



## WESTERN AUSTRALIA.

ANNO TRICESIMO SECUNDO

## VICTORIÆ REGINÆ.

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NO. V.

AN ORDINANCE to enable the Trustees of the town of Fremantle to assess the Inhabitants by a rental value.

[ 3rd August, 1868. ]

**W**HEREAS the present mode of assessing the owners and occupants of land within the town of Fremantle, is inadequate to the exigencies of such town, and it is expedient to extend the powers of the trustees in that respect; Be it therefore 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** IT shall be lawful for the Trustees of the town of Fremantle, from time to time, and as often as they shall deem expedient, at any general or special Meeting held under the Ordinance of the Legislative Council, No. 15 of 1850, intituled

Trustees may assess inhabitants according to annual value.  
One shilling in pound.

14 Vic. No. 15.

*An Ordinance to provide for the Improvement of Towns in Western Australia*, to order an assessment or assessments, rate or rates, to be struck within the limits of the said town; and for that purpose to direct an assessment to be made by the Chairman of the Town Trust and any two Trustees, to be elected for that purpose by a majority of Trustees present at such Meeting, upon all property in houses and lands within the limits of such Town of Fremantle, according to its fair average annual value, whether occupied or not, notice of which assessment shall be given to the tenant, landlord, proprietor, or occupier so assessed, and published in the *Government Gazette*, or in two of the local newspapers; Provided that no such assessment or rate shall exceed the sum of one shilling in the pound of such value in any one year, and that vacant allotments and land shall be assessed or rated at not less than five shillings nor more than twenty shillings per annum; And such assessment or rate so made shall be collected, levied and recovered in the same manner in all respects as is provided in the said Ordinance for collecting, levying and recovering the monies thereby assessed, and shall for all purposes be deemed assessments and rates ascertained and determined under the said Ordinance.

Appeal to Local Court.

2 IF any person shall think himself aggrieved by the value at which his property is assessed for any such assessment or rate as aforesaid, it shall be lawful for him to appeal against such assessment to the Local Court held in Fremantle aforesaid, next after fourteen days from the delivery of such notice, and such Local Court shall have power to hear and determine the same, and to award relief in the premises, as the justice of the case may require; and the decision of such Local Court shall be final and conclusive as regards the matter of such appeal; Provided that the person so appealing shall give notice in writing to the Chairman of the Town Trust of such his intention of appealing against the said value, seven days before holding of such Local Court at which such appeal may be heard and determined.

Assessment to be approved by Governor.

3 NO such assessment or rate shall have any force or effect, until the Governor shall have signified in writing his assent thereto, and it shall be competent for him to give or withhold such assent as to him shall seem desirable, and when such assessment or rate shall have been assented to, the Governor shall cause publicity to be given thereto in such manner as he shall deem fit.

## 32° VICTORIÆ, No. 5.

### *Fremantle—Assessment.*

4 IT shall be lawful for the said Chairman, with the consent of the Committee of such Town Trust, to require all persons in such town, within six months from the date of a notice, in the Schedule hereto, to be served on the owner, tenant or occupier, or posted on some part of the premises, to erect a good and suitable line of paling or wall along the frontage of any allotment, ground, or piece of land, abutting on or opening upon any paved, macadamized or otherwise artificially formed public street, path, or thoroughfare within the limits of the said town, which shall not then be so enclosed; and if such notice shall not be complied with, the owner, tenant, or occupier of such premises shall be liable to a penalty of Five Pounds, recoverable before one or more Justice or Justices of the Peace; and the said Chairman may, if he sees fit, with such consent as aforesaid, after the expiration of such notice, erect such paling or wall along such frontage, and recover the amount of all costs, charges, and expenses thereof, with interest thereon at ten per centum per annum, from such owner, tenant, or occupier; and shall and may distrain, sue for, and sell to recover the said amount, in like manner as is herein directed for the collection of rates and assessments; Provided that, if the tenant or occupier of such premises shall comply with the exigencies of such notice, he may deduct and set off the entire amount of such costs, charges and expenses from the rent payable by him in respect of such premises; and the persons affected thereby shall have the like privilege of appeal to the Local Court as is hereby given to any ratepayers or person aggrieved by the value at which his property is assessed as aforesaid.

Land adjoining streets to be fenced.

5 THIS and the said Ordinance, No. 15, of 1850, shall be read as one Ordinance.

Incorporated with No. 15 of 1850.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.



*Passed the Legislative Council, }  
this 3rd day of August, 1868. }*

G. E. HAMPTON,

*Clerk of the Council.*

# 32° VICTORIÆ, No. 5.

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*Fremantle—Assessment.*

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## SCHEDULE.

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To *A. B.*

Take notice that you are hereby required within six months from the date hereof to erect a good and suitable line of paling or wall along the frontage of your allotment [*here describe premises*] abutting on the [*describe the street*]; and if you neglect to comply herewith you will be liable to be fined £5, and to repay all costs, charges and expenses that may be incurred by the Town Trust in erecting such paling or wall agreeably to the provisions of the Ordinance No. 5, of 1868.

Dated, &c.

*C. D.,*

Chairman of the Fremantle Town Trust