



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 293.

An Act to amend "The District Councils Act, 1876," and "The District Councils Amendment Act, 1882."

[Assented to, February 28th, 1884].

WHEREAS it is desirable to amend "The District Councils Act, 1876," and "The District Councils Amendment Act, 1882"—Be it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be called "The District Councils Further Amendment Act, 1883."

Short Title.

2. Wherever, under "The District Councils Act, 1876," the Governor, with the advice of the Executive Council, shall, by Proclamation, have placed under the care, control, or management of any District Council any water or other reserve, or any land, so that the same has become vested in the District Council upon any trusts or under any conditions, and the District Council have exchanged or agreed to exchange such water or other reserves, or other land, or any part thereof, in accordance with the said Act, for lands to be taken in exchange, and wherever any District Council, in accordance with section 61 of the said Act, shall have purchased or accepted or agreed to purchase or accept any conveyance or assignment of any lands, tenements, or hereditaments for any purpose in the said section referred to, subject to any trust to be fulfilled by such District Council, and such District Council have, in accordance with the said Act, and before the passing of

Where District Council have conveyed, by way of exchange, lands subject to trust, they are exonerated from the trust if inapplicable to the lands taken in exchange.

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of this Act, exchanged or agreed to exchange such lands, tenements, and hereditaments, or any part thereof, for other lands, tenements, or hereditaments, then, in either of such cases, such water reserves, lands, tenements, or hereditaments so exchanged by the Council are hereby discharged and freed from the trusts and conditions on which the cases were vested in or held by the Council, and if the trusts and conditions are not, in the opinion of the Commissioner of Crown Lands, applicable to the premises taken in exchange, and cannot be fulfilled and observed by the District Council after such exchange, the District Council and the lands, tenements, and hereditaments so taken by them in exchange, shall, from the date thereof, be exonerated from the trusts and conditions affecting the premises so given in exchange.

Where District Council in future convey, by way of exchange, lands subject to a trust, the lands taken are to be subject to the like trust.

3. Wherever, after the passing of this Act, the Governor, under "The District Councils Act, 1876," with the advice of the Executive Council, shall, by Proclamation, place under the care, control, or management of any District Council any water or other reserve, or any land, so that the same shall become vested in the District Council upon any trusts, or under any conditions, and the District Council shall exchange such water reserves or other land in accordance with the said Act for lands to be taken in exchange, and whenever any District Council, in accordance with section 61 of the said Act shall purchase, or accept any conveyance or assignment of any lands, tenements, or hereditaments for any purpose in the said section referred to, subject to any trust to be fulfilled by the said District Council, and such District Council shall, in accordance with the said Act, exchange such lands, tenements and hereditaments, or any part thereof for other lands, tenements, or hereditaments, then, in either of such cases, the premises so given in exchange shall be conveyed or transferred, discharged of such trusts and conditions, and the premises so taken in exchange shall be conveyed or transferred to the District Council, subject to such trusts and conditions, and the same shall be expressed in the conveyance, and, in case of transfer under the Real Property Acts, by an independent instrument deposited in the Lands Titles Office, and the District Council shall thenceforth hold the premises subject to such trusts and conditions.

Where trust not applicable Commissioner may exonerate District Council therefrom.

4. Where the trusts and conditions are wholly or in part inapplicable to the premises taken in exchange as in the last preceding section mentioned, and are wholly or in part incapable of being fulfilled and observed by the District Council after the exchange, the Commissioner of Crown Lands may, by memorandum or endorsement upon the transfer or conveyance to the District Council of the premises taken in exchange, expressly discharge such premises from the trusts and conditions, and thereupon the premises and the District Council shall be discharged accordingly.

Agreement of exchange to state how far trusts are to affect lands proposed to be taken in exchange.

5. Every agreement made by a District Council after the passing of this Act for exchanging any such reserve or other land as aforesaid shall state, in addition to the particulars required by Schedule

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C of "The District Councils Act, 1876," whether, and to what extent, it is proposed to take the conveyance or transfer of the lands to be taken in exchange subject to the trusts and conditions upon which the reserve or other lands to be given in exchange have been held.

6. Notwithstanding anything contained in "The District Councils Act, 1876," it shall not be necessary for the councillors or auditors appointed under that Act to be resident within the district; but no person resident outside the boundaries of any district shall be elected without his written consent.

Councillors or auditors need not be residents.

7. The notice of the making of every assessment and of every alteration therein, required by section 4 of "The District Councils Amendment Act, 1882," to be given, may be in print or in writing, or partly in print and partly in writing, and this clause shall be retrospective: Provided always that any ratepayer may appeal against the assessment within twenty-one days from the passing of this Act in any case in which notice as aforesaid shall have been given in writing on any ground on which he had the right of appealing on receipt of such notice other than the irregularity of such notice.

Notices required by section 4 of Act 244 of 1882 may be wholly or in part written or printed.

Proviso.

8. Any person or persons appearing in the assessment book of any District Council as the owner or owners of any ratable property, shall remain and continue liable for all rates now or hereafter to become due in respect thereof, notwithstanding any sale, transfer, or conveyance thereof, unless and until he or they shall give notice in writing or print of such sale, transfer, or conveyance to the Clerk or Chairman of the District Council for the district in which such property is situate: Provided that nothing in this clause shall prejudice any other remedy for the recovery of such rates to which the Council are entitled under the laws now in force.

Liability of original owner unless notice of sale given.

9. Schedule L of "The District Councils Act, 1876," is hereby amended by striking out the words "ten days" and inserting the words "twenty-one days."

Amendment of Schedule L of District Councils Act, 1876.

10. The District Council may let to the owner or occupier of land on one or both sides of any unimproved district road, or allow such owner or occupier the use and occupation of the surface of such road, and the grass growing thereon, upon such terms as they may think fit, and may permit such road to be enclosed with other land by the erection of fences, with gates on hinges, across such road: Provided that no such letting or licence to use and occupy as aforesaid shall be for a longer period than twelve months at any one time, but such letting or licence may be renewed for a like or any less period as often as the Council may see fit, and may be determined at any time by giving to such owner or occupier three months' previous notice in writing of such determination: Provided also that, beyond the erection of such fences and gates as aforesaid, nothing herein contained shall entitle any such owner or occupier to prevent

District Council may let unimproved roads to adjoining owners.

Not exceeding twelve months.

May be determined at any time by three months' notice.

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Not to prevent free use of road by the public.

prevent the free use of such road by the public in all respects as if the same were unenclosed.

Destroying, &c., fences or gates.

11. Whoever shall wilfully or maliciously cut, break, level, pull up, unhinge, or in anywise remove, damage, or destroy any fence or gate, or any portion thereof, erected across any such road as in the last preceding section mentioned, shall, on conviction thereof before a Special Magistrate or two Justices of the Peace, for the first offence forfeit and pay over and above the amount of the injury done such sum of money not exceeding Five Pounds as to the said Special Magistrate or Justices shall seem meet: And whosoever having been convicted of any such offence shall afterwards commit any of the said offences in this section before mentioned shall be liable to be imprisoned for any term not exceeding six months with hard labor as the convicting Special Magistrate or Justices shall think fit.

Second offence.

Payments to Fire Brigades Board.

12. Upon the establishment of any Local Fire Brigades Board under the "Fire Brigades Act, 1882," or any Act now or hereafter to be passed or passed contemporaneously with this Act, repealing or amending the said "Fire Brigades Act, 1882," the District Council shall, out of the funds of such Council, pay to the Fire Brigades Board in quarterly payments, on the first days of January, April, July, and October in each year, a sum of money, being one-sixth of the sum laid out by the Fire Brigades Board in respect of the objects of the said Acts within the limits of such District Council, but so that the total contribution for each year shall not exceed Five Hundred Pounds.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.