

T A S M A N I A



1894.

ANNO QUINQUAGESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 29.

Amended by 59 Vict. No. 46

60 " " 21
62 " " 14 & 33
63 " " 10

AN ACT to amend "The *Hobart* Corporation Act, 1893." A.D. 1894.
[25 August, 1894.]

WHEREAS it is expedient to amend "The *Hobart* Corporation Act, 1893," in the manner hereinafter appearing: PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The *Hobart* Corporation Act, 1894." Short title.

2 In this Act the expression "the said Act" shall mean "The *Hobart* Corporation Act, 1893." Interpretation.

3 Sections One hundred and thirty-six, One hundred and thirty-eight, One hundred and eighty-nine, One hundred and ninety, and Two hundred and thirty-three, and the second provision of Section Two hundred and thirty-two of the said Act, are hereby repealed. Repeal.

Markets.

4 It shall be lawful for the Council to demand, receive, and have of and from every person exposing or offering for sale or selling in any market provided by the Council anything permitted by the Council to be sold or offered for sale therein, or who shall rent or use any stall or standing-place in such market, also from every person who shall Market tolls, &c.

Hobart Corporation.

A.D. 1894.

use any building, place, or machine provided by the Council for the weighing of carts, and from every person who shall at any time use for the sale of cattle, sheep, pigs, poultry, or other animals any place provided by the Council for that purpose, such sums of money as and for stallages, rents, tolls, and dues as are for the time being appointed by the Council in that behalf; also from every itinerant vendor of such articles as shall from time to time be made subject to market regulations under the said Act, such annual sum as the Council may from time to time by By-law in that behalf appoint to be paid as a licence for vending any such articles as aforesaid.

Stallages, &c. to be paid on demand to Collectors, &c.

5 The several stallages, rents, tolls, dues, and sums payable to the Council under this Act or under the said Act in respect of any stall or standing-place in any market provided by the Council, or in respect of the use of any such market for any of the purposes aforesaid, shall be paid from time to time on demand to the Collector or other person authorised by the Council to receive the same.

Power to let markets.

6 It shall be lawful for the Council from time to time, and either by public auction or by private contract, to let any market belonging to the Corporation, or any portion of any such market, to any person or persons whom the Council may think fit, for any term not exceeding Seven years, and upon such terms and conditions as the Council may deem proper.

Goods may be offered for sale elsewhere than in market if tolls, &c. be paid thereon.

7 Notwithstanding anything contained in the Act of Council of the 5th *William IV.*, No. 9, any person may offer for sale at any place within the said City any goods, merchandise, or articles therein mentioned or made subject to market regulations under the said Act if the goods, merchandise, or articles so offered for sale shall have been previously taken to a market provided by the Council, or shall have been previously submitted elsewhere to a clerk of any such market as aforesaid for examination; and if all tolls, dues, and sums of money which would have been payable in respect of such goods, merchandise, or articles if the same had been offered for sale in any such market as aforesaid, shall have been fully paid.

Weights and Measures.

Copies of standard weights to be deposited with Town Clerk of *Hobart*.

8 It shall be lawful for the Governor to cause copies and models of the several weights and measures deposited in the Treasury, as provided in Section One of the Act of Council of the 4th *William the IV.*, No. 3, to be made, verified, and stamped as in Section Two of the same Act is mentioned, and to be deposited with the Town Clerk of the City of *Hobart*, who shall safely and securely keep the same for the purpose of reference as hereinafter directed; and if any person falsifies or otherwise wilfully injures any such copy or model he shall forfeit and pay a penalty of Fifty Pounds, to be recovered in a summary way before any two or more Justices of the Peace.

If copy lost, another to be supplied.

9 In case any such copy or model is lost, destroyed, defaced, or otherwise injured, another copy or model shall be provided, with the approbation of the Governor, of the same size and weight or measure as the copy or model so lost, destroyed, defaced, or otherwise injured.

Hobart Corporation.

10 Such copies and models of the Weights and Measures for the time being deposited with the Town Clerk of the said City shall be deemed to be copies and models of the Standard Weights and Measures within the intent and meaning and for the purposes of the said lastly-recited Act.

A.D. 1894.
—
Copies so deposited to be deemed within 4 W. 4, No. 3.

11 All persons within the said City shall compare and adjust their weights and measures with and by such copies and models of the Standard Weights and Measures so as aforesaid to be deposited with the Town Clerk of the said City, and for such purpose shall have access to such copies and models at all reasonable times; and it shall be the duty of the person appointed by the Municipal Council of the said City to examine balances, weights, and measures as hereinafter provided to compare, and if necessary to adjust, every such weight or measure as is brought before him with such copies or models as aforesaid; and if the person appointed such Examiner neglects or refuses to compare, or if necessary to adjust, any such weight or measure when thereunto required at any reasonable time, he shall forfeit and pay a penalty of not less than Ten Shillings nor more than Ten Pounds, to be recovered in a summary way before any Two or more Justices of the Peace.

Residents of *Hobart* to compare weights with copies deposited with Town Clerk.

12 For and in respect of the City of *Hobart*, the person to be appointed to examine balances, weights, and measures as in Section Five of the said Act of Council of the 4th *William IV.*, No. 3, is mentioned, shall be appointed by the Municipal Council of the said City instead of by the Governor as in such Section is provided; and the person for the time being appointed for that purpose by the Municipal Council, and no other, shall have power to examine balances, weights, and measures within the said City; and such person appointed by the Municipal Council shall, within the said City, have, exercise, and perform all the powers, authorities, and duties which by virtue of the said Act of Council lastly hereinbefore mentioned any person appointed by the Governor under the said Section of the said lastly-mentioned Act could have, exercise, and perform, and shall receive such salary, to be paid out of the Municipal Fund of the said City, as the Municipal Council of the said City from time to time directs, and shall be removable at the pleasure of the said Municipal Council.

Examiner of Weights, &c. for *Hobart* to be appointed by Municipal Council.

13 Notwithstanding anything contained in said Act of Council of the 4th *William IV.*, No. 3, the person appointed by the Municipal Council of *Hobart* to examine balances, weights, and measures as aforesaid shall have authority to examine all balances, weights, and measures which are used by any person within the said City for the purpose of carrying on any trade or business whatsoever therein, and whether such person uses such balances, weights, or measures for buying or selling wholesale or retail.

Examiner may examine balances, &c., whether used for the purpose of selling wholesale or retail.

14 It shall not be necessary for the person appointed Examiner as aforesaid by the Municipal Council of the said City to produce any balances, weights, or measures seized and detained by him by virtue of Section 6 of the said Act at the nearest Police Office as provided by the said Section, but the same may be produced before the Mayor of the said City, and any other Justice or Justices of the Peace, or any other Two or more Justices of the Peace, wherever assembled in Petty Session within the said City, as the case may be.

Weights, &c. seized may be produced anywhere before Justices.

Hobart Corporation.

A.D. 1894.

Sale of Meat.

Provisions of Sections 229 and 230 of 57 Vict. No. 11 to apply to the carcass of any animal.

15 The provisions of Sections Two hundred and twenty-nine and Two hundred and thirty of the said Act shall apply to the carcass or any portion of the carcass of any animal mentioned in Section Two hundred and one of the said Act.

Correction.

Correction of typographical error.

16 The figures 51 are hereby substituted for the figures 15 in the date and number of the Act thirdly mentioned in the Schedule (1.) to the said Act; and the said Schedule shall be read as if the figures 51 had always appeared therein in substitution for the figures 15.

By-laws.

17 All By-laws made under this Act or the said Act shall be subject to the provisions of Section Two hundred and seventy-four of the said Act; and any By-law made by the Council under this Act or the said Act at a time when the Legislature is not sitting may be disallowed by the Governor in Council until the same shall be approved by the Legislature.

Rates on Capital value, how assessed.

18 Notwithstanding anything contained in any other Act, the Rates made and levied by the Council in respect of any properties within the City which shall be assessed upon the basis of their Capital value shall be One-half only of the Rates levied on the Annual value.

Mortgages to be registered.

19 A register of all mortgages given by the Council upon the security of any Rates shall be kept by the Town Clerk, and in the event of separate sums being borrowed on security of separate Rates a separate register shall be kept for each class of mortgages in security; and any such register may at all reasonable times be perused and inspected at the Office of the Town Clerk upon payment of a fee of One Shilling.

Transfers to be registered.

20 Every transfer of any such mortgage shall, within One month from the date thereof, be produced to the Town Clerk at his Office, and thereupon such Town Clerk shall cause an entry thereof to be made in the same manner as in the case of an original mortgage in security; and for every such entry the Town Clerk may demand the sum of One Shilling; and any such entry may at all reasonable times be perused and inspected at the Office of the Town Clerk upon payment of a fee of One Shilling. And upon such entry being made, such transfer shall entitle the transferee, his executors, administrators, and assigns, to the full benefit of the original mortgage in security, and the principal and interest thereby secured; and such transferee may in like manner transfer the same again, *toties quoties*; and it shall not be in the power of any person except the person to whom the same has been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage so transferred, or any money thereby secured.

Acts to be read together.

Acts to be read together.

21 This Act and the said Act, as amended by this Act, shall be read and construed together as one Act.