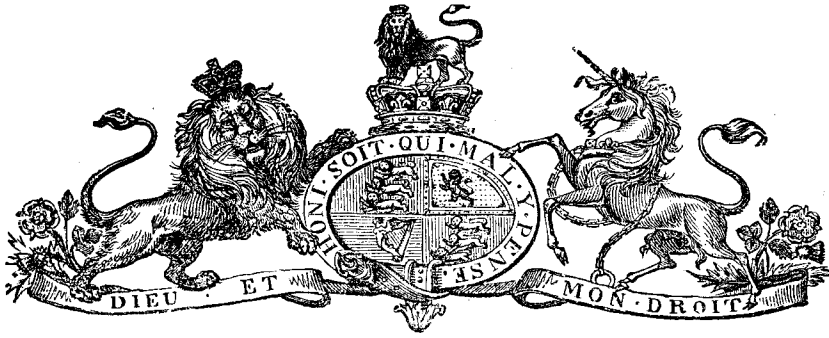


T A S M A N I A.



1892.

ANNO QUINQUAGESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 28.

Repealed by 58 Vict. No. 30

AN ACT to further amend *The Launceston Corporation Act*, and to confer additional Powers on the Municipal Council of the City of *Launceston*. [21 December, 1892.]

WHEREAS it is desirable to further amend "The *Launceston Corporation Act*" in the manner hereinafter appearing, and to confer on the Municipal Council of the City of *Launceston* the powers hereinafter mentioned: 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 for all purposes as "The *Launceston Corporation Amendment Act, 1892*." Short title.

2 This Act shall come into operation and take effect on and after the First day of *January, 1893*. Operation of Act.

3 On and after the day on which this Act comes into operation, the Acts of the Parliament of *Tasmania* set forth in the Schedule hereto shall be and are hereby repealed: Provided that such repeal shall not affect— Repeal of existing Acts. Schedule.

1. Anything duly done under any Act hereby repealed before the date on which this Act comes into operation:

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Application of
Act to matters
and things done.

ii. Any liability accruing under any such repealed Act before the date on which this Act comes into operation.

And, excepting so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things done under any repealed Act and of any force or effect at the date on which this Act comes into operation by virtue of any Act hereby repealed, as if made or done hereunder.

And whenever in any Act the Acts hereby repealed, or any of them, are mentioned, such mention shall hereafter be held and construed to mean and refer to this Act.

Interpretation.

4 In the interpretation and construction of the provisions of this Act the following words and terms shall have their respective meanings hereby assigned to them, unless inconsistent with or repugnant to the context; that is to say—

“The Council.”

“The Council” shall mean the Municipal Council of the City of *Launceston* :

“Private Street.”

“Private Street” shall mean any thoroughfare, lane, or passage not less than Twenty feet in width on any private property which was not opened, acknowledged, and used as a public thoroughfare before the date of *The Police Act, 1865*, and any street hereafter laid out in accordance with this Act :

“Construction.”

“Construction” shall mean grading, forming, and metalling the carriage way, making and kerbing the footways, making the crossings for wheel traffic, and constructing the water channels :

“Owner.”

“Owner” as applied to any land means the person for the time being in the actual receipt of or entitled to receive, or who, if the land were let to a tenant, would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise; and shall include any person in the possession of any land under any lease or other instrument conferring possession of such land for any term not less than Ten years, without reserving any rent or reserving any annual rent or other periodical payment less than the annual rent that could reasonably be demanded for the use and occupation of such land :

“Occupier.”

“Occupier” used with reference to any property shall mean the person entitled to the immediate possession and occupation thereof :

“Public place.”

“Public place” shall include any ditch or watercourse or sewer at *Inveresh*.

*Citizens.*Persons qualified
to be Citizens.

5 Notwithstanding anything contained in *The Launceston Corporation Act*, or any Act amending that Act, every person of the full age of Twenty-one years, whether male or female, named in the Assessment Roll for the time being in force for the City of *Launceston* as the occupier of any land or building of the annual value of Eight Pounds or upwards shall be a Citizen of the said City, and shall be entitled to vote at all elections of Aldermen or Auditors for the said City in accordance with the provisions of the several Acts aforesaid: Provided, that no person being an alien shall be a Citizen unless he has received Letters of Denization or a Certificate of Naturalization.

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6 Notwithstanding anything contained in any of the Acts aforesaid, every Citizen who has paid all Municipal Rates payable by him or her up to the immediately preceding Thirtieth day of *June* or Thirty-first day of *December*, as the case may be, shall be entitled to vote at any extraordinary election of an Alderman or an Auditor for the said City.

Persons qualified to vote at extraordinary elections.

Boundary Fences.

7 Where no Fence or no sufficient Fence already exists, it shall be lawful for the Council from time to time, and at all times, to compel the owners of any lands abutting on any street or public place within the said City to erect and maintain, at their own expense, a substantial Five-foot paling Fence, or, where the Council approves, a post and four-rail Fence, along the front boundary line or lines of the same lands; and if after Fourteen days' notice in writing, signed by the Town Clerk, requiring them so to do, such owners neglect or refuse to commence erecting any such Fence, and, when commenced, if they neglect or refuse to complete the same, or, when completed, afterwards to repair, or, when necessary, to re-erect the same within such time as the Council shall for any such purpose appoint, then, and in any such case, it shall be lawful for the Council, and they are hereby authorised, to erect and put up all such Fences, and from time to time to amend, repair, and re-erect the same, as occasion shall require, at the cost and expense of the owner by whom the same ought to have been done; and all cost and expense incurred by the Council in erecting or repairing or re-erecting any such Fence as aforesaid shall be recoverable in a summary manner before any Justice of the Peace in accordance with the provisions of *The Magistrates Summary Procedure Act*.

Council to compel owners of vacant land to erect Fence.

And in case of neglect, Council to do so at owners' expense.

Steam Rollers.

8 It shall be lawful for the Council to use upon any street or place within the said City locomotives propelled by steam for the purpose of making and rolling the street of the said City, provided that such locomotives are worked and propelled according to the following Rules and Regulations; (that is to say) —

Council may use steam roller on streets.

- i. At least two persons shall be employed in using each locomotive, one of whom, when the locomotive is travelling to or from any place where it is to be, or has been, used, shall walk at least twenty yards in front of the locomotive, and shall carry a flag.
- ii. Barriers shall be provided and fixed whenever practicable at the ends and intersections of streets to prevent ingress or egress during the time a street or place is undergoing rolling with a roller propelled by steam.

9 It shall be lawful for the Council, subject to the first of the foregoing Rules and Regulations, to propel any such locomotives as aforesaid along and over any public street or road beyond the boundaries of the said City: Provided that no such locomotive shall be allowed to traverse any such streets or roads as aforesaid except between midnight and Six o'clock in the morning.

Steam rollers may be propelled beyond boundaries of the City.

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Paving Footways.

Half the expenses of paving the footways to be borne by owners of lands abutting thereon.

10 Whenever the Council cause the footways or any part thereof of any Street or any public place within the City to be made, formed, and paved with such material as the Council shall, from time to time, think fit, One-half the expense incurred thereby shall be repaid to the Council by the owners of the lands abutting on such Street or public place or portion thereof so made, formed, and paved; and if such owner refuses or neglects to pay the same within One month after the same has been demanded, the same shall be recovered in the same way as any Municipal Rate is now recoverable by Law; and such footway shall afterwards be repaired and kept in repair by the Council.

Crossings.

Footways may be paved at request of owner or occupier.

11 If any person or persons shall be desirous of having any footway paved or made, or any footway abutting on rateable property belonging to or occupied by him or them kerbed, he or they shall apply to the Council, in writing, signifying such desire, and the Council may thereupon pave or make such footway, or put a kerb to the footway, with such materials as they may deem best, and may charge, take, and recover such portion of the cost of such work as they may deem fair and just from the applicant or applicants desiring such work to be done, and may order payment thereof under the hand of the Mayor or Town Clerk.

Crossing-places from public streets over footways to be regulated by Council.

12 The Council may fix the places at which crossing-places for vehicles and animals from any public street to private residences, or other properties on either side of the said street, shall be made over any footway.

Owners of property requiring communication with main street.

13 Upon the application of any owner, or of the majority in number of any owners of property, who may require a communication with the street by means of such crossing as aforesaid, the Council may permit the same to be constructed under the superintendence and to the satisfaction of the Surveyor, or they may construct the same and may, by writing under the hand of the Mayor or Town Clerk, order payment of the cost thereof by the owners of such property.

Council may require owners of properties to make and repair crossing-places from main street.

14 The Council, by any writing under the hand of the Mayor or Town Clerk, may require the owners of any properties on either side of any public street to make or repair any crossing-place over the footway leading to and from such properties into the said street, in such manner as to the Council may appear necessary; and unless the said owners shall, within Thirty days after the service of such requisition, show cause to the satisfaction of the Council why such crossing should not be so constructed or repaired, or within such time shall construct or repair the same according to the provisions hereof, the Council may execute such work or repairs and determine and charge such owners with their proportionate parts of the expenses thereby incurred; and if, after the expiration of Twenty-one days from the delivery of an account of the proportionate expense to which any such owner may have become liable, the same shall not be paid, the Council, by Order under the hand of the Mayor or Town Clerk, may direct payment thereof.

*Launceston Corporation Amendment.**Private Streets.*

A.D. 1892.

15 The Council may, if they shall think fit, cause any Private Street within the City of *Launceston*, or any portion thereof, to be constructed in such manner as the Council may from time to time determine; and the whole of the expense incurred by the Council in the construction of any such Private Street shall be repaid in the manner hereinafter mentioned by the owner or owners of the land or lands fronting or abutting on any such Private Street or any portion thereof so constructed as aforesaid; and any such Private Street shall thereafter be maintained and kept in good repair by the Council out of any moneys at their disposal.

Council may cause Private Streets to be constructed.

16 When and so often as the Council shall cause any Private Street or any portion thereof to be constructed as aforesaid, the City Surveyor shall certify to the City Auditors that such Street or any portion thereof has been constructed to the satisfaction of the Council, and thereupon the City Auditors shall certify under their hands the amount of money spent by the Council upon the construction of such Street, and the amount so certified by the City Auditors shall for all purposes be deemed to be the amount of money spent by the Council upon the construction of such Private Street, and shall be final and conclusive.

Cost of construction to be certified by City Auditors.

17 The amount of money so certified as aforesaid as spent by the Council in the construction of any Private Street, together with interest thereon at the rate of Five Pounds per centum per annum, shall be payable to the Council by the owner or owners of the lands fronting or abutting on any such Private Street proportionately to the frontage of the land on such Private Street, in Twenty equal yearly instalments. The first of such yearly instalments shall be payable on the First day of *January* next after the date of the City Auditors' Certificate, and thereafter such instalments shall be payable on the First day of *January* in every succeeding year until the whole of the instalments shall be paid.

Cost of construction to be repaid by owners of adjoining lands by instalments.

18 Where in any case the owner of any land abutting on any Private Street constructed by the Council as hereinbefore provided is not resident in *Tasmania* or is unknown or cannot be found, the occupier or occupiers of such land, if more than one, shall be liable and compellable to pay such instalments, and every such occupier is hereby empowered to deduct from the rent payable by him to such owner for the use and occupation of such land the amount of any instalment or instalments so paid by or recovered from such occupier in respect of such land; and if such land is unoccupied, the trustee or agent or receiver having the receipt of the rent or annual value of such land shall be liable and compellable to pay any such instalments to the extent of the rent or annual value of such land received by him during the year preceding the day on which such instalments are payable.

Where owner cannot be found Tax may be recovered from occupier.

19 If the owner of any land refuses or neglects to pay the amount of any instalment within One month after the same has been demanded, the same shall be recoverable and recovered in the same manner and by the same process as any Municipal Rate is now recoverable by Law, or as hereinafter provided.

Moneys to be recoverable as Municipal Rates.

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Unpaid instalment
made a charge
upon land.

20 Any unpaid instalment shall be and remain a charge upon the land in respect of which such instalment is due, and continue so notwithstanding such land may be sold and transferred, and may be recovered at any time from the then owner of the land whether he be the owner at the time such instalment became payable or not at the suit of the Corporation in an action in any Court of competent jurisdiction as for a debt due by him, and if the then owner be not the owner at the time such instalment became payable, he shall be entitled to recover from the person who was the owner of such land when the instalment became payable the proportion of the instalment to which such person was liable as money paid to his use.

Power to borrow.
45 Vict. No. 16.

21 It shall be lawful for the Council to borrow upon the security of any Municipal Rates any sum or sums of money not exceeding Ten thousand Pounds for the purposes of constructing such Private Streets as aforesaid.

If after having borrowed any sum or sums of money as aforesaid, or any part thereof, the Council pays off the same, it shall be lawful for the Council to again borrow the amount so paid off, and so from time to time.

Sinking Fund to
be formed.

22 The Council shall cause the amount of all moneys paid as hereinbefore provided by the owners of all lands abutting on such Private Streets as aforesaid by them, after deducting therefrom the amount of interest included therein, to be paid into and form part of a Sinking Fund, to be called "The Private Streets Sinking Fund," and the moneys so paid into such Sinking Fund shall be available only for the purposes of repaying any moneys borrowed by the Council for the construction of such Private Streets as aforesaid.

Interest paid into
Municipal Fund.

23 The Council shall cause the amount of interest included in such moneys as is mentioned in the immediately preceding Section to be paid into and form part of the Municipal Fund.

Instalments may
be paid off at any
time.

24 It shall be lawful for the owner of any land abutting on any Private Street constructed by the Council to pay at any time the whole of the amount for which he is liable in respect of the construction of such street, and in every such case a deduction shall be allowed in the sum added by way of interest as hereinbefore provided.

Plan of new
Streets to be sub-
mitted to Council.

25 It shall not be lawful after the passing of this Act for any person to lay out or dispose of, or cause to be laid out or disposed of, any land for building purposes on which it is proposed to open any Private Street without first submitting a plan showing the proposed disposition of such land, and setting forth the width and direction of such Private Street, and a sketch showing the proposed drainage of such land, to the Municipal Council, and obtaining their approval thereto: Provided, that if no disapproval be expressed by the Council or the adjoining owner within Fourteen days after such plan and sketch as aforesaid shall have been submitted to the Council, the intended disposition may be proceeded with.

Streets to be used
as carriage roads
to be 60 feet wide.

26 Every person who shall lay out a Private Street which shall be intended for use as a carriage road, shall lay out such Street so that the width thereof shall be Sixty feet at the least.

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27 Every person who shall construct a Private Street which shall exceed One hundred feet in length shall construct such Street for use as a carriage road in the manner hereinafter provided.

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Street exceeding 100 feet to be a carriage road.

28 Every person who shall lay out a Private Street which shall be intended for use otherwise than as a carriage road, and shall not exceed in length One hundred feet, shall so lay out such Street that the width thereof shall be Thirty feet at least.

Streets less than 100 feet long to be 30 feet wide.

29 Every person who shall construct a Private Street for use as a carriage road shall comply with the following requirements :—

Manner in which street shall be constructed.

- i. He shall construct the carriage-way of such street so that the whole width thereof shall be Forty-two feet wide at the least, and the surface of the carriage-way shall have a curve or fall from the crown to the channel at the sides thereof of not more than Twelve inches, and the centre of the carriage-way to the uniform width of not less than Twenty feet shall be covered with not less than Six inches of good bluestone metal, broken to Two-inch ring gauge, or good ironstone gravel, and thoroughly consolidated.
- ii. He shall construct on each side of such Street a footway of not less than Nine feet in width and with a cross-fall of half inch per foot to the channel, the surface of footways to be coated with asphalt or good ironstone gravel not less than Two inches thick, well laid and rolled smooth.
- iii. He shall kerb each footway with stone kerbing Three inches thick and Sixteen inches deep, laid solidly and parallel to centre line of road, and with same gradient as road, and so as to show Six inches of a dressed face above the channel.

30 Every person who shall construct a Private Street shall provide at each end of such Street an entrance of a width equal to width of such street and open from ground upwards.

Entrance to street.

31 Whenever any order shall have been made by the Council, under the hand of the Mayor or Town Clerk, for the payment by any person of any sum of money due or payable by such person to the Council in respect of any expenditure, costs, charges, or expenses incurred under the authority of this Act, and a copy of such order shall have been served on such person, or left at his usual or last known place of abode in *Tasmania*, or, if there shall be no such place of abode, shall have been affixed or left upon the house or land (if any) referred to in such order, and such order shall not have been satisfied within the time thereby limited, any two Justices, upon complaint thereof, and upon proof of such copy order having been left, served, or affixed as aforesaid, and of such order remaining unsatisfied, either wholly or in part, may order the amount payable in respect of such order, and all costs and expenses incurred by reason of the same not being satisfied, to be levied by distress and sale of the goods and chattels of the person mentioned in such order, and in default of such distress, or if no sufficient distress shall be found, may commit such person to the nearest gaol for any period not less than Fourteen days nor more than Three months.

Order of Council for payment of money, how enforced.

Provided always, that the amount payable in respect of any such order as aforesaid may be recoverable at the suit of the Corporation at

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any time within Six years after the service of such order by an action in any Court of competent jurisdiction.

Penalties.

32 Every person who shall contravene any of the provisions of this Act relating to the laying out and construction of Private Streets, or the laying out and disposal of land for building purposes, shall, upon conviction, forfeit and pay for every such offence a penalty not exceeding Ten Pounds, and a penalty not exceeding Five Pounds for every day during which such offence shall be repeated or continued.

Acts to be read together.

33 This Act and *The Launceston Corporation Act*, and every other Act amending the last-mentioned Act, shall be read and construed together as One Act.

SCHEDULE.

ACTS TO BE REPEALED.

<i>Date of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
33 Vict. No. 31.	"The Launceston Paving Act."	The whole Act.
33 Vict. No. 32.	An Act to provide for the Erection of Boundary Fences in the Town of <i>Launceston</i> .	The whole Act.