

No. XV.

An Act to amend the "Municipalities Act of 1867." [2nd June, 1874.]

"MUNICIPALITIES
ACT OF 1867"
AMENDMENT.

WHEREAS the "Municipalities Act of 1867" contains no provision for causing any inquiry to be held in cases where the same persons appear to have signed both the petition and counter-petition referred to in the tenth section of the said Act nor for the election of a mayor in any Municipality after the first election thereunder in cases where there shall be an equality of votes recorded for any two or more aldermen nor for the election of aldermen in cases where by reason of the occurrence of extraordinary or other vacancies the members of the Council of a Municipality shall have been reduced below the quorum prescribed by law Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the "Municipalities Act of 1867 Amendment Act of 1874" and shall be read with and as forming part of the "Municipalities Act of 1867" hereinafter termed the "Principal Act."

Short title &c. of Act.

2. It shall be lawful for the Minister in any case where a petition and counter-petition under and for the purposes of the tenth section of the Principal Act shall have been or shall hereafter be received by the Governor and it shall be credibly represented to such Minister that certain persons have signed both the petition and the counter-petition to cause such inquiry to be made as to the truth of such representation as he may think necessary for the purposes and subject to the provisions contained in the twelfth thirteenth and fourteenth sections of the said Act.

Inquiry may be held where persons sign both petition and counter-petition.

3. Notwithstanding the provisions of the Principal Act every person now or hereafter to be elected mayor of a Borough or Municipal District shall (although his term of office as alderman shall have expired) continue to hold office as mayor until the election of his successor and shall preside at all meetings of the Council holden in pursuance of the said Act for the election of such successor and shall have power to adjourn any meeting in the absence of a quorum And for the purposes of such election the mayor shall (if he shall have ceased to be an alderman) have a casting vote only but if his term of office as alderman shall not have expired such mayor shall have and exercise an original but not a casting vote And in case the mayor of any Municipality shall die or become subject to any of the disqualifications mentioned in the thirty-seventh section of the Principal Act and his office as mayor be thereby vacated it shall be lawful for the Governor (if he shall think it expedient so to do) to appoint any one of the aldermen of such Municipality or such other person as he may think fit to preside as chairman at any meeting of the Council for the election of a mayor called in pursuance of the provisions of the Principal Act And such chairman (if he shall not be an alderman) shall have and exercise a casting vote only but if he shall hold office as alderman he shall be entitled to an original but not to a casting vote and shall have power in either case to adjourn any

When mayor to retain office until election of his successor.

Garotting Suppression.

any meeting at which a quorum shall not be present. Provided that where an equal number of votes shall before the passing of this Act have been or be hereafter given for any two or more candidates it shall be determined by lot which of such candidates shall be declared to have been elected as mayor.

Appointment of
returning officer and
council clerk by the
Governor in certain
cases.

4. Where by reason of the occurrence (whether before or after the passing of this Act) of extraordinary or ordinary vacancies or both in the offices of aldermen in any Municipality the number of aldermen for such Municipality has been or shall be reduced below the number prescribed by the Principal Act as a quorum or where in any such case there shall be no council clerk for such Municipality it shall be lawful for the Governor to appoint any one of the remaining aldermen or such other person as in his discretion he may think fit to perform the duties of returning officer for the purposes of holding an election of aldermen and of mayor for such Municipality and such returning officer shall in such election for mayor have and exercise a casting but not an original vote. And it shall also be lawful for the Governor in any case where the aldermen of a Municipality are reduced below the required quorum as aforesaid and there is no council clerk to appoint a council clerk for such Municipality. And no Municipality shall by reason of the occurrence of any or all of the events mentioned in this section be deemed at law or in Equity to have become dissolved or to have lapsed thereby. And any person so appointed by the Governor shall until the completion of such elections but no longer hold office as council clerk to all intents and purposes as fully and effectually as if he had been appointed or entitled under the said Principal Act and shall be remunerated by such fee payable from the funds of the Municipality as the Governor may appoint. And all other expenses incident to such elections shall be payable from the said funds in like manner as the expenses of subsequent elections.
