meetings without leave of the Council, followed by a resolution of the Council declaring the office vacant, which resolution the Council may, but is not bound to, pass within four weeks after the expiration of the said three consecutive ordinary meetings:
- III. Absence from the State for three consecutive months without leave of the Council:
- IV. Disqualification as herein provided:
- V. Retirement by rotation as herein provided:
- VI. Ouster from office as herein provided:
- VII. Resignation as herein provided:
- VIII. Failure to make and subscribe the prescribed declaration within two months after he has been elected to such office.

*Hobart Corporation.**(j) Extraordinary Vacancies.*

A.D. 1929.

25—(1) If any extraordinary vacancy occurs through the death, resignation, removal, or disqualification of any alderman at any time not more than six months before the ordinary biennial election, the place of such alderman shall not be filled up until such ordinary biennial election.

When vacancies not to be filled up.

(2) If the vacating alderman should not be one who would retire by rotation at the next ordinary biennial election, the vacancy shall be filled up at such election.

When vacancy to be filled up at next election.

26—(1) If any extraordinary vacancy occurs in the office of alderman at any other time, the returning officer shall appoint a day, not later than sixty days from the occurrence of such vacancy, for the election of another qualified citizen to supply such vacancy.

When election to take place.

(2) An election held to choose an alderman to fill an extraordinary vacancy is herein referred to as an "extraordinary election."

(3) The returning officer shall give due public notice of such election not less than seven days before the election.

27—(1) At all extraordinary elections of aldermen, if more than one vacancy has to be filled, the course of proceeding shall be the same, as nearly as may be, as is herein directed to be followed at an ordinary biennial election; and if there is only one vacancy to be filled the course of proceedings shall be the same, as nearly as may be, as is herein directed to be followed in a mayoral election.

Mode of proceeding in extraordinary elections.

(2) The same citizens' roll as was used at the immediately preceding biennial election of aldermen, with such additions and alterations as may have been made therein in the meantime by the Town Clerk as hereinafter provided, shall be used at any extraordinary election of aldermen.

28—(1) When any extraordinary vacancy has to be filled up at the same time as the ordinary biennial election, such vacancy shall be filled, if there be a poll, by the candidate who has the largest number of votes next after the candidates elected to fill the ordinary vacancies, and in like manner if there should be more than one extraordinary vacancy.

Mode of ascertaining alderman to fill extraordinary vacancy.

(2) If there be no poll, then the alderman or aldermen to be deemed elected to fill such extraordinary vacancy or vacancies shall be determined by lot.

29 Every person elected to supply any extraordinary vacancy in the office of alderman shall go out of office at the time when his predecessor would have gone out of office if no such vacancy had occurred.

Retirement of persons elected to fill extraordinary vacancies.

Hobart Corporation.

A.D. 1929.

Imposition of
fines.*(k) Penalties.*

30—(1) If any person duly elected to the office of Mayor or alderman shall—

- I. Fail to make and subscribe the prescribed declaration within two months after the date of his election: or
- II. Act as Mayor or alderman, as the case may be, except as aforesaid, without making and subscribing the prescribed declaration: or
- III. Resign more than six months before an ordinary biennial election: or
- IV. Forfeit his seat by absence without leave of the Council as aforesaid: or
- v. Become disqualified from holding office—

he shall be liable to a fine of Fifty Pounds in the case of a person elected to the office of Mayor, and of Twenty-five Pounds in the case of a person elected to the office of alderman.

(2) The Council may in its discretion reduce the amount of, or altogether remit, any fine mentioned in this section by reason of any special circumstances attending the making and subscribing the declaration, or the resignation, or disqualification aforesaid.

(3) Any fine payable under this section shall be paid to the Council in aid of the Municipal Fund.

*(l) Ouster of Office.*Limit of time for
obtaining *quo*
warranto.

31 Every application to the Supreme Court for the purpose of calling upon any person to show by what warrant he claims to exercise the office of Mayor or alderman, shall be made before the end of three months after the election or the time when the person against whom such application is directed has become disqualified, and not at any subsequent time.

Disputed elections
or exercise of
office.

32—(1) Upon affidavit that any person who has been elected as Mayor or alderman of the City has been elected unduly or contrary to any of the provisions of this Act, or that any person who has been elected to, or who holds or exercises, the office of Mayor or alderman of the City is incapable under the provisions of this Act of being or continuing such Mayor or alderman, and upon payment into court of the sum of Twenty Pounds as security for costs to abide the event of such application, it shall be lawful for the Supreme Court or any judge thereof to grant a rule or order calling upon such person to show cause to the Court why he should not be by the said Court ousted of the said office.

(2) Where, upon the return of such rule or order, it shall appear to the Court that such person so elected, or holding or exercising such office respectively, was elected unduly or

Hobart Corporation.

contrary to this Act, or was at the time of his election, or while holding or exercising such office respectively, elected unduly or contrary to this Act, or was at the time of his election, or while holding or exercising such office respectively, incapable under the provisions of this Act of being or continuing such Mayor or alderman, as the case may be, the Court may make such rule or order absolute, or, if the matter shall not so appear, may discharge such rule or order, and in either and every such case with or without payment of costs to or by either party as to the Court shall seem meet. A.D. 1929.

(3) The person against whom any rule shall be made absolute as aforesaid shall be deemed thereby to be ousted from such office accordingly.

(4) Provided that no such rule or order for ousting any person as having been elected unduly or contrary to this Act shall be granted, unless the application is made before the expiration of three months from the declaration of the election at which such person was elected.

33 It shall be lawful for the Supreme Court or any judge thereof, where any proceeding with respect to any election as having been made unduly or contrary to this Act, or with respect to the unlawful holding or exercise by any person of the office of Mayor or alderman hereunder, shall be depending in such Court, to order from time to time that an inquiry be had by such fit person as shall be named by the said Court or judge in the order touching any matters of fact which it shall seem to the said Court or judge necessary or expedient to ascertain for the purpose of dealing with the proceedings so depending, and that such person do report to the said Court touching the said matters. The Court or judge may adopt and act upon the report of the person so appointed. Supreme Court may direct an inquiry.

(m) Proceedings Not Invalidated.

34 No act or proceeding of the Council, or of any committee thereof, or of any person acting as a member of the Council, shall be invalidated in consequence of there being a vacancy in the number of the Council at the time of such act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that he was incapable of being such member, or had not duly made such declaration as aforesaid. Proceedings not to be invalidated by reason of irregularities.

Hobart Corporation.

A.D. 1929.

PART IV.

ELECTIONS.

Division (1).— *Electors.*

Citizens entitled to vote at elections.

35—(1) At every election held under the provisions of this Act every citizen whose name appears upon the citizens' roll, prepared in the manner hereinafter provided, shall be entitled to vote at such election, and no other person shall be so entitled.

Scale of voting.

(2) Every citizen entitled to vote shall have a number of votes proportioned to the annual value, as ascertained by the assessment roll, of the property within the City owned or occupied, or owned and occupied, by him, according to the following scale: —

Annual Value of the Property as given in the Assessment Roll.	Number of Votes.
Under £50	1
£50 and under £100	2
£100 and under £150	3
£150 and over	4.

Aggregation of votes.

36 At every election held under the provisions of this Act a citizen entitled to vote, being the owner or occupier, or owner and occupier, of several properties within the City, shall be entitled to a number of votes according to the scale aforesaid in proportion to the aggregate annual value of such properties as ascertained as aforesaid.

Provides for joint ownership or occupancy.

37—(1) Where any property is jointly owned or occupied by more persons than one, the votes to which such persons are entitled in respect of such property shall be given in the manner provided by this section.

(2) If the number of votes assigned in respect of such property, according to the scale aforesaid, can be equally divided by the number of the joint owners or occupiers, each of such joint owners or occupiers is hereby empowered to give, and shall if he votes give, the number of votes which a division of the votes assigned in respect of the property by the number of such joint owners or occupiers shows him to be entitled to, and no more.

(3) If the number of votes assigned in respect of such property is greater than the number of the joint owners or occupiers, but cannot be equally divided thereby, such a portion of the total number of votes as can be equally divided shall be so divided, and each of such joint owners or occupiers is hereby empowered to give, and shall if he votes give, the number of votes which a division of such portion of the total number as aforesaid shows him to be entitled to, and the vote or votes

Hobart Corporation.

which cannot be divided amongst the joint owners or occupiers shall be given by such one of them as is for that purpose deputed in writing by the other or others of such joint owners or occupiers. A.D. 1929.

(4) If the number of votes assigned in respect of such property is less than the number of such joint owners or occupiers, then only such one of such joint owners or occupiers shall be entitled to vote in respect of the property so jointly owned or occupied as is for that purpose deputed in writing by the other or others of such joint owners or occupiers.

(5) Provided that such joint owners or occupiers shall not in any case have amongst them in respect of such property a greater number of votes than four.

(6) Provided also, that no such joint owner or occupier shall have in respect of such property, and in respect of any other property of which he may be owner or occupier, a greater aggregate number of votes than four.

38—(1) Where the annual value of any property within the City in the joint ownership or occupation of more persons than one, as trustees, executors, or administrators, is One hundred and fifty Pounds or over, such trustees, executors, or administrators shall not, amongst them, have in respect of such property a greater number of votes than four, and it shall be lawful for such votes to be given by such one or more of themselves, in the case of individuals, as they may, by writing under their hands, appoint to be the persons or person to vote in respect of such property, and, in the case of a corporation or company, by its public officer. Joint trustees, &c.

(2) No corporation or company acting as trustee, executor, or administrator, and as such owning or occupying one or more properties in the City, shall have in respect of all such properties a greater number of votes than four.

(3) The vote of every corporation or company shall be given by the public officer thereof, or by such person as the directors of such corporation or company shall appoint in writing for the purpose.

(4) The officer or person so voting on behalf of a corporation or company may exercise the votes or vote to which he may be entitled in his own right in addition to the votes or vote he may give on behalf of the corporation or company.

(5) Provided that no individual shall be entitled to exercise a greater aggregate number of votes than eight.

39 Every citizen entitled to such vote or votes as aforesaid is hereby empowered to give the number of votes to which he is so entitled to such number of candidates at any election as is hereinafter provided. Citizens may vote.

Hobart Corporation.

A.D. 1929.

Division (2).—*Preliminary to Elections.*

Date of election.

40—(1) An election shall be held on the Wednesday preceding the second Friday in the month of May in the year one thousand nine hundred and thirty, and in each second succeeding year thereafter, for the purpose of filling the vacancy in the office of Mayor and the vacancies caused by the retirement of aldermen which will occur on the second Friday in each such month of May.

(2) An election held for the purpose of electing a person to the office of Mayor is herein referred to as a "mayoral election," and an election held for the purpose of electing a person or persons to the office of alderman or to the office of aldermen is herein referred to as an "aldermanic election."

How election to be conducted.

41—(1) Every election shall be conducted in the manner herein provided.

(2) The Council may by by-law supplement the provisions of this Act regarding the preparation of the citizens' roll hereinafter referred to and any other matter deemed necessary or desirable in connection with the conduct of the election.

Returning officer

42—(1) Every election, whether mayoral or aldermanic, shall be held before some person herein called "the returning officer."

(2) The Town Clerk, unless he is from any cause incapable of acting, shall be the returning officer.

(3) If at any election the Town Clerk is unable, in consequence of absence, illness, or other incapacity, to perform the duties of returning officer at such election, the Deputy Town Clerk shall act as returning officer, and if from any cause the Deputy Town Clerk is unable to perform the duties of returning officer, it shall be lawful for the Council to appoint some fit and proper person, not being the Mayor or an alderman, or a candidate at such election, to act as, and discharge the duties of, returning officer at such election.

(4) Every person while acting as returning officer under the provisions hereinbefore contained shall have and may exercise all the powers, duties, and functions of, and be deemed to be, the returning officer.

Election of Mayor and of aldermen to be at same time, but distinct.

43—(1) At each biennial election, a separate election shall be held to fill the office of Mayor, and to fill the places of the aldermen retiring by rotation respectively; but such elections shall be held at the same time and places.

(2) Every candidate for the office of mayor at any biennial election, unless he is a continuing alderman, shall also be nominated as a candidate for the office of alderman at the same biennial election.

Hobart Corporation.

(3) No candidate for the office of Mayor at any biennial election shall, unless he is a continuing alderman, be eligible to be elected as Mayor, unless he shall have been elected as an alderman at the same biennial election. A.D. 1929.

(4) When the scrutiny hereinafter referred to has been concluded the returning officer shall first declare the result of the election of aldermen, and shall subsequently declare the result of the election of Mayor.

Division (3).—*Citizens' Roll.*

44—(1) On or before the first day of March in every year in which a biennial election is to be held under this Act, the Town Clerk shall, in such manner and form as may be convenient, or as may be prescribed, prepare a roll, to be called the "Citizens' Roll," containing in alphabetical order the names of every person whose name appears on the assessment roll on that day as the owner or occupier of any property within the City, with the following exceptions:— Preparation of roll.

I. Any person who is assessed in respect of property of a less annual value than Five Pounds, unless there is a house upon such property and such person resides there:

II. Any person who is an alien.

(2) Such roll shall also show—

I. The property or properties in respect of which each citizen is entitled to vote:

II. The street in which such property is situate:

III. The number of votes to which each citizen is entitled under the provisions hereof:

IV. Whether the citizen is qualified to vote as being the owner or the occupier of the property, or both.

(3) Every citizen shall be entitled to inspect the roll at the office of the Town Clerk during ordinary office hours.

45—(1) Any person may, during the month of March aforesaid, and in the prescribed manner and form, object, in writing under his hand, to the Town Clerk— Objections to citizens' roll.

I. That any person whose name has been entered on the roll is not entitled to have his name so entered:

II. That the name of any person which should have been entered on the roll has been omitted therefrom:

III. That the number of votes to which any citizen is entitled is either more or less than is shown on the roll.

(2) The Town Clerk shall forthwith after receipt of any such objection inquire into and dispose of the same.

(3) The citizens' roll shall be revised and completed on or before the first day of the ensuing month of April, and shall be signed by the Town Clerk.

Hobart Corporation.

A.D. 1929.

(4) The citizens' roll as so completed and signed shall be used at the next ensuing election of Mayor and of aldermen, and shall be conclusive.

(5) The Town Clerk shall cause a sufficient number of copies of such roll to be forthwith printed, and shall, on payment of such price for each copy as may be fixed by the Council, cause copies to be delivered to any person applying for the same.

Citizens' roll in case of an extraordinary election.

46—(1) In the case of an election being necessary to fill any extraordinary vacancy the Town Clerk shall, at least seven days before the date fixed for holding such election, prepare a supplemental citizens' roll, in which shall be shown—

- I. The names of all citizens on the existing roll who have ceased to be entitled to have their names thereon:
- II. The names of any persons who are entitled to have their names included in the citizens' roll, but whose names are not on the then existing roll:
- III. The names of any citizen who is entitled to a greater or a lesser number of votes than he is shown by the existing roll to be entitled, and the number of votes to which he may then be entitled.

(2) The existing roll, varied by the supplemental roll, shall be used at the election to fill the extraordinary vacancy, and shall be conclusive.

Division (4).—*Nominations.*

Nominations of persons for election as Mayor and as aldermen.

47—(1) On and after the fourteenth day, and until noon of the tenth day, next before any mayoral or aldermanic election any two citizens qualified to vote at such election may, by writing under their hands, in the form in Schedule (4), stating the particulars therein mentioned, nominate to the returning officer for election—

- I. As Mayor, any one citizen qualified to be elected as Mayor:
- II. As aldermen, any number of citizens not exceeding six qualified to be elected as aldermen.

(2) There shall be written at the foot of such nomination a statement in the form in Schedule (4), under the hand or hands of the citizen or citizens so nominated as Mayor or aldermen respectively, declaring that the citizen or citizens so nominated are qualified to be nominated for election and to be elected as Mayor or as an alderman or aldermen, as the case may be, and the consent of such citizen or citizens to become a candidate or candidates at such election and to act if elected.

(3) No other citizen than such as are nominated and consent as aforesaid shall be eligible to be elected at such election.

(4) Provided that, in the event of any citizen being absent from Tasmania at the time of his nomination for election as Mayor or as an alderman, it shall be lawful for the returning

Hobart Corporation.

officer to receive the nomination of such citizen without such written consent as aforesaid. A.D. 1929.

(5) The returning officer shall not reject any nomination paper by reason only of an error in date or any other defect which he considers immaterial.

(6) No nomination shall be acted upon unless the nomination paper has been lodged in the office of the returning officer at or before noon of the last day fixed for the receipt of nominations as aforesaid.

48 On any two days before the election, and on the day of election, there shall be published in a newspaper circulating in the City, and in some conspicuous place in the Town Hall or other building used as such by the Council, a notification under the hand of the returning officer of the names and residences of all citizens so nominated as Mayor and aldermen respectively.

Notification of nominations.

49—(1) If at any election of Mayor only one person is nominated for election, and such person is or becomes eligible to be elected as Mayor, the returning officer shall upon the day of election, without any poll being had, publish a notice under his hand declaring the person so nominated to have been elected as Mayor; and the person so declared to have been elected shall be the Mayor of the City.

Declaration of election where uncontested.

(2) If at any election of aldermen no greater number of persons are nominated for election than the number of aldermen then to be elected, the returning officer shall, upon the day of election, without any poll being had, publish a notice under his hand declaring the persons so nominated to have been elected as aldermen; and the persons so declared to have been elected shall be aldermen of the City.

(3) If at any election of aldermen a less number of persons are nominated for election than the number of aldermen then to be elected, the returning officer shall in like manner declare the persons so nominated to have been elected as aldermen, and the aldermen shall appoint a citizen or citizens eligible to be elected as aldermen to fill the vacant place or places, and to sit and act in conjunction with themselves; and the citizen or citizens so appointed shall by virtue of such appointment be deemed to be duly elected.

50—(1) Every person so nominated as aforesaid may appoint any number of persons, not exceeding three, to be scrutineers on his behalf at such election. Such scrutineers shall be entitled to be present at or in any polling-place or polling-booth during the election and in the room in which the ballot-papers are being counted.

Scrutineers.

Hobart Corporation.

A.D. 1929.

(2) Every such scrutineer shall, before acting, make and subscribe in the presence of the returning officer or of any justice of the peace a declaration in the form in Schedule (5).

(3) Any scrutineer doing any act in contravention of such declaration shall be guilty of a misdemeanor.

Division (5).—*Polling-places, Election Officers,
and Ballot-papers.*

Polling-place or places.

51—(1) For the purpose of conducting elections under this Act, the Council may from time to time appoint and abolish one or more polling-places.

(2) If only one polling-place shall be appointed, that polling-place shall for the purposes of this Act be the chief polling-place. If more than one polling-place shall be appointed, the Council shall also appoint one of such polling-places to be the chief polling-place.

(3) A polling-place shall not be appointed or abolished within the period of seven days immediately preceding the day fixed for an election.

(4) A polling-place shall not be appointed in any house or place licensed for the sale of intoxicating liquor.

(5) A polling-place shall not be appointed in any place outside the boundaries of the City.

(6) The Council may provide special and movable polling-booths, and appoint the places and times at, and during which, the same shall be open, and generally regulate the conduct of such polling-booths.

(7) Public notice shall be advertised by the returning officer of the situation of all polling-places appointed as aforesaid, as soon as the same conveniently may be done.

The poll.

52 The returning officer shall, subject to the provisions of this Act, make all necessary arrangements for taking the poll, and he shall be the presiding officer at the chief polling-place.

Presiding officers.

53 The returning officer shall, by writing under his hand, appoint a presiding officer to preside at each polling-place other than the chief polling-place, and may in like manner appoint one or more assistant presiding officers to assist him or the other presiding officers in the performance of his or their respective duties.

Substitute for presiding officer

54—(1) If any presiding officer be prevented from attending to any of his duties by absence, illness, or other cause, the returning officer shall, by writing under his hand, appoint a substitute to act for him.

(2) Any presiding officer may appoint a substitute to perform his duties during his temporary absence.

Hobart Corporation.

55 Any assistant presiding officer, or any substitute appointed as aforesaid, may, subject to the direction of the presiding officer, exercise all or any of his powers, and shall in the exercise of those powers be deemed to be the presiding officer.

A.D. 1929.

Powers of assistants and substitutes.

56 Such presiding officer and poll-clerk shall, on or before the day of poll at any election held under the provisions of this Act, make and subscribe before the returning officer or any justice of the peace a declaration in the form in Schedule (6). In the case of a poll-clerk the declaration may be made and subscribed before a presiding officer.

Declaration by presiding officers and poll-clerks.

57 The returning officer shall—

Duties of returning officer.

- I. Appoint all necessary poll-clerks and door-keepers:
- II. Cause public notice to be given of the situation of the polling-place or polling-places two days before the day of election:
- III. Cause such rooms to be provided or booths to be erected at each polling-place as occasion requires, and have the same so divided and arranged as to provide as many inner rooms or separate voting compartments as may be necessary, opening only into the room in which the ballot-box is kept, and constructed so as to screen the voters from observation while they are marking their ballot-papers; and each such room and voting compartment shall be furnished with a pencil for the use of voters:
- IV. Cause a sufficient number of ballot-boxes, with secure locks and with apertures through which the ballot-papers are to be put into such ballot-boxes, to be provided at each polling-place:
- V. Cause to be furnished for the use of each polling-place a sufficient number of copies of the citizens' roll, and shall under his hand certify such copies to be correct:
- VI. Deliver or transmit, or cause to be delivered or transmitted, to each presiding officer at each polling-place a sufficient number of ballot-papers and printed forms of voter's declaration as set forth in Schedule (8).

58—(1) Every presiding officer shall have power and authority to maintain and enforce order and to keep the peace at any election or polling held before him; and may, without any other warrant than this Act, cause to be apprehended and taken before a justice of the peace any person reasonably suspected of—

Powers, &c., of presiding officers.

- I. Personating or attempting to personate any elector:
or

Hobart Corporation.

A.D. 1929.

- II. Voting or offering to vote more than once at the same election: or
- III. Leaving or attempting to leave the polling-booth after having received a ballot-paper, and before having deposited the same in the ballot-box as hereinafter provided: or
- IV. Attempting to vote by means of a ballot-paper which has been delivered to another person: or
- V. Causing a disturbance at the election: or
- VI. Wilfully obstructing the polling by any unnecessary delay in performing any act within the polling-booth—

and may also cause to be apprehended and taken before a justice of the peace any person who intrudes into or obstructs the approaches to the polling-booth, or conducts himself in a disorderly manner.

Police to assist.

(2) All constables and members of the Police Force shall aid and assist the presiding officer in the performance of his duty, and to arrest and take, and remove, such person as aforesaid.

Ballot-papers to be prepared.

59—(1) The returning officer, before and in time for every election held under this Act, shall provide a sufficient number of printed ballot-papers, each of which shall be signed or stamped on the back thereof by the returning officer with his name in full or his initials, as he may think proper.

(2) Every ballot-paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames.

(3) If there are two or more candidates of the same surname, their names shall be printed according to the alphabetical order of their Christian names, or if their Christian names are the same, then according to the alphabetical order of their residences, arranged and stated on the ballot-paper.

(4) Where similarity in the names of two or more candidates is likely to cause confusion, the names may be arranged with such description or addition as will distinguish them from one another.

(5) Every ballot-paper shall be marked with the number of votes to which the citizen to whom it is issued is entitled.

(6) A square shall be printed opposite the name of each candidate.

(7) The ballot-papers may be in the form in Schedule (7), and may have printed thereon instructions as to the method of voting.

(8) No ballot-paper used at any such election shall contain any other matter or thing other than those hereinbefore mentioned.

Hobart Corporation.

(9) When a mayoral election and an aldermanic election are to be held simultaneously, the ballot-papers to be used at each election shall be printed upon differently coloured or tinted paper. A.D. 1929.

Division (6).—*The Poll.*

60 The following provisions shall be observed in the conduct of the poll:— Provision as to ballot-boxes.

- I. There shall be only one key to the lock of each ballot-box:
- II. Before any vote is taken the presiding officer shall exhibit each ballot-box open and empty to the poll-clerks, scrutineers, and citizens present, if any; he shall then lock and duly seal the same, and shall keep in his possession the only key thereof and see that the seal is not tampered with:
- III. A ballot-box shall not be opened during the election.

61 The poll shall open at nine o'clock in the forenoon, and, unless adjourned by reason of riot or interruption or obstruction, shall close at six o'clock in the afternoon of the same day, or so soon thereafter as all electors present in the polling-place at six o'clock, and desiring to vote, have voted. Time for taking poll.

62 A citizen shall be entitled to vote at any polling-place at which the poll is being taken. Citizens may vote at any polling-place.

63—(1) If the proceedings at any election are interrupted or obstructed by any riot or open violence, the presiding officer shall not for such cause finally close the poll, but shall, if he considers it impracticable to continue the poll, adjourn the poll at the particular polling-place at which the interruption or obstruction happens until the same time on the following day as that at which the interruption or obstruction happened on the original day of polling, and if necessary shall in like manner further adjourn such poll from day to day until such interruption or obstruction has ceased, when the presiding officer shall again proceed with the taking of the poll at the place at which it was interrupted or obstructed. Any day to which the poll is so finally adjourned shall, as to such place, be reckoned the day of polling at such election within the meaning of this Act. Adjournment of election in case of riot.

(2) When any poll has been adjourned by any presiding officer other than the returning officer, he shall forthwith give notice of such adjournment to the returning officer, who shall not finally declare the state of the poll, or the name of the Mayor, or the name or names of the alderman or aldermen elected, until the poll so adjourned has been finally closed, and the abstract of the state of that poll or other documents delivered or transmitted to the returning officer.

Hobart Corporation.

A.D. 1929.

64 Every aldermanic election shall be conducted in manner following:—

Mode of election
of aldermen.

Citizen to sign
declaration.

Ballot-paper to be
given to citizen.

How papers to be
marked.

And how placed
in ballot-box.

- I. Each citizen entitled to vote shall enter unattended into the room appointed for the ballot at such election, and in which the ballot-box is kept, and shall there, in the presence of the returning officer, presiding officer, or poll-clerk, sign a declaration in the form set forth in Schedule (8):
- II. The presiding officer shall then select a ballot-paper marked with the number of votes to which the citizen claiming to vote is entitled, and thereupon check or mark off upon a certified copy of the citizens' roll such citizen's name as having voted, and then deliver such ballot-paper to such citizen:
- III. The citizen shall immediately take such ballot-paper into an inner room or compartment provided for such purpose as aforesaid, and there without delay mark his ballot-paper by placing any numeral from one up to nine within, or substantially within, the square opposite the name or names of the person or persons for whom he intends to vote:
- IV. If the election be an ordinary biennial election of aldermen, the citizen shall place a numeral as aforesaid opposite to not more and not less than six names, except that at the biennial election to be held in the month of May, one thousand nine hundred and thirty, the citizen shall place a numeral opposite to not more and not less than three names:
- V. If the election be held to fill any extraordinary vacancy or vacancies, the citizen shall place a numeral as aforesaid opposite to not more and not less names than the number of persons required to fill such vacancies:
- VI. The citizen shall make no other mark or writing on the ballot-paper, otherwise such ballot-paper shall be invalid, and in particular no name shall be struck out of any ballot-paper:
- VII. The citizen shall then fold up such ballot-paper so as to conceal the names from view, and in such manner that the name or initials of the returning officer shall appear on the outside of the ballot-paper, and shall immediately take the same into the room in which the ballot-box is kept, and after exhibiting such ballot-paper so folded, with the name or initials so visible as aforesaid, to the presiding officer or poll-clerk, if required so to do, shall place the same in the ballot-box:

Hobart Corporation.

VIII. The citizen shall then immediately leave the room, and shall not re-enter it during the same election. A.D. 1929.

No two persons shall enter into or remain in an inner room or compartment at the same time, nor shall any citizen take any such ballot-paper out of the room in which the ballot-box is placed elsewhere than into the said inner room or compartment, and then only for the purpose of marking against the name or names of the person or persons for whom he intends to vote:

No further entry by the same citizen, &c.

IX. Any person wilfully contravening any of the provisions in this section contained shall be liable to a penalty not exceeding Fifty Pounds:

Penalty for contravention of provisions.

X. The presiding officer may, and upon request shall, either personally or through a poll-clerk, explain to the citizen as concisely as possible the method of voting.

Presiding officer to explain mode of voting.

65 Every mayoral election shall be conducted in a similar manner to that provided in the last preceding section for an aldermanic election, except that the citizen voting shall record his vote by marking his ballot-paper in manner following:—

Mode of election of Mayor.

I. Where there are only two candidates, he shall place the number 1 within or substantially within the square opposite the name of the candidate for whom he votes as his first preference. He may also place the number 2 within or substantially within the square opposite the name of the other candidate:

II. Where there are more than two candidates, he shall place the number 1 within or substantially within the square opposite the name of the candidate for whom he votes as his first preference, and he shall also give contingent votes for all the remaining candidates by placing within or substantially within the squares respectively opposite their names the numbers 2, 3, and so on, so as to indicate the order of his preference.

66 In the case of any citizen who is blind, or cannot write, the declaration shall be read over to him, and his verbal assent thereto being obtained, the presiding officer or poll-clerk shall write such citizen's name in the citizen's signing place, and attest the same under his hand; and such signature and attestation shall bind such citizen to such declaration and to all the consequences thereof if false; and the presiding officer shall also, at the request of such citizen, openly in the ballot-room, and in the presence and sight of the poll-clerk and scrutineers, or such of them as may be present, mark upon his ballot-

Provides for blind men and marksmen voting at elections of aldermen.

Hobart Corporation.

A.D. 1929. — paper in manner aforesaid the name or names of the person or persons for whom the citizen declares his intention of voting, and shall fold and deposit his ballot-paper for him.

Spoilt ballot-papers. **67** If any citizen satisfies the presiding officer before his ballot-paper is deposited in the ballot-box that he has spoilt it by mistake or accident, he may, on giving it up, receive a new ballot-paper from the presiding officer, who shall there and then cancel and preserve the spoilt ballot-paper.

No other question or declaration necessary. **68**—(1) No citizen claiming to vote at any election shall be required to answer any questions, or to take any declaration, oath, or affidavit, except as aforesaid, and except as mentioned in the third subsection of this section.

(2) No person claiming to vote at any election shall be excluded from voting thereat unless the presiding officer is satisfied that he is not the person whose name appears on the citizens' roll, or that he has previously voted at that election, or unless such person refuses to take such declaration as aforesaid, or his name does not appear on the citizens' roll.

Declaration against bribery. (3) The presiding officer may, if he thinks fit, and shall if called upon so to do by any scrutineer, require any person claiming to vote to make a solemn declaration against bribery in the form in Schedule (9). No person who refuses to make such declaration shall receive a ballot-paper or be permitted to vote.

Penalty for false declaration. (4) Any person wilfully making either declaration falsely is liable to a penalty not exceeding Fifty Pounds; and every person shall be deemed to have made a declaration wilfully upon proof that it was untrue in fact, unless he prove the contrary.

Division (7).—*Voting by Post.*

Obtaining of forms on application for postal ballot-paper. **69**—(1) Any citizen entitled to vote at any election held under this Act, and—

I. Who has reason to believe that he will not on polling-day be within seven miles of the Town Hall, Hobart: or

II. Who, being a woman, will on account of ill-health be unable on polling-day to attend the polling-place to vote: or

III. Who will be prevented by serious illness or infirmity from attending the polling-place on polling-day—

Application for a postal vote certificate. may, at any time not more than twenty days before polling-day, make application, in the Form A in Schedule (10), to the Town Clerk for a postal vote certificate.

Schedule (10), Form A. (2) In the case of an application under Paragraph I., the applicant shall state in the application the reason for his said belief. All such applications shall be filed by the Town Clerk,

Hobart Corporation.

and after the declaration of the poll shall be dealt with in the same manner as the ballot-papers taken at the election.

A.D. 1929.

(3) The application shall be signed by the citizen himself, in his own handwriting, in the presence of an authorised witness.

(4) In the case of a mayoral and an aldermanic election being held simultaneously, an application for a postal vote certificate shall be deemed to be an application for a postal vote certificate for each of such elections, and shall be acted upon accordingly.

(5) Any citizen making a false statement, or any person inducing a citizen to make a false statement, in an application under this section shall be guilty of an offence under this Act.

Penalty: Twenty Pounds, or one month's imprisonment.

70 The following persons, not being candidates, are authorised witnesses within the meaning of this Act:—

Authorised witnesses.

- I. The Town Clerk and Deputy Town Clerk:
- II. All postmasters or postmistresses or persons in charge of post-offices:
- III. All justices of the peace:
- IV. All town clerks, police clerks, and council clerks:
- V. All head teachers of State schools:
- VI. All members of the police force of the State of or above the rank of sergeant:
- VII. All legally-qualified medical practitioners and matrons of hospitals under the Hospitals Act: and
- VIII. All officers in charge of quarantine stations.

71 No authorised witness shall—

- I. Witness the signature of any citizen to an application for a postal vote certificate unless the citizen is personally known to him: or
- II. Witness the signature of any citizen to any application or form of application for a postal vote certificate unless he has actually seen the citizen sign the application or form of application in his own handwriting.

Duty of authorised witnesses as to applications.

Penalty: Twenty Pounds, or one month's imprisonment.

72 The person witnessing any application for a postal vote certificate under this Act shall, if he is not personally acquainted with the facts, satisfy himself, by inquiring from the applicant, that the statements contained in the application are true.

Witness to application must satisfy himself of truth of statements.

Penalty: Twenty Pounds.

73—(1) The Town Clerk upon receiving the application, if he is satisfied that it is properly signed by a citizen entitled to vote at the election and is properly witnessed, and that no postal

Issue of certificates and ballot-papers. Schedule (10), Forms B and C.

Hobart Corporation.

A.D. 1929.

vote certificate for the same election has been previously issued to the applicant, shall deliver to or post to the citizen, and to no other person, a postal vote certificate and one postal ballot-paper with a counterfoil attached, together with an envelope addressed to the Town Clerk.

(2) The postal vote certificate may be in Form B in Schedule (10), and may be printed on the back of the counterfoil of the postal ballot-paper.

(3) The postal ballot-paper may be in the Form C in Schedule (10) hereto, and the Town Clerk shall, before issuing the same, mark on the top thereof in words the number of votes to which the citizen is entitled under this Act.

Returning officer to initial ballot-paper.

74 The Town Clerk shall initial on the back all postal ballot-papers issued, and shall keep and number the applications in consecutive order, writing the corresponding number on the counterfoil of the ballot-paper.

Returning officer to note issue of certificate.

75 The Town Clerk shall note on a citizens' roll all postal vote certificates issued.

Citizen receiving certificate not to vote at booth unless he delivers it up.

76 No citizen who has received any postal vote certificate shall be entitled to vote at any polling-booth unless he delivers up his certificate and postal ballot-paper to the returning officer before he votes, except as provided in the next succeeding section.

Provisions when citizen claims to vote although postal ballot-paper already issued.
Schedule (10),
Form D.

77 If a citizen to whom a postal vote certificate and postal ballot-paper appear to have been sent states that he has not received the same, and claims to vote personally at the polling-place, the returning officer may take from such citizen a declaration in the Form D in Schedule (10), or to the like effect. Thereupon such citizen shall be entitled to vote personally at such poll, and his vote shall be taken in the ordinary way.

Effect of immaterial error.

78 No application for a ballot-paper shall be deemed insufficient or invalid by reason only that in such application there is an omission, or incorrect or insufficient description, or misdescription, in respect of any of the particulars required by law to be contained therein, if the Town Clerk is satisfied that the applicant is entitled to a postal ballot-paper.

Directions for postal voting.

79 The following directions for regulating voting by means of postal ballot-papers shall be substantially observed:—

- I. The citizen shall exhibit his postal ballot-paper, in blank, and his postal vote certificate to an authorised witness:

Hobart Corporation.

- II. The citizen shall then write on the inside of the ballot-paper the name of the candidate or candidates for whom he votes, but so that no person before whom he records his vote shall see any such name: A.D. 1929.
Provided that—
- (a) If the election be an ordinary biennial election of aldermen, the citizen shall write on the ballot-paper the names of not more and not less than six of the candidates;
 - (b) If the election be held to fill an extraordinary vacancy or vacancies, the citizen shall write on the ballot-paper the names of not more and not less of the candidates than there are vacancies to be filled;
 - (c) If the election be a mayoral election, and if there are only two candidates, the citizen shall write on the ballot-paper the name of the candidate for whom he votes as his first preference. He may also write on the ballot-paper the names of both the candidates, and place the number 1 opposite the name of the candidate for whom he votes as his first preference, and the number 2 opposite the name of the other candidate, or he may leave the name of such other candidate without any number opposite to it.
But if there are more than two candidates, the citizen shall write on the ballot-paper the names of all the candidates, and shall place the number 1 opposite the name of the candidate for whom he votes as his first preference, and he shall also give contingent votes for all the remaining candidates by placing the numbers 2, 3, and so on, opposite the names of such other candidates, so as to indicate the order of his preference:
- III. If the citizen shall write on the ballot-paper the name of any person who has not been nominated for election, such ballot-paper shall not thereby be rendered invalid, but shall be counted at the scrutiny as if the name of such person had not been written upon the ballot-paper:
- IV. If the citizen's sight is so impaired that he cannot vote without assistance, the authorised witness, if so requested by the citizen, may act for him, in the presence of a witness:

Hobart Corporation.

A.D. 1929.

- v. The citizen shall then fold the ballot-paper and fasten margin to margin:
- VI. The citizen shall then himself sign his name in his own handwriting on the counterfoil, in the place provided for the signature of the voter:
- VII. The authorised witness shall then himself sign his name in his own handwriting in the place provided for the signature of the witness, and shall add his occupation and place of living, and the date:
- VIII. The citizen shall then place the ballot-paper with the counterfoil attached into the envelope addressed to the Town Clerk, and fasten the envelope, and duly stamp and hand it to the authorised witness for posting; but if the authorised witness be the Town Clerk or the Deputy Town Clerk, the envelope, duly fastened up, shall be delivered to such Town Clerk or Deputy Town Clerk, who shall forthwith place it in a ballot-box to be provided for the purpose.

Duty of
authorised
witness.

80 The authorised witness shall—

- I. See that the directions in the last preceding section are substantially complied with:
- II. Refrain from looking at the vote given by the citizen, except where the citizen's sight is so impaired that he cannot vote without assistance, and the citizen requests his assistance:
- III. Not attempt to influence the vote of the citizen whose signature he is witnessing:
- IV. Not disclose any knowledge officially acquired by him touching the vote of the citizen: and
- v. Forthwith post the envelope containing the postal ballot-paper.

Penalty: Twenty Pounds, or one month's imprisonment.

Letters to be
produced at
scrutiny.

81 At the scrutiny the Town Clerk, as returning officer, shall produce, unopened, all envelopes containing postal votes received up to the close of the poll, and at the scrutiny the envelopes shall be opened in the presence of the scrutineers present, and shall be dealt with as follows:—

- I. All applications for postal vote certificates shall be produced at the same time:
- II. The returning officer, without unfolding the ballot-paper or allowing it to be inspected, shall compare the signature of the voter on the counterfoil with the signature to the application, and allow the scrutineers to inspect both signatures, and shall determine whether the signature on the ballot-paper is that of the applicant:

Hobart Corporation.

- III. If the vote is allowed the returning officer shall tear off the counterfoil and insert the ballot-paper in the ballot-box: A.D. 1929.
- IV. If the returning officer rejects the ballot-paper, then the certificate and ballot-paper shall be preserved by him for production at any court that may be held on or about the election, the ballot-paper being at once sealed up without being unfolded or inspected:
- V. Ballot-papers so allowed shall be placed in a ballot-box by themselves, and when they have all been inserted the counting of the votes shall commence:
- VI. Postal ballot-papers which are not duly witnessed shall not be allowed at the scrutiny.

82 The decision of the returning officer as to the allowance or disallowance of any postal vote shall be subject only to review by the Supreme Court upon the validity of the election or any return being disputed. Returning officer to decide.

83 No postal vote shall be rejected because the surname only of a candidate has been written thereon if no other candidate has the same surname, nor by reason of any mistake in spelling where the citizen's intention is clear. Mistakes.

Division (8).—*Scrutiny and Declaration of Result of Election.*

84—(1) The result of the polling at every election shall be ascertained by scrutiny. Scrutiny.

(2) The scrutiny shall be conducted as follows:—

- I. It shall commence as soon as practicable after the closing of the poll:
- II. Such of the scrutineers, poll-clerks, and candidates as choose to attend may be present:
- III. All the proceedings at the scrutiny shall be subject to the inspection of the scrutineers:
- IV. All informal votes shall be rejected, and the number recorded:
- V. The scrutiny may be adjourned as may be necessary until the counting of the votes is complete:
- VI. A ballot-paper shall be informal if—

(a) It is not authenticated by the returning officer in the manner provided by this Act;

(b) It has no vote marked on it, or has votes marked on it for a greater or a lesser number of candidates than is required by this Act;

Informal ballot-papers.

Hobart Corporation.

A.D. 1929.

(c) It is not marked as required by this Act;

(d) It has upon it any mark or writing (not authorised by this Act to be upon it) which, in the opinion of the returning officer, would enable the voter to be identified:

Ballot-papers.

VII. Provided, nevertheless, that a ballot-paper shall not be rejected as informal merely on the ground of any irregularity in the marking thereof if, in the opinion of the returning officer (whose decision shall be final), the intention of the voter is clearly expressed therein, and if in all other respects the provisions of the said Act are complied with.

Duties of
presiding officer,
other than
returning officer,
at close of poll.

85 If there shall be more than one polling-place appointed for the election, the presiding officer at each polling-place, other than the chief polling-place, shall, as soon as practicable after the close of the poll—

- I. Securely fasten up the aperture of each ballot-box:
- II. Make out and sign an exact statement of the number of ballot-papers and forms of declaration originally supplied to him, and the number thereof used, and left unused and returned, which statement shall be verified by his own signature and that of the poll-clerk (if any):
- III. Convey to the returning officer at the chief polling-place with the least possible delay the ballot-box or boxes used at such polling-place, unopened and fastened up as aforesaid, and the key or keys of such ballot-box or ballot-boxes, the said statement and all signed declarations, and the certified copy of the citizens' roll used by him at the election, and such of the ballot-papers and forms of declaration as have not been used at the election.

Duties of
returning officer
at close of poll.

86 The returning officer shall, as soon as practicable after the close of the poll, and at the chief polling-place, open the ballot-box or all the ballot-boxes used at the election, or at each of the elections, and count the votes recorded thereat for the respective candidates, rejecting all informal ballot-papers, and shall make out and sign an abstract of the result of the election or of each of the elections. The returning officer may open the ballot-box or ballot-boxes used at the chief polling-place and proceed with the count without waiting until the ballot-boxes are received from the other polling-places.

Declaration of
poll.

87—(1) When a mayoral and an aldermanic election have been conducted simultaneously, the returning officer shall, as

Hobart Corporation.

soon as may be practicable after the elections, openly at the chief polling-place, declare the result of the aldermanic election, and shall at the same time and place declare the names of the persons who have been duly elected as aldermen to take the place of the aldermen retiring by rotation, and shall then declare the name or names of the person or persons who have been duly elected to fill any vacancy or vacancies which may then be existing.

A.D. 1929.

(2) The returning officer shall then count the votes recorded at the mayoral election in the manner prescribed in Schedule (17).

(3) As soon as may be practicable after the returning officer has counted all the votes recorded at the mayoral election, he shall declare the name of the person duly elected as Mayor.

(4) If no candidate at a mayoral election should be either a continuing alderman or a person declared elected as an alderman at the aldermanic election which has been conducted simultaneously with the mayoral election, or if no person qualified to be elected as Mayor is nominated for election as Mayor, then the alderman who under the provisions hereinbefore contained would be and become Deputy-Mayor shall be Mayor for the ensuing period of two years.

88—(1) In the event of the number of votes being found to be equal for two or more persons at any mayoral or at any aldermanic election, it shall be decided by lot which of such candidates shall be Mayor or alderman or aldermen, as the case may be.

In case of equality, lot to decide.

(2) The fact of a citizen being the returning officer, or a presiding officer, or an assistant presiding officer, shall not preclude him from voting.

Other presiding officers may vote.

89—(1) All ballot-papers taken at each election held under this Act, together with the ballot-papers not used, the said copies of the citizens' roll and abstract and declarations, shall be sealed up by the Town Clerk and deposited with the records of the Corporation, and the same shall be kept for three years, and the sealed packets containing the same shall, on the outside thereof, be described to be the papers connected with the election to which they relate.

Ballot-papers to be deposited.

(2) In case any question arises touching the election, such papers or any of them, upon production thereof, and proof either by evidence or by a certificate thereon, under the hand of the Town Clerk, that the same came to, and then were in his custody as such Town Clerk, shall be received in evidence.

Hobart Corporation.

A.D. 1929.

Division (9).—*Offences.*False answer,
polling twice, and
personation.

90 Every person who shall vote more than once, or offer to vote more than once, at any election under this Act, or who shall depart or attempt to depart from any polling-booth after having received a ballot-paper without having deposited the same in the ballot-box as hereinafter mentioned, or who shall personate any other person for the purpose of voting at such election, shall be guilty of a misdemeanour, and shall on conviction thereof be liable to be imprisoned for any period not exceeding one year, with or without hard labour.

Bribery and
corruption.

91—(1) All the acts enumerated as acts of bribery and corruption in any Act in force for the time being regulating elections of members to the Parliament of Tasmania shall be deemed to be acts of bribery and corruption with reference to all elections under this Act.

(2) Every person committing any such act shall be deemed guilty of a misdemeanour, and shall be punishable in the manner and to the same extent as if the provisions of the said Act relating to bribery and corruption had been set forth herein.

(3) The acts of all authorised agents of a candidate shall be held to be the acts of their principal, if proved to have been committed with his consent.

(4) The provisions of any Act in force for the time being regulating election of members of the Parliament of Tasmania, and relating to the electoral expenses allowable in respect of any candidature for election under that Act, including the definition of electoral expenses, the returns and declarations required, the obligations imposed, and the penalties and effects consequent upon a breach of such provisions, shall, *mutatis mutandis*, be applicable to every election held under this Act, except that no electoral expense shall be allowed in respect of any candidature under this Act in excess of Twenty Pounds for each candidate.

Penalty for
receiving or
offering reward
for voting or
withholding vote.

92 Every person who, having or claiming to have any right to vote at any election under this Act, shall directly or indirectly ask, receive, or take any money or other reward by way of gift or emolument for himself, or any of his family or kindred, friends, or dependents, as a consideration or inducement expressed, implied, or understood for giving his vote, or for abstaining from giving his vote, at any such election, and every person who, by himself, his friends, or by any person employed by him, shall by any gift or reward, or by any promise or agreement or security for any gift or reward, procure any person to give his vote at any such election, or to abstain from giving the same, shall for every such offence forfeit the sum of Fifty Pounds to the first person who shall, *bona fide* for his own use and not conclusively, sue for the same.

*Hobart Corporation.*Division (10).—*Proceedings Validated.*

A.D. 1929.

93 No election under this Act shall be liable to be questioned by reason only of—

Election not to be questioned.

- I. Any defect in the title, or any want of title, of the person by or before whom such election or any polling for the same has been held, if such person has been actually acting or has acted at such election: or
- II. Any formal error or defect in any declaration or other instrument, or in any publication made under this Act, or intended to be so made: or
- III. Any such publication being out of time: or
- IV. Any delay in holding the election at the time appointed, or in taking the poll: or
- V. In consequence of any impediment of a merely formal nature.

94 No advantage shall be taken of the invalidity of any election under this Act in any action or suit, which is brought by or against the Corporation, but every such action or suit shall be tried as if no such objection existed.

Invalidity of election no plea in action.

PART V.

MINUTES AND PROCEEDINGS OF COUNCIL.

95 All acts relating to the Corporation authorised or required to be done by the Council, and all questions which may come before the said Council, shall be done and decided by the majority of the aldermen present at any meeting of the said Council duly held, the whole number present at such meeting not being less than seven.

The Council to act by a majority of the members.

96 The Mayor, if present, shall preside at all meetings of the Council, and in his absence the Deputy-Mayor, and in the absence of the Deputy-Mayor such alderman as the members present shall choose shall be chairman; and if at any time there is an equality of votes in the election of a chairman, it shall be decided by lot which of the aldermen having an equal number of votes shall be chairman.

Chairman at meetings of Council.

97 If, on a division, there is an equality of votes the question shall pass in the negative.

Equality of votes on division.

Hobart Corporation.

A.D. 1929

Notices of meetings.

98 Notice of the time and place of every intended meeting of the Council shall be given by the Town Clerk to the aldermen.

Notices to be served.

99 Every such notice shall be left at the usual or last known place of abode of every alderman, or sent to him by post twenty-four hours at least before such meeting.

When meetings to be called.

100 The Mayor shall call a meeting of the Council as often as he thinks proper, or as the Council may direct; and if the Mayor refuses or delays to call any such meeting after receiving a requisition for that purpose signed by at least five aldermen, such five aldermen may call a meeting of the Council by giving like notice as aforesaid, signed by themselves, stating therein the business proposed to be transacted.

Minutes of proceedings.

101 Minutes of the proceedings of every meeting of the Council shall be taken, and, being fairly transcribed into a book to be kept for that purpose, shall, after confirmation by the meeting immediately succeeding, be signed by the Mayor or the chairman of the latter meeting.

Copies and extracts from minute-book.

102 Any citizen shall be at liberty, at all reasonable times, on payment of the sum of One Shilling, to make any copy of any minute or entry in the minute-book of the Council, and also to make any copy or take any extract from any order of the said Council for the payment of any money.

Committees.

103 The Council may, from time to time, appoint out of its own body such and so many committees, either of a general or special nature, and consisting of such number of persons, not less than three, as the said Council thinks fit, for any purpose which in the discretion of such Council would be better regulated, arranged, and managed by means of such committees, and may fix the quorum of any such committee: Pro-may continue, alter, or discontinue any such committee: Provided that the acts of every such committee shall be submitted to the Council for approval.

Committee meetings.

104—(1) Every committee so appointed may meet from time to time, and adjourn from place to place, as it may think proper for carrying into effect the purposes of its appointment.

(2) No business shall be transacted at any meeting of a committee unless the quorum of members, if any, fixed by the Council, and if no quorum be fixed, a majority of the members, be present.

(3) At all meetings of the committee the Mayor, if a member or such committee and present, shall preside, and in his absence such alderman as the members present shall choose shall be

Hobart Corporation.

chairman, such choice to be determined in case of an equality of votes as in the case of an election of a chairman at a meeting of the Council. A.D. 1929.

(4) All questions shall be determined by a majority of the votes of the members present, and in the case of an equality of votes the question shall pass in the negative.

PART VI.

RATES AND CHARGES.

Division (1)—*The City Rate.*

105—(1) It shall be lawful for the Council at yearly, half-yearly, or other periods, to make and levy a rate for the general expenditure of the City upon the assessed annual value of the lands and buildings within the City. Power to levy city rate.

(2) Such rate shall be designated "the city rate," and, subject to the exemptions and provisions hereinafter contained, shall be payable by the respective owners of all lands and buildings within the City.

(3) The city rate shall not exceed Six Shillings and Sixpence in the pound in any one year.

(4) Every city rate imposed by the Council shall be paid to the Corporation by the person liable to pay the same at the Town Hall, Hobart, or at such other place as the Council may direct.

(5) The city rate shall be in substitution for, and to consolidate into one rate, the general rate, water rate, health rate, sewerage rate, recreation ground rate, tramway rate, and sanitary service charge, or any other rate or charge leviable by the Council under any Act hereby repealed, or under the authority of every or any power enabling it in that behalf.

(6) Nothing contained in this section shall be deemed to deprive the Council of the power to levy a special rate of One Shilling in the pound upon all rateable property in the City for the purposes mentioned in Section Eighteen of the City of Hobart Town Loans Consolidation Act, 1880. 43 Vict. No. 22 s. 18.

106—(1) Upon the making of the city rate, a notice signed by the Mayor and not less than five aldermen, specifying the amount of the rate, the period for which the same is made, and at what times the same is payable, shall be gazetted. Notice of rate

Hobart Corporation.

A.D. 1929.

(2) Upon such notice being so gazetted, the rate therein mentioned shall be payable and paid at the times specified in such notice by the respective owners of all assessed lands and buildings within the City according to the annual value of such lands and buildings as such annual value is ascertained and determined by the Assessment Roll then in force for the City.

(3) It shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the rate, or the sums which according to such rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Rates payable in advance.

107 The city rate made and imposed by the Council shall be payable in advance in such portions and at such periods as the Council from time to time appoints, and all the provisions herein contained referring to the payment and recovery of the city rate shall apply to the payment and recovery of any such portion of the city rate.

Service of demand of rates.

108—(1) A demand in writing shall be made upon the person liable to pay any rate.

(2) Such demand shall set forth the amount of rate due, the period for which such rate is payable, the date when such demand is issued, and such other particulars as the Council may direct.

(3) The name of the City Treasurer or the collector shall be signed or printed on each demand.

(4) A demand may be left at the usual or last known place of abode or business of the person liable to pay the rate, or may be sent by post addressed to such person at such place of abode or business as aforesaid.

(5) Whenever any such demand is sent by post, the City Treasurer shall retain a duplicate of the demand, and the production of such duplicate shall be evidence that the demand was duly posted.

Rates may be recoverable from occupier.

109—(1) When the owner of any property is liable to the payment of any rate in respect thereof, and such rate remains unpaid for one month, the Council, City Treasurer, or any collector may demand and recover the amount of such rate from the occupier of such property in the same manner in all respects as if such occupier were the owner.

(2) Every such occupier is hereby empowered to deduct from the rent payable by him to such owner so much as was so paid by or recovered from such occupier.

(3) But no such occupier shall be required to pay any further sum than the amount of rent due from him to the owner at the time of the demand made upon him for the amount of the rate, or which, after such demand and after notice not to pay rent to the owner, at any time accrues and becomes payable by him,

Hobart Corporation.

unless he refuses, on application being made to him for that purpose by the Town Clerk or any collector, truly to disclose the amount of his rent and the name and address of the owner.

A.D. 1929.

(4) The proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such demand, or which accrued since such demand and notice, shall be upon such occupier.

110—(1) If any person becomes the owner of property after the time at which any portion of a rate payable in respect of such property is appointed to be paid, and such portion of such rate is in arrear and unpaid, such person shall be liable to pay, and shall pay, such portion of such rate so in arrear and unpaid, deducting therefrom a sum proportionate to the period which elapsed after the time when such portion of such rate was appointed to be paid, and before the time when such person became such owner.

Proportion of rate in arrear to be recoverable from purchaser.

(2) Nothing in this section contained shall be deemed to relieve the owner, if any, of such property at the time when such amount of rate so in arrear and unpaid was appointed to be paid, from his liability to pay the same, but such amount of rate shall be recoverable from such last-mentioned owner, subject to the deduction of any portion thereof which may have been paid by or recovered from any other person.

111 If any person shall become the owner of any property at any date within six months after the time appointed for payment of any rate payable in respect of such property, and such property shall at that date or thereafter be occupied, such person shall be liable to pay, and shall pay, so much of the said rate as shall bear the same proportion to the whole amount thereof as the period of time from such date (or the date when such property is thereafter first occupied, if unoccupied at the former date) to the end of the period for which such rate is payable shall bear to the whole of such period, and that whether such property was occupied or unoccupied at the time appointed for payment of such rate.

Proportionate part of rate payable by new owner.

Provided that nothing contained in this section shall relieve the owner of such property, at the time when such rate was appointed to be paid, from his liability to pay the same, and such rate as shall bear the same proportion of the whole amount subject to the deduction of any portion thereof which may have been paid by, or recovered from, any other person.

112 Nothing contained in this Act shall affect the terms of any lease, agreement, or arrangement, whereby the occupier of any property has agreed to pay or refund to the owner of such property the amount of the rates payable by such owner in respect of such property or any portion of such rates.

Agreement between owner and occupier regarding rates not affected.

Hobart Corporation.

A.D. 1929.

Occupier refusing to give name of owner.

113 If, on the request of any collector or other officer of the Council, the occupier of any property refuses or wilfully omits to disclose, or wilfully misstates to the collector or officer making such request, the name of the owner of such property or of the person receiving the rents of the same, such occupier shall be liable to a penalty not exceeding Five Pounds.

Division (2).—*Charges.*

Charges for water.

114 It shall be lawful for the Council to make and levy such charges as the Council may prescribe—

- I. For water supplied by the Corporation by meter for domestic or other purposes, or for domestic and other purposes, but the charge for water so supplied by meter shall not exceed One Shilling and Three Pence for every one thousand gallons so supplied:
- II. For water supplied by the Corporation, otherwise than through a meter, for any purposes not being domestic purposes:
- III. For water supplied by the Corporation in connection with the erection and construction of new buildings or for alterations and additions to existing buildings:
- IV. For water supplied by the Corporation for shipping, other than to ships of war belonging to and in the service of His Majesty, and differential charges may be prescribed for water supplied to shipping according to the nature of such shipping:
- v. For the rent payable for the use of meters supplied by the Council.

Council may make by laws.

115 The Council may make by-laws prescribing—

- I. The minimum quantity of water supplied by meter to any premises for purposes other than domestic to be charged for in any one year:
- II. The minimum charge for water supplied for any purpose other than domestic:
- III. The minimum charge to be paid—
 - (a) For water supplied through a meter for any purpose;
 - (b) For water supplied through a meter for domestic purposes alone, or for domestic as well as for any purpose other than domestic;
 - (c) For water supplied not through a meter for gardens or other irrigation purposes, whether in connection with domestic purposes or not:

Hobart Corporation.

- IV. The terms and conditions under which water shall be supplied to any premises: A.D. 1929.
- V. The manner in which the quantity of, and account for, water supplied by meter shall be adjusted:
- VI. The making, levying, and collection of all charges, and the times and places at which, and the persons by whom, such charges shall be payable:
- VII. Generally, for the better effectuating any of the purposes of this Act in any matter not sufficiently provided for.

And any by-law made under this Act may be enforced by cutting off the supply of water, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Council may think proper.

116—(1) The owner of any land, buildings, or premises who— Owner paying city rates entitled to certain water free of charge

- I. Is supplied with water by the Corporation through a meter: and
- II. Has during any year paid the city rate payable in respect of such lands, buildings, and premises—

shall be entitled to receive from the Corporation during such year, and free of charge, for use in connection with such lands, buildings, and premises, a quantity of water bearing such a proportion to the assessed annual value of such lands, buildings, and premises as may be specified in a notice to be signed by the Mayor and not less than five aldermen, and gazetted with the notice referred to in Section One hundred and six hereof.

(2) Such owner shall pay the prescribed charge for all water supplied to such lands, buildings, and premises in excess of the quantity to which he may be so entitled to receive free of charge, and shall be liable to pay the rent prescribed for any meter supplied by the Council.

(3) The supply of any water free of charge shall be subject to all the other conditions and provisions contained in this or any other Act relating to the supply of water.

117—(1) For the purpose of defraying portion of the expenses of carrying out and effectuating the objects and purposes of the Metropolitan Drainage Act, 1898, and the Hobart Sewerage Act, 1912, a sewerage rate or charge of One Shilling in the pound may be imposed or levied by the Council upon or in respect of the assessed annual value of every property within a sewerage area as defined by such Acts, and upon which any building is erected, belonging to, or occupied or used by or on behalf of, the Crown or any person or body of persons, corporate or unincorporate, notwithstanding that such property may be exempt from any rate or tax imposed by the Council. Sewerage rate or charge may be imposed upon properties exempt from city rate.
62 Vict. No. 47
3 Geo. V. No. 12.

Hobart Corporation.

A.D. 1929.

(2) The Crown or any of the aforesaid persons may, in every such case as is mentioned in the last preceding subsection, commute its liability to pay any such rate or charge by the payment or contribution of an annual sum to be agreed upon by the Council and the Treasurer of the State, or such persons, as the case may be.

New Town
sewerage rate.
10 Geo. V. No.
10.

118 Nothing in this Act contained shall affect any of the provisions contained in Section Six of the Hobart Corporation Act, 1919.

Charge for water
supplied to the
Government.

119 The Corporation may supply water for domestic or other purposes to any buildings or premises the property of, or occupied by or on behalf of, His Majesty, and used for a public purpose, within the limits of this Act, by measure, and shall be entitled to receive the sum of One Shilling for each one thousand gallons for all water so supplied up to ten million gallons per annum, and the sum of Ninepence for each one thousand gallons for all water so supplied over ten million gallons.

Council may
enter into agree-
ments with
Governments and
charitable
institutions.

120 Subject to the provisions of the preceding sections, the Council may enter into an agreement with the Commonwealth or State Government, or with any department of or under the Commonwealth or State Government, or with the managing body of any institution whose premises are exempted by this Act from the payment of the city rate, for the supply of water, light, or power actually supplied, or for prevention of fire, or for cleansing, drainage, or sewerage, or for sanitary services, or for any other service actually rendered, at such charges and upon such terms and conditions as may be specified in such agreement.

Charges payable
by owners and
recoverable in
same manner as
city rate.

121—(1) Subject to the provisions of any by-law made under Section One hundred and fifteen, the charges which the Council is hereby empowered to make and levy shall be payable by the owners of the lands, buildings, and premises to which water may be supplied, or in respect of which any service may be rendered.

(2) The provisions of this Act relating to the demand for, and the levying and collecting of, rates, and all incidents thereof, shall, so far as practicable, be applied to charges made and levied under this Act.

(3) The like proceedings may be had and taken for recovering and enforcing the payment of any charges payable by any person under any of the provisions of this Act as may be had and taken for recovering and enforcing the payment of any rate made and levied under the authority of this Act.

*Hobart Corporation.*Division (3)—*Exemptions, Remissions, Interest, &c.*

A.D. 1929.

122 The Council shall not levy or raise any city rate in respect of any of the properties hereinafter mentioned (that is to say)—

Exemptions from city rate.

- I. Any lands or buildings the property of, and occupied on behalf of, His Majesty:
- II. Any lands or buildings the property of, and occupied on behalf of, the University of Tasmania:
- III. Any hospital, benevolent asylum, or other building used solely for charitable purposes:
- IV. Any public library or public museum:
- V. The Botanical Gardens as defined by the Act 49 Vict. No. 34: *Vide 27 Vict. No. 34.*
- VI. Any State school under the Education Act, 1885:
- VII. Any church, chapel, or other building used solely for public worship:
- VIII. Any land or buildings used exclusively for all or any of the following purposes, namely, as a Sunday school, mission room, or church, or exclusively for any purpose in connection with or in furtherance or in aid of the work of such Sunday school, mission room, or church: Provided that the words "for any purpose in connection with or in furtherance or in aid of the work of such Sunday school, mission room or church" shall not include the letting of such land or buildings at a rent or remuneration to be paid for the use of such land or buildings for day school, entertainments, or other public purposes at a rent or remuneration to be paid for the use of such land or buildings on week days. *Vide 1 Ed. VII No. 31.*

Notwithstanding anything in this section contained, but subject to the provisions of this Act, the Council is empowered to make charges in respect of any of the lands and buildings in this section referred to for water, light, or power, actually supplied, or for prevention of fire or for cleaning drainage or sewerage or for sanitary services or for any other service actually rendered.

123 Every hospital, benevolent asylum, or other building used exclusively for charitable purposes shall be entitled to receive from the Corporation free of charge such reasonable supply of water as may be required for the use of such hospital, benevolent asylum, or building, but such supply free of charge shall be subject to all the other conditions and provisions contained in this or any other Act relating to the supply of water by the Corporation or Council. *Hospitals, &c., entitled to a supply of water.*

Hobart Corporation.

A.D. 1929.
Remissions of
rates on ground
of poverty.

124 It shall be lawful for the Council to remit or excuse the payment of the whole or any part of any rate, debt, fee, penalty, stallage, toll, due, rent, charge, costs, expenses, or sum of money payable to the Corporation or the Council by any person, upon its own motion, or upon the application of such person, if it shall appear to the Council or the Mayor that—

- I. Such person is in indigent or poor circumstances: or
- II. That the payment of the same would inflict hardship on such person: or
- III. The payment would be out of proportion to the benefits received: or
- IV. The amount cannot be collected: or
- V. In the interests of the municipality it is advisable so to do—

And the Council may from time to time delegate to the Mayor the power to remit and excuse hereby given.

Rebate on punctual payment.

125 It shall be lawful for the Council from time to time to make such a rebatement as the Council shall think fit not exceeding Five Pounds per centum upon all rates or instalments thereof due or owing to the Corporation, which shall be paid to the Council not later than thirty days from the date appearing on demand referred to in Section One hundred and eight.

Interest on
overdue rates and
other moneys.

126—(1) When any rates or other moneys have become due and payable to the Corporation or the Council, and such rates or other moneys have remained unpaid for a period of six months from the date on which the same became due and payable, there shall be added to the amount unpaid a sum equal to Four Pounds per centum thereon for every completed period of six months during which such rates or other moneys shall remain unpaid.

(2) Such sum, hereinafter referred to as interest, shall be recoverable in the same manner as rates are recoverable under the provisions of this Act.

Provided that it shall be lawful for the Council, upon the application of any person liable to the payment of any amount of interest under this section, or upon its own motion, to remit or excuse the payment thereof or any part thereof, on account of the poverty of such person, or for any other reason which the Council shall in its discretion deem sufficient, and to refund the whole or any part of such interest if the same has been paid.

Unoccupied
buildings to pay
reduced rates

127—(1) If—

- I. Any dwelling-house or other building remains actually vacant and unoccupied during any financial year for any continuous period or periods, each such period being of not less duration than one calendar month: and

Hobart Corporation.

- II. The person rated in respect thereof has given notice in writing to the City Treasurer within fourteen days of the respective dates on which the house or building became vacant and unoccupied and on which it again became occupied—

A.D. 1929.

then such person shall for each complete calendar month in such financial year during which such house or building remained vacant and unoccupied, be entitled to an allowance or deduction or refund of one-twenty-fourth part of the rates payable or paid by him in respect of such house or building for such financial year.

(2) The expression "one calendar month" used in this section shall mean the period to be calculated from the day upon which the house or building becomes vacant and unoccupied to the day, and including the day numerically corresponding to that day in the following month, and when there is no such corresponding day in such following month then to the last and including the last day of such following month.

128 The owners of all assessed lands and buildings within the City shall be entitled to an abatement of the city rate in respect of—

Abatement of rates.

- I. Any land or building which is not situate within a sewerage area: or
- II. Any land or building (not included in a sewerage area) which is not actually supplied with a sanitary service: or
- III. Any land or building not actually supplied with water for domestic or other purposes and which is distant at least fifty feet from the Council's mains or pipes—

And a notice signed by the Mayor and not less than five aldermen, specifying the respective amounts in the pound to be allowed by way of abatement in respect of the assessed annual value of all lands and buildings within the City which fall under headings I., II., and III. in this section mentioned, shall be gazetted together with the notice specifying the amount of the city rate and the period for which the same is made.

Division (4)—*Recovery of Rates and Charges.*

(a)—By Action.

129—(1) If the owner or occupier of any lands or buildings shall refuse or neglect for the space of thirty days after the same has been demanded to pay any city rate which now is or hereafter may be due, owing, or payable by such owner or occupier, such rate or any part thereof may be recovered with costs by action of debt in any Court of competent jurisdiction.

Owner or occupier may be sued.

Hobart Corporation.

A.D. 1929.

60 Vict. No. 48

(2) In every case in which a warrant of distress has been issued for the recovery of any unpaid rate as herein provided, the City Treasurer may take proceedings under the Local Courts Act, 1896, to attach any debts owing to the person against whom such warrant of distress has issued in the same manner as if the Corporation had obtained judgment for the amount of such unpaid rate.

(b)—By Distress.

Rates leviable
by distress.

130—(1) If any person liable to pay any rate imposed by the Council neglects or refuses to pay the amount of any such rate to a collector or to the City Treasurer or Town Clerk, at the City Rates Office, for the space of thirty days after the same has been demanded in manner herein provided, it shall be lawful for the City Treasurer, and he is hereby authorised and empowered by warrant under his hand, to distrain the goods and chattels of such person, whether the same are on the property assessed or elsewhere, and to cause such goods and chattels when distrained to be sold, and out of the moneys to arise by such sale to pay all costs, charges, and expenses attendant upon such distress and sale, and in the next place to pay the amount of the rate for which such distress and sale are made, and to pay over the surplus (if any) to such person whose goods and chattels have been so distrained and sold as aforesaid.

(2) In the event of any distress so made as aforesaid not realising sufficient to pay such rate, costs, charges, and expenses as aforesaid, it shall be lawful for the City Treasurer from time to time to make further and other distress in manner aforesaid until the whole of such rate, costs, charges, and expenses has been fully paid.

Form of distress
warrant.

131—(1) The warrant of distress for the recovery of any rate may be in the form in Schedule (11).

(2) But in cases where it is sought to distrain for more than one year's rates, the form in Schedule (12) may be used in substitution for the form in Schedule (11).

(3) In either of such forms, instead of inserting the date when any rate or rates is or are made, it shall be sufficient to insert the period or periods for which the same are made.

(4) Either of such forms may be varied or altered as may at any time be reasonably necessary or convenient, and no such alteration shall affect the validity of anything done under or in pursuance of the same.

(5) In all cases where a distress is by this Act authorised to be made, every constable shall, upon being required by the City Treasurer or by a collector, aid in making a distress or sale pursuant to such warrant, and any constable who refuses to do so shall be liable to a penalty not exceeding Five Pounds.

Hobart Corporation.

(c)—By Complaint.

A.D. 1929.

132—(1) If any person liable to pay any rates or charges under this Act fails to pay the same for the space of thirty days after the same has been demanded, any justice of the peace may summon the defaulter to appear before him or any other justice of the peace, at a time and place to be mentioned in the summons, to show cause why the rates and charges should not be paid; and in case the defaulter fails to appear, according to the exigency of the summons, or no sufficient cause for non-payment be shown, the justice of the peace may, and he is hereby authorised and required to, grant a warrant of distress under his hand.

Complaint before justices.

(2) Such warrant may be in the form contained in Schedule (13), authorising the collector of rates appointed by the Council, or some other fit person named therein, to levy the amount, with costs, according to the scale in Schedule (14), by distress and sale of the goods and chattels of such defaulter wheresoever the same may be found, subject, however, to the proviso for the protection of occupiers of premises contained in Section One hundred and nine.

(3) The Council may from time to time appoint some person or persons to be bailiff or bailiffs for the purpose of executing warrants of distress.

Council may appoint bailiffs

(4) A bailiff so appointed shall have power and authority to sell by public auction any goods and chattels seized under warrant of distress without taking out a licence as an auctioneer.

Bailiff may sell by auction without licence.

(d)—By Charge.

133—(1) All unpaid rates and interest, and all expenses incurred in attempts to collect the same, shall be a charge upon the property in respect of which such rates are due, in priority to all mortgages, charges, liens, and encumbrances whatsoever, and, notwithstanding such property may be sold and transferred or conveyed, may be recovered at any time from the then owner thereof, whether he may have been the owner at the time the same became payable or not, at the suit of the Council in any action in any court of competent jurisdiction as for a debt due by him, or by complaint as provided in the last preceding section.

Unpaid rates charged on property.

(2) If the then owner was not the owner at the time any of such rates, interest, or expenses became payable, he shall be entitled to recover from each person who was the owner of the property when the same became payable, as money paid to his use, the amount of rates that became payable when such person was the owner, together with the interest and the expenses incurred with regard to such rates and interest.

Hobart Corporation.

A.D. 1929.

(3) The amount of any rates, interest, and expenses may be paid by any mortgagee and may be added to the principal sum secured by his mortgage, and shall be recoverable with interest (at the rate chargeable under the mortgage upon the moneys thereby secured) as the same moneys are recoverable.

Method of enforcing charge.

134—(1) Whenever the amount of unpaid rates and interest and expenses incurred in attempts to collect the same charged upon the property as aforesaid shall total at least the amount of the rates payable during the last five years in respect of that property, the Council may apply by petition to the Supreme Court, or a judge thereof, for a sale of such property or of such portion thereof as may be reasonably considered necessary to produce the amount due and accruing due to the Corporation.

(2) One month at least before presenting such a petition a notice shall be gazetted, and also shall be advertised once at least in one daily paper published in Hobart, and a copy of such notice shall be affixed on the property. The form of such notice may be as set out in Schedule (15), but may be varied as circumstances require.

(3) The court or a judge, on being satisfied by the affidavit of the City Treasurer or Town Clerk, or otherwise, that the amount claimed to be due to the Corporation is so due in respect of such property, and that a sufficient notice has been given as above mentioned, and that such further notice (if any) as the court or judge upon hearing the petition may consider necessary has been given to the owner of the property, shall order the sale of the same, or of such portion thereof, or of so much thereof, as may be reasonably considered necessary to pay the claim up to the time of sale, together with all costs of and attending the notices, the application, and the sale and conveyance and transfer of the property, and that the proceeds shall be paid into the court, and that out of the proceeds payment shall be first made of such claim and costs, and also of all further rates and expenses payable or accruing at the date of the sale in respect of the property which, or portion or part whereof, has been so sold; and the balance of the proceeds shall be subject to any orders of the court or a judge for the benefit of the parties interested therein, and after the expiration of twenty-one years from the date of sale the court or a judge may order that the balance and all interest thereon not the subject of any order relating thereto shall be paid to the Corporation.

(4) The court or a judge may fix a reserve, and from time to time alter the same, and may direct the method of sale, and from time to time alter such directions.

(5) A conveyance or transfer, as the case may be, of the property sold shall be executed to the purchaser in such form and by such officer of the court as the court or a judge may

Hobart Corporation.

approve or direct, and the purchaser shall, on the completion of such conveyance or transfer, take an estate in fee simple free from encumbrances, and where the land is under the provisions of the Real Property Act such purchaser shall be entitled to a certificate of title therefor on payment of the usual transfer fees.

A.D. 1929.

(e)—By Taking Possession.

135 Whenever the amount of unpaid rates and interest and expenses incurred in attempts to collect the same charged upon the property as aforesaid shall total at least the amount of the rates payable during the last five years in respect of that property, the Council may, in the name of the Corporation, take possession of such property, and may hold the same as against any person interested therein, and from time to time grant leases of the same, subject to the provisions hereinafter contained.

Power to take possession and lease property on which rates are in arrear.

136—(1) The Council shall not take possession of any such property until one month after a notice in writing, setting forth that the rates in respect of such property are unpaid, and demanding payment thereof, and stating that in default of such payment the Corporation will take possession under the provisions of this Act, has been served on the owner and occupier thereof, or affixed on the property.

Notice to be given before possession taken

(2) Every such notice may be served by post in a prepaid registered letter, addressed to such owner or occupier at the last known place of residence known to the Council, and shall contain a sufficient description of the property to fairly identify the same.

(3) Every lease of such property which shall be granted by the Council in accordance with the provisions of this Act, shall be valid, notwithstanding the non-compliance with any of the provisions of this section, unless all unpaid rates, interest, and expenses due in respect of such property, including the expenses of the above notice and the service or affixing thereof, are paid within one month after the service or affixing of such notice.

137—(1) Within three months after demand by any person or anyone on his behalf who, but for the provisions of this Act, would be entitled to any estate or interest in any such property made within twenty-one years after the taking possession thereof on the part of the Council, and after payment of all rates due in respect thereof, and interest upon all arrears of such rates at the rate of Eight Pounds per centum per annum, and all expenses incurred with regard to the same, the Council shall execute under the common seal of the Corporation a release of such property from all rates due in respect thereof.

Release of property after demand and payment of arrears.

Hobart Corporation.

A.D. 1929.

(2) If the Council make default in executing such release, the Supreme Court in its equitable jurisdiction may at the suit of any person interested in that behalf compel it so to do, and, upon the execution of such release, subject to any lease theretofore lawfully granted by the Council under the provisions of this Act, such person or persons shall be entitled to such property, and the possession thereof, as would have been so entitled if this Act had not passed; and any tenant of such property under any such lease shall attorn to such person or persons accordingly. Provided always that, if the person paying the arrears and charges shall not be the person entitled to possession of such property, the amount so paid by such person shall be recoverable by him from the person so entitled to possession and, until so paid, shall be a charge upon such property in favour of the person so paying the same.

Term, &c., of lease.

138 Every such lease shall be for such term not exceeding seven years as to the Council may seem fit, and shall reserve the best rent which can be reasonably obtained for such property, and shall contain and be subject to such other reservations and such exceptions, covenants, and conditions as to the Council may seem fit.

Application of rents.

139—(1) All rent and other moneys payable under any such lease shall, until the execution of a release as hereinbefore mentioned, or the expiration of twenty-one years from the Council's taking possession, whichever shall first happen, be received by the City Treasurer, and shall be applicable—

I. In defraying the expenses of, and incidental to, the execution of such lease, and the collection of the rents:

II. In payment to the Council of all unpaid rates and expenses incurred and other payments due in respect of such property, together with interest on all unpaid rates at the rate of Eight Pounds per centum per annum computed from the dates on which the same first became due and payable respectively, and in payment of all rates and other payments accruing due thereon.

(2) The residue of any such moneys shall belong to such person or persons as would, when the same respectively were received, have been entitled to receive the rents and profits of such property if this Act had not been passed.

(3) The City Treasurer shall deal with such residue in all respects as persons in the public service are directed to deal with money coming to their possession or control by virtue of their office or employment for or on account, or for the use or benefit of any other person under any law now or hereafter to be in force relating to the collection and audit of the public moneys

Hobart Corporation.

and accounts; and all the provisions of any such law applicable to moneys so received by persons in the public service shall be applicable to such residue. A.D. 1929.

140—(1) Unless some person entitled in that behalf perform the conditions entitling him to demand a release of any property of which the Council has taken possession under the foregoing provisions within twenty-one years after such taking possession such property and all accumulations of rent and other moneys on account thereof shall vest absolutely in the Corporation. After 21 years property to vest in Corporation.

(2) A statutory declaration by the Mayor, the City Treasurer, or the Town Clerk as to the dates of such taking possession and vesting shall be sufficient evidence thereof, provided that such declaration contains a sufficient description of the property to fairly identify the same.

(3) For the purposes of the Registration Acts, 1827-1917, such statutory declaration shall be registered in the office of the Registrar of Deeds, at Hobart, as if it were a conveyance to the Corporation of the property mentioned therein from the person or persons in whom such property was formerly vested. The memorial of such statutory declaration—

- I. Shall be signed by the Mayor and Town Clerk:
- II. Shall be verified as provided by the Registration Act, 1917: and
- III. Shall contain the following particulars:—
 - (a) The name or names, if possible, of the person or persons in whom the property was vested at the time of such taking possession;
 - (b) A copy of the said declaration.

(4) For the purposes of the Real Property Act the application shall be made under the seal of the Corporation to have the Corporation registered as proprietor, and upon such application being lodged, and such statutory declaration being produced, the Recorder of Titles shall issue a certificate of title in the name of the Corporation for the property.

141—(1) Where any property has been taken possession of by the Council under Section One hundred and thirty-five, the Council may from time to time effect such repairs, and pay such premiums, as may be reasonably necessary or may be thought advisable by the Council to make the property let more readily, and to keep such buildings as the Council may think fit insured against loss or damage by fire. Corporation may repair and insure.

(2) The amounts paid for such repairs and for such premiums shall be a charge upon the land, and shall bear interest (from the date of payment) at the rate of Eight Pounds per centum per annum, which interest shall also be a charge

Hobart Corporation.

A.D. 1929.

upon the land; and thereupon rent and other moneys payable under any such lease as aforesaid shall be applicable in repayment to the Council of such amounts and interest before the residue of any such moneys shall belong to any person under Section One hundred and thirty-nine, and no release shall be executed under the provisions of Section One hundred and thirty-seven until such amounts and interest have been paid to the Council.

Notice to be affixed on taking possession.

142 On taking possession of any property as aforesaid, the Council shall cause to be affixed upon some conspicuous part thereof a notice that such property has been taken possession of by the Corporation under the provisions of this Act, and is to be let on lease.

Division (5)—*Miscellaneous.*

Rates and charges to form part of municipal fund.

143 All rates and charges authorised by or imposed under this Act or any by-law made hereunder shall be carried to the credit of, and form part of, the Municipal Fund of the Corporation.

Misnomers, &c., not to affect proceedings for the recovery of rates.

144—(1) No misnomer, mistake, or informality committed in any proceedings for recovery of any rates, charges, or expenses under this Act, shall prejudice the recovery thereof, nor shall such proceedings fail, lapse, cease, or abate by the death, resignation, or removal of the collector instituting the same, or by any change in the persons composing the Council; but it shall be lawful for the collector for the time being to prosecute and follow forth procedure commenced and carried on in the name of any previous collector in all respects as if such procedure had been taken by himself.

(2) It shall not be competent for any person to sue, nor for any court to entertain any action or proceeding against the Council or any collector or any person employed in executing any warrant of distress in reference to any rates, charges, and expenses under this Act by reason of any misnomer, mistake, or informality, if the goods or other effects seized or sold under such warrant were *bona fide* the property or in the lawful possession of the person actually liable in payment thereof under the provisions of this Act.

Rates not recoverable after six years, except when charged on property within twenty years.

145—(1) Notwithstanding anything contained in this Act, no summons or warrant shall be issued, or any other proceedings commenced, for the recovery of any rate, or instalment of any rate, at any period after the expiration of six years from the time when such rate or instalment of rate is made payable by such notice as in this Act is mentioned.

Hobart Corporation.

(2) But the provisions of this section shall not apply to the recovery of any rate or instalment of rate, interest, or expense which is a charge upon the property, which shall be recoverable at any period before the expiration of twenty years from the time when such rate or instalment of rate was made payable. A.D. 1929.

146 No distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the warrant of distress, or in any other proceeding relating thereto; nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case. Distress not unlawful for want of form.

147 All goods and chattels whatsoever found upon the property in respect of which any rate is payable, to whomsoever the same may belong, and notwithstanding any previous seizure or possession thereof by any landlord under any warrant of distraint for the recovery of rent, or by the holder of any bill of sale, shall be liable to be taken under any warrant of distress issued for the recovery of such rate: All goods found on property liable to rates.

Provided that where the goods and chattels are those of an occupier who is not the owner, if such occupier shall pay to the Corporation the amount of rent due from him to the owner at the time of the distress, or after such distress accrues and becomes payable by the occupier, such distress shall be withdrawn; but the proof that the sum distrained for is greater than the rent due by the occupier at the time of such distraint, or which accrued since such distraint, shall be upon such occupier.

148 The owner, prospective purchaser, mortgagee, prospective mortgagee, tenant, or occupier of any property may require the Council to state what (if any) unpaid rates, interest, or expenses there may be due, or what instalments in respect of private streets there may be due or becoming due, in respect thereof or charged thereon, and may upon payment of the sum of One Shilling require from the Council a certificate under the hand of the City Treasurer or the Town Clerk setting out what (if any) or that no rates, interest, and expenses are due or instalments due or becoming due in respect thereof, or charged thereon, and thereby the Council shall be stopped from demanding any rates, interest, or expenses in respect of that property, except such as are shown in such certificate, and such as shall subsequently become due or payable, or any instalments in respect of private streets in respect of that property, except such as are shown in such certificate, and such as are not then due or becoming due in respect thereof. Certificate as to rates and other charges may be demanded.

Hobart Corporation.

A.D. 1929.

Remedies
concurrent.

149 All remedies for the recovery of rates, interest, or expenses may be concurrent, and any remedy or proceeding may be taken or proceeded with notwithstanding that some other remedy or proceeding has been instituted, commenced, or proceeded with.

Persons not to be
imprisoned for
non-payment of
charges.

150 No person shall be liable to be imprisoned for non-payment of any charge imposed under the provisions of this Act for water supplied or service rendered under this Act.

Provisions of
Annual Values
Assessment Act
varied in relation
to Hobart.

2 Geo. V. No. 61.

151—(1) Notwithstanding anything contained in the Annual Values Assessment Act, 1911, no ratable property which consists of land without buildings thereon shall, for the purpose of any rate levied, collected, or made, or to be levied, collected or made, by the Council, be computed as of an annual value of less than Five Pounds per centum upon the capital value of the fee simple thereof.

(2) If in any case any assessment roll is not completed within the time hereby fixed, the Governor may, if he thinks fit, extend the time for completing the same, and thereupon such roll shall for all purposes be deemed to have been completed within the time hereby fixed.

Moneys borrowed
on particular
rates to be
charged upon all
the revenues of
the Corporation.
57 Vict. No. 25.

152—(1) Any sum or sums of money heretofore borrowed on the security of the water rates levied by the Council under the provisions of the Hobart Water Act, 1893, and any sum or sums of money borrowed on the security of the revenues of the Corporation, other than the water rates, are hereby declared to be and shall be deemed to have been charged on the whole of the revenues of the Corporation as fully and effectually as if the same had been originally borrowed on the security of the whole of such revenues.

(2) Where by any Act the Corporation or Council is authorised to borrow any sum or sums of money on the security of portion only of the revenues of the Corporation, and such sum or sums have not been borrowed up to the date of this Act coming into operation, it shall be lawful for the Council to borrow such sum or sums of money on the security of the whole of the revenues of the Corporation.

Hobart Corporation.

A.D. 1929.

PART VII.

ACCOUNTS AND AUDIT.

Division (1)—*Books of Account.*

153—(1) The Council shall cause books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and paid for or on account of the Corporation, and of the several purposes for which such sums of money have been received and paid. Account books to be kept.

(2) Such books shall at all reasonable times be open to the inspection of the Mayor, or any alderman or auditor, or any mortgagee, transferee in security of rates, or other creditor of the Corporation, without fee or reward, and the persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same.

(3) Any clerk or other person having the custody of the said books who does not on the reasonable demand of any person as aforesaid permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall be liable to a penalty of Five Pounds for every such offence.

154—(1) The Council shall, in the month of September in each year, cause the accounts of the Corporation, up to and including the preceding thirtieth day of June, to be balanced, and also cause a full and true statement and account to be drawn out showing— Annual statement of accounts.

- I. The amount of all assessments made and rates levied:
- II. The true income and expenditure of the Corporation:
- III. The assets and liabilities of the Corporation:
- IV. All contracts entered into by or with the Corporation:
- V. All debts then owing by and to the Corporation.

(2) Such statement and account, signed by the Mayor and not less than five aldermen, shall remain for inspection at the Town Clerk's office; and every creditor of the Corporation, or any person acting on behalf of any such creditor, may, at all reasonable times, inspect such statement and account, and compare the same with the books and documents relating thereto in the possession of the Council.

Division (2)—*Corporate Funds.*

155—(1) The rents and profits of all lands, buildings, market dues, tolls, and other hereditaments which belong to and are vested in the Corporation, and the interest, dividends, and annual proceeds of all moneys, dues, chattels, and valuable securities belonging or payable to the Corporation, shall be paid to the City Treasurer. All corporate moneys to be paid into municipal fund.

Hobart Corporation.

A.D. 1929.

(2) All moneys which he so receives, together with the amount of all rates, charges, fees, and dues collected, shall be carried by him to an account to be called "The Municipal Fund," and shall be forthwith paid into some one of the public banks in Tasmania to the account of "The Municipal Fund."

(3) No part of such moneys shall be drawn out of such public bank except by an order signed by not less than two persons authorised in that behalf by the Council by resolution; but no person shall be so authorised who is not an alderman or an officer of the Corporation.

Certiorari.

156 Any order of the Council, Mayor, aldermen, or City Treasurer for the payment of any sum of money out of the Municipal Fund may be removed into the Supreme Court of Tasmania by writ of certiorari, to be moved for according to the usual practice of the said Court; and such order may be disallowed or confirmed upon motion and hearing, with costs, according to the judgment and discretion of the said Court.

Division (3)—*Appropriation of Corporate Funds.*Appropriation of
municipal fund.

157 All moneys payable to and received by the Corporation under this or any other Act relating to the Corporation, not otherwise specially appropriated, shall be applied by the Council in or towards all or any of the following purposes, namely:—

- I. The payment of the allowance or salary (if any) made to the Mayor:
- II. The respective salaries or allowances of the Town Clerk, and other officers, workmen, artificers, and other persons whom the Council appoints and employs:
- III. The expenses incurred in the assessment of lands and buildings and in preparing and printing assessment rolls:
- IV. The expenses incurred in the preparation of polling lists, and otherwise occasioned by or in connection with elections held under any Act relating to the Corporation or Council:
- V. The expenses of purchasing, erecting, and maintaining the corporate and other buildings which belong to the Corporation:
- VI. The payment of interest on any moneys borrowed by the Corporation, and of contributions to or towards any sinking fund established for the purpose of redeeming any moneys so borrowed:
- VII. The maintenance, improvement, watering, cleansing, and lighting of streets:

Hobart Corporation.

- VIII. The expenses incurred in the maintenance and upkeep of all waterworks, and in connection with the supply of water to the City and Port of Hobart and places adjacent thereto: A.D. 1929.
- IX. The improvement, maintenance, management, upkeep, and establishment of any city recreation ground, including the levelling, draining, planting, and laying out of any such recreation ground, and providing such amusements thereon as the Council may deem desirable:
- X. The purchase and leasing of any land, building, or premises for a city recreation ground:
- XI. Contributing towards the improvement, maintenance, management, and upkeep of any public recreation ground, pleasure resort, or public reserve within the City, or in the neighbourhood thereof, such ground, resort, or reserve not being under the management or control of the Council:
- XII. Providing for any expenditure which the Council may think fit to make under or for the purposes of the Mountain Park Act, 1906: 6 Ed. VII. No. 11.
- XIII. Any other payment which the Council may think it expedient or desirable to make in connection with any city recreation ground:
- XIV. The establishment, maintenance, and upkeep of the Beaumaris Zoo: *Vide* 13 Geo. V. No. 12, s. 19.
- XV. The making good of any deficiency in the Hobart Tramway Account: *Vide* 3 Geo. V. No. 51, s. 15.
- XVI. The carrying out of the objects and purposes of all Acts relating to the drainage and sewerage of the City:
- XVII. The carrying out of the provisions of the Public Health Act, 1903: 3 Ed. VII. No. 37.
- XVIII. The payment of all other expenses of the Corporation not otherwise provided for:
- XIX. The improvement of the City, and carrying out and effectuating the several objects of this or any other Act relating to the Corporation or being administered by the Council.

158—(1) It shall be lawful for the Council to expend such sum or sums of money, not exceeding in the whole Five hundred Pounds in any one year, for the purpose of advertising or making known in any manner the Council may deem advisable the eligibility of the City of Hobart, either as a centre of commercial or industrial activity or as a place of residence or tourist resort, and also the scenic, climatic, or other natural attractions or advantages possessed by the City and its surroundings. Advertising City.

Hobart Corporation.

A.D. 1929.

Child Welfare
Association.Superannuation
or pension.fund.

(2) It shall be lawful for the Council to expend such sum or sums of money, not exceeding in the whole One hundred Pounds in any one year, in aid or in furtherance of the work of the Child Welfare Association of Hobart. Any sum or sums of money so expended shall be charged to the Health Account.

(3) It shall be lawful for the Council to establish and support, or aid in the establishment and support, of any fund, trust, or institution calculated to benefit the officers or employees, or ex-officers or ex-employees, of the Corporation, or any of them, or the dependants or connections of such persons, and to provide or subscribe towards any scheme or fund for providing pensions, retiring or superannuation allowances, or other benefits, for or on account of such persons, and, for such purposes or any of them, to set apart and contribute from year to year such sum or sums of money as the Council may think fit.

(4) It shall be lawful for the Council to make by-laws for regulating the terms and conditions upon which the benefits of any funds established under the last preceding subsection shall be available and generally in carrying out and effectuating any of the purposes contemplated by such subsection.

Unforeseen
expenditure.

159 It shall be lawful for the Council from time to time to appropriate out of the revenues of the Corporation such sum or sums of money as the Council may in its discretion deem desirable, for the payment of any expenses incurred by the Council and not authorised by any Act for the time being in force, provided that the moneys appropriated for the purpose in any one year shall not exceed the sum of Five hundred Pounds, and shall be sanctioned by a resolution carried by a majority of the Council at some duly constituted meeting thereof.

Division (4)—*Audit.*Municipal
accounts to be
subject to the
Audit Act, 1918.
9 Geo. V. No. 3.

160 The accounts of the Corporation, as the same are mentioned and specified in this Act, shall be subject and liable to all the provisions of the Audit Act, 1918, in the same manner in all respects as if such accounts had been specifically mentioned therein.

Accounts to be
forwarded to the
Auditor-
General.

161—(1) The Council shall, before the thirtieth day of September in every year, forward to the Auditor-General the statement and account mentioned in Section One hundred and fifty-four, accompanied with proper vouchers in support of the same, and all such books, papers, and writings in the custody or power of the Council relating thereto as the Auditor-General shall require to be furnished to him.

Hobart Corporation.

(2) Any person interested in the said accounts as a creditor or citizen of the City may, by himself or his agent, make to the Auditor-General any objection, either personally or in writing, to any part of such accounts. A.D. 1929.

(3) The Auditor-General shall either make a special report upon such accounts, or, if the said accounts are found correct, he shall simply confirm and sign the same in token of his allowance thereof.

162 Within twenty-one days after the statement and account aforesaid have been audited, the same shall be gazetted, and copies of the "Gazette" containing such statement and account shall thereupon be forwarded to the Clerk of each House of the Legislature of this State, in order that the same may be laid upon the table of each such House. Publication of accounts.

163 Every officer appointed or employed by the Council in the receipt or disbursement of moneys or other property shall be amenable to all the provisions of the Audit Act, 1918, in the same manner in all respects as if such officer had been an officer in the Public Service of the State. Officers to be amenable to provisions of the Audit Act, 1918.

PART VIII.

GENERAL POWERS AND PROVISIONS.

Division (1).—*Registration of Piggeries.*

164 All the provisions contained in Part II. (5) of the Hobart Corporation Act, 1924, Sections Sixteen and Seventeen inclusive, with regard to the registration of premises to be used as a stable for horses within the City, shall apply, *mutatis mutandis*, to the registration of all premises wherein or whereon pigs are kept within the City. Registration of premises whereon pigs are kept. 14 Geo. V. No. 55.

165 The following section shall be added after Section Seventeen of the Hobart Corporation Act, 1924:— Presumption of user of premises as stable or pigsty.

"**17a** For the purposes of this and the last two sections the fact that any premises have been used as a stable or a pigsty, or that a stable or a pigsty exists or has existed, or that a horse or a pig is or has been on such premises, shall be conclusive evidence that the owner, the tenant, and the occupier have each used or permitted to be used such stable or pigsty, as the case may be."

Hobart Corporation.

A.D. 1929.

Division (2).—*Provision of Service Reservoir.*

Vesting of
certain land in
Corporation.
Schedule (16).

166 So much of the piece of land at or near Hobart, commonly known as "The Queen's Domain," as is comprised within the boundaries described and set forth in Schedule (16) hereto is hereby vested in the Corporation for the purposes of a service reservoir.

Power of
Corporation to
lease lands.

8 Geo. V. No. 41.
9 Geo. V. No. 50.
12 Geo. V. No.
24.
Schedule (16).

167 Notwithstanding anything to the contrary contained in the Act of the Parliament of Tasmania 24 Victoria, No. 16, or in Section Three of the Queen's Domain Vesting Act, 1917, or in Section Four of the Hobart Recreation Reserves Vesting Act, 1918, or in Subsection (3) of Section Twenty-six of the Hobart Corporation Act, 1921, or in any other Act, it shall be lawful for the Corporation to use the lands described in Schedule (16), or any part of such lands, for the purpose of constructing and maintaining thereon a service reservoir in connection with the City water-supply.

Division (3).—*Queenborough Cemetery Closing.*

Queenborough
Cemetery closed
for burials.

7 Geo. V. No. 37.
3 Edw. VII. No.
37.

168—(1) Notwithstanding anything to the contrary contained in Part I. of the Hobart Corporation Act, 1916, and the Public Health Act, 1903, the burial-ground in the City of Hobart situate on the land described in Schedule (1) to the first-named Act, and known as the Queenborough Cemetery, is hereby closed.

(2) On and after the commencement of this Act it shall not be lawful to bury, or permit or suffer to be buried, any further corpses or coffins in such burial-ground or any part thereof, and the provisions of Section One hundred and fourteen of the Public Health Act, 1903, shall not apply to the Queenborough Cemetery.

(3) Whosoever after the commencement of this Act buries or causes to be buried, or permits or suffers to be buried, any corpse or coffin contrary to the provisions of this enactment shall, for every such offence, forfeit and pay a penalty of not less than Five Pounds and not more than Fifty Pounds.

(4) This section shall not come into operation until the expiration of five years from the passing of this Act.

Division (4).—*Regulation of Hoardings.*

Hoardings not
to be erected
without consent
of Council.

169—(1) No person shall erect or continue, on any private or public property within the City, any advertisement hoarding without having first obtained a licence from the Council to do so. Such licence may contain such conditions with respect to the construction of the hoarding and the nature of the advertisements to be exhibited thereon, and the time during which such hoarding is to be permitted to continue on the property, as the Council may deem expedient.

Hobart Corporation.

(2) The Council may refuse to register or renew the registration of any hoarding which, in the opinion of the Council, has become dangerous, unsightly, or unsuitable to the locality in which it is erected, and may serve a notice on the owner or occupier of the land whereon such hoarding stands, requiring him to remove it within fourteen days after the service of such notice; and if the hoarding is not removed within the said period, the owner or occupier shall be liable to a penalty not exceeding Ten Pounds, and the Council may remove the same and recover the expense of such removal from such owner or occupier in a summary manner.

A.D. 1929.

(3) The Council may make by-laws for the registration of hoardings, the nature of the construction thereof, the forms of application for licence, and the licence to be issued in respect thereof, the renewal, transfer, revocation, and inspection thereof, and such other matters as the Council may deem necessary to carry out the objects of this section.

(4) The operation of this section shall extend to hoardings erected on Crown land as well as to hoardings erected on private property.

Division (5)—*Registration of Premises on which
Animals are Kept.*

170—(1) The owner of any animal in the City of Hobart shall cause the premises on which the same is kept to be registered at the Town Hall in a register to be kept for the purpose, and such registration shall remain in force from the date thereof until the thirtieth day of June then next ensuing.

Registration of
premises on
which animals
are kept.

(2) The Council may make such by-laws as it may deem necessary with regard to the licensing, registration, and control of all premises on which animals are kept, and the fees to be paid in respect thereof.

(3) For the purposes of this section the word "animal" shall have the meaning given to it in Section Four of the Police Act, 1905.

5 Ed. VII. No.
30.

Division (6)—*Regulation of Hawkers.*

171 The control, management, and regulation of all hawkers and itinerant vendors by retail of goods, wares, or merchandise within the City of Hobart is hereby vested in the Council, and it shall be lawful for the Council to make by-laws—

Regulation of
hawkers and
itinerant vendors.

- I. For the ordering, conduct, management, control, and supervision of all hawkers and itinerant vendors
 - and their runners or assistants:
- II. For the licensing of, and prescribing the conditions under which licences may be issued to, such hawkers and itinerant vendors, and for regulating the granting and the cancellation of such licences:

Hobart Corporation.

A.D. 1929.

- III. For fixing the period for which licences shall remain in force, and the fees payable thereon, from time to time:
- IV. For the registration, numbering, and inspection of all vehicles used by such hawkers or itinerant vendors:
- v. For prohibiting or restricting unlicensed persons from hawking goods, wares, or merchandise, within the City:
- VI. For compelling hawkers to carry scales:
- VII. For empowering constables to search hawker's packs, upon reasonable suspicion that stolen or prohibited property is therein, and for imposing penalties upon any person molesting or obstructing a constable in the making of any such search:
- VIII. For fixing minimum and maximum penalties for the breach of any of such by-laws:
- IX. And, generally, for all matters and forms which the Council may deem necessary, expedient, or convenient for carrying out or giving effect to the powers vested in it by this section.

Division (7)—*Provisions as to Private Streets.*

Repeal and
re-enactment of
Section 17 of 18
Geo. V. No. 87.
Penalties.

172 Section Seventeen of the Hobart Corporation Act, 1927, is hereby repealed, and the following section inserted in lieu thereof:—

“**17**—(1) Every person who shall—

- I. Do, or cause to be done, any act or thing in contravention of any of the provisions of this Act: or
- II. Fail to comply with any of the provisions of this Act in the laying-out, construction, or opening of any new private street, or in connection with the sketches, plans, or specifications of the same—

shall be guilty of an offence under this Act, and shall upon conviction forfeit and pay a penalty not exceeding Ten Pounds, and a penalty not exceeding Two Pounds for every day during which such offence shall be repeated or continued.

10 Geo. V. No. 55.

“ (2) Section Thirty-two of the Justices' Procedure Act, 1919, and any other limitations of time now or hereafter in force shall not apply to proceedings hereunder which may be taken at any time within twelve calendar months of the date of the commission of the offence.

“ (3) Each owner of any such land in respect of which an offence is committed shall be liable notwithstanding that such owner has ceased to be the owner of such land since the commission of the offence.

“ (4) Any person, on the payment of the sum of Five Shillings, shall be entitled to apply for and receive from the

Hobart Corporation.

Town Clerk, a certificate that all the provisions of this Act, in connection with the construction of any private street, have been complied with, which said certificate shall be conclusive evidence in any court of all the matters comprised in it.” A.D. 1929.

173 Section Forty of the Hobart Corporation Act, 1919 (No. 2), is hereby repealed, and the following section inserted in lieu thereof:—

Repeal and re-enactment of Section 40 of 10 Geo. V. No. 64.

“ **40** On the application of two-thirds in number of the owners of the land abutting on any street, whether the same is or is not a public highway at the time when this Act comes into operation, the Council may, if such street has not theretofore been well and sufficiently laid out and constructed, cause such street or parts thereof to be laid out and constructed in such manner as the Council thinks fit, and the expenses incurred by the Council in respect thereof (or such proportion thereof as the Council may determine) shall be repaid to the Council by all the owners abutting on such street, by contributions from such owners, either—

Construction of private streets.

- I. Proportionately to the frontage of their respective lands on such street: or
- II. With such modification of such proportions as may appear to the Council to be just and equitable, having regard to the circumstances of each case of which the Council shall be the sole judge: or
- III. In such proportion as may be agreed upon between the Council and such abutting owners.

And the Council may accept payment of such contributions as aforesaid, at such times and in such manner as shall be agreed upon with such owners, and, in default of agreement, by twenty yearly instalments in the manner prescribed by the Hobart Corporation Act, 1893.”

174 It shall be lawful for the Corporation to erect and equip a building to be used as a children’s clinic on such portion of the vacant land, vested in the Council and adjoining the Town Hall, in such position as the Council shall determine; the area to be occupied by such building not to exceed twelve perches; and the Corporation is hereby empowered to lease such building, when completed, to the Child Welfare Association for a period not exceeding thirty-five years, at such rental and upon such terms and conditions as to the Council may seem fit.

Erection of children’s clinic. 14 Geo. V. No. 54.

Division (8)—Extraordinary Expenditure.

175 The expenditure by the Council of the sum of One thousand Pounds towards the relief of suffering caused by the recent floods in various parts of the State of Tasmania is hereby authorised and declared legal.

Confirmation of expenditure of £1000 for flood relief fund.

Hobart Corporation.

A.D. 1929.

Section 3.

SCHEDULES.

(1)

REPEALS.

PART I.

Date and Number of Act.	Title of Act.	Extent of Repeal.
55 Vict. No. 26 57 Vict. No. 11	The Hobart Sanitation Act, 1891 The Hobart Corporation Act, 1893	The whole Act Sections 12 to 20 inclusive Sections 24 to 29 inclusive Sections 31, 38, 40, and 43 Sections 45 to 49 inclusive Section 53 Sections 58 to 84 inclusive Sections 103 to 106 inclusive Sections 109 to 111 inclusive Sections 114 to 120 inclusive Section 122 Sections 124 to 133 inclusive Sections 157 and 158 Sections 161 to 163 inclusive Sections 287 to 295 inclusive Schedules (3), (4), and (7)
57 Vict. No. 25 58 Vict. No. 29 59 Vict. No. 46	The Hobart Water Act, 1893 The Hobart Corporation Act, 1894 The Hobart Corporation Act, 1895	The whole Act Section 18 Sections 3 to 6 inclusive Section 9
60 Vict. No. 21 62 Vict. No. 14 63 Vict. No. 10 64 Vict. No. 64	The Hobart Corporation Act, 1896 The Hobart Corporation Act, 1898 The Hobart Corporation Act, 1899 The Hobart Water Act, 1900	The whole Act Sections 3 and 5 The whole Act The whole Act
1 Edw. VII. No. 56 3 Edw. VII. No. 15	The Hobart Corporation Act, 1901 The Metropolitan Drainage Amendment Act, 1903	Sections 17 and 18 Subsections (8) and (9) of Section 39
5 Edw. VII. No. 16 6 Edw. VII. No. 11	The Hobart Water Act, 1905 The Mountain Park Act, 1906	The whole Act The second and third paragraphs of Section 3
6 Edw. VII. No. 42	The Hobart Corporation Act, 1906	Sections 3 to 18 inclusive Schedule
6 Edw. VII. No. 43	The Metropolitan Drainage Amendment Act, 1906	Section 12

Hobart Corporation.

Date and Number of Act.	Title of Act.	Extent of Repeal.	A.D. 1929.
7 Edw. VII. No. 19	The Hobart Corporation Act, 1907	Sections 5 to 9 inclusive Subparagraph i. of Section 12	
7 Edw. VII. No. 41	The Hobart Water Act, 1907	The whole Act	
8 Edw. VII. No. 24	The Hobart Corporation Act, 1908	Sections 2 to 5 inclusive Section 8 Schedule (1)	
1 Geo. V. No. 39	The Hobart Corporation Act, 1910	The whole Act	
2 Geo. V. No. 62	The Hobart Corporation Act, 1911	Sections 2, 3, and 4 Section 6	
3 Geo. V. No. 12	The Hobart Sewerage Act, 1912	Sections 10, 11, and 12	
3 Geo. V. No. 51	The Hobart Corporation Tramway Act, 1912	Sections 16, 17, and 18	
4 Geo. V. No. 24	The Hobart Corporation Act, 1913	Sections 6, 7, and 8 Subsection (1) of Section 9 Sections 17, 18, 35, 36, and 37	
5 Geo. V. No. 31	The Hobart Corporation Act, 1914	Sections 4 to 9 inclusive Sections 11 to 29 inclusive Section 30	
7 Geo. V. No. 24	The Metropolitan Drainage Amendment Act, 1916	The whole Act	
9 Geo. V. No. 14	The Hobart Corporation Act, 1918	Sections 3 and 5	
10 Geo. V. No. 10	The Hobart Corporation Act, 1919	Sections 7, 8, and 11 Schedule (2)	
10 Geo. V. No. 64	The Hobart Corporation Act (No. 2), 1919	Sections 4 to 13 inclusive Sections 15 to 34 inclusive Sections 36 to 38 inclusive	
11 Geo. V. No. 68	The Hobart Corporation Act, 1920	Schedule Section 4 Sections 6 to 10 inclusive Section 14	
12 Geo. V. No. 24	The Hobart Corporation Act, 1921	Schedules (3) and (4) Sections 4 to 11 inclusive Sections 16 to 18 inclusive	
13 Geo. V. No. 12	The Hobart Corporation Act, 1922	Section 22 Sections 4 and 7 inclusive Sections 9, 23, and 24 All the words after the word "determine" in the third line of Section 19	

Hobart Corporation.

A.D. 1929.

Date and Number of Act.	Title of Act.	Extent of Repeal.
14 Geo. V. No. 55	The Hobart Corporation Act, 1924	Sections 5 to 10 inclusive Sections 20, 24, 25, 30, and 31
15 Geo. V. No. 55	The Hobart Corporation Act (No. 2), 1924	Section 4
18 Geo. V. No. 87	The Hobart Corporation Act, 1927	Sections 21 to 26 inclusive Schedules (2) and (3)

PART II.

Date and Number of Act.	Title of Act.
22 Vict. No. 27 [1858]	An Act to facilitate the Collection and Recovery of Rates
27 Vict. No. 34 [1863]	An Act to relieve certain Institutions from the Payment of Rates
42 Vict. No. 43 [1879]	An Act to amend " An Act to facilitate the Collection and Recovery of Rates "
45 Vict. No. 14 [1891]	An Act to amend the Law relating to the Collection and Recovery of Rates
1 Ed. VII. No. 31 [1901]	An Act to amend the Law as to the Liability for Rates and Taxes on Lands and Buildings used as Sunday Schools, Mission Rooms, or Churches, or in aid of the work thereof
5 Ed. VII. No. 29 [1905]	The Health Rate Act, 1905

(2)

Section 5.

BOUNDARIES OF THE CITY OF HOBART.

Commencing at the junction of a rivulet forming the north boundary of 31 acres 1 rood 17 perches granted to R. Gayer with the River Derwent thence by the south side of that rivulet westerly to the north-west angle of land located to J. Nairn by an east boundary of the Mount Nelson reserve by the north and by part of the west boundary of 1540 acres granted to William Proctor by part of the north boundary of 320 acres granted to John Dunn by an east by a north again by an east again by a north and by the west boundary of 110 acres purchased by F. Fitzroy to a rivulet by that rivulet to the east boundary of 80 acres 0 roods 23 perches purchased by A. F. Kemp by part of the east and by

Hobart Corporation.

the south-west and the south-east boundaries of that land by the south-east boundary of Lot 5227 purchased by D. Dunkley to a rivulet by that rivulet to a point opposite the north-west angle of 100 acres granted to William Walton thence crossing that rivulet to that angle by a west by a south and again by a west boundary of that grant to Long Creek by that creek north-westerly to the west boundary of 40 acres purchased by W. C. Piquenit by part of the west boundary of that land and by the west boundary of 15 acres also purchased by W. C. Piquenit thence by a north-westerly line to the south-east boundary (near the Trigonometrical Station on Mount Wellington) of 2660 acres granted to Joseph Allport and Thomas Young by the south-east by the south-west and by the north-west boundaries of that land to the New Town Rivulet by the north-west side of that rivulet to the south-west boundary of 400 acres belonging to the Trustees of Christ College Estate and extending north-westerly along the boundary of that land thence by five north-easterly lines along the boundary of the said land to its north-east corner thence by a south-easterly line along the boundary of the said land to 54 acres 1 rood John Roberts lessee thence in a north-easterly south-easterly and north-easterly direction along the boundary of the lastmentioned land to a location to James Scott thence by the boundary of that location in a north-westerly and north-easterly direction to 14 acres 1 rood 12 perches H. Portnell lessee thence by north-westerly and north-easterly and south-easterly lines along the boundary of that land to its junction with the New Town Rivulet aforesaid thence by that rivulet to New Town Bay and thence by that bay and by the River Derwent aforesaid to the point of commencement.

A.D. 1929.

(3)

DECLARATION TO BE MADE BY MAYOR AND ALDERMEN. Section 21.

I, *A.B.*, having been elected as Mayor [*or as one of the aldermen*] for the City of Hobart, do hereby declare that I take the office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability, and that I have not fraudulently or collusively obtained the said office to which I have been elected.

(Signed)—*A.B.*

Taken before me, at Hobart, the
day of , 19 .

C.D.

(4)

FORM OF NOMINATION FOR ELECTION OF MAYOR OR ALDERMAN. Section 47.

The day of , 19 .

We, the undersigned citizens of the City of Hobart, duly qualified to vote at the election, do hereby nominate [*stating Christian and surname*] of [*here state residence or place of business and occupation*] as a fit and proper person to be elected as Mayor [*or as an alderman or aldermen*] of the said city.

Surname and Christian Name of Nominator.	Residence or Place of Business of Nominator.	Signature of Nominator.

Hobart Corporation.

A.D. 1929.

I the abovenamed do hereby declare that I am duly qualified to be nominated for election as Mayor [*or* as an alderman] of the City of Hobart, and I hereby consent to become a candidate for election as the Mayor [*or* as an alderman] of the said city, and, if elected, to act as such.

A.B.

 (5)

Section 50.

SCRUTINEER'S DECLARATION.

I, *A.B.*, appointed by *C.D.*, one of the persons nominated for election as Mayor [*or* as an alderman] at the ensuing election, to be a scrutineer at such election, do hereby solemnly declare that I will faithfully assist as such scrutineer, and will not attempt to ascertain for whom any citizen votes, nor by any word or action directly or indirectly aid in discovering the same, except in answer to any question which I am legally bound to answer, or in accordance with the provisions of the Hobart Corporation Acts, 1893-1929.

 (6)

Section 56.

PRESIDING OFFICER'S OR POLL CLERK'S DECLARATION.

I, *A.B.*, one of the presiding officers [*or* one of the poll-clerks] at the ensuing mayoral and aldermanic elections [*or* as the case may be], do hereby solemnly and sincerely declare that I will faithfully assist in the said election, and will not in any manner interfere with any elector when filling up or marking his ballot-paper, or attempt to ascertain the name or names of the person or persons for whom any elector votes; and in case I should become acquainted with the name or names of the person or persons for whom any elector votes, then that I will not disclose to any person whomsoever the fact so coming to my knowledge, nor by any word or action directly or indirectly aid in discovering the same.

(Signed)—*A.B.*

Hobart Corporation.

(7)

A.D. 1929.

BALLOT-PAPER.

Section 59.

Mayoral Election

(or)

Aldermanic Election

(as the case may be).

ONE VOTE.

[Or whatever may be the number of votes.]

	ALLAN, JOHN
--	-------------

	BULL, JOHN
--	------------

	JONES, MORGAN
--	---------------

	O'CONNELL, PATRICK
--	--------------------

	SMITH, HENRY
--	--------------

	WILLIAMS, BENJAMIN, 15 Elizabeth-street
--	--

	WILLIAMS, BENJAMIN, 22 Macquarie-street
--	--

(8)

Sections 57, 64.

CITIZEN'S DECLARATION.

I, *A.B.*, do hereby solemnly declare that I am the person named in the Citizens' Roll now in force for the City of Hobart; that I am not an alien; and that I have not already voted at this election.

Hobart Corporation.

A.D. 1929.

(9)

DECLARATION AGAINST BRIBERY.

Section 68.

I, *A.B.*, do solemnly declare that I have not received or had, by myself or any person whomsoever in trust for me, or for my use and benefit, or for the use and benefit of any number of my family or kindred, or any friend or dependent, directly or indirectly, any sum or sums of money, office, place of emolument, gift, or reward, or any promise of or security for any money, office, place of emolument, gift, or reward, by way of consideration, either express, implied, or understood, for giving my vote at this election.

Signed and declared before me, this _____ day of _____, 19 .
Presiding Officer.

Section 69.

(10)

VOTING BY POST.

FORM A.

THE HOBART CORPORATION ACT, 1929.

APPLICATION FOR A POSTAL VOTE CERTIFICATE.

To the Town Clerk, Town Hall, Hobart.

I [*here state Christian names, surname, residence, and occupation*] hereby apply for a postal vote certificate.

1. I am a citizen of the City of Hobart, and my name is on the Citizens' Roll in force for the said City; and I am not an alien.

2. The ground on which I apply for the certificate is—

(a) That I have reason to believe that I will not, on polling-day, be within seven miles of the Town Hall, Hobart. My reasons for this belief are:—
.....
.....

(b) That, being a woman, I will, on account of ill-health, be unable on polling-day to attend the polling-place to vote;

(c) That I will be prevented, by serious illness or infirmity, from attending the polling-place on polling-day.

NOTE.—The citizen will rule out any two of the above grounds which do not apply to his or her particular case, as only one ground is necessary for the application

3. I request that a postal vote certificate and a postal ballot-paper may be forwarded to me at [*here state address to which the papers are to be forwarded*].

Dated this _____ day of _____, 19 .

[Signature.]

Hobart Corporation.

Signed in the presence of—

A.D. 1929.

[*Authorised witness to sign here and insert his title.*]

N.B.—Any one of the following persons is an authorised witness, namely:—

[*The persons who are authorised witnesses within the meaning of this Act to be enumerated here.*]

No authorised witness shall—

- (a) Witness the signature of any citizen to an application for a postal vote certificate unless the citizen is personally known to him; or
- (b) Witness the signature of any citizen to any application or form of application for a postal vote certificate unless he has seen the citizen sign the application or form of application in his own handwriting.

Penalty: Twenty Pounds, or one month's imprisonment.

The person witnessing any application for a postal vote certificate under this Act shall, if he is not personally acquainted with the facts, satisfy himself, by inquiry from the applicant, that the statements contained in the application are true.

Penalty: Twenty Pounds.

FORM B.

THE HOBART CORPORATION ACT, 1929.

POSTAL VOTE CERTIFICATE.

Section 73.

City of Hobart.

I hereby certify that _____ of _____ is entitled to vote at the election for [here insert purpose for which the election is to be held] to be held on the _____ day of _____, 19 _____.

Dated this _____ day of _____, 19 _____.

(Signed)—

Town Clerk.

FORM C.

Election of [here insert number of aldermen to be elected].

POSTAL BALLOT-PAPER.

Section 73.

INSTRUCTIONS TO CITIZEN.

1. The citizen shall exhibit his postal ballot-paper (in blank) and his postal vote certificate to an authorised witness.

2. The citizen shall then write on the inside of the ballot-paper the name of the candidate or candidates for whom he votes, but so that no person before whom he records his vote shall see any such name: Provided that he shall not write the names on the ballot-paper—

- (a) In the case of a mayoral election of more than one candidate:
- (b) In the case of an ordinary biennial aldermanic election of more or less than six candidates:
- (c) In the case of an extraordinary aldermanic election of more or less candidates than there are extraordinary vacancies to be filled up.

3. If the citizen shall write on the ballot-paper the name of any person who has not been nominated for election, such ballot-paper shall not thereby be rendered invalid, but shall be counted at the scrutiny as if the name of such person had not been written upon the ballot-paper.

Hobart Corporation.

A.D. 1929.

4. If the citizen's sight is so impaired that he cannot vote without assistance, the authorised witness, if so requested by the citizen, may act for him in the presence of a witness.

5. The citizen shall then fold the ballot-paper, and fasten margin to margin.

6. The citizen shall then himself sign his name, in his own handwriting, on the counterfoil, in the place provided for the signature of the voter.

7. The authorised witness shall then himself sign his name, in his own handwriting, in the place provided for the signature of the witness, and shall add his occupation and place of living, and the date.

8. The citizen shall then place the ballot-paper, with the counterfoil attached, into the envelope addressed to the Town Clerk, and fasten the envelope, and duly stamp and hand it to the authorised witness for posting.

INSTRUCTIONS TO AUTHORISED WITNESS.

The authorised witness shall—

- (a) See that the above directions are substantially complied with:
- (b) Refrain from looking at the vote given by the citizen, except where the citizen's sight is so impaired that he cannot vote without assistance, and the citizen requests his assistance:
- (c) Not attempt to influence the vote of the citizen whose signature he is witnessing:
- (d) Not disclose any knowledge officially acquired by him touching the vote of the citizen: and
- (e) Forthwith post the envelope containing the postal ballot-paper.

Penalty: Twenty Pounds, or one month's imprisonment.

AUTHORISED WITNESSES.

Any one of the following persons is an authorised witness, namely:—

[The persons who are authorised witnesses within the meaning of this Act to be enumerated here].

No—
Signature of voter—
Witness—

COUNTERFOIL.

[Authorised witness to sign here and insert his title.]

BALLOT-PAPER.

Votes.

.....
.....
.....
.....

FORM D.

Section 77.

DECLARATION IF CITIZEN CLAIMING TO VOTE AT POLLING-PLACE.

I, _____, residing at _____, do hereby declare that my name is included in the Citizens' Roll now in force for the City of Hobart, and that I have not received a postal ballot-paper entitling me to vote by post at the election of Mayor [*or aldermen*] now being held in the said city, and that I desire to vote personally at such election.

Signed and declared at Hobart, this _____ day of _____, in the presence of _____

Returning Officer [*or Presiding Officer*].

Caution.—Any person who wilfully and knowingly makes and subscribes a declaration which is untrue or false in any particular is guilty of wilful and corrupt perjury, and is punishable accordingly.

Hobart Corporation.

(11)

A.D. 1929.

DISTRESS WARRANT FOR RATES.

Section 131.

TASMANIA } To
TO WIT. }

and all constables in the State of Tasmania.

Whereas *A.B.*, of _____ Street, in the City of Hobart (hereinafter called the "debtor"), has not paid the sum of _____ payable by him by virtue of the City Rate for the City of Hobart [or of the Special Rate for the City of Hobart called the (*name of rate*) Rate], made on or about the _____ day of _____, 19____, although the same has been duly demanded of him: These are therefore to command you forthwith to make distress of the goods and chattels of the debtor, wheresoever the same may be found, and also of all goods and chattels found by you upon the property in respect of which such rates are due and payable, to whomsoever the same may belong (except appliances the property of the Hobart Gas Company), and that (unless at any time before the sale of the goods and chattels so by you distrained, the said sum, together with all costs, charges, and expenses attendant upon such distress, be paid to you) you cause the said goods and chattels, so by you distrained to be sold, and out of the money arising by such sale that you detain the said sum and also all costs, charges, and expenses attendant upon such distress and sale, rendering to the debtor or other person whose goods and chattels are so distrained by you, as the case may be, the overplus (if any) on demand; and the said sum you are hereby commanded to pay to me; and if no sufficient distress can be made of the goods and chattels of the debtor, or otherwise as aforesaid, that then you certify the same to me, together with this warrant.

Given under my hand, this _____ day of _____, 19____.

C.D.,

City Treasurer of the City of Hobart.

(12)

DISTRESS WARRANT FOR RATES.

Section 131.

[Another Form.]

TASMANIA { To
TO WIT. }

and all constables in the State of Tasmania.

Whereas _____, of _____ Street, in the City of Hobart (hereinafter called "debtor"), has not paid the sum of _____ payable by _____ by virtue of the City Rate for the City of Hobart [or the Special Rate for the said City called the _____ Rate], made—

As to the sum of _____ on or about the _____ day of _____, 19____

And as to the sum of _____ on or about the _____ day of _____, 19____

although the said sums have, and each of them has, been duly demanded of _____: These are therefore to command you forthwith to make distress of the goods and chattels of the debtor wheresoever the same may be found, and also of all goods and chattels whatsoever found upon the property in respect of which such rates are due and payable, to whomsoever the same may belong (except appliances the property of the Hobart Gas Company), and that (unless at any time before the sale of the goods and chattels so by you distrained, the said sum, together with all costs, charges, and expenses attendant upon such distress, be paid to you) you cause the said goods and chattels so by you

Hobart Corporation.

A.D. 1929.

distrained to be sold, and out of the money arising by such sale that you detain the said sum and also all costs, charges, and expenses attendant upon such distress and sale, rendering to the debtor or other person whose goods and chattels are so distrained by you, the overplus (if any) on demand; and the said sum you are hereby commanded to pay to me; and if no sufficient distress can be made of such goods and chattels, that then you certify the same to me, together with this warrant.

Given under my hand, this day of , 19 .

C.D.,
City Treasurer of the City of Hobart.

(13)

Section 132.

DISTRESS WARRANT FOR RATE UPON COMPLAINT.

TASMANIA } To
TO WIT. } and all constables in the State of Tasmania.

Whereas complaint has been made before [me], a Justice of the Peace, that A.B., of , has not paid the sum of , payable by him by virtue of the City Rate made on or about the day of , 19 , although the same has been duly demanded of him: And whereas it appears to me upon the oath of [] a collector of Rates for the City of Hobart, that the said sum of has been duly demanded by him from the said A.B., and that the said A.B. has failed to pay the same for the space of days after such demand made, and has not paid the same: And whereas the said A.B., having appeared before me in pursuance of a summons issued by [me] for that purpose, has not shown sufficient cause why the said sum of should not be paid: [or And whereas it has been proved to me upon oath that the said A.B. has been summoned to appear before [me] or such other Justice of the Peace as might now be here, to show cause why the said sum of should not be paid, and the said A.B. has neglected to appear according to such summons (or has not shown any sufficient cause why the said sum of should not be paid)]: These are therefore to command you forthwith to make distress of the goods and chattels of the said A.B. wheresoever the same may be found, and also all goods and chattels found by you upon the said property to whomsoever the same may belong; and unless at any time within the space of [Four] days after such distress by you made the said sum of , together with all costs, charges, and expenses attending upon such distress, be paid to you, that you cause the said goods and chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said sum of and also all costs, charges, and expenses attendant upon such distress and sale, rendering to the said A.B., or other person whose goods and chattels are so distrained by you, as the case may be, the overplus (if any) on demand; [in case the warrant is directed to some other person than the collector, and the said sum of you are hereby commanded to pay to (the said X.Y.) the said collector;] and if no sufficient distress can be made of the goods and chattels of the said A.B., or otherwise as aforesaid, that then you certify the same to me, together with this warrant.

Given under my hand, this day of , 19 .

J.P.,
Justice of the Peace.

Hobart Corporation.

(14)

A.D. 1929.

COSTS OF DISTRESS.

Section 132.

For every warrant of distress	Five Shillings
For man in possession, each day or part of day	Ten Shillings
For inventory, sale, commission, and delivery of goods	Not exceeding One Shilling in the Pound on the proceeds of the sale

Mileage.

For every mile or part of a mile, where the warrant is executed not more than two miles from the office of the Council	Two Shillings
Where such distance exceeds two miles, for every mile or part of a mile beyond	One Shilling

(15)

CITY OF HOBART.

Section 134.

NOTICE.

Whereas there is now due and unpaid the sum of £ for rates, interest, and expenses [*or as the case may be*] in respect of and charged by virtue of the Hobart Corporation Act, upon the property situate [*here describe property shortly, but sufficiently to fairly identify the same*], of which property it is believed that the owner is [*here insert name and residence, if known, of owner, or "not traceable," as the case may be*]: The Mayor, aldermen, and citizens of the City of Hobart hereby give notice that after the expiration of one month from the date of this notice application will be made under the provisions of the said Act for a sale of the said property, unless the abovementioned sum, and all other rates, interest, and expenses with regard to the said property, are sooner paid.

Dated this day of , 19
Town Clerk.

(16)

BOUNDARIES OF SERVICE RESERVOIR.

Sections 166, 167.

QUEEN'S DOMAIN.

All that piece of land containing 2 roods and 39 perches or thereabouts situate in the Queen's Domain near the Quarry Reserve and bounded as follows:—On the south-west by a straight line of 166 feet 8 inches north-westerly along a roadway 40 feet wide and commencing at a point on the north-eastern side of the roadway distant 63½ chains from the Cricket Ground Reserve thence on the north-west by 191 feet or thereabouts north-easterly along part of the Queen's Domain and thence on the north-east by 171 feet south-easterly along that Domain and thence on the south-east by 196 feet 4 inches or thereabouts south-westerly also along that Domain to the point of commencement.

Hobart Corporation.

A.D. 1929.

(17)

Section 87.

SCRUTINY AT MAYORAL ELECTION.

1. The number of first choices recorded for each candidate shall be counted, and all informal ballot-papers shall be rejected.
2. The aggregate number of valid votes recorded at the election shall then be ascertained.
3. The candidate obtaining an absolute majority of votes shall be elected. An absolute majority of votes means a greater number than one-half of the whole number of valid votes recorded.
4. All ballot-papers on which the first or any subsequent choice is recorded for a candidate, who is neither a continuing alderman nor a person declared elected as an alderman at the aldermanic election which has been conducted simultaneously with the mayoral election (hereinafter referred to as an "ineligible candidate"), shall be counted in the order of the voter's preference, as though the ineligible candidate or candidates had not been a candidate or candidates at such election.
5. If no candidate has an absolute majority of votes the candidate who has the fewest votes shall be excluded, and each vote counted to him shall be counted to the unexcluded candidate next in the order of the voter's preference.
6. If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes, and counting each of his votes to the unexcluded candidate next in the order of the voter's preference, shall be repeated until one candidate has an absolute majority of votes.
7. If on any count before the final count two or more candidates have an equal number of votes, and one of them has to be excluded, it shall be decided by lot which has to be excluded.