



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO QUARTO

VICTORIÆ REGINÆ.

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No. XI.

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

[ Assented to, 8th September, 1880. ]

WHEREAS it is expedient further to amend "The Municipal Institutions Act, 1876," as well with reference to appeals against rates as in other particulars: 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:—

1 THIS Act may be cited for all purposes as "The Municipal Institutions Further Amendment Act, 1880."

2 SECTION 88 of the said Act is hereby repealed, and in lieu thereof be it enacted, as follows:—

All rates leviable under the said Act shall be recoverable either by action at law, by summary proceedings before any two Justices in the same way as any fine or penalty is now recoverable, or by distress

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Short Title.

How rates may be recovered.

Appeal against rate.

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and sale as in the said Act mentioned; Provided that if any person shall think himself aggrieved by the valuation put upon property in manner prescribed by section 85 of the said Act, and whether as regards the amount thereof or the manner in which such valuation shall have been made, or otherwise howsoever, it shall be lawful for such person to appeal against the same in the Local Court of the district within which the property is situate by serving a notice in writing to that effect on the Chairman of the Municipality at any time within ten days after publication of the notice of every general rate in manner prescribed by the eighty-sixth section of the said Act, and by depositing in the hands of such Chairman the amount of the rate assessed on such valuation and complained of by the appellant, together with a sum of two guineas to answer costs. And such Court shall have power to hear and determine all such appeals, not only as regards the subject matter thereof and the disposal of the deposits, but also to adjudicate on all the costs involved, as justice may require. Provided also, that if any person shall think himself aggrieved by any such distress as aforesaid, and shall, whether there has been a previous appeal against such valuation or not, deposit in the hands of such Chairman the amount for which such distress has been made, together with a sum of five guineas to answer costs, and serve him with notice in writing against such distress at any time before sale, then, but not otherwise, it shall be lawful for such person to appeal to the said Court against such distress; and the said Court is hereby empowered to hear and finally determine the same; and to confirm or disallow the distress; and to make such other orders in the matter in all respects as it shall deem just.

Power to license nightmen and scavengers.

**3** THE Council of any Municipality shall have power to license nightmen and scavengers for the removal of the contents of any drain, watercloset, earthcloset, privy, cesspool, ashpit, or other place, or of any noxious or offensive matter; and also to make, publish, alter, modify, amend, or repeal any By-laws and Regulations as well with reference to the time and mode of such removal, whether by such nightmen or scavengers as by others, as also to the vehicles by which such removal shall be effected, and the license fees in respect of such vehicles.

Cart fees to be imposed by Municipalities.

**4** THE Council of any Municipality is hereby authorised to grant licenses under "The Cart and Carriage Licensing Act, 1876," to any cart as thereby defined, used within the limits of such Municipality. And in addition to any other license fee now required by law for such cart, to charge a license fee for such cart

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at a rate not exceeding Ten shillings for any one whole year. And the several provisions contained in "The Cart and Carriage Licensing Act, 1876," with respect to carriages shall be deemed to be applicable to carts licensed under this Act; but no person residing at least three miles from the nearest limits of a municipality shall be required to take out from any Municipality a license for a cart, if such cart be used solely as a means of conveyance into or through the limits of a municipality from and to places beyond such limits.

**5** FROM and after the passing of this Act the name, style, and title of the corporation of the city of Perth constituted under and by virtue of "The Municipal Institutions Act, 1871," shall be "Mayor, Councillors, and Citizens of the City of Perth," and under such name, style, and title they shall have all and the like rights, privileges, and immunities as have been heretofore possessed by them under the style and title of "The Council and Burgesses of the City of Perth." The present Chairman of the City Council shall be the first mayor of the said city, and shall continue in office up to the thirtieth November next.

Change of style of corporation.

**6** WHENEVER in any Act, Law, or Statute, or other public document or notice, or in any proceeding of what kind or nature soever, the Chairman of the City Council has been or is referred to or is mentioned, such reference or mention shall be taken to signify and mean the Mayor of Perth.

Chairman to be Mayor.

**7** THE Councils of the Municipalities by contract or otherwise, as they may deem proper, may cause the several streets, thoroughfares, squares, and public places within the said City of Perth and Town of Fremantle respectively, or such of them as they shall think fit, to be lighted with gas, oil, or otherwise during such times as they may deem requisite; and in like manner may provide such lamps, lamp posts, lamp irons, gas pipes, and other works and materials, as may be necessary for that purpose.

Provision for lighting Perth and Fremantle.

**8** IF at any time before the said city or town shall be wholly or chiefly lighted with gas, oil, or otherwise, the majority of ratepayers of any principal street, or of any ward, shall be desirous that the same should be lighted with lamps, the Councils may cause the same to be so lighted; and may and are hereby authorised, as to one moiety of the expense to be so incurred, to defray the same out of the general rate and corporation fund for time being; but if such fund shall not be sufficient, then by a special rate under the provisions hereof; and as to the other moiety of the expense of lighting such street or ward,

Lighting rate.

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the same shall be paid by the ratepayers thereof, rateable either according to their assessment for the general city rate or according to the lineal frontage of the premises lighted, and either from year to year or for such number of years as the Council shall determine; and the moiety of the expense aforesaid may be collected and shall be recoverable rateably from each of the ratepayers of the said street or ward, by the collector of rates or duly authorised officer of the corporation, under the provisions herein contained for the collection and enforcing payment of the general rates.

Hawking licenses.

**9** THE said Councils are hereby authorised to grant any such licenses for the hawking of fruit, fish, or vegetables in the said city and town as they may deem proper, and to take for the same such fees as they may by any by-law or public notice from time to time appoint, and to make by-laws and regulations relative to such hawking.

Section 4 to come into operation on 1st January, 1881.

**10** THE fourth section of this Act shall not come into operation till the first day of January, 1881.

Power to make by-laws for issue of goat licenses.

**11** IT shall be lawful for the Council of any Municipality to make; publish, alter, modify, amend, or repeal such by-laws and regulations as to the Council shall seem meet, for regulating the manner and mode of keeping and depasturing goats within the limits of the Municipality, and also the driving the same to pasture through or over the streets of the Municipality, and for regulating that no goat shall be kept within any Municipality unless the owner or keeper of the said goat shall have first obtained a license from the Council for that purpose, for which said license such fee shall be paid to the Council as the Council may deem advisable.

Acts assimilated.

**12** THIS Act and the said recited Act shall henceforth be read together as one Act.

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

WILLIAM C. F. ROBINSON, Governor.