

TASMANIA.

THE LAUNCESTON CORPORATION ACT AMENDMENT ACT, 1918.

ANALYSIS.

1. Short title.
2. Interpretation.
3. Amendment of Section 22 of 58 Vict. No. 30.
4. Repeal of Sections 23 and 24 of 58 Vict. No. 30.
5. Repeal of Section 4 and of schedule to 64 Vict. No. 72.

PART I.—ALDERMEN.

6. Amendments of Sections 31 and 33 of 58 Vict. No. 30.
7. Amendment of Section 27 of 58 Vict. No. 30.
8. Amendment of Section 32 of 58 Vict. No. 30.
9. Repeal of Sections 34 and 35 of 58 Vict. No. 30, and substitution of new sections.
10. Alteration of form of citizen's declaration.
11. Spoilt ballot-papers.
12. Amendment of Section 37 of 58 Vict. No. 30.
13. Amendment of Section 39 of 58 Vict. No. 30.
14. Repeal of Section 42 of 58 Vict. No. 30, and substitution of new section.
15. Application for a postal ballot-paper.
16. Mayor to initial ballot-papers.
17. How postal vote recorded.
18. Authorised witness to complete declaration and post ballot-paper.
19. Postal ballot not to be opened until scrutiny.
20. Provides for blind men and marksmen.
21. Section 40 of 58 Vict. No. 30 to apply.
22. Mayor to notify issue of postal ballot-papers.
23. Ballot-papers not to be received if not obtained from post-office by a certain time.
24. Scrutiny.
25. Amendment of Section 43 of 58 Vict. No. 30.

PART II.—THE MAYOR.

26. Amendment of Section 62 of 58 Vict. No. 30.
27. Repeal of Section 63 of 58 Vict. No. 30, and substitution of fresh section.

PART III.—ACCOUNTS.

28. Amendment of Section 7 of 59 Vict. No. 49.

PART IV.—PRIVATE STREETS.

29. Amendment of Section 6 of 5 Ed. VII. No. 46.
30. Provision for paying Corporation's moiety of expenses of construction.

PART V.—RATES.

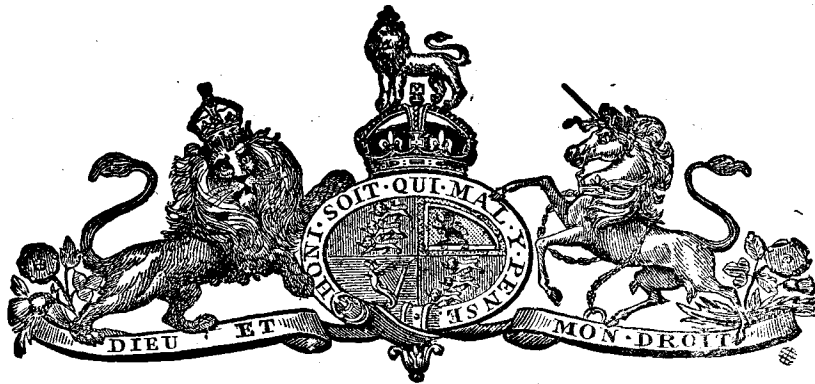
31. See Section 130 of 58 Vict. No. 30.

PART VI.—RATES.

32. Commencement of this part of Act.
33. Amendment of Section 115 of 58 Vict. No. 30.
34. Amendment of Section 116 of 58 Vict. No. 30.
35. Repeal of Section 119 of 58 Vict. No. 30.
36. Amendment of Section 120 of 58 Vict. No. 30.
37. Amendment of Section 124 of 58 Vict. No. 30.
38. Amendment of Section 126 of 58 Vict. No. 30.
39. Amendment of Section 129 of 58 Vict. No. 30.
40. Amendment of Section 132 of 58 Vict. No. 30.
41. Five per cent. added to rates in arrear.
42. Unpaid rates charged on property.
43. Certificate as to rates and other charges may be demanded.
44. Method of enforcing charge.

45. Remedies concurrent.
46. Rates charged on property recoverable for Twenty years.
47. Repeal of Section 135 of 58 Vict. No. 30, and substitution of new section.
48. Repeal of Section 136 of 58 Vict. No. 30, and substitution of new section.
49. Amendment of Section 137 of 58 Vict. No. 30.
50. Amendment of Section 139 of 58 Vict. No. 30.
51. Amendment of Section 140 of 58 Vict. No. 30.
52. Corporation may repair and insure.
53. Annual value to be not less than 5 per cent. of capital value.
54. Repeal of Section 10 of 59 Vict. No. 49, and substitution of new section.
55. Repeal of Section 11 of 59 Vict. No. 49.
56. Complaint not necessary before distress.
57. Discount may be allowed on rates.

TASMANIA



1918.

ANNO NONO

GEORGII V. REGIS.

No. 11.

AN ACT to further amend "The Launceston Corporation Act, 1894." [14 October, 1918.]

A.D. 1918.

WHEREAS it is expedient to further amend "The Launceston Corporation Act, 1894":

Preamble. 58 Vict. No. 30.

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 Launceston Corporation Act Amendment Act, 1918."

Short title

2 In this Act, unless the context otherwise indicates—

Interpretation.

"The Corporation" means the Mayor, aldermen, and citizens of the City of Launceston:

"The Council" means the Municipal Council of the City of Launceston:

"The Principal Act" means "The Launceston Corporation Act, 1894":

"Authorised witness" means any One of the following persons not being a candidate for election as an alderman, namely, a postmaster or postmistress, or person in charge of a post-office, a police magistrate, a justice of the peace, a member of the police force, a legally qualified medical practitioner, a headmaster of a State school, a council clerk, or an electoral registrar:

"Property," "owner," and "occupier" have the same meanings as assigned to these words by Section Four of the Principal Act.

Launceston Corporation Act Amendment.

A.D. 1918.

Amendment of
Section 22 of 58
Vict. No. 30.Repeal of Sections
23 and 24 of 58
Vict. No. 30.Repeal of Section
4 and of Schedule
to 64 Vict. No. 72.

3 The words "and who has paid all municipal rates payable by him or her up to the day of election" occurring in the Fourth and Fifth lines of Section Twenty-two of the Principal Act are hereby expunged.

4 Sections Twenty-three and Twenty-four of the Principal Act are hereby repealed.

5 Section Four of "The Launceston Corporation Amendment Act, 1900," and the schedule to that Act, are hereby repealed.

PART I.

ALDERMEN.

Amendments of
Sections 31 and
33 of 58 Vict.
No. 30.

6 The words "owners or" are hereby inserted before the word "occupiers" in the Fourth line of Section Thirty-one of the Principal Act, and the words "owner or" are hereby inserted before the word "occupier" in the Seventh line of Section Thirty-three of the Principal Act.

Amendment of
Section 27 of 58
Vict. No. 30.

7 The words "in a newspaper circulating in the city, and" occurring in the Second and Third lines of Section Twenty-seven of the Principal Act are hereby expunged, and the words "and on the Second day next before the election there shall be published in a newspaper circulating in the city" are hereby inserted after the word "council" in the Fourth line of the said section.

Amendment of
Section 32 of 58
Vict. No. 30.

8 In Section Thirty-two of the Principal Act the words "a polling-place" occurring in the Second line, and the word "polling-place" occurring in the Third, Eleventh, and Sixteenth lines, are hereby expunged, and the word "polling-places" is hereby inserted in lieu thereof; and the words "at each polling-place" are hereby inserted after the word "necessary" occurring in the Sixth line.

Repeal of Sections
34 and 35 of 58
Vict. No. 30, and
substitution of
new sections.

9 Sections Thirty-four and Thirty-five of the Principal Act are hereby repealed, and the following sections are hereby inserted in the Principal Act in lieu thereof:—

"**34** The Mayor shall provide such number of ballot-papers in the form aforesaid, and marked as aforesaid, as he shall estimate to be required, and in the event of more being required than the number so printed, it shall be lawful to use ballot-papers in the form aforesaid, and marked as aforesaid, but typewritten or written by hand instead of printed."

"**35** The Mayor shall also provide as many papers containing the printed declaration set forth in the Schedule (6) as he shall estimate to be required, and in the event of more being required than the number so printed, it shall be lawful to use declarations as set forth in the Schedule (6), but typewritten or written by hand instead of printed; and no ballot-paper shall be issued to any citizen at any election of aldermen held under this Act until he or she shall have signed a paper containing the said declaration."

Launceston Corporation Act Amendment.

10 The words and figures " 5. That no part of any municipal rate payable by me is in arrear" are hereby expunged from the Form Six in the schedule to "The Launceston Corporation Amendment Act, 1903."

A.D. 1918.

Alteration of form of citizen's declaration.

11 If any citizen satisfies the Mayor or the assistant presiding officer at any polling-place at any election of aldermen, before his ballot-paper is placed in the ballot-box, that he has spoilt it by mistake or accident, the Mayor or assistant presiding officer shall, if the citizen shall give up the spoilt ballot-paper, deliver to the citizen a new ballot-paper, and the Mayor or assistant presiding officer shall cancel and preserve the spoilt ballot-paper.

See Schedule C 3 Edw. VII. No. 16.

Spoilt ballot-papers.

12 In Section Thirty-seven of the Principal Act the words "in connection with the polling-place where he has signed the declaration referred to in Section Thirty-five" are hereby inserted after the word "room" in the Second line, and the word "assistant" is hereby inserted before the word "presiding" in the Fifth line.

Amendment of Section 37 of 58 Vict. No. 30.

13 In Section Thirty-nine of the Principal Act the word "assistant" is hereby inserted before the word "presiding" in the Third and also in the Seventh line.

Amendment of Section 39 of 58 Vict. No. 30.

14 Section Forty-two of the Principal Act is hereby repealed, and the following section is hereby inserted in the Principal Act in lieu thereof:—

Repeal of Section 42 of 58 Vict. No. 30, and substitution of new section.

"**42** Immediately on the close of the poll, the assistant presiding officer at each polling-place shall bring the ballot-box or ballot-boxes from that polling-place to the Town Hall, and as soon as all the ballot-boxes shall have been brought to the Town Hall, the Mayor and such One or more of the assistant presiding officers and poll clerks as he may request so to do shall, at the Town Hall, in the presence of such of the scrutineers as choose to attend, open the ballot-boxes and make out an abstract of the result of the ballot at the poll, and shall, at the Town Hall, and as soon as may be practicable, publish a notice over his signature declaring the general state of the poll at the close of the election as the same has been so made up and ascertained by him from the ballot-papers taken at the election, and also declaring the name or names of the person or persons duly elected at such election. In the event of the number of votes being found to be equal for any Two or more persons, then and in every such case the Mayor shall by his casting-vote or votes decide which of such persons shall be elected, and also if necessary the position of such persons in relation to each other on the poll: Provided, however, that the Mayor shall not vote at any election except in the case of an equality of votes as aforesaid."

See Section 89 of 58 Vict. No. 30.

Voting by Post.

15 Every citizen who has good reason to believe that he will on the day of the election—

Application for a postal ballot-paper.

- i. Be not within Five miles of the Town Hall in the City of Launceston during the time for voting at the election: or

Launceston Corporation Act Amendment.

A.D. 1918.

ii. Be prevented by serious illness, infirmity, or ill-health from attending at a polling-place—

may, at any time within One week prior to the day before the day of the election, make application, in the Form (A) in the schedule hereto, to the Mayor for a postal ballot-paper, which application shall be signed by the citizen in the presence of an authorised witness, who shall satisfy himself as to the identity of the citizen and attest his signature.

And thereupon there shall be delivered or posted to the citizen making the application (provided it has not already been done)—

3 Edw. VII. No. 16.

(a) A wrapper with the declaration in the Form Six in the schedule to "The Launceston Corporation Amendment Act, 1903," and as instructions to the voter a copy of Sections Nineteen, Twenty, Twenty-one, and Twenty-two of this Act, and a statement as to who the authorised witness must be printed on the inside and duly addressed to "The Mayor, Town Hall, Launceston," and marked "postal ballot-paper" and "authorised witness to stamp and post" on the outside;

(b) A small envelope marked on the outside "postal ballot-paper"; and

(c) A ballot-paper in the form and for the number of votes that would be delivered to such citizen if he voted at a polling-place in the ordinary way, but marked "postal ballot-paper for the election on the _____ day of _____ 19____," inserting the day of the month and year on which the election should take place.

Mayor to initial ballot-papers.

16 The Mayor shall initial all postal ballot-papers issued, and shall keep and number the applications in consecutive order, writing the corresponding number on the inside of the wrapper.

How postal vote recorded.

17 Any citizen who has received a postal ballot-paper shall, in the presence of an authorised witness and of no other person, record his vote as follows :—

- i. By signing the declaration on the inside of the wrapper :
- ii. By exhibiting the ballot-paper unmarked, and in the condition in which it was issued :
- iii. By marking his vote on the ballot-paper by striking through the name or names of the person or persons for whom he does not intend to vote, but so that if there be only One alderman to be elected he only leaves One name not struck out, and if there be more than One alderman to be elected he does not leave the names of more persons not struck out than there are aldermen to be elected, but so that in marking his vote the authorised witness shall not see the vote :
- iv. By folding up the ballot-paper and inserting the same in the small envelope, and closing such envelope :

Launceston Corporation Act Amendment.

- v. By handing the small envelope, together with the wrapper, to the authorised witness, together with the postage necessary for posting it as a prepaid letter to the Mayor at Launceston. A.D. 1918.

18 It shall be the duty of the authorised witness—

- i. To immediately sign his name as witness to the declaration, adding sufficient to show that he is an authorised witness :
- ii. To place the small envelope in the wrapper, and fold and fasten the wrapper :
- iii. To immediately post the same as a prepaid letter to the Mayor.

Authorised witness to complete declaration and post ballot-paper.

Penalty : One hundred Pounds.

- 19** The vote marked on the postal ballot-paper shall not, except as provided in Section Twenty, be looked at by any person other than the voter until the counting of the votes at the scrutiny, and the small envelope in which the postal ballot-paper is placed shall not, after it has been closed, be opened until the scrutiny. Postal ballot not to be opened until scrutiny.

- 20** In the case of any citizen who is blind or cannot write, the application and the declaration shall be read over to him, and his verbal assent thereto being obtained, the authorised witness in each case shall write such citizen's name in the citizen's signing place and attest the same under his hand, and such signature and attestation shall bind such citizen to such application and to such declaration respectively and to all the consequences thereof if false ; and the authorised witness shall also, in the case of a blind citizen and in the case of a citizen who cannot write, if requested by such citizen so to do, openly strike through upon such ballot-paper the names of all persons so nominated, except such as the citizen shall declare his intention of voting for. Provides for blind men and marksmen.

- 21** Section Forty of the Principal Act shall apply to declarations made before an authorised witness. Section 40 of 58 Vict. No. 30 to apply.

- 22** The Mayor shall note on the polling-list and the copies thereof all postal ballot-papers issued, and no elector to whom such postal ballot-paper has been delivered or posted shall be entitled to vote at any polling-place unless he delivers up his postal ballot-paper and wrapper to the presiding officer before he votes. Mayor to notify issue of postal ballot-papers.

- 23** It shall be the duty of the Mayor to send to the post-office at Launceston at the closing of the poll, or if the post-office closes before the closing of the poll, then just before the closing of the post-office at Launceston, to obtain from the post-office all postal ballot-papers, if any, which have not been previously received by the Mayor ; and no postal ballot-paper that is not then or previously received shall be accepted or be counted. Ballot-papers not to be received if not obtained from post-office by a certain time.

Launceston Corporation Act Amendment.

A.D. 1918.

Scrutiny.

24 At the scrutiny the Mayor shall produce unopened all the wrappers containing postal ballot-papers received as aforesaid, and at the scrutiny the wrappers shall be opened in the presence of the scrutineers present, and shall be dealt with as follows :—

- i. The Mayor shall produce all applications for postal ballot-papers :
- ii. The Mayor, without opening the small envelope or allowing it to be inspected, shall compare the signature of the citizen on the declaration on the wrapper with the signature on the application and allow the scrutineers to inspect both signatures, and shall determine whether the signature on the declaration is that of the applicant or duly written for him by the authorised witness :
- iii. If the vote is allowed, the Mayor shall insert the small envelope in a special ballot-box for postal ballot-papers :
- iv. If the Mayor rejects the vote, then the small envelope, unopened, shall be attached by him to its wrapper and preserved :
- v. No postal ballot-paper shall be allowed if the declaration is not duly witnessed :
- vi. When all the ballot-papers so allowed have been placed in the ballot-box by themselves, the small envelopes shall be opened and the counting of the votes shall commence.

Amendment of
Section 43 of 58
Vict. No. 30.

25 The words “the applications for postal ballot-papers, the wrappers, the small envelopes containing rejected votes, the spoilt ballot-papers, and ” are hereby inserted after the word “with” in the Second line of Section Forty-three of the Principal Act.

PART II.

THE MAYOR.

Amendment of
Section 62 of 58
Vict. No. 30.

26 In Section Sixty-two of the Principal Act the words “Town Clerk’s office” in the Eighth line of the said section are hereby expunged, and the words “council chamber” are inserted in lieu thereof; and the word “office” in the Ninth line of the said section is hereby expunged, and the words “council chamber” are inserted in lieu thereof.

Repeal of Section
63 of 58 Vict.
No. 30, and sub-
stitution of fresh
section.

27 Section Sixty-three of the Principal Act is hereby repealed, and the following section is inserted in lieu thereof:—

“**63** Before proceeding to the election of the Mayor, the aldermen present shall by a majority of their voices appoint One of those present to preside at such election, and Two others to be scrutineers at the same; and in case of equality of voices as to the aldermen to preside or as to the scrutineers, the appointment shall be determined by lot

Launceston Corporation Act Amendment.

between those who have such equality of voices. The aldermen appointed to preside and to be scrutineers may, notwithstanding such appointment, vote as aldermen. Each candidate for the office of Mayor shall then be nominated by the voice of One alderman with the consent of the candidate, which consent may be verbal or in writing. In the event of there being more than Two candidates for the office of Mayor the votes shall be taken as follows:—Each aldermen present shall be given a paper on which shall be written the names of all the candidates, and each alderman present shall vote for the candidate he prefers by striking through the names of the candidates for whom he does not intend to vote. The candidate who has the smallest number of votes shall be withdrawn, and the votes shall be taken for the remaining candidates in the same manner, the candidate who has the smallest number of votes being again withdrawn, and so on, until the number of candidates has been reduced to Two. Until the remainder of candidates is reduced to Two it shall be decided by lot which of the candidates having an equal number of votes shall be withdrawn in any case where such number of votes is the smallest number. When the number of candidates is or is reduced to Two, a ballot shall be taken to decide which shall be Mayor, and in the event of the candidates having an equal number of votes it shall be decided by lot which shall be Mayor. In the event of there being only One candidate that candidate shall be Mayor.”

A.D. 1918.

C.P. 6 Edw. VII.
No. 31 s. 94.

PART III.

ACCOUNTS.

28 The words “published in the ‘Gazette’ within Twenty-one days after such accounts have been so audited as aforesaid,” occurring at the end of Section Seven of “The Launceston Corporation Act, 1895,” are hereby expunged, and the following words are hereby inserted in lieu thereof:—“open for inspection at the Town Hall for Two calendar months after such abstract has been printed as aforesaid, and a notice shall be published in the ‘Gazette’ within Fourteen days after such abstract shall have been printed as aforesaid, giving notice that such abstract, is open for inspection at the Town Hall.”

Amendment of
Section 7 of 59
Vict. No. 49.

PART IV.

PRIVATE STREETS.

29 The words “of the receipt by the owner of notice from the Council that it is their intention to make the street,” occurring in the Eleventh, Twelfth, and Thirteenth lines of Section Six of “The Launceston Corporation Amendment Act, 1905,” are hereby expunged, and the words “of the giving to the owner by the Council of notice demanding payment of the First instalment” are hereby inserted in lieu thereof; and the word “receipt” occurring in the Fourteenth line of the same section is hereby expunged, and the word “giving” is hereby inserted in lieu thereof.

Amendment of
Section 6 of 5
Edw. VII. No.
46.See 58 Vict. No.
30, s. 293.

Launceston Corporation Act Amendment.

A.D. 1918.

Provision for
paying Corpora-
tion's moiety of
expenses of
construction.

30 Instead of immediately paying out of the revenues of the Corporation the whole of the moiety which has to be borne by the Corporation of the expense incurred in the construction of every private street in accordance with Section Six of "The Launceston Corporation Amendment Act, 1905," the Council may in the case of each or any private street or streets pay for any period, not being less than Seven years and not being more than Thirty years, as the Council may in that case decide, half-yearly into the Private Streets Sinking Fund referred to in Section Two hundred and forty-eight of the Principal Act such equal instalments or sums of money out of the revenues of the Corporation as shall be necessary to provide for the repayment of the said moiety in respect of such private street or streets in the said period.

PART V.

RATES.

See Section 130 of
58 Vict. No. 30.

31 In all cases where it is sought to distrain for more than One year's rates, the Form (9A) in the schedule to this Act may be used in substitution for the Form (9) in Schedule (2) to "The Launceston Corporation Amendment Act, 1910," and either of such forms may be varied or altered as may at any time or times be reasonably necessary or convenient, and no such alteration shall affect the validity of anything done under or in pursuance of the same, and in particular instead of inserting in any such form the date when any rate or rates is or are made, it shall be sufficient to insert the period or periods for which the same are made.

PART VI.

RATES.

Commencement
of this part of Act.

32 This part of this Act shall come into operation immediately after the Thirtieth day of June, One thousand nine hundred and nineteen, and not before, and shall not affect anything duly done before that date, or any liability accruing before that date, and where any owner becomes liable to the payment of rates in respect of any property in the occupation of a tenant under a lease or agreement made prior to the passing of this Act, whereby such occupier would but for the provisions of this part of this Act be liable to pay any rates or any part thereof, such occupier shall repay to the owner all sums paid by the owner during the continuance of such lease for or on account of such rates which the occupier would have had to pay under such lease or agreement if it had not been for this part of this Act; and every sum so payable by the occupier to the owner may be recovered, if not paid upon demand, as arrears of rent could be recovered from the occupier by the owner.

Amendment of
Section 115 of 58
Vict. No. 30.

33 The words "One Shilling and Sixpence," occurring in the Fourteenth and Fifteenth lines of Section One hundred and fifteen of the Principal Act, are hereby expunged, and the words "Two Shillings" are hereby inserted in lieu thereof.

Launceston Corporation Act Amendment.

- 34** In Section One hundred and sixteen of the Principal Act the word "occupiers," occurring in the Eighth line, is hereby expunged, and the word "owners" inserted in lieu thereof; and the words "such annual value is" are hereby inserted before the word "ascertained" in the Ninth line of the said section. **A.D. 1918.**
Amendment of Section 116 of 58 Vict. No. 30.
- 35** Section One hundred and nineteen of the Principal Act is hereby repealed. **Repeal of Section 119 of 58 Vict. No. 30.**
- 36** In Section One hundred and twenty of the Principal Act the words "the assessed annual value of which does not exceed Twenty Pounds," occurring in lines One and Two, are hereby expunged. **Amendment of Section 120 of 58 Vict. No. 30.**
- 37** In Section One hundred and twenty-four of the Principal Act the words "Mayor or an alderman," occurring in the Eighth line, are hereby expunged, and the words "treasurer or collector of rates" are hereby inserted in lieu thereof. And the words "Mayor or an alderman," occurring in the Eighteenth and Nineteenth lines, are also expunged, and the words "treasurer or collector of rates" are hereby inserted in lieu thereof. And all necessary or reasonable alterations shall be made in the forms of distraint to give effect to the provisions of this part of this Act. **Amendment of Section 124 of 58 Vict. No. 30.**
- 38** Section One hundred and twenty-six of the Principal Act is hereby amended by inserting after the word "property" in line Four the words "in the same manner in all respects as if such occupier were the owner." **Amendment of Section 126 of 58 Vict. No. 30.**
- 39** Section One hundred and twenty-nine of the Principal Act is hereby amended by inserting the following provisions at the end of the same:—"provided that where the goods and chattels are those of an occupier who is not the owner, if such occupier shall pay to the Corporation the amount of rent due from him to the owner at the time of the distress, or which after such distress accrues and becomes payable by the occupier, such distress shall be withdrawn; but the proof that the sum distrained for is greater than the rent due by the occupier at the time of such distraint, or which accrued since such distraint, shall be upon such occupier." **Amendment of Section 129 of 58 Vict. No. 30.**
- 40** In Section One hundred and thirty-two of the Principal Act the words "or treasurer" are hereby inserted after the word "collector" in the Fifth and also in the Sixth, Eighth, and Eleventh lines. **Amendment of Section 132 of 58 Vict. No. 30.**
- 41** When any rates or any instalments of any rates, or any part thereof, have remained unpaid for a period of Six months and Fourteen days from the date specified on the notice as the time for payment thereof referred to in Section One hundred and sixteen of the Principal Act, there shall be added to the amount unpaid a sum equal to Five Pounds per centum of the amount unpaid, and such sum, hereinafter referred to as "interest," shall be recoverable as if forming portion of, and in the same manner, as the said rates. **Five per cent. added to rates in arrear.**

Launceston Corporation Act Amendment.

A.D. 1918.

Unpaid rates
charged on pro-
perty.

42 All unpaid rates and interest, and all expenses incurred in attempts to collect the same, shall be a charge upon the property in respect of which such rates are due, in priority to all mortgages, charges, liens, and encumbrances whatsoever, and, notwithstanding such property may be sold and transferred or conveyed, may be recovered at any time from the then owner thereof, whether he may have been the owner at the time the same became payable or not, at the suit of the Council in any action in any court of competent jurisdiction as for a debt due by him; and if the then owner was not the owner at the time any of such rates, interest, or expenses became payable, he shall be entitled to recover from each person who was the owner of the property when the same became payable as money paid to his use, the amount of rates that became payable when such person was the owner, together with the interest and the expenses incurred with regard to such rates and interest. The amount of any rates, interest, and expenses may be paid by any mortgagee and may be added to the principal sum secured by his mortgage, and shall be recoverable with interest (at the rate chargeable under the mortgage upon the moneys thereby secured) as the same moneys are recoverable: Provided always that this section shall not apply to rates which became due and payable before the Thirtieth day of June, One thousand nine hundred and eighteen.

Certificate as to
rates and other
charges may be
demanded.

43 The owner, prospective purchaser, mortgagee, prospective mortgagee, tenant, or occupier of any property may require the Council to state what (if any) unpaid rates, interest, or expenses there may be due, or what instalments in respect of private streets there may be due or becoming due, in respect thereof or charged thereon, and may upon payment of the sum of One Shilling require from the Council a certificate under the hand of the City Treasurer or the Town Clerk setting out what (if any) or that no rates, interest, and expenses are due or instalments due or becoming due in respect thereof, or charged thereon, and thereby the Council shall be stopped from demanding any rates, interest, or expenses in respect of that property, except such as are shown in such certificate, and such as shall subsequently become due or payable, or any instalments in respect of private streets in respect of that property, except such as are shown in such certificate, and such as are not then due or becoming due in respect thereof.

Method of enforcing
charge.

44—(1) Whenever the amount of unpaid rates and interest and expenses incurred in attempts to collect the same charged upon the property as aforesaid shall total at least the amount of the rates payable during the last Five years in respect of that property, the Council may apply by petition to the Supreme Court, or a judge thereof, for a sale of such property or of such portion thereof as may be reasonably considered necessary to produce the amount due and accruing due to the Corporation.

(2) One month at least before presenting such petition a notice shall be gazetted, and also shall be advertised Once at least in One daily paper published in Launceston, and a copy of such notice shall be affixed on the property. The form of such notice may be the Form B set out in the schedule to this Act, but may be varied as circumstances require.

Launceston Corporation Act Amendment.

(3) The court or a judge, on being satisfied by the affidavit of the Treasurer or Town Clerk, or otherwise, that the amount claimed to be due to the Corporation is so due in respect of such property, and that a sufficient notice has been given as above mentioned, and that such further notice (if any) as the court or judge upon hearing the petition may consider necessary has been given to the owner of the property, shall order the sale of the same, or of such portion thereof, or of so much thereof, as may be reasonably considered necessary to pay the claim up to the time of sale, together with all costs of and attending the notices, the application, and the sale and conveyance and transfer of the property, and that the proceeds shall be paid into the court, and that out of the proceeds payment shall be first made of such claim and costs, and also of all further rates and expenses payable or accruing at the date of the sale in respect of the property which, or portion or part whereof, has been so sold, and the balance of the proceeds shall be subject to any orders of the court or a judge for the benefit of the parties interested therein, and after the expiration of Twenty-one years from the date of sale the court or a judge may order that the balance and all interest thereon not the subject of any order relating thereto shall be paid to the Corporation.

(4) The court or a judge may fix a reserve, and from time to time alter the same, and may direct the method of sale, and from time to time alter such directions.

(5) A conveyance or transfer, as the case may be, of the property sold shall be executed to the purchaser in such form and by such officer of the court as the court or a judge may approve or direct, and the purchaser shall on the completion of such conveyance or transfer take an estate in fee simple free from incumbrances, and where the land is under the provisions of the "Real Property Act," such purchaser shall be entitled to a certificate of title therefor on payment of the usual transfer fees.

45 All remedies for the recovery of rates, interest, or expenses may be concurrent, and any remedy or proceeding may be taken or proceeded with notwithstanding that some other remedy or proceeding has been instituted, commenced, or proceeded with.

46 The provisions of Section One hundred and thirty-four of the Principal Act shall not apply to the recovery of any rate or instalment of rate, interest, or expense which is a charge upon the property, which shall be recoverable at any period before the expiration of Twenty years from the time when such rate or instalment of rate was made payable.

47 Section One hundred and thirty-five of the Principal Act is hereby repealed, and the following section is inserted in lieu thereof:—

"**135** Whenever the amount of unpaid rates and interest, and expenses incurred in attempts to collect the same, charged upon the property as aforesaid, shall total at least the amount of the rates payable during the last Five years in respect of that property, the Council

A.D. 1918.

Remedies concurrent.

Rates charged on property recoverable for Twenty years.

Repeal of Section 135 of 58 Vict. No. 30, and substitution of new section.

Launceston Corporation Act Amendment

A.D. 1918.

may in the name of the Corporation take possession of such property, and may hold the same as against any person interested therein, and from time to time grant leases of the same, subject to the provisions hereinafter contained."

Repeal of Section 136 of 58 Vict. No. 30, and substitution of new section.

48 Section One hundred and thirty-six of the Principal Act is hereby repealed, and the following section is inserted in lieu thereof:—

"**136** The Council shall not take possession of any such property until One month after a notice in writing, setting forth that the rates in respect of such property are unpaid, and demanding payment thereof, and stating that in default of such payment the Corporation will take possession under the provisions of this Act, has been served on the owner and occupier thereof, or affixed on the property; and every such notice may be served by post in a prepaid registered letter, addressed to such owner or occupier at the last known place of residence known to the Council, and shall contain a sufficient description of the property to fairly identify the same; but every lease of such property which shall be granted by the Council in accordance with the provisions of this Act shall be valid notwithstanding the non-compliance with any of the provisions of this section unless all unpaid rates, interest, and expenses due in respect of such property, including the expenses of the above notice and the service or affixing thereof, are paid within One month after the service or affixing of such notice."

Amendment of Section 137 of 58 Vict. No. 30.

49 In Section One hundred and thirty-seven of the Principal Act, after the words "at the rate of Eight Pounds per centum per annum," occurring in the Fifth and Sixth lines, the words "and all expenses incurred with regard to the same" are hereby inserted.

Amendment of Section 139 of 58 Vict. No. 30.

50 In Section One hundred and thirty-nine of the Principal Act the Six lines from the Eighth to the Thirteenth inclusive are hereby expunged, and the following words inserted in lieu thereof:—

"II. In payment to the Council of all unpaid rates and expenses incurred and other payments due in respect of such property, together with interest on all unpaid rates at the rate of Eight Pounds per centum per annum computed from the dates on which the same first became due and payable respectively, and in payment of all rates and other payments accruing due thereon."

Amendment of Section 140 of 58 Vict. No. 30.

51—(1) The following words are added to the end of Section One hundred and forty of the Principal Act:—"and a statutory declaration by the Mayor, the Treasurer, or the Town Clerk as to the dates of such taking possession and vesting shall be sufficient evidence thereof, provided that such declaration contains a sufficient description of the property to fairly identify the same."

(2) For the purposes of "The Registration Acts, 1827-1917," such statutory declaration shall be registered in the office of the Registrar of Deeds, at Hobart, as if it were a conveyance to the Corporation of the

Launceston Corporation Act Amendment.

property mentioned therein from the person or persons in whom such property was formerly vested. The memorial of such statutory declaration

A.D. 1918.

- i. Shall be signed by the Mayor and Town Clerk :
- ii. Shall be verified as provided by "The Registration Act, 1917": and
- iii. Shall contain the following particulars :—
 - (a) The name or names, if possible, of the person or persons in whom the property was vested at the time of such taking possession ;
 - (b) A copy of the said declaration.

(3) For the purposes of "The Real Property Act" the application shall be made under the seal of the Corporation to have the Corporation registered as proprietor, and upon such application being lodged, and such statutory declaration being produced, the Recorder of Titles shall issue a certificate of title in the name of the Corporation for the property.

52 Where any property has been taken possession of by the Council under Section One hundred and thirty-five of the Principal Act, the Council may from time to time effect such repairs and pay such premiums as may be reasonably necessary or may be thought advisable by the Council to make the property let more readily and to keep such buildings as the Council may think fit insured against loss or damage by fire ; and the amounts paid for such repairs and for such premiums shall be a charge upon the land, and shall bear interest (from the date of payment) at the rate of Eight Pounds per centum per annum, which interest shall also be a charge upon the land ; and thereupon rent and other moneys payable under any such lease as aforesaid shall be applicable in repayment to the Council of such amounts and interest before the residue of any such moneys shall belong to any person under Section One hundred and thirty-nine of the Principal Act, and no release shall be executed under the provisions of Section One hundred and thirty-seven of the Principal Act until such amounts and interest have been paid to the Council.

Corporation may repair and insure.

53 Notwithstanding anything contained in "The Annual Values Assessment Act, 1911," or any amendment thereof, no ratable property which consists of land without buildings thereon shall for the purpose of any rate levied, collected, or made, or to be levied, collected, or made, by the Council, be computed as of an annual value of less than Five Pounds per centum upon the capital value of the fee simple thereof ; and where the capital value of any such property is shown by any valuation roll for the time being in force under "The Land Valuation Act, 1909," or any amendment thereof, such capital value shall be used for the purposes of this section, unless the capital value shall be considerably decreased in any manner since the valuation was made for the purposes of that valuation roll.

Annual value to be not less than 5 per cent. of capital value.

9 Edw. VII.
No. 7.

Launceston Corporation Act Amendment.

A.D. 1918.

Repeal of Section
10 of 59 Vict. No.
49, and substitu-
tion of new section.

54 Section Ten of "The Launceston Corporation Act, 1895," is hereby repealed, and the following section is inserted in lieu thereof:—

"**10** If any person shall become the owner of any property at any date within Six months after the time appointed for payment of any rate payable in respect of such property, and such property shall at that date or thereafter be occupied, such person shall be liable to pay, and shall pay, so much of the said rate as shall bear the same proportion to the whole amount thereof as the period of time from such date (or the date when such property is thereafter first occupied, if unoccupied at the former date) to the end of the period for which such rate is payable shall bear to the whole of such period, and that whether such property was occupied or unoccupied at the time appointed for payment of such rate: Provided that nothing contained in this section shall relieve the owner of such property at the time when such rate was appointed to be paid from his liability to pay the same, and such rate shall be recoverable from such lastmentioned owner, subject to the deduction of any portion thereof which may have been paid by, or recovered from, any other person."

Repeal of Section
11 of 59 Vict. No.
49.

55 Section Eleven of "The Launceston Corporation Act, 1895," is hereby repealed.

Complaint not
necessary before
distress.

56 It shall not be necessary to make any complaint before the distress warrant is issued under Section One hundred and twenty-four of the Principal Act, and the words "complaint has been made before me that" will therefore be omitted from the form of distress warrant.

Discount may be
allowed on rates.

57 It shall be lawful for the Council, from time to time, to make such a rebate as the Council shall think fit, not exceeding Two and a half per cent. upon all rates or instalments thereof due and owing to the Corporation, and which shall be paid to the Council not later than Three months and Fourteen days after the date specified as the time for payment thereof in the notice referred to in Section One hundred and sixteen of the Principal Act.

SCHEDULE.

FORM A.

APPLICATION FOR A POSTAL VOTE.

To the Mayor, Town Hall, Launceston.

I, [*here state Christian names and surname and place of residence*] hereby apply for a postal ballot-paper.

I am a citizen whose name is on the Assessment Roll for the City of Launceston.

I am Twenty-one years of age.

I am not an alien.

I believe that I shall on the day of the election—

Strike out Clause (a)
or (b).

(a) Be not within Five miles of the Town Hall in the City of Launceston during the time for voting at the election ;

(b) Be prevented by serious illness, infirmity, or ill-health from attending at a polling-place.

Launceston Corporation Act Amendment.

I request that a postal ballot-paper, with necessary envelope and wrapper, be forwarded to me at [here state address to which the papers are to be forwarded]. A D. 1918.

I have not previously applied for a postal ballot-paper for this election.

Dated this day of 191

Signed in the presence of me, after I have }
satisfied myself as to the identity of }
the citizen—

(N.B.— Witness must not be a candidate for election as an alderman, and must be a postmaster or postmistress, or person in charge of a post-office, a police magistrate, or a justice of the peace, or a member of the police force, or a legally-qualified medical practitioner, or a head master of a State school, or a council clerk, or an electoral registrar.)

FORM 9A.

Section 16

Tasmania to wit.

To and all constables in the State of Tasmania.

Whereas complaint has been made before me that of street, in the City of Launceston (hereinafter called "the debtor"), has not paid the sum of payable by by virtue of "The General Rate" for the City of Launceston, of the rate for the said city called "The Water Rate," of the rate for the said city called "The Lighting Rate," of the rate for the said city called "The Tramway Rate," and of the rate called "The Health Rate," made by the local authority of the said city under "The Health Rate Act, 1905," made—

As to the sum of on or about the day of 19
And as to the sum of on or about the day of 19

although the said sums have, and each of them has, been duly demanded of and that has not paid the sum of payable by by virtue of a rate called "The Tamar Rate" made by the Marine Board of Launceston—

As to the sum of on or about the day of 19
And as to the sum of on or about the day of 19

under "The Tamar Improvement Act, 1912," and payable under the said Act at the same time, in the same manner, and by and to the same person, as the said general rate of the City of Launceston, although the said sums have, and each of them has, been duly demanded of

These are therefore to command you forthwith to make distress of the goods and chattels of the debtor wheresoever the same may be found, and also all goods and chattels whatsoever found upon the property in respect of which such rates are due and payable, to whomsoever the same may belong (except appliances the property of the Launceston Gas Company), and that (unless at any time before the sale of the goods and chattels so by you distrained, the said sum, together with all costs, charges, and expenses attendant upon such distress, be paid to you) you cause the said goods and chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said sum, and also all costs, charges, and expenses attendant upon such distress and sale, rendering to the debtor the overplus, if any, on demand; and the said sum you are hereby commanded to pay to the Mayor of the City of Launceston; and if no sufficient distress can be made of such goods and chattels, that then you certify the same to the said Mayor, together with this warrant.

Given under my hand, this day of 19

Mayor of the City of Launceston

or

An Alderman of the City of Launceston.

Launceston Corporation Act Amendment.

A.D. 1918

FORM B.

CITY OF LAUNCESTON.

NOTICE.

See Section 4c.

Whereas there is now due and unpaid the sum of £ for rates, interest and expenses [or as the case may be] in respect of and charged by virtue of "The Launceston Corporation Act Amendment Act, 1918," upon the property situate [here describe property shortly, but sufficiently to fairly identify the same], of which property it is believed that the owner is [here insert name and residence, if known, of owner, or "not traceable," as the case may be]: The Mayor, aldermen, and citizens of the City of Launceston hereby give notice that after the expiration of One month from the date of this notice application will be made under the provisions of the said Act for a sale of the said property, unless the abovementioned sum, and all other rates, interest, and expenses with regard to the said property, are sooner paid.

Dated this day of 19

, Town Clerk.