



1855-6.

No. 18.

An Act to amend the Laws relating to the Corporation of the City of Adelaide, and also to regulate the Slaughtering of Sheep, Calves, Swine, and Goats in the said City, and to prevent certain nuisances therein.

[Assented to, June 18, 1856.]

WHEREAS it is deemed expedient that certain of the provisions of the Ordinance of the Governor and Legislative Council, being No. 11 of 1849, to constitute a "Municipal Corporation for the City of Adelaide," and of the Acts of the said Governor and Legislative Council amending the said Ordinance, being respectively Nos. 23 of one thousand eight hundred and fifty-two, and 23 of one thousand eight hundred and fifty-four should be repealed, and the matters thereof provided for as hereinafter contained: And whereas the slaughtering of sheep, calves, swine, and goats on the premises of butchers and others, and the keeping of swine and goats within the said City of Adelaide has become a nuisance to the health and comfort of the inhabitants, and it is expedient to remedy the same—Be it therefore Enacted by His Excellency the Governor-in-Chief of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

No. 11 of 1849.

No. 23 of 1852.
No. 23 of 1854.

1. So much of the said Ordinance as provides for the preparation, revision, and publication of citizens' lists or rolls, and all other matters relative thereto, shall be and the same is hereby repealed, and instead thereof—Be it Enacted, that the book or books of assessment containing the names of ratepayers, duly prepared and signed, shall, so far as regards ratepayers qualified to be citizens in accordance with and pursuant to the tenth section of the said Ordinance, be the citizens' lists and rolls of the said City and several wards thereof, and no citizen shall be entitled to vote at any election until he shall have paid the rate or rates chargeable to him in respect of the property so assessed: Provided that the rate declared by the Council

Repeals part of Ordinance 11 of 1849 relating to citizens' lists.

Books of assessment containing names of ratepayers to be citizens' lists.

Rates must be paid before voting,

Except rate declared within six months preceding election. On appeal, may vote, if amount of rate is lodged with Town Clerk.

of the said City next to and immediately preceding any such election shall have been so declared for a period of six calendar months: And provided that, in the event of any election taking place between the notice and the hearing of any appeal against any assessment for rates, the party so appealing shall be entitled to pay to the Town Clerk the amount of rates claimed to be due from him, without prejudice to such appeal, and vote at any such election.

Copies of lists to be printed.

Omissions may be rectified by appeal to the Council.

2. The Town Clerk shall cause copies of the said book or books of assessment with the names of the ratepayers so entitled to vote in each ward, to be printed in alphabetical order, and any person entitled to be a citizen, but omitted from the said book or books, or with respect to whose name or description any error shall appear therein, may appeal to the Council of the said City in the same way as already provided for in the said Ordinance, in respect of assessments for rates; any ratepayer shall be entitled to such printed copy on payment of a reasonable sum for the same.

Election of Aldermen, Councillors, Assessors, and Auditors.

3. At elections for Aldermen, Councillors, Assessors, and Auditors, of the Corporation of the said City, nominations for candidates, by two or more citizens, shall take place before eleven of the clock in the forenoon of the day of election, and it shall be lawful for the presiding Alderman, or person acting for him, to declare the poll closed at such last-named hour, if the number of persons nominated and voted for shall not exceed the number required to be returned.

Allowance to Auditors, for auditing accounts of Corporation.

4. The Auditors shall be allowed such reasonable remuneration, for auditing the accounts of the said Corporation, as the City Council may adjudge.

No. 11 of 1849.
No. 23 of 1852.
No. 23 of 1854.

Office of Treasurer to be abolished.

5. So much of the said recited Ordinance and Acts as provides for the appointment to the office and duties of Treasurer of the Council of the City of Adelaide shall be and the same is hereby repealed, and in lieu thereof—Be it Enacted, That all moneys which by the said Ordinance and Acts would be payable by any officer of the said Council or other person to, or receivable by the City Treasurer shall, except as hereinafter mentioned, be paid by the receiver, within two days after receipt of same by him, direct into the banking account of the said Corporation, as well as the proceeds of all bills, drafts, or other instruments, within two days of the same being paid to, or received by such receiver: Provided, that, where the sum of money so to be paid shall not amount to Ten Pounds, the same shall be paid to the Town Clerk within such time as aforesaid, who shall place the same to the credit of the said Corporation in such banking account, when the sums so receivable shall amount to Ten Pounds or thereabouts. The duties of Treasurer set forth in the said Ordinance and Acts, other than those relating to moneys as aforesaid, shall be performed by the Town Clerk, who shall keep the books of account provided for therein. The moneys of the Corporation receivable on any account whatever shall be deemed the property of the Town Clerk, and may be so described in any indictment or other proceeding.

Moneys to be paid into the banking account of Corporation.

Sums less than Ten Pounds to be paid to Town Clerk.

Town Clerk to perform the other duties of the Treasurer.

Moneys of the Corporation to be deemed the property of the Town Clerk.

6. So

6. So much of the said Ordinance as provides for the accounts of the said Corporation being submitted in April and October in every year, for the purpose of being examined and audited from the first day of October in the year preceding to the first day of April, and from the first day of April to the first day of October, in the year in which the auditors were elected and named, and for making out and printing in the month of October, a full abstract of accounts for the year, shall be, and the same is hereby repealed, and instead thereof—Be it Enacted, that the accounts of the said Corporation shall be audited in the months of January and July in each year for the six calendar months preceding, and at such other time or times as the City Council shall determine; and a full abstract of the accounts for each year ending the thirty-first day of December shall be printed and published.

Ordinance No. 11,
1849.

Accounts to be audited
in January and July
in each year.

Abstract to be printed,
made up to 31st
December in each
year.

7. Any person elected to the office of Alderman, Councillor, Auditor, or Assessor, and afterwards accepting civil employment under the Government of this Colony, or being elected to such office while in the said employment, shall be liable to the same amount of fine for resignation or non-acceptance of office as any other person would be subject to unless he shall claim exemption under the said Ordinance within five days of the time of accepting such employment, or being elected as last aforesaid.

Persons appointed to
Government situa-
tions liable to fine, if
exemption not claimed
within five days.

8. It shall be lawful for the Council of the City of Adelaide to erect, or otherwise establish and proclaim, one or more slaughterhouse or slaughterhouses within the said City, and that from and after ten day's notice of the proclaiming of any such slaughterhouse, given by advertisement under the hand of the Town Clerk of the said City, once in the *South Australian Government Gazette*, and in each newspaper published within the said City, it shall not be lawful for any person whomsoever to slaughter or cause to be slaughtered, any sheep or calf, or any kind of swine, or any goat, within the said City, excepting at some slaughterhouse so proclaimed as aforesaid, anything contained in an Act of the Governor and Council of the said Province, passed on the eighth day of December, one thousand eight hundred and forty, and intituled, "An Act to regulate the Slaughtering and prevent the Stealing of Cattle;" or an Ordinance of the said Governor and Council, passed on the nineteenth day of February, one thousand eight hundred and forty-four, intituled "An Ordinance to authorize the levying of Fees on the slaughtering of Cattle in South Australia;" or any other Act or Ordinance of the said Province to the contrary notwithstanding, and any person who shall so offend, shall forfeit and pay, on conviction, for every such offence, any sum not exceeding Five Pounds.

Council of the City of
Adelaide may erect
or establish public
slaughterhouses
within the said City.

4th Vict., No. 5.

7th and 8th Vict., No.
2.

Penalty for slaughtering
unless at public
slaughterhouses.

9. It shall be lawful for the Council of the said City to defray any expense which may be incurred in erecting or establishing the said public slaughterhouses, and the appurtenances thereto, and in the management and maintenance of the same, out of the City Fund of the said City.

Council may defray
expense of erecting
slaughterhouses out
of the City Fund.

10. It

And may make by-laws for regulating the same, and may fix fines and rates of fees.

10. It shall be lawful for the Council of the said City, and they are hereby empowered from time to time, to make, alter, or amend, by by-law, such regulations as to them shall seem meet, for regulating the said slaughterhouses and their appurtenances, in respect to the reception of animals for slaughter therein, and the periods during which such animals might remain therein, previously to their being slaughtered; and in respect to cleanliness and otherwise, and for the good government of all parties using the same, and to appoint, by by-law, such fines as they shall deem necessary for enforcing such regulations and by-laws, and to fix, by by-law, from time to time, the slaughtering or other fees or dues to be paid for the use of such slaughterhouse or appurtenances by parties bringing animals thereto for slaughter, or slaughtering or causing to be slaughtered animals therein: Provided always, that no fine so to be appointed shall exceed the sum of Ten Pounds: Provided also, that the fees or dues aforesaid, shall not exceed the sums respectively mentioned in the Schedule hereunto annexed.

Proviso limiting fines.
Proviso limiting fees and fines.

Penalty on persons keeping swine within the City.

11. It shall not be lawful for any person or persons to breed or keep, or suffer to be, any kind of swine within the said City, except at such place or places therein, as may from time to time be for that purpose approved by the Council of the said City; and any person who shall so offend, shall forfeit and pay, on conviction, for every such offence, the sum of One Pound for each and every head of swine in respect of which such offence shall have been committed; and shall further forfeit and pay the sum of Five Shillings for each and every head of such swine, for and in respect of each and every day during which the said offence shall be thereafter continued.

Goats trespassing on enclosures may be destroyed.

12. When any goat shall be found trespassing within the enclosure of any public square, or of any other public place, or within any garden, or other private enclosure within the said City, it shall be lawful for any officer of, or other person thereunto duly authorized by the Council of the said City, or for any police or special constable, or as to such private enclosure only, for the owner or occupier thereof, to seize and destroy such goat: Provided always, that if any person so destroying any goat shall fail to dispose of the carcass thereof, so as to prevent the same becoming a nuisance, every person so offending shall forfeit and pay, on conviction, for every such offence, a sum not exceeding One Pound.

Penalty, if carcass allowed to become a nuisance.

Goats at large in any streets, &c., and impounded, to be destroyed by pound-keeper, if not released.

13. When any goat shall be found at large in any street or other public thoroughfare, or on any unenclosed ground within the said City, and shall be impounded in any public pound within the said City, the keeper of such pound shall, within six hours thereafter, post the notice required by law to be posted on some conspicuous part of such pound, setting forth the description of such goat, and if such goat shall not be released by the owner thereof or his agent, within forty-eight hours after the posting of such notice, by payment to the poundkeeper of a poundage fee of One Pound, the said pound-keeper

Poundage fee.

keeper shall, upon the expiration of such forty-eight hours, destroy such goat: Provided always, that if any poundkeeper shall fail so to destroy any such goat, he shall forfeit and pay, on conviction, for every such offence, a sum not being less than One Pound nor more than Five Pounds; and if any such poundkeeper shall fail to dispose of the carcase of any such destroyed goat, so as to prevent the same becoming a nuisance, he shall forfeit and pay, on conviction, for every such last mentioned offence, a further sum not exceeding One Pound: Provided also, that no further or other notice of impounding as aforesaid, than that hereinbefore required shall be necessary; and that so much of an Ordinance of the Governor and Council of the said Province, passed on the twenty-third day of February, one thousand eight hundred and forty-seven, intituled "An Ordinance to Amend the Laws relating to the Impounding of Cattle," as may be contrary to, or inconsistent with, this present provision or any part thereof, but not further or otherwise, shall, so far as regards the operation of such Ordinance or provision, respectively, within the said City be, and the same is hereby repealed.

Penalty on Pound-keeper failing to destroy.

Penalty, if carcase is allowed to become a nuisance.

Proviso as to notice.

Ordinance No. 3, 1847.

14. If any person shall assault or resist any inspector of any such slaughterhouse, or any other officer of the Council of the City, or any Inspector of Police, or Police Constable, or his or their assistants, in the execution of their duty under this Act, or any person lawfully acting under any provision thereof, or shall aid or excite any person so to assault or resist, every such offender, being convicted thereof, shall, for every such offence, forfeit and pay any sum not exceeding Ten Pounds.

Penalty for assaulting or resisting any person executing his duty under this Act.

15. If the chimney-flue of any dwelling-house or other premises, within the said City, shall take fire by reason of its having been suffered to become foul, or from any neglect or carelessness, or fault of the occupier of such dwelling-house or other premises, or of his or her servant, or other person using such chimney-flue, such occupier shall forfeit and pay, for every such offence, a sum not being less than One Pound or more than Ten Pounds: Provided that if any defendant shall plead that such chimney-flue did not take fire in consequence of its being foul, or of any such neglect, carelessness, or fault as aforesaid, the proof thereof shall be upon such defendant.

Fires in chimney-flues.

16. All fees, dues, fines, penalties, and forfeitures, accruing under or imposed by this Act, or under or by any by-law made in pursuance thereof, shall be paid to the Town Clerk of the said City, to be by him carried to the credit of the said City Fund.

Fees and penalties to be carried to the City Fund.

17. All fees, dues, fines, penalties, and forfeitures, accruing under, or imposed by this Act, or under, or by any by-law, made in pursuance thereof, shall be recoverable in a summary way, by information or complaint of any inspector of any such slaughterhouse, or of any other officer duly appointed by the Council of the said City, to prosecute parties who may be guilty of offences against the provisions of this Act, and who shall in all cases be a competent witness

Fees, fines, and penalties, how recoverable.

before any one or more Justice or Justices of the Peace, and every person feeling aggrieved by any adjudication, order, or conviction, shall be entitled to appeal therefrom, according to the laws of the said Province for the time being, for regulating summary proceedings before Justices of the Peace.

Construction of terms.

18. In this Act and the Schedule thereto, every word importing the singular number shall include the plural number, and every word importing the masculine gender shall include the feminine, and the word sheep shall include rams, wethers, ewes, and lambs.

**Provisions of this Act
may be extended to
Corporations pro-
claimed under Act
No. 11, 1849.**

19. The provisions of this Act, or any of them, shall extend to the Town of Kensington and Norwood, and the provisions of this Act, or any of them, may be extended to any Corporation proclaimed under, or pursuant to the said Ordinance.

SCHEDULE REFERRED TO.

SLAUGHTERING FEES.

	<i>s.</i>	<i>d.</i>
For every Sheep or Goat	0	4
For every head of Swine	1	0
For every Calf	2	6

ACCOMMODATION AND SUSTENANCE FEES.

For every Sheep, Goat, or Calf left in a Slaughterhouse Yard or other appurtenance thereto, beyond the second day after the entry, and for sustenance for such Sheep or Goat, for every day	0	4
For every head of Swine left as aforesaid, and for suste- nance thereof	1	0