



WESTERN AUSTRALIA.

ANNO DECIMO

VICTORIÆ REGINÆ.

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No. X.

An Ordinance to amend an Act entitled  
“an Act to provide for the Improvement  
of Towns in the Colony of Western Aus-  
tralia.

**W**HEREAS an Act was passed in the fourth and fifth years of <sup>4th & 5th Vict., No. 18</sup>  
the reign of Her present Majesty, entitled “an Act to pro- <sub>to be amended.</sub>  
vide for the improvement of Towns in the colony of Western Aus-  
tralia;” and whereas it is expedient to amend the said Act in certain

Collector to be appointed by Chairman and Committee.

respects;—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, that the Collector shall not hereafter be appointed by a General Meeting of the respective Trust, but by the Chairman and Committee thereof, and that the present or any future Collector may be at any time by them suspended or removed from his office on proof to the satisfaction of such Chairman and Committee that he has not duly and diligently discharged the duties of his office as such Collector as aforesaid.

Second period of 14 days after demand not to be allowed in future.

II. AND be it enacted, that the seventeenth clause of the said Act, so far as the same extends to allow a second period of fourteen days for payment of assessments after the expiration of the notice of fourteen days given in the first instance, shall be and the same is hereby repealed, and that all proceedings shall and may be taken forthwith to recover such assessments according to the provisions of the said Act if the same be not paid within the first period of fourteen days allowed by such notice as aforesaid.

Duties of Collector may be discharged by constable anywhere in the colony.

III. AND be it enacted, that all the powers and duties appointed by the said seventeenth clause to be exercised and performed by the Collector may upon the written authority or warrant of the Chairman be exercised and performed by any constable of the colony, and that if no sufficient distress can be found on the premises, then it shall be lawful for the Chairman to order any such constable to serve personally upon the owner, or in case of his absence from the colony upon his agent, the notice therein mentioned, and if payment be not made within fourteen days from such service, then to issue his warrant of distress to any constable

Assessments may be recovered in Court of Requests, District Court, or Civil Court.

IV. AND be it enacted, that all such assessments shall be recoverable at the discretion of the Chairman and Committee as "so much monies due and owing to the respective Trustees by virtue of the said Act" in any Court of Requests, or Magistrates' District Court, or, if the party owing the same, be not resident within the Jurisdiction of any such Court, then in the Civil Court of the colony, and that it shall be lawful for the Chairman to issue a written authority under his hand to any fitting person in his discretion to commence and prosecute a suit in the name of the Chairman, or other public officer, according to the said Act, for recovery of such assessment in any such Court of Requests, or Magistrates' Court, not being within

1847.                    10th Vict. No. 10.

the district of such chairman, who shall not be required to appear personally in the prosecution of such suit.

V. AND be it enacted, that every such public officer shall be and is hereby empowered to enter up satisfaction of Judgment when satisfied in any Suit by or against Trustees under the said Act or this Ordinance, and shall be and is hereby exempted from personal liability for any costs awarded against any such Trustees in any such Suit, unless the Court awarding such costs shall certify that the same were caused by the unlawful, vexatious, or negligent conduct of such officer; but otherwise in default of such certificate, all such costs shall be forthwith paid out of any Trust monies then in the hands of such Trustees, or in default of such monies shall be forthwith raised and paid by means of a loan or assessment, which such Trustees are hereby empowered to effect or levy for that purpose in like manner as by the fourteenth and sixteenth sections of the said Act monies may be raised or levied for certain other purposes.

Public Officer may enter satisfaction of judgment, and is exempted from liability.

VI. AND be it enacted, that nothing contained in any existing Ordinance relative to anctioneers and auction duties shall be held to apply to sales under any such warrant of distress as aforesaid.

Auctioneers' Act not to apply.

FREDERICK CHIDLEY IRWIN,  
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Council }  
5th August, 1847. }*

WALKINSHAW COWAN,  
Clerk of the Councils.