



WESTERN AUSTRALIA.

ANNO SECUNDO

VICTORIÆ REGINÆ.

No. V.

**An Act to enable the Inhabitants of any
Township to assess themselves for the Im-
provement of the Town.**

WHEREAS the improvement of Towns is a matter of great public utility and advantage, and it appears expedient to provide some mode by which funds applicable to that purpose in each town may be raised by a general contribution from the Inhabitants thereof ;—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 from and after the passing of this Act, if any three or more of the duly qualified Trustees of any Township shall propose that a rate shall be levied upon the Inhabitants for any specific object connected with the improvement of the Town, the Chairman of the Trustees for such Town, appointed under the Act 1st Victoria, No. 2, intituled “ An Act to provide for the management of Roads, Streets, and other internal communications within the settlement of Western Australia,” shall convene a general meeting of the Trustees of such Town, of which meeting notice shall be given in at least three successive Gazettes, which notice shall distinctly state the object for which such general meeting is to be convened.

Preamble.
If any three or more Trustees propose to levy a rate, the Chairman is to convene a Meeting of the Trustees, of which notice shall be given in three successive Gazettes.

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None but qualified persons are to vote.

Who are to be considered qualified.

Any dispute as to qualification is to be decided by the Chairman.

One vote for each holding, but no person to have more than four votes.

Proxies and agents to vote.

Distinct statement to be submitted to the meeting of the nature and extent of the work proposed.

Chairman is to take sense of the meeting.

If two-thirds concur, Chairman to notify same to the Colonial Secretary, and if the sanction of the Governor in Council be given, same is to be carried into execution under this Act.

Every allotment liable to the same amount of assessment.

Provided if allotment be subdivided, then subdivision only liable to a proportion.

II. AND be it further enacted, that at such meeting none but duly qualified Trustees shall be entitled to vote, and that none shall be considered as Trustees duly qualified except Proprietors of Allotments, or portions of Allotments, in such township, of which the Grant in Fee-Simple has been obtained from the Crown, and Justices of the Peace having their fixed residence in such township. Provided that no such Justice of the Peace shall vote except in one capacity, either as Justice of the Peace, or as the holder of land in fee-simple in such town.

III. AND be it further enacted, that if any dispute shall arise as to the qualification of any voter, such dispute shall be decided by the Chairman presiding at such meeting.

IV. AND be it further enacted, that each individual shall be entitled to one vote for each distinct allotment, or portion of an allotment, so possessed by him as aforesaid; provided that in no case shall any one individual be entitled to more than four votes.

V. AND be it further enacted, that at such meetings all proxies specially appointed by proprietors of allotments residing at a distance of not less than twenty miles from the town, and all duly authorised agents for persons not residing in the Colony, shall be entitled to vote for their principals.

VI. AND be it further enacted, that at such meeting the Chairman, or some one of the Trustees who signed the requisition for the meeting, shall submit a distinct statement of the nature and extent of the work proposed to be undertaken, and of the estimated probable cost of the whole work, and also of the amount proposed to be levied for the same; and the Chairman shall afterwards take the sense of the meeting—1st, As to whether the work proposed shall be undertaken; 2nd, To what extent, whether in whole or in part; 3rd, What amount shall be levied for that purpose. If a majority of two-thirds of the qualified voters shall agree that the proposed work shall be undertaken, either in whole or in part, and that a certain sum shall be levied from the Inhabitants for that purpose, the Chairman shall immediately notify the same to the Colonial Secretary, and upon the sanction of the Governor in Council being received thereto, the Chairman and Directors of the Trustees for the Town shall be authorised thereupon to carry the same into execution under the provisions of this Act.

VII. AND be it further enacted, that every allotment or parcel of ground within the limits of each township respectively which has been assigned to any person in occupancy, or which shall be occupied in any other manner with or without such assignment, shall be liable to an equal amount of rate or assessment, whether the same shall be resided upon or not. Provided always, that if an original allotment has been subdivided, each subdivision shall be liable only for its proportion of such rate or assessment.

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VII. And be it further enacted, that the Chairman and Directors ^{Manner of proceeding} having ascertained and determined the number of Allotments so chargeable and the amount to be levied from each, shall issue orders to their Collector to collect such rates as aforesaid, and such collector shall be furnished with a written warrant or order empowering him in that behalf, subscribed by the Chairman and Directors for the time being, and every Collector shall, if so required, exhibit such warrant upon demanding the sum assessed, and such Collector, on receiving the said sum, shall give a receipt for the same, if so required, and such receipt shall be to the party holding the same a full acquittance and discharge for the sum expressed therein to have been received; and every such Collector shall proceed with all due diligence to collect and levy the monies assessed upon the said several premises, and shall make demand of the same upon the premises chargeable of and from any person found thereon in occupation of the whole or part; and if no person so occupying be found thereon, then such Collector shall make demand of the money so assessed at the dwelling-house of the party chargeable for and in respect of such premises, if such person reside within the limits of such town; and if such person do not reside therein, and if no person be found in occupation of the premises chargeable, then such Collector shall affix on some part of such premises a notice, bearing date the day and year of affixing the same, subscribed with the name and abode of the Collector, requiring payment of the sum assessed within fourteen days of the date of such notice; and in case, upon making demand of the sum assessed as before directed either from any person found in occupation of the whole or part of the premises rated, or at the dwelling-house of the party chargeable, the sum demanded be not paid, such Collector shall deliver to such person, or shall leave at such dwelling-house, a notice of the like tenor and purport. dated, subscribed, and expressed as aforesaid, and within the fourteen days specified in any such notice the money demanded may be paid to the said Collector at his house or office, and if not paid within that time, the Collector shall make further demand of the same upon the premises chargeable, or at the dwelling-house of the party chargeable, or shall affix a notice of such second demand upon some part of the premises chargeable in like manner as is hereinbefore directed in case of the first demand of such money; and if such money be not paid to the Collector upon such second demand, nor within three days after making the same, then the Collector may at any time afterwards procure a warrant subscribed by the Chairman of the Trust aforesaid, which warrant the said Chairman is hereby authorised and required to grant, upon a certificate, signed by the Collector, of such demands having been made, and such notices having been given or affixed, and such money remaining unpaid; and it shall be lawful for the Collector, by virtue of such warrant, to enter upon the premises chargeable and to seize and distrain the goods and chattels of any person whomsoever which he can find thereon; and if no sufficient distress can be found thereon, then to seize and distrain the goods and chattels of the party chargeable for and in respect of such premises, wheresoever the same can be found; and for that purpose to enter into any dwelling-

^{Manner of proceeding}
in collecting the as-
sessment.

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house, or other house, shop, warehouse, or other tenement within the limits of such town, belonging to such party; and if the sum be not paid within fourteen days from such seizure, together with the costs of distress, it shall be lawful for the Collector to sell the goods so seized by public auction for such sum and costs, which costs are to be set forth and specified in the warrant authorising such distress; and the overplus, if any, shall be paid to the party distrained, or his representatives.

Occupiers chargeable with rates.

IX. AND be it further enacted, that the immediate tenant or occupier of any premises charged with any assessment under this Act shall be deemed chargeable with every assessment made in respect of the same: provided that if any premises be occupied by any tenure shorter than a yearly holding, it shall be lawful for such person (any special covenant or agreement to the contrary notwithstanding) to deduct from out of the rent payable by such person for or in respect of such holding any sum paid for such assessment, such person producing the receipt for such sum; subscribed, as before directed, by the Collector receiving the same.

Premises shall remain at all times chargeable, and parties paying may recover against former parties rated.

X. AND be it further enacted, that if no sufficient distress can be found on the premises chargeable, and if the sum charged upon any premises be not otherwise paid or satisfied, the premises for which such sum shall have been charged shall remain at all times chargeable with the same, into the hands of whatsoever person such premises may come; and so soon as at any time sufficient distress can be met with thereon, it shall be lawful for such Collector to enter upon such premises and to distrain any goods or chattels therein or thereon, and to levy all arrears of assessments, with all costs, at any time previous accrued in respect of such premises. Provided always, that it shall be lawful for any person on whose goods and chattels such arrears and costs may be levied, either by action at law or otherwise, to recover of and from the person or persons, or his or their representatives, primarily chargeable with the same, and during whose holding of such premises the same may have accrued, the full amount thereof, together with full costs and damages for the injury sustained by such levy as aforesaid.

If Allotment unoccupied, application to owner or agent.

XI. AND be it further enacted, that if any Allotment chargeable with any such assessment shall be unoccupied, then, in such case, application shall be made by such Collector to the owner of such Allotment or to his known agent, and in case of neglect or refusal on their part to pay such amount, or in case there be neither owner of such Allotment nor any known agent in the Colony, then such Collector is hereby required to make a return of all such Allotments to the Chairman aforesaid, who shall immediately transmit a list of the same to the Secretary for the said Colony; and if the grant of such Allotment has not been obtained from the Crown, then such amount shall be made a charge against such Allotment, which must be first discharged before the title in fee shall be given to the same; and if more than one rate or assessment upon any Allotment shall remain unpaid, then such Allot-

Return to be made of Allotments for which rates remain unpaid; if not in fee-simple, then title withheld till amount paid; if two rates remain unpaid, then Allotment forfeited to the Crown.

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ment shall thereby become forfeited to the Crown, and all claim to the same on the part of the original holder in occupancy, or of any one deriving by, from or through him, shall altogether cease and determine.

XII. AND be it further enacted, that this Act shall be and continue in force until the 18th day of March, 1841.

JOHN HUTT,

GOVERNOR AND COMMANDER-IN-CHIEF.

Passed the Legislative Council }
the 4th day of April, 1839. }

WALKINSHAW COWAN,
Clerk of the Council.