

No. XV.

An Act to separate Campbelltown and Appin from Camden Narrellan and Picton and to erect Campbelltown and Appin into a District having a Council for itself. [15th December, 1843.]

CAMPBELLTOWN AND
APPIN DISTRICT
COUNCIL.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland passed in the fifth and sixth year of the reign of Her present Majesty Queen Victoria intituled "*An Act for the Government of New South Wales and Van Diemen's Land*" after reciting that it would be expedient to make provision for the local government of the different parts of the said Colony of New South Wales it was amongst other things enacted that it should be lawful for the Governor of the said Colony by Letters Patent under the Great Seal of the said Colony of New South Wales to incorporate the inhabitants of every county within the said Colony or of such parts of counties or other divisions as to him should seem fit to form Districts for the purposes of the said recited Act and by such several Letters Patent to establish a Council in every such District for the local government thereof subject to certain provisions in the said recited Act contained and whereas by Letters Patent as aforesaid bearing date the seventeenth day of August one thousand eight hundred and forty-three the Districts of Campbelltown Camden Narrellan and Picton were incorporated into one District for the purposes of the said recited Act and the metes and bounds thereof were set forth in the said Letters Patent and were deemed and held to include all that part of the Territory of New South Wales and whereas it is provided by the said recited Act that notwithstanding any such Charter of Incorporation it should be lawful

Preamble.
5th & 6th Victoria
cap. 76.

for

Campbelltown and Appin District Council.

Boundaries of Campbelltown and Camden Narrellan and Picton to be altered.

for the Governor and Legislative Council of the said Colony to make further or other provisions respecting the constitution of the said Councils in any way which might be found expedient so that the same should not be repugnant to the said recited Act or to the law of England and to alter the number and boundaries of the said Districts and to establish a Council in each of such new Districts and whereas it is expedient to alter the boundaries of the said District of Campbelltown Camden Narrellan and Picton as declared and established by the said Letters Patent and to separate the Districts of Campbelltown and Appin from the said Districts of Camden Narrellan and Picton and to constitute the said Districts of Campbelltown and Appin into a District for the purposes of the said recited Act and to incorporate the inhabitants of the said District of Campbelltown and Appin and to establish a Council for the same Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That the boundaries of the said Districts of Campbelltown and Camden and Narrellan and Picton as directed and established by the said Letters Patent shall be altered as hereinafter mentioned and that the said Districts of Campbelltown and Appin shall be separated and the same are hereby separated from the said Districts of Camden Narrellan and Picton and the said Districts of Camden Narrellan and Picton are hereby constituted a distinct and independent District for the purposes of the said hereinbefore in part recited Act and shall continue as one incorporated District in the same manner and to all intents and purposes as if the District of Campbelltown had not been separated therefrom and that the appointment of Warden and Councillors under the said Charter of Incorporation by Letters Patent for the District of Campbelltown Camden Narrellan and Picton shall continue and be deemed to be in full force for the District of Camden Narrellan and Picton in the same manner as if this Act had not passed.

Campbelltown and Appin constituted an Electoral District.

2. And be it enacted That the said District of Campbelltown and Appin and the inhabitants thereof shall be and the same are hereby constituted a distinct and separate Electoral District for the purposes of the said hereinbefore in part recited Act.

Council to be appointed.

3. And be it enacted That there shall be established within the said District a Council for the local government thereof to consist of the members chosen as hereinafter mentioned.

Bounds of District.

4. And be it enacted That the said District shall be deemed to include all that part of the Territory of New South Wales situate within the following metes and bounds that is to say—Bounded on the north from Watermolla boat harbour by parish boundaries extending westerly to George's River being the boundaries dividing the Parishes of Watermolla Southerland and Holdsworthy from Bulgo Heathcott and Eckersley thence by George's River downwards to the boundary between Redfern's farm one thousand one hundred and eighty acres and Redfern's five hundred acres by that boundary and the boundary between the farms of Oakham and Burnes to Bunbury Curran Creek by that creek upwards to Bloodsworth's farm thence by the north-easterly boundaries of that farm and of the farms Underwood Moore and Driver to the north corner of said Driver's farm on the west by the northern boundary of Driver's farm to Cordeaux farm thence by the line dividing Driver's and part of Moor's from Cordeaux farm thence by the line dividing Cordeaux from Townson's farm thence by the line dividing Townson's from Thomson's farm and onwards to the east corner of Thomson's farm and by the south-eastern boundary thereof and by part of the south-western boundary to the eastern corner of Kearn's one hundred acres thence by the boundary between the parishes of Narrellan and St. Peter's southerly to

Campbelltown and Appin District Council.

to the cross-cut road which passes through Throsby's five hundred and fifty acres and by that road to Throsby's west boundary and by that boundary to the south-west corner of Throsby's farm thence by a line across Glenlee to the middle of the line which divides Glenlee from Elderslie and thence southerly by that line to Galvin's farm and by the northern and eastern boundaries of Galvin's farm to the Nepean River and by the Nepean River to a point thereon about five miles south of the confluence of that river with the Cordeaux River on the south from the point on the Nepean last mentioned by a line bearing east to the dividing range at the head of the Cordeaux River and on the east by the crest of that range to the head of the Cataract River and thence by part of the boundary between the Counties of Cumberland and Camden being a line east to the sea shore near Bulli and on the east by the sea to Watermolla aforesaid.

5. And be it enacted That the said Council may and the same are hereby empowered to have a common seal and such seal from time to time to break change and alter as to the said Council shall seem fit or expedient. Council to have a common seal.

6. And be it enacted That it shall be lawful for the Governor of the said Colony to nominate and appoint some fit and proper person to be Warden of the said District during the pleasure of Her said Majesty or of the Governor for the time being of the said Colony. Warden to be appointed.

7. And be it enacted and declared That the number of Councillors for the said District shall be six who shall be elected in the manner hereinafter mentioned. Number of Councillors.

8. And be it enacted That in every year at the times and in the manner hereinafter mentioned there shall be elected the number hereinafter mentioned of fit and proper persons to be the Councillors of the said District to supply the vacancies which shall arise by the Councillors going out of office in the manner hereinafter mentioned. Elections to supply vacancies that may occur.

9. And be it enacted That the first Tuesday in February next shall be the day of the first election of Councillors under this Act and the first Tuesday in February in every subsequent year shall be the day of nomination of Councillors in the room of those going out of office in the manner hereinafter mentioned and that the said Warden shall preside at a meeting to be holden at noon at Campbelltown aforesaid and shall declare the purpose for which such meeting is held and if there be at such meeting no more candidates proposed than the number of Councillors to be elected the said Warden shall declare such candidates to be duly elected and that in the event of there being more candidates than the number to be elected the said Warden shall call for a shew of hands separately in favour of each candidate and upon such shew of hands shall publicly declare on whom the election has fallen Provided that if a poll be demanded by some or one of the candidates or by not less than six electors on their or his behalf a poll for the election of such Councillors shall take place and shall commence at the different polling places as nearly as may be at nine o'clock of the forenoon on the day next but two after the day of nomination. Day of nomination of Councillors in the room of those going out of office and mode of election.

10. And be it enacted That during the first three years one-third of the said District Councillors shall go out of office on the first Tuesday in January in each year and that the Councillors to go out of office shall be those who were elected by the smallest number of votes and in the event of the number of votes being equal or of no poll having taken place the same shall be decided by lot and that in every subsequent year one-third of the said Councillors shall go out of office on the said first Tuesday in January in the following order that is to say the Councillors to go out of office shall be those who have been longest in office. One-third of Councillors to go out of office during first three years.

Campbelltown and Appin District Council.

Councillors going out may be re-elected.

office without re-election. Provided however that the Councillors so going out of office may be re-elected at the next election if still duly qualified.

Booths to be erected for taking the poll and Warden to appoint a clerk to take the poll.

11. And be it enacted That at every election in such District the Warden thereof if it shall appear to him expedient for taking the poll at such election may cause booths to be erected or rooms to be hired and used as booths in one place or in several places at each polling place as occasion may require and the same shall be so divided into compartments as to the said Warden shall seem most convenient and the said Warden shall appoint a clerk to take the poll at each compartment and shall before the day of election if the same be contested cause to be furnished for each booth or polling place a copy of the electoral list of the District and shall under his hand certify such copy to be true.

Where Courts of Petty Sessions held there polling places to be.

12. And be it enacted That every place within the said District at which Courts of Petty Sessions have been or shall be appointed to be holden provided that such Courts shall continue to be holden thereat shall be a polling place for taking the poll at the election of Councillors for the said District.

Election of Councillors how conducted.

13. And be it enacted That the election of Councillors at each polling place within the said District shall be held before the Warden for the time being or his deputy and the voting at every such election shall commence as nearly as may be at nine o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day and shall be conducted in manner following that is to say every inhabitant entitled to vote in the election of Councillors may vote for any number of persons not exceeding the number of Councillors then to be chosen by delivering to the said Warden or his deputy a voting paper containing the Christian and surnames of the persons for whom he votes and their respective places of abode and descriptions such paper being previously signed with the name of the elector voting and with the name of the district or place in which the property in respect of which he is qualified to vote is situated.

Warden to preside at Campbelltown and to appoint a deputy to act for him at the other polling places.

14. And be it enacted That the Warden of the said District shall preside at Campbelltown aforesaid being the chief polling place of the said District and that he shall appoint a deputy to act for him and take the poll at each of the other polling places. Provided that such deputy be appointed by a writing under the hand of the said Warden and that such writing be posted up at the Court House or in any other public manner where such polling place may be situated at least seven days before the day of election. Provided also that if the Warden of the said District shall be prevented by illness or other good and sufficient cause from presiding at the said election the senior Councillor of the said District as hereinbefore provided or a deputy of the said Warden shall preside in his place.

Declaration to be made by candidates for the office of Councillor.

15. And be it enacted That before any candidate for the office of Councillor shall be capable of being elected he shall if required by any elector or by the Warden either make the following declaration or cause some person on his behalf to produce a written declaration to the same effect duly signed and executed before a Magistrate by such candidate not more than fourteen days before the day of election—

“ I A. B. do declare and testify that I am duly seised at law or
 “ in equity of an estate of freehold for my own use and
 “ benefit in lands or tenements in the Colony of New
 “ South Wales of the yearly value of one hundred pounds
 “ sterling money (or of the value of two thousand pounds
 “ sterling money as the case may be) above all charges
 “ and incumbrances affecting the same and that I have
 “ not collusively or colourably obtained a title to or
 “ become

Campbelltown and Appin District Council.

“ become possessed of the said lands and tenements or any
 “ part thereof for the purpose of qualifying or enabling
 “ me to be returned a member of the District Council of
 “ Campbelltown and Appin.”

16. And be it enacted That in any matter not provided for by this Act or by the Act of Parliament made in that behalf the elections shall be conducted in the same manner as the election of Members to serve in the Legislative Council of the said Colony are conducted under the law now or hereafter existing for the regulation of such elections.

As to matters not specially provided for.

17. And be it enacted That if any extraordinary vacancy shall be occasioned in the office of Councillor the electors entitled to vote shall upon any day to be fixed by the Warden such day not to be later than thirty days from the occurrence of such vacancy elect from those duly qualified to be Councillors another person to supply such vacancy and such election shall be held and the voting and other proceedings in case of a contest shall be conducted in the same manner and subject to the same provisions as are hereinbefore directed with respect to the election of Councillors as aforesaid and every person so elected (or in the event of their being no election every person nominated by the Governor to fill the said vacancy or vacancies) shall hold office until the time at which the person in room of whom he was chosen would have regularly gone out of office and he shall then go out of office but shall be capable of immediate re-election if then duly qualified Provided that after the full number of Councillors to be regularly elected or in default thereof nominated or appointed in every year shall have been so elected or nominated no new election or nomination of Councillors shall be made by reason of such extraordinary vacancy unless the number of the whole Council (Warden included) remaining after such vacancy shall be less than five in which case the number of Councillors for the District shall be completed.

How extraordinary vacancies supplied.

18. And whereas by the said recited Act it is further enacted that no District Councillor shall hold any lucrative office or appointment under such District Council or enter into or be concerned or interested in any contract or any pecuniary dealings with such District Council under a penalty or penalties to be fixed in the Letters Patent of Incorporation Be it therefore enacted That if any District Councillor shall offend in the premises he shall for every such offence pay a fine of fifty pounds to the Treasurer of the District Council for the use of the District.

Fine on Councillors for offences in the premises.

19. And be it enacted That if any person being duly qualified shall refuse to take upon himself the office of a Councillor after having been duly elected or nominated to such office every such person shall forfeit and pay the sum of fifty pounds one moiety thereof to be paid to the Treasurer of the District for the public uses thereof and the other moiety to the informer.

Fines on Councillors declining to act when elected.

20. And be it enacted That all questions matters and things which shall be discussed or considered at any meeting of the said Council shall be decided and determined by the majority in number of the members present and the Warden in case of an equality of votes shall have a casting vote Provided however that the said Council shall in no case be competent to proceed to business unless there be at least three members present exclusive of the Warden.

Questions to be decided by majority.

21. And be it enacted That it shall be lawful for the said Council to adjourn any such general or special meeting to some future day and from time to time as may be necessary.

Lawful to Council to adjourn.

22. And be it enacted That the Warden for the time being of the said District shall and may convene special general meetings of the said Council either by his own desire or at the request in writing of

Warden may convene special general meetings provided that notice be given

Campbelltown and Appin District Council.

in *Government Gazette.*

any three Councillors of the said District Provided that public notice thereof and of the purpose for which such meeting shall be so convened be given at least ten days previously in the *New South Wales Government Gazette* and in every case a summons to attend such special meeting signed by the Warden shall be left at the usual place of abode of every member of Council or sent to him by post three clear days at least before such meeting and no business shall be transacted at such meeting other than is specified in such notice.

When Council to hold general meeting.

23. And be it enacted That the said Council shall on the first Tuesday in the months of March June September and December in each and every year hold a general meeting of the members of the said Council for the dispatch of business in conformity with the provisions of the said Act at such place within the said District as the said Council may determine.

Bye-laws to be entered in book kept for that purpose.

24. And be it enacted That all bye-laws rules and regulations orders and proceedings of the said Council shall be entered in a book or books to be kept for that purpose and shall be signed by the Warden for the time being and that such book or books shall be carefully preserved and kept at the office of the said Council.

Council to have power to appoint Committees.

25. And be it enacted That the said Council shall have power to appoint one or more Committee or Committees of their body for the dispatch of such business as may be specially referred to any such Committee but that no such Committee shall be competent to proceed to business unless three members at the least of such Committee be present during the whole of the meeting thereof nor until such Committee shall have made choice of a Chairman to preside at such meeting and all questions matters and things which shall be discussed or considered at any meeting of such Committee shall be determined by the majority in number of the members present and the Chairman in case of an equality of votes shall have a casting vote Provided always that the acts of every Committee shall be submitted to the Council for their approval or otherwise as they may determine.

Council may require Treasurer and other officers to enter into bond for money committed to their care.

26. And be it enacted That the said Council shall require the Treasurer and such other officers of the Council as they may think necessary to enter into bonds with two or more sufficient sureties for the safe keeping of the monies and other property belonging to the said Council which may be entrusted to their care for such amount in every case as the said Council may determine before they shall commence the duties of their respective offices and such bond shall be safely kept by the said Council to be used in case of need.

Treasurer not to pay money except on order in writing of Warden and two members of Council.

27. And be it enacted That the said Treasurer shall pay no money on account of the said Council except on the order in writing of the Warden and at least two members of the Council or on the order of the Governor of the Colony pursuant to the enactments contained in the before recited Act passed in the fifth and sixth year of the reign of Her Majesty Queen Victoria intituled "*An Act for the Government of New South Wales and Van Diemen's Land.*"

Treasurer to lay accounts before Council and Council to appoint Committee to audit same.

28. And be it enacted That the Treasurer of the said Council shall at the general meeting of the same on the first Tuesday in the month of March in each year lay before the said Council an account in writing of all the sums of money received paid laid out and expended by him as such Treasurer—such account being made out from the first day of January to the thirty-first day of December both inclusive in the year next preceding and that the said Council shall thereupon appoint a Committee for auditing the said account before whom the said Treasurer shall produce all his books papers receipts and vouchers relating to the said accounts and the said Committee shall report to a general meeting of the said Council to be specially convened for that purpose on or before the first day of April then next ensuing upon the said

Deeds Registration.

said Treasurer's account—when the same shall either be approved or otherwise as the case may require and a copy of such audited account certified by the Warden to be a true copy shall be forthwith transmitted to the said Governor and the same shall be published in the *New South Wales Government Gazette* for general information.
