

1 EDW. VII. No. 27, 1901. *Local Authorities Act.*

7. The said Treasury Bills shall be made payable on such day or days not later than the first day of January, one thousand nine hundred and twelve, as the Governor in Council may appoint. Bills when payable.

8. All moneys raised under the authority of this Act shall be carried to and form part of the Consolidated Revenue Fund, and shall and may be applied for any service authorised to be defrayed out of the Consolidated Revenue Fund. Moneys raised to form part of Consolidated Revenue.

9. Upon proof being made, on oath, before a Judge of the Supreme Court that any Treasury Bill issued under this Act, the number and sum whereof is specified, has been lost or accidentally burnt or otherwise destroyed before the same has been paid off, and upon such Judge certifying that he is satisfied with such proof, the Treasurer may cause a new Bill to be made out at the Treasury bearing the same number, date, currency, principal sum, and rate of interest, as the Bill so lost or destroyed, and to be delivered to the person who was the holder of the Bill so lost or destroyed upon his giving sufficient security to the Treasurer to indemnify the Treasury against any double payment if the missing Bill should thereafter be presented for payment. Provisions for Bill lost, &c.

10. All Treasury Bills issued under this Act, after being paid off and discharged, shall be cancelled, and shall, together with all checks, indents, and counterfoils belonging to them, be burned or otherwise destroyed in the presence of the Auditor-General and the Under Secretary of the Treasury, who shall certify the fact of such destruction to the Treasurer. Cancelling of discharged Bills.

LOCAL AUTHORITIES.

An Act to Amend the Laws relating to Local Authorities in certain Particulars.

1 EDW. VII.
No. 27.
THE LOCAL
AUTHORITIES
ACT OF 1901.

[ASSENTED TO 31ST DECEMBER, 1901.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as "*The Local Authorities Act of 1901,*" and shall commence and take effect on and from the first day of January, one thousand nine hundred and two. Short title and commencement of Act.

Interpre-
tation.

2. In this Act the term "Local Authority" means the Council of a Municipality constituted under the laws in force for the time being relating to the constitution of Municipalities, or the Board of a Division constituted under the laws in force for the time being relating to the constitution of Divisions.

T ransverse
levels.

3. Where any road or street traverses such uneven, broken, or sidelong ground that the adoption of a uniform level transversely throughout the entire width of such road or street would in the opinion of the Local Authority cause inconvenience, the Local Authority may either permanently or temporarily form any such road or street to different transverse levels in such a manner as to divide the road or street so formed into separate roads or streets, one of which may at any transverse section of the road or street be higher or lower than any other :

Provided that wherever the Local Authority so divides any road or street into separate roads or streets, the Local Authority shall erect and maintain such fences and establish and maintain such lights as may be necessary to prevent accidents.

Repeal of 54
Vic. No. 24,
s. 29.

4. Section twenty-nine of "*The Valuation and Rating Act of 1890*"* is repealed, and the following section is inserted in lieu thereof :—

Maximum
of rates.

No General Rate made in any one year shall exceed the amount of three pence in the pound of the value of the rateable land upon which it is made.

Rates to carry
interest.

5. When any rates made under the provisions of "*The Valuation and Rating Act of 1890*"* have remained unpaid for a period of twelve months from the first day of January after the same became due and payable, such rates shall thereafter bear interest at the rate of five pounds per centum per annum calculated at simple interest, and such interest shall be recoverable in the same manner as Rates are recoverable under the provisions of the said Act and of this Act :

Provided that all Rates due and payable to a Local Authority at the commencement of this Act, and which have remained unpaid for a period of not less than twelve months, shall bear interest as aforesaid from the first day of January, one thousand nine hundred and two, and not sooner.

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6. (1.) When in respect of any rateable land any Rates ^{When land may be sold} accrued thereon under the provisions of "*The Valuation and Rating Act of 1890*"* have, whether before or after or partly before and partly after the passing of this Act, been unpaid for seven years or longer, the Local Authority may direct the clerk to send to the Registrar of the District Court nearest to the land in respect of which the Rates are payable a certificate in the form following, that is to say,—

Certificate of Rates Unpaid.

This is to certify that, under the provisions of "*The Valuation and Rating Act of 1890*" and "*The Local Authorities Act of 1901*," the sum of _____ pounds _____ shillings and _____ pence is now due and unpaid by [full name, occupation, and address, if known], as the occupier [or owner or, if the name of the owner is not known to the Local Authority, by "the owner"] of [describe the land], being arrears of rates and interest due in respect of such land. You are directed to publish forthwith the notice required by "*The Local Authorities Act of 1901*," and after the expiration of three months from the date of such notice, unless the amount abovementioned and all Rates accrued due on the land in the meantime, and all costs and expenses incurred, are sooner paid, to issue your warrant of execution against the said land for the recovery of the said sums of money.

Dated at _____ this _____ day of _____ 19 .
 A.B.
 Clerk.

To the Registrar of the District Court, at

(2.) Upon the receipt of the certificate such Registrar shall forthwith publish once in the *Gazette* and in some newspaper generally circulating in the District a notice in the form following, that is to say,—

Notice of Sale.

Whereas under the provisions of "*The Valuation and Rating Act of 1890*" and "*The Local Authorities Act of 1901*" the sum of _____ pounds _____ shillings and _____ pence is now due and unpaid by [full name, occupation, and address, if known], as the occupier [or owner or by the "owner"] of [describe the property], being arrears of rates and interest due to the Local Authority of [name of Local Authority] in respect of such land; and whereas such Local Authority has directed me, after the expiration of three months from the date hereof, to issue my warrant of execution against such land unless the moneys hereinafter mentioned are sooner paid: This is to give notice that I shall issue my warrant of execution accordingly at the expiration of three months from the date hereof unless the abovementioned sum and all Rates accrued due on the land from the _____ day of _____, 19 [date of certificate], and all costs and expenses incurred are sooner paid.

Dated at _____ this _____ day of _____, 19 .
 C.D.,
 Registrar of the District Court.

* 54 Vic. No. 24, *supra*, page 4020.

Provided that if any proprietor, mortgagee, encumbrancee, lessee, or Trustee of any land has previously registered himself as such by notice in writing sent by registered letter in respect of any land in the office of the Local Authority (which registration the Local Authority shall recognise and record), a like notice shall be served upon him at the instance of the Registrar in the manner prescribed by section nine of "*The Valuation and Rating Act of 1890.*"* Such Record as aforesaid shall be open to be inspected by any ratepayer at all reasonable times upon payment of a fee of two shillings and sixpence.

(3.) At the expiration of the time limited by such notice the Registrar shall issue a warrant of execution against the land, unless all such Rates, together with interest thereon calculated as hereinbefore provided at the rate of five pounds per centum per annum, and all rates and other payments accrued due on the land in the meantime, and all costs and expenses incurred have been paid.

(4.) The warrant of execution shall be directed to the bailiff of such Court and shall be executed by him against the land rated, notwithstanding any change that may have taken place in the meantime in the ownership of the land, for the recovery of the moneys above mentioned, in the same manner as warrants of execution against land are executed under the laws in force for the time being relating to District Courts.

(5.) The moneys arising from the sale of the land shall be applied towards the payment of the moneys above mentioned in priority to every mortgage, encumbrance, lien, bill of sale, caveat, judgment, writ, warrant, or other charge, agreement, or process registered against or in any way affecting the land, and notwithstanding the disability of any person or any statute of limitations.

(6.) After payment of the moneys above mentioned the residue of any moneys arising from the sale of the land shall belong to such person as would if no sale had taken place have been entitled to receive the rents and profits of the land.

(7.) The Registrar shall execute a proper deed of bargain and sale or transfer of the land to the purchaser, and the purchaser shall thereupon be entitled to be registered for an estate in fee-simple in the land free of any encumbrance, or in the case of land held under any

* 54 Vic. No. 24, *supra*, page 4020.

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less tenure or under any tenure peculiar to goldfields or mining districts for the entire estate or interest of the owner or occupier in default free of any encumbrance.

7. If a mortgagee of rateable land pays any Rates accrued thereon under the provisions of "*The Valuation and Rating Act of 1890*,"* including any interest due upon such Rates, then, notwithstanding any Act to the contrary, or any agreement or covenant to the contrary contained in the memorandum of mortgage or otherwise, the amount so paid by the mortgagee shall be deemed to be part of the principal moneys advanced by him under the mortgage, and shall be recoverable as such, with interest accordingly.

Payment of Rates by mortgagee.

8. (1.) Upon written application made to the Treasurer by a Local Authority or other public body, signed by the chairman thereof, the Governor in Council may suspend, for a period not exceeding two years from the first day of July, one thousand nine hundred and one, the payment of so much of the moiety of the annual payment as is required to be paid on the first days of January and July respectively in every year, to redeem the principal sum of such loan as has been advanced under "*The Local Works Loans Acts, 1880 to 1899*,"† to such Local Authority or public body.

Half-yearly payments to redeem principal money of loan may be suspended.

(2.) The period provided by the said Acts for the repayment of such loan may, in the event of such suspension, be extended by the Governor in Council for a further period not exceeding the time of such suspension.

Time for repayment of principal may be extended.

(3.) During the time of such suspension, interest on so much of the loan as shall be then unliquidated shall be charged at the rate of four per centum per annum, payable by moieties on the first days of January and July respectively in every year.

Interest during suspension.

(4.) If on the thirtieth day of June, one thousand nine hundred and one, there have been due and owing any sums of money required to redeem any loan advanced under the provisions of the said Acts, payment thereof may be suspended by the Governor in Council for a period not exceeding two years from the thirtieth day of June, one thousand nine hundred and one; and interest thereon shall be charged at the rate of four per centum per annum, payable half-yearly as aforesaid.

Payment of arrears may be suspended.

* 54 Vic. No. 24, *supra*, page 4020.

† 44 Vic. No. 9, *supra*, page 1456; 54 Vic. No. 18, *supra*, page 4019; 62 Vic. No. 9, *supra*, page 6800; 63 Vic. No. 7, *supra*, page 7139.

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Suspended payments due on the expiration of period of suspension.

(5.) On the expiration of the period of such suspension of the payments of the principal money of the loan, the total payments so suspended shall be forthwith payable by such Local Authority or public body, unless there has been an extension of the period prescribed by the said Acts for the repayment of such loan; in the event of such extension, the payments required to redeem such loan shall, after the expiration of the period of such suspension, be made during such extended period in accordance with the provisions of the said Acts and in accordance with the scale prescribed by "*The Local Works Loans Act of 1899.*"*

Power to expend fund for Commonwealth celebrations and Royal visit, &c.

9. Notwithstanding the provisions of any Act, it shall be deemed and taken to be lawful for any Local Authority or Board created under statutory authority for the execution, management, or control of any local work during the year one thousand nine hundred and one to have applied and to apply out of its municipal or divisional or other local fund any sum or sums of money approved by such Local Authority or Board in connection with any celebrations on the occasion of the proclamation of the Commonwealth and the visit to Queensland of Their Royal Highnesses the Duke and Duchess of Cornwall and York.

Judiciary not disqualified from adjudicating.

10. No Judge, Justice, or Judicial Officer shall be disqualified or prevented from presiding, sitting, acting, or adjudicating in any suit, action, or proceeding whatsoever in or to which any Local Authority is a party, or is sought to be made a party, by reason only of his being a ratepayer or a person liable to be rated in respect of property within the District of such Local Authority.

Power to deal with noxious weeds or plants.

11. Whereas it is expedient that Municipalities should have power to deal with noxious weeds and plants, all the words of subdivisions one to six, both inclusive, of section one hundred and seventy-seven, but substituting the word "Council" for the word "Board" wherever such last-named word occurs therein, of "*The Divisional Boards Act of 1887*"† are hereby added to "*The Local Government Act of 1878*,"‡ and such last-mentioned Act shall be read and construed as if such words had been originally inserted therein.

* 63 Vic. No. 7, *supra*, page 7139.

† 51 Vic. No. 7, *supra*, page 1394.

‡ 42 Vic. No. 8, *supra*, page 1330.

1 Edw. VII. No. 18, 1901. *Marsupial Boards Act.*

The following words are in like manner added to section one hundred and sixty-seven of "*The Local Government Act of 1878*"*:—

"(xxix.) Declaring any weed or plant to be a noxious weed or plant, and to be a nuisance within the meaning of this Act."

MARSUPIALS.

An Act to Amend "The Marsupial Boards Act, 1897," and to continue the operation thereof. 1 Edw. VII. No. 18.

[ASSENTED TO 24TH DECEMBER, 1901.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

THE
MARSUPIAL
BOARDS ACT,
1897, AMEND-
MENT ACT,
1901.

1. This Act may be cited as "*The Marsupial Boards Act, 1897, Amendment Act, 1901*," and shall be read and construed with and as an amendment of "*The Marsupial Boards Act, 1897*,"† hereinafter called the Principal Act. Short title and construction.

2. The operation of the Principal Act is hereby continued, and as amended by this Act shall remain in force until the first day of January, one thousand nine hundred and five. Amendment of Principal Act and continuance for three years.

From and after the first day of January, one thousand nine hundred and two, "*The Marsupial Boards Act, 1897, Continuation Act, 1900*,"‡ shall be repealed. Repeal of 64 Vic. No. 16.

3. From and after the first day of April, one thousand nine hundred and two, paragraph (a) of the definition of "Scalp" in section two of the Principal Act shall be repealed, and the following provision shall be inserted in lieu thereof:— Amendment of Principal Act, s. 2.

With respect to marsupials, means and includes a strip of the skin down the face, with both ears and both nostrils attached.

The following definition is added to the said section:—

"Year"—The period of time from the first day of July to the next following thirtieth day of June, inclusive. Year.

* 42 Vic. No. 8, *supra*, page 1330.

† 61 Vic. No. 18, *supra*, page 6343.

‡ 64 Vic. No. 16, *supra*, page 7364.