

T A S M A N I A.

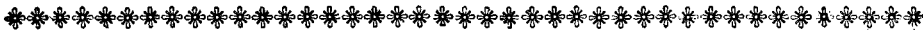


1862.

ANNO VICESIMO-SEXTO

VICTORIÆ REGINÆ.

No. 16.



AN ACT to make further provision in respect of Rural Municipalities. [20 October, 1862.]

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 In case any such District as is mentioned in the Schedule (1.) has been or hereafter shall be declared to be a Rural Municipality under the provisions of *The Rural Municipalities Act*, such sum as is set opposite to the name of such District in the said Schedule shall annually be contributed from the Public Revenue in aid of the Municipal Fund of such Rural Municipality: Provided that in case a portion only of any District mentioned in the said Schedule (1) has been or hereafter shall be constituted a Rural Municipality, it shall be lawful for the Governor in Council to apportion and allot to such Rural Municipality as the annual contribution thereto, such part of the sum set opposite to the name of such District in the said Schedule as the Governor in Council deems just.

Contribution from Public Revenue in aid of Municipalities.

Where part only of a District is constituted a Municipality, the contribution may be apportioned.

2 One-fourth part of the amount of every such Annual Contribution shall be payable out of, and chargeable upon, the Land Fund.

One-fourth of Contribution out of Land Fund.

3 The Colonial Treasurer shall annually issue and pay to the Treasurer of each Rural Municipality, the contribution due by virtue

Contribution payable by

Warrant of the Governor.

of the provisions hereof, upon such days and in such proportions as the Governor by any Warrant under his hand, from time to time, orders and directs.

Credit to be given to the Treasurer in Account.

**4** The said Treasurer shall be allowed credit in his Accounts for any sum of money paid by him in pursuance of any such Warrant as afore-said; and the receipt of the person to whom the same is so paid shall be a full and valid discharge to the said Treasurer in passing his said Accounts for any such sum as is therein mentioned, and he shall receive credit for the same accordingly.

Contribution from General Revenue payable till 1 *January*, 1865.

**5** Every such contribution from the Public Revenue shall be paid until the First day of *January* in the year 1865, and no longer.

Governor empowered to redefine Rural Municipalities.

**6** It shall be lawful for the Governor in Council, upon the application and with the consent of the Municipal Council of any Rural Municipality, by Proclamation, to alter the boundaries of such Municipality by excluding any portion of the area included therein from such Municipality, and to redefine the boundaries of such Municipality in accordance with such alteration, after giving One Month's previous notice of any such proposed alteration in the *Government Gazette*.

If District re-defined, annual contribution from Treasury may be reduced or increased.

**7** In the event of any alteration of any Rural Municipality it shall be lawful for the Governor in Council to reduce or increase the sum contributed to such Rural Municipality out of the Public Revenue, under the provisions of this Act, by such amount as may be agreed upon between the Government and the Municipal Council of such Rural Municipality by reason of such alteration.

Redefinition not to affect application of Laws in respect of District as altered.

**8** Notwithstanding any such alteration, the Municipal Council of the Rural Municipality before it was so altered shall continue to be the Municipal Council of the Rural Municipality as altered, and all Laws and Bye-laws relating to Rural Municipalities shall be applicable in and to the Rural Municipality as altered as if no such alteration had taken place.

When any District is declared a Municipality, same to be a General Sessions District.

**9** When any Rural Municipality is duly proclaimed, the same shall thereupon become and be a district for the purpose of holding a Court of General and Quarter Sessions of the Peace, anything contained in the Act of Council of the 8th *Victoria*, No. 13, to the contrary notwithstanding.

Council Clerks to act as Deputy Clerks of the Peace.

**10** The Council Clerk of each Municipality shall be, and perform the duties of, the Deputy Clerk of the Peace of the Municipality in and for which such Court of General Sessions is held.

Expense of making Valuation Roll to be paid out of Municipal Fund.

**11** All costs and expenses attending the making or revising any Valuation Roll under *The Property Valuation Act*, in any Rural Municipality, shall be borne and defrayed by such Rural Municipality, and shall be payable by the Municipal Council out of the Municipal Fund of such Rural Municipality.

▼ Municipal may vote only of on Roll

**12** No Municipal Elector of any Rural Municipality whose name appears on the Valuation Roll in respect of property part of which is situated within and part of which is situated without the boundaries of such Municipality, shall vote in respect of such property at any Election of Councillors for such Municipality, unless and until he pro-

duces to the Returning Officer at such Election a Certificate in the form in the Schedule (2) or to the like effect, of the annual value of such part of the said property as is situate within such Municipality, signed by two Justices of the Peace or by the Assessors who prepared such Valuation Roll, and then such Elector shall have a number of votes proportionate only to the annual value stated in such Certificate.

**13** The provisions of *The Rural Municipalities Act* relating to Roads shall not apply to any Rural Municipality until such Rural Municipality has been proclaimed and declared a Road District by the Governor in Council.

**14** Subject to the provisions of *The Rural Municipalities Act* relating to the disqualification of Councillors and Auditors, every Municipal Elector shall be eligible as a Councillor or Auditor of a Rural Municipality of which he is a Municipal Elector, notwithstanding that he is not the Proprietor or Occupier of property within the same Rural Municipality of the annual value of not less than Fifty Pounds.

**15** So much of Section 46 of *The Rural Municipalities Act* as disqualifies a Chairman of any Court of Justice, or an Officer on full pay in the Naval or Military Service, from being a Councillor is hereby repealed; but no such Chairman or Officer shall be liable to any fine for non-acceptance of the office of Warden, Councillor, or Auditor.

**16** The fine for non-acceptance of the office of Warden is hereby reduced to Fifty Pounds, and the fine for the non-acceptance of the office of Councillor or Auditor is hereby reduced to Twenty-five Pounds.

**17** The fees incidental to proceedings before any Court of Requests or Court of General Sessions of the Peace held in any Rural Municipality shall form part of the Municipal Fund of such Municipality; and the expenses of holding inquests within any Rural Municipality shall be defrayed and paid out of the Municipal Fund of such Municipality.

**18** The fees incidental to summary proceedings before Justices of the Peace in respect of offences committed within any Rural Municipality shall be paid and applied in like manner as fines or penalties imposed for such offences are paid and applied.

**19** So much of the 14th Section of *The Rural Municipalities Act* as provides that on the last Friday in *December* in every year succeeding the first election of Councillors of a Rural Municipality two Councillors shall go out of office by rotation, and on the preceding day an election shall be held to supply their places, is hereby repealed; and in lieu thereof, on the second Friday in *December* in every year succeeding the first election of Councillors of a Rural Municipality two Councillors shall go out of office by rotation, and on the preceding day an election shall be held to supply their places.

**20** In case at the time of the Election of the Municipal Council of any Rural Municipality any amount of any Rural Police Rate theretofore made by the Governor in Council should remain unpaid in respect of any property situated within such Rural Municipality, such amount of Rural Police Rate so remaining unpaid shall be recoverable and appropriated as if no such Election had taken place.

Roads.

Qualification of Councillor and Auditor.

Chairmen of Courts of Justice and Officers on full pay eligible as Councillors.

Fine for non-acceptance of office reduced.

Court of Requests' fees to form part of Municipal Fund.

Coroners' fees to be paid out of Municipal Fund.

Appropriation of fees on summary proceedings.

Election of Councillors to take place on second instead of last Friday in *December*.

Rural Police Rate remaining unpaid at time of the establishment of a Municipality to be payable to the Crown.

Partial repeal of  
Sect. 87 of *The  
Rural Muni-  
cipalities Act.*

**21** So much of Section 87 of *The Rural Municipalities Act* as relates to any Rural Police Rate made under *The Rural Police Rate Act* and not paid at the time of the election of the Municipal Council of any Rural Municipality is hereby repealed.

Repeal of existing  
Acts.

**22** On and after the day on which this Act commences and takes effect, the Acts of the Parliament of *Tasmania* set forth in the Schedule (3) shall be hereby repealed : Provided that such repeal shall not affect—

1. Anything duly done before this Act commences and takes effect :
2. Any liability accruing before this Act commences and takes effect.

Schedule (3.)  
Acts to be read  
together.

**23** This Act and *The Rural Municipalities Act* shall be read and construed together as one and the same Act.

Short Title.

**24** In referring to this Act it shall be sufficient to use the expression *The Rural Municipalities Act, No. 2.*

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## SCHEDULE.

## (1.)

	£	
Police District of <i>Horton</i>	850	Sec. 1.
Police District of <i>Port Sorell</i>	1050	
Police District of <i>George Town</i>	900	
Electoral District of <i>Westbury</i>	350	
Electoral District of <i>Deloraine</i>	350	
Police District of <i>Launceston</i>	750	
Police District of <i>Longford</i>	300	
Police District of <i>Morven</i>	450	
Police District of <i>Fingal</i>	1300	
Police District of <i>Hamilton</i>	750	
Police District of <i>Bothwell</i>	750	
Police District of <i>Campbell Town</i>	500	
Police District of <i>Oatlands</i>	500	
Police District of <i>Glamorgan</i>	650	
Police District of <i>Spring Bay</i>	1200	
Police District of <i>Brighton</i>	650	
Electoral District of <i>Richmond</i>	700	
Police District of <i>Sorell</i> , excluding <i>Tasman's Peninsula</i>	800	
Police District of <i>New Norfolk</i>	700	
Electoral District of <i>Glenorchy</i>	800	
Electoral District of <i>Clarence</i>	650	
Electoral District of <i>Queenborough</i>	300	
Electoral District of <i>Kingborough</i> , excluding so much thereof as is comprised within the Police District of <i>Franklin</i>	1500	
Police District of <i>Franklin</i>	1800	

As such Districts were respectively defined on the 23rd day of September, 1859.

## (2.)

WE hereby certify that we are acquainted with the property situate at \_\_\_\_\_ of which \_\_\_\_\_ is the [owner or occupier, as the case may be], and assessed in the Valuation Roll for the District of \_\_\_\_\_ at the annual value of \_\_\_\_\_ Pounds; and that \_\_\_\_\_ Pounds is in our judgment the annual value of that portion of the said property which is situate within the boundaries of the Municipality of \_\_\_\_\_

## (3.)

## ACTS TO BE REPEALED.

<i>Reference to Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>	Sec. 22.
23 Vict., No. 28.	An Act to make further provision for establishing Rural Municipalities.	The whole Act.	
24 Vict., No. 12.	An Act to make further provision in respect of Rural Municipalities.	The whole Act.	
25 Vict., No. 22.	An Act to make further provisions in respect of Rural Municipalities.	The whole Act.	

