

## No. XXXVI.

An Act for removing doubts as to the Election of Mayor and Aldermen and for other purposes therein mentioned. [2nd October, 1847.]

SYDNEY CORPORATE  
ELECTIONS.

WHEREAS by an Act of the Governor and Legislative Council of the Colony of New South Wales made and passed in the sixth year of the reign of Her Majesty Queen Victoria intituled “*An Act to declare the Town of Sydney to be a City and to incorporate the Inhabitants thereof*” it is amongst other things enacted that on the ninth day of November in each year the Council of the City shall elect out of the Aldermen or Councillors a fit and proper person to be Mayor of the City and on the ninth day of November in every succeeding third year the Council shall elect one-half of the whole number of Aldermen of the City in lieu of those who go out of office in manner and form therein stated And whereas doubts have been entertained whether the aforesaid provisions may be held to extend to persons elected or chosen to the office of Mayor or Alderman by a less number of votes than an absolute majority of the votes of the Councillors present and sufficient to constitute a Council according to the provisions of the said Act and it is expedient that such doubts should be removed Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That no person shall be deemed to be or be hereafter elected or chosen to the office of Mayor or Alderman unless he shall have an absolute majority of the votes of the members present at the meeting holden for such purpose the members present not being fewer than one-third of the whole number of the Council such absolute majority to be ascertained by show of hands or by division if so required by any member of Council anything contained in the herein-before recited Act to the contrary notwithstanding.

Preamble.

6 Vic. No. 3.

No person to be deemed elected to the office of Mayor or Alderman unless he have an absolute majority of the votes of the members present at the meeting.

2. And be it enacted That if no election be made of the Mayor or other officers of the City upon the day or within the time appointed for such election or such election being made shall afterwards become void

If Mayor or other officers be not elected on the day appointed such election may be made on a subsequent day.

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void whether such omission or avoidance should happen through the default of such person or persons who ought to have been present when such election or elections was or were to be made or by any accident or other means whatsoever the Corporation shall not be deemed or taken to be dissolved or disabled from electing such officers for the future but in any case where no election shall be made as aforesaid it shall and may be lawful for the members who have right to vote or be present at or to do any other act necessary to be done in order to or for the completion of such election and they or such of them as shall not be hindered by any reasonable impediment or excuse are hereby required respectively to meet or assemble together in the Town Hall or other usual place of meeting for making such election within such City upon the day next after the expiration of the time within which such election ought to have been made unless such day should happen to be Sunday and then upon the Monday following between the hours of ten o'clock in the forenoon and two o'clock in the afternoon of the same day and so on from day to day until such election shall be duly made and that the members or persons having right to vote at or to do any other act necessary to be done in order to such election or such of them as shall be assembled or met together shall forthwith proceed to the election of a Mayor or other officer of such City and to do every act necessary to be done in order to or for the completion of such election in such manner as hereinbefore directed in order to the election of such officer or officers upon the day or within the time appointed by the first hereinbefore recited Act.

Meeting for the election of Mayor and Aldermen to be held at the Town Hall.

3. And whereas circumstances have arisen to make it proper and expedient to change the place at which such elections may be holden for the future Be it therefore enacted That from and after the passing of this Act the Council of the said City duly elected under the provisions of the hereinbefore recited Act shall assemble at noon in the Town Hall for the time being or the building occupied as such for the election of Mayor or Aldermen on the particular day and time therein mentioned.

As to resignation of office.

4. And be it enacted That so much of the fifty-fifth clause of the Act first above recited as enacts "that every person elected into "any corporate office may at any time resign such office on payment "of the fine which he would have been liable to pay for non-acceptance "of the same office" shall be and the same is hereby repealed and that instead thereof it be enacted that every person elected to any corporate office may at any time resign such office and the resignation shall be held to be complete from the date of its being received by the Town Clerk or person acting as such Provided nevertheless that the person so resigning shall be liable to the same fine as he would have been liable to pay for non-acceptance of the same office to be recovered in the manner directed by the said hereinbefore recited Act.

As to making bye-laws and fixing fines and penalties.

5. And whereas it is expedient to define the powers of the Council of the said City with regard to making bye-laws and fixing fines and penalties Be it declared and enacted That it shall be competent for the Council of the said City to fix by any bye-law such penalty or penalties whether fixed or variable as to them shall seem meet for the enforcement of the provisions thereof Provided always that no fine appointed by any such bye-law shall exceed ten pounds and that no bye-law heretofore made by the said Council shall be invalid or inoperative on account of any variable fine or penalty prescribed thereby but shall in regard to such variable fine or penalty be taken to have been and be as valid and operative as if such bye-law had been made and passed after the passing of this Act.

As to evidence of the existence of bye-laws.

6. And be it enacted That a copy of any bye-laws to be passed by the Council of the said City under the Common Seal of the Mayor Aldermen

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*Appropriation (1848).*

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Aldermen Councillors and Citizens thereof with a declaration thereon signed by the Mayor of the City for the time being and countersigned by the Town Clerk or person holding the situation of Town Clerk when the bye-law came into force that the same had been sent sealed with the said seal to the Governor for the time being of the said Colony and that all the other requirements of the ninety-second section of the Act of Council first above recited had been complied with shall be received as evidence of the existence of any such bye-law and of the sending and publishing thereof in all Courts of Law and Equity and before all Justices in Sessions or otherwise.

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