

WESTERN AUSTRALIA

ANNO TRIGESIMO SEXTO

VICTORIÆ REGINÆ

No. 10

An Act to enable the Municipal Council of Geraldton to compel the Owners and Occupiers of Sand-hill Allotments to plant the same with grass or shrubs.

[Assented to 30th August, 1872.]

WHEREAS it is expedient to enable the Municipal Council of Geraldton in order to prevent the town of Geraldton from being destroyed by sand-drift to compel the several owners and occupiers of certain allotments within the municipality to plant the same with grass or other plants and shrubs: Be it therefore enacted by the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:--

Council may require allotments to be planted out or plant out same and recover expenses thereof

1. It shall be incumbent upon the Municipal Council of Geraldton by notice served upon the occupier or posted upon some conspicuous part of the premises (and where there is no occupier such notice shall be published four times in the 'Government Gazette' and in two newspapers during the period next hereinafter mentioned) to require all persons whom it may concern to cover with bush or plant within six months from the date of the notice any grass plant or shrub sufficient

Geraldton Sand-hills

to arrest the drift sand from any allotment within the limits of the municipality and which shall not be then so planted, and apprising them if such requirement be not complied with a penalty of five pounds shall be thereupon incurred under this Act by the occupier, or if there be no occupier then by the owner, and informing him that the Council will if they see fit proceed after the expiration of such period to plant such grass plant or shrubs in such allotment as aforesaid, and to recover the amount of all costs and expenses in doing so with interest thereon at ten per centum per annum, and to distrain, sue and sell for the repayment of those costs and expenses in the manner prescribed in the 'Municipal Institutions Act, 1871.' But if the occupier of such premises shall comply with the terms of such notice it shall be lawful for him to deduct and set off the entire amount of his costs, charges and expenses from and against the rent payable by him out of or in respect of such premises until the same shall be discharged in full, and the parties affected thereby shall have the like privilege of appeal as provided by the forty-seventh section of the said hereinbefore recited Act.

2. If no sufficient distress can be found on the premises applicable thereto it shall be lawful for and incumbent upon the council to cause a notice to be signed by the chairman and published in three successive numbers of the 'Government Gazette' and of two newspapers, stating the amount due for planting out such allotment and requiring payment of the same, and notifying that in default the said premises or a competent part thereof will be sold by public auction freed and discharged from all incumbrances or other claims whatsoever except Crown debts if any, at the time and place to be specified in the notice, such time not being less than one calendar month after the last publication of the notice; and if the amount be not paid on or before the expiration of the time so specified then it shall be lawful for the Council, and the Council is hereby required to cause the said premises to be sold according to the terms of the said notice, and out of the proceeds of such sale to pay the amount chargeable on such premises and all costs and expenses connected with the sale, and to pay the surplus if any into the hands of the owner of the premises or of any agent within this Colony holding any general authority in writing to receive moneys on account of such owner; But if there be no such agent or if any person shall serve upon the Council a written notice stating that he claims a lien thereon by virtue of a charge which affected the premises or of an interest therein, then the Council shall forthwith pay such surplus into the hands of the Registrar of the Supreme Court, who shall make an entry thereof in his ordinary book of account, specifying the date of payment and in respect of what land and reputed owner and claimant if any it has been made according to such particulars as shall be furnished to him by the Council.

Allotments may
be sold in default
of sufficient
distress

3. This Act may be cited for all purposes as 'The Geraldton Sand-hills Planting Act, 1872.' Short title

FRED. A. WELD,
GOVERNOR.