

No. IX.

An Act to declare valid certain proclamations issued under the "Municipalities Act of 1867," and to make further provision for the constitution of Municipalities under the said Act; and for other purposes in connection therewith. [4th December, 1894.]

MUNICIPALITIES
ACT OF 1867
AMENDMENT.

WHEREAS by section ten of the "Municipalities Act of 1867" Preamble, the Governor has power as therein provided on receipt of a petition praying that a proposed Municipality may be declared a Borough or Municipal District, and sufficiently setting out the boundaries thereof, to declare the same by proclamation in the *Gazette* to be a Borough or Municipal District, and to define the limits and boundaries thereof in accordance with the boundaries set forth in the said petition, or as nearly in accordance therewith as may be considered expedient: And whereas in certain cases the boundaries of the Borough or Municipal District as defined in the proclamation differ from those set out in the petition: And whereas it is expedient to declare such proclamations valid notwithstanding such differences and to provide further in future for making such alterations as may appear expedient in the boundaries of Municipalities as set out in such petitions: 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. Every proclamation by the Governor, heretofore published in the *Gazette*, and made or purporting to be made under the "Municipalities Act of 1867," and declaring an area therein mentioned or described to be a Municipality or a Borough or Municipal District by a name mentioned therein, shall, whether the procedure appointed and the conditions imposed by the said Act have been followed and complied with or not, have and be deemed to have had from the date thereof the effect of constituting the same accordingly for the purposes and within the meaning of the "Municipalities Act of 1867" and any Act amending the same, subject, however, to the provisions therein contained for the revocation of certain proclamations, and the production of the *Gazette* containing such proclamation shall in all proceedings on behalf of the Municipality be conclusive evidence of the legality of the constitution thereof: Provided always that nothing in this section shall affect or have any application in respect of any proceeding, either at law or in equity, instituted before the tenth day of September, one thousand eight hundred and ninety-four.

2. The Governor on receipt of a petition under section ten of the "Municipalities Act of 1867" may cause such alterations as may appear expedient to be made in the boundaries set out therein, and may cause the substance and prayer of such petition with such alterations if any to be published in the *Gazette*, and in some newspaper circulating in or near the proposed Municipality; and unless a counter-petition be received as in the said section ten provided,

Constitution of
Municipalities after
the passing of this
Act.

Pastures and Stock Protection Acts Amendment.

provided, the Governor may by proclamation published in like manner declare the proposed Municipality to be a Borough or Municipal District, as the case may be, by a name to be mentioned in such proclamation, and define in accordance with the boundaries published in the *Gazette* as aforesaid the limits and boundaries of the said Borough or Municipal District, which on such proclamation shall be constituted accordingly for the purposes and within the meaning of the "Municipalities Act of 1867" and any Act amending the same, subject, however, to the provisions therein contained for the revocation of certain proclamations, and the production of the *Gazette* containing such proclamation shall in all proceedings on behalf of the Municipality be conclusive evidence of the legality of the constitution of such Municipality.

Short title, &c.

3. This Act may be cited as the "Municipalities Act of 1867 Amendment Act, 1894," and shall be read as part of the "Municipalities Act of 1867" and any Acts amending the same.