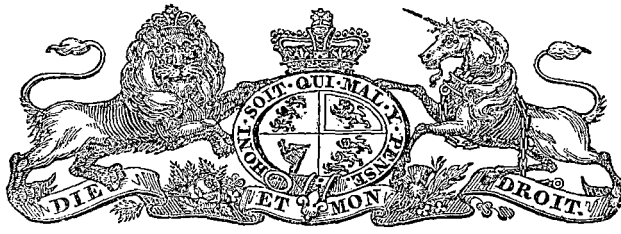


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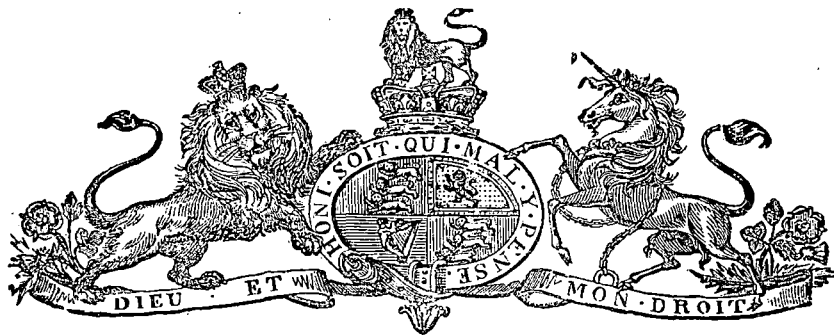
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**RURAL MUNICIPALITIES.**

**CORRESPONDENCE WITH THE WARDEN OF GLAMORGAN.**

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Laid upon the Table by the Colonial Treasurer, and ordered by the House to be printed, 27 July, 1864.



*Council Chamber, Swansea, 11th July, 1864.*

SIR,

I HAVE the honor to acknowledge the receipt, on the 6th instant, of copies of the Draft "Rural Municipalities," "Police Regulation," "Police Government," "Coroners," and "Impounding" Bills. I have not yet found time to look through the three latter; but have made a very careful examination of the two former Bills. I am happy to see that they embody a great part of the alterations suggested in my letters of 17th August and 5th September, 1863: but some of the most important objections which I found to exist last year have not been removed.

With these prefatory remarks, I shall proceed to jot down the particulars of my analysis of the Bills in question,—always presuming that such remarks are my own, as I have not yet had an opportunity of submitting the Bills to a Meeting of our Municipal Council.

**RURAL MUNICIPALITIES BILL. (*Draft, No. 2, 1864.*)**

The following Clauses of the above are either new or altered from Clauses of Municipal Acts now in force; viz.—Sections 5, 7, 8, 16.

*Section 24.* (I consider the more clear definition of the date up to which Rates can be received,—viz. to 4 o'clock P.M. of the day before the Election,—to be a great improvement upon the old law, which will save much confusion.)

*Sections 25, 27.*

*Section 64.*—(The addition of the proviso at the end of this Clause is good; and will tend to restrain dissatisfied persons from quibbling unnecessarily, as they have done on previous occasions.)

*Sections 73, 74, 94, 102.*

*Section 105.*—"Bathing" is an addition, and in my opinion a very necessary one. "Internal Communication" is omitted; but in the event of each Municipality being constituted a Road District, it is not required.)

*Sections 143 and 181.*

None of the other Clauses differ in substance from those contained in existing laws.

I find that the following Sections of the present *Rural Municipalities Act* do not appear in the Draft Bill under consideration, but are provided for in some of the other Draft Bills; viz.—

*Sections 79 to 87 inclusive* (referring to Police), which are provided for in the Police Regulation Bill.

*Sections 97 and 98.*—(Butchers.) See Police Government Bill.

*Section 99.*—(Dogs.) Ditto.

*Section 101.*—Common Lodging-houses.) Ditto.

*Section 102.*—(Town Surveyors.) Ditto.

*Section 103.*—(Impounding.) Impounding Bill. Part of Section 17 of the present "Rural Municipalities Act, No. 2," is also omitted in this Bill, but is comprised in the Draft Coroners Bill.

I shall now enumerate the Clauses of this Draft Bill (Rural Municipalities) to which I take exception, setting forth opposite to each my objections thereto, some of which you will see are mere repetitions of my remarks of last year, where my previous suggestions have not been adopted.

*Section 7 (identical with Clause 7 of last year's draft Municipal Bill.)*—I formerly objected to this Clause, considering that no Government should have the power of proclaiming a Municipality unless upon Petition of the inhabitants. The following Clause, however, sufficiently qualifies the objection, if passed in an amended form.

*Section 8.*—The part which speaks of revocation of a proclamation upon receipt of a Petition of a majority in number and *value*, is objectionable thus worded; for in many cases in Country Districts ten persons may be found capable, upon the principle now laid down, of over-riding one hundred others. In my opinion it should be provided that such Petition must be signed by a majority in number of those whose names appear upon the Valuation Roll for properties valued at over a certain annual amount (say £20).

*Section 16.*—No difference should be made between a £10 leaseholder and a £10 proprietor. Why make a distinction here when none is made between leaseholders and proprietors whose names appear for larger amounts? The object which has always been contended for has been to remove the anomaly of prohibiting a Parliamentary Elector from taking part in a Municipal Election.

*Section 25.*—The same remarks apply to this as to the last Clause.

*Section 47.*—I see that most of my previous suggestions have been adopted here; but it is not stated whether the Chairman could give a *casting* Vote in favour of himself as Warden.

*Section 73.*—While the principle that a Warden ought to be removable from his office of Justice of the Peace for "misconduct" in his magisterial capacity is fully admitted, I certainly am far from thinking that the *Government of the day* should be constituted his Judges. The office is surely of too important a nature to be thus exposed to the interference of every body of men who in the course of political changes may happen temporarily to obtain possession of the reins of power. I trust that when I draw your special attention to the fact that depriving a Warden of Magisterial authority would frequently be productive of serious inconvenience to the Municipality in which he might preside, and consequently would be an act of far graver importance than the erasure of the name of any other Justice from the Commission of the Peace, you will concur with me that the power of taking such an extraordinary step should be vested only in the highest tribunal in the Colony; and I would therefore, respectfully but earnestly, suggest the advisability of providing that a Warden's removal from his office of Justice of the Peace should be effected only by the *Parliament*, or by the *Judges of the Supreme Court after trial and conviction of such "misconduct."* The Section, as it now stands, certainly paves the way to a most outrageous assumption of authority on the part of any Executive Government, and will doubtless be indignantly resented on all sides.

*Section 74 (identical with Clause 79 of last year's Draft Bill)* Would not the usefulness of Municipal Justices be increased by the addition of the power to issue Warrants to apprehend persons living *outside* their Municipalities for offences committed *within*; also to try *in* their Districts persons charged with committing offences *without* the same? I alluded to this matter last year.

*Section 102.*—I strongly object to such an unnecessary power being placed in the hands of the Governor in Council. The consent of the Municipal Council should be a *sine quâ non*, and would never be refused in any case in which it would be to the advantage of the Municipality to grant it.

Sections 108 to 114 (referring to Collection of Rates.)—The provisions for the Collection of the several Rates leviable by Municipal Councils are incomplete. I entered into a full explanation of the defects in the existing laws in my letter to you of the 29th ultimo; and it will be seen that my remarks in that letter apply equally as much to the provisions of the present Bill.

*Section 181.*—The power of interference herein vested in the Governor in Council is strongly objected to. No necessity appears to exist for any further interference with regard to penalties forming part of the Municipal Fund than the right of Appeal accorded in every conviction under this Bill. Clause 181, as at present worded, upon application by the fancied injured party, would give the Government of the day the right of over-riding and usurping the functions of the Court of Appeal. I pointed out, on the 17th August last, precisely the same objections to Clause 200 in the Draft Bill of 1863.

I think I have now touched upon each objectionable Clause, *seriatim*, that I have noticed in reading over the Bill. They are but few in number; but they are of much importance, and being quite opposed to the general character of the Bill, which without them would be a very liberal and satisfactory measure, I trust that you will make the alterations suggested before submitting the Bill to the Parliament, or in Committee. I perceive that the "Police," as well as the "Police Reward

and Superannuation Fund," is now abolished; and that all moneys belonging to a Municipality must now fall under the heading of either "*Municipal*," or "*Road*" Fund." I am very glad to see this desirable alteration.

I think it would be well to add a clause compelling Municipal Councils having charge of Roads to place sign-boards at the corners of all branch roads. The necessity of such a precaution frequently does not present itself to those living on the spot; although by its omission strangers are liable to be seriously inconvenienced, and even in some instances human lives may be sacrificed.

In my letter of the 17th August last, I urged the necessity of Rural Councils being allowed to prepare Assessment Rolls in the same manner as in the Towns, chiefly on the grounds that it is no one's duty to collect the information for the Valuation Roll; and that, if the majority of Magistrates in a District choose to be antagonistic to a Council, the amendment or revising of a Roll may be postponed indefinitely. I see that no alteration from the old law has been made. I still think that an amendment in this particular is required, and that either Councils should be empowered to make Assessment Rolls, or that a clause should be inserted in the new Bill substituting, in each Rural Municipality, the words "*Municipal Council*" for "*Justices*" in relation to all the powers and duties assigned by "*The Property Valuation Act*," 21 Vict. No. 19, *up to the time of the sitting of the Court of Appeal*. Sections 26 and 33 of such Act would then have to be repeated as far as Rural Municipalities are concerned. Another clause is required to be inserted similar to Sect. 87 of 21 Vict. No. 14, with reference to unoccupied buildings.

I need hardly add, that as the provisions with regard to Fees for Dog Licences, Slaughtering Licences, &c., are transferred to the Draft "*Police Government Bill*," the present Bill would be very incomplete and unfair should not those clauses thus shown in another Bill be passed in their entirety.

I have gone to greater length than I intended, and shall now turn to

#### THE POLICE REGULATION BILL. (*Draft, No. 1, 1864.*)

The only Clauses in the above in which I find any alteration from the present "*Rural Municipalities*" and "*Municipal Police*" Acts are the following:—

*Sections 6, 14, 15, 16, 17, 18, 19.*

*Section 25.*—(The word "*may*" instead of "*shall*" is a great improvement, and removes my former opposition to this Clause.)

*Sections 26, 33, 36, 37, 38, 39, 40, 41, 42, 49, 50, and 51.*—Many of the alterations in the above are of trifling importance. All the Sections of existing Acts relating to the "*Police Reward and Superannuation Fund*" are, however, left out, and otherwise provided for. I cannot too warmly express my approval of this amendment. I shall next point out the Clauses to which I most decidedly object in the Bill; viz.—

*Section 26.*—Similar to Clause 22 of the Draft Police Bill of last year, to which I referred in my letter of 5th September, 1863. It sanctions an unwarrantable increase of the Inspector's power, and is an insult to the common sense of each Municipal Council. I venture to say that no Council would refuse to grant the Inspector's application in any case where it could with propriety be made.

*Section 33.*—Identical with Clause 29 of last year's Bill. I can only repeat the objections which I then made; viz.—That the interference of the Inspector is quite uncalled for, as no profound knowledge can possibly be required to march a prisoner along a public road; and as far as details of the march are concerned, the local authorities are more competent to manage matters than the Inspector.

*Section 49.*—The power herein vested in the Governor of remitting the whole or any portion of a fine or penalty payable to the Municipal Council is quite unnecessary, as "*The Appeals Regulation Act*" affords sufficient protection. I have already alluded to this in speaking of Section 181 of the Draft Municipal Bill.

The three Sections just mentioned are the only objectionable ones that appear to exist. I protested against all of them last year, and am really sorry to see that they have again found their way into the Bill.

It has occurred to me that as the "*Police*" and the "*Police Reward and Superannuation*" Funds have both been merged into the "*Municipal*" Fund, a clause is necessary to provide for the disposal of the funds which already exist in each Municipality.

The above contains the result of a very careful analysis of the first two and more immediately important of the Draft Bills. As I am anxious to lose no time in communicating my opinions to you, I have written this letter somewhat hastily after completing such analysis, and have embodied all the suggestions I have to offer in the form of a running commentary.

I shall look through the remaining Bills, and lay the whole before our Municipal Council with as little delay as possible.

I have the honor to be,

Sir,

Your most obedient Servant,

A. GRAHAM, *Warden.*

*The Hon. the Attorney-General.*

