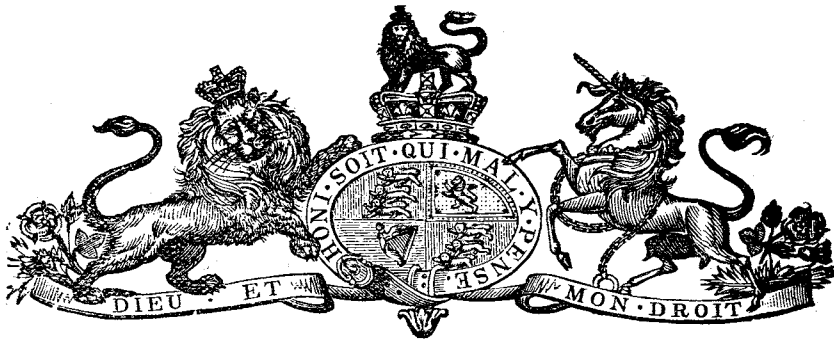


T A S M A N I A.



1896.

ANNO SEXAGESIMO

VICTORIÆ REGINÆ,

No. 31. *Amended by Act No. 32*

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AN ACT to consolidate and amend the Law A.D. 1896.  
relating to Town Boards.

[30 October, 1896.]

**W**HEREAS it is desirable to consolidate and amend the Law PREAMBLE.  
relating to Town Boards :

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 :—

*Preliminary.*

**1** This Act may be cited as “The Town Boards Act, 1896.” Short title.

**2** This Act shall come into operation and take effect on the First Date of operation.  
day of *January*, 1897.

**3** On and after the day on which this Act comes into operation, Repeal of existing  
“The Town Boards Act, 1891,” (which is hereinafter included with all Act.  
Acts thereby repealed and referred to as “the said Acts,”) shall be and 55 Vict. No. 41.  
is hereby repealed ; Provided that such repeal shall not affect—

Anything duly done; or

Any liability accruing thereunder before the date on which this  
Act comes into operation.

And, excepting so far as there is anything in this Act inconsistent Application of  
therewith, this Act shall apply to all matters and things done under Act to matters  
and things done.

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any of the said Acts, and of any force or effect at the date on which this Act comes into operation by virtue of any of the said Acts, as if made or done hereunder.

And whenever in any Act, or in any By-law, or Regulation made under any repealed Act, any of the said Acts is mentioned, such mention shall hereafter be held and construed to mean and to refer to this Act.

Interpretation.

4 In this Act, unless the context otherwise determines—

“Assessment Roll.”

“Assessment Roll” means and includes the Assessment Roll in force for the time being in any Town, and made under the authority of this Act, in which any property situate within the Town is comprised; and also every Valuation Roll or Assessment Roll in force in any Area at the time such Area may be proclaimed a Town under this Act:

“Board.”

“Board” means a Board elected under this Act or any of the said Acts, and shall also mean and include the Board of the Town of *Devonport*:

“Elector.”

“Elector” means and includes every person, whether male or female, of the age of Twenty-one years, whose name is on the Assessment Roll as the owner or occupier of any property situate within any such Town, and every such Elector shall for the purposes of this Act have a number of votes proportioned to the annual value of the property within the Town owned or occupied by such Elector as ascertained by the Assessment Roll according to the scale set forth in “The Rural Voting Act, 1884,” and the word “Elector” as used in that Act shall hereafter include an Elector under this Act:

“Gazette.”

“Gazette” means *The Hobart Gazette*:

“Member.”

“Member” means Member of the Board of any Town:

“Minister.”

“Minister” means the Responsible Minister of the Crown for time being administering this Act:

“Occupier.”

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

“Owner.”

“Owner” used with reference to any property means the person for the time being in the actual receipt of or entitled to receive, or who, if such property were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, executor, mortgagee in possession, or otherwise, but shall not mean or include any mesne tenant:

“Private Street.”

“Private Street” means any highway laid out on private property but intended for the use of the public generally:

“Property.”

“Property” means lands or buildings and lands and buildings:

“Right of Way.”

“Right of Way” means any way or passage whatsoever over private property the right to use which is conferred or intended to be conferred upon certain persons or classes of persons, and which is not open or intended to be open to the use of the public generally, and includes the land over which any such right is exercisable:

“Road District.”

“Road District” means a Road District declared or proclaimed such by or under the provisions of “The Roads Act, 1884”:

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- “Secretary” means the Secretary from time to time duly appointed and acting as the Secretary of any Board : A.D. 1896.
- “Sewer” includes any open or covered drain or gutter, whatever its construction, into which at any time flows dirty or polluted water, hereinafter referred to as “sewage water,” from any building or from any land, and whether such sewer is used by or serves only the building or the land of one or more owners, and whether the same sewer is partly or wholly constructed on private land, runs across or under or forms part of the side channel of any street or road : “Secretary.”  
“Sewer.”
- “Special Resolution” means a Resolution agreed to at some Meeting of the Board whereof special notice has been given to every Member of the subject of the Resolution, and confirmed at a subsequent Meeting of which a similar special notice has been given, held not sooner than Four weeks after the preceding Meeting at which the motion for confirmation shall be carried by a majority of the whole number of Members : “Special Resolution.”
- “Street” means a public highway being such at the time of the commencement of “The Police Act, 1865,” or which has since or may be hereafter declared to be a public highway as provided by that Act, and includes every such public highway and every bridge in the line of a street : “Street.”
- “This Act” includes all By-laws, Proclamations, and Regulations made or in force under it, and also all provisions of *The Police Act, 1865*, and its Amendments mentioned in Part VI. of this Act : “This Act.”
- “Town” means a duly proclaimed Town under this Act or any of the said Acts, and shall also mean and include The Town of *Devonport* as defined in “The *Devonport Corporation Act, 1892*.” “Town.”

**5** All Towns heretofore proclaimed under any of the said Acts shall hereafter be subject to the provisions of this Act in the same manner as if such Towns had been proclaimed under this Act ; and every Board elected under the provisions of any of the said Acts as the Board of any such Town as aforesaid shall continue to be the Board of such Town under this Act in all respects as if such Board had been elected under the provisions of this Act ; and all property, rights, privileges, and liabilities vested in and accrued or accruing to the Board of such Town previous to the date on which this Act comes into operation shall continue to be vested in and shall accrue to such Board in the same manner as if this Act had not been passed. Existing Towns, Boards, and property, &c. continued.

**6** Every Town proclaimed under this Act, or under any of the said Acts, shall be a Town within the meaning and for the purposes of *The Police Act, 1865*. Town to be a Town under 29 Vict. No. 10.

**7** This Act is divided into Ten Parts, as follows : Division of Act.

- Part I.—Town Boards. Sect. 8 to 52.  
 Part II.—Rates. Sect. 53 to 88.  
 Part III.—Assessment Roll. Sect. 89 to 105.  
 Part IV.—Loans. Sect. 106 to 111.  
 Part V.—Officers and Accounts. Sect. 112 to 128.  
 Part VI.—Powers and Duties. Sect. 129 to 202.

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Part VII.—Purchase and taking of Land and Materials. Sect. 203 to 217.

Part VIII.—By-laws. Sect. 218 to 226.

Part IX.—Miscellaneous. Sect. 227 to 248.

Part X.—Legal Proceedings. Sect. 249 to 263.

## PART I.

## TOWN BOARDS.

(1.) *Provisions as to constituting Boards, &c.*

Towns may be proclaimed.

8 Upon receipt of a petition signed by not less than Fifteen Electors praying that any area described in such petition, containing a rateable property as shown by the Assessment Roll, capable of yielding, upon a rate of One Shilling in the Pound, an annual revenue of Two hundred Pounds, and within which such Electors are resident, may be proclaimed a Town under this Act, the Minister shall cause the prayer and substance of such petition to be published in Three consecutive numbers of the *Gazette*; and unless a counter petition signed by other Electors resident in the same area and having a greater number of votes than the Electors signing such first-mentioned petition is received by the Minister within Thirty days from the date of the first publication of such first-mentioned petition, the Governor may, by Proclamation, declare the area described in such petition to be a Town for the purposes of this Act; Provided, that no area situate within a Rural Municipality shall be declared a Town under this Act unless the petition be signed by a majority of the Electors of such Rural Municipality.

Proclamation of Town to direct when first meeting for election of Board to be held.

9—(1.) When any Town is proclaimed by the Governor for the purposes of this Act, the Governor shall in the same Proclamation direct that, upon a date and at a time and place therein named, the Electors of the said Town shall elect from amongst the male resident Electors either Five or Seven persons, as such Proclamation shall direct, to be the Board of such Town for the purposes of this Act.

Election to be before person appointed.

(2.) Every such Proclamation shall be published in Three consecutive numbers of the *Gazette*, and shall direct that the Election to be held thereunder shall be held before such person as shall be appointed therein and thereby; and nominations of persons for election as Members of the Board shall be forwarded to and be received by such person Seven clear days before the day appointed for holding the Election pursuant to such Proclamation, and such person shall thereupon provide and do all things necessary for holding such election pursuant to this Act.

Period within which election to be held.

(3.) The date fixed by such Proclamation for holding the Election therein directed to be held shall not be less than Fifteen nor more than Thirty days after the date of the first publication of the Proclamation.

Expenses of first election to be paid out of Consolidated Revenue and repaid by Board.

(4.) All expenses of and incidental to the proclaiming of any Town under this Act, and the first Election of the Board thereof, shall be certified under the hand of the person before whom such first Election was held, and shall be paid in the first instance out of the Consolidated Revenue Fund by Warrant under the hand of the Governor directed to the Treasurer, and shall be repaid by the Board of such Town to the Treasurer out of the moneys at the disposal of the Board within Six months after the election of such Board.

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**10** The Electors of every Town proclaimed under this Act or under the provisions of any Act hereby repealed shall be Bodies Corporate and Politic, and shall respectively have perpetual succession, and be capable in Law to sue and be sued in all Courts by the corporate name of "The Board and Electors of the Town of \_\_\_\_\_;" and shall by such corporate name be capable to take, purchase, and hold land and personal estate; and to grant, sell, alienate, assign, demise, assure, and convey the same for any estate, term, or interest; and to do and suffer all acts as a Body Corporate under the provisions of this Act; and shall have a Common Seal; and in all cases of legal proceedings service or notice thereof upon either the Chairman or Secretary shall be taken as good and sufficient service upon or notice to the Board; and it shall not be necessary to prove the corporate name of any Board or the limits of the Town: Provided that it shall not be lawful for any Board to sell and dispose of or to convey any real estate without the consent in writing of the Governor in Council previously obtained, or to demise any such real estate for any term exceeding Twenty-one years in possession.

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Electors to be Bodies Corporate and be capable of being sued, and holding land, &c.

**11** The Common Seal, and all Deeds, Muniments, and Records of every Board, or relating to the property thereof, shall be kept in such place as the Board from time to time directs; and the Secretary shall have the charge and custody thereof, and be responsible for the same, except as to any such Deeds in the hands of the Solicitors to the Board.

Custody of the Seal and Corporate Records.

**12** If at any time all the Members shall resign or in any manner become incapacitated to act as Members, the Governor shall, upon the receipt of a petition signed by not less than Fifteen Electors requesting him so to do, proceed as in the case of the first election of the Board of such Town, by issuing a Proclamation as provided by Section Nine of this Act, but in such Proclamation it shall not be necessary to again proclaim the Town; and all the provisions of this Act referring to first elections of Boards shall apply to an election held under this Section and to the Board so elected.

Provides for all members becoming incapacitated.

**13** The Governor may, by Proclamation to be published in the *Gazette*, revoke the original Proclamation of any Town whenever in any Town no Members shall have been elected to the Board of such Town for Two successive years.

Revocation of Proclamation of Town.

Upon the issue of such Proclamation of revocation all the functions of the Board of the Town shall cease, and all property then vested in the same Board shall immediately become vested in the Crown.

Effect of revoking Proclamation.

(2.) *Provisions as to Elections.*

**14** All Elections held under this Act shall be decided by the majority of the votes of the Electors; and every Election shall be by ballot.

Matters to be decided by majority of votes. Ballot.

**15**—(1.) At every Election held in pursuance of any such Proclamation as aforesaid, the person therein appointed to hold the election to be held thereunder shall preside as Chairman, and shall have a casting vote in addition to his vote as an Elector; and such Chair-

Chairman to notify result to Minister.

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man shall, within Three days after the close of the election forward to the Minister a notification in writing under his hand of the names and places of residence of every person elected at such election as a Member of the Board of the Town described in such Proclamation.

(2.) The Minister upon receipt of such notification shall cause to be published in the *Gazette* the names of the persons elected at such meeting as Members, and shall also cause written notice of his election, and of the time and place of the first meeting of the Board, to be served personally upon every person so elected, or to be left at his usual place of abode, or transmitted to him by post.

Annual Election  
to be held in each  
Town.

**16** An Election shall be held in every Town in the month of *April* in every year for the purpose of electing the requisite number of resident male Electors to fill the vacancies caused in the Board of such Town by the retirement of Members thereof in accordance with the provisions of this Act, and the Board of every Town shall fix a day in the month of *April* in every year, and shall also fix an hour of the day between Ten of the clock in the forenoon and Two of the clock in the afternoon for commencing such election, and a place within such Town for holding the same, and shall publish once in the *Gazette* and at least twice in a public newspaper published or circulating in the Town in which such Election is to be held, and also affix on or near to the door of every Police Office, Police Station, and Post Office in such Town, Ten clear days at least before the day of holding the Election, notice of the date and time and place of such Election.

Time prescribed  
for election may  
be extended.

**17** If the Board of any Town shall fail or refuse or neglect in any year to appoint as hereinbefore directed a place or to fix an hour for holding the Annual Election of Members, or if from any other cause the Annual Election of Members is not held in any Town during the month of *April* in any year in pursuance of this Act, it shall be lawful for the Minister from time to time, by notice in the *Gazette*, to appoint a place and fix a day and hour for holding an election of Members.

Chairman at  
Annual Election.

**18** At every Annual Election of Members of the Board of any Town the Chairman of the Board, if present, shall preside, unless he is a candidate, in which case, or, in case it is known that he will not be present, the Board shall appoint another Member of the Board who is not a candidate to preside at such Election and to receive nominations of candidates.

Nomination of  
candidates for  
election.

**19** The Board shall, in and by the notice hereinbefore required to be published of the time and place fixed for the Annual Election of Members, appoint a day for the reception of nominations of resident male Electors as candidates at such election, which day shall be not less than Five days nor more than Seven days before the day fixed for the Annual Election, and the Chairman shall, during the Three days immediately preceding the day so appointed for the reception of such nominations, and up to Four of the clock in the afternoon of such day, receive all nominations of Electors qualified to be elected as Members of the Board, which shall be opened by the Chairman at Four of the clock of the last day for receiving nominations at the place of nomination, and declared in the presence of such Electors as may be present.

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**20** The Chairman shall, Three clear days at least before any Election of Members, cause a list of the duly nominated candidates at such election to be published in Two or more consecutive numbers of a public newspaper published or circulating in the Town in which such Election is to be held, and shall also cause such list to be posted up in the Office of the Board, and at every Police Office, Police Station, and Post Office in the Town, not less than Three clear days before the day fixed for such Election; and none but persons so nominated shall be capable of being elected: Provided that it shall not be necessary to advertise the nominations more than once in cases where no poll is required.

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Lists of candidates  
to be published.

**21** Every nomination of a candidate for election as a Member shall be in writing, in the form in the Schedule (1.) or to the like effect, and shall be signed by at least Two Electors entitled to vote at such election, and no such nomination shall contain the names of more candidates than the numbers of Members to be elected. And with such nomination there shall be delivered to the Chairman a consent in writing signed by the candidate or candidates so nominated declaring his or their consent to be so nominated; and the Chairman shall not recognise any nomination of any candidate in the absence of such consent; and every such nomination and consent may be in writing, or partly written and partly printed.

Form of  
nomination.  
Schedule (1.)

**22** If at any election of Members no greater number of persons are nominated, as provided in this Act, than the number of Members to be elected at such election, the Chairman shall, at once, without any Poll being had, declare the persons so nominated to be elected as Members of the Board; and the persons so declared to be elected shall thenceforth be Members of the Board.

Mode of  
proceeding if no  
more persons  
nominated than  
Members to be  
elected.

**23** The Chairman presiding at any election of Members shall fix a time for commencing and closing the Poll, if any, for such election, but so that the Poll shall close not later than Six o'clock P.M. on the same afternoon; and every such Poll shall remain open for Three hours at least; and every Elector is hereby empowered to give, and shall, if he votes, give the number of votes to which he is entitled to any number of persons not exceeding the number of Members then to be elected; and every such election of Members shall be finished in One day without any adjournment whatsoever, except as hereinafter provided. If the number of votes at an Election are equal for any two or more persons, the Chairman shall have a casting vote in addition to his vote as an Elector, and shall thereby decide which of the said persons is or are elected.

Poll at Election  
of Members.Chairman's  
casting vote.

**24** It shall be lawful for the Board to appoint any officers requisite for conducting the Annual Election of Members of the Board, and to do all other necessary things preliminary or incidental to every such Annual Election.

Board may  
appoint officers  
for election.

Any candidate at an Election may by writing under his hand appoint one Scrutineer to act on his behalf at such Election, who shall be entitled to be present in the room where the Ballot-papers are received.

Candidate's  
Scrutineer.

**25** Ballot-papers and Electors' Declarations, not being less in number than the total number of the votes of all the electors of the

Ballot-papers  
and Electors'  
Declarations.

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Town, shall be provided by the Chairman before and in time for every such Election, according to the following provisions:—

- i. The Ballot-paper shall contain the Christian and surname of every person nominated for election, printed in alphabetical order and numbered in figures in regular succession.
- ii. Every such Ballot-paper shall be marked with the Board's impressed Stamp or Seal, or be signed or stamped on the back thereof by the Chairman with his name in full or by his initials as he may think proper; and no Ballot-paper used at any such Election shall contain any other matter or thing than those hereinbefore mentioned.
- iii. The Elector's Declaration shall be in the form in the Schedule (5); and no Ballot-paper shall be issued to any Elector at any Election until he or she shall have signed a paper containing the said Declaration.

Declaration to be taken before Elector receives Ballot-paper.

Ballot-boxes to be locked prior to Election.

**26** There shall be only one key to each lock of the ballot-boxes, which the Chairman shall always keep in his possession; and the ballot-boxes shall be locked previously to the Election by the Chairman, and shall not be unlocked until after the time fixed for closing the Poll.

Mode of Election.

**27** Every such Election shall be conducted in manner following:— Each Elector shall enter the room in which the ballot-box is placed, and the Chairman shall thereupon check or mark off upon a copy of the Assessment Roll such Elector's name as having voted, and then deliver to the Elector as many Ballot-papers as the number of votes to which the Elector is entitled, and the Elector shall immediately take it into an inner room or compartment provided for such purpose, and there without delay strike 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 Member to be elected he only leaves one name not struck out, and if there be more than one Member to be elected he does not leave the names of more persons not struck out than there are Members to be elected; otherwise such ballot paper shall be invalid; and when such Elector has struck through the name or names of the person or persons for whom he does not intend to vote, he shall fold up such ballot-paper, and immediately take the same into the room in which the ballot-box is placed, and place such ballot-paper in the ballot-box; and immediately after he has so placed his ballot-paper in the ballot-box he shall leave the room, and shall not re-enter it during the same Election; and no two persons shall remain in an inner room or compartment at the same time, nor shall an Elector take any such ballot-paper out of the room in which the ballot-box is placed elsewhere than into the said inner room or compartment, and then only for the purpose of striking through the name or names of the person or persons for whom he does not intend to vote. And any person wilfully contravening any of the provisions in this Section contained shall be deemed guilty of a Misdemeanor.

Persons contravening any provisions contained herein guilty of a Misdemeanor. Provides for blind men and marksmen voting at Elections.

**28** In the case of any Elector who is blind or cannot write, the Chairman shall write such Elector's name at the foot of the Elector's Declaration, and attest the same under his hand, and such signature and attestation shall bind such Elector as though signed by himself to all the consequences; and the Chairman shall also in the case of a blind Elector openly in the ballot-room strike through upon such ballot-



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paper the names of all persons so nominated except such as the Elector shall declare his intention of voting for. A.D. 1896.

**29** No inquiry, except such as relates to any one or more of the statements contained in the Declaration, shall be permitted from any person applying to vote who duly makes as aforesaid the Declaration hereby required; and every person wilfully making such Declaration falsely shall be guilty of an offence against this Act, and shall for each and every such offence be liable to a penalty not exceeding Twenty Pounds; and every person shall be deemed and held to have made the said Declaration wilfully upon proof that the said Declaration was untrue in fact, unless he proves the contrary.

Declaration only required of persons voting.  
False declaration perjury.

**30** All Electors shall be entitled to vote at any Annual Election who have paid all Rates payable to the Board by such Electors, and not otherwise.

Unpaid Rates precludes Elector from voting.

**31** Any vote tendered at any Meeting of Electors may be objected to before the closing of the Poll, and not afterwards, by any Elector present, on the ground that the person tendering the same is not an Elector within the meaning of this Act, or not entitled to the number of votes tendered, and not otherwise; and every such objection shall be decided by the Chairman presiding at the Meeting, whose decision shall be final.

Votes tendered may be objected to at Meetings.

**32** Where the proceedings at any such Election are interrupted or obstructed by any riot or open violence, the Chairman shall not for such cause finally close the poll, but shall adjourn the taking of the poll until the same time on the following day, and if necessary shall in like manner further adjourn such poll until such interruption or obstruction has ceased, when the Chairman shall again proceed with the taking of the poll.

Adjournment of Elections in case proceedings are interrupted by riot.

**33** Every person who shall vote more than once, or offer to vote more than once at any Election under this Act, or who shall depart or attempt to depart from any polling-booth after having received a ballot-paper without having deposited the same in the ballot-box as hereinbefore mentioned, or who shall personate any other person for the purpose of voting at such election, shall be guilty of a Misdemeanor, and shall on conviction thereof be liable to be imprisoned for any period not exceeding One year, with or without hard labour.

Polling twice, and personation.

**34** All the acts enumerated as acts of bribery and corruption in any Act in force for the time being regulating elections of Members to the Parliament of *Tasmania* shall be deemed to be acts of bribery and corruption with reference to all elections under this Act. And every person committing any such act shall be deemed guilty of a Misdemeanor, and shall be punishable in the manner and to the same extent as if the provisions of the said Act relating to bribery and corruption had been set forth herein.

Bribery and corruption.

The acts of all authorised agents of a candidate shall be held to be acts of their principal, if proved to have been committed with his consent.

**35** Every person who, having or claiming to have any right to vote at any election under this Act, shall directly or indirectly ask, receive, or take any money or other reward by way of gift or employment for himself or any of his family or kindred friends or dependents, as a

Penalty for receiving or offering reward for voting or withholding vote.

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consideration or inducement expressed, implied, or understood for giving his vote or for abstaining from giving his vote at any such election, and every person who, by himself, his friends, or by any person employed by him, shall by any gift or reward, or by any promise or agreement or security for any gift or reward, procure any person to give his vote at any such election, or to abstain from giving the same, shall for every such offence forfeit the sum of Fifty Pounds to the first person who shall *bonâ fide* for his own use and not collusively sue for the same.

(3.) *Proceedings validated.*

Election not to be questioned for defect in title of persons presiding *de facto*.

**36** No Election under this Act shall be liable to be questioned by reason only of any defect in the title, or any want of title of the person by or before whom such Election or any polling for the same has been held: Provided that such person has been actually appointed to preside or hold the poll, or has been acting in the office giving the right to preside at such Election.

Invalidity of Election no plea in action.

**37** No advantage shall be taken of the invalidity of any Election under this Act in any action or suit which is brought by or against the Board, but every such action or suit shall be tried as if no such objection existed.

(4.) *Provisions as to Membership and Meetings of Boards.*

Members to hold office for Two years.

**38** Subject to the provisions hereinafter contained, every Member shall hold office for a period of Two years, and the Members shall retire in rotation as hereinafter provided.

Retirement of Members.

**39**—(1.) On the day fixed for holding the first Annual Election of Members of the Board of any Town after the First election of the Board of such Town, Three Members when the whole number of the Members is Seven, and Two Members when the whole number of the Members is Five, shall retire from office; and on the day fixed for holding the Second Annual Election of Members of the Board of such Town, Four Members when the whole number of the Members is Seven, and Three Members when the whole number of the Members is Five, shall retire from office; and on the day fixed for holding the Annual Election of Members of the Board of such Town in every subsequent year, every Member who was elected at the Annual Election held in the Second preceding year shall retire from office.

(2.) The persons elected as the first Members shall decide by lot among themselves which of them shall retire from office on the day fixed for the first Annual Election of Members of the Board of such Town after the first election of the Board thereof.

(3.) The retiring Members shall hold office until their successors are duly elected.

Retiring Members eligible.

(4.) Every Member retiring from office shall, if qualified, be eligible for re-election.

Election may be held to fill up vacancies if Electors so desire.

**40** Whenever a vacancy occurs in the Board of any Town from any of the causes hereinafter mentioned, the Chairman of the Board shall forthwith give notice thereof in Two consecutive numbers of a public newspaper published or circulating in such Town; and if before the expiration of a period of Fourteen days after the last publication of such notice as aforesaid a requisition in writing, signed by any number of Electors of the Town, not less than Seven, is presented to the Board

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requiring an election to be held to supply such vacancy, an Election shall be held to supply the vacancy; and every such Election shall be conducted in the same manner in every respect as the Annual Election of Members; and every Member appointed or elected to fill any such vacancy shall retain his office so long only as the vacating Member would have retained the same if no vacancy had occurred. A.D. 1896.

**41** When any such extraordinary vacancy as last aforesaid occurs so that the Election falls to be held at the same time as the Annual Election, or in case of an ordinary vacancy which ought to have been filled up at a previous Annual Election, then the Candidate or Candidates who, if there is a Poll, are elected by the fewest votes shall be deemed elected to fill such vacancy or vacancies. If there is no Poll, the Member or Members to be deemed elected to fill such vacancy or vacancies shall be determined by lot. Extraordinary vacancies how filled up at Annual Election.

**42** If any Member is absent from Three consecutive Meetings of the Board extending over a period of not less than Two months after having had notice of the intention to hold such Meetings, and without leave of absence granted to him by the Board, he shall cease to be a Member, unless his absence was caused by sickness, and the Board shall declare his place to be vacant, and the same shall become vacant accordingly. Member absent from Three consecutive Meetings to vacate office.

**43** If at any time during the period for which he was elected any Member dies, ceases to reside or to have a place of business within the Town, departs from *Tasmania* and remains absent therefrom for the space of Three months, or is adjudicated a bankrupt, or whose affairs are liquidated by arrangement or composition with his Creditors, or who in any other way compounds with his Creditors, or is found guilty of some offence punishable by imprisonment, or resigns, or refuses, or from any cause whatsoever becomes incapable or unfit to act as a Member, or if his office is declared vacant, it shall be lawful for the surviving or continuing Members, and they are hereby required, in the absence of any such petition as is hereinbefore mentioned praying that an Election may be held to fill the vacancy created by any of the causes aforesaid, to appoint some fit and proper person, being a resident male Elector of the Town, to act as a Member in conjunction with such surviving or continuing Members in the place and stead of such first-mentioned Member for the remainder of the period for which he was elected. Disqualification of Members during period of office.

Board to fill up vacancy.

**44** Forthwith after every annual election of Members of the Board the Chairman presiding at such election shall cause to be published in the *Gazette* the name and place of residence of every Member elected; and the Chairman shall cause to be published in the *Gazette* the name and place of residence of every Member appointed, as hereinbefore provided, and shall also cause notice in writing of his election or appointment to be served personally on, or left at the usual place of abode of, or transmitted by post to, every person so elected or appointed. Election and appointment of Members to be published.

**45** Every person duly qualified, and duly elected or appointed a Member, shall if he accepts such office make and subscribe before a Justice of the Peace a Declaration in the form in the Schedule (2.) How Members to accept office. Schedule (2.)

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- A.D. 1896.** within One month after notice of his election or appointment has been served on him personally, or left at his usual place of abode, or been transmitted to him by post : and every declaration shall be delivered by the Member who has made the same, at the first meeting of the Board thereafter at which he is present, to the Chairman.
- Refusal or failure to accept office.** **46** If any person elected or appointed a Member under this Act refuses or fails to accept such office or to make such Declaration as aforesaid, such office shall thereupon be deemed vacant, and shall be filled up by a fresh election or appointment.
- Quorum.** **47** All acts and proceedings relating to this Act which are directed to be had or done by the Board, and all the powers and authorities vested in them generally, shall and may be had, done, and exercised by the major part of the Members thereof present at any Meeting of the Board, the whole number present not being less than a majority of all the Members ; and any such majority of Members of the whole Board shall form a quorum.
- Election of Chairman of Board.** **48—(1.)** The Members shall, at their first Meeting held after the first Election of a Board, and at their first Meeting held after each Annual Election of Members, by the majority of votes of the Members present elect one of their body to be Chairman for the ensuing year ; and if at any such Meeting there is an equality of votes in the election of Chairman, it shall be decided by lot which of the Members having an equal number of votes shall be the Chairman : and such Chairman shall preside at all Meetings of the Board at which he is present ; and if at any such Meeting the Chairman is not present, one of the Members present shall be elected Chairman of such Meeting by the majority of votes of the Members present thereat. Provided that during the temporary absence of the Chairman from the Town, or in case of his illness, the Board may appoint one of their number to act for him as Deputy Chairman, and, while so acting, to exercise all the functions of Chairman of the Board as mentioned in this Act.
- Deputy Chairman.** (2.) In case the Chairman shall die, or, by writing under his hand delivered by him to the Board at any Meeting of the Board, or to the Secretary, resign his office, or ceases to be a Member, the Members present at the Meeting next after the occurrence of such vacancy shall choose one of their body to be Chairman, and the Chairman so chosen shall continue in office until the next Annual Meeting for the election of Members.
- How vacancy in office of Chairman filled.** (3.) The Board may from time to time grant to the Chairman out of the moneys at its disposal such annual salary or allowance for his services as the Board thinks fit.
- Salary of Chairman.**
- Equal division of votes.** **49** At all Meetings of the Board all the Members present shall vote, save where it is herein otherwise provided, and the questions there considered shall be decided by open voting and by the majority present ; and if there is an equal division of votes upon any question, it shall be considered lost.
- Member not to vote where he is pecuniarily interested.** **50** No Member shall vote upon any matter in which he directly, by himself or his partners, has any pecuniary interest ; and any Member who knowingly offends against this Section shall, on conviction, forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

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**51** All Votes, unless every Member is present and concurs in the proposal, involving an expenditure of more than Twenty-five Pounds, shall be passed by Special Resolution : Provided, that where the By-laws of the Board require Meetings to be called oftener than every Four weeks, the Resolution may be confirmed at the next following ordinary Meeting of the Board, if each Member in his summons to that Meeting shall have had special notice of the matter of such Resolution.

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Special Resolution for Votes over £25.

**52** All orders and proceedings of the Board, together with the names of the Members present at every Meeting, shall be entered in a Book to be kept by the Board for that purpose, and be signed by the Chairman of the Meetings at which such orders or proceedings are, from time to time, confirmed ; and such orders and proceedings so entered and signed by the Chairman of such Meetings shall be deemed to be original orders and proceedings.

Orders and proceedings of Board to be recorded.

The provisions of "An Act to facilitate the proof of By-laws and proceedings of Corporations and for other purposes" shall apply to Town Boards.

Evidence of proceedings. 49 Vict. No. 22.

**PART II.****RATES.**

**53** It shall be lawful for the Board at yearly, half-yearly, or such other periods as to them may seem necessary, to make and levy a Rate, to be called the Town Rate, upon the Annual Value or Capital Value of the property of the Electors within the Town for the purpose of raising the necessary funds for carrying out in the Town the several objects of this Act ; and every such Rate, when received, shall form part of the moneys at the disposal of the Board for the purposes of this Act : Provided that such Rate so to be made and levied shall not in any case exceed, in any one year, the sum of One Shilling and Sixpence in the Pound upon the Annual Value, or the sum of One Penny in the Pound on the Capital Value of the property within the Town.

Board may make and levy Rate.

Provided, that for more effectually carrying out the objects of this Act the Board may, by Special Resolution, levy a Rate extending over more than One year but not exceeding Five years, and so as the amount of such Rate shall not exceed Sixpence in the Pound upon the Annual Value of the property within the Town ; but the limit hereby imposed upon the rating powers of the Board shall not be thereby exceeded, and the Board shall obtain the sanction of the Minister, to be testified by his approval being written below the Notice of any such Rate and published therewith in the *Gazette*.

**54** It shall be lawful for the Board, at yearly, half-yearly, or such other periods as to them may seem necessary, to make and levy a Rate, to be called a Road Rate, upon the Annual Value or Capital Value of the property of the electors within the Town for the purpose of raising the necessary funds for making, forming, and repairing the Streets of the Town : Provided that such Road Rate so to be made and levied shall not in any case exceed in any one year the sum of One Shilling

Board may make and levy Road Rate.

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in the Pound upon the Annual Value, or the sum of One Penny in the Pound on the Capital Value of the property within the Town, except as hereinafter mentioned.

Upon making a Rate, notice of same to be given.

**55** Upon the making of any Rate which the Board is by Law empowered to make, a Notice signed by the Chairman and not less than Three Members, specifying the amount in the Pound of the Rate, the purpose and period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such Notice being so published, the Rate therein mentioned shall be payable and paid at the times specified in such Notice by the persons liable to pay the same, according to the Annual Value or Capital Value, as the case may be, of the property within the Town as shown by the Assessment Roll; and it shall not be necessary in any such Notice to set forth the names of the persons liable to the payment of the Rate, or the sums which according to such Rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Occupiers liable for Rates in first instance. Tenant may recover One-half from landlord.

**56** All such Rates shall be payable in the first instance by the Occupier of the property at the time of demand or levy, as the case may be; but every Occupier, if Tenant, shall be entitled to recover from his Landlord One-half of the amount of any such Rate paid by or recovered from him, as money paid to the use of the Landlord, or the same may be deducted from, or set-off against, the rent then due or thereafter to become due; Provided that nothing herein contained shall affect the liability of a Tenant to his Landlord under any agreement for the payment of Rates by the Tenant.

If no Occupier, Owner liable in first instance.

**57** In case there is no Occupier of any property, or the Occupier cannot be found or is not known, the Rates in respect of such property shall be payable by and recoverable from the Owner in the first instance, who shall be entitled to recover One-half thereof from the Tenant, if any, as money paid to his use, or, if not paid on demand, by distress as for rent in arrear.

Rates on property let to weekly or monthly tenants to be paid by Owner.

**58** All Rates payable in respect of property which is let to weekly or monthly tenants, or payable in respect of buildings let in separate apartments or portions, shall be payable and shall be paid by the owner instead of the occupier or occupiers thereof.

Where any property shall be let as aforesaid, the person letting the same, or receiving the rents for the same, shall be deemed to be the owner thereof for the purposes of this Section.

How Rates recoverable.

**59** All such Rates shall be paid by the persons liable to pay the same to the Board; and in case any such person neglects or refuses to pay the amount of any such Rate for which he is liable for the space of Fourteen days after the same has been demanded, either personally or or in writing, by any Collector of Rates appointed under this Act, it shall be lawful for any Justice of the Peace, and he is hereby authorised and empowered, to summon the defaulter to appear before him, or any other Justice of the Peace, at a time and place to be mentioned in the summons, to show cause why the Rates in arrear should not be paid; and in case the defaulter fails to appear according to the exigency of the summons, and no sufficient cause for non-payment be shown, the Justice of the Peace may, and he is hereby authorised and required to

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grant a warrant under his hand authorising and directing any Collector of Rates as aforesaid, or some other fit person, to distrain the goods and chattels of such person, whether the same are on the property in respect of which the Rate is payable or elsewhere, and to cause such goods and chattels when distrained to be sold, and out of the moneys to arise by such sale to pay all costs, charges, and expenses attendant upon obtaining such summons and warrant and upon such distress and sale, and in the next place to pay the amount of the Rate for which such distress and sale are made, and to pay over the surplus, if any, to the person whose goods and chattels have been so distrained and sold as aforesaid on demand.

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**60** In all cases where any proceedings have been or shall be taken to compel payment by any person of any such Rates, if at any time such person shall pay or tender to any person authorised to collect or receive such Rate the sum so sought to be recovered, together with the amount of all costs and expenses up to that time incurred in the proceedings so taken to compel payment thereof as aforesaid, then and in every such case the person to whom such Rate and costs shall be so paid or tendered shall receive the same, and thereupon no further proceedings for the recovery of the same shall be had or taken. Provided, that the Chairman for the time being of the Board to which such Rates are payable shall have a discretionary power to remit the above-mentioned costs and expenses.

On payment or tender of Rate and costs proceedings to cease. 12 Vict. Cap. 14, Sect. 6.

**61** All goods and chattels whatsoever found upon the property in respect of which any such Rate is payable to whomsoever the same may belong, shall be liable to be taken under the Warrant of Distress issued for the recovery of such Rate.

All goods found on property liable for Rates.

**62** In case sufficient goods and chattels of the Occupier of any property cannot be found to satisfy any such Rate, the half of the same, or any portion thereof left unrecovered, shall be recoverable from the owner of the property, in the same manner as the same was originally recoverable from the Occupier.

If Occupier's goods insufficient Rate may be recovered from owner.

**63** The Warrant of Distress for the recovery of any such Rate may be in the form contained in the Schedule (3.); and in all cases where a distress is by this Act authorised to be made, all constables shall upon being required by a Collector of Rates or other person named as aforesaid in such Warrant, aid in making a distress or sale, and any constable who refuses so to do shall be liable to a penalty not exceeding Five Pounds.

Form of Distress Warrant. Schedule (3.) Constables to aid in making distress.

**64** Every Collector of Rates shall preserve all Warrants of Distress for recovery of Rates, and shall enter in a book to be kept for that purpose the names of the parties proceeded against, whether by Warrant of Distress or otherwise, the Rates due, the expense of the proceedings, and the true proceeds of each sale, which book shall be open to the inspection (without fee) of all parties interested for Three months after the date of each sale respectively.

Collectors of Rates to preserve Warrants of Distress, and to enter particulars of distresses in a book.

**65** In the event of any distress so made as aforesaid not realising sufficient to pay such Rate, costs, charges, and expenses as aforesaid, it shall be lawful from time to time to make further and other distress, in

Further distress in case first one insufficient.

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- A.D. 1896. manner aforesaid, until the whole amount of such Rate, costs, charges, and expenses has been fully paid.
- Time of sale of goods distrained. **66** The goods and chattels distrained under any such Warrant of Distress shall be sold and disposed of within any time not being less than Four days after the making of the distress.
- Irregularities by person acting under Warrant of Distress. **67** No person acting under any Warrant of Distress shall be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.
- Misnomers, &c. not to affect proceedings for recovery of Rates. **68** No misnomer, mistake, or informality committed in any proceedings for recovery of any Rates, costs, charges, or expenses under this Act shall prejudice the recovery thereof, nor shall such proceedings fall, lapse, cease, or abate by the death, resignation, or removal of the Collector instituting the same, or by any change in the persons composing the Board; but it shall be lawful for the Collector for the time being to prosecute and follow forth procedure commenced and carried on in the name of any previous Collector in all respects as if such procedure had been taken by himself: Provided always, that it shall not be competent for any person to sue, nor for any Court to entertain, any action or proceeding against the Board, or any Collector, or any person employed in executing any Warrant of Distress in reference to any Rates, costs, charges, and expenses under this Act, by reason of any misnomer, mistake, or informality, if the goods or other effects seized or sold under such Warrant were *bonâ fide* the property or in the lawful possession of the person actually liable in payment thereof under the provisions of this Act.
- Appeal to Justices against costs of distress. **69** Any person deeming himself aggrieved by the amount of the costs, charges, and expenses with which he is charged as attendant upon any such distress and sale may forthwith apply to the Justice issuing the Warrant, and such Justice is hereby authorised and empowered after proper investigation by taking any evidence the disputing parties may have to lay before him to make such order in the matter as seems to him just; and any person who disobeys or fails to comply with such order shall incur a penalty not exceeding Five Pounds.
- Unpaid Rates a charge upon the property. **70** Any unpaid Rate shall be and remain a charge upon the property in respect of which such Rate is payable, and may be recovered at any future time as if the then Occupier had himself been liable to the payment of the Rate so remaining unpaid; and the production of the receipt for such overdue Rate paid by or recovered from any tenant for any Rate due before the commencement of his tenancy shall be a discharge for the amount so paid or recovered in payment of rent to the Owner; and such Owner shall be entitled to recover from the person who was Tenant when the Rate became payable the proportion of the Rate to which such Tenant was liable as money paid to his use; but notwithstanding anything contained in this Act, no summons or warrant shall be issued for the recovery of any Rate or instalment of Rate at any period after the expiration of One year from the time when such Rate or instalment of Rate is made payable by such Notice as in this Act is mentioned.
- Rates not recoverable after One year.



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**71** It shall be lawful for the Board of any Town, upon the application of any person liable to the payment of Rate, to remit or excuse the payment thereof, or any part thereof, on account of the poverty of such person, and the Board shall also remit payment of half the Rate whenever the house in respect of which such Rate is levied has been unoccupied for the unbroken period of Six months or upwards.

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Rates may be remitted on account of poverty; and when property unoccupied.

**72** The Occupiers of Crown Land under Lease shall be liable to pay only One-half of any Rates made under the authority of this Act in respect of the Crown Land occupied by them; and no such Rate, or any proportion thereof, shall be payable by the Crown, whether as Owner or otherwise.

Occupiers of Crown Land to pay Half Rate. Crown to pay no Rate.

**73** Unless specially empowered so to do by any Act, the Board of any Town shall not levy or raise any Rate whatever on any property belonging to and occupied by or on behalf of Her Majesty, nor on any property hired or used by the Government for any public purpose, nor on any property hired or used by the Minister of Education, or Board of Advice, as School premises or as a dwelling for any Master, nor on any Hospital, Benevolent Asylum, or other building used solely for charitable purposes, nor on any Church or Chapel or other building used solely for public worship, nor on any Mechanics' Institute, Literary or Scientific Institution.

Certain property exempted from Rates.

No Land Tax or Police Rate shall be payable upon any property situate within the Town and belonging to a Town Board.

Board property not liable to Land Tax or Police Rate.

**74** The provisions of "An Act to facilitate the Collection and Recovery of Rates," and every Amendment thereof, shall be applicable to the collection and recovery of Rates under this Act.

Application of 22 Vict. No. 27.

*Power to take and lease Land for Arrears of Rates.*

**75** Where any rateable property in any Town is unoccupied and the Rates thereon accrued under any of the said Acts or this Act have been unpaid for Five years, the Board may 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.

Power to take possession of and lease property on which arrears of Rates are due.

**76** The Board shall not take possession of any such property until Three months after a notice in writing setting forth that Rates in respect of such property are unpaid and demanding payment thereof, and stating that in default of such payment the Board will take possession thereof under the provisions of this Act, has been served on every person in *Tasmania* entitled to an estate of freehold in possession in such property or to the possession of such property under any lease whose name and address is known to the Board, or, if there is no such person whose name and address is so known, has been affixed to some conspicuous place on such property; and every such notice served on any person shall contain a sufficient description of the property to identify the same; but every lease granted by the Board otherwise 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 arrears of Rates due in respect of such property are paid and

Notice to be given before taking possession.

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a release demanded from the Board within Twelve months after the Board take possession.

Release of property after demand and payment of arrears.

**77** Within Three months after demand by any person who but for the provisions of this Act would be entitled to the possession of any such property made within Twenty-one years after the taking possession thereof by the Board, and after payment of all Rates due in respect thereof and interest upon all arrears of such Rates at the rate of Eight Pounds per centum per annum, the Board shall execute a release of such property from all Rates due in respect thereof; and if the Board make default in executing such release, the Supreme Court in its equitable jurisdiction may, at the suit of any person interested in that behalf, compel them so to do, and, upon the execution of such release, subject to any lease theretofore lawfully granted by the Board under the provisions of this Act, such person or persons shall be entitled to such property and the possession thereof as would have been so entitled if this Act had not passed; and any tenant of such property under any such lease shall attorn to such person or persons accordingly.

Lease.

**78** Every such lease shall be for such term not exceeding Twenty-one years as to the Board may seem fit, and shall reserve the best rent which can be reasonably obtained for such property, and shall contain and be subject to such other reservations and such exceptions, covenants, and conditions as to the Board may seem fit.

Application of rents.

**79** All rent and other moneys payable under any such lease shall, until the execution of a release as hereinbefore mentioned, or the expiration of Twenty-one years from the Board's taking possession, which shall first happen, be received by the Treasurer of the Board, and shall be applicable—

- (I.) In defraying the expenses of and incidental to the execution of such lease and the collection of the rents :
- (II.) In payment to the Board of all arrears of Rates and other payments due in respect of such property, together with interest on all arrears of Rates at the Rate of Eight Pounds per centum per annum, from the time such Rates shall have become due respectively, and in payment of all Rates and other payments accruing due thereon.

And the residue of any such moneys shall belong to such person or persons as would, when the same respectively were received, have been entitled to receive the rents and profits of such property if this Act had not passed; and such Treasurer shall deal with such residue in all respects as persons in the public service are directed to deal with money coming to their possession or control by virtue of their office or employment, for or on account or for the use or benefit of any other person under any law now or hereafter to be in force relating to the collection and audit of the public moneys and accounts; and all the provisions of any such law applicable to moneys so received by persons in the public service shall be applicable to such residue.

After Twenty-one years property to vest in Board.

**80** Unless some person entitled in that behalf perform the conditions entitling him to demand a release of any property of which the Board of any Town has taken possession under the foregoing provisions within Twenty-one years after such taking possession, such property and all accumulations of rent and other moneys on account thereof shall vest absolutely in the Board.

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**81** On taking possession of any property as aforesaid, the Board shall cause to be affixed upon some conspicuous part thereof a notice that such property has been taken possession of by the Board under the provisions of this Act, and is to be let on lease.

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Notice to be affixed on taking possession.

*Separate Local Rate.*

**82** It shall be lawful for the Board of any Town to make and levy a Separate Local Rate upon the annual value or capital value of the property of the Electors within any defined portion of such Town for the purpose of defraying the cost or the interest upon the cost of any public work or improvement by which, in the judgment of the Town Board, special advantages may accrue to such defined portion.

Boards may levy Separate Local Rate.

**83** Every Separate Local Rate shall be made and be recoverable in the same manner, and shall be payable by the like persons within such defined portion, as any other Rate under this Act; but such Separate Local Rate shall not exceed in any one year the sum of Eighteen Pence in the Pound upon the annual value, or the sum of One Penny in the Pound on the capital value of the property within such defined portion.

Separate Local Rate how recoverable.

**84** The Board shall cause separate entries to be made in the books mentioned in Part V. of this Act, of all moneys received and disbursed in respect of every such Separate Local Rate.

Separate entries to be made.

**85** Before making any such Separate Local Rate the Board shall, by notice, define the portion of the Town in respect of which such Rate shall be payable; and such notice shall be signed by the Chairman and not less than Three Members, and shall specify the boundaries of such defined portion; and such notice shall be published by being inserted in Four consecutive numbers of the *Gazette* and twice in a newspaper circulating in the Town, and by being affixed upon or near to the doors of all Churches, registered Chapels, Post Offices, and Police Offices, if any, within such defined portion, or if there are no such places within such defined portion, then in such conspicuous places within the same as the Board thinks proper, for the period of not less than Four weeks next before the time when such notice is to take effect.

Notice of Separate Local Rate to be given.

**86**—(1.) If a requisition in writing signed by Fifteen or more Electors shall be presented to the Chairman not less than Seven days before the time when such notice is to take effect, requiring him to call a Public Meeting of the Electors within the portion of the Town defined by such notice, to consider the question of making such Separate Local Rate, the Chairman shall, within Five days after the receipt by him of such requisition, convene a Public Meeting of the Electors within such defined portion accordingly.

Chairman to call meeting to consider question, if required by Electors.

(2.) The Electors present at any such Meeting may by a majority of votes alter, but not extend, the boundaries of the portion of the Town in respect of which such Separate Local Rate shall be payable, or may agree to the boundaries as specified by the Board in such notice as aforesaid; and any such Rate made and levied by the Board shall, if any such Public Meeting is held as aforesaid, be made and levied only on the annual value or capital value of the property within the portion of the Town the boundaries of which have been agreed to at such Meeting: Provided, that if it shall be decided at such Meeting by a majority of

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- A.D. 1896. — the votes of the Electors present thereat that no Separate Local Rate shall be made as aforesaid, it shall not be lawful for the Board to make and levy such Rate.
- Not to affect other Rates. **87** The making and levying a Separate Local Rate shall not in any way affect any other Rate which may under this Act or any law be made and levied upon the property in the defined portion; and no Separate Local Rate shall be deemed to be a Special Rate within the meaning of "The Local Bodies Loans Amendment Act."
- 46 Vict. No. 14. **88** Any Separate Local Rate leviable under "The Town Boards Act, 1891," shall be continued and be leviable under the provisions of this Act as though the special District had been defined hereunder.
- Continues any existing Separate Local Rate. **88** Any Separate Local Rate leviable under "The Town Boards Act, 1891," shall be continued and be leviable under the provisions of this Act as though the special District had been defined hereunder.

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**PART III.**
**ASSESSMENT ROLL.**

- An Assessment to be made annually. **89** The Board of every Town shall, on or before the First day of *June* in every year, prepare or cause to be prepared an Assessment Roll of all the properties situate within the Town, and every such Assessment Roll which shall come into force as hereinafter provided shall be in the form and shall contain the particulars given in Schedule (4.); and the "capital value" therein set opposite each property shall be the cash capital value of such property as shown by the Assessment Book prepared and in force for the time being under "The Assessment Act, 1887"; and the "annual value" therein set opposite to each property shall be an amount equal to Five Pounds per centum of such capital value of such property: Provided, that the Board of any Town shall be at liberty to adopt the annual values of the properties therein as shown by the Valuation Roll in force on the First day of *May* in every year under *The Property Valuation Act* for the District in which the Town is situate; and in every such case the Board may assess the annual value of any piece of land which has not any building upon it of a value equal to one-tenth of the capital value of the land at a sum not exceeding Five per cent. of the capital value thereof.
- Schedule (4.)
- 51 Vict. No. 20.
- Portions of buildings separately occupied to be separately assessed. **90** Where any building is occupied in apartments or portions by more persons than One, the Board shall assess the capital and annual value of such apartments or portions separately.
- Assessment of Tramways. **91** The Board of any Town may assess the value of any public Tramway, or portion of any public Tramway, within the Town for taxation under this Act, at a sum not exceeding a capital value of One thousand Pounds per mile, or an annual value of Fifty Pounds per mile, exclusive of the value of any buildings used or occupied therewith.
- Notice of Assessment to be published. **92** Upon any such Assessment Roll being made the Board shall cause a copy thereof to be published in the *Gazette*; and the Board shall cause copies of such *Gazette* to be posted up in the Offices of the

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Board, and at every Police Office, Police Station, and Post Office within the Town. A.D. 1896.

**93** If at the time of making any Assessment Roll under this Act any property is unoccupied, or the name of the owner of any property is unknown to the Board, the Board shall nevertheless include such property in such Assessment Roll, describing it in the column appropriated to the name of the occupier as being "empty," or describing the owner of such property by the designation of the "owner" without stating his name, as the case may be; and if any person afterwards occupies such property, or if the name of the owner of such property afterwards becomes known to the Board, the Board shall insert in the Assessment Roll the name of such occupier or owner, as the case may be.

Unoccupied property to be described in Notice of Assessment as "empty."

**94** At some Meeting of the Board held on or before the First day of *August* in every year, up to which day the Assessment Roll in force in the preceding year shall be the Assessment Roll of the Town, the Secretary shall present to the Board a copy of the Assessment Roll as printed in the *Gazette* for that year upon which he shall have noted any alterations ordered by the Justices as the result of any appeals prosecuted in accordance with this Act, and such Assessment Roll shall then be signed by the Chairman and Secretary, and be called the Assessment Roll of the Town until the First day of *August* in the next following year; and every Elector shall have access to the Assessment Roll at all reasonable times, and be permitted to inspect the same without fee or reward; and if the Secretary neglects in any year to prepare and present such Assessment Roll as aforesaid, or refuses to allow any Elector to inspect the same as aforesaid, then and in every such case such Secretary shall forfeit and pay for any such offence the sum of One Pound.

The Official Assessment Roll.

**95** When and as often as any change takes place in the ownership or occupation of any property, the Board shall, upon satisfactory proof being given of such change, cause the Assessment Roll to be amended by striking out the name of the person who theretofore owned or occupied such property, and inserting instead the name of the person who becomes the owner or occupier thereof.

Provides for amendment of Assessment Roll in case of change of ownership or occupation.

**96** If it shall at any time appear to the Board that the name of any person who ought to be included in the Assessment Roll has been omitted therefrom, or that the name of any person has been inserted therein as the owner or occupier of any property in respect of which the name of some other person ought to have been inserted, or that any property included therein ought to be excluded therefrom, or that any other alteration, amendment, or addition is necessary in or to such Assessment Roll, the Board shall cause to be added to, or inserted therein, the name of any person so omitted, together with the value at which the property ought to be assessed, and also cause to be inserted and substituted the name of any person who is the actual owner or occupier of any property instead of and for the name of the person incorrectly inserted in such Assessment Roll; and shall erase the name of any person and the description of any property improperly inserted therein; and the Board shall cause to be added to, or inserted in, such Assessment Roll the name of any person being the owner or

Provides for amending Assessment Roll in cases of omission, &c.

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occupier of any newly erected building, together with the value at which such building ought to be assessed.

Amendments of Assessment Roll to be valid.

Appeal against amendments.

**97** Every such insertion, addition, alteration, or amendment to or in the Assessment Roll as is mentioned in the last Two preceding Sections shall be initialled by the Chairman at a Meeting of the Board and shall be valid and effectual to all intents and purposes: Provided that no such insertion, addition, alteration, or amendment as is mentioned in the immediately preceding Section shall be made as aforesaid until notice of the intention so to do is given to all persons thereby affected, and opportunity afforded to such persons to appeal, as hereinafter provided, against such insertion, addition, alteration, or amendment being made; but no such notice shall be required in the case of any person who has left the Colony, or who cannot upon reasonable search being made be found.

Persons affected by Assessment Roll may appeal.

**98** It shall be lawful for any person affected by anything contained in such Assessment Roll, or his attorney or agent, after having given notice to the Board as hereinafter provided, to appeal, to any Justices of the Peace assembled and acting together in Petty Sessions within the Town or at the nearest place where Sittings of Petty Sessions of the Peace are usually held, against anything contained in such Assessment Roll whereby he is affected; and any two such Justices may hear and determine all such Appeals.

Ground of appeal to be given.

**99** It shall be lawful for any person affected by any such Assessment Roll to give notice to the Board, at any time within Fourteen days after publication thereof in the *Gazette*, or service on him of a notice of any insertion, amendment, addition, or alteration to or in such Roll, that he intends to appeal against the insertion of his name therein, or against the annual value therein placed on any property owned or occupied by him, or against any other particular in such Roll whereby he is affected, and to apply to the Clerk of Petty Sessions to fix a day for the hearing of such appeal: Provided, that where the Board adopts the capital value as shown by the said Assessment Book, and the consequent annual value of Five Pounds per centum thereon, or where the Board adopts the annual value as contained in the Roll in force under *The Property Valuation Act* as aforesaid, no appeal shall be allowed on the property value.

Notice of appeal.

**100** Notice of the hearing of every such appeal shall be given in writing to the Chairman or Secretary by the Clerk of Petty Sessions not less than Four nor more than Ten days before the day fixed for the hearing; and, in case it appears to the Justices hearing the appeal, that such appeal is frivolous or vexatious, they may award such costs not exceeding Five Pounds as they shall think fit against the person appealing, and such costs shall be recoverable in a summary way.

Provided that, if on the day fixed for the hearing, Two Justices of the Peace shall not attend at the appointed place to hear such appeal, the Clerk of Petty Sessions shall adjourn the hearing thereof to a future day not more than Seven days later than the day so previously fixed, and so from time to time until such appeal shall be heard.

Justices to give Certificate of

**101** The Justices who have heard and determined any such appeal shall, at the request of the appellant, or the Chairman or Secretary,

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give a Certificate under their hands of their decision and determination ; and in every case in which the decision and determination of the Justices shall be against anything contained in any such Assessment Roll, the Board shall make such alteration, addition, amendment, omission, or erasure therein as shall be requisite to give effect to such decision or determination.

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—  
decision, and  
Roll to be altered  
accordingly.

**102** Where from any cause the making of the Assessment Roll of any Town shall not be completed in any year within the time prescribed by Law, the Assessment Roll in force in such Town for the preceding year shall, subject to such insertions, additions, alterations, or amendments as are mentioned in this Act, be deemed to be and shall be the Assessment Roll of such Town, and the same shall remain and continue in force therein for such first-mentioned year, and Rates may be lawfully made and levied upon the capital or annual value of the property within the Town as shown by such Roll.

If Assessment  
Roll not com-  
pleted, Rates may  
be levied on the  
Roll of previous  
year.

**103** No error or informality in the mode of making the Assessment in the Town shall vitiate or render invalid any Assessment Roll, or any Rate duly made thereunder, provided that the requirements of this Act as to the publication of Notice of such Assessment have been complied with.

Errors or infor-  
malities not to  
invalidate  
Assessment Roll.

**104** The Assessment Roll so signed by the Chairman and Secretary as aforesaid, and all entries made therein in manner hereinbefore directed, by the production thereof alone, and without any evidence that the requirements of this Act have been complied with, shall be received as *prima facie* evidence of the facts therein mentioned.

Assessment Roll  
and amendments  
evidence.

**105** Whenever any Area shall hereafter be declared to be a Town under this Act, then, and until an Assessment Roll is made for such Town under the provisions of this Act, the Assessment or Valuation Roll in force in the Municipal or Police District in which such Area is situated shall be deemed to be and shall be the Assessment Roll of such Town.

Valuation Roll  
to be in force  
until Assessment  
Roll made.

## PART IV.

## LOANS.

**106** It shall be lawful for the Board of any Town to raise by the sale of Debentures under the provisions of "The Local Bodies Loans Act," any sum or sums of money not exceeding Two thousand Pounds for the purposes of this Act ; and such Debentures shall be charged upon the revenues of such Board.

Loans may be  
raised by  
Debentures.  
45 Vict. No. 16.

But the Board of any Town whose average income for the Three years immediately preceding the *Gazette* Notice of such loan in accordance with the provisions of the said Act exceeds Two hundred Pounds per annum, may borrow any sum or sums of money not exceeding Ten times the average annual income of such Board as aforesaid.

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

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Meaning of  
certain terms in  
45 Vict. No. 16.

**107** For the purposes of this Act the term "Local Body" used in "The Local Bodies Loans Act" shall include the Board of every such Town; and the terms "Trustees" and "District" also used therein respectively shall mean such Board and Town respectively; and for the purposes of any Poll under the said Act the term "Ratepayers" shall mean the Electors of any Town.

Governor in  
Council may  
guarantee interest  
on the loan.

**108** In order to facilitate the raising by the Board of any such Town of any sum of money which such Board is authorised to raise as aforesaid, it shall be lawful for the Governor in Council, with the approval of Parliament, to guarantee the payment of interest upon the same or any part thereof to the lender: Provided always, that in every such case, and so far as the Governor in Council in consequence of such guarantee advances and pays any sum of money to any such lender, all moneys so paid shall be and the same are hereby declared to be a first or primary charge upon the rates and charges to be received by the Board under the authority of this Act: Provided also, that a return of all loans upon which the Governor in Council has, during the preceding year, guaranteed the payment of the interest shall be laid upon the Table of both Houses of Parliament within Fourteen days after the first Meeting of Parliament in every year.

Loan Rate to be  
made to provide  
for interest on  
loan, &c.

**109** Every such Board shall, before raising any sum of money upon which the payment of interest is guaranteed by the Governor in Council as authorised by this Act, make and levy a Special Rate, to be called a Loan Rate, under "The Local Bodies Loans Amendment Act," and every such Rate shall be levied and collected in the same manner in every respect as the Town Rate hereinbefore mentioned, and shall, without any further proceeding by the Board or otherwise, be and continue to be an annual recurring Rate upon all rateable property situated within the area of the Town, until all moneys owing in respect of the moneys raised under the authority of this Act shall have been paid off and discharged; and it shall not be lawful for the Board to diminish such Rate at any time so as to render the annual produce thereof insufficient to provide the interest and sinking fund on account of the loan.

Governor in  
Council may  
appoint person to  
collect Rate in  
default of Board  
so doing.

**110** In the event of any such Board failing or refusing to collect such Rate for One month after the day upon which the same becomes payable, it shall be lawful for the Governor in Council, by notice in the *Gazette*, to appoint some person to receive and recover the same; and such Rate shall thereupon be payable to and shall be recoverable by such person, who shall be deemed to be a Collector appointed by such Board.

Temporary  
advances against  
Rates.

**111** The Board may by Special Resolution, at any time before the making of any Rate, borrow for the purpose of providing funds for carrying out in the town any of the objects of this Act any such sum not exceeding One-half the expected total proceeds of such Rate, and pay interest upon the amount so borrowed, charging the same upon the said Rate; but every such loan shall be paid off within Twelve months of the date of borrowing.



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## PART V.

## OFFICERS AND ACCOUNTS.

*Officers.*

**112**—(1.) The Board shall, from time to time, appoint a Treasurer, who may be one of the Members, and may, from time to time, appoint and employ a Solicitor, Secretary, Inspector, and such Surveyors, Collectors, and other Officers as the Board thinks necessary and proper; and, from time to time, may remove any of such Officers, and appoint others in the room of such as are so removed, or as may die, resign, or discontinue their offices; and may, out of the moneys at the disposal of the Board under this Act, pay such salaries and allowances to the said Officers respectively as the Board thinks reasonable.

Power to appoint Officers.

(2.) Nothing herein contained shall prevent the same person from being appointed to hold more than one of such offices at the same time if the Board so thinks fit, but it shall not be lawful for the Board to appoint the same person to be a Collector and also Treasurer.

**113** Before any person, whether Treasurer, Clerk, Collector, or other Officer, who is entrusted by the Board with the custody or control of moneys by virtue of his office, enters upon such office, the Chairman of the Board shall take sufficient security for the faithful execution thereof, the cost of which shall be defrayed out of the funds of the Board.

Security from Officers.

**114** Every Officer or person employed by the Board shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums have been received or paid, and of all acts done by him by direction of the Board; and such books shall at all times be open to the inspection of any Member.

Officers to keep account books.

**115** Every Collector or other Officer appointed or employed by the Board to collect money shall, within Seven days after he has received any moneys on behalf of the Board, pay over the same to the Treasurer of the Board, and the receipt of such Treasurer for the moneys so paid shall be a sufficient discharge to such Collector or other Officer; and every such Collector or Officer shall, in such time and in such manner as the Board directs, deliver to the Board true and perfect accounts in writing under his hand of all moneys received by him and of all moneys paid by him to the said Treasurer, and also a list of the names of all persons who have neglected or refused to pay any moneys owing by them, with a statement of the moneys due from them respectively.

Payment over of moneys by Officers.

**116** Every Collector and other Officer appointed or employed by the Board shall, from time to time when required by the Board, make out and deliver to the Board, or to any person appointed by the Board for that purpose, a true and perfect account in writing under his hand of all moneys received by him on behalf of the Board; and such account shall state how and to whom and for what purpose such moneys have been disposed of, and together with such account such Officer shall

Officers to account.

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deliver the vouchers and receipts for such payments; and every such Officer shall pay to the Board, or to any person appointed by the Board to receive the same, all moneys which appear to be owing from him upon the balance of such accounts.

Moneys received  
to be paid into  
Bank.

**117** As soon as the moneys at any time in the hands of any Collector or the Treasurer of any Board shall amount to Five Pounds, he shall forthwith pay the same into some public Bank in *Tasmania* to the account of the Board; and no part of such moneys shall be drawn out of such Bank except by cheque signed by the Treasurer and countersigned by One of the Members of such Board. The Treasurer shall cause the Bank pass-book of the Board to be laid upon the table at every ordinary meeting.

Summary pro-  
ceedings against  
Officers failing to  
account.

**118** If any such Collector or other Officer fails to render such accounts as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for Five days after being thereunto required he fails to deliver up to the Board, or to any person appointed by the Board to receive the same, all books, papers, and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the Board, then, on complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before Two or more Justices, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such Officer, or upon proof that such summons was personally served upon him or left at his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such Officer; and if it appears, either upon confession of such Officer, or upon evidence, or upon inspection of the account, that any moneys of the Board are in the hands of such Officer, or owing by him to the Board, such Justices may order such Officer to pay the same; and if he fails to pay the amount it shall be lawful for such Justices to grant a Warrant to levy the same by distress, and in default of sufficient distress to commit the offender to gaol, there to remain without bail for a period not exceeding Three months, unless the same is sooner paid.

Officers refusing  
to make out  
accounts, &c.,  
may be com-  
mitted.

**119** If any such Officer summoned as aforesaid refuses to make out such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power belonging to the Board, such Justices may commit such offender to gaol, there to remain until he has delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the Board.

If Officer about  
to abscond,  
Warrant may be  
issued.

**120** If any Member or other person acting on behalf of the Board makes oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such Officer as aforesaid to abscond, the Justice before whom the complaint is made may, instead of issuing his summons, issue his Warrant for bringing such Officer before such Two Justices as aforesaid; but no person executing such Warrant shall keep such Officer in custody longer

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than Twenty-four hours without bringing him before some Justice; and the Justice before whom such Officer is brought may either discharge such Officer, if he thinks there is no sufficient ground for his detention, or order such Officer to be detained in custody so as to be brought before Two Justices at a time and place to be named in such Order, unless such Officer gives bail to the satisfaction of such Justice for his appearance before such Justices to answer the complaint of the Board.

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**121** No such proceeding against or dealing with any such Officer as aforesaid shall deprive the Board of any remedy which they would otherwise have had against such Officer or any surety of such Officer.

Proceedings  
against Officers  
not to discharge  
sureties.

**122** Every person holding any office or place of profit in the gift or disposal of the Board, other than that of Chairman or Treasurer, shall be disqualified from being a Member, and if any Member accepts any such office or place of profit he shall thereupon cease to be a Member: Provided, that any Member who is appointed Treasurer shall be liable to all the provisions of this Act relating to such Officer in the same manner as if he were not a Member.

Members of  
Board not to be  
Officers.*Accounts.*

**123** The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under the authority of this Act, and of the several purposes for which such sums of money have been received and paid, which books shall at all reasonable times be open to the inspection of any Member or Elector, or any holder of any Debenture issued by the Board under "The Local Bodies Loans Act," or any amendment thereof, or any Mortgagee or Transferee in security of any Rate, or other Creditor of the Board, without fee or reward; and the persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same; and any person having the custody of the said books who does not, on the reasonable demand of any person as aforesaid, permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall, for every such offence, incur a penalty not exceeding Five Pounds.

Board to keep  
accounts of  
receipts and  
disbursements.

45 Vict. No. 16.

**124** The Board shall, on or before the Thirty-first day of *January* in each year, cause the accounts of the Board up to and including the last day of *December* next preceding to be balanced, and also cause a full and true statements and accounts to be drawn out of the amount of all Rates made and levied, and of all moneys received and expended during the preceding year, and also of all debts then owing by and owing to the Board, and such statements and accounts shall be signed by the Chairman and not less than Two Members of such Board.

Statement of ac-  
counts to be an-  
nually prepared.

**125** The statements and accounts mentioned in the last preceding Section of all moneys received and expended shall be published in the *Gazette* by the Auditor-General as soon as may be after such accounts have been audited.

Publication of  
accounts.

**126** The accounts of every Board shall be subject and liable to all the provisions of "The Audit Act, 1888," in the same manner in all respects as if such accounts had been specifically mentioned therein.

Accounts to be  
subject to 52 Vict.  
No. 43.

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Accounts to be  
forwarded to  
Auditor-General.

**127** The Board of every Town shall, by their Chairman, before the last day of *February* in every year, forward to the Auditor-General the statement and account hereinbefore mentioned, accompanied with proper vouchers in support of the same, and all such books, papers, and writings in the custody or power of the Board relating thereto as the said Auditor-General requires to be furnished to him; and the Auditor-General shall make and deliver to the said Chairman a special report upon such accounts, or, if the said accounts are found correct, the Auditor-General shall simply confirm and sign the same in token of his allowance thereof.

Officers to be  
amenable to  
provisions of  
52 Vict. No. 43.

**128** Every officer appointed or employed by the Board of every Town in the receipt or disbursement of moneys or other property shall be amenable to all the provisions of "The Audit Act, 1888," in the same manner in all respects as if such officer had been an officer in the Public Service.

## PART VI.

## POWERS AND DUTIES OF BOARDS.

(1.) *Powers under The Police Act, 1865.*

Powers of Board.

39 Vict. No. 10.

45 Vict. No. 22.

**129** The Board of every Town is hereby empowered to exercise in such Town all the powers and authorities which by the provisions of these portions of the *The Police Act, 1865*, which are next hereinafter mentioned, and by the provisions of "The Police Act Amendment Act, 1881," are conferred upon, vested in, or made exercisable by the Municipal Council of a Municipality; that is to say—

i. Part I. of *The Police Act, 1865*, Sections Twenty-three to Thirty-six, both inclusive, and Sections Eighty-four to Ninety-four, both inclusive.

ii. Part II. and Part III. of *The Police Act, 1865*, (except the powers conferred by Sections Two hundred and fifty-nine and Two hundred and sixty of the said Act), in as full and ample a manner as if such Board were a Municipal Council as defined by the last-mentioned Act. And every power and duty vested in or imposed upon the "Mayor" or "Town Clerk" by the said provisions of the said Acts is hereby vested in and imposed upon the Chairman of the Board of every Town.

Chairman may  
depute powers.

Provided, that the Chairman may, by writing under his hand, appoint the Secretary or the Inspector or other Officer of the Board to exercise any of the said powers perform any such duty, and receive any fee payable to the Board, and that either for a particular occasion or for any longer or shorter period as to the said Chairman may seem desirable, and any such appointment at pleasure by any writing under his hand revoke, and a fresh appointment in the premises to make; but every such appointment (not made only for a particular occasion) shall be published in the *Gazette*.

The aforesaid provisions of the said Acts, shall be read and construed as amended by the Acts of the Parliament of *Tasmania* passed to amend the same.

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(2.) *Wharves and Jetties.*

**130** In any Town which is bounded on any side by the sea, or includes or is bounded by the waters of any port, inlet, or arm of the sea, or includes or is bounded by any river or lake, or any part of any river or lake, the Board may, with the consent of the Governor in Council --

Board may construct wharves and jetties.

- i. Construct and maintain wharves and jetties upon the shore, and to such distance above or below high-water mark, and with such approaches and other works in connection with such wharves and jetties, as the Board may think necessary :
- ii. Construct embankments, sea-walls, and any other works, to prevent the encroachment of the sea or of any tidal or other river or creek, and the wasting of any shore or bank.

**131** All such wharves, jetties, approaches, and works constructed under the authority of this Act shall vest in and be under the control and management of the Board by whom they have been constructed.

Property in wharves and jetties.

**132** Nothing in this Act contained shall authorise the Board to erect any wharf, jetty, or other work on private property without the consent of the owner thereof, or on any Crown Lands leased or under licence to any person under any Act relating to Fisheries or Oyster Culture, or on any Crown Land below mean high-water mark, without the consent of the Governor in Council; and the Governor in Council shall in no case give such consent unless he shall be satisfied that the advantages offered to the public by the Board in the construction of such wharf, jetty, or work below mean high-water mark, or upon any Crown Lands above such mark, more than counterbalance any obstruction to navigation or other public injury likely to be caused by such construction.

Limitation of Board's power to construct wharves and jetties.

**133** In the manner hereinafter prescribed for By-laws, and subject to the same provisions and restrictions, the Board may from time to time make regulations for all or any of the purposes following (that is to say):

Regulations.

For limiting the time during which goods shall be suffered to remain upon such wharf, jetty, or pier, according to the nature of such goods :

For fixing the rates and tolls to be paid in respect of goods landed, shipped, or deposited upon or from such wharf, pier, or jetty, or deposited in any shed thereon :

For appointing the parts and the extent of such wharf, pier, or jetty on which it shall be lawful to deposit goods :

And every person who shall place or keep any goods contrary to any such regulation shall, on conviction, forfeit a sum not exceeding Five Pounds for such offence, and a further sum not exceeding Forty Shillings for every day after such conviction during which such goods or any of them shall so remain.

All rates and tolls levied under this Section shall form part of the Funds of the Board levying the same.

**134** If any master or person in charge of any ship shall not, on being thereto required by the proper officer of the Board, remove his

Offences by masters, &amp;c. of ships.

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ship from any such wharf, pier, or jetty, or from one part to another part thereof, or if any such master or person, or the owner of any ship, shall cause or suffer such wharf, pier, or jetty to be damaged by contact of such ship therewith or otherwise, every such master, owner, or person shall forfeit a sum not exceeding Ten Pounds, and such further sum by way of compensation to the Board for any such damage as the convicting Justices shall on the hearing order.

Application of this Part.

**135** The provisions hereinbefore contained relating to wharves, jetties, and piers shall apply only to such wharves, jetties, and piers as belong solely to and are under the sole management or control of the Board in accordance with the provisions of Act, and as are not within the operation of any Act relating to ports or harbours.

(3.) *Markets.*

Power of Board to provide markets.

**136** The Board of every Town shall, after passing a special Resolution to that effect, have the power to do the following things, or any of them, within the Town :—

To provide market-places and construct market-houses and other conveniences for the purpose of holding markets :

To provide houses and places for weighing carts and other vehicles :

To make convenient approaches to such markets :

To provide all such matters and things as may be necessary for the convenient use of such markets.

Markets, &amp;c. tolls.

**137** It shall be lawful for the Board to demand, receive, and have of and from every person exposing or offering for sale or selling, in any market provided by the Board, anything permitted by the Board to be sold or offered for sale therein, or who shall rent or use any stall or standing place in such market, and also from every person who shall use any building, place, or machine provided by the Board for the weighing of carts and other vehicles, and from every person who shall at any time use for the sale of cattle or other live stock any yards or premises within the Town and outside any market provided by the Board, such sums of money as and for stallages, rents, tolls, and dues as shall be from time to time made payable by any By-law made by the Board in that behalf.

Rents, &amp;c. to be paid to Collector.

**138** The several rents and tolls due and other sums payable to the Board under the immediately preceding Section shall be paid from time to time on demand to the Collector or other person authorised by the Board to receive the same.

Before the market shall be opened, notice to be given by the Board.

**139** Before any market is opened for public use the Board shall give not less than Ten days' notice of the time when the same will be opened ; and such notice shall be given by the publication thereof in some newspaper generally circulated in the Town, and by printed handbills posted upon some conspicuous places within the Town.

Sales elsewhere than in markets prohibited under a penalty not exceeding Forty Shillings.

**140** After the market is opened for public use, every person, other than a licensed hawkers, who shall sell, offer, or expose for sale in any place within the Town, except in his own dwelling-place, shop, place of business, or any private property, or except in the market, or in yards

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or premises licensed by the Board under a market By-law, any articles or any cattle or other live stock in respect of which tolls are by this Act authorised to be taken in the market, shall for every such offence be liable to a penalty not exceeding Forty Shillings. A.D. 1896.

**141** Nothing in the last preceding Section contained shall exempt any licensed hawker from paying the dues and tolls to be paid by virtue of this Act by all persons selling, offering, or exposing for sale any articles in the market; and every lease of any stall or standing in the market shall, as to the lessee thereof, be deemed within the Town to be a hawker's licence of the description mentioned in the Act of Council, intituled "An Act to provide for the Licensing of Hawkers and Carriers." Licensed hawkers not exempted from paying tolls.  
6 Will. IV., No. 7.

**142** It shall be lawful for the Board to demise or let, for any term not exceeding Twelve months, all or any of the stallages, rents, and tolls from time to time payable in respect of any market provided by the Board, and also to demise or let, for any term not exceeding Twelve months, any stall or standing in such market. Letting of tolls.

**143** Every person who demands and takes a greater toll than that authorised to be taken under this Part of this Act, shall for every such offence be liable to a penalty not exceeding Forty Shillings. Penalty on taking a greater toll than authorised by this Act.

**144** If any person liable to pay any stallage, rent, toll, or dues authorised by this Act to be taken, do not pay the same when demanded, the Board or their lessee, or any person authorised by the Board or their lessee to collect the same, may levy the same by distress of all or any of the cattle, live stock, or other articles in respect of which such stallage, rent, toll, or dues is or are payable, or of any other cattle, live stock, or other articles in the market belonging to or under the charge of the person liable to pay such stallage, rent, toll, or dues, or the same may be recovered before any Two Justices upon a complaint made and heard in accordance with the provisions of *The Magistrates Summary Procedure Act*, or in any Court having competent jurisdiction. Recovery of tolls.  
19 Vict. No. 8.

**145** Any dispute concerning any such stallage, rent, toll, or dues may be determined by a Justice in a summary way, who may make such order therein and award such costs to either party as to him may seem proper. Disputes respecting tolls how to be settled.

**146** The Board or their lessee shall from time to time cause to be painted on boards, or to be printed and attached to boards, in large and legible characters, lists of the several stallages, rents, and tolls from time to time payable under this Act, and shall cause to be conspicuously set up and continued in the market and in each weighing-house provided by the Board a board as aforesaid containing every list relating thereto; and no stallage, rent, or toll shall be payable at any such place as aforesaid which is not specified on some board set up therein: Provided always that if any such list is destroyed, injured, or obliterated, the stallages, rents, and tolls shall continue to be payable during such time as is reasonably required for the restoration of such list, in the same manner as if such list had continued in the state required by this Act. List of tolls, &c. to be set up and placed in conspicuous places.

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(4.) *Water Supply.*Board to provide  
for supply of  
water.

**147** The Board shall cause all existing public reservoirs, tanks, cisterns, pumps, well, conduits, and other waterworks used for the gratuitous supply of water to the inhabitants within the Town to be continued, maintained, and supplied with water as heretofore, or they shall substitute other such works equally convenient, and shall cause them to be maintained and supplied with a quantity of water not less than the quantity which has heretofore been supplied by such existing reservoirs, tanks, cisterns, pumps, wells, conduits, and waterworks as aforesaid.

Board may take  
water.

**148** The Board may, with the consent of the Governor in Council, and subject to the provisions of this Act and the provisions of any Law now in force or that may hereinafter be in force determining the rights of the Crown and of riparian proprietors in the waters and bed of any lake, river or stream or creek or watercourse, from time to time take and divert from any lake or from any river, stream, creek, or watercourse flowing through the Town or along any of the boundary lines thereof, a sufficient quantity of water for supplying the whole or any portion of the inhabitants of the Town with water for domestic purposes, and for supplying with water any public baths or wash-houses, or any fountains or pumps within the Town, and for the purpose of providing a supply of water for the extinguishment of fires in the Town, or for motive power, or for supplying ships.

Board may lay  
down pipes.

**149** It shall be lawful for the Board from time to time to construct, maintain, lay down, alter, and discontinue within the boundaries of the Town such reservoirs, embankments, cisterns, aqueducts, pipes, conduits, culverts, and other works, appliances, and buildings as may be necessary to provide a supply of water within the Town for any of the purposes aforesaid; and it shall be lawful for the Board, for the purpose of constructing or maintaining or altering or discontinuing any such waterworks or appliances or buildings as aforesaid, from time to time to enter upon any land within the boundaries of the Town, and to take levels of the same, and to set out such part of such land as the Board thinks necessary, and to dig, cut, trench, and break up the soil of such land, and to remove all earth, stones, trees, and other things dug or obtained out of the same, and to use such materials in the construction or maintenance of any of the works authorised by this Part of this Act.

Board to do as  
little damage as  
may be.

**150** In the exercise of the powers conferred by this Act the Board shall do as little damage as can be, and, in all cases where it can be done, shall provide other watering-places, drains, and channels for the use of adjoining lands, in place of any such as are taken away or interrupted by the Board.

Board to make  
compensation for  
damage done by  
execution of  
works.

**151** The Board shall make compensation, in manner hereinafter provided, to all parties lawfully interested in the water of any stream taken or used under the authority of this Act, or in any land, other than land purchased by the Board, in or upon which any waterworks may be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act, other than any now existing waterworks, or otherwise by the execution by



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the Board of the powers hereby conferred, for all damage sustained by reason of the exercise as to such stream or land of the powers vested in the Board by this Act. A.D. 1896.

**152** Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Board, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the water or land in respect of which the claim is preferred; and if any such person and the Board do not agree as to the amount of such compensation, the same, and the application thereof, shall, except in the cases hereinafter mentioned, be determined by arbitration in the manner provided by *The Lands Clauses Act* in cases of disputed compensation. Persons damaged to make claim for compensation.  
Compensation how to be ascertained.  
21 Vict. No. 11.

**153** In determining such claims, regard shall be had to any benefit which may be done or accrue to the claimant by or as the result of the provisions in this Act contained. Regard to be had to any benefit which may accrue.

**154** If the Board, by notice in writing, requires any person to make claim for compensation for any damage occasioned by the exercise previously to the service of such notice of any of the powers conferred on the Board by this Act, such person shall not be entitled to compensation for any damage sustained by reason of the exercise of any such powers previously to the service of such notice, unless he prefers his claim, in manner aforesaid, within Six months after service of such notice. Persons not making claim required to be barred.

**155** Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion of any water, and the right of the claimant in or to such water is disputed by the Board, if the Board within Fourteen days after the service of the notice of the claim gives notice to the claimant that his right in or to such water is disputed, then such claim shall not be determined by arbitration, but shall be determined by an action in the Supreme Court, to be brought by the claimant against the Board for damages, or upon an issue agreed to between the claimant and the Board. Compensation for diverting water to be ascertained by action in the Supreme Court.

**156** Every such action shall be commenced within Three months after the service on the claimant of such notice as aforesaid that his right is disputed, and not afterwards. Such actions to be commenced within Three months.

**157** The Board shall, from time to time, and at all times for ever hereafter, pay and make good to the owners and occupiers of all lands and buildings, and to every person whomsoever, all loss, costs and charges, sums of money, damages, and expenses whatsoever, and for all injury, of what nature or kind soever, as well immediate as consequential, which such owners or occupiers, or other persons, may suffer, incur, pay, expend, or be put to by reason or in consequence of the failure or giving way of any of the waterworks of the Board under this Act. Compensation for damage done by failure of the works.

**158** The Board of any Town may open and break up the soil and pavement of any streets within such Town, and may open and break up any sewers, drains, or tunnels within or under such streets, and lay Power to break up streets, &c., and to open drains.

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down and place pipes, service pipes, and other works and engines, and, from time to time, repair, alter, or remove the same; and, for the purposes aforesaid, remove and use all earth and materials in and under such streets, and do all other acts which the Board from time to time deems necessary for supplying water to the inhabitants within such Town, doing as little damage as can be in the execution of the powers hereby granted.

Supply of water for domestic use within the Town.

**159** The Board shall, at the request of the owner or occupier of any property within the Town, the outer boundary of which is within Fifty feet of any main or other water-pipe laid down by the Board, furnish to such owner or occupier a sufficient supply of water for domestic purposes, including a supply for any private water-closet and fixed bath in any dwelling-house on such property; but all pipes and other apparatus required for conveying such water from the outer boundary of such property to the place or places thereon where such water shall be used, shall be provided, laid down, and maintained by and at the cost of such owner or occupier.

Board to lay down service pipes without private property.

**160** The communication pipe between the main or other pipe of the Board and the outer boundary of any property shall be provided, laid down, and maintained by and at the expense of the Board, and shall be the property of the Board.

Board may determine the description of service pipes to be used.

**161** The description of pipes and other apparatus by means of which water is laid on, distributed, or supplied within the outer boundary of any property, shall be such as the Board determines, either generally, or in classes of cases, or in any particular case, and the Board shall not be bound to supply water in any case in which the required description of pipes, or other apparatus, is not provided, and may cut off the pipes, or turn off the water, from any property supplied with water, until the required description of pipes, or other apparatus, is provided, or until any defect therein is remedied.

Provision for water supply.

**162** For the purpose of constructing and maintaining waterworks, and ensuring a supply of pure water to the inhabitants of any Town under the powers conferred by this Part of this Act, the Board may, in addition to the Rates hereinbefore in this Act mentioned, make special Water Rates, and may levy the same upon the owners and occupiers of all properties within the Town which are within a distance of Fifty feet from any main or other water-pipe laid down by the Board for the purpose of supplying water as aforesaid. Such special Water Rates may be assessed on such property according to the capital or annual rateable value thereof. And the Board may also make special charges for water supplied for other than domestic purposes: Provided that such charges and the conditions upon which water may be so supplied shall, as far as possible, be uniform to all persons in the same circumstances and requiring the same extent of supply.

Water Rate.

Special charges for extra supply.

Board may contract for water supply.

**163** The Board may contract for any period not exceeding Three years at one time with the owners of any water-works or any other person for such supply of water as the Board think necessary for the purposes of this Act, or, with the consent of the Governor in Council, may purchase any water works, or any pipes or other apparatus used for supplying water in the Town.

*Town Boards.*(5.) *Prevention of Fire.*

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**164** The Board may cause all necessary works, machinery, and assistance for securing an efficient supply of water in cases of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or other party; and they shall paint or mark, on the buildings and walls within the streets, words or marks near any fire-plugs so provided to denote the situation thereof, and do such other things for the purposes aforesaid as they may from time to time deem expedient.

Works for supply of water in case of fire.

**165** It shall be lawful for the Board to agree with any persons or associations for or with respect to providing the necessary labour and assistance for extinguishing such fires as may take place within the Town, and for the payment to such persons or associations, out of the funds of the said Board, of reasonable remuneration for the same, and also to contribute from the said funds such sum as may be reasonable in general aid of any persons who shall be associated together for the purposes aforesaid.

Remuneration, &amp;c. of persons for extinguishing fire.

**166** Upon the receipt of a petition to the Governor, signed by not less than a majority of the Board of any Town, it shall be lawful for the Governor in Council, by Proclamation in the *Gazette*, to extend "The Fire Brigades Act, 1883," to such Town, and, by the same Proclamation, or by any Regulations to be made by the Governor in Council, to give effect to such extension by the substitution of any local officer for the "Superintendent" under that Act, and by the modification or omission of any provision in that Act, so as to meet the requirements of the said Town.

Extension of Fire Brigades Act to Town Boards.  
47 Vict. No. 21.

**167** It shall be lawful for the Governor in Council, upon the receipt of a petition signed by the majority of the proprietors of any portion or section of land within a Town, or at the request of the Board of the Town, by Proclamation to declare such portion or section to be of the First class for the purposes of this Act, and upon the like petition or request to rescind any such Proclamation. And in any portion or section of the First class it shall not be lawful to construct the external walls of any building, or any part of the framework of such walls, of any material other than brick, stone, iron, or other incombustible material, or to roof or cover any building with wooden shingles or other inflammable material, or to repair or add to the walls or roof of any existing wooden or other buildings, otherwise than by substituting incombustible materials as aforesaid.

Erection, addition, or repairs of inflammable buildings to be prohibited in certain cases.

**168** If any building shall, contrary to the provisions of the last preceding Section, be erected or commenced to be erected in such portion or section of the First class, it shall be lawful for the Board of the Town in which it is situated to give notice to the builder or proprietor thereof to remove the same; and in the event of any such builder or proprietor neglecting or refusing to remove such building, such building or commencement of building shall be deemed to be a nuisance, and it shall be the duty of the Board, and they are hereby empowered and required, to summon the proprietor or builder of such building before any Two Justices, who may issue a warrant to compel such proprietor or builder to appear before them, and thereupon such proprietor or builder shall be required to enter into a recognizance in

Mode of enforcing provisions of previous Section.

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such sum as the said Justices shall appoint for abating and removing the same within a specified time; and if such proprietor or builder shall fail to enter into such recognizance, the said Justices shall commit him to gaol, there to remain without bail until he shall have entered into such recognizance as aforesaid, or until such nuisance shall have been abated, by order of such Justices, who may make such order forthwith, and cause the removal of such nuisance at the cost of the proprietors thereof.

Provided, that nothing in this Act contained shall affect the powers of any Board when acting as the Local Board of Health under "The Public Health Act, 1885," or any Amendment thereof.

(6.) *Lighting.*

Board may contract for lighting streets.

**169** The Board may contract for any period not exceeding Seven years at any one time with the owners of any gasworks, or with any other person, for the supply of gas or oil or electricity or other material for the purpose of lighting any streets or public places within the Town, or may construct or purchase any gasworks or other such means of lighting, and may provide such lamps, lamp-posts, and other works as the Board think necessary for lighting the streets or public places within the Town, or any part or parts thereof; and all such lamps, posts, works, and the fittings thereof shall be vested in the Board.

(7.) *Pounds and Abattoirs.*

The Board may construct pounds and abattoirs.

**170** The Board may from time to time construct and erect such buildings, fences, and appliances as may be necessary for the purposes of all Pounds appointed within the Town and all Abattoirs that the Board are, under any law now or hereafter to be in force, empowered to provide, and may lease or purchase such land as may be necessary for such purposes.

(8.) *Baths, &c.*

Board may provide baths, &c.

**171** The Board may, after a Special Resolution to that effect has been passed, from time to time purchase, erect, rent, or otherwise provide, either within the limits of the Town or at a reasonable distance therefrom, suitable and convenient land and buildings, in a situation and according to plans to be approved of by the Governor in Council, to be used for public baths and wash-houses, and may fit up the same respectively with all requisite and proper conveniences, and from time to time enlarge, renew, and repair the same respectively, and afford the use thereof respectively to the inhabitants of the Town, under and subject to such By-laws as the Board may make in that behalf, and either without charge or at such reasonable charges as the Board may order by any such By-law.

Copy of By-laws to be posted.

**172** A printed copy or sufficient abstract of the By-laws made by the Board relating to the use of such baths, so far as regards every such bath or wash-house, shall be put up in such bath and washhouse.

(9.) *Places of Recreation, &c.*

Board may provide places of recreation, libraries, &c.

**173** The Board may, after a Special Resolution to that effect has been passed, from time to time purchase, rent, or otherwise provide lands, grounds, buildings, or other places, either within

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the Town or at a reasonable distance therefrom, not exceeding Ten miles from the chief post office, to be used as pleasure grounds, Board offices, places of meeting for the residents, libraries, museums, gymnasiums, gardens, or places of public resort or recreation; and the Board may from time to time level, drain, plant, and otherwise lay out and may repair and improve any such public lands, grounds, or buildings for the more convenient use and enjoyment thereof, and may afford the use and enjoyment thereof to the inhabitants, subject to such By-laws as the Board may make in that behalf as hereinafter provided, and the Board may from time to time apply such sum as it sees fit out of the Town Rates in and towards the formation and maintenance of public libraries within the Town, and may make such By-laws regarding the use thereof, including the power to charge for use of any books lent out of such libraries, or for any other privilege in connection therewith.

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(10.) *Planting Trees and Shrubs.*

**174** The Governor in Council, at the request of the Board of any Town, may, by Proclamation to be published in the *Gazette*, direct that any portion of a street in the Town shall be a Tree Reserve, so that the portion of such street remaining available for traffic upon both sides of such Tree Reserve, including footpaths, shall in no place be reduced by any such Tree Reserve to less than Forty-six feet, and so that no such Reserve be a greater length than Ten chains; and the Governor in Council may revoke any such Order; and the Board of the Town shall have charge of such Reserve, and may fence and plant the same with trees, and tend and cultivate the same.

Power to make Tree Reserve in streets.

**175** The Board of any Town may plant trees in any street in the Town, and erect tree-guards to protect the same so that the thoroughfares be not thereby unduly obstructed.

Power to plant trees in streets.

(11.) *Charitable Institutions.*

**176** The Board of every Town may, by Special Resolution, from time to time, on such terms and conditions as may appear expedient, appropriate such portion of the funds of the Board as they may see fit to erecting, establishing, and maintaining, or otherwise aiding, any hospital or asylum for the treatment of sick or disabled persons.

Board may establish, aid, &amp;c. charitable and other institutions.

(12.) *Construction of Sewers.*

**177** In the construction of Sewers under this Act, or under "The Public Health Act, 1885," or any of its Amendments, the following provisions shall have effect—

Construction of Sewers under this Act or 49 Vict. No. 18.

i. In any case where the Sewer serves to carry sewage as well as rain or spring water flowing over any street, the Board may contribute such part of the cost of the construction and maintenance thereof as to the Board may seem reasonable:

Board may contribute in certain cases.

ii. Before calling upon any owner who may be the owner of any property from which sewage-water flows, or, in the opinion of the Board should flow, or whose property will receive any benefit from a Sewer being constructed, to contribute to the cost of any Sewer serving or to serve such property, the

Board to prepare scheme.

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Board shall prepare a scheme showing the estimated total cost of the Sewer proposed to be constructed, or of the repairs required thereto, and the several proportions in which such owner or owners and the Board (if the Board determines as aforesaid to contribute) will be liable to pay such cost : Provided that no Owner of land which the Board may consider unsuitable for the erection of buildings shall be required under this Section to contribute to the cost of any such Sewer :

Notice to be given to owners.

Owner may appeal.

- III. Notice shall be given by the Board to the owner of every property mentioned in any such scheme, and if any owner objects to the proportion of cost charged to him, he may, within Fourteen days after service of such notice proceed as herein is provided in case of appeals affecting the Assessment Roll of the Town, and Two Justices shall have power to determine the amount which any owner shall pay under any such scheme as aforesaid; and all the provisions of this Act relating to appeals against Assessments shall apply to an appeal made by any such owner :
- iv. Subject to the determination of any such appeal, the amount which the Board shall have set out in any such scheme shall become a charge upon the Property of the owners named therein : Provided that the Board may arrange with any Owner to give time for the payment of any contribution with interest on deferred payments at the rate of Five per cent. per annum, and may take the same by instalments :
- v. All the provisions of this Act relating to the recovery of Rates shall be applicable to the recovery of the amounts named in any such scheme, or of any of the said instalments.

(13.) *Right of Way.*

Board may repair, &amp;c. Right of Way.

**178** The provisions following shall have effect either—

- i. When a proprietor, in laying out or granting a Right of Way, requests the Board in writing to take control thereof; or
- ii. When the owners interested in a Right of Way request the Board in writing to make, amend, or repair the same,

The Board may then proceed to make, amend, or repair the same, and may recover the expense of doing so from the owners in such proportions as the Board may deem just, regard being had to the use which each owner makes of the easement; and all such proportionate parts of such expenses shall be recoverable from the owners concerned in the same way as a Town Rate is hereby made recoverable.

The Board shall not by exercising the powers conferred by this Section acquire any right in the soil of any Right of Way, or be answerable for any accident arising by the use of any Right of Way.

(14.) *Alteration in Names of Streets.*

Board may alter name of any street. 29 Vict. No. 10, Sect. 212.

**179** In addition to the powers conferred by *The Police Act, 1865*, in regard to numbering houses and naming streets, the Board is hereby empowered from time to time by a Special Resolution to alter the name of any street, and of such alteration to give notice in the *Gazette*, and thereafter the street shall be known by such new name.

*Town Boards.*(15.) *Alignment of Buildings.*

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**180** No person shall hereafter erect any new building or re-erect any building so that any wall thereof shall be nearer than Twenty-five feet to a line drawn down the centre of any street or private street, although the width of any such street or private street may be less than Fifty feet.

Frontages of buildings to be Fifty feet apart at least.

Any breach of this provision shall subject the builder or owner of the building to the penalties specified in Sections Twelve and Thirteen of "The Public Health Act, 1889," and the Town Board of any Town is hereby empowered to exercise all the powers and authorities conferred by those Sections.

Penalties for breach.  
53 Vict. No. 39.

(16.) *Boundary Fences.*

**181** Where no fence or no sufficient fence already exists, it shall be lawful for the Board of any Town from time to time, and at all times, to compel the owners of any lands abutting on any formed and metalled or gravelled street having a metalled, gravelled, or asphalted footpath adjoining such lands, to erect and maintain, at their own expense, a substantial Five-feet paling fence, or, where the Board 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 Secretary, 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 Board shall for any such purpose appoint, then, and in any such case, it shall be lawful for the Board, 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 Board 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*.

Board to compel owners of vacant land to erect Fence.

And in case of neglect, Board to do so at owner's expense.

(17.) *Steam Rollers.*

**182** It shall be lawful for the Board of any Town to use upon any street or place within the said Town locomotives propelled by steam for the purpose of making and rolling the streets of the said Town, provided that such locomotives are worked and propelled according to the following rules and regulations; (that is to say)--

Board 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 when it is in motion, 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.

(18.) *Paving Crossings.*

**183** The Board, by any writing under the hand of the Chairman or Secretary, may require the owners of any properties on either side

Board may require owners of properties to

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make and repair  
crossing-places  
from main street.

of any street to make or repair any crossing-place over the footway and gutter leading to and from such properties into the said street, in such manner as to the Board 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 Board 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 Board 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 Board, by Order under the hand of the Chairman or Secretary, may direct payment thereof. If not then paid, the same shall be recovered in the same way as any Town Rate is now recoverable by Law.

(19.) *Private Streets.*

Board may  
cause Private  
Streets to be  
constructed.

**184** The Board of any Town may, after first passing a Special Resolution, cause any Private Street within such Town, or any portion thereof, to be constructed in such manner as the Board may from time to time determine; and the whole of the expense incurred by the Board 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 Board out of any moneys at their disposal.

Cost of con-  
struction to be  
verified by  
Auditor-General.

**185** When and so often as the Board shall cause any Private Street or any portion thereof to be constructed as aforesaid, the Chairman shall certify to the Auditor-General that such street or any portion thereof has been constructed to the satisfaction of the Board, and thereupon the Auditor-General shall certify under his hand the amount of money spent by the Board upon the construction of such street, and the amount so certified by the Auditor-General shall for all purposes be deemed to be the amount of money spent by the Board upon the construction of such Private Street, and shall be final and conclusive.

Cost of con-  
struction to be  
repaid by owners  
of adjoining lands  
by instalments.

**186** The amount of money so certified as aforesaid as spent by the Board 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 Board 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 Auditor's 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.

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

**187** Where in any case the owner of any land abutting on any Private Street constructed by the Board 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



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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.

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**188** 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 Town Rate is now recoverable by Law, or as in this Act provided.

Moneys to be recoverable as Rates.

**189** 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 Board 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.

Unpaid instalment made a charge upon land.

**190** It shall be lawful for the Board, with the sanction of the Governor in Council testified by notice in the *Gazette*, to borrow upon the security of any Town Rates any sum or sums of money not exceeding One thousand Pounds for the purposes of constructing such Private Streets as aforesaid, and such notice as aforesaid shall specify the period or periods for which the money is to be borrowed and the rate of interest to be paid thereon, and the form of debenture or other security to be given by the Board.

Power to borrow.

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

**191** The Board shall cause the amount of all moneys paid as hereinafore 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 Board for the construction of such Private Streets as aforesaid.

Sinking Fund to be formed.

**192** The Board 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 Funds of the Board.

Portion of instalments paid into Board Fund.

**193** It shall be lawful for the owner of any land abutting on any Private Street constructed by the Board to pay at any time the whole

Instalments may be paid off at any time.

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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. Any amount so received shall be paid into "The Private Streets Sinking Fund" as aforesaid.

Plan of new Streets to be submitted to Board.

**194** 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 Board, and obtaining their approval thereto: Provided, that if no disapproval be expressed by the Board within Six weeks after such plan and sketch as aforesaid shall have been submitted to the Board, the intended disposition may be proceeded with.

Width of Streets to be used as carriage roads.

**195** 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, unless the By-laws of the Board permit the laying out of streets not less than Fifty feet wide.

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

**196** 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.

Manner in which Street shall be constructed.

**197** 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 accordance with the requirements of the By-laws of the Board made under the powers hereinafter contained, and the entire construction thereof shall be approved and accepted by the Board before the street is taken over and adopted as a public highway.

Order of Board for payment of money, how enforced.

**198** Whenever any order shall have been made by the Board, under the hand of the Chairman, for the payment by any person of any sum of money due or payable by such person to the Board 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.

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

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time within Six years after the service of such order by an action in any Court of competent jurisdiction. A.D. 1896.

**199** 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. Penalties.

*(20.) Contributions to making Private Streets.*

**200** Upon the written application of any owner about to lay out or construct a new Street, the Board may consider whether such street will benefit the owners of adjoining or adjacent properties, and may upon the request of such owner, by notice published in the *Gazette*, define a Special District, which shall be liable to contribute to the cost of constructing such new Street to comply with the provisions of this Act. Board may define a Special District.

**201** The amount of the contribution to be made by each owner of property within such Special District shall be fixed by the Board and published with a list of the properties affected in the form of a Roll, either with the Notice defining the District or in some subsequent issue of the *Gazette*. Notice of contribution fixed to be given to each owner.

Notice shall also be given to each owner thereby affected as in the case of a new assessment under this Act, and the same right and process of appeal shall apply as in the case of such an assessment. After such publication and notice as aforesaid, and subject to the determination of any appeal against the contribution so levied on any owner, the same contribution shall be a charge upon the land of the same owner, and shall be payable at the times and manner fixed by the Board, and be recoverable in every respect as the instalments payable by owners of lands fronting on such Street are hereinbefore made recoverable, with similar interest if payments shall be deferred or taken in instalments. The amount of all such contributions when received by the Board shall, after deducting any commission or other expenses incurred in collecting the same, be paid to the owner laying out and constructing such new Street as aforesaid. Payment of contribution.

**202** It shall be lawful for the Board whenever it considers a proposed new street will contribute to the accommodation of and be a convenience to the inhabitants of the town sufficiently to justify the making of a contribution out of the Rates towards the cost of its construction, to pass a special Resolution for making a contribution accordingly: Provided that no such contribution shall exceed One-third of the said cost. Board may contribute in certain cases.

**PART VII.****PURCHASE AND TAKING OF LAND AND MATERIALS.**

**203** Every Board is hereby empowered to purchase and take, in the mode prescribed by *The Lands Clauses Act*, such land within the Town as the Board may deem necessary for the purpose of executing Purchase and taking of land.

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any work which the Board is by this Act, or acting as a Local Board of Health by "The Public Health Act, 1885," or any of its Amendments, authorised to undertake, or either within the Town or outside its boundaries, for the purpose of obtaining a site for quarrying materials for street making; and, subject to the provisions of this Act, *The Lands Clauses Act* shall be incorporated with this Act, excepting Sections Eight and Nine of that Act, and for the purposes of such incorporation the Board shall be deemed to be the Promoters of the undertaking.

Land may be given up if compensation excessive.

**204** Where a Board gives notice of an intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Board respectively deem it inexpedient to pay the amount of compensation so determined, the Board may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice, on payment of all the costs of reference and award.

In estimating compensation to be paid for land taken for a street, benefit to owner to be considered.

**205** Notwithstanding anything in *The Lands Clauses Act* contained, in estimating the amount of compensation to be paid to any person for land taken for improving, widening, diverting, altering, or making any street, sewer, or drain, the arbitrators or umpire shall take into consideration the benefit that is likely to accrue to the person whose land is about to be so taken for such street, sewer, or drain, and the arbitrators or umpire, in awarding compensation to be paid for taking such land, shall make such deduction for such benefit as shall be deemed just; and in case it appears to the arbitrators or umpire that the benefit likely to accrue to the person through whose land such street, sewer, or drain runs or is about to be taken is equal to or greater than the loss he will sustain by reason of the taking of his land for such street, sewer, or drain, the arbitrators or umpire may award that no compensation is to be paid, and thereupon the same rights shall accrue as if compensation had been awarded and duly paid.

Entry upon land.

**206** Whenever it is intended to take any land for any of the purposes of this Act, it shall be lawful for the Board, after Seven days' notice served upon the occupier, to enter upon any land and to stake out the same in such manner as the Board think necessary or expedient; and if any person wilfully pulls up, removes, or destroys the stakes or other marks used for the purposes aforesaid, every person so offending shall, for every such offence, incur a penalty not exceeding Fifty Pounds.

Renting land.

**207** It shall also be lawful for any Board to contract and agree with the persons interested in any land for the demise of such land for the purpose of obtaining materials from such land for the repair or construction of any street, or for any other of the purposes of this Act.

Uncultivated land may be used for temporary street.

**208** Every Board is hereby empowered to make use of any uncultivated land within the Town for the purpose of constructing a temporary street whilst any street is being made, diverted, altered, or repaired without making compensation for the same: Provided, that the temporary street shall be fenced in or otherwise so secured as

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to afford to the person through whose land such temporary street may pass an equal protection against trespass as was possessed by such person previously to the construction of such temporary street: Provided also, that on the completion of such repairs any damage done to the lands through which such temporary street may pass shall in all respects, as far as practicable, be made good by the Board. A.D. 1896.

**209** It shall be lawful for any Board to take and use for any of the purposes of this Act which are respectively applicable to such Board, any Crown Land which the Governor may authorize to be taken and used for such purpose. Crown land may be taken for purposes of this Act.

**210** It shall be lawful for any Board, after Seven days' notice to the owner and occupier, to enter upon any uncultivated land, and to cut down and carry away all such indigenous timber as may be required for making, repairing, or fencing any street, or any other of the purposes of this Act, upon making full compensation for such timber to the owner of the land: Provided, that it shall not be lawful for the Board to cut down any such indigenous timber where it is made to appear to their satisfaction that the same has been, and is intended to be, reserved and used by the owner or occupier of the land for the purpose of ornament or shelter. Timber may be taken from uncultivated land upon making compensation.

**211** Where it is deemed necessary to obtain materials from any land for making, repairing, or constructing any street or any other of the purposes of this Act, it shall be lawful for any Board, from time to time, after Seven days' notice to the owner and occupier, to enter upon such land at any time within Three months after the expiration of such notice, and to dig, quarry, and carry away all such materials as may be required for any such purpose, making full compensation to all parties interested for the damage thereby sustained: Provided that no such notice shall be available for any entry on any land under the authority of this Section after the expiration of One year from the date of the notice. Materials may be taken from lands upon making compensation.

**212** The compensation for taking indigenous timber from uncultivated land, or materials from any land, for the purposes of this Act, shall be settled by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation. Compensation for timber and materials how to be ascertained.

**213** It shall be lawful for any Board to sell and dispose of, in the manner prescribed by *The Lands Clauses Act*, any land purchased or taken by them respectively for the purposes of this Act which is not required for any such purpose, and the purchase-money arising from any such sale shall be applied by such Board to the purposes of this Act: and in the application of the provisions of *The Lands Clauses Act* to the purposes of this Act the enactment contained in this Section shall be substituted for Section Seventy-eight of that Act. Lands not required may be sold.

**214**—(1.) It shall be lawful for any Board to enter upon any land adjoining any street of which the Board has the care, control, and management, for the purpose of maintaining such street. Entry upon adjoining lands for executing works.

(2.) Any land entered upon under this Section shall be fenced in or otherwise so secured by the Board as to afford to the owner or occupier of such land an equal protection against trespass as was

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possessed by such owner or occupier previously to the entering upon such land.

Power to make drains on adjoining lands.

**215** Every Board shall have power respectively to make, cleanse, and keep open all drains or watercourses which they may deem necessary in and through any land adjoining or near to any street of which such Board has the care, control, and management.

Timber growing near any street may be cut down.

**216** Every Board is hereby empowered to cut down and remove all indigenous timber growing or standing within Seventy-five feet of the centre of any street of which such Board has the care, control, and management, making good all damage or injury to the fences, hedges, ditches, walls, or any other thing upon the land of the person on which such timber may be growing or standing; but such Board shall not be empowered to cut down any timber reserved, planted, or to be planted for the purposes of ornament or protection.

Quarries to be fenced in or otherwise secured.

**217** Every Board shall cause to be filled up, or in other respect rendered secure, all pits or quarries that may have been opened or used by them for any of the purposes of this Act, and shall, so soon as any work is completed, cause all fences taken down in the prosecution of the same to be well and sufficiently restored.

**PART VIII.****BY-LAWS.**

By-laws generally.

**218** By-laws may be made by the Board of any Town for the following purposes:—

Proceedings.

i. Regulating the proceedings of the Board and the duties of their officers and servants, and preserving order at Meetings of the Board :

Streets.

ii. Regulating the aligning, forming, metalling, curbing, paving, guttering, gravelling, repairing, and cleansing of roads, streets, and private streets, including the carriage and footways of such streets, and the materials to be used for any of the aforesaid purposes :

Buildings.

iii. Regulating the construction, elevation, materials, and form of buildings in any specified part of the Town, and the distance at which buildings may be erected from the centre line of any street :

New streets.

iv. Opening and regulating the width of new public streets, roads, and ways :

Drainage.

v. Regulating sewerage and drainage :

Lighting.

vi. Regulating the lighting of public streets or other public places with gas or otherwise, and the punishment of unauthorised persons interfering in any way with the lighting or extinguishing of any street lamps :

Obstructions.

vii. Preventing the encroachment of trees or hedges on any path or street, and any injury or obstruction to streets,

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- and keeping the same clear from dirt or litter of any kind : A.D. 1896.
- VIII. For preventing dogs, fowls, geese, and other domestic animals from being on or straying in the streets of the Town: Dogs, &c.
- IX. For providing for the destruction of noxious weeds and plants within the Town : Noxious weeds.
- X. For preventing the congregation of idle and disorderly persons in the streets and public places of the Town : Disorderly persons.
- XI. For regulating the use of bicycles, tricycles, perambulators, and like vehicles within the Town : Bicycles, &c.
- XII. Regulating traffic and processions : Traffic.
- XIII. Preventing and extinguishing fires and prohibiting the lighting of any fire within a dangerous distance of any fence or building : Fires.
- XIV. Compelling owners or occupiers whose premises may be in an unwholesome or offensive state, or likely to become so, to cleanse and keep the same free from offensive or unwholesome matters : Cleansing.
- XV. Regulating the killing of any live stock for human consumption for sale as butcher's meat, and the establishment and locality of slaughter-houses or abattoirs, and the hours during which cattle may be driven through any of the streets of the Town : Slaughter-houses.
- XVI. Preventing the fouling or obstruction of any river, rivulet, or other stream of water flowing through any Town : Fouling water, &c.
- XVII. Providing for the emptying and cleansing of earth-closets, privies, and cesspits : Cesspits.
- XVIII. Providing for the cleansing of stables, pig-styes, fowl-houses, and other places where any animals may be kept : Stables, &c.
- XIX. Preventing or regulating the bathing or washing the person in any public water or near a public thoroughfare, and for regulating any public baths or wash-houses as heretofore mentioned : Bathing.
- XX. Preserving public decency : Public decency.
- XXI. Providing for the health of the Town and against the spreading of contagious or infectious diseases : Health.
- XXII. Suppressing or restraining noisome and offensive trades and occupations : Offensive trades.
- XXIII. Regulating public places of amusement and public exhibitions or performances of any kind : Amusements.
- XXIV. Regulating and licensing porters, public carriers, carters, water-drawers, and vehicles plying for hire, and for appointing and regulating stands for any such vehicles, and the fees to be paid by any such person : Porters, &c.
- XXV. Regulating the supply and distribution of water in cases where the works for the storage of water have been formed at the expense of the Board or have been placed under their control in due course of law : Water.
- XXVI. Causing vacant building lots in towns to be enclosed where public safety is likely to be endangered : Vacant lands.
- XXVII. Suppressing nuisances, houses of ill-fame, gaming-houses, gambling-tables, and gambling of every description in public places : Nuisances.
- XXVIII. Establishing, maintaining, and regulating public libraries, schools of art, museums, botanical gardens, public halls, or Libraries, gardens, &c.

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- Commons and Reserves. other places of recreation or improvement, with power to make charges for the use of any such places :
- Market-place, &c. XXXIX. Regulating the rights and privileges to be enjoyed by the inhabitants of any Town over any common or reserve already or hereafter set apart or dedicated for the use of such inhabitants and under the control of the Board :
- Market days. XXX. For regulating the market-place and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein or in the immediate approaches thereto :
- Sale of cattle. XXXI. For fixing the days and the hours during each day on which the market shall be held :
- Carriers. XXXII. For licensing yards and premises for the sale of cattle within the Town, and for fixing (subject to the limitation hereinbefore mentioned) the dues to be paid for such licences :
- Markets. XXXIII. For regulating the carriers resorting to the market, and fixing the rates for carrying articles carried therefrom within the limits of the Town :
- Stallages, &c. XXXIV. For prescribing what articles may be sold or offered for sale in any market under the control of the Board :
- Unwholesome provisions. XXXV. For regulating the amount, and the time and manner of payment, of all stallages, rents, tolls, and dues authorised by this Act to be charged under any of the preceding sections relating to markets :
- Fraudulent devices. XXXVI. For preventing the sale or exposure for sale of unwholesome provisions in the market :
- Tolls. XXXVII. For prohibiting every kind of fraudulent device and practice in relation to the sale of marketable commodities :
- Steam engines. XXXVIII. Collecting and managing tolls, rates, and dues upon roads, bridges, wharves, jetties, and markets under the control of the Board :
- Prohibiting keeping of offensive or dangerous things. XXXIX. For regulating the use of steam engines and steam whistles within the Town :
- Quarrying. XL. To prevent the storage or the keeping in any place of any animal or thing in the opinion of the Board offensive, injurious to health, or dangerous, within the Town or any part thereof specified in the By-law, or within a distance of any habitation specified in the By-law :
- Width of tires. XLI. For regulating and controlling quarrying and blasting operations :
- Weigh-bridges, &c. XLII. For prescribing the width of tires of vehicles with respect to the weight of load to be carried on such vehicles :
- General. XLIII. For regulating the use of the weigh-bridges and weighing machines provided by the Board or by any person in the Town, and for preventing the use of false or defective weights, scales, or measures :
- By-law not to be contrary to law. XLIV. Generally maintaining the good rule and government of the Town :
- Passing of By-laws. But no such By-law shall contain matter contrary to this Act or any other Law in force in *Tasmania*.
- 219** Every By-law must be passed by the Board of the Town, and sealed with the Common Seal of the Town.



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- 220** After any resolution for passing any By-law has been agreed to by the Board, and not less than Seven days before the same is confirmed, a copy of such By-law shall be deposited at the Office of the Board, and shall be there open to the inspection of any person at all reasonable times, and a notice shall be published in some newspaper generally circulating in the neighbourhood setting forth the general purport of the proposed By-law and stating that a copy is open to inspection as aforesaid. **A.D. 1896.**  
**Publication of notice of proposed By-law.**
- 221** After any By-law has been sealed it shall be submitted for the approval of the Attorney-General, and if approved shall be published in the *Gazette*, and thereupon such By-law shall have the force of law in the Town. **Approval of By-laws.**
- 222** Any By-law made under this Act shall, if Parliament is sitting at the time of the approval of the Attorney-General of such By-law, be laid upon the Table of both Houses of Parliament within Fourteen days of the date of such approval, and if Parliament is not sitting at the date of such approval then within Fourteen days after the commencement of the next Session of Parliament; and it shall be lawful for either House of Parliament, within Fourteen days after such By-law has been laid upon the Table as aforesaid, to disallow such By-law or any part thereof; and upon such disallowance thereof being notified in the *Gazette*, such By-law, or the part thereof so disallowed, shall thereupon cease to be of any force or effect whatsoever. **By-laws to be laid before Parliament.**
- 223** Every By-law or ordinance in the nature of a By-law in force in any Town may be repealed by the Governor in Council; but every By-law in force under any Act hereby repealed shall continue in force until amended and repealed under the provisions of this Act. **Repeal of By-laws by Governor in Council.**
- 224** Any By-law made under this Act may impose a penalty for any breach thereof, and may also impose different penalties in case of successive breaches; but no such penalty shall exceed Ten Pounds. **By-laws may be enforced by penalty.**  
And any such By-law may provide that in addition to any such penalty any expense incurred by the Board in consequence of any breach of such By-law, or in the execution of any work directed by any such By-law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.
- 225** A copy of the *Gazette* containing any By-law of any Town shall be conclusive evidence of the due making of such By-law and of the contents thereof. **Proof of By-laws.**
- 226** If any elector of any Town desires to dispute the validity of any By-law, or part of a By-law, and shall pay to the Registrar of the Supreme Court the sum of Twenty Pounds as security for the costs of the proceedings hereinafter mentioned, it shall be lawful for such elector to apply to the said Court or a Judge for a Rule calling upon the Board to show cause why such By-law or part of a By-law should not be quashed for the illegality thereof, and upon the hearing of the matter the Court or Judge may quash or amend the By-law, or make such other Order, with or without costs, as to the Court or Judge shall seem meet. **Mode of testing the validity of By-law.**

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## PART IX.

## MISCELLANEOUS.

Area proclaimed  
Town ceases to be  
portion of a  
Road District.

**227** Every Town proclaimed under this Act and which is situate within any Road District at the date of the Proclamation of such Town, shall cease to be a portion of such Road District; and the residue of the area of such Road District shall, if the Governor in Council sees fit, cease to be a separate Road District, and shall form part of such adjoining Road District as he sees fit.

Board to be Main  
Road Board in  
certain cases.

**228** In every case in which a Main Road under "The Roads Act, 1884," or any portion of any such Main Road, passes through any Town proclaimed under this Act or any of the said Acts, and not situate within a Municipality, such Town shall be a Main Road District under "The Roads Act, 1884," and the Board of such Town shall be a Main Road District Board for such Main Road District, and the Chairman of the Board shall be the Chairman of such Main Road District Board. The Board may apply portion of any Road Rate levied under this Act towards the maintenance of any such portion of a Main Road or the making or repair of the paths and gutters thereof.

Number of  
Members of Board  
may be extended  
to Seven upon  
petition.

**229**—(1.) Upon the receipt of a petition to the Governor signed by all the Members of any Board of a Town consisting of Five Members, or by Fifty of the Electors of any such Town, praying that the number of Members shall be increased to Seven, the Minister shall cause the prayer and substance of the petition to be published in the *Gazette*; and unless a counter petition signed by Fifty or more Electors is received by the Governor within Thirty days from the date of such publication, the Governor shall, by Proclamation, increase the number of the Members to Seven, and by such Proclamation shall fix a day and hour and place for holding a Meeting of Electors for the purpose of electing Seven persons as and to be the Board of such Town; and on the day fixed by such Proclamation the Five Members of the Board of such Town shall retire from office, but shall be eligible for re-election.

(2.) All the proceedings at the Election held in pursuance of such Proclamation shall be the same as at the First Election of a Board under this Act; and the Seven persons elected in pursuance of such Proclamation shall retire in accordance with the provisions hereinbefore contained for regulating the retirement of the Seven persons who may be elected as first Members of any Board.

(3.) All property, rights, liabilities, and privileges vested in and accrued or accruing to the Board of such Town previous to the publication of such Proclamation, shall survive to and become vested in the Members of the Board elected pursuant to such Proclamation.

Governor, upon  
petition, to alter  
name of Town.

**230** Upon the receipt of a petition to the Governor signed by all the Members of any Board, or by Fifty of the Electors of any Town, praying that the name of such Town be altered, the Minister shall cause the prayer and substance of such petition to be published in two consecutive numbers of the *Gazette*; and unless a counter petition, signed by a greater number of Electors than signed the first petition, is received by the Governor within Thirty days from the date of such publication, the Governor shall, by Proclamation, alter the name of such Town in accordance with the prayer of the first received petition.

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**231** The Governor may from time to time, upon the request of the Board of any Town (which request shall only be made after the passing of a Special Resolution by such Board), by Proclamation published in the *Gazette* and in one or more newspapers circulating in the locality, alter and redefine the boundaries of such Town: Provided always, that every such Proclamation shall be published in three successive numbers of the *Gazette*, and shall not take effect until Seven days after the date of the last publication thereof; and if, before the day on which any such Proclamation would otherwise take effect, a majority of the Electors of the Town, or a majority of the Electors resident within any area which would be included within or excluded from the boundaries of the Town if the Proclamation takes effect, shall sign and forward to the Minister a petition praying that the proposed alteration in the boundaries of the Town shall not be made, the Minister shall publish such Petition in the *Gazette*, and the Proclamation shall not have any effect.

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Governor, upon petition, may alter and re-define boundary of Town.

**232** The Boards of any Two or more Towns may combine for the purpose of executing and maintaining any works, whether within the boundaries of such Two or more Towns or within the boundaries of one only of such Towns, that may be for the joint benefit of their respective Towns; and each such Board may borrow money for the purpose of contributing to the cost of any such work, in the same manner and to the same amount as if such money was borrowed for the execution or maintenance of any work undertaken by such Board solely.

Two or more Boards may combine for certain works.

**233** In the case of the combination of the Boards of any Two or more Towns for any of the purposes set forth in Part VI. of this Act, each such Board shall be liable for the cost of executing or maintaining such work to an amount proportionate to the rateable value of the property in such Town as compared with the rateable value of the property in the other Town or Towns for the benefit whereof such work has been executed or maintained, and the proportion of such cost for which each Board shall be liable shall be recoverable from such Board in the same manner as if it were a debt or liability incurred solely by such Board.

When Boards combine each liable for proportion of costs of work.

**234** The Board of any Town may combine with the Municipal Council of any City or Rural Municipality, or with the Trustees of any Road District, for the purpose of executing and maintaining any works that may be for the joint benefit of such Town and City, Municipality, or Road District, as the case may be, and such Board may borrow money for the purpose of contributing to the cost of any such work, in the same manner and to the same amount as if such money was borrowed for the execution or maintenance of any work undertaken by such Board solely, and whether such work is or is not within the boundaries of the Town the Board whereof is contributing to the cost thereof.

Board and Municipal Council or Road Trustees may combine for certain works.

**235** Whenever the Board of any Town, the Trustees of any Road District, or the Municipal Council of any City or Rural Municipality, are of opinion that any bridge, street, road, water-course, culvert, drain, or sewer should be constructed, or any repairs or alteration or other work should be done to or on any street, road, or bridge, drain, sewer, culvert, or watercourse, under the care, control, and management of such Board, Trustees, or Municipal Council, and that such alteration, repairs, or work will be a benefit to any adjoining Town or City or Municipality, as well as to their own Town or City, Municipality, or Road District, it shall be lawful for such Board, Trustees, or Municipal

Construction of and repairs to roads, &c. uniting Towns, &c.

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Council to give to the Board or to the Municipal Council of the adjoining Town or City or Municipality, or to the Trustees of the adjoining Road District, notice in writing requiring the said last-mentioned Board, Trustees, or Municipal Council to concur in constructing such bridge, street, road, watercourse, culvert, drain, or sewer, or in executing such alteration, repairs, or work; and if an agreement shall not be entered into for constructing such bridge, street, road, watercourse, culvert, drain, or sewer, or for executing such alteration, repairs, or work within One month after service of such notice, the Board or the Municipal Council, or Trustees giving such notice, may construct such bridge, street, road, watercourse, culvert, drain, or sewer, or execute such alteration, repairs, or work at their own costs and charges; and it shall be lawful for the Minister to decide, upon such evidence as he may deem sufficient, as to the manner in which the cost of such construction, alteration, repairs, or work shall be borne, and the Treasurer is hereby empowered to pay to the Board, Trustees, or Municipal Council constructing such bridge, street, road, watercourse, culvert, drain, or sewer, or executing such alteration, repairs, or work as aforesaid, out of any moneys which the defaulting Board, Trustees, or Municipal Council may at any time thereafter be entitled to receive out of the Consolidated Revenue Fund, such portion, if any, as the Minister may certify of the said costs and charges; and in the event of the said defaulting Board, Trustees, or Municipal Council not being entitled to receive any money out of the Consolidated Revenue Fund, such portion of the said costs and charges as the Minister certifies as aforesaid shall be recoverable by the Board, Trustees, or Municipal Council constructing such bridge, street, road, watercourse, culvert, drain, or sewer, or executing such alteration, repairs, or work from the defaulting Board, Trustees, or Municipal Council as for money paid to the use of the last-mentioned Board, Trustees, or Municipal Council.

Minister may  
authorise work  
outside Town, &c.

**236** Any such power as is conferred in the last foregoing Section of this Act may be exercised by any of the Local Authorities therein named in respect of any work outside the boundaries of their respective City, Town, Municipality, or Road District, provided the consent of the Minister be first obtained by any such local authority before proceeding to exercise such power: Provided that no Board shall proceed to undertake any work referred to in the four last preceding Sections of this Act until a Special Resolution has been passed authorising the undertaking.

Board in all cases  
must pass Special  
Resolution.

Governor in  
Council may  
make Rules.  
Mode of con-  
structing and  
maintaining  
boundary streets,  
&c.

**237** The Governor in Council may from time to time make, alter, and rescind Rules prescribing—

Security given  
by officer.

I. The mode in which the Boards of any Two Towns, or the Municipal Council of any City or Rural Municipality, or the Trustees of any Road District, and the Board of any Town, as the case may be, shall construct and maintain any of the works in the last Five preceding Sections mentioned:

II. The amount for which every Officer employed by any Board, and having the custody or control of moneys, shall give security:

Manner of  
keeping  
accounts.

III. The manner in which the Accounts of each and every Board shall be kept, and the periods at which, and the form and manner in which, such Accounts shall be furnished to the Auditor-General.

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**238** All moneys payable to and received by the Board of any Town under this Act and not otherwise specifically appropriated, and all fees received by the Board of any Town by virtue of this Act, shall, unless in any case otherwise specifically directed, be paid to the Treasurer of the Board and form part of the moneys at the disposal of the Board for the purposes of this Act, and shall be applied by the Board in carrying out the objects of this Act.

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Appropriation of moneys.

**239** All property, rights, liabilities, and privileges vested in and accrued or accruing to the Trustees of any Road District in respect of any portion of such Road District which is proclaimed a Town under and for the purposes of this Act, or which is included in any such Town, shall, upon the election of a Town Board of such Town, survive to and vest in such Board.

Property in Town to vest in first Board on election.

**240** Where any Town forms, at the date of its Proclamation, any part of any Road District or any Municipality, the moneys in the hands of the Trustees of the Road District or of the Municipal Council of the Municipality and the liabilities thereof at the date shall be divided between the said Trustees or such Municipal Council and the Board of the Town in such proportions as the Auditor-General shall certify in writing.

Division of money belonging to Road Trust when Board formed.

**241** Every Town which is situate in a Municipality shall, upon being proclaimed under this Act, cease, except as hereinafter provided, to be subject to the jurisdiction of the Municipal Council of such Municipality.

Towns within Municipality beyond jurisdiction of Council.

**242** The property within every Town which is situate within a Municipality shall remain liable to be rated by the Municipal Council of such Municipality for the payment of the interest accruing due after the proclamation of such Town upon any money borrowed by such Municipality before such Town was so proclaimed, in the same manner and to the same extent as if such Town had remained a portion of such Municipality, and shall, notwithstanding anything contained in this Act, remain liable for and be charged with such proportion of the lawful debts and liabilities of such Municipality on the day when such Town is so proclaimed as the total amount of the annual value of the property within such Town as shown by the Assessment Roll then in force in such Municipality bears to the whole amount of the annual value of the property within such Municipality as shown by the said Assessment Roll, until such proportion of the said debts and liabilities shall be assumed by the Board of such Town as hereinafter provided.

Property in Town liable to be rated by Council.

Debts and liabilities of Municipality to be apportioned.

**243** The Board of every Town which is situate within a Municipality shall, within one year after its election, assume such proportion of the lawful debts and liabilities of such Municipality on the day when such Town was proclaimed as the total amount of the annual value of the property within such Town, as shown by the Assessment Roll then in force in such Municipality, bears to the whole amount of the annual value of the property within such Municipality as shown by the said Assessment Roll; and the said Board and the Municipal Council of such Municipality shall mutually adjust the respective proportions of the debts and liabilities to which they are to be respectively liable; and the terms and particulars of every such adjustment shall be

Debts to be assumed by Board one year after election,

and adjusted between Municipality and Board.

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reduced into writing, and shall be enforceable by either of the parties against the other by *Mandamus*.

In the event of dispute the Supreme Court to decide.

**244** In the event of the Board of any Town which is situate within a Municipality, and the Municipal Council of such Municipality, refusing or not being able to agree upon the apportionment between them of the debts and liabilities of such Municipality at the date of the proclamation of such Town, the Supreme Court shall, upon the application of either party, apportion such debts and liabilities between the Municipal Council and the Board.

Town to be a Police District. 29 Vict. No. 10.

**245** The Governor may, from time to time, by Proclamation published in the *Gazette*, declare that any Town proclaimed under this Act or any Act hereby repealed shall be deemed to be a Police District within the meaning of *The Police Act, 1865*, or a portion of any other such Police District.

In what newspapers certain advertisements shall be published. *Sundays, &c.*

**246** In all cases in which any matter or thing is hereby required to be published, advertised, or inserted in a newspaper circulating in any Town, the said newspaper shall be such newspaper as the Board of such Town has for the time being appointed in that behalf; and whenever any day provided or appointed by or under this Act for any purpose in any year happens on a *Sunday* or a day which is a public or bank holiday throughout *Tasmania*, then such provision and appointment shall take effect as for the next following day which is not a *Sunday* or public or bank holiday.

Further powers as to obstructions and injuries to streets, &c. 29 Vict. No. 10. 42 Vict. No. 25.

**247** In addition to the provisions hereby extended to Town Boards contained in Part III. of *The Police Act, 1865*, and in "The Police Act Amendment Act, 1879," relating to Nuisances and Obstructions in Streets of Towns, it is hereby enacted:

Every person who is guilty of any of the following offences shall for every such offence incur a penalty not exceeding Five Pounds:—

- i. Using any instrument for the purpose of retarding the descent of any vehicle down hill, or which prevents the wheel or wheels of such vehicle revolving, in such manner as to destroy, injure, or disturb the surface of any Street.
- ii. Wilfully suffering a wheel of any vehicle to run in any Drain by the side of any Street for the purpose of retarding the descent of such vehicle down hill.
- iii. After having blocked or stopped any vehicle in going up or down hill, causing or suffering to be or remain on the Street the stone or other thing with which such vehicle has been blocked or stopped.
- iv. Removing soil from any Street or from the sides thereof, or removing, barking, felling, or cutting trees on any Street or on the side thereof, the property of the Board.
- v. Being the owner of land, permits any seedlings, suckers, or offsets from any hedge or live fence which separates or at any time has separated such land from any Street in any Town, or from any gorse, blackberry bushes, or briars growing on such land to spread and grow on any Street.

Provided, that in any of such last-mentioned cases the Board may also cause a written notice to be served on the owner requiring him to

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remove any such seedlings, suckers, or offsets within Fourteen days, and in default the Board of such Town may cause the same to be removed, and the owner shall forthwith, on demand, pay to the said Board the expenses of removing same. A.D. 1896.

**248** A bound copy of this Act, including the aforesaid provisions of *The Police Act, 1865*, and of the Public Health Acts, as well as of all By-laws made by the Board, shall be provided by the Secretary to each Board, who shall place the same upon the table of every Meeting of the Board, and a copy of this Act and of the By-laws of the Board shall be handed by the Secretary of each Board to every Member thereof upon his Election to be kept by him during the term of his membership. The Secretary shall be reimbursed the cost of all such copies as aforesaid out of the funds of the Board. Copy of this Act to be furnished to every Member.

## PART X.

## LEGAL PROCEEDINGS.

**249** Any summons or notice, or any writ or other proceeding, at law or in equity, requiring to be served upon any Board, may be served by being given personally to the Chairman or Secretary. Service of notices and legal proceedings.

**250** All notices by this Act required to be given to the owner or occupier of any property or any other person may be served personally upon such owner, occupier, or person, or left with some inmate of his place of abode, or by forwarding the same by post addressed to the usual or last known place of abode of such owner, occupier, or person. Service of notices.

**251** Every order, summons, notice, or other such document requiring authentication by the Board, may be sufficiently authenticated without the Common Seal of the Board if signed by Two Members or by the Secretary. Certain documents how authenticated.

**252** No fee shall be payable on any summons issued on the complaint of any Board or any Collector thereof to enforce payment of any Rates. Summons for Rates without fee.

**253** If any person against whom any Board has any claim or demand takes the benefit of any Act for the relief of insolvent debtors, the Secretary or Treasurer of the Board, in all proceedings against the estate of such bankrupt, or under any adjudication or act of bankruptcy against such bankrupt, may represent the Board, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Secretary or Treasurer. Proceedings in estates of insolvents, &c.

**254** In all proceeding in any Court of Petty Sessions, or before any Justice, the Secretary, or any other officer of the Board appointed by the Chairman of the Board in writing under his hand, may represent the Town or the Board in all respects as though he had been the party concerned. Proceedings in Petty Sessions.

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Reimbursement  
of officers.

**255** The Secretary, Treasurer, or other officer appointed as last aforesaid, shall be reimbursed out of the funds of the Board all damages, costs, charges, and expenses to which he may be put, or with which he may become chargeable, by reason of anything contained in either of the two last preceding Sections.

Offences to be  
dealt with summarily.

**256** All offences against this Act, or against any By-law made hereunder, and all penalties and sums of money imposed or made payable by this Act, or by any such By-law, shall, where no other mode of proceeding is by Law provided, be heard, determined, and recovered in a summary way by and before any Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person who deems himself aggrieved by any penalty imposed under the authority of this Act and any Board dissatisfied at any decision hereunder may appeal against the same in the manner provided by the *Appeals Regulation Act*.

Appeals.

19 Vict. No. 8.

This Act to  
apply to offences  
under portions of  
29 Vict. No. 10.

**257** All the provisions hereinbefore contained relating to offences against this Act and to the recovery of penalties and sums of money imposed or made payable by this Act shall apply to all offences which may be committed in any Town against any of the aforesaid portions and provisions of *The Police Act, 1865*, and of "The Police Act Amendment Act, 1881," and to all penalties and sums of money imposed or made payable by the said Acts.

Persons not to be  
imprisoned for  
more than Three  
months.

**258** No person shall, unless otherwise expressly provided, be imprisoned for nonpayment of any penalty under this Act, or for want of sufficient distress, for a longer period than Three months, to be computed from the day, if such offender has been arrested, on which he was actually arrested.

One conviction  
only for same  
offence.

**259** No persons convicted under this Act, or under any By-law made hereunder, shall be liable to be convicted under any other Act for the same offence.

Penalties to be  
paid to Treasurer.

**260** All penalties received by virtue of this Act, or of any By-law made hereunder, shall, if not otherwise specifically directed, be paid to the Treasurer of the Board, and shall form part of the moneys at the disposal of such Board.

Persons acting  
under Acts relating  
to any Town  
entitled to notice  
of action, &c.

**261** Unless otherwise expressly provided, no action shall lie against any person for anything done in pursuance of this or any other Act relating to any Town unless notice in writing of such action, and of the cause thereof, is given to the Defendant One calendar month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued; and in any such action the Defendant may plead the general issue, and give this or such other Act and the special matter in evidence; and no Plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the Defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the Defendant, or the Plaintiff becomes nonsuit or discontinues such action, or if upon demurrer or otherwise judgment is given against the Plaintiff, the Defendant shall



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recover his full costs as between attorney and client, and have the like remedy for recovering the same as any Defendant has by Law in other cases ; and though a verdict is given for Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon. A.D. 1896.

**262** Whenever any part of a road, street, or highway under the control of the Board of any Town shall have been made and formed to a width of not less than Fifteen feet for the public use, the Board of such Town shall not be liable at law or otherwise for any damage, claim, or demand whatsoever in consequence of any injury or damage sustained by any person through or in consequence of any accident occurring to such person, or to any cattle, or to any goods or chattels whatsoever upon the part of such road, street, or highway not so made and formed as aforesaid, provided such Board shall cause all such cross drains to be protected to the full width of the formation hereinbefore mentioned, or shall not have made any hole upon such road, street, or highway by which any accident shall be caused ; and all persons travelling or passing over and along such road, street, or highway, either with or without cattle, or with any goods or chattels whatsoever, shall do so at their own risk, save as aforesaid, and such Board shall not be liable in damages or otherwise for any damage any such person may sustain while travelling or passing over and along such unmade part of such road, street, or highway, save as aforesaid. Limitation of actions against Town Board.

**263** If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, any Member, or the Surveyor, Inspector, Collector, Officer, Servant, or Workman of any Board, or any other person thereto authorised in doing or performing any work or duty by this Act authorised to be done or performed by such Board, or in the exercise of any power or authority vested in such Board or any of the persons aforesaid by this Act, or threatens or assaults, or uses improper or abusive language to, any of the persons aforesaid whilst in the performance or execution of his duty under this Act, every such person shall for any such offence, if not otherwise specially provided for, incur a penalty not exceeding Twenty Pounds. Provided, that no proceeding for the recovery of any such penalty nor the payment thereof shall be a bar to any action at law by any of the persons as aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any law or usage to the contrary notwithstanding. Protection of officers in execution of duties.

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## SCHEDULE.

(1.)

Sect. 21.

## FORM OF NOMINATION.

WE, the undersigned Electors of the Town of \_\_\_\_\_ do hereby  
 nominate [*stating Christian and Surname*] of \_\_\_\_\_ as a Candidate  
 [*or Candidates*] for the Office of a Member [*or Members*] of the Board of the said  
 Town.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

I, the above-named \_\_\_\_\_ consent to become a Candidate at the  
 election of a Member [*or Members*] of the Board of the Town of \_\_\_\_\_  
 (Signed) A.B.

(2.)

Sect. 45.

## DECLARATION OF MEMBER OF BOARD.

I, A.B., having been elected a Member of the Board of the Town of \_\_\_\_\_  
 do solemnly declare that I will faithfully and impartially, according to  
 the best of my skill, judgment, and ability, execute all the powers and authorities  
 reposed in me as the holder of such office by virtue of "The Town Boards Act,  
 1896," and that I have not fraudulently or collusively obtained the said office to which  
 I have been elected.

(Signed) A.B.

Taken before me, &c.

J.P.

(3.)

Sect. 63.

## DISTRESS WARRANT FOR RATE.

TASMANIA } To X.Y. [a Collector of Rates for the Town of \_\_\_\_\_  
 TO WIT. } *or some other fit person.*]

WHEREAS complaint has been made before [me], a Justice of the Peace, that A.B.  
 of \_\_\_\_\_ has not paid the sum of \_\_\_\_\_ payable by him in respect of  
 certain property situate [*describe property fully*] by virtue of the \_\_\_\_\_ Rate for the  
 Town of \_\_\_\_\_ made on or about the \_\_\_\_\_ day of \_\_\_\_\_  
 18 \_\_\_\_\_, although the same has been duly demanded of him: And whereas it  
 appears to me upon the oath of [the said X.Y.] a Collector of Rates for the said  
 Town, that the said sum of \_\_\_\_\_ has been duly demanded by him  
 from the said A.B. and that the said A.B. has failed to pay the same for the space  
 of \_\_\_\_\_ days after such demand made and has not paid the same: And  
 whereas the said A.B. having appeared before me in pursuance of a Summons issued  
 by [me] for that purpose, has not shown sufficient cause why the said sum of \_\_\_\_\_  
 should not be paid: [*or* And whereas it has been proved to me upon  
 oath that the said A.B. has been summoned to appear before [me] or such other  
 Justice of the Peace as might now be here to show cause why the said sum of \_\_\_\_\_  
 should not be paid, and the said A.B. has neglected to appear  
 according to such Summons, and has not shown any sufficient cause why the said sum  
 of \_\_\_\_\_ should not be paid:] These are therefore to command you  
 forthwith to make Distress of the Goods and Chattels of the said A.B. wheresoever  
 the same may be found, and also of all Goods and Chattels found by you upon the  
 said property to whomsoever the same may belong; and unless at any time within the  
 space of [*Five*] days after such Distress by you made the said sum of \_\_\_\_\_  
 together with all costs, charges, and expenses attendant upon such Distress, be paid to  
 you, that 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 of \_\_\_\_\_  
 and also all costs, charges, and expenses attendant upon such Distress and Sale,  
 rendering to the said A.B. or other person whose Goods and Chattels are so distrained  
 by you, as the case may be, the overplus, if any, on demand; [*in case the Warrant  
 is directed to some other person than the Collector, and the said sum of*

## Town Boards.

you are hereby commanded to pay to (the said X.Y.) the said Collector ; ] and if no sufficient Distress can be made of the Goods and Chattels of the said A.B. or otherwise as aforesaid, that then you certify the same to me together with this Warrant. A.D. 1896.

Given under my hand, this                      day of                      18 .

*J.P.*  
*Justice of the Peace.*

(4.)

## ASSESSMENT ROLL for the Town of

Sect. 89.

Description of Property.	Name or Situation of the Property.	Name of the Occupier of the Property, the Residence of each being in unless otherwise stated.	Name of the Owner of the Property, the Residence of each being in unless otherwise stated.	Area of the Property.	Cash Capital Value.		Annual Value.	
					£	s.	£	s.
Land	Clark-street	James Reid	The said James Reid	ACRES. 10	800	0	40	0
House, garden, and grounds	Byron-street, Longford	William Hooper	The said William Hooper	under 1	900	0	45	0
House & shop	No.20, Davey-street, Longford	Robert Lambert, on the property	Thomas Wright, Longford	ditto	500	0	25	0
Shop and store	Longford	Empty	William Burman, No. 13, Brisbane-street, Launceston	ditto	200	0	10	0
Cottage	Ditto	James Wilson	Thomas Dennis	ditto	100	0	5	0

(5.)

## TOWN BOARD OF

Sect. 25.

(Election held                      189 )

## ELECTOR'S DECLARATION.

I, A.B., do hereby solemnly declare as follows—

1. That I am the person named in the Assessment Roll.
2. That I am twenty-one years of age.
3. That I am not an alien.
4. That I have not already voted at this Election.
5. That no part of any Rate due and payable by me is in arrear.

Witness—

A.B.

