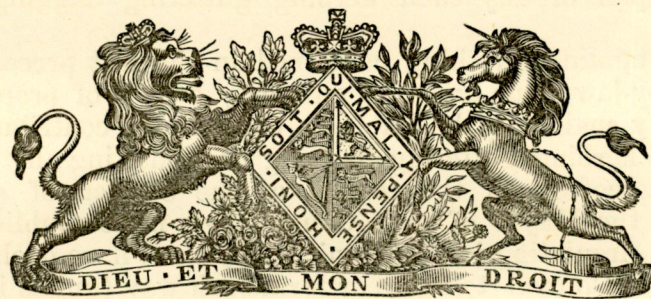


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
|Sydney, 16 September, 1884. }*

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. .

An Act to make better provision for the improvement of certain
Ways within Municipalities and for other purposes.

WHEREAS it is expedient to empower Municipal Councils to Preamble.
make more effective provision for the kerbing guttering flagging
and asphaltting of streets roads and public ways under their control
and to remove doubts as to the validity of certain by-laws of Municipal
5 Councils purporting to have been made and approved under the powers
in that behalf contained in the Principal Act Be it therefore enacted
by the Queen's Most Excellent Majesty by and with the advice and
consent of the Legislative Council and Legislative Assembly of New
South Wales in Parliament assembled and by the authority of the same
10 as follows:—

1. This Act may be cited as the "Municipal Ways Improve- Short title.
ment Act of 1884" and in its construction the expression "Principal Interpretation.
Act" means the "Municipalities Act of 1867"—"Asphaltting"
includes any process of covering footpaths with tar or with any
15 bituminous substance or with cement or any material whatever which
is now or may hereafter be used for the purpose of coating footpaths
to resist the wear and tear of traffic "Way" means any street road
lane thoroughfare square or public place now or hereafter to be under
the control of a Municipal Council.

Municipal Ways Improvement.

2. The Council of any Borough or Municipal District constituted or continued under the authority of the Principal Act or hereafter to be so constituted may by by-laws to be made and dealt with as in the said Act declared provide for the kerbing guttering flagging and asphaltting of any way under the control of such Council at the cost in equal moieties of the said Council and of the owner of the property adjoining or fronting the way so to be kerbed guttered flagged or asphalted such cost to be proportionate to the area dealt with and to be limited by the length of such owner's frontage to such way Any such by-law may make provision for recovering and enforcing payment of the moiety of such cost from such owner together with the costs of recovering the same And every such by-law when duly approved and published in the *Gazette* in manner provided by the Principal Act shall have the full force of law but no such by-law shall extend to the maintenance or repair of any such kerbing guttering flagging or asphaltting.

Municipal Councils empowered to provide for the improvement of ways.

3. Notwithstanding anything contained in the last preceding section or in any by-law made under its authority owners of property in any Municipality shall only be liable as compulsory contributors towards the cost of kerbing guttering flagging or asphaltting any way or any portion thereof under the control of the Council of such Municipality when the Mayor of such Council by a notice published in some newspaper circulating in the Municipality shall have declared the intention of the Council to make or form such way (unless it be already made or formed) and to kerb gutter flag or asphalt the same or any portion thereof But nothing in this section shall affect agreements between owners of property and Councils.

When owner of property not to be liable as a compulsory contributor.

4. All by-laws made by the Council of any such borough or district as aforesaid for the purpose of making provision for the kerbing guttering flagging or asphaltting of any way within such borough or district at the cost of the said Council and the owners of property within the Municipality in question either in equal moieties or in proportions not involving on the said owners a greater liability than one moiety and approved and published as by the Principal Act required shall after the passing of this Act be deemed to have been made under the authority of the said Act and to have and have had the full force of law but nothing herein contained shall affect any legal proceedings taken before the commencement of this Act.

Declaration as to by-laws for kerbing &c. heretofore made.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 16 September, 1884.* }

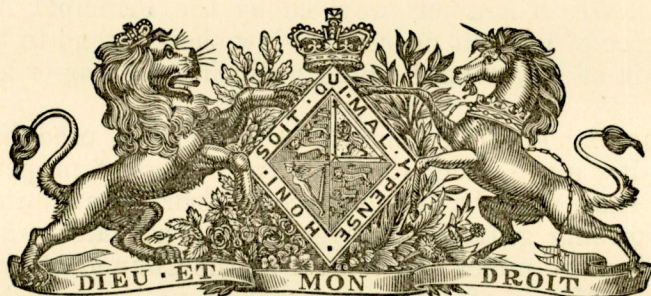
STEPHEN W. JONES,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, October, 1884.* }

Clerk of the Parliaments.

New South Wales.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. .

An Act to make better provision for the improvement of certain Ways within Municipalities and for other purposes.

WHEREAS it is expedient to empower Municipal Councils to Preamble. make more effective provision for the kerbing guttering flagging and asphaltting of streets roads and public ways under their control and to remove doubts as to the validity of certain by-laws of Municipal Councils purporting to have been made and approved under the powers in that behalf contained in the Principal Act Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same **10** as follows :—

1. This Act may be cited as the "Municipal Ways Improve- Short title. ment Act of 1884" and in its construction the expression "Principal Interpretation. Act" means the "Municipalities Act of 1867"—"Asphaltting" includes any process of covering footpaths with tar or with any **15** bituminous substance or with cement or any material whatever which is now or may hereafter be used for the purpose of coating footpaths to resist the wear and tear of traffic "Way" means any aligned foot- path fronting or abutting upon any street road lane thoroughfare square or public place now or hereafter to be under the control of a **20** Municipal Council.

1010—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Municipal Ways Improvement.

2. The Council of any Borough or Municipal District constituted or continued under the authority of the Principal Act or hereafter to be so constituted may by by-laws to be made and dealt with as in the said Act declared provide for the kerbing guttering ~~flagging~~ and ~~5~~ asphaltting of any way under the control of such Council at the cost in equal moieties of the said Council and of the owner of the property adjoining or fronting the way so to be kerbed guttered ~~flagged~~ ~~or~~ and asphalted such cost to be proportionate to the area dealt with and to be limited by the length of such owner's frontage to such way Any ~~10~~ such by-law may make provision for recovering and enforcing payment of the moiety of such cost from such owner together with the costs of recovering the same And every such by-law when duly approved and published in the *Gazette* in manner provided by the Principal Act shall have the full force of law but no such by-law shall extend to the ~~15~~ maintenance or repair of any such kerbing guttering ~~flagging~~ ~~or~~ and asphaltting.

Municipal Councils empowered to provide for the improvement of ways.

3. Notwithstanding anything contained in the last preceding section or in any by-law made under its authority owners of property in any Municipality shall only be liable as compulsory contributors ~~20~~ towards the cost of kerbing guttering ~~flagging~~ ~~or~~ and asphaltting any way or any portion thereof under the control of the Council of such Municipality when the Mayor of such Council by a notice published in some newspaper circulating in the Municipality and also served on ~~25~~ all the owners of property having frontage to such way or on their agents shall have declared the intention of the Council to make or form such way (unless it be already made or formed) and to kerb gutter ~~flag~~ ~~or~~ and asphalt the same or any portion thereof And if ~~30~~ within thirty days after the publication of such notice at least one-half of the ratepayers rated for property fronting such way or such portion thereof shall have signed a memorial to the Council declaring that they object to the provisions of this Act being carried out in respect of such way or portion thereof then no owner of property fronting the way or portion thereof described in such memorial and being the subject of such objection shall be liable as aforesaid But ~~35~~ nothing in this section shall affect agreements between owners of property and Councils.

When owner of property not to be liable as a compulsory contributor.

4. All by-laws made by the Council of any such borough or district as aforesaid for the purpose of making provision for the kerbing guttering ~~flagging~~ ~~or~~ and asphaltting of any way within such borough ~~40~~ or district at the cost of the said Council and the owners of property within the Municipality in question either in equal moieties or in proportions not involving on the said owners a greater liability than one moiety and approved and published as by the Principal Act required shall after the passing of this Act be deemed to have been ~~45~~ made under the authority of the said Act and to have and have had the full force of law but nothing herein contained shall affect any legal proceedings taken before the commencement of this Act.

Declaration as to by-laws for kerbing &c. heretofore made.