



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XVI.

AN ACT to amend "The Municipal Institutions' Act, 1876."

[Assented to, 16th July, 1878.]

WHEREAS it is expedient to amend "The Municipal Institutions' Act, 1876;" Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1 THIS Act may be cited as "The Municipal Institutions' Act, 1876, Amendment Act, 1878."

Short Title.

2 IN case that in any municipality the electors shall fail to duly elect a chairman, councillors, and auditors, or any of them, on the day appointed by section twenty-nine of the said Act of 1876, it shall be lawful for the Governor, by notice in the *Government Gazette*, to appoint some other day for the holding of such election.

Power to Governor, in certain cases, to fix a day for a municipal election.

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In case the chairman is ill, absent, or incapacitated, council may appoint returning officer.

3 IN any election to be held under the said Act, if the chairman of the council is ill, absent, or incapacitated by law, from being the presiding and returning officer, any councillor of the municipality appointed by the council shall be the presiding and returning officer. Such appointment shall be notified by the council by affixing a written notice to that effect to the outer door of the municipal chamber or other accustomed place of meeting for the council of the municipality, at least five days before the day fixed for the election, and keeping the same there affixed until the day of the election; but no omission to so publish the said notice shall be deemed to invalidate any such appointment. Whenever any returning officer has been appointed as aforesaid, the chairman of the council shall deliver to such officer all notices which he may have received from candidates for election, and also the voters' lists for the municipality, and the various wards thereof, duly signed by such chairman.

Notice to be given.

Notices of candidature may be sent to returning officer through the chairman.

4 SECTION 30 of the said Act of 1876, is hereby amended by omitting the words "his intention thereof to the returning officer at such election," in the third and fourth lines, and by substituting in lieu thereof the words "such his desire to the then chairman."

Person returned as elected to be deemed duly elected up to day that his election declared void.

5 ANY person whose name may have been returned to the Governor, and published in the *Government Gazette*, pursuant to the provisions of section thirty-eight of the said Act, shall, notwithstanding that his election and return shall subsequently be declared by competent authority to have been void, be deemed to have been duly elected to all intents and purposes up to the day on which his election and return shall be so declared to have been void.

40 Vict., No. 13, s. 20, amended.

6 SECTION 20 of the said Act is hereby also amended, by omitting all the words after the word "municipality," in the tenth line thereof.

Amendment of 40 Vict., No. 13, s. 28, as to qualification of chairman in all municipalities other than Perth and Fremantle.

7 NOTWITHSTANDING anything contained in clause 28 of the said Act, any person qualified to be a councillor in any municipality, other than Perth and Fremantle, shall, if he be also qualified under the provisions of "The Jury Act, 1871," to serve on Common Juries, subject to the several provisos in the said section contained, be eligible for election as chairman of such municipality.

Power to make by-laws as to slaughter-houses.

8 SECTION forty-nine of the said Act shall be, and the same is hereby amended, by omitting sub-section ten of the same, and by inserting in lieu thereof the words following (that is to say):—"For

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declaring that no slaughter-house shall be permitted within any part of the municipality, except with the written permission of the chairman of the municipality, and generally for regulating the slaughtering of beasts;" and any by-laws heretofore made, which would be valid if made under this section, shall be deemed to be valid to all intents and purposes.

§ WHERE any public bridge, jetty, pier, wharf or landing place within any municipality, shall have been handed over by the Governor to the care and management of the municipal council thereof, and notice thereof shall have been given in the *Government Gazette*, it shall be lawful for such municipal council to make, publish, alter, modify, amend or repeal such by-laws and regulations respecting the use and management of the same, as to them shall seem meet. All the provisions of "The Municipal Institutions' Act, 1876," relative to by-laws to be made under section forty-nine of the same, shall apply to by-laws made in pursuance of this section. Provided always, that until any by-laws shall be made in pursuance of this section, any regulations made by the Governor in Executive Council shall apply to any public bridge, jetty, pier, wharf, or landing place, that may have been handed over to the care and management of any municipal council, in as full and ample a manner as if this Act had not been passed.

Power to make by-laws as to jetties, &c., placed under their care and management.

10 IT shall be lawful for any municipal council, subject to the provisions of section 49 of the said Act, to make by-laws directing the manner in which the leading horses in teams shall be driven and yoked upon any road or roads within the limits of the municipality; any by-laws so made shall have the same force and effect, and any person offending against the same shall be liable to be punished in the same way, as if such by-law were made pursuant to the powers conferred by section 49 of the said Act.

Power to councils to make by-laws as to manner of yoking leading horses in teams.

11 AND whereas by "The Municipal Institutions' Act, 1871," after reciting the passing of an Ordinance in the fifth year of the reign of Her present Majesty, intituled an Ordinance to remove the annoyance created by dogs, and an Ordinance passed in the tenth year of the reign of Her present Majesty amending the same, it was provided that the respective municipal councils should within the limits of their respective municipalities have and exercise the several powers which by the said Ordinances are given to collectors and sub-collectors of revenue, and other persons therein named; and whereas by an Act passed in the thirty-eighth year of the reign of Her present Majesty, and numbered two, after amending the

Power to council to levy dog tax, 5 Vic., No. 14.

10 Vic., No. 5.

38 Vic., No. 2.

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Ordinance of 5 Vict., No. 14, it was provided that certain things should be given to, or made or done by, or before an officer or servant duly appointed in that behalf of the municipality, to whom all fees for dog licensing should from time to time be payable by virtue of "The Municipal Institutions' Act, 1871;" and whereas now that "The Municipal Institutions' Act, 1871," has been repealed, doubts have arisen as to the power of municipal councils to appoint an officer or servant to carry into effect the provisions of the said Act of 38 Victoria, and it is expedient to remove such doubts; it is hereby provided that the applications, particulars, descriptions, and declarations by the said Ordinance 5 Vict., No. 14, directed to be given to, or made, or done by or before, and every Act thereby directed or authorised to be done by the collector or sub-collector of revenue of the district, shall within the limits of any municipality, be given to, or made, or done by, or before an officer or servant duly appointed in that behalf by the municipal council thereof, and that all fees for dog licensing shall be payable to the said officer or servant on behalf of the said council.

In the name and on behalf of the Queen I hereby assent to
this Act.

H. ST. GEORGE ORD, Governor.