

T A S M A N I A.



1884.

ANNO QUADRAGESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 30.

AN ACT to provide for the Establishment of A.D. 1884.
Town Boards in certain Centres of Population.
[24 November, 1884.]

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 This Act may be cited as “The Town Boards Act, 1884.” Short title.
- 2 In this Act, unless the context otherwise determines— Interpretation.
 - “Board” means a Board elected under this Act :
 - “Town” means a duly proclaimed Town under “The Police Act, 1865.”

3 Nothing in this Act shall apply in respect of any Town situate within a Rural Municipality. Act not to apply to Towns within Rural Municipalities.

4 The Governor in Council may, on the receipt of a petition signed by not less than Ten persons who are Electors within the meaning of “The Rural Voting Act, 1884,” praying that any Town described in such petition may be proclaimed under this Act, cause the prayer and substance of such petition to be published in the *Gazette* ; and unless a counter petition signed by Electors in the same Town having a greater number of votes (calculated according to the said Act) than the persons praying such town to be declared, is received by the Governor Towns may be proclaimed.

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in Council within Thirty days from the date of such publication, the Governor in Council may, by Proclamation, declare the Town described in such petition to be a Town for the purposes of this Act.

Proclamation of Town to direct when first meeting for election of trustees to be held.

5 When any Town is proclaimed by the Governor in Council for the purposes of this Act, the Governor shall in such Proclamation direct that, at a time and place therein named, there shall be held within the said town a meeting of the Electors for the purpose of electing from amongst such Electors either Three or Five persons, as fixed by such Proclamation, as and to be the Board of such Town for the purposes of this Act ; and such election shall be held accordingly : And for the purposes of such election all the provisions of "The Rural Voting Act, 1884" shall be applicable to the election of Members of a Board under this Act.

Certain provisions of "The Roads Act, 1884," to be applicable.

6 The provisions of Part III. of "The Roads Act, 1884," relating to—

*Meetings of Landholders,
Trustees, and
Road Rate,*

shall, except Section Fifty-eight of the said Act, be applicable to and for the purposes of this Act, and shall be incorporated herewith ; and for the purposes of such incorporation wherever the expression "Landholder" is used in the said part of the said Act the term "Elector" shall be intended.

Powers of Board.
29 Vict. No. 10.

7 Every such Board is hereby empowered to exercise in such Town all powers and authorities which by the provisions of "The Police Act, 1865," relating to *Health and Improvement of Towns*, are conferred upon, vested in, or made exercisable by the Municipal Council of a Municipality, (except the power conferred by Section 259 of the said Act) in as full and ample a manner as if such Board were a Municipal Council under the said last-mentioned Act.

Board may make and levy rate.

8 It shall be lawful for the Board at yearly, half-yearly, or such other periods as to them may seem necessary, to make and levy a rate, to be called the Town Rate, upon the annual value of the property of the Electors within the Town for the purpose of raising the necessary funds for carrying out in the Town the several objects of this Act ; and every such rate, when received, shall form part of the moneys at the disposal of the Board for the purposes of this Act ; provided that such rate so to be made and levied shall not in any case exceed, in any one year, the sum of One Shilling in the Pound upon the annual value of the property within the Town.

Applies certain provisions of
29 Vict. No. 8.

9 All the provisions contained in Section One hundred and fifty-four to Section One hundred and sixty-four, both inclusive, of "The Rural Municipalities Act, 1865," shall be applicable to any officer appointed by any Board, and such Sections are incorporated herewith ; and for the purposes of such incorporation, wherever the term "Municipal Council" is used in any of the said Sections the same shall be deemed to mean a Board under this Act.

Boards to keep accounts of receipts and disbursements.

10 Every Board 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 under the authority of this Act, and of the several

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purposes for which such sums of money have been received and paid, which books shall at all reasonable times be open to the inspection of any Elector without fee or reward ; and every elector may take copies of or extracts from the said books without paying anything for the same ; and any 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, for every such offence, incur a penalty not exceeding Five Pounds.

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11 All moneys received by the Treasurer of any Board shall be paid by him monthly into some one of the public banks of this Colony to the account of the Board ; and no part of such moneys shall be drawn out of such bank except by cheque signed by the Treasurer and countersigned by one Member of the Board.

Moneys received to be paid into bank.

12 Every Board shall, before the end of the second week in the month of *January* in each year, cause the accounts of the Board up to and including the last day of *December* next preceding to be balanced, and also cause a full and true statement and account to be drawn out of the amount of all rates made and levied, and of all moneys received and expended during the preceding year, and also of all debts then owing by and to the Board, and such statement and account shall be signed by the chairman and not less than Two members of the Board.

Statement of accounts to be annually prepared.

13 The accounts of every Town Board, as the same are mentioned and specified in the Tenth and the Twelfth Sections of this Act, shall be subject and liable to all the provisions of *The Audit Act* and "The Audit Act, No. 2," in the same manner in all respects as if such accounts had been specifically mentioned therein.

Accounts to be subject to *The Audit Act*.

14 Every Board shall by their Treasurer during the month of *March* in every year forward to the Colonial Auditor the statement and account mentioned in the Twelfth Section of this Act, accompanied with proper vouchers in support of the same, and all such books, papers, and writings in the custody or power of the Board relating thereto as the said Auditor requires to be furnished to him : and the said Auditor shall make and deliver to the said Treasurer a special report upon such accounts, or if the said accounts are found correct the Colonial Auditor shall simply confirm and sign the same in token of his allowance thereof.

Accounts to be forwarded to Colonial Auditor.

15 Every officer appointed or employed by every Board, in the receipt or disbursement of moneys or other property, shall be amenable to all the provisions of *The Audit Act* and "The Audit Act, No. 2," in the same manner in all respects as if such officer had been an officer in the public service.

Officers to be amenable to provisions of *The Audit Act*.

16 The Treasurer of every Board shall forthwith after such audit make out and cause to be printed a full abstract of the accounts for the year as audited ; and a copy of the said abstract shall be published in the *Gazette* within One month after the same have been audited.

Publication of accounts.

17 All moneys whatsoever levied, received, or recovered under the authority of this Act shall be at the sole and absolute disposal of the

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Board, to be by them applied in such manner as they see fit for carrying out and effectuating the purposes of this Act in the Town, and to no other purpose.

Obstructing
Boards.

18 If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, any Board, or any person duly employed or authorised by the Board, or in the exercise of any power or authority vested in the Board or any of the persons aforesaid by this Act, or threatens, or assaults, or uses improper or abusive language to any of the persons aforesaid whilst in the performance or execution of his duty under this Act, every such person shall for any such offence, if not otherwise specially provided for, incur a penalty not exceeding Twenty Pounds: Provided, that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any actions at Law by any of the persons aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any Law or usage to the contrary notwithstanding.

Board and
Trustees how to
sue and be sued.

19 Each Board may sue or be sued by the name of "The Board of the Town of _____," naming the Town of which they are the Board, without otherwise naming such Board; and no action, suit, or other proceeding commenced or had by or against the Board shall abate or be in any way affected by reason of the death, resignation, absence, or new election of any Member of the Board, but the same may be carried on and proceeded with as if no such change had taken place.

Property may be
laid in the Board
or Trustees.

20 In any proceeding, civil or criminal, relating to any property or money vested in any Board, for the purposes of this Act, it shall be sufficient to describe such property or money as the property or money of "The Board of the Town of _____," naming the Town of which they are the Board, as the case may be, without otherwise naming such Board.

Offences to be
dealt with sum-
marily.

21 All offences against this Act, and all penalties and sums of money imposed or made payable by this Act, shall, where no other mode of proceeding is by law provided, be heard, determined, and recovered in a summary way by and before One or more Justice or Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

19 Vict. No. 8.

Appropriation of
penalties.

22 All penalties and sums of money received by virtue of this Act shall, if not otherwise in any case specifically directed, be paid to the Treasurer of the Board of the Town within which the offence in respect of which the penalty is imposed was committed, and shall form part of the moneys at the disposal of the Board for the purposes of this Act.

Appeal from
penalties.

23 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act which is recoverable in a summary manner, may, unless otherwise expressly provided, appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

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24 No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action, and of the cause thereof, is given to the defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the defendant, or if the plaintiff becomes nonsuit or discontinues such action, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by Law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon.

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Persons acting
under Act entitled
to notice of action,
&c.

