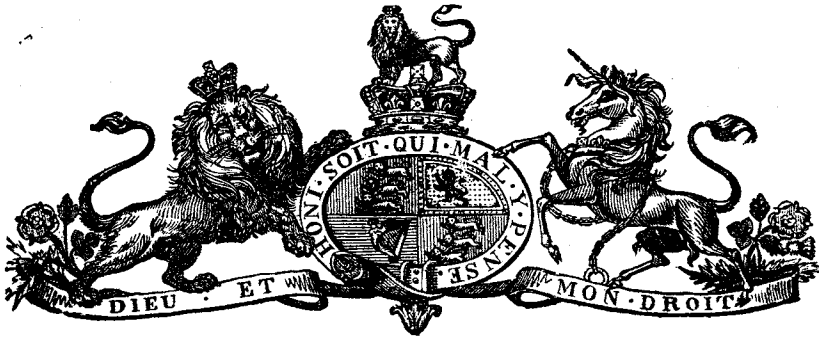


T A S M A N I A.



1858.

ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 24. *Repealed by 57 Vic II.*

AN ACT to amend *The Hobart Town Corporation Act* [5 November, 1858.]

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:—

1 It shall be lawful for the Corporation of the City of *Hobart Town* to demise any real estate, the property of the Corporation, for the term of Twenty-one years, or any less period, without the consent in writing of the Governor previously obtained.

Real estate may be demised for 21 years without consent of Governor.

2 The Mayor of the City of *Hobart Town* shall, *ex officio*, be a Justice of the Peace in and for this Colony during his continuance in office.

Mayor, *ex officio*, a Justice for the Colony.

3 Such proceeding as is provided by Section 106 of *The Hobart Town Corporation Act*, for the recovery of any amount of Rate which is neglected or refused to be paid, may be had and taken at the expiration of the period of Six days after the same has been demanded as in that Section is mentioned.

Rates may be recovered at expiration of 6 days from demand.

4 It shall not be necessary for the notice mentioned in Section 145 of the said Act to be signed by the Mayor.

Notices of Meetings of Council need not be signed by Mayor.

Substitutes new enactments for certain Sections of 21 V. No. 14.

5 Sections 17, 22, 31, 32, 46, 72, 74, 99, 111, and 113 of *The Hobart Town Corporation Act* are hereby repealed, and in lieu thereof the following enactments shall be respectively substituted; that is to say,—

Mode of proceeding if no more persons nominated than Aldermen to be elected.

17 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 Mayor shall, upon the day of Election, without any Poll being had, publish a notice under his hand declaring the person so nominated to be elected as Aldermen; and the persons so declared to be elected shall be Aldermen of the City.

Mayor to provide Ballot-papers.

22 The Mayor before and in time for every such Election shall provide printed Ballot-papers containing the number of votes to which the Citizen is entitled, the Christian and surname of every person nominated for Election, written or printed in alphabetical order and numbered in figures in regular succession, and no other matter or thing, according to the form in the Schedule; and such Ballot-papers shall be signed on the back by the Mayor.

Mayor to secure Ballot-boxes, &c. at the close of Elections.

31 At the close of the Poll the Ballot-boxes shall be sealed up or otherwise secured by the Mayor, in the presence of such Scrutineers as choose to attend, and in such manner as may be satisfactory to the majority of such Scrutineers, so as to prevent any Ballot-papers being taken therefrom or inserted therein; and the Mayor shall take charge of the Ballot-boxes and of the copies of the Polling List used at the Election, and the remainder of the Ballot-papers and printed Declarations not used, and all Declarations so made as aforesaid, and shall deposit the same in a secure place to which no person has access.

Mayor to publish result of Elections.

32 The Mayor shall at Ten o'clock of the forenoon of the day following the Election, at the Polling-place, and in the presence of such of the Scrutineers as choose to attend, open the Ballot-boxes and make out an Abstract of the result of the Ballot at the Poll, and shall at the Polling-place, and as soon as may be practicable, publish a notice under his hand declaring the general state of the Poll at the close of the Election as the same has been so made up and ascertained by him from the Ballot-papers taken at the Election, and also declaring the name or names of the person or persons duly elected at such Election; and in the event of the number of votes being found to be equal for any Two or more persons, the Mayor shall, by his casting vote, decide which of the said persons is elected: Provided, however, that the Mayor shall not vote at any Election except in the case of an equality of votes as aforesaid.

Where numbers equal, Mayor to have a casting vote.

Mayor, &c. declared insolvent, &c. disqualified and to vacate office.

46 If any person holding the office of Mayor, Alderman, or Auditor is declared insolvent, or compounds by deed or otherwise with his creditors, or if the Mayor or any Alderman is absent from the Meetings of the Municipal Council for more than One month at one time without leave of absence granted by the Council, unless in case of illness certified by a duly qualified Medical Practitioner, such person shall thereby become disqualified and cease to hold such office, and in the case of absence, unless through illness as aforesaid, shall be liable to the same fine as if he had refused to accept such office; and the Municipal Council shall in any such case declare such office to be vacant, and the same shall be vacant accordingly; but every person so becoming disqualified to hold any office on account of insolvency or compounding as aforesaid shall, on obtaining his certificate of final discharge, or on payment of his debts in full, or on obtaining a release from his creditors,

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be capable, if otherwise qualified, of being re-elected to any such office.

72 The giving or causing to be given to any Citizen on the day of Polling at any Election of Aldermen or Auditors under this Act, any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such Citizen to obtain refreshment, on account of such Citizen having voted or being about to vote at such Election, shall be deemed an illegal act; and the person so offending shall forfeit the sum of Fifty Pounds for each offence to any person who sues for the same, together with full costs of suit.

Refreshments given to Citizens on the day of Polling illegal.

74 No person shall before, during, or after any Election of Aldermen or Auditors under this Act, in regard to such Election, directly or indirectly, give or provide to or for any person any cockade, ribbon, or other mark of distinction; and every person giving or providing, or receiving or wearing, any such cockade, ribbon, or other mark of distinction, or making any payment for or on account of any such cockade, ribbon, or mark of distinction, or of any chairing, or bands of music, or flags or banners at any such Election, shall for every such offence forfeit the sum of Fifty Pounds to any person who sues for the same, together with full costs of suit.

No cockades, &c. at Elections, and penalty.

99 If any person becomes the occupier of property after the time at which any amount of Rate payable in respect of such property is appointed to be paid, whether such property was occupied or unoccupied at such time, and such amount of Rate is in arrear and unpaid, such person shall be liable to pay and shall pay such amount of Rate so in arrear and unpaid, deducting such portion thereof as is proportionate to the period which has elapsed since the time when such amount of Rate was appointed to be paid, and until the time when such person became such occupier: Provided, that nothing in this Section contained shall be deemed to relieve the occupier, 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 occupier, subject to the deduction of any portion thereof which may have been paid by or recovered from any other person.

Proportion of Rate in arrear recoverable from persons becoming occupiers after time fixed for payment of same.

111 A register of such mortgages in security shall be kept by the Town Clerk; and in the event of separate sums being borrowed on security of separate Rates a separate register shall be kept for each class of mortgages in security; and any such register may at all reasonable times be perused and inspected at the Office of the Town Clerk upon payment of a fee of One Shilling.

Mortgages to be registered.

113 Every such transfer shall, within One month from the date thereof, be produced to the Town Clerk at his Office, and thereupon such Town Clerk shall cause an entry thereof to be made in the same manner as in the case of an original mortgage in security; and for every such entry the Town Clerk may demand the sum of One Shilling; and any such entry may at all reasonable times be perused and inspected at the Office of the Town Clerk upon payment of a fee of One Shilling; and, upon such entry being made, such transfer shall entitle the transferee, his executors, administrators, and assigns, to the full benefit of the original mortgage in security, and the principal and interest thereby secured; and such transferee may in like manner transfer the same again *toties quoties*; and it shall

Transfers to be registered.

not be in the power of any person except the person to whom the same has been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage so transferred, or any money thereby secured.

And the foregoing enactments shall henceforth have the same force and effect as if the same were respectively contained in *The Hobart Town Corporation Act* instead of the said Sections.

Repeals Sect. 138 of said Act, partly.

Bye-laws to be laid before Parliament.

Published in *Gazette*.

Disallowance by Parliament.

Acts to be read together.

Short title.

6 The second Proviso to Section 138 of *The Hobart Town Corporation Act* is hereby repealed, and, unless otherwise expressly provided by any Law hereafter passed, no Bye-law to be made by the Municipal Council of the City of *Hobart Town* shall, if the Legislature is sitting at the time of the making thereof, be of any force until Fourteen days after the same, or a Copy thereof, signed by the Mayor, has been laid upon the Table of both Houses of the Legislature, nor until One week after a Copy of the same has been published in the *Gazette* after the expiration of the time during which the same has been lying before the Legislature as aforesaid; and if the Legislature, or either House thereof, disallows such Bye-law or any part thereof, such Bye-law or the part thereof so disallowed shall not come into operation.

7 This Act and *The Hobart Town Corporation Act*, except in so far as the same is altered by this Act, shall be read and construed together as one and the same Act.

8 In referring to this Act it shall be sufficient to use the expression *The Hobart Town Corporation Amendment Act*.