



ANNO QUADRAGESIMO TERTIO ET QUADRAGESIMO
QUARTO

VICTORIÆ REGINÆ.

A.D. 1880.

No. 190.

Municipal Corporations Act.

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An Act to consolidate and amend the Laws relating to Municipal Corporations within the Province of South Australia, and for other purposes relating thereto.

[Assented to, October 28th, 1880.]

WHEREAS it is expedient to consolidate and amend the laws relating to Municipal Corporations within the said Province—
 Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

PRELIMINARY.

PRELIMINARY.

1. This Act may be cited for all purposes as "The Municipal Corporations Act, 1880."

Short title.

2. This Act shall be divided into fifteen parts relating to the following subject matters—

Division of Act into parts.

PART I. Repeal and Interpretation, sections 3 to 6:

PART II. Creation of Corporations and New Wards and Alteration of Wards, sections 7 to 15:

PART III. Councils, Members of Councils, their Qualification, Disqualification, and Retirement, sections 16 to 25:

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PART I.

PART I.

REPEAL AND INTERPRETATION.

Repeal.

3. The several Acts mentioned in the Schedule A hereto are hereby repealed.

Saving clause.

4. Nothing herein contained shall affect the validity of any Proclamation, election, assessment, act, deed, bond, coupon, matter, or thing lawfully made, held, executed, validated, or done, under or by virtue of the authority of the said repealed Acts, or any of them, or of any by-laws lawfully made in pursuance of such Acts, or any of them respectively, or prevent any penalty being imposed, enforced, or recovered, or any punishment being inflicted for any offence heretofore committed against any of the said Acts or by-laws.

Provision for continuing existing Corporations and by-laws.

5. All Corporations and wards now existing and heretofore constituted, designated, and appointed under the said repealed Acts, or any of them, or under any Acts or laws heretofore in force respecting Corporations, shall be and continue Corporations and wards under and subject to the provisions of this Act; and all Mayors, Councillors, Auditors, and officers, or other persons appointed, elected, or holding any offices under or by virtue of the several Acts hereby repealed, or any of them, or under or by virtue of any Acts or laws heretofore in force respecting Corporations which it would be lawful for such persons to hold under the provisions

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provisions of this Act, shall continue in and hold such offices under and subject to the provisions of this Act; and all proceedings *bonâ fide* commenced and prosecuted and now depending under the said repealed Acts, or any of them, shall proceed in every respect as if this Act had not been passed; and all lands, tenements, hereditaments, and premises, and property of every description whatsoever vested in, belonging to, or under the care, control, or management of any Corporation or Council, shall be and continue vested in, belonging to, and under the care, control, and management of such Corporation or Council; and all rates and debts due before the passing of this Act to any Corporation may be collected, levied, and recovered in the manner provided by this Act for the recovery of rates and debts, and all the rights, powers, liabilities, contracts, and engagements of any Corporation, or of any officer or other person appointed or elected under the provisions of the said repealed Acts, or any of them, or under any Acts or laws heretofore in force respecting Corporations, or into which any such Corporation officer or person may have entered, or to which any such Corporation officer or person may be entitled or be subject under the said Acts, or any of them, before the passing of this Act, may be enforced by and against every such Corporation officer or person in the same manner as if this Act had not been passed; and all by-laws existing and in force at the time of the passing of this Act shall be, remain, and continue in full force and effect—subject in all cases to the provisions of this Act.

6. In the construction of this Act, except where the subject matter or context, or other provisions hereof, require a different construction, the following terms in inverted commas shall have the respective meanings hereinafter assigned to them, that is to say— Interpretation clause.

“Corporation” shall mean any Municipal Corporation now in existence or hereafter to be created:

“Council” shall mean and include the Mayor and Councillors of any Municipal Corporation under this Act, and a quorum thereof, but so that the powers, authorities, duties, and obligations hereby conferred and imposed upon every Council, shall be exercised and liable to be performed by such Council only within the limits of the municipality which they represent:

“Municipality” shall mean any locality the ratepayers or inhabitants of which are incorporated, or are continued or become incorporated under this Act:

“Owner” shall include the person for the time being receiving or entitled to receive the rents and profits of any lands, messuages, or hereditaments within any municipality, whether on his own account or as agent, trustee, or attorney for any other person:

“Pave,” “paved,” and “paving” shall mean and include paving with

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with asphalt, flags or other stone, or any other material that the Council may deem expedient:

- “Public notice” shall mean notice by advertisement in the *Government Gazette*, and by such other means as the Council shall direct:
- “Public street or place” shall mean, include, and apply to every road, street, lane, footway, court, alley, thoroughfare, and cul-de-sac, which the public are allowed to use within the limits of any municipality notwithstanding any such road, street, lane, footway, court, alley, thoroughfare, or cul-de-sac may be formed on private property:
- “Rateable property” shall mean and include all buildings, lands, tenements, and hereditaments (including land belonging to the Crown) with the following exceptions, namely: Land belonging to the Crown, and not granted nor lawfully contracted to be granted in fee-simple to any person, and not leased to or in the occupation of any person: Lands and buildings, and parts of lands and buildings used exclusively by the Government for any public purpose: Any hospital, lunatic asylum, benevolent institution, buildings used exclusively for charitable purposes: Any church, chapel, or buildings used exclusively for public worship: Any academical institution which shall have obtained an Act of Incorporation, and any other building or part of a building used exclusively as a school, whether private or public:
- “Ratepayer” shall mean and include the occupier of rateable property, and the owner, other than the Crown, of unoccupied rateable property within the municipality:
- “Street” shall mean and include every public square, place, road, terrace, or thoroughfare, or any private street, subject to the provisions of this Act, and may be so used in any summons, information, or indictment:
- “Surveyor” shall mean and include the surveyor of every municipality and any officer of a municipality performing similar duties, by whatever name he may be called:
- “Town Clerk” shall mean and include the Town Clerk of every municipality, and any officer of a municipality performing similar duties, by whatever name he may be called:

PART II.

PART II.

CREATION OF CORPORATIONS AND NEW WARDS
AND ALTERATION OF WARDS.

7. The Governor, on a petition, as hereinafter mentioned, may,
by

Governor may, on
petition, do certain
acts by Proclamation.

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by Proclamation in the *Government Gazette*, from time to time, do any one or more of the following acts—

PART II.

- He may constitute new municipalities of land wholly within or wholly without, or partly within and partly without, any existing municipality, and may define the number and boundaries of the wards therein, and fix the names thereof, and may declare the ratepayers of any such new municipality to be a Corporation under this Act: Constitute new Corporations.
- He may appoint the first Mayor and Auditors of a new Corporation, and the first two Councillors for each ward therein: Appoint first office bearers.
- He may alter the boundaries of any municipality, either by separating portion thereof from such municipality and declaring that it shall no longer form part thereof, or by adding other land to such municipality, and may form or divide any land so added into a ward or wards, or may join the land so added to any ward or wards already existing: Alter boundaries of municipalities.
- He may re-arrange the wards of a municipality and increase or diminish the number of such wards, and alter the names thereof: Re-arrange and increase or diminish number of wards.
- He may, when the number of wards in a municipality is increased, appoint two Councillors for each new ward, who shall hold office until the next annual election of Councillors under this Act, and may, when the number of wards is diminished, determine which of the Councillors shall cease to hold office. Appoint Councillors for new wards, and determine what Councillors shall cease to hold office.
8. The petition shall contain the following particulars, and shall be signed as follows— Particulars to be contained in petition.

For forming a New Municipality.

The petition shall set forth the name by which it is proposed that such municipality shall be incorporated, the number and names of the wards into which it is proposed to divide the same, and the names of the proposed first Mayor and Auditors, and the proposed first Councillors for each ward of such proposed municipality, and shall also define the boundaries of such proposed municipality and wards respectively, and shall be signed by not less than two-fifths of the ratepayers or owners of rateable property within the proposed municipality.

For altering the Boundaries of a Municipality.

The petition shall define the boundaries of the land proposed to be separated or added, and shall be signed by not less than two-fifths of the ratepayers or owners of rateable property within the land proposed to be separated or added.

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For re-arranging the Wards of a Municipality, or increasing or diminishing their number, or altering the names thereof.

The petition shall define the names and boundaries of the wards into which it is proposed to re-arrange the municipality, the number, names, and boundaries of the wards into which it is proposed to increase or diminish such municipality, and the names of the first Councillors for any new ward to be created thereby, the names of any Councillors who should cease to hold office in consequence of any diminution in the number of wards, the name of any ward which it is proposed to alter, and the name proposed for such ward; and such petition shall be signed by not less than one-fifth of the ratepayers of the municipality.

Petition to be published in *Gazette*.

9. Every such petition shall be published for three consecutive weeks in the *Government Gazette*.

Cause may be shown against petition.

10. Any person or persons may, by counter-petition presented to the Governor within twenty-one days from the first publication of the original petition, show cause against any such petition, or any part thereof, being granted; which counter-petition shall also be published for three consecutive weeks in the *Government Gazette*, and the original petitioners shall have the right to reply thereto by petition in reply within twenty-one days from the first publication of such counter-petition, which petition in reply shall be forthwith published once in the *Government Gazette*, but no further petition or reply thereto shall be considered or published.

When Proclamation to issue.

11. Every such Proclamation may, if a counter-petition shall have been presented, issue not earlier than nine weeks from the first publication of the original petition, or, if there shall have been no counter-petition, not earlier than four weeks from such first publication; and the Governor may by every such Proclamation grant the prayer of the original petition, or any part thereof, with such alterations or modifications as may appear to him necessary or expedient.

Effect of Proclamation creating new Corporation.

12. From and after the publication of every Proclamation creating a new Corporation the ratepayers of the municipality defined in such Proclamation shall be a Corporation under and subject to the provisions of this Act; the Mayor, Councillors, and Auditors therein named shall be Mayor, Councillors, and Auditors respectively of such municipality under and subject to, and in the same manner as if they had been elected under, the provisions of this Act; and the boundaries of the municipality and the wards thereof therein defined shall constitute the boundaries of such municipality and wards respectively.

Effect of Proclamation altering boundaries, &c.

13. From and after the publication of any Proclamation altering the boundaries of any municipality, or re-arranging, increasing, or diminishing the number, or altering the names of the wards

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wards of any municipality, the boundaries of such municipality, the number, names, and boundaries of the wards of such municipality, and the Councillors appointed to hold or to cease to hold office as defined, declared, or named in such Proclamation, shall respectively be the boundaries of such municipality, the number, names, and boundaries of such wards, and the Councillors holding office or ceasing to hold office, as therein mentioned.

PART II.

14. The Governor may, by Proclamation, from time to time, on a petition of a majority of the Council, appoint any person or persons to fill any vacancy or vacancies occurring in the office of Mayor, Councillors, or Auditors in any municipality before the time appointed by this Act for the first election in such municipality.

Governor may, by Proclamation, appoint persons to fill extraordinary vacancies before first election.

15. Every such Proclamation as last aforesaid may issue forthwith after the receipt of the petition, and shall be published once in the *Government Gazette*, and after such publication the person or persons therein named shall hold office until the first election in the municipality.

Such Proclamation may issue forthwith.

PART III.

PART III.

COUNCILS, MEMBERS OF COUNCILS, THEIR QUALIFICATION, DISQUALIFICATION, AND RETIREMENT.

16. The Mayor and Councillors of every municipality appointed or continued as hereinbefore mentioned, or elected as hereinafter mentioned, shall constitute a Council for the good government of such municipality, the management of the affairs thereof, and the exercise within the limits of such municipality of such powers and authorities as by this Act are vested in or delegated to Councils.

Members of a Corporation to be Executive Council.

17. Every such Council shall consist of a Mayor for the municipality and of two Councillors for each ward therein, which Mayor and Councillors shall be elected from among and by the qualified ratepayers of such municipality as hereinafter provided.

Constitution of Council.

18. The following persons shall not be or continue members of any Council—

Disqualification for members of Council

Any person being a regular minister of any religious congregation :

Any person who shall hold any office or place of profit (other than that of Mayor) in the gift or disposal of the Council :

Any person who, by himself, his partner, or otherwise, shall have any interest in any contract with or employment under such Council: Provided that no person shall be disqualified from being a Mayor or Councillor by his being a proprietor or shareholder in any public company incorporated under any Act of Parliament, or registered under any Act for registering Joint-Stock Companies and limiting the liability of

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of the members thereof, by reason of any contract entered into by such Company and any Corporation in which he holds the office of Mayor or Councillor; but no such Mayor or Councillor, being a proprietor or shareholder in any such company, shall vote on any question relating to any contract in which such company is interested:

Any person absent from the province at the time of election:

Any female:

Any minor:

Any uncertificated insolvent.

Vacancies in office of Mayor or Councillors, how occasioned.

19. The following causes shall create a vacancy in the office of Mayor or Councillors—

Death, lunacy, insolvency, executing a statutory deed of assignment for benefit of creditors, or compounding with creditors for less than Twenty Shillings in the pound:

Absence from the Council for three consecutive ordinary meetings without leave of the Council, followed by resolution of the Council declaring the office vacant, which resolution the Council may, but are not bound to, pass within three weeks next after the expiration of the said three consecutive ordinary meetings:

Absence from the province for three consecutive months without leave of the Council:

Disqualification as hereinbefore provided:

Retirement by rotation as herein provided:

The judgment or order of any duly authorised Court or Justices declaring the office vacant on the ground that any Mayor or Councillor is not properly qualified, appointed, or elected, or declaring that any person ought not, from any cause hereby declared to disqualify, or from incapacity to act, or any other unlawful cause, to hold, or continue to hold, office.

Appointment of Auditors.

20. There shall be two Auditors for every Corporation, who shall be elected in the same manner as the Mayor is to be elected.

Qualification and disqualification of Auditors.

21. The qualification and disqualification for the office of Auditor shall be the same as in the case of a Councillor, except that the Auditors need not be ratepayers within the municipality; but no Councillor shall be Auditor for the Corporation of which he is a member: Provided that any Auditor if otherwise qualified may be elected a member of the Council for which he is Auditor, and shall thereupon cease to be an Auditor.

How vacancies in office of Auditor occasioned.

22. The following causes shall create a vacancy in the office of Auditor, viz.—

Death, lunacy, idiotcy, or insolvency:

Absence

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Absence from the said province at the time appointed for balancing the Corporation accounts, or non-attendance at any audit after seven days' notice, in writing, shall have been given to any Auditor, or left at his last-known or usual place of abode in the province, of the time and place appointed for the audit :

Refusal, neglect, or failure to be present, or to attend at the time and place appointed for the swearing-in of the Mayor, Councillors, and Auditors, or (in the event of illness) to send a medical certificate of his inability to attend :

Refusal, neglect, or failure to take the oath of allegiance, or to make and subscribe the declaration of office when thereunto required :

The judgment or order of any duly authorised Court or Justices declaring the office vacant on the ground that an Auditor is not properly qualified or elected, or declaring that any person ought not, from any cause hereby declared to disqualify, or from incapacity to act, or any other lawful cause, to hold, or continue to hold, the office of Auditor :

23. On the first day of December in every year the Mayor, and one Councillor of each ward, and one Auditor, of every Corporation (subject as regards Auditors as mentioned in section 219 of this Act) shall go out of office, but shall, if then qualified, be eligible for re-election ; but this provision shall not apply to any Corporation hereafter proclaimed, until one year after the date of the Proclamation creating such Corporation.

Mayor and one Councillor for each ward, and one Auditor to go out of office on first December in each year.

24. The Councillors and Auditor so to retire shall be those who shall have been the longest in office without re-election, but in cases when the period of office shall be equal they shall retire by ballot.

Retirement of Councillors and Auditors, how regulated.

25. Every person elected to supply any extraordinary vacancy in the office of Mayor, Councillor, or Auditor shall for the purposes of retirement be deemed to have been elected when his immediate predecessor in office was elected, and shall retire accordingly : Provided always that any such person so retiring shall be capable of being forthwith re-elected if then duly qualified.

Retirement of person elected to fill extraordinary vacancy.

PART IV.

PART IV.

QUALIFICATION, DISQUALIFICATION, AND ENROLMENT OF RATEPAYERS, AND COURTS OF REVISION.

26. Every person of full age who, on the first day of October in any year, shall be seized of or occupy any rateable property within any municipality, either as owner, leaseholder, or occupier, and whose name as such owner, leaseholder, or occupier shall be inserted in the assessment hereinafter directed to be made, shall

Qualification to be enrolled as ratepayer.

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PART IV.

shall be a member of such Corporation, and be entitled to be enrolled on the ratepayers' roll and to vote at all elections and meetings of ratepayers in such municipality under and subject to the provisions of this Act :

Disqualification for ratepayer.

27. The following persons shall not be entitled to be enrolled on the ratepayers' roll of any municipality—

Any alien :

Any person in receipt of public relief or alms :

Any person who, being assessed, shall not have paid all such rates directed to be levied under the provisions of this Act as shall have become payable before the time of his application to be enrolled.

List of ratepayers to be prepared.

28. On or before the first day of October in each year, and at such other times as the Council may direct, the Town Clerk of every municipality shall cause an alphabetical list of all persons entitled to be enrolled as ratepayers under the provisions of this Act in each of the wards of such municipality to be prepared, and shall cause a sufficient number of copies of such list to be forthwith printed or copied, and one of such copies to be affixed on a conspicuous building in each ward.

Claims for insertion of and objections to names on list.

29. Any person whose name shall have been omitted from such ratepayers' list may claim to have it inserted thereon, and any ratepayer whose name appears on such list may object to any other person as not being entitled to have his name retained thereon.

Prescribed form of claims and objections, and when to be made.

30. Every claim by any ratepayer to have his name inserted on such list, and every objection by a ratepayer to the name of any other person being retained on such list, shall be respectively in the forms specified in Schedule B hereto, but no such claim or objection shall be available at the Revision Court hereinafter directed to be held on the fifteenth day of November, unless the same shall have been lodged in the office of the Town Clerk (as respects claims) not later than the first, and (as respects objections) not later than the third day of November in every year ; and no claim or objection shall be available at any other Court of Revision unless the same shall have been lodged in the office of the Town Clerk at the time prescribed by the Council by public notice.

Alphabetical lists of claims and objections to be exhibited in each ward three days before revision.

31. The Town Clerk shall cause alphabetical lists of all such claims and objections to be prepared and exhibited in some conspicuous place in each of the said several wards for three days at the least prior to the sitting of the Court of Revision hereinafter mentioned, and shall also give public notice thereof.

Council to be Court of Revision.

32. The Council of every municipality shall constitute an open Court for the revision of the ratepayers' list of such municipality, and

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and for hearing and determining the claims of the ratepayers thereof to be inserted in such list, and the objections of any ratepayers to any person's name being retained thereon, and shall sit for the purposes aforesaid on the fifteenth day of November in every year, and at such other times (if any) as such Council may from time to time appoint.

PART IV.

33. The Town Clerk of every municipality shall cause to be given, not less than seven days' previous public notice of the time and place of the sitting of any Court of Revision in his municipality.

Public notice of sitting of Court of Revision to be given.

34. The Council sitting as a Court of Revision shall have power to examine persons upon oath respecting the said claims and objections and all matters connected with the revision of the said list, and after hearing the best evidence of which the cases will admit, the said Court shall make the necessary additions or erasures to or from the said list, and may, by an order under the hand of the Mayor or Town Clerk, award costs not exceeding Twenty Shillings against any person who shall prefer a claim or an objection which by the Court shall be deemed frivolous, and may erase from the said list the name of any person who shall not have paid all rates then due and payable by him in respect of the property for which he may claim to vote, or who may be dead at the time of the revision of the said list, and may correct any mistake made in the name of any ratepayer inserted in the said list, or whose name may have been erroneously inserted more than once in the list of any one ward, and may add to or remove from the said list any intermediate name that may have been erroneously omitted from or added to the name of any ratepayer, and may correct any obvious clerical error in the said list.

Proceedings at Revision Court.

35. The said list so revised shall, on or before the twenty-fifth day of November in every year (and at such other times as the Council may in respect of any particular revision appoint), be signed by the Mayor and countersigned by the Town Clerk, and thereupon such list shall form the ratepayers' roll of the particular municipality to which it relates; and the Town Clerk shall cause a sufficient number of copies of such list to be forthwith printed or copied, and shall, on payment of a reasonable price for each copy, deliver copies thereof to any ratepayer applying for the same.

Revised list to be ratepayers' roll.

36. Until the ratepayers' rolls directed to be prepared under this Act shall be prepared, the roll which but for the passing of this Act would have been existing and in force in any municipality on the first day of December, one thousand eight hundred and eighty, shall be the ratepayers' roll for such municipality for all the purposes of this Act.

Until new rolls are prepared, rolls existing on 1st December, 1880, to continue in force.

PART V.**ELECTION OF MAYOR, COUNCILLORS, AND AUDITORS.**

37. Subject to the provision contained in section 23 relating to Corporations hereafter proclaimed, the ratepayers of every municipality

PART V.

Election of Mayor, Councillors, and Auditors.

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cipality shall, upon the first day of December in every year, elect one of their number to be Mayor of the municipality for the ensuing year, and shall also elect an Auditor to fill the place of the retiring Auditor; and for every such election votes shall be taken at meetings which shall be held in all the wards. The ratepayers of the respective wards of the municipality shall also, on the first day of December in every year, elect a ratepayer of the municipality to be a Councillor to fill the place of the retiring Councillor; and every meeting for the election of a Councillor for a ward shall be held within the ward.

Before whom held.

38. Every Council may appoint one of their number not being a candidate to preside at any election within the municipality, and to have the conduct and control of the proceedings thereat.

Notice of day of nomination to be given.

39. Ten clear days at the least before the day by this Act appointed for the retirement and annual election of the Mayor, Councillors, and Auditor, the Town Clerk of each Corporation shall cause public notice to be given of a place, day, and hour for the nomination of candidates for election to the said several offices, such day of nomination not being later than six days before the said day of annual retirement and election.

Nomination, how made.

40. The nomination of the Mayor, Councillors, and Auditor, respectively, shall be signed by two ratepayers, and by each of the persons therein nominated, in testimony of his consent to be put in nomination and to act if elected, and such nomination shall be in the Form in Schedule C hereto, or as near thereto as circumstances will admit; but no nomination shall be acted upon unless the same shall have been lodged in the office of the Town Clerk before noon of the day fixed for nominations as aforesaid.

Proceedings at nominations.

41. On the day of nomination the Mayor, or, if he shall be unable to attend, a Councillor shall attend at noon, at the place fixed for such nomination, at which time and place he shall cause one or more nominations for each candidate lodged with the Town Clerk to be publicly opened and read aloud; if there shall be such number of candidates so nominated as are required to be elected and no more, he shall declare such candidates to be duly elected; but in the event of there being more than the necessary number of candidates nominated, he shall adjourn all further proceedings in respect of such election to the first day of December following, and shall cause public notice to be given of such adjournment and the object thereof, and of the names of the several candidates, and for what offices nominated, and of the hour when and place where such election shall take place.

Elections to be by ballot.

42. Every election to fill the office of Mayor, Councillor, or Auditor under this Act shall be by ballot, and for the purpose of such election every Corporation shall be a public body within the meaning of "The Ballot Act of 1862": Provided that the initials of the

Returning

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Returning Officer or Deputy Returning Officer, required by that Act to be borne by the voting papers at any election, shall be written or lithographed by or under the authority of such Returning Officer or Deputy Returning Officer.

PART V.

43. Every person whose name shall appear on the ratepayers' roll for the time being in force shall be entitled to vote at any election, and may give one vote in each ward in respect of the property for which he is assessed therein and has duly paid the rates according to the provisions hereof: Provided that whenever there shall be more than three joint tenants or tenants in common of any rateable property enrolled upon the ratepayers' roll in respect of the same property, only such three of such tenants as shall be nominated by the majority of such tenants for the purpose of voting at any election, and of which nomination notice shall have been left at the office of the Town Clerk at least one week prior to such election, shall be entitled to vote at such election, and if no such nomination shall be made and notice given as aforesaid, those three only of such tenants whose names, in alphabetical progression, according first to surnames and then to Christian names, shall be first in order, shall be entitled to vote at any such election; and in the event of there being more persons than one equally entitled to vote according to the rule aforesaid, the person or persons so entitled first claiming shall be entitled to vote, but so, nevertheless, that in no case shall there be more than three votes recorded at any election in respect of the same property and qualification.

Ratepayers may vote separately for property in each ward.

44. No ratepayer shall be entitled to vote at any election until he shall have paid all rates which shall have been declared six months previously, according to the provisions hereof, and which shall then be payable by him in respect of the property for which he may claim to vote; and any ratepayer, or collector of rates appointed under this Act, may object to any person attempting to vote who shall not have paid his rates.

Rates to be paid prior to voting.

45. No occupier of any rateable property who shall have duly paid up all arrears of rent to the owner thereof shall be deprived of his right to vote as a ratepayer at any election under this Act by reason of the non-payment by the owner of any rate due for the property in respect of which such occupant may claim to vote, and for which the owner shall have agreed with the tenant to pay the rates.

Occupier's right to vote protected if he has paid rent to owner.

46. If any extraordinary vacancy shall occur in the office of Mayor, Councillor, or Auditor the ratepayers entitled to vote shall, upon a day to be fixed by the Council (such day not to be later than twenty-eight days from the occurrence of such vacancy), elect another qualified person to supply such vacancy; and the nomination for such election shall take place seven days before the day fixed for election, and such election shall be held and the nomination and (in case of a contest) the voting and other proceed-

Extraordinary vacancy in office of Mayor, Councillor, or Auditor—how filled

*Municipal Corporations Act.—1880.***PART V.**

ings shall be conducted in the same manner and subject to the same regulations as are hereinbefore prescribed with respect to the election of Mayor, Councillors, and Auditor; and every person so elected shall hold such office until the time at which the Mayor, Councillors, or Auditor, in room of whom he was chosen would regularly have gone out of office.

Proceedings for election of Mayor, Councillor, and Auditor, if no ratepayers consent to be nominated.

47. Should no nomination of candidates for the office of Mayor, Councillor, or Auditor, or either of them, take place for want of the assent in writing of any qualified person to be nominated to office, within the time fixed for public nominations, and on its being so notified by the Mayor or a Councillor, it shall be lawful for the ratepayers to elect any qualified person who shall be nominated thereto without his consent; and the election shall in all other respects be as provided in this Act, and be held at a period not exceeding fourteen days next after default.

Provisions in case of election not being made on day appointed.

48. In case no election shall be made of Mayor, Councillors, or Auditor of any municipality upon the day or within the time appointed by this Act for any election, or such election being made shall afterwards become void, whether such omission or voidance shall happen through the officer who ought to preside at such election, or by any accident, or other means whatsoever, the Corporation shall come under no disability by reason thereof, nor be prevented from proceeding so soon thereafter as conveniently may be to an election of Mayor, Councillors, or Auditor, and every act, necessary for the completion of such election, may be done, and shall be as effectual and valid for all purposes, as if the election so delayed had been made on the proper day appointed for the same to have taken place.

Justice may proceed to election if Council neglect.

49. In case the Corporation shall not proceed, as herein directed, to the election of a Mayor, Councillors, or Auditor within fourteen days after any of the days or times appointed by this Act for any such election, any Justice of the Peace resident within the municipality may do every act necessary for the carrying out of such election, including the appointment of a day of nomination and of a Returning Officer; and in such case he shall, in the presence of at least four ratepayers, at an open meeting within the municipality, of the time and place of holding which he shall have caused to be given to the Corporation three days' previous notice, cause to be had any ballot which may be necessary for the purpose of deciding what Councillors and Auditor are to retire, and the ballot may be taken in the absence of any Councillor or Auditor interested.

Notice to be given to persons elected.

50. The Returning Officer, through the Town Clerk, shall cause a notice to be given to each person elected, or to be sent to him through the post, directed to him at his residence, within forty-eight hours from the time of his election, informing him of his having been elected Mayor, Councillor, or Auditor, as the case may be; and shall also, within ten days of the election, cause a notice of such election to be inserted in the *Government Gazette*.

51. No

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51. No person appointed by Proclamation or elected to be Mayor, Councillor, or Auditor under this Act, shall act as such until he shall have first read aloud and taken, before one of the Judges of the Supreme Court, or before any two Councillors, or two Justices of the Peace, who are hereby respectively authorised to administer the same, the oath of allegiance to Her Majesty, Her heirs and successors, and shall in like manner have made and subscribed the declaration following (that is to say)—“ I, A. B., having been elected (or proclaimed) Mayor, or one of the Auditors for the City of Adelaide, or “ the Town of *as the case may be,* or Councillor for *as the case may be,* or Auditor for *as the case may be,* do hereby declare that I take the office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.”

Oath of allegiance and declaration of office to be taken by Mayor, Councillors, and Auditors, before acting as such.

52. Every person who shall be duly elected to the office of Mayor, Councillor, or Auditor, shall accept such office by taking the oath and making and subscribing the declaration aforesaid within five days after notice of his election; or shall in lieu thereof pay to the Corporation the fine specified in the Schedule of Penalties to section 239 of this Act for the non-acceptance of such office, which shall thereupon be deemed to be vacant, and shall be filled up in manner hereinbefore mentioned with respect to extraordinary vacancies: Provided that any person who shall have already served such office (or paid the fine for not accepting such office) within five years next before the day on which he shall be so re-elected, shall be exempted from accepting the same office if he shall claim such exemption within five days after notice of his election; and that no member or officer of the Parliament of the said province, nor any person holding any civil or permanent military employment under the Local Government, or being a military, naval, marine, commissariat, or ordnance officer, on full pay in Her Majesty's Service, shall be liable to serve in or to be fined for non-acceptance of any office under this Act.

Oath and declaration of office to be made within five days after election.

53. The Mayor for the time being of every Corporation shall be a Justice of the Peace for the said province, from the time when he shall be duly sworn in as such.

Mayor for time being to be a Justice of the Peace for the province.

54. Every person elected to any corporate office, may at any time resign such office on payment of the fine which he would have been liable to pay for non-acceptance of the same office.

Resignation of office on payment of fine.

55. Every person who shall become disqualified from holding any office by reason of absence from the province shall be liable to the same fine as if he had refused to accept the same office.

Persons disqualified by absence from province liable to fine.

56. The Council may, at their discretion, reduce the amount of, or altogether remit any such fine as aforesaid by reason of any special circumstances attending such non-acceptance, resignation, or vacation by absence of any corporate officer

Council may remit fines.

57. When

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Proceedings where the same person elected for more than one office.

57. When any person shall be elected for more than one office he shall not be considered elected for either until he, by notice in writing to the Council, shall elect for which office he will serve, or until, in default of such notice for six days after the election, the Council by resolution shall decide for which office he shall serve, and the vacancy or vacancies for the office or offices for which he shall be elected and not serve shall be filled up in the same manner as hereinbefore directed by section 46 with respect to any extraordinary vacancy.

PART VI.

PART VI.

MEETINGS AND POWERS OF CORPORATIONS.

Meetings of Council.

58. Ordinary meetings of each Council shall be held for the dispatch of business at such times, not being less than once in every four weeks, as the Council shall from time to time determine; and special meetings may be held at any time.

Mayor at any time may call a Council.

59. The Mayor in all cases of emergency may call a meeting of the Council.

Meetings may be called on requisition of any three members.

60. Any three members of the Council, by requisition signed by them for that purpose, may call upon the Mayor to convene a meeting of the Council, and in all cases in which the Mayor shall refuse so to do the said three members may call such meeting by public notice, to be signed by them, stating therein the time and place of meeting and the nature of the business proposed to be transacted thereat.

Notice of meetings to be given.

61. Three days' notice of any ordinary meeting, and previous notice of any special or emergency meeting, signed by the Town Clerk shall be sent to each member of the Council before the time appointed for such meeting: And such notice shall in all cases of special or emergency meetings state the time, place, and business, of such meeting.

Quorum at meeting.

62. At all meetings of Councils, except where otherwise provided for in this Act, three of the members of the Council shall form a quorum.

Mayor to preside. If absent, a Councillor.

63. At all meetings of the Council the Mayor, or in his absence such Councillor as the members assembled shall choose to be chairman, shall preside, and such presiding chairman, in all cases of equality of votes, shall have a casting vote only.

Business of Council may be carried on notwithstanding vacancy.

64. Notwithstanding any vacancies in the office of Councillor, the business of the Council may be carried on by the member or members actually in office, who shall have all the powers of the Council.

65. All

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65. All acts and proceedings of any person elected and acting as Mayor, Councillor, or Auditor, shall, notwithstanding that any such person may not have been or be duly qualified, be as valid and effectual as if such person had been duly qualified.

PART VI.

Disqualification of Mayor, Councillor, or Auditor, not to make void their acts.

66. Every Council shall keep a minute-book, in which the proceedings of each meeting and the business performed thereat shall be entered; and the minutes of each meeting shall be signed by the Mayor or other chairman of such meeting, and be confirmed at the next regular meeting of the Council.

Minute-book to be kept.

67. Every qualified ratepayer in the municipality may inspect the Council's minute-book at all reasonable times, and shall, upon payment of a fee of Two Shilling and Sixpence to the Town Clerk for the use of the Council, be supplied by the Town Clerk with a copy of or extract from the minute-book of the Council, certified by him as a true copy of or extract therefrom.

Minute-book to be open for inspection.

68. If, in consequence of death, absence, or any lawful impediment, it shall not be possible or shall be inconvenient for any Councillor, or for the Town Clerk, or any other person, to perform any particular matter or thing, which by this Act he is directed to perform, the Mayor for the time being may appoint any other person to perform the same; and if by reason of death, absence, or any lawful impediment, the Mayor shall be prevented from performing any matter or thing, which he may by the provisions of this Act be required to perform, the Council may either perform the same, or by a majority of their votes appoint some other person to perform it.

In cases of inability of office-bearer to perform duties Council may appoint other person to do so.

69. If the day for any meeting or adjourned meeting by this Act required to be held for the retirement, nomination, election, swearing in, or admission of any officer, or for the transaction of any other business of any Corporation, or the last day for any act required to be done, shall fall on a Sunday, Good Friday, Christmas Day or public holiday, such meeting shall be held or act may be done on the day next ensuing or within three days next thereafter: Provided that every person whose term of office would, according to the provisions hereof, have expired on any such Sunday, Good Friday, Christmas Day or holiday, shall, during the interval aforesaid, continue in exercise of all the powers and duties of such office.

As to proceedings falling on a Sunday, Good Friday, Christmas Day, or holiday.

70. The Mayors, Councillors, and ratepayers of every municipality shall be a body corporate, and every Corporation other than that of the City of Adelaide shall be styled "The Corporation of the Town of

Incorporation.

(such blank being filled in with the distinctive name of the particular municipality for which it is appointed), and every Corporation shall by its corporate name have perpetual succession; and by such name may purchase, take, receive, accept, hold, acquire, and possess lands, tenements, and hereditaments (in fee-simple or for any term of years or otherwise), and goods and chattels, and may grant, sell,

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PART VI.

sell, convey, transfer, demise, assign, or otherwise dispose of the same, and may sue, implead, and answer, and be sued, impleaded, and answered in all Courts, and before all judges and magistrates whomsoever, in all actions, pleas, suits, disputes, causes, and matters whatsoever, and do and exercise all such further acts and powers as may be done and exercised by virtue of their incorporation and as are by this Act authorised to be done and exercised.

Common seal to be used.

71. Every Corporation shall have and use a common seal.

Deeds and instruments how executed.

72. Every deed, conveyance, agreement, or instrument which it may be necessary for any Corporation to execute or sign shall have the seal of the Corporation affixed thereto, and be executed or signed by the Mayor and countersigned by the Town Clerk.

Corporations may purchase or accept property for public purposes.

73. Every Corporation may purchase either from the Crown or from any person any lands, tenements, or hereditaments for any cemetery or other public purpose, and may accept a gift, conveyance, or assignment of any real or personal property for any charitable or public purpose not connected with religious worship, and hold the same upon such trusts or for such purposes as may be declared by the donor, and may accept any gift, conveyance, or assignment of real or personal property absolutely without any limitations of trusts or otherwise.

Power to Corporations to hold lands outside limits of municipality.

74. Every Corporation may purchase and hold lands without the limits of the municipality for the better effectuating any purpose for which the Council may purchase and hold lands within the municipality.

Power to lease lands vested in Corporations.

75. Every Corporation may from time to time demise or let any lands, tenements, or hereditaments which now are or may hereafter become vested in such Corporation for the general purposes of this Act, on building or other leases, in one or more lots, either by public tender or by public auction, or after having been offered by either of such means without having been accepted, then by private contract, for such rent as the Council of such Corporation may determine for any term not exceeding fifty years, and at such rent and subject to such covenants, conditions, and restrictions, and especially as to the class and elevation of the buildings to be erected thereon by virtue of any building lease, as the Council may deem advisable and for the benefit of the ratepayers; but so, nevertheless, that every such lease shall contain a condition for re-entry on breach of any of the covenants therein contained, and also on non-payment of the rent or any part thereof by such lease reserved within twenty-one days after the same shall become due and payable without any formal or other demand being made therefor: Provided always that nothing in this section contained shall authorise the demising or letting of any park lands, except under the authority of a special Act of Parliament, or (if such demising or letting shall be for a temporary purpose only) except with the approval of the Commissioner of Crown Lands.

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76. Every Corporation may also from time to time demise, let, manage, or improve any real or personal property, heretofore or hereafter acquired by them for public or charitable purposes, in such manner as they may deem expedient, and as shall not be inconsistent with the purposes for or the trusts upon which the same may be held.

Power to let or manage property vested in Corporations for public or charitable purposes.

77. Any lands now or hereafter held by trustees within a municipality upon trust for any public cemetery may, by the said trustees, be conveyed or transferred to the Corporation of such municipality, if the Council of such Corporation shall be willing to accept the trust, and the Corporation shall hold the same upon the original trusts or such of them as are applicable, and the trustees shall thenceforth be discharged from such trusts.

Corporations may accept conveyances of lands for cemetery from trustees.

78. Where any land within a municipality is vested in trustees for any public cemetery, and the Corporation of such municipality have the control or management thereof or the appointment of new trustees in case of a vacancy, and the trustees shall not be willing to convey or transfer the same to the Corporation, the Council of such Corporation may call a special meeting of ratepayers for the purpose of deciding whether such land shall be conveyed or transferred to and held by the Corporation, and if, at such meeting, a majority of three-fourths of the ratepayers present decide that the land shall be conveyed or transferred to and vested in the Corporation, the same shall be conveyed or transferred by the trustees to, and be vested in, the Corporation accordingly.

Public meeting of ratepayers may compel trustees to convey cemetery lands to Corporations in certain cases.

79. All public bridges, squares, park lands, and reserves within the limits of any municipality shall, for all the purposes of this Act, be under the care, control, and management of the Council of such municipality.

Bridges, squares, park lands, and reserves to be under management of Council.

80. The conservancy of all rivers and watercourses within the limits of any municipality shall be vested in the Corporation, who shall have power, either alone or in conjunction with the Government of the province, or with any company or other persons, to make and erect dams and reservoirs within the limits aforesaid, for the retention of the waters of the said rivers and watercourses, and the expansion thereof, for such ornamental and other public purposes as the Council may deem proper.

Conservancy of rivers and watercourses.

81. The Council may declare any portion of any river or watercourse within the limits of any municipality to be reserved for the supply of water for the public use.

Reserves for water supply may be declared.

82. Every Council may (under the hand of the Mayor and seal of the Corporation) appoint fit persons, not being members of the Council, to be Town Clerk and Surveyor of the municipality, and may also appoint valuers, collectors of rates, inspectors, clerks, and such other officers as they shall think necessary for enabling them to carry

Officers may be appointed by Council.

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carry into execution the various powers and duties vested in or imposed on them by virtue of this Act.

Officers may be required to find security.

83. All such officers as aforesaid shall hold their offices during pleasure, and give such security for the due performance of their duties as the Council shall think proper.

Allowance to Mayor and payment of salary.

84. The Council may order payment to the Mayor, Auditors, and to the Town Clerk, and every other officer appointed or employed as aforesaid of such allowance, salary, or commission, as to the Council shall seem reasonable and proper—the allowance to the Mayor (if any) to be fixed within ten days after his acceptance of office.

Removal of officers.

85. The Council shall have power to remove from office every Town Clerk, Surveyor, or other officer appointed as aforesaid; and every officer so removed, who shall be in the possession of or accountable for any moneys, goods, valuables, account books, accounts, or papers, belonging to or concerning the Corporation, shall deliver up and account for the same to the Council immediately upon such removal.

Officers prior to and after removal from office to account for current business as Council may require and for all moneys received and disbursed.

86. Every officer appointed by the Council, shall, at such times during the continuance of his office, or after the expiration of or removal from his office, and in such manner as the Council shall direct, deliver to the Council, or to such person as they shall authorise for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, and of all moneys which shall have been by him received and disbursed by virtue thereof, and of the purposes for which such moneys shall have been disbursed, together with proper vouchers for such disbursements; and also a list of the names of all such persons as shall not have paid the moneys due from them to the Corporation for the purposes of this Act, and of the amount due from each of them; and every such officer shall forthwith pay to the Council all moneys remaining due from him upon such account.

Special constables may be appointed and exercise powers of police constables.

87. The Council may, from time to time, cause to be sworn in, before a Justice of the Peace, any person or persons as special constables; and every special constable so sworn in shall as to preventing nuisances and obstructions, and for the purpose of otherwise carrying this Act into execution, for preserving the peace, for apprehending offenders against the peace, and for preventing robberies and other felonies, exercise and possess within the municipality, and so far without the boundaries thereof as may be necessary to effect the capture of any person offending within the municipality, all such powers and privileges, and be liable to all such duties and responsibilities as any constable may have by virtue of the common law, and shall obey all such lawful commands as he may from time to time receive from any Justice, or from the Mayor of the municipality.

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88. The Council shall cause to be set up durable and conspicuous marks, denoting the boundaries of every municipality and of the several wards thereof.

Boundary marks of municipality and wards to be set.

Public Streets.

89. All streets which come under or are included in any of the following definitions or descriptions shall be public streets—

What streets shall be deemed private streets.

- I. All streets delineated and shown on the public maps or plans of the said province :
- II. All streets opened by the Council under the power given by the Acts for the time being in force relating to the opening of new streets or roads :
- III. All streets conveyed or transferred to the Corporation by the owners of the fee-simple thereof, and accepted as public streets by the Council in the manner hereafter set forth :
- IV. All streets vested in the Corporation by the Supreme Court or a Judge thereof, under the power hereafter contained :
- V. All streets declared by the Council, by writing under their Common Seal and signed by the Mayor and Town Clerk, to be public streets :

Provided always that any streets lawfully closed by the Corporation shall cease to be public streets.

All other streets shall be private streets.

90. Every public street or place within a municipality shall be a public road within the meaning of the Act No. 17 of 1852, and of the Acts incorporated therewith ; and the Council of every municipality shall be the Commissioners of all public streets or places, other than main roads, within the municipality, and shall have all the powers of Commissioners under the said Acts, of opening new roads, altering, adding to, and closing existing roads or any part thereof, and of exchanging, selling, retaining, or dedicating to corporate purposes, closed roads or any part thereof.

Councils to be Roads Commissioners.

91. If any street, not being a public street at the time of the passing of this Act, be then or thereafter formed, made, paved, or repaired by the Council, the Council may, by writing under their common seal, signed by the Mayor and Town Clerk, declare the same to be a public street, and thereupon the said street shall become a public street, and shall thereafter be repaired by the Council out of the rates levied under this Act, and such declaration shall be entered amongst the proceedings of the Council, and in the register of public streets hereinafter mentioned, and notice of such declaration shall be put up in some conspicuous place in or near such street.

Private streets may be declared public streets.

92. The Supreme Court or any Judge thereof, upon the application

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tion of the Corporation, and upon proof upon oath that any land within the limits of such Corporation has been dedicated to the public by the owner thereof as a street, or that such land has been formed, made, levelled, paved, or drained as a street by the Corporation, and used by the public as such, for five years consecutively, may make an order vesting the fee-simple of such land in the Corporation as a street; and if such land shall be under the provisions of "The Real Property Act of 1861," or of any amendment thereof, the Registrar-General, on being served with an office copy of such order, shall enter in the register-book the date of the said order, the date and hour of its production to him, and the name of the Corporation in whom the said order shall purport to vest the said land, and shall issue a certificate of title to such Corporation in respect of the said land as a street. Notice of any such application shall be sufficient, if served upon one of several joint tenants or tenants in common, or upon the person or one of the persons appearing as the registered owner or owners of the said land, and any such application may be made *ex parte* upon an affidavit by the Town Clerk that he is unable to ascertain the name of the owner of the said land, and any order obtained *ex parte* shall be advertised four times in the *Government Gazette*: Provided that the owner of any land in respect of which such *ex parte* order shall be made may at any time, within one year from the date thereof, apply to the Supreme Court, or a Judge thereof, to discharge the same on the ground that such order was improperly made, and such discharge, if granted, shall operate as if such vesting order had not been made, and may be registered in like manner as is herein provided with respect to such vesting order.

Fee-simple of private streets vested in the Corporation in certain cases.

93. The fee-simple of every private road dedicated to the public, and of every street, court, alley, thoroughfare, or cul-de-sac, which shall have heretofore been, or shall hereafter be, formed, made, levelled, paved, or drained by any Corporation, shall become and be lawfully vested in such Corporation.

Squares, streets, and public places to be aligned.

94. The Council shall cause all squares, and public streets, and places within any municipality to be correctly aligned, and the breadth of all footways to be determined in such manner as may be found necessary.

Plans of streets set out showing breadth of carriage and footway to be deposited in Town Clerk's office.

95. A plan, under the hand of the Mayor and Surveyor, of every public street or place, which shall be so set out showing thereon the building line and the breadths of the carriageway and footways therein respectively, shall be deposited and kept at the office of the Town Clerk, who shall, on every such deposit, cause public notice thereof to be given, in which notice shall be stated the defined breadth of the carriageway and footways in each street or place respectively.

Register of public streets to be kept.

96. A register of public streets, showing their names, situation, extent, and width, and the building line thereon, and the width of roadways, watertables, and of each footway respectively, with the additions

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additions or alterations made thereon from time to time, shall be made up and kept in the Town Clerk's office, and such register shall be deemed to be the register of public streets, and shall at all reasonable times be accessible to any ratepayer.

97. It shall be the duty of the Town Clerk from time to time to enter in the register of public streets any street which is a public street, and every other particular which he is directed by the Council to enter therein or to describe thereon, and an extract of any such entry or description certified by the Town Clerk shall, on demand, be given by the Town Clerk to any ratepayer on payment of a fee of Two Shillings and Sixpence for the use of the Council.

Town Clerk to make entries in register from time to time.

98. The Council may, as they shall think proper and necessary, cause the public streets, roads, ways, footways, foot-crossings, passages, and places in their municipality to be respectively formed, made, paved, macadamized, improved, repaired, and kept in good condition with such materials and to be raised, lowered, or altered in such manner as the Council shall deem proper, and may cause all necessary sewers, gutters, drains, and watercourses to be made along or under the said several public streets and other public places, and vary and alter the same from time to time in such manner as the Council shall deem advisable.

Public streets, roads, footways, &c., to be made and kept in repair by the Council.

99. The Surveyor, during such time as any public street or place within the municipality shall be under repair, or during the making or repairing of any sewers or drains therein, may prevent the passing of carriages, carts, drays, horses, and cattle whilst such works and repairs are in progress, by causing such fences or barriers to be placed on or across any such street or place as he may deem proper: But shall, during the time that such fences or bars shall be continued, cause to be affixed thereon such lights during the night as shall be sufficient to prevent injury or danger to carriages and passengers.

While street is under repair, Surveyor may put up bars, &c.

100. It shall be lawful for the Council to use upon any street or place within the municipality, for the purpose of making and rolling the streets thereof, locomotives propelled by steam, provided that such locomotives are worked and propelled according to the following rules and regulations—

Steam road rollers.

- I. At least two persons shall be employed to each locomotive, one of whom shall, on foot, precede the locomotive when in motion by at least twenty yards, and shall in case of need assist riders and drivers of horses and carriages passing the same :
- II. Such locomotives shall be so constructed as to consume their own smoke :
- III. 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 steam road roller.

Conditions to be observed on using steam rollers.

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Steam rollers may be used on any roads.

101. It shall be lawful for any Council, or other body having the care, management, control, or construction of any streets or roads, to employ in the rolling or construction thereof any such locomotives at places without their respective boundaries, and for that purpose, subject to the said rules and regulations, to propel any such locomotive along and over any public street or road within the said province: Provided always that no such locomotive shall be allowed to traverse any streets or roads between the place where the same may be and the place where the same is intended to be used, except between midnight and six o'clock in the forenoon.

Streets hereafter formed by Councils to be 40 feet wide.

102. No street shall after the passing hereof be set out by the Council of any municipality unless the width of such street, ascertained in manner prescribed in the next following section, shall be forty feet at the least.

Council may cause existing streets of not less than 20 feet in width to be formed, made, paved, and drained.

103. It shall be lawful for any Council from time to time to cause all or any streets now existing within their jurisdiction, not being less than twenty feet in width (such width to be ascertained by measuring at right angles to the course of such street from front to front of the building line on either side thereof), or any part of any such street to be formed, made, paved and drained, or repaired, when and as often, and in such form and manner, and with such materials as such Council may think fit, and to cause the ground or soil thereof to be raised or lowered, and the course of the channels in, into, or through the same to be turned or altered in such manner as they think proper.

Council may order land abutting on public street, not enclosed, to be fenced.

104. Where any land which shall adjoin or abut upon any public street or place, or place of resort, within any municipality shall not be fenced in or enclosed to the satisfaction of the Council of such municipality, such Council may from time to time, by writing under the hand of the Mayor or Town Clerk, order that such land, so far as the same shall adjoin or abut upon any such public street or place, be enclosed with a substantial wooden fence of posts and rails, having two or more rails in each panel, within such time as to the Council may appear expedient; and the owner of the said land, after due service on him of such order, shall, in such manner, and within such time as shall be expressed therein, at his costs, charges, and expenses, well and sufficiently fence, or otherwise to the satisfaction of the Council enclose, so much of the said land as shall abut upon any such public street or place.

In default of fencing by owner, the Council may fence land at his expense, and order repayment.

105. If any such owner shall neglect to fence in or otherwise enclose any such land in the manner and within the time expressed in such order, the Council may fence in and enclose such land, or such parts thereof as shall not have been fenced in and enclosed pursuant to the said order, and cause an account of the expenses thereby incurred to be ascertained and payment thereof demanded from such owner; and in default of payment of the same within twenty-one days from such demand, the Council, by writing under the hand of the Mayor or Town Clerk, may order payment thereof by such owner.

106. If

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106. If any well, hole, excavation, or any other place, for want of a sufficient fence or enclosure, shall, in the opinion of the Council, be dangerous to persons passing along any public street or place, or place of resort, within any municipality, and the same shall not, within twenty-four hours after notice to the owner thereof, signed by the Town Clerk, to cause the same to be forthwith enclosed, covered, or filled in in manner prescribed in such notice, be sufficiently fenced, enclosed, or otherwise secured, so as to be no longer dangerous, the Council of such municipality may enclose, cover, or fill in the same; and in any such case the expense of so doing shall be paid by the owner to such Corporation upon the order of the Council, under the hand of the Mayor or Town Clerk: Provided that if the exigency of the case shall require, the Council may, without notice and at the expense of any such owner, to be recovered as aforesaid, forthwith enclose, cover, or fill in any such dangerous well, hole, excavation, or other place.

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Dangerous well, hole, or excavation near any public street, &c., may, after notice, be fenced in, &c., by Council at the cost of the owner.

107. The Council may cause to be painted or colored, or may affix upon the walls of any house within the municipality, any board or plate, legibly shewing thereon the name of any street or place, or such notice as may be conducive to the public convenience, or may affix on such house any letters in wood, iron, or other material by which such names of streets or notice may be expressed so as to be clearly legible.

Council may paint or affix names of streets on any house.

108. The Council may assign a number to each house in every public street or place within the municipality, and may from time to time, whenever they may deem it expedient, assign any other number to such house in lieu of the previously assigned number, and the occupier of every such house is hereby required to paint or affix every such number upon the door of such house within fourteen days after notice to that effect, signed by the Town Clerk or Surveyor, shall have been served on such occupier.

Council may assign a number to each house.

109. The Council may, from time to time, cause any public street, or portion of a public street, within the municipality to be watered, and they are hereby authorised to employ such men, horses, and water-carts, or other means, as may be necessary for that purpose.

Council may cause any public street to be watered.

110. The Council shall cause the footways in the public streets within the municipality to be made, as nearly as may be practicable, of the same breadth and levels; and for that purpose, may remove or reduce any flagging, steps, unevenness of surface, or whatever may obstruct, render uneven, or contract such footways or any of them.

Footways.

Council to keep footways in the public streets, of the same width and levels.

111. The Council may erect such permanent or temporary fences, and from time to time paint, repair, remove, and replace the same as they may deem requisite for preventing the access of cattle, horses, or vehicles to any of the footways, and for the general safety of foot passengers, and the prevention of accidents.

Council may fence footways for safety of passengers.

112. Whenever the Council shall deem it expedient to pave any footway

Footways may be paved, and moiety of expense recovered.

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footway or part of a footway they may give public notice thereof, and may thereupon cause any such footway or part of a footway to be paved, and they are hereby authorised to pay one moiety of the expense incurred thereby, and of giving such public notice, as aforesaid, out of the general revenue of the Corporation, and the other moiety shall be paid by the owners or occupiers of the rateable property abutting on the footway or portion of a footway so paved, rateably, according to the frontage of the premises abutting on the footway or portion of a footway so paved: And such moiety of the expense aforesaid, or any part thereof, may be collected, and shall be recoverable rateably from each person liable, by any collector of rates or duly authorised officer of the Corporation, or payment thereof may be ordered by the Council, by writing under the hand of the Mayor or Town Clerk.

Footways may be paved at request of owner or occupier.

113. If any person shall be desirous of having any footway paved or made, or any footway abutting on rateable property belonging to or occupied by him kerbed, he shall apply to the Council, in writing, signifying such his desire, and the Council may thereupon pave or make such footway, or put a kerb to the footway, with such materials as they may deem best, and may charge, take, and recover such portion of the cost of such work as they may deem fair and just from the applicant desiring such work to be done, and may order payment thereof under the hand of the Mayor or Town Clerk.

Crossing places from public streets over footways to be regulated by Council.

114. The Council may fix the places at which crossing places for vehicles and animals from any public street to private residences, or other premises on either side of the said street, shall be made over any footway.

Owners of property requiring communication with main street.

115. Upon the application of any owner, or of the majority in number of any owners of property, who may require a communication with the street by means of such crossing as aforesaid, the Council may permit the same to be constructed under the superintendence and to the satisfaction of the Surveyor, in conformity with the provisions of this Act, or they may construct the same and may, by writing under the hand of the Mayor or Town Clerk, order payment of the cost thereof by the owners requiring such crossing to be made.

Council may require owners or occupiers of premises to make and repair crossing places from main street.

116. The Council, by any writing under the hand of the Mayor or Town Clerk, may require the owners or occupiers of any premises on either side of any public street to make or repair any crossing place over the footway leading to and from such premises into the said street, in conformity with the provisions aforesaid, as to the Council may appear necessary; and unless the said owners or occupiers shall, within thirty days after the service of such requisition, show cause to the satisfaction of the Council 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 Council may execute such work or repairs and determine and charge such owners or occupiers

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piers 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 or occupier may have become liable, the same shall not be paid, the Council, by order under the hand of the Mayor or Town Clerk, may direct payment thereof.

117. No alley or court of less than twenty feet in width (such width to be determined as prescribed by section 102) shall, after the passing hereof, be laid out or formed within any municipality.

Alleys and Courts.

No alley or court to be less in width than 20ft.

118. Every alley hereafter laid out or formed shall have two entrances, each of the full width of the alley, and one of which shall be open from the ground upwards.

Alleys to have two entrances.

119. Such alleys, courts, and passages as may have heretofore been laid out or formed, or shall hereafter be laid out or formed, within any municipality shall, in all cases where the Council shall deem it necessary, be secured against the ingress of horses and cattle and otherwise, at the entrances thereof, and to the satisfaction of the Surveyor, and by and at the expense of such persons, and in such manner as the Council may, by any public notice or by any by-law for the further regulation of the entrances of courts and alleys within such municipality, direct.

Entrances to alleys to be secured.

120. The formation, completion, and repairs of all private streets, shall be executed at the exclusive expense of the proprietors of such private streets ; but they shall, nevertheless, as to the prevention and suppression of nuisances therein, and the cleansing thereof, and the prevention of fire, be subject to the provisions of this Act for the general regulation of public streets, from and after the period at which any such private street shall be set out and aligned.

Private Streets.

What are to be deemed private streets.

121. When any private street, court, or alley, shall have been set out within any municipality, the Council of such municipality, by any writing under the hand of the Mayor or Town Clerk, may order that any erection or obstruction which shall contract the proper width of any such street, court, or alley, or any part thereof, be removed, and that any such street, court, or alley, or any part thereof, be respectively levelled, paved, macadamized, or otherwise repaired and completed with such sewerage works in such manner, and within such time as to such Council may appear expedient ; and if, after service of notice of such order upon the owners of property abutting upon either side of such private street, court, or alley, such owners shall fail within the time provided by such order to free from obstruction, and well and sufficiently to level, pave, or macadamize, repair, and complete with proper sewerage works, so much of the said street, court, or alley to the centre thereof as may be opposite to and co-extensive with their respective properties aforesaid, the Council may execute and complete whatsoever work as aforesaid shall not have been done in pursuance of and according to such order, and
may

The owners of properties on either side liable to expense of completion.

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may charge each such owner with such part of the expenses incurred in such completion as shall bear a fair and reasonable proportion to the extent to which his property may abut on such street, court, or alley (regard being had to the condition of completeness and repair, or the reverse, in all or any of the respects aforesaid, in which such street, court, or alley opposite to the property abutting thereon shall be at the time of the service of such notice), and may direct payment thereof, by writing under the hand of the Mayor or Town Clerk.

Notice of laying out new streets.

122. Every person who intends to lay out or make any new street in any municipality, shall give written notice of such intention to the Council, in order that the level of such street may be fixed by the said Council.

Level, how fixed.

123. The level of every new street shall be fixed under the direction of the Surveyor, and the level so fixed shall be kept thereafter by every person raising any house or other building in such street.

Persons constructing street contrary to level fixed by the Council, to pay expenses consequent upon a change in the level.

124. No person shall lay out or make any new street, unless and until the level of such street shall have been fixed by the Council, and until the Surveyor shall be satisfied that the proper and perfect drainage of such street has been provided for by the person laying out such street, and every person shall, in building any house or other building in any street, the level of which shall have been fixed by the Council, keep that level, and any person offending against this section, shall be liable to defray all such expenses consequent upon any change in the level of the street or of that part of the street on which any such house or building shall abut, and of providing for the proper and perfect drainage of the same as the Council, by an order under the hand of the Mayor or Town Clerk, shall direct.

Width of private streets.

125. No person shall hereafter make or lay out any new street unless the same, being a carriage road, be at least thirty feet wide, or, not being a carriage road, be at least twenty feet wide, and no person shall erect or cause to be erected for human habitation, or use or allow, suffer or permit, to be used for human habitation, any building or erection fronting or abutting on any street of less than twenty feet in width unless such building or erection shall also abut on a street of the width of twenty feet.

Lighting.

Council empowered to light the municipality, or parts thereof, with oil gas, or otherwise.

126. The Council by contract or otherwise, as they may deem proper, may cause the several streets and public places within the municipality, or such of them as they shall think fit, to be lighted with gas, oil, or otherwise, during such times as they may deem requisite; and, in like manner, may provide such lamps, lamp-posts, lamp-irons, gas-pipes, and other works and materials as may be necessary for that purpose; and may manufacture, or contract for the manufacture of gas, for lighting such streets and public places, and provide or contract for gasometers, and all requisite apparatus and machinery; and appropriate, purchase, or rent any land which may be necessary for the establishment of such manufacture.

127. The

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127. The Council or any company or person with whom the Council may contract for lighting the said streets and public places, or any of them, may, under the control and direction of the Council, or officer appointed for that purpose, and the superintendence of the Surveyor for the time being, break up within the municipality the soil or pavement of any street, and fix and lay therein such lamp-posts and pipes as may be necessary for the purposes aforesaid, and may cause the same to be fixed upon or against the exterior of any houses or buildings, or the walls or fences thereof, within the limits aforesaid; but neither the Council, nor any person with whom they may contract, shall lay or carry any gas-pipe, or other materials or work, through any private building, enclosure or land, within the municipality, otherwise than according to the provisions herein contained for the acquisition of land and premises for new streets, except with the consent of the owner.

128. Subject to any contracts, the Council may cause any lamps to be taken down and removed to any other place within the municipality, and to be altered as to the mode of giving light thereby, and any material used therefor, and to be increased or diminished in number, from time to time, as they may think fit.

129. If at any time before any municipality shall be so wholly or chiefly lighted as aforesaid, the majority of the ratepayers of any principal street, or of any district or ward, shall be desirous that the same should be lighted with lamps, the Council may cause the same to be so lighted, either under the provisions herein contained or otherwise; and may, and are hereby authorised, as to one moiety of the expense to be so incurred, to defray the same out of the general rate and Corporation fund for the time being; but if such fund shall not be sufficient, then by a special rate under the provisions hereof: and, as to the other moiety of the expense of lighting such street, district, or ward, the same shall be paid by the ratepayers thereof, rateably either according to their assessments for the general rate, or according to the lineal frontage of the premises lighted, and either from year to year or for such number of years, and upon such terms and conditions as the Council shall determine; and the moiety of the expense aforesaid may be collected, and shall be recoverable, rateably from each of the ratepayers of the said street, district, or ward, by any collector of rates or duly authorised officer of the Corporation, under any of the provisions herein contained for the collection and enforcing payment of the general rates, or payment thereof may be ordered by the Council, by any writing under the hand of the Mayor or Town Clerk.

130. Whenever it may be deemed expedient to execute works for the sewerage and drainage of any municipality, the Council may cause all necessary trigonometrical or other surveys to be made of the area of the municipality, and levels to be taken for that purpose; and as to the works to be so executed, shall cause all proper plans of such drainage and sewerage on a scale of not less than six inches to a mile,

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Contractors empowered under the direction of the Council to lay pipes through streets.

Council may remove and alter number of lamps, and nature of the light afforded.

Before general lighting of the municipality, power to light streets and parts thereof at the joint expense of Corporation and the ratepayers of such streets, &c.

Expense, how to be defrayed.

Sewerage and Drainage.

Council to repair and cleanse sewers.

Council may cause surveys for sewerage to be made.

together

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together with a book of reference, containing the names of owners, lessees, or occupiers of any land or watercourses through or into which such sewerage or drainage may be intended to pass, or which may be required to be taken for such purpose by the Council, to be deposited for public inspection in the office of the Town Clerk, and shall give all such notices and do such acts as are hereby prescribed in respect to land and premises required and intended to be taken for the site of any new or altered street, before such sewerage and drainage shall be proceeded with.

Control over public sewers vested in Council.

131. The control and superintendence of all public sewers within the limits of any municipality shall be vested in the Council thereof, with power to alter, amend, and enlarge the same from time to time, under the provisions hereof: Provided that, if communication of any private drain with any public sewer shall be severed or impeded by any such alteration or other works, the Council shall, at their own cost, continue such private drain to the main sewer, or into a branch drain in connection therewith, so as to afford the owner or occupier of such private drain the same use thereof as theretofore enjoyed by him.

Power to break up streets for construction of sewers.

132. The Council, in carrying any such works as last aforesaid into execution, may, by themselves or their contractors, break up any public or private street within the municipality, and sink therein trenches for the construction of sufficient common sewers or drains; but, after the construction thereof, shall immediately fill in such trenches and other excavations which may be caused by such works, and make good, level, and re-instate the surface or pavement of any public or private street which may have been displaced in the execution of such works; and shall, during the progress thereof, fence any place where the ground shall be trenched or excavated, in such manner as to prevent danger or accidents to passengers, vehicles, horses, or cattle, and shall keep such fences duly and sufficiently lighted during the night.

Council to repair and cleanse sewers.

133. The Council shall maintain all main common sewers within the limits of the municipality in sufficient repair, and cause the same to be properly emptied and cleansed, and may cause the refuse therefrom to be emptied on any public street within the municipality, for the purpose of removal; but if any offensive sewage shall be left above ground, without being removed to such place as may be provided under the provisions hereof, for the space of twenty-four hours, the same shall become and may be dealt with as a public nuisance, and all offending parties be liable to indictment therefor.

Council to provide by-laws for private sewerage.

134. The Council shall, and they are hereby required, to make and pass all necessary and proper by-laws for the purposes following—

- i. For regulating the construction of branch or private sewers, and the communications thereof with the main common sewers:
- ii. For

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II. For the repairs and cleansing thereof, under the direction of the Surveyor or other officer appointed for that purpose:

III. For removing, by drainage to be discharged into the common sewers, any nuisance from any lands, buildings, or premises, at the expense of the owners or occupiers.

135. Any owner or occupier of lands or buildings without the boundaries of any municipality, but contiguous to the course of any main public sewer, may cause any private drain or sewer from such land or buildings to be constructed so as to discharge itself into such main sewer, subject to such rent and conditions as the Council of such municipality shall determine.

Owners of lands, &c., without boundaries may make drains to communicate with main sewers.

136. The Governor may, by Proclamation in the *Government Gazette*, declare that the provisions of this Act relating to sewerage and drainage, or such of the said provisions as he may deem expedient, shall cease to apply to any municipality, or to any portion of a municipality; and after such Proclamation the said provisions, or such of them as shall be specified in such Proclamation, and all provisions in this Act as to by-laws, offences, and penalties relating to sewerage and drainage, shall cease to be of force and effect within the limits of the municipality or portion of the municipality described in such Proclamation.

Governor may, by Proclamation declare, that provisions relating to sewerage and drainage shall cease to apply to any municipality.

137. It shall be lawful for the Council to provide public urinals, waterclosets, privies, and like conveniences, in situations where they deem such accommodation to be required, and to supply such conveniences with water, and to maintain and keep the same in good order, and to defray the expenses thereof, and any damage occasioned to any person by the erection thereof, out of the general revenue of the Corporation.

Public Health, &c.

Power to Council to provide public conveniences.

138. The Council of any municipality may adopt all such measures as they may deem necessary for the cleansing of their municipality and the preservation of the public health, and for the prevention and suppression of nuisances therein; and, for the more effectually carrying such objects into effect, may appoint one or more inspectors

Council authorised to take all measures requisite for public health, and to appoint inspectors.

139. Every such inspector is hereby authorised to visit and report upon the state and condition in regard to cleanliness of all streets, squares, places, and public reserves within the municipality, and as to any nuisances affecting the same; and also to visit all slaughterhouses, markets, baths, and washhouses, and all butchers' and other shops and shambles, and all buildings wherein any offensive trades may be carried on, and all breweries, stables, cattleyards, cowsheds, hogsties, backyards, outbuildings, wells, ashpits, privies, cesspools, and drains belonging to or used with any dwelling-house, building, or premises, within the municipality, and to examine the state thereof in regard to health and cleanliness, or in respect of any nuisance.

Powers and duties of inspectors.

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Council may order premises to be cleansed and nuisances suppressed.

140. The Council, upon the report of any such inspector or other authorised officer in that behalf, may issue directions, in writing, under the hand of the Mayor, for the cleansing of any street and place, and of any buildings or premises within the municipality, and for the removal of or abating all nuisances which may be there found, within such time as to the Council shall seem needful; and if, after the service of a copy of such directions upon any contractor for the cleansing the public streets, or upon the occupier or owner of any private street, or of such buildings or premises, the same shall not be cleansed or purified as required, by such directions, and any nuisance being therein or arising therefrom shall not be removed or abated within the time therein mentioned, the Council may cause such street to be cleansed, and every such building or premises to be purified, and, if needful, as well within as without, and any such nuisance to be removed or abated, and may, by any writing under the hand of the Mayor or Town Clerk, order the costs and expenses incurred in carrying any of the foregoing directions into effect to be paid by such contractor, occupier, or owner.

Council to keep streets, footways, and surface drains properly cleansed, and cause ashes, &c., from houses to be removed.

141. The Council shall cause the streets, footways, and surface drains within the municipality to be kept at all times properly cleansed, and all refuse to be duly removed therefrom, and shall cause the ashes, filth, and rubbish from dwelling-houses and other buildings and premises in such municipality to be carried away at convenient hours and times, and all privies and cesspools within the municipality to be from time to time emptied and cleansed in a sufficient and proper manner: Provided that the occupier of any house, building, or premises may keep the nightsoil, ashes, or rubbish which shall be made on his own premises, for manure, and from time to time remove the same, but so that such retention and removal be not a nuisance to the inhabitants residing near such premises, and that such removal be made at such times and in such manner as shall be directed by the Council.

Occupier of dwelling-houses may keep nightsoil, &c., for manure.

Council may contract for cleansing streets, &c., and removal of refuse.

142. The Council may employ or contract with any persons for sweeping and cleansing the streets, for removing all refuse therefrom, and from houses and all other premises within their municipality, and for emptying privies and cesspools, on such days and at such hours, and in such manner as the Council may from time to time appoint; and all such scavengers and contractors are hereby authorised and empowered to execute all such works and duties as they may respectively be employed or shall contract to perform, at the times and in the manner prescribed by the Council for that purpose.

Council to provide places for deposit of nightsoil.

143. The Council may provide places, either within or without their municipality, for the deposit of the nightsoil, dung, ashes, and other filth and rubbish, to be removed and collected under the authority of this Act.

The nightsoil, ashes, and all refuse col-

144. The nightsoil, dung, ashes, filth, and refuse, which the Council

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Council shall cause to be carried away and collected from the streets, houses, privies, sewers, cesspools, or elsewhere within their municipality, shall be the property of the Council, and such Council shall have the power to sell and dispose of the same as they shall think proper, and the moneys arising from the sale thereof shall be paid to and form part of the funds of the Corporation of such municipality.

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lected to be the property of the Corporation.

145. No person other than a person employed by, or contracting with the Council for that purpose, shall collect and carry away any nightsoil, dust, ashes, filth, or rubbish by this Act directed to be removed

No person but contractors with Council to remove nightsoil.

146. No person shall suffer waste or impure water, liquid, or matter to remain within any building, or upon any property of which he may be the owner or occupier within any municipality for twenty-four hours after notice to him from any inspector or authorised officer of the Council to remove the same; or shall suffer any waste or impure water or liquid matter to flow upon any footway or carriageway, or into any surface drain or watercourse, or shall suffer any offensive overflow, soakage, or leakage from any watercloset, privy, or cesspool within any municipality: Provided that water rising through the ground, or from springs in any cellar and collected therein, not being impure, may be pumped thereout into the water-channel of any street.

No impure liquids to be suffered to remain in houses, &c., or to flow over carriageways, footways, or waterchannels.

147. If after twelve hours' notice to remove such impurities any of them shall be continued, the Council shall have power to enter any building or property in or from which any such impurities shall be suffered to remain or overflow, and proceed to do whatever may be needful for the abating of any such nuisance, and preventing the continuance or a recurrence thereof, and the expense incurred in so doing shall, upon the order of the Council, by writing under the hand of the Mayor or Town Clerk, be paid by the owner or occupier of such building or property to the Corporation.

Council may enter premises and abate nuisances.

148. If, upon the certificate of any two duly qualified medical practitioners, or on the oath of any three citizens, it shall appear, to the satisfaction of the Mayor, or the Council, or any Committee of the Council, that any building or place within any municipality is in such a condition as may be likely to engender and propagate infectious or contagious disease, and that the health of any person is liable to be prejudicially affected or endangered by reason thereof, the Mayor is hereby authorised, by order under his hand, to require the owner or occupier of any such building or place forthwith to cleanse, purify, and disinfect the same, as the case may require, in manner and to the satisfaction of any inspector or other officer of the Corporation or medical practitioner as in such order shall be directed and named; and if such owner or occupier shall fail to comply with such directions within such time as in the said order may be specified, the Mayor, on proof of such default, may, by endorsement on such order, or on a duplicate thereof

Mayor may require owner to cleanse premises likely to engender disease.

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thereof, further authorise such inspector, with such assistants as may be necessary, forthwith to enter into any such building or premises in such order described, and to cause the same forthwith to be cleansed, purified, and disinfected, as the case may require, and the expense which may be so incurred, together with a proper fee to each such medical practitioner, shall, upon the order of the Council, by writing under the hand of the Mayor or Town Clerk, be paid to the Corporation by such owner or occupier.

Slaughterhouses.

Court for licensing slaughterhouses for small cattle.

149. Until public abattoirs shall have been duly proclaimed by the Council of any municipality, the Council shall, twice in every year, that is to say, on the first day of May and on the first day of November, constitute an open Court for hearing and determining on the advisability or otherwise of issuing licences or renewing licences already issued to any person to keep a slaughterhouse for slaughtering small cattle and pigs at any place within the municipality; and any person to whom a licence shall be issued shall be liable to all the rules, penalties, and disabilities, and shall do and perform all things which, by an Ordinance passed in the fourth year of the reign of Her present Majesty intituled "An Act to regulate the Slaughtering and prevent the Stealing of Cattle," or any Act amending the same, any persons thereunder are required to do, and to which they are subject and liable; and after the passing of this Act it shall not be lawful for any person to slaughter, kill, or dress any cattle whatever, great or small, within any municipality, except at some slaughterhouse established, or to be established, or licensed by the Council; and the fees for slaughtering, and for such licences may from time to time be fixed, varied, or altered as the Council may deem necessary.

Rules and regulations to be observed as by the Schedule.

150. The rules and regulations contained in the Schedule D to this Act shall be observed at the slaughterhouses established, or to be established, or being under the control of or licensed by any Council, and for regulating which by-laws shall not have heretofore been made: Provided that it shall be lawful for any Council, by by-law made in manner hereinafter mentioned, to make, publish, alter, modify, amend, or repeal such rules and regulations, or any of them, as to such Council from time to time shall seem meet.

Proviso.

Council may let the entirety, or any less portion of any public slaughterhouse, &c.

151. The Council of any municipality may let on lease, by public auction or private contract, for any term not exceeding ten years, and at such rent or rents respectively, as they may deem fit, the entirety or any less portion of any slaughterhouse, market, bath, or washhouse, with the fees, tolls, dues, charges, and profits incident to any such establishment, or any part thereof respectively, to any fit and responsible tenant with whom, and on whose behalf, any two or more sufficient sureties shall jointly and severally covenant with the Corporation for the payment of rent and fulfilment of the covenants to be contained in any lease to be granted as aforesaid, and for the due observance of all by-laws and regulations affecting the establishment, or any part thereof, which may be so demised.

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152. The Council of any municipality may from time to time grant annual licences to any premises within the corporate limits which they upon examination may deem suitable for the purpose of salerooms for the storage and sale of raw or green hides or skins, and may fix, charge, and take such annual fees for the licence of the premises as they may think fit.

*PART VII.**Hide and Skin
Marts.*

Hide and skin marts may be licensed.

153. Nothing in this Act contained shall prevent the Council from setting apart any building, or erecting any building or premises specially for the purpose of a hide and skin market.

Corporations may establish hide and skin markets.

154. The Council of every municipality may establish or permit the establishment of public baths and washhouses.

Public Baths.

Council may establish public baths.

155. It shall and may be lawful for the Council of any municipality from time to time to grant annual licences to any suitable premises within their corporate limits as a bazaar or repository for the sale therein of horses, horned cattle, carriages, and other vehicles, or any of them respectively, as the Council may deem proper.

Bazaars.

Bazaars may be licensed.

156. The Council shall have power from time to time to appoint and fix places in the public streets of the municipality to be used as public stands for licensed vehicles plying for hire, and from time to time to alter, vary, or cancel and remove stands so appointed, notwithstanding any such stands may have been or may be declared, included, or named in any by-law of the Corporation, and the Council may appoint other stands as to them may seem necessary, and may direct, order, fix, and regulate the number and class of licensed vehicles to be allowed at any one time to ply for hire on any of such stands as to them may seem expedient.

Licensed Vehicles.

Stands for licensed vehicles.

157. The Council or any committee of the Council may authorise the Mayor for the time being, as circumstances may arise, to appoint temporary stands in any of the public streets, and to cancel such temporary stands as may to him seem expedient.

Temporary stands may be appointed.

158. The Council may cause such fountains as they may deem necessary for the public convenience and health to be made and constructed in or upon any of the public streets or places within the municipality, and accept and take the care and management of any fountain or watercourse which may be surrendered to them for public use, and cause all such fountains and watercourses to be, from time to time, altered, enlarged, repaired, and cleansed as the Council may deem proper.

Public Fountains.

The Council may construct public fountains, &c.

159. The Council may fence in or otherwise enclose, level, drain, plant, and form walks and carriage drives through and over any park lands or reserves, or any part thereof, and may construct dams and reservoirs for the retention and formation of sheets of water thereon, or may otherwise improve and ornament the same; and do all such further

Park Lands.

Power to Council to improve park lands and reserves.

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further acts and carry out such measures as are calculated for the adaptation of such lands or reserves to the purposes of public recreation, amusement, health, and enjoyment.

Depasturing Licences.

Council may grant licences for depasturing on park lands and reserves.

160. The Council may grant licences for the depasturing of cattle on the said park lands and reserves, as they may deem proper, and take for the same such fees as they may by any by-law or public notice from time to time appoint.

Sand and Gravel Licences.

Sand and gravel licences.

161. The Council may grant licences for the removal of sand and gravel from the bed of any river or watercourse under such restrictions, and at such fair and reasonable price per load, or such sum for the enjoyment of that privilege by the week, month, or year, as the Council may determine.

As to Buildings.

No person to commence the erection or pulling down of any building by which obstruction to the streets may be occasioned without notice to Surveyor.

162. Every person before proceeding to build, take down, alter add to, or repair any building, or to make any excavation whereby or by means of the execution of any of which works, any public street or place, or any footway within the municipality may be obstructed or rendered inconvenient or dangerous, shall give three clear days' previous notice to the Surveyor of his desire to commence such works, and shall, to the satisfaction of the Surveyor, cause to be put up a proper and sufficient hoard or fence, with a convenient platform and handrail, if there be room enough for the same, to serve as a footway for passengers, in such place and in such manner as the Surveyor shall direct.

Hoards to be erected.

No hoard to be erected without licence from the Surveyor.

163. It shall not be lawful for any person to put up in or on any public street or place, any hoard, fence, or scaffold, or any enclosure for any purpose whatever, or, without putting up a hoard or fence to the satisfaction of the Surveyor, to make any excavation on any land abutting on, or adjoining, or contiguous to, any public street or place, or, without putting up such hoard or fence, to deposit on any public street or place, any stone, bricks, lime, rubbish, timber, iron, or other materials, unless he shall have first obtained from the Surveyor a licence in writing for that purpose; and every such licence shall state the purpose for which the same is given, the place where such hoard, fence, scaffold, enclosure, or obstruction is to be put up or allowed, the description and dimensions thereof, and the time for which it is to be permitted to continue: And the Council is hereby authorised to fix, charge, and recover the fees to be paid for such licences.

Hoards to be kept in good condition, and lit up from sunset to sunrise.

164. Every person erecting or setting up any such hoard or fence as aforesaid, shall keep the same, with the platform and handrail (if any) thereto, standing and in good condition, to the satisfaction of the Surveyor, during such time as shall be necessary for the public safety or convenience; and every person erecting, setting up, or causing to be erected or set up, any hoard, fence, or obstruction in or on any public street or place, or at any excavation, shall cause the same (until removed) to be well lighted from sunset to sunrise to prevent accidents,

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dents, and shall remove the same and fill up any excavation, and shall repair any damage done to the public street or place within a reasonable time after being required so to do by the Surveyor; and the question as to what shall be a reasonable time shall be determined by the Justice or Justices before whom any information for non-compliance with any of the requirements of this section shall be heard.

165. If any person shall erect or set up in or on any public street or place any hoard, fence, or scaffold, or any enclosure, for any purpose whatever, or shall make any excavation on any land abutting on, or adjoining, or contiguous to, any public street or place (except such excavation shall be securely fenced off from such public street or place), or shall deposit any stone, bricks, lime, rubbish, timber, iron, or other materials in or on any public street or place, without a licence from the Surveyor, or do any such act as aforesaid in any other manner than as permitted by such licence, or continue the same beyond the time stated in such licence, or fail to keep any hoard, fence, platform, or handrail in good repair, it shall be lawful for the Council to cause any such excavation to be filled up, and by an order of the Council to order the costs and expenses of such filling up to be paid, and may cause such hoard, fence, scaffold, or enclosure to be pulled down, and the materials thereof, and also all the stone, bricks, mortar, lime, or other building materials, and all other matters and things contained within any such enclosure to be removed, and deposited in such place as the Council may think fit, and to be kept until the charges of pulling down and removing the same be paid to the Council; and in case the said materials, matters, and things be not claimed and the said charges paid within the space of eight days next after such seizure thereof, it shall be lawful for the Council to order the same to be sold, and by and out of the net proceeds of such sale to pay such charges, and to render any surplus to the owner or other person by law entitled thereto; and in case the proceeds of such sale be insufficient to cover such charges, and the charges of selling and disposing of such materials, matters, and things, the deficiency shall be repaid by the owner of such materials, matters, or things, to the Council on demand, and may, by an order of the Council under the hand of the Mayor or Town Clerk, be ordered to be paid.

Hoads, &c., erected and materials deposited in any manner otherwise than permitted by licence, may be removed and sold.

166. Any person erecting or setting up in any public street or place any hoard, or fence, or scaffolding, for any purpose whatever, and injuring or destroying any footway or roadway of any such street or place, or any kerbing, or watertabling, or drain, shall make good the same to the satisfaction of the Surveyor, and in case the person to whom such hoard, fence, or scaffold shall belong shall neglect or fail to make good and repair to the satisfaction of the Surveyor such footway, roadway, kerb, watertable, or drain, it shall be lawful for the Council to cause such repairs to be done, and, by order under the hand of the Mayor or Town Clerk, to order the

Damage done to footways, drains, &c., by erection of hoards, &c., to be made good.

costs,

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costs, charges, and expenses thereof, together with any such further costs, charges, and expenses as may have been incurred by reason of such neglect, to be paid.

While building is in progress footway to be covered.

167. Whenever any builder or other person shall have erected the first story of any building abutting on any footpath of any public street or place, or whenever any plastering operations are in progress above the first story of any building, such builder or other person, or the plasterer, shall cause the footway abutting on such building to be covered, and kept covered until the completion of the work then in progress, with a close and substantial covering of boards of not less than two inches in thickness, and sloping outward from the building at such an angle that the falling materials shall be thrown off beyond the footway, such covering to be not less than nine feet above the kerb or outer edge of the footway.

Roofs of houses, how to be made.

168. The roofs of all houses and other buildings erected within any municipality, after the passing hereof, shall be of slate, tiles, metal, glass, artificial stone, or cement.

Wooden partitions between separate houses prohibited, and to be removed and replaced with stone or brick.

169. No partition between separate houses, or other buildings, in any municipality, whether such houses or other buildings shall belong to one or more owners, shall, after the passing hereof, be constructed of wood or any inflammable material; and if any building now so partitioned shall hereafter be partially rebuilt by having the front thereof taken down, or if the same shall be raised in height, then, in any of such cases, every such inflammable portion shall be removed and replaced by proper party-walls to be built in lieu thereof according to the provisions hereof.

Space to left between timbers in party-walls, &c.

170. In all party-walls there shall be between the timbers on either side, to be inserted in or supported by such party-wall, a space of at least nine inches, filled up with solid incombustible material; and no timbers in any party-wall shall be nearer to the back of any fireplace than fourteen inches, nor to any flue in such party-wall than seven inches—the backs of fireplaces being considered as extending, for the purpose of this Act, five feet above the hearth, and flues as commencing at that height; and in case any timber shall be placed in such party-wall contrary to the provisions hereof, the Surveyor may require the same to be removed, and replaced so as to be in conformity herewith; and on the report in writing of the Surveyor that such requirement has not been complied with, the Council may effect the removal of such timbers, and, if necessary, the reconstruction of such party-wall, at the expense of the owner, and may, by writing under the hand of the Mayor or Town Clerk, order such expense to be paid by the owner to the Corporation.

Buildings, partitions, ceilings, and verandahs of inflammable materials prohibited.

171. No building shall, after the passing hereof, be erected within any municipality, the external walls of which building shall be wholly or in part of wood, canvas, thatch, or other inflammable material, or the internal partitions or ceilings whereof shall consist either wholly

or

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or in part of calico, canvas, paper, or other inflammable material, nor shall any verandah to any house or building be roofed with wood, canvas, or other inflammable material; and in case any building, partition, ceiling, or verandah shall be erected or constructed of material contrary to the provisions hereof, the Council may at any time cause notice to be served upon the owner or occupier thereof, requiring the removal of the same within such time as the Council may deem proper, and in default of such removal any Justice, upon due proof of the service of such notice, and of non-compliance therewith, may order any such building, roof, verandah, ceiling, or partition to be forthwith removed, either wholly or in part, as the case may require, under the superintendence of the Surveyor, and at the expense and charges of the owner thereof, which, upon the order of the Council in writing under the hand of the Mayor or Town Clerk, shall be paid by such owner to the Corporation.

172. An absolute majority of the members of the Council may from time to time suspend the operation, within their municipality, of the provisions contained in the foregoing ten sections, or of any of them, for such time as they may think fit, and no conviction shall be had, or penalty recovered, for the breach, during their suspension, of any of the provisions so suspended.

Power to Corporation to suspend operation of previous ten sections, or any of them.

173. No building to be hereafter erected shall encroach or project on any public street or place; nor shall any building which may now so encroach or project be rebuilt, either wholly or in part, or any alteration therein or addition thereto be made, except according to a plan, to be approved by the Surveyor, whereby such building shall be placed clear of and without the distance defined for the breadth of such public street or place; but nothing herein contained shall prevent any person, with the consent of the Surveyor (after plans have been submitted to and approved by the Council), from placing a balcony, with a framework constructed of iron, and securely fixed with iron brackets or other supports to the satisfaction of the Surveyor, or an awning or verandah in front of his building, provided that such awning or verandah be eight feet, at the least, in height above the footway in front of such building, and that the posts for the support thereof be placed close to the kerbstone or outer edge of such footway as the Council shall direct.

No building to project on any footway.

174. If, within one month after notice by the Surveyor to remove any building which may encroach as aforesaid shall have been served on the owner or occupier thereof, the same shall not be accordingly removed, any two Justices may grant a warrant under their hands and seals to the Surveyor for the time being and his assistants forthwith to cause the said building and all alterations therein or additions thereto, so far as the same shall encroach upon the said footway, to be taken down, and the same may be taken down accordingly and removed, and the owner or occupier shall, upon the order in writing of the Council, under the hand of the Mayor or Town Clerk,

Justices may, after notice, cause encroachment to be removed.

pay

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pay the costs and expenses of such taking down and removal to the Corporation.

Measures to be taken in case of ruinous or dangerous building.

175. If any building or anything thereon affixed shall be deemed by the Surveyor to be in a ruinous or dangerous condition so as to render either the occupiers of adjoining buildings or any other persons liable to any injury in any way therefrom, he is hereby empowered to cause a hoard or fence for preventing nearer approach thereto than may be safe to be forthwith put up, and to take any such other measure of protection as the exigency of the case in his discretion shall require; but if circumstances shall so admit, he shall cause notice in writing to be served on the owner or occupier of such ruinous or dangerous building, and if such owner or occupier cannot be found, to be fixed on the door or other conspicuous part thereof requiring such ruinous or dangerous building or other thing to be taken down, repaired, or secured as the case may require; and if such taking down, repairing, or securing, shall not be commenced within the time by such notice required, or being so commenced any delay shall take place in the completion thereof as speedily as the nature of the case may demand, the Surveyor may make complaint thereof before any Justice, who is hereby empowered to order the owner, or, in his default, the occupier (if any) of such ruinous or dangerous building or other thing to take down, rebuild, repair, or otherwise secure the same, or such part thereof as shall appear to such Justice to be ruinous or dangerous within a time to be fixed by such Justice, and to the satisfaction of the Surveyor; and in case the same be not so taken down, repaired, rebuilt, or otherwise secured, within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Council shall with all convenient speed cause all or so much of such building or other thing as shall be in a ruinous condition, or dangerous as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured in such manner as shall be requisite, in which case all expenses of putting up such hoard or fence and of taking down, repairing, rebuilding, or securing such building or other thing as the case may be, shall be paid, upon the order of the Council, by writing under the hand of the Mayor or Town Clerk, by such owner or occupier to the Corporation.

Council may sell materials of buildings pulled down in payment of expenses incurred.

176. If any building shall be taken down either wholly or in part under the provisions herein contained, the Council may sell the materials thereof, or so much thereof as shall be taken down; and the money to arise from such sale shall be applicable so far as the same may extend to the reimbursement to the Corporation of any outlay and expenditure which shall have been incurred by reason of every such taking down respectively, or incidental thereto, and the surplus, if any, shall be paid to the owner of the property taken down, on demand; but if the money to arise from any such sale of materials shall be insufficient to satisfy and defray the expenses incurred by the Corporation in any such taking down, then the owner of the property shall be liable to make good the deficiency to the Corporation, and to pay the same as the Council, by any order

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order in writing under the hand of the Mayor or Town Clerk, shall direct.

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177. The Council may, either separately or in conjunction with any commissioners or other authorised body for supplying their municipality with water, cause such reservoirs, tanks, mains, pipes, and fire-plugs to be constructed and laid down in such streets and public or other places as the Council may deem necessary for affording a constant and ample supply of water for use in the event of any fire or conflagration within such municipality; and may, either separately or in conjunction with any fire insurance company or other persons, procure such fire-engines, fire-escapes, ladders, and other machines and apparatus made use of for extinguishing fires and saving life and property in cases of fire; and may in like manner organise and establish any fire-brigade and make provision for, or contribute towards the payment of any superintendent, officer, fireman, or other person employed therein, or grant any sum of money as rewards for meritorious conduct, or compensation for personal injury to any person assisting in the extinguishment, or preventing the spread of fire, or in the rescue, or attempt to rescue, any person, animal, or goods therefrom within such municipality; and may cause alarm-bells to be fixed in such situations as they may deem expedient.

Prevention of Fires

Council may take measures for providing supply of water for use in the event of fire.

Procure fire-engines, &c.

Organise fire-brigade, pay officers, &c.

Give rewards.

Fix alarm-bells.

178. No person shall stack or pile in the open air or store for sale within any municipality any hay, straw, or thatch, except in premises to be licensed or authorised by the Council.

Hay, straw, and thatch not to be stacked in the open air.

179. No pit or place shall be used in any municipality for the deposit of ashes unless the same shall be wholly constructed of incombustible material, and carried up on all sides with the same material two feet at least above the surface of the ground; and no person shall deposit in the open air any embers or ashes liable to kindle, nor shall any person light any fire within any municipality in the open air unless with the consent of the Council first obtained.

Ashpits to be constructed of incombustible material.

Fires not to be lit in open air.

180. No person shall allow any chimney-flue of the dwelling-house or other premises occupied by him within any municipality to take fire by reason of having become foul, or of any neglect, carelessness, or default of the occupier of such dwelling-house or other premises, or of his servant or other person using such chimney-flue; and the onus of proof that such chimney-flue did not take fire in consequence of being foul, or of any such neglect, carelessness, or default as aforesaid, shall be upon the defendant.

Chimneys not to be allowed to take fire.

181. If it shall be deemed expedient for the public safety, with a view to the prevention of fire, that any public or other place within any municipality shall be brought under the operation of the next following three sections in order to remove all buildings therein, the walls or coverings of the roofs of which shall be wholly or partially of wood, thatch, canvas, or other inflammable material, the Council may, either separately or in conjunction with any insurance companies or other

Inflammatory buildings in public or other places may, by Proclamation, be rendered liable to removal.

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other persons, cause any such public or other place to be surveyed by three competent surveyors or architects, of whom the Surveyor shall be one, another of whom shall be nominated by the Chief Secretary, and the third by the fire insurance companies established within or nearest to such municipality, or any of such companies; and if such surveyors and architects shall report that it is desirable for the public safety that such public or other place, or any part thereof, shall be brought under the operation of the next following three sections, the Governor, at the instance of the Council, and on the application of three or more ratepayers, being owners or occupiers of land or property assessed at a sum exceeding Twenty Pounds per annum in any such public or other place, may, with the advice of the Executive Council, declare such public or other place, or any part thereof, by a Proclamation in the *Government Gazette*, to be and the same shall thereupon become subject to the provisions of the next following three sections.

Inflammatory buildings may be ordered to be removed.

182. When any building within any municipality shall be constructed wholly, or the external walls of which shall be constructed wholly or partially of wood, thatch, canvas, or other inflammable material, and which building shall either internally or externally be in such a state as to be liable to immediate ignition in the event of contact with fire, the Council may cause immediate notice to be given, under the hand of the Mayor or Town Clerk, to the owner or occupier of such building that such building is dangerous by reason of its liability to ignite, and requiring such building, or the portion specified in such notice as dangerous, to be removed within such time as the Council shall in such notice specify.

Compensation to be ascertained by arbitration.

183. Within one month after any such notice shall have been given, or within such further time as the arbitrators or their umpire, or the arbitrator proceeding alone, hereinafter mentioned, may, by any writing under their or his hand, appoint, the amount of compensation for the injury to be occasioned by such removal shall be ascertained by a reference to arbitration unless such amount shall be previously agreed upon. One arbitrator shall be appointed by the Council and one by the owner or occupier or his authorised agent; and the arbitrators so appointed shall, before entering upon the reference, appoint an umpire, who shall inquire with the arbitrators into the matters referred, and the award of any two of such arbitrators and umpire shall be final. In the event of either party neglecting or refusing to appoint an arbitrator within seven days after being thereunto required, or if either arbitrator after appointment shall refuse or neglect to proceed with, or shall in any way hinder the reference, the other arbitrator may proceed alone, and his award shall be final and conclusive between the parties.

Justices may, in default of compliance with notice, order removal.

184. In default of compliance with the notice and requisition directed to be given by section 182, any one or more Justices, on the complaint of the Town Clerk or Surveyor, and on proof of the service of such notice and requisition, may order the immediate removal by the

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the Surveyor, or other persons appointed by the Council, of the building or portion specified in such notice, and the same shall be removed accordingly; and after such removal the parties entitled shall be paid by the Council, out of the general revenue of the Corporation, the compensation ascertained as aforesaid, together with the costs of the inquiry, if awarded, and, if necessary, may recover the amount thereof from the Corporation by action.

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ASSESSMENTS, APPEALS AGAINST ASSESSMENTS,
RATES, AND RECOVERY OF RATES.

185. On or before the first day of September in each year the Council shall cause to be prepared and published in the *Government Gazette* a statement of the rents, profits, and receipts, estimated as the probable income of the Corporation, for the year ensuing, and of such proposed outlay and expenditure for the same period as the Council may deem necessary for the purposes of this Act, and of "The Public Health Act."

Annual estimate of income and expenditure of Corporation to be published.

186. For raising such portion (if any) of the proposed expenditure as the estimated probable income of the Corporation may be insufficient to meet, the Council may order assessments of all rateable property within the municipality to be made according to the principles following, that is to say—As to all land being the site of any building and of appurtenances not exceeding one acre in superficial area which may be occupied therewith, according to the full, fair, and average estimated annual rent (clear of all outgoings) at which the whole would let for a term of not less than thirty years: And as to all land being the site of appurtenances which shall exceed one acre in area, and all land unbuilt upon, and all vacant land within the municipality, according to a percentage of 5 per cent. on the value of the freehold, save and except as to any area of land within the municipality comprising a block of not less than twenty acres not divided by roads, and unused or used only for pastoral or agricultural purposes: And as to all such excepted land according to a percentage of 2½ per cent. on the value of the freehold.

Annual assessment to be made.

Mode of assessment.

187. For making and completing any assessment authorised hereby, any valuator and his assistants may, between the hours of nine in the forenoon and five in the afternoon, enter any rateable property within the municipality; and, in case admission thereto shall be denied by the owner or occupier, then, after the expiration of three days from the leaving at the residence of the person so refusing, notice in writing of the intention of such valuator to enter and view such property, he may, with or without assistants, use all necessary force to enable him to enter upon such property and to make the assessment.

Valuator may enter upon rateable property.

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Notice of valuation to be left.

188. Each valuator is hereby required, during the progress of such assessment, to leave with the owner or occupier of the property assessed a note of the particulars thereof, and of the value placed upon the same, and to deliver to the Town Clerk, within the time allowed by the Council, the assessment, fairly written in a book to be called the assessment-book.

Assessment to be submitted to Council for allowance.

189. Every such assessment shall be submitted for allowance to the Council at the meeting which shall take place next after delivery thereof at the office of the Town Clerk, and being allowed shall thereupon be signed by the Mayor, and continue open for inspection as hereinafter provided.

Notice of allowance of assessment and of sitting of Court for hearing appeals to be given.

190. Within twenty-one days next after the allowance of such assessment by the Council, the Town Clerk shall give public notice thereof, and that the same is deposited and may be daily inspected at his office by any person interested therein, during such reasonable hours as shall in such notice be specified, which notice shall further notify the time and place at which the Court by this Act hereinafter provided for hearing and determining appeals against such assessment will sit.

Every person interested entitled to take extracts from assessment-book.

191. Every person interested in such assessment, whether as principal or agent, shall be entitled to take extracts therefrom, in respect of any property of which he is the owner or agent, without the payment of any fee.

Council empowered to correct errors in assessment-book.

192. If it shall at any time appear to the Council that any property which ought to be included in any assessment-book shall have 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 some other person ought to have been assessed, or that any other matter purely of error shall need rectification in such book, the Council may cause a description of the property so omitted, and the name of the owner or occupier to be inserted therein, together with the annual value at which such property shall be assessed; and may also substitute, for the name of the person erroneously inserted therein as the owner of any property assessed, the name of the true owner or occupier thereof, and correct any such other error in the said assessment-book as may be requisite.

Council may use assessment of previous year, with necessary alterations.

193. The Council may, in their discretion, instead of causing to be prepared and published a fresh assessment in any year, use the assessment of the last or any other previous year, with such alterations and additions as may appear necessary; and such assessment, with such alterations and additions as aforesaid, shall, on public notice being given that the same will be used as the assessment for the ensuing year, be deemed to have been duly made and published under the requirements of this Act.

Appeals against assessments.

194. Any person may appeal against the assessment, or any alteration

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alteration thereof or addition thereto, on any of the grounds following, that is to say—

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That he is not owner or occupier of the whole or any, or some particular part of the rateable property for which his name appears as owner or occupier :

That the rateable property for which he appears to be the owner or occupier is assessed beyond its full and fair value :

That any rateable property, or the owner or occupier of any rateable property within the municipality, is omitted from the assessment :

That any rateable property is assessed below its full and fair value :

That any property included in the assessment is not rateable.

195. Appeals as aforesaid may be either to the Council or direct to the Local Court of Full Jurisdiction nearest to the ordinary place of meeting of the Council, and there may be a further appeal from the decision of the Council on any such appeal to such Local Court, and the decision of such Local Court shall be final, whether the appeal be to such Local Court direct, or after a previous appeal to the Council.

Appeals, how and where heard.

196. Every appeal to the Council or to the Local Court direct shall be commenced within ten days after the publication of the notice of assessment in the *Government Gazette*, by notice in the form in the Schedule E to this Act, or in a form to the like effect. If the appeal be to the Council, the notice shall be given to the Town Clerk ; if the appeal be to the Local Court, the notice shall be given to the Clerk of the Local Court and also to the Town Clerk ; and notice shall also be served on every person whose name it is proposed to insert in the assessment, or whose property is alleged to be omitted or assessed below its full and fair annual value six days before the hearing of the appeal. Appeals made to the Local Court direct shall be heard at the sitting of the Local Court of Full Jurisdiction next after sixteen days from the publication of the notice of assessment. Appeals made to the Council shall be heard within twenty-one days next after the publication or the giving of such notice ; and public notice of the day appointed by the Council for the hearing of such appeals, shall, six days before the day of hearing, be given, and notice of such day shall also for the like period be conspicuously posted on the door of the place of meeting of the Council.

Time for appealing

Time of hearing appeals.

197. On the hearing of all such appeals the Town Clerk shall produce the assessment-book containing the assessment appealed against, and the Council, upon examining the parties and witnesses without oath, or the Local Court, upon examining the parties and witnesses on oath, on the day of hearing, or at some adjournment of the hearing, may make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment-book by the Town Clerk if the appeal be to the Council,

Clerk to produce assessment-book.

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Council, or by the Clerk of the Local Court if the appeal be to the Local Court.

Appeals from decision of Council.

198. Every appeal from the decision of a Council given or made on the hearing of any appeal to such Council as hereinbefore provided shall be commenced by notice in the form in Schedule F to this Act, or in a form to the like effect, which notice shall, within ten days after the giving or making of such decision, be served on the Town Clerk and the Clerk of the Local Court, and such appeal shall come on for hearing at the sittings of the said Local Court next after seven days from the service of such last-mentioned notice on the Clerk of the Local Court, and on the hearing of such appeal the Town Clerk shall produce the assessment-book containing the assessment in question, and such Local Court may, on the day of hearing, or at some adjournment of the hearing, make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment-book by the Clerk of the Local Court.

Costs on appeals.

199. On the hearing of any appeal to the Local Court, or at any adjournment of such hearing, such Local Court may make such order as the Court may think fit for the payment of costs by or to the Corporation to or by the appellant, or by or to any respondent other than the Corporation to or by the appellant, and the payment of such costs may be enforced by a warrant of execution under the hand of the Clerk of the Local Court and the seal of the Court against the goods and chattels of the person making default in payment of such costs so ordered as aforesaid, in the same manner as judgments of Local Courts are enforceable,—the remedy hereby given to be in addition to any other remedy legally available for the recovery of such costs.

Special Magistrate or Justice not disqualified from hearing appeal because ratepayer.
Sec. 132 of 43 of 1876.

200. No Special Magistrate or Justice of the Peace shall be disqualified from adjudicating on the hearing of any appeal to a Local Court as aforesaid, by reason only of his being a ratepayer in the municipality the assessment for which is appealed against.

Council may declare rates.

201. The Council may (in addition to the rate authorised by "The Public Health Act"), from time to time, by publication in the *Government Gazette*, declare the following rates on the property included in such assessment as aforesaid, that is to say—

A rate for the general purposes of this Act, not exceeding One Shilling in the pound in any one year :

A rate for lighting the municipality, not exceeding Fourpence in the pound in any one year :

A rate for the improvement and ornamentation of the park lands, squares, or reserves of the municipality, not exceeding Threepence in the pound in any one year.

Council may with consent of ratepayers declare further rate.

202. The Council may with the consent of the ratepayers, obtained in manner hereinafter provided, declare such further rate or rates on the property included in such assessment not exceeding
in

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in the aggregate One Shilling in the pound in any one year, as they may deem advisable or necessary for any special purpose.

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203. The Council may declare a separate rate for defraying the expense of watering any public street or place, or portion of a public street or place, which rate may be apportioned among and shall be paid by the inhabitants of such street or place or portion thereof watered, rateably, either according to the assessed value of the respective properties or holdings in such street or place or portion thereof, or to the lineal frontage of such property or holdings as the Council may determine.

Watering rate.

204. Every rate shall become due and payable so soon as the same shall have been declared, but no rate shall be recoverable by action or otherwise until fourteen days after the same shall have been declared.

Rates when payable.

205. When any rate shall have been declared and be payable, the collector of rates shall leave with or post (in a prepaid letter) to the tenant in possession or owner of each property rated, written or printed or partly written and partly printed notice containing particulars of the rate to be collected in respect of such property, the number and description of such property in the assessment-book, the time allowed for payment of such rate, and the consequences of default in payment.

Collector to leave particulars of rate.

206. Every rate shall be deemed payable to the collector authorised by the Council to receive the same, and he is hereby empowered in his own name to collect, receive, sue for, and recover from the person liable therefor any rate payable under the provisions hereof.

Collector empowered to recover rates in his own name.

207. If, after the expiration of the time limited for the payment of any rate to be collected under the provisions hereof in respect of any property assessed, any person liable to pay the same shall neglect or refuse so to do, the collector of rates, by virtue of his appointment to office, may satisfy such rates by distress and sale of the goods and chattels of the person so liable, together with such charges as are specified in Schedule G hereto.

Distraint for rates in arrear.

208. The person primarily liable to the payment of rates under this Act shall be the occupier for the time being of the property rated, and in default of payment by or recovery from him, or if such property shall be or become vacant or unoccupied, or no sufficient distress shall be found thereon, then the owner shall be liable: Provided that where the property is occupied the owner shall only be liable for all rates not exceeding two years in arrear.

Occupier primarily liable and ultimately owner.

209. If any rates for the payment whereof the owner of the property rated is liable shall be in arrear, the collector may give notice to the occupier of the property in respect of which such arrears shall be due to pay to the collector, or his authorised agent, all rent thenceforward, until satisfaction shall be made thereof of such arrears, and

Collectors may give notice to tenants to pay rents to him when rates payable by owner are in arrear.

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and every such occupier shall pay all rent accruing due after the service of such notice, pursuant to the requisitions thereof, to the collector or his agents; and until full satisfaction of such arrears by the receipt of rent as aforesaid, and a poundage of One Shilling thereon, the collector is hereby empowered to exercise all remedies which may be enforced by a landlord against a tenant for recovery of rent in arrear.

Protection to tenants paying rates for which owners are liable.

210. When any owner, lessor, or landlord of any property assessed shall, by virtue of this Act, or by contract, or otherwise, be liable to payment of any rates to be collected in respect thereof, and such rates shall be required from and paid by any tenant in possession, then such tenant may set off the amount so paid against any rent due from him to such owner, lessor, or landlord, and the collector's receipt for such rates shall be a discharge of rent, and evidence of payment to the amount specified therein. If the rates so paid or satisfied shall exceed the rent due, such person may either set off such amount against accruing rent, or recover the same by action as for money paid; and if after notice shall have been given by the tenant to the owner, lessor, or landlord of the rates demanded, and there shall be no rent due and payable from him in respect of the property rated, and such tenant shall be compelled to pay such rates, he may sue the owner, lessor, or landlord for the amount as for money paid, and shall be entitled to recover the same with full costs as between attorney and client; but if the goods of such tenant shall have been subjected to distress and sale for the satisfaction of such rate, and no rent shall at the time be due and payable, then he may sue the owner, lessor, or landlord for double the amount of the value of his goods so distrained and sold, and shall be entitled to recover the same with costs as aforesaid.

Apportionment of rates between landlord and tenant.

211. Any tenant who shall by deed or contract be liable to payment of rates in respect of any property during his term, and shall have paid rates in respect thereof for a period prior to, or extending beyond his term, shall be entitled to recover from his landlord the amount so paid by action in any Court of competent jurisdiction.

Notice may be given of rates in arrear for three years.

212. In any case in which rates heretofore made or declared, or hereafter to be declared, in respect of any rateable property (other than property belonging to the Crown) situate in a municipality shall be due, and unpaid, and in arrear for the period of two years, it shall be lawful for the Town Clerk, at any time after the expiration of such period of one year, to cause to be published three times in the *Government Gazette* a notice in the form in Schedule H to this Act, or in a form to the like effect.

Corporation may let land for payment of rates.

213. If after one year from the last publication of the said notice the rates due at the time of the first publication thereof, or any part of such rates, are still unpaid, the Corporation may let any property specified in such notice the rates in respect of which shall not then have been paid for any term not exceeding twenty-one years upon such terms as the Council may think fit, and may receive the rents, and may apply the

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the same, in the first place, in and towards reimbursing such Corporation all costs of and attending such notice and letting, and in the next place, in and towards the payment of the rates in arrear, including as well the rates in arrear at the time of the first publication of the said notice as any rates that may become due and in arrear up to the time of such letting, and also interest on all such rates, at the rate of Ten Pounds per centum per annum, from the time of the same becoming due respectively until such letting as aforesaid, and shall hold any surplus for the owner of the land, and every agreement, deed, or instrument entered into by the Council for the purpose of effectuating any such letting shall be valid and binding upon the owner or any person claiming under him.

214. If the said property remains unlet for a period of one year the Corporation may, after one year from the last publication of the said notice, if the rates due at the time of the first publication thereof, or any part of such rates, are still unpaid, apply by petition, to the Supreme Court, for a sale of all or any part of the rateable property comprised in such notice; and the said Court, on being satisfied, by affidavit or otherwise, that the rates mentioned in such notice are lawfully due, and were in arrear at the time of the first publication of such notice, shall order the sale, by public auction, of the rateable property comprised in such petition, or so much thereof as may be sufficient to pay the rates in arrear, including as well the rates in arrear at the time of the first publication of the notice as any rates that may have become due and in arrear up to the time of the application for sale, together with interest on all such rates, at the rate of Ten Pounds per centum per annum, from the time of the same becoming due respectively, until such application for sale, and together with all costs and expenses of and attending the notice, the application, and the sale, and that the proceeds be paid into Court; and the said Court may order payment out of such proceeds of the said rates, interest, costs, and expenses, and of all other moneys then due to the Corporation in respect of or relating to such property in preference to any mortgage or other security on such rateable property, and that a conveyance, or if the property be under the provisions of "The Real Property Act of 1861" or any Act amending the same, a memorandum of transfer be executed by the Master or other officer of the Court, in such form as shall be approved by the Court or a Judge, to each purchaser at such sale, and every such conveyance, or the registration of every such memorandum or transfer, as the case may be, shall vest an indefeasible legal estate in fee-simple in the said rateable property in the purchaser, his heirs and assigns, free from all incumbrances; and the Registrar-General is hereby required to register every such memorandum of transfer, and to issue a certificate of title to the purchaser of the land comprised therein, and to cause all other entries to be made and acts to be done necessary for giving effect to any such order of the Supreme Court; and the balance arising from the proceeds of such sale shall remain and be subject to any future or other orders of the Court for the behoof of the party or parties interested therein.

Land may be sold for payment of rates.

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Properties comprised in different assessments may be included in one petition.

215. In case there shall be included in any such notice as aforesaid any rateable properties comprised in different assessments or belonging to different owners, the same may be included in one petition for sale, and the Court may make such orders as to the apportionment of rates, interest, costs, and expenses in respect of such rateable properties, or any part thereof, as such Court may deem just.

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Income of Corporations to be paid into bank.

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FINANCIAL PROVISIONS.

216. The rents and profits of all lands, tenements, and hereditaments, and the interest, dividends, and annual proceeds of all moneys and securities for money, and all rates, dues, tolls, fees, and fines belonging or payable to the Corporation, or to any officer thereof by virtue hereof, and every fine for any offence against this Act, or any by-law heretofore made under the authority of the Acts hereby repealed, or any of them, or hereafter to be made by virtue hereof, and all other sources of revenue whatsoever, moneys, notes, bills, and securities shall, within forty-eight hours after receipt thereof, be paid into and deposited with such one or more banks as the Council may from time to time direct, to the credit of the Corporation, and the funds so paid to such account shall not be withdrawn, except under an order of the Council, and by cheque signed by the Mayor and two other members of the Council, and countersigned by the Town Clerk.

Application of income.

217. The funds of the Corporation shall be applied in and towards payment of the allowance (if any be made) to the Mayor, of the salaries, allowances, or commissions of the Town Clerk, and other officers whom the Council shall appoint, of the expenses which shall be properly incurred in carrying into effect the provisions of this Act, and of the Public Health Act, or any Act amending the same or substituted therefor; and of such further expenses as under the direction of the Council shall be incurred for the public benefit of the inhabitants, the repair of the streets, the sewage, lighting, and all other improvements of the said city, and all such other works, matters, and things as may be entered upon and executed by the Council by virtue hereof.

Proper books of account to be kept.

218. Proper books of account shall be kept for the purpose of entering all sums of money received and paid on behalf of the Corporation, which books shall at all times be open to the inspection of the Mayor, or any Councillor or Auditor.

Accounts to be balanced twice in each year.

219. The accounts of the Corporation shall be balanced twice in each year, and a balance-sheet for the year ending the thirty-first day of December in each year, shall, within thirty days next thereafter, be prepared by the Town Clerk, and delivered to the Auditors for examination; for which purpose the Town Clerk shall produce to them the audited accounts of the Corporation for the preceding year, and all books, papers, and vouchers relating to the Corporation accounts, which may be required by the Auditors for such audit.

220. The

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220. The Auditors shall carefully examine such accounts and balance-sheet, with the books, papers, and vouchers of the Corporation, and correct or alter the same as may be found necessary; and for the purpose of completing such audit, their duties shall continue until such accounts have been duly examined and audited by them, notwithstanding that their successors may have been appointed.

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Auditors' duties.

221. An account of all moneys received and expended by virtue of, and for the purposes of this Act, signed by the Mayor and Town Clerk, and certified by the Auditors, specifying the total sum received from each source of income, and the total annual revenue, and the total amounts disbursed under each head of expenditure, and the total annual outlay made up to the thirty-first day of December in each year shall, on or before the first day of March next ensuing, be laid before the House of Assembly of the said province if then in Session, otherwise as soon thereafter as Parliament may be sitting. Such annual account shall, on or before the said first day of March, also be printed and published for distribution among the ratepayers, or advertised for public information, as the Council may direct.

Balance-sheet to be laid before the House of Assembly, and printed for distribution.

222. The Corporation may, from time to time, borrow at interest, on the security of the rates hereby authorised to be levied (except special rates) any sum or sums of money, but so that there shall not be owing on the security aforesaid at any one time, more than five times the amount of the rates levied in the year next preceding the year in which such sum or the last of such sums shall be borrowed; and for securing the repayment of the moneys so to be borrowed, with interest, the Council may assign such rates, or any part of such rates, as security for the repayment thereof, with interest: But the Corporation shall not be authorised to borrow any such sum or sums of money until a resolution to that effect shall have been previously passed by the Council at a meeting specially called for that purpose, and at which two-thirds of the members shall be present, and subsequently approved at a meeting of the ratepayers specially convened by public notice for the consideration of the subject.

Power to borrow money on security of rates.

223. At every meeting of ratepayers called to approve the borrowing of money on the credit of the rates, or to adopt a rate, the Chairman of such meeting shall, in the usual way, take a show of hands for every resolution and amendment touching the object of the meeting, and shall declare that proposition carried for which, in his opinion, the largest show of hands appears.

Meetings to approve borrowing or to adopt a rate.

224. Immediately after the Chairman shall have declared the result of the show of hands at any meeting, he shall publicly inquire from the meeting whether any ratepayers demand a poll, and thereupon any six ratepayers of the municipality may demand a poll by giving notice in writing of such demand to the Chairman of the meeting, and such Chairman shall thereupon appoint a day, not later than

Ratepayers may demand poll.

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Poll may be taken.

than eight days thereafter, when a meeting shall be held to take a poll of the ratepayers on the subject; and every meeting for taking a poll shall open at nine o'clock in the forenoon and close at five o'clock in the afternoon.

Number of votes regulated by amount of assessment.

225. At meetings for the purpose of taking a poll to adopt a rate, or approve the borrowing of money, each ratepayer entitled to vote, may vote on a scale according to the amount of annual value at which he is assessed as under:—Twenty-five Pounds or under, one vote; from Twenty-five Pounds to Thirty-five Pounds, two votes; from Thirty-five Pounds to Forty-five Pounds, three votes; from Forty-five Pounds to Fifty-five Pounds, four votes; from Fifty-five Pounds to Sixty-five Pounds, five votes; and from Sixty-five Pounds upwards, six votes; but no person shall have more than six votes.

Votes of joint tenants and tenants in common.

226. In case of joint tenancy, or tenancy in common, one person only shall vote, unless the property shall be assessed at an annual value above Seventy-five Pounds, and then one other joint tenant, or tenant in common, as aforesaid, may vote for each additional Seventy-five Pounds, or for any fractional part of Seventy-five Pounds of annual value, on the same scale as is allowed for the first Seventy-five Pounds, or fractional parts thereof; and joint tenants, or tenants in common entitled, may vote in the order in which they tender their votes, at any rate or loan meeting, until votes shall have been taken for the whole annual value, or all the joint tenants, or tenants in common shall have voted.

Manner of voting at loan and rate meetings.

227. At any such meeting each voter shall vote by giving to the presiding officer a paper signed by the voter, containing a description of the qualification to vote, the number of votes the voter is entitled to give, and a statement of or reference to the particular proposition for which the votes are given, as the case may be, and the presiding or other authorised officer shall thereupon openly record such vote or votes in the poll-book, and the voting-paper shall be carefully preserved amongst the records of the Council, and be open to public inspection at all reasonable times for three months afterwards.

Questions which may be asked voters.

228. The presiding officer may, or on the application of any two ratepayers present at the meeting, shall, ask any person tendering a voting-paper the questions following, or any of them, and no other—

- i. Are you the person whose name is signed to the voting-paper now produced?
- ii. Are you the person appearing on the assessment-book now in force for this municipality as the occupier of the property mentioned in the voting-paper now tendered by you, being [here describe the property]?

Or Are you the person appearing in the assessment-book now in force for this municipality as the owner of the property mentioned in the voting-paper now tendered by you, being [here describe the property]?

And

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And no person shall be entitled to vote unless he shall answer such of the above questions as may be put to him in the affirmative.

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229. At the close of the poll the presiding officer shall fix a time, either on the same day or not later than two o'clock of the following day, for declaring the result of the poll; and shall examine the poll-book, and compare the same with the voting-papers, and the proportion of votes for which the largest and requisite number or proportion of votes shall be recorded shall be carried; and in case of an equality of votes for two or more propositions, when a simple majority is sufficient to carry a proposition, the presiding officer shall decide by lot which is carried, and at the time appointed shall declare which proposition is carried.

Proceedings after poll.

230. Bonds for securing payment of money to be borrowed by any Corporation shall be issued by the Corporation, under the Corporation Seal, in the form following, that is to say—

Form of bonds for securing money borrowed.

No.	£	No.	£
South Australia—City of Adelaide [<i>or Town of</i>		, as	
<i>the case may be</i>].			

Corporation Securities.

The Corporation of the City of Adelaide [*or Town of*], in consideration of the sum of Pounds paid to the Council of the said City [*or Town*], for the purposes of the said City [*or Town*], hereby binds itself to pay to the bearer for the time being of this present obligation the sum of Pounds, and to the bearer or bearers for the time being of the coupons or vouchers annexed hereto, interest upon the said sum after the rate of per centum per annum, such interest to be payable on the first day of and the first day of in every year, and the principal to be paid on the first day of , in the year one thousand eight hundred and : And further the said Corporation hereby assigns the rates of the said City [*or Town*], authorised to be levied from time to time (except special rates not applicable to the repayment of mortgages) to the bearer for the time being of this present obligation, until the said principal sum be satisfied and to the bearer or bearers for the time being of the coupons or vouchers annexed hereto, until the interest upon the said principal, as represented in such coupons or vouchers by him or them held, shall be satisfied.

Given under the Seal of the Corporation of the City of Adelaide [*or Town of*], the day of , 18 .

[The Seal of the Corporation.]

The

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The Seal of the said Corporation was hereto affixed, on the date hereof, in the presence of

A. B., Mayor.

C. D., Town Clerk.

NOTE.—*Interest and principal* payable at the Bank of the Corporation in , or [in London, or any other agreed place], at such Bank or other place as may be appointed by notice to be given in the *South Australian Government Gazette* [or in the *London Gazette*].

Proviso.

Provided that a register of such bonds so issued shall be kept at the Town Clerk's office, and remain open to the inspection of the rate-payers at all reasonable hours.

Form of coupon for payment of interest.

231. The coupons or vouchers for interest, to be issued by the Council, and annexed to such bonds, shall be in the form following, that is to say—

South Australia—City of Adelaide [*or Town of*].
Corporation Securities.

Coupon for £ , for half-year's interest, due the first day of , 18 , on Bond No.

Payable to bearer at

[Seal of Corporation].

A. B., Mayor.

C. D., Town Clerk.

Repayment of money borrowed.

232. The principal and interest upon such bonds shall be payable and paid to the bearer of the coupon or bond, as the case may be, at the place and time specified in such coupon or bond, and the interest payable on such bonds shall in no case exceed Six Pounds per centum per annum.

Bonds and coupons to be payable to bearer.

233. The bearer for the time being of any such bond or coupon shall be entitled to all rights and remedies under and in respect of the same in like manner as though he had been named in such bond as the obligee thereof.

No priority amongst bonds and coupons.

234. The bearers for the time being of such bonds and coupons shall, in proportion to the amounts thereof, be creditors on the rates equally one with another without any preference in respect of the priority of the dates of such bonds respectively.

Council may collect rates until default.

235. Until default shall be made in payment of the said bonds or the coupons thereto, the said Corporation, by their collector, may receive and recover, and the said Corporation may apply, all the said rates as if the said bonds and coupons had not been executed and given.

Sinking Fund to be set apart.

236. It shall be lawful for the Council, and it is hereby required, from out of the rates so chargeable as aforesaid, in each and every year, from the first raising of any sums of money under the authority hereof, until the whole amount so raised and all interest thereon shall have been duly paid, to set apart such sum as shall suffice to pay

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pay the amount of interest payable on coupons during such year, and a proportionate amount of the principal due on the bonds of the Corporation then outstanding, so as to ensure their redemption when payable, and shall apply all moneys so set apart in and towards payment of such principal and interest as aforesaid, as and when the same shall respectively become due and payable.

PART IX.

237. The moneys which shall be raised by the rates hereby authorised to be charged with such securities as aforesaid, shall be applicable to the payment of the interest of all principal money borrowed, and the surplus to the specified and general purposes of this Act.

Application of rates charged with money borrowed.

238. Any Council, pending the collection of any rates, or subsidies in aid of rates, or grants which may be payable by the Government, may, for the purpose of carrying on or completing public works then in progress, obtain advances from any bank by overdraft of the current account; but no such overdraft or accommodation shall at any time, under any circumstances, exceed one-fourth the prior year's income.

Advances may be obtained from banks.

PART X.

OFFENCES AND PENALTIES.

PART X.

239. Every act of commission or omission specified in the following Schedule of Penalties shall be an offence against this Act; and every person committing an offence against this Act shall be liable to the penalties, punishments, and pecuniary amends stated in the column or columns set opposite the statement of offence; and all penalties and punishments in the said Schedule mentioned shall be cumulative with, and not substitutionary for, any other remedies or liabilities by this Act or otherwise provided for, or by reason of any offence specified in such Schedule:—

Acts of commission or omission set out in the following Schedule to be offences and punishable according thereto.

SCHEDULE OF PENALTIES.

Offence.	Fine.	
	Lowest Amount.	Highest Amount.
	£ s. d.	£ s. d.
ALLEYS AND COURTS.		
Forming any alley or court of less than twenty feet in width, or forming any alley without two entrances, each of the full width of the alley, and open from the ground upwards	5 0 0	20 0 0
And for every day during which such alley or court shall be allowed so to continue	5 0 0	5 0 0
BAZAARS.		
Selling any horses, horned cattle, carriages, or other vehicles, except at public markets, or licensed bazaars, or by auction, or private contract at any private residence	0 5 0	5 0 0

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PART X.

SCHEDULE OF PENALTIES—continued.

Amount.	Fine.	
	Lowest Amount.	Highest Amount.
	£ s. d.	£ s. d.
BUILDINGS.		
Building, taking down, altering, adding to, or repairing any building, or part of a building, or making any excavation, whereby, or by reason or means whereof, any public street or place, or any footway may be obstructed or rendered inconvenient or dangerous, without giving three clear days' notice to the Surveyor.. ..	1 0 0	10 0 0
Not putting up a proper and sufficient hoard or fence, with a convenient platform and handrail (if there be room enough for the same) to serve as a footway for passengers, in such place and in such manner as the Surveyor shall direct	1 0 0	10 0 0
Erecting or setting up in or on any public street or place any hoard, fence, or scaffold, or any enclosure for any purpose whatever, or (without putting up a hoard or fence to the satisfaction of the Surveyor), making any excavation on any land abutting on or adjoining or contiguous to any public street or place, or (without putting up such hoard or fence), depositing in any such street or place any stone, bricks, lime, rubbish, timber, iron, or other materials, without a licence in writing for the purpose having been first obtained from the Surveyor	1 0 0	10 0 0
Or, failing to keep any such hoard or fence, with the platform and handrail (if any) thereto, standing and in good condition, to the satisfaction of the Surveyor, during such time as shall be necessary for the public safety or convenience		
Or, failing to cause any such hoard, fence, or obstruction until removed to be well lighted from sunset to sunrise to prevent accidents		
Or, failing to remove any such hoard, fence, or obstruction, or to fill up any excavation within a reasonable time after being required so to do by the Surveyor ..		
And, for every day during which any such offence shall be continued	1 0 0	5 0 0
Failing to repair any damage done to a public street or place within a reasonable time after being required so to do by the Surveyor (in addition to the amount of such damage)	5 0 0	20 0 0
Failing to cause the footway abutting on any building, the first story of which shall have been erected, or whilst any plastering operations are in progress above the first story of any building, to be covered, and kept covered until the completion of the work then in progress with a close and substantial covering of boards of not less than two inches in thickness, and sloping in manner prescribed by this Act	1 0 0	10 0 0
And for every day during which such offence shall be continued	1 0 0	5 0 0
Erecting any building which shall project on any footway, or rebuilding any house, shop, or other building, in the whole or in part, or making any alteration in or addition thereto, except according to a plan to be approved by the Surveyor	2 0 0	20 0 0

Municipal Corporations Act.—1880.

SCHEDULE OF PENALTIES.—*continued.*

PART X.

Offence.	Fine.	
	Lowest Amount.	Highest Amount.
	£ s. d.	£ s. d.
BUILDINGS—<i>continued.</i>		
<i>Or</i> , not removing every such projecting building, alteration, and addition within one month next after notice by the Surveyor to remove the same		
<i>And</i> weekly, during the continuance of such neglect, from the service of such notice	0 10 0	10 0 0
Placing in front of any house or shop, any verandah or awning less than eight feet in height above the foot-way in front of such shop or house		
<i>Or</i> , fixing the supporting posts thereof not in accordance with the direction of the Council	0 10 0	5 0 0
<i>Or</i> , putting up any verandah or balcony without the consent of the Surveyor and Council		
<i>And</i> for every day during which any such offence shall be continued	0 10 0	10 0 0
Allowing any building materials, rubbish, or other things, or any fence, enclosure, or excavation, incident to the progress of any works or buildings, to remain in or adjoining any public street or place, for an unreasonable length of time, or not removing or filling up the same or making the same permanently secure, when required by the Surveyor.	0 5 0	5 0 0
Continuing such default, <i>for each day</i>	0 5 0	5 0 0
Erecting any building, the external walls or roof whereof shall be wholly or in part of wood, canvas, thatch, or other inflammable material	2 0 0	20 0 0
Putting up in any house any internal partitions, or ceilings, consisting either wholly or in part of calico, canvas, paper, or other inflammable material	2 0 0	20 0 0
Erecting any verandah roofed with wood, canvas, or other inflammable material	2 0 0	20 0 0
Constructing the roof of any house or other building with materials other than slate, tiles, metal, glass, artificial stone, or cement	2 0 0	20 0 0
Constructing any partition between separate houses or other buildings of wood or any inflammable material ..	2 0 0	20 0 0
Neglecting to remove any existing partition of wood or inflammable materials, whenever the front of any building shall be taken down or such building be raised in height, and to replace such partition by proper party-walls ..	2 0 0	20 0 0
Constructing any party-wall in which there shall not be, between the timbers on either side, inserted therein, or supported thereby, a space of at least nine inches, filled up with solid incombustible material	2 0 0	20 0 0
Allowing any timber in any party-wall to be nearer to the back of any fireplace than fourteen inches, or to any flue in such party-wall than seven inches	2 0 0	20 0 0
CONVEYANCES.		
Any owner or driver of any licensed conveyance refusing to take a fare, or to remove or carry any goods ..	0 5 0	5 0 0
Any person having hired a licensed conveyance, refusing to pay a legal fare	0 5 0	5 0 0

Municipal Corporations Act.—1880.

PART X.

SCHEDULE OF PENALTIES—*continued.*

Offence.	Fine.	
	Lowest Amount.	Highest Amount.
	£ s. d.	£ s. d.
DEAD.		
Interring, or aiding, or suffering the interment of any human body in any church or place other than a public cemetery..	20 0 0	50 0 0
<i>And</i> for every day during which such body shall be allowed so to remain interred	20 0 0	50 0 0
FIRES—PREVENTION OF.		
Stacking or piling in the open air, or storing for sale or otherwise, any hay, straw, or thatch, except in premises licensed or authorised by the Council ..	0 5 0	10 0 0
Using for the deposit of ashes any pit or place not wholly constructed of incombustible material, and carried up on all sides with the same material, two feet at least above the surface of the ground	0 5 0	5 0 0
Depositing in the open air any embers or ashes liable to kindle	0 5 0	5 0 0
Lighting any fire in the open air, unless with the prior consent of the Council	0 5 0	5 0 0
Allowing any chimney or flue to take fire, by reason of having become foul, or of neglect, carelessness, or default of the occupier or other person using such chimney	0 5 0	5 0 0
GUNPOWDER.		
Blasting with gunpowder, or blasting powder, or any explosive substance, any stone, timber, or other material, without the permission of the Council or Surveyor first obtained	5 0 0	50 0 0
NOTICES.		
Wilfully publishing in the <i>Government Gazette</i> , or otherwise, any false notice in any matter in which by this Act, a notice is required to be published in the <i>Government Gazette</i> or otherwise	1 0 0	10 0 0
Tearing down, mutilating, defacing, or obliterating any notice or other document posted under the authority of this Act	1 0 0	10 0 0
OFFICERS.		
Mayor elected to that office not taking the oath of allegiance and declaration of office prescribed hereby within five days after notice of his election	50 0 0	50 0 0
Councillor or Auditor, elected to the office of Councillor or Auditor, not taking such oath and making such declaration within the time aforesaid	25 0 0	25 0 0
Mayor being absent from the Council meetings for more than two calendar months without leave of the Council	50 0 0	50 0 0
Councillor being absent from the Council meetings for more than three calendar months (except in case of illness), or Auditor being absent from the municipality for more than six months without leave of the Council	25 0 0	25 0 0
Acting as Mayor, Councillor, or Auditor, without having taken the oath and made the declaration required by this Act	50 0 0	50 0 0

Municipal Corporations Act.—1880.

SCHEDULE OF PENALTIES—*continued.*

PART X.

Offence.	Fine.	
	Lowest Amount.	Highest Amount.
	£ s. d.	£ s. d.
OFFICERS—<i>continued.</i>		
<i>Or</i> without being duly qualified at the time of such oath or declaration	50 0 0	50 0 0
<i>Or</i> after ceasing to be qualified according to this Act ..		
<i>Or</i> after becoming disqualified to hold any such office ..		
<i>For each offence</i>		
Collector, officer, or agent of the Corporation neglecting, within forty-eight hours after receipt thereof, to pay into and deposit with the bankers of the Corporation, to the credit of the Corporation, all moneys, notes, bills, securities for money, which shall have been received by him by virtue of his office	5 0 0	50 0 0
<i>If exceeding £10 in amount or value, for every day during which such neglect shall continue.. .. .</i>	5 0 0	50 0 0
<i>If exceeding £2 10s. and not exceeding £10 in amount or value, for every day during which such neglect shall continue</i>	1 0 0	5 0 0
Wilfully obstructing or hindering any valuator in the discharge of his duties	0 5 0	5 0 0
Valuator neglecting during the progress of any assessment to leave with the owner or occupier of any rateable property a note of the particulars thereof, and of the value placed upon the same	1 0 0	10 0 0
PARK LANDS AND RESERVES.		
Wilfully or maliciously throwing down, breaking, injuring, or removing any boundary marks, gates, posts, fences, or enclosures, on the Park Lands or Reserves, or injuring or damaging any walk, carriage-drive, dam, reservoir, lodge, building, or erection thereon; or any drain or watercourse; or cutting down, injuring, or removing any tree, shrub, or plant, or any crop of whatever kind growing thereon, or any fallen timber lying or being on such lands or reserves, or digging, or otherwise breaking up, or carting away, or removing any of the soil thereof, or any clay, sand, gravel, or stones therefrom, or any of the turf or sward thereof, or otherwise defacing or injuring the same by depositing thereon broken glass or other rubbish	0 10 0	10 0 0
<i>For each and every such offence, in addition to full compensation for the damage arising from the injury so committed</i>		
Driving or depasturing any cattle on any Park Lands or Reserves, by any person not having a depasturing licence	0 5 0	5 0 0
PUBLIC HEALTH AND SANITARY.		
Collecting or carrying away any night-soil, dust, ashes, filth, or rubbish removable under this Act, except by a person employed by or contracting with the Council for that purpose	0 5 0	10 0 0
Suffering waste or impure water, liquid, or matter, to remain within any building, or upon any property, after twenty-four hours' notice to remove the same ..	0 5 0	5 0 0

Municipal Corporations Act.—1880.

PART X.

SCHEDULE OF PENALTIES—*continued.*

Offence.	Fine.	
	Lowest Amount.	Highest Amount.
	£ s. d.	£ s. d.
PUBLIC HEALTH AND SANITARY—<i>continued.</i>		
<i>Or</i> , suffering the like impurities to flow upon any footway or carriageway, or into any surface-drain or water-course	0 5 0	5 0 0
<i>Or</i> , suffering any offensive overflow, leakage, or soakage from any water-closet, privy, or cesspool	0 5 0	10 0 0
Continuing any of the aforesaid offences, <i>for each day</i>	0 5 0	0 10 0
Pumping from out of any cellar any water into the water-channel of any street, except between ten o'clock at night and six o'clock in the morning	0 5 0	5 0 0
Suffering any pumped-out waste water to accumulate in the water-channel of the street	0 5 0	5 0 0
<i>And</i> for every day during which such offence shall be continued	0 10 0	1 0 0
Neglecting to bury or otherwise dispose of the carcase of any dead animal, so as effectually to prevent any offensive effluvia therefrom	0 5 0	5 0 0
Storing, keeping, or having any raw or green hides, except in premises specially licensed by the Council for that purpose, or in a tannery where raw or green hides or skins are used for manufacturing purposes solely	1 0 0	10 0 0
Keeping or breeding any swine, or allowing the same to remain at any place within the municipality, except at a place appointed by the Council	1 0 0	10 0 0
PUBLIC PROPERTY.		
Wilfully or maliciously pulling down, removing, concealing, defacing, injuring, or destroying any of the boundary marks of the Corporation, or wilfully injuring or damaging any public building, bridge, wall, parapet, fence, road, street, sewer, watercourse, well, fountain, lamp, lamp-post, names of streets, waterpipe, cock, or other public property	1 0 0	10 0 0
Washing at any public fountain, cock, or waterpipe, or using any private key for opening any cock, or clandestinely using water from any public fountain or pipe, or leaving open any cock of any public fountain so that the water shall run to waste— <i>for each offence</i>	0 5 0	10 0 0
RATE MEETINGS.		
Wilfully making any false answer to any question authorised by this Act to be put to any person tendering a voting-paper at any meeting	20 0 0	50 0 0
Personating another person for the purpose of voting at any such meeting.	20 0 0	50 0 0
Wilfully obstructing or hindering proceedings of any meeting of Councillors or ratepayers	5 0 0	50 0 0
RIVERS AND WATERCOURSES.		
Putting into the water of any river or watercourse any offal, carrion, filth, or offensive matter; or bathing therein, except at appointed places; or removing sand or gravel from the bed of any river or watercourse without having a licence for that purpose; or in any manner injuring the banks of any river or watercourse— <i>for each offence</i>	0 5 0	5 0 0

Municipal Corporations Act.—1880.

SCHEDULE OF PENALTIES—*continued.*

PART X.

Offence.	Fine.	
	Lowest Amount.	Highest Amount.
	£ s. d.	£ s. d.
RIVERS AND WATERCOURSES—<i>continued.</i>		
Obstructing or diverting from its channel any watercourse..	{ In addition to the cost of restoring the water-course to its proper channel— 0 5 0 5 0 0	
SEWERS.		
After having severed any private drain from a main sewer, failure of the Council, out of the corporate funds, to continue such private drain to the main sewer, or into some branch drain in connection therewith	2 0 0	10 0 0
The Council, or their contractors, failing to make good, level, and reinstate the service of any public street which may have been displaced in the execution of any sewerage works, contrary to the provisions of this Act.	2 0 0	10 0 0
Leaving offensive sewage above ground for twenty-four hours, without removing same to some place authorised by the Act	2 0 0	10 0 0
SLAUGHTERHOUSES.		
Slaughtering any bull, ox, steer, heifer, calf, sheep, goat, or swine within the municipality, except at slaughter-houses, under the control or sanction of the Council ..	2 0 0	10 0 0
STREETS AND FOOTWAYS.		
Laying out or making any new street without giving written notice to the Council, or before the level of such street shall have been fixed by the Council, or before the Surveyor shall be satisfied that the proper and perfect drainage of such street has been provided for. ..	10 0 0	50 0 0
Not keeping in building any house or other building the level of any street the level of which shall have been fixed by the Council	10 0 0	50 0 0
And for every day during which either of such offences shall be allowed to continue	5 0 0	10 0 0
Laying out or making any new street which shall be less than the required width... .. .	10 0 0	50 0 0
And for every day during which such street shall continue to be so laid out or made	5 0 0	10 0 0
Erecting or causing to be erected for human habitation, or using, allowing, or suffering to be used for human habitation any building fronting or abutting on any street of less than the required width	1 0 0	10 0 0
And for every day during which any such offence shall be continued.	1 0 0	5 0 0
Corporation setting out any street of less width than forty feet	10 0 0	50 0 0
And for every day during which such street shall be allowed to continue of less than such width	5 0 0	5 0 0
Throwing down, breaking, removing, or injuring any bar, post, rail, chain, fence, or obstruction placed across any street or place within the municipality by the Surveyor while streets under repairs or sewers are being constructed	{ In addition to the cost of repair or re-instate-ment— 0 5 0 5 0 0	

Municipal Corporations Act.—1880.

PART X.

SCHEDULE OF PENALTIES—*continued.*

Offences.	Fine.	
	Lowest Amount.	Highest Amount.
	£ s. d.	£ s. d.
STREETS AND FOOTWAYS—<i>continued.</i>		
Surveyor omitting to affix sufficient light to prevent injury to passengers during the night upon fences or obstructions used for stoppage of the streets or sewers under repair, or in course of formation— <i>for each offence</i> ..	0 5 0	5 0 0
Extinguishing, removing, hiding, or improperly interfering with any light affixed by the Surveyor, contractors, builders, or other persons to prevent injury to passengers during the night	0 5 0	5 0 0
Neglecting or refusing, after notice, to affix, or paint number of house on the door thereof	0 5 0	2 0 0
For continuance of such offence after notice, <i>for every seven days or portion of seven days</i>	0 5 0	0 5 0
Commencing to pave, gravel, or put a kerbstone to any footway, without leaving previous notice, in writing, at the office of the Surveyor	0 5 0	5 0 0
Or refusing or neglecting to conform to the directions of the Surveyor in that behalf		

Fines to be paid to Council.

240. All fines and forfeitures recovered by or before one or more Justices of the Peace for any offence committed within the limits of any Corporation against the Acts hereby repealed or this Act, or for any offence against any by-law made under the authority of the said Acts or this Act, or for any offence against the Acts or Ordinances mentioned in the Schedule I hereto, shall be paid to the Council of such Corporation, save such portion thereof as may by law be appropriated to any informer, and save such fine or penalty, or such part thereof, as may be by law appropriated to any purpose other than for Municipal Corporations or to the general revenue of the said province.

Governor may remit fines.

241. The Governor, with the advice of the Executive Council, may remit the whole or any part of any fine or penalty, although the same may be appropriated to any Corporation.

PART XI.

PART XI.

BY-LAWS.

By-laws may be made by Council.

242. Every Council may from time to time modify, amend, or repeal its existing by-laws, and may from time to time make, publish, alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet, for any of the following purposes: And may by such by-laws inflict penalties not exceeding Ten Pounds, for each

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each offence for the better enforcing the said several by-laws, or for punishing the breach thereof, or of any of them—

PART XI.

- For regulating and securing the entrances of courts and alleys: *Alleys.*
- For fixing the hours for holding and otherwise regulating evening sales by auction: *Auctions (evening).*
- For regulating or prohibiting bathing in any or any part of any river, creek, stream, sea, or other open public water, situated within the limits of or abutting on the boundary of any municipality, for setting apart any place or any portion of any such water for the sole use of either sex, for fixing the hours within which persons may bathe, for requiring persons bathing to wear some convenient clothing, for authorising the erection and use of bathing-houses or machines, and charging licence fees for the same, and for providing for such other matters as may appear expedient for preserving decency, or promoting the convenience of the public: *Bathing.*
- For the general management of public baths, and the conduct of visitors thereat, and for fixing the sums to be paid for the use thereof: *Baths.*
- For the division of baths, so as to afford sufficient separate accommodation for the sexes, and private baths for either:
- For the regulation of hot and cold baths and shower baths vapour and medical baths, the requisites to be supplied, and the sums to be paid therefor:
- For regulating the licensing, supervision, government, and control of any premises as bazaars or repositories for the sale of horses, horned cattle, carriages, and other vehicles, or any of them; the amount to be paid for licences, and the maintenance of cleanliness in the licensed premises: *Bazaars.*
- For regulating and enforcing the sale of bread by weight: *Bread.*
- For regulating the construction and erection of party-walls, external walls, parapets, and of flues and fireplaces, and the situation thereof, in any buildings which may be hereafter taken down and rebuilt, or which may hereafter be built or erected within the municipality, and for removing any party-wall, external wall, parapet, flue, or fireplace constructed or erected contrary to any such by-law: *Buildings.*
- For regulating the deposit and removal of building materials on and from streets and footways:
- For the prevention of trespass by stray cattle in the streets and public places of the municipality, and on the park lands and reserves therein: *Cattle.*
- For prohibiting the use of cellars for dwellings and general habitation: *Cellars.*
For

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- For requiring wells to be sunk in all cellars where the Surveyor shall deem the same to be essential for preventing the rising and accumulation of water therein :
- Chimney-sweeps.* For regulating and licensing chimney-sweeps, and for prohibiting the sweeping for hire or reward, of chimneys by unlicensed persons, for fixing the fees to be paid for such licences, and for regulating a tariff of the rates to be paid to licensed chimney-sweeps :
- Crossing places* For regulating the width of, and the mode in which, and the materials whereof, crossing places for vehicles and animals from any public street to private residences over any footway shall be constructed :
- Dairies.* For the annual registration of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk, and for fixing the licensing fees to be paid in respect thereof, such fees not exceeding Ten Shillings per annum :
- For the inspection of cattle and dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cowsheds :
- For securing the cleanliness of milk stores, milk shops, and of milk vessels used for containing milk for sale :
- For prescribing precautions to be taken for protecting milk against infection or contamination :
- For prohibiting the adulteration of milk :
- For prohibiting the sale of milk by other than licensed persons :
- Disorderly places and conduct.* For the suppression and restraint of brothels and houses of ill-fame and repute, of prize-fights, dog-fights, and cock-fights, of gaming tables, and gambling of every description :
- For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour :
- For preventing any person acting as the proprietor, occupier, or having the chief control or management of any bawdy-house, brothel, or house of ill-fame, and for preventing any person from knowingly letting any house for the purpose of being used as a bawdy-house, brothel, or house of ill-fame, and for punishing any person who knowingly and wilfully continues as a tenant any person who shall keep any bawdy-house, brothel, or house of ill-fame :
- Dogs.* For regulating and providing for the destruction of dogs unregistered, or dogs without collars, by shooting or otherwise :
- Drains (private).* For the general regulation of private drains and sewers intended to communicate with main and common sewers, and also in the respects following, viz.—
1. For regulating the construction of branch or private sewers, and the communications thereof with main common sewers :
 2. For

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2. For fixing annual or other rents to be paid for such private sewers, to be recoverable in respect of the house or premises from which such drain issues, in the same manner as general rates :
3. For the repair and cleansing thereof under the direction of the Surveyor :
4. For preventing the use of private drains and sewers except by the person rated :
5. For removing, by drainage to be discharged into the common sewers, any nuisances from houses and tenements at the expense of the owners or occupiers refusing so to do :

For ordering, regulating, and conducting the election of Mayors, Councillors, and Auditors, and the conduct of persons within any polling-booth at such election, and at any other time or place where voting, whether by ballot or otherwise, shall be in progress, in any matters which may not be sufficiently provided for by this Act: *Elections.*

For the prevention, suppression, and speedy extinguishment of fires: *Fires.*

For the regulation and reward of firemen, and making provision for them and their families in case of death or accident in the discharge of duty :

For the regulation of fire-plugs, alarm-bells, and fire-engines :

For securing a prompt supply of water :

For preventing the lighting of fires in the open air, and smoking in any warehouse, store, stable, or outbuildings, or places liable to ignition, or wherein goods so liable shall be kept :

For prohibiting the throwing down in any building or premises, where ignition might ensue therefrom, any lucifer or tow match, whether lighted or not, or any lighted cigar or ashes from any pipe :

For preventing the stacking, and for regulating the storage and keeping of any hay, straw, bark, thatch, reeds, coal, or fire-wood, and for licensing fit buildings for the storage thereof :

For the proper construction of buildings and premises wherein hay, straw, or thatch may be sold or stored :

For preventing the erection (except by the Corporation on the public lands of the municipality, or by the Government, on any Government reserve for temporary purposes only) within the limits of any municipality of any tent, pavilion, shed, or other structure of calico, canvas, or other inflammable material, without obtaining the consent thereto of the Council of such municipality, for such time and on such terms as the Council may decide :

For

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- For regulating the kind and quantity of any inflammable or combustible materials or substances to be kept at any one time in one place :
- For prohibiting the use of ashpits of improper construction, and the throwing out of unquenched embers liable to rekindle in the open air :
- For preventing the placing, stacking, or storing of empty cases, paper shavings, crates packed with straw, or any dangerous or inflammable substances in the open air :
- Fountains.* For regulating a continuous supply of water :
- For preventing the pollution thereof :
- Gas.* For keeping service-pipes fully charged with gas :
- For preventing the contamination of any river, stream or place for water, well or fountain, within the municipality, by gas, or anything used in the manufacture thereof :
- For prohibiting the escape of gas :
- For regulating and enforcing the inspection and test of gas-meters by officers of the Council appointed for that purpose :
- Goats.* For the destruction of goats at large, or trespassing within enclosures, and for regulating the burial or other disposal of the carcase of any goat destroyed under the authority of any by-law :
- Gunpowder* For appointing suitable magazines or buildings for the storage of gunpowder and other explosive substances; for regulating the quantity of such explosive substances which may be kept by any person, and for prohibiting or regulating the use of such explosive substances within the municipality :
- Hawkers.* For licensing hawkers trading within the municipality, for the registration of their names and the regulation of their conduct, and for fixing the amounts to be paid for their licences :
- Horses.* To restrict the breaking in of horses in the streets, either by leading, riding, or driving :
- For preventing entire horses being led or exhibited through or in the streets or public places of the municipality at inexpedient hours :
- For preventing mares being covered within the municipality, except in yards, buildings, or premises sufficiently enclosed or screened from public view :
- Lighting.* For regulating the lighting of any street or district at the joint expense of the Corporation and the inhabitants of such street, the assessments for, and the collection of the rates to be levied to meet the moiety of the expenses to be paid by such inhabitants :

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- For licensing marine store dealers, and for prohibiting the carrying on the business of a marine store dealer without a licence, and for regulating the carrying on of such business, and for fixing the fees to be paid for licences: PART XI.
Marine Store Dealers.
- For the general regulation of all markets for cattle and provisions, the tolls, dues, and fees to be received thereat, and the maintenance of good order therein: *Markets.*
- For prohibiting forestalling and regrating, and every kind of fraudulent device and practice in relation to the sale of marketable commodities:
- For defining the functions and regulating and enforcing the due performance of the duties of officers and servants appointed by the Council: *Officers.*
- For the punishment of persons falsely representing themselves to be officers of the Corporation:
- For the regulation and conservation of the park lands and reserves: *Park lands and reserves.*
- For licensing persons to depasture cattle thereon, and fixing the fee therefor:
- For preventing the driving and the depasturing of cattle upon the park lands and reserves by persons not having licences for so doing:
- For the recovery of any such licence fees, either by distraint of cattle depasturing, or by impounding and sale thereof:
- For appointing and regulating keepers or servants employed therein:
- For regulating the time at which any such park lands and reserves shall be opened and closed:
- For regulating the conduct of persons frequenting any such park lands and reserves:
- For regulating the days on and the bounds or limits within which games and gymnastics shall be permitted on any park lands and reserves, and for otherwise regulating or prohibiting such games and gymnastics:
- For preventing or regulating the admission of vehicles, horses, asses, mules, and cattle:
- For regulating shooting over, on, or in such park lands and reserves:
- For regulating matches, or training for racing, with horses, dogs, or otherwise:
- For enabling Corporation servants, police constables, or special constables to remove persons who shall be guilty of any breach of any by-law made by the Corporation:

For

*Municipal Corporations Act.—1880.*PART XI.*Passenger and
other vehicles
plying for hire.*

- For regulating or preventing the selling, or exposing for sale, goods, wares, or merchandise on the park lands, public reserves, or squares :
- For prohibiting damage or injury to and destruction of trees, shrubs, and plants in the park lands, public squares, parks, reserves, and plantations of the municipality :
- For regulating and licensing all hackney carriages, wagonettes, cabriolets, cabs, public conveyances, coaches, omnibuses, spring-carts, or other vehicles of the like nature ; wagons, drays, carts, or other vehicles for the carrying of goods and merchandise, plying, kept, or let for hire within the municipality ; and also wagons, drays, carts, or other vehicles used in hawking firewood and water therein respectively ; and for registering the names of the owners, drivers, and conductors of all such passenger and other vehicles, and for the approval of owners and drivers before licences are granted :
- For the distinction of vehicles, in respect of fares to be taken by the owner :
- For fixing the rates and fares to be taken, and the mode of computation of distances :
- For appointing stands for such carriages within the municipality, and the regulations to be observed thereat :
- For enforcing the obligation of owners and drivers to convey passengers on demand :
- For limiting the number of such passengers (inside and outside), their baggage and goods, and regulating fares for children, and as to taking up and setting down passengers :
- For the maintenance of carriages in proper condition and order, and regulating how the same shall be furnished, provided, and kept :
- For enforcing the painting of the names of the owners and the numbers thereon, and keeping affixed within the same authorised tables of fares and distances, and the speed at which vehicles proceed :
- For providing for the delivery over and disposal of articles left in licensed carriages :
- For compelling the approved owner or driver to be in charge of such carriages, and preventing the same from being driven by others, and for preventing persons not hiring the same from riding with the owner or driver :
- For the prevention of smoking in any such carriages, or by the driver thereof :

For

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For prohibiting coffins, containing the corpses of deceased persons above the age of two years, from being conveyed in any vehicle licensed for the conveyance of passengers :

For punishing the misconduct of the drivers and conductors of, and persons attending any of the aforesaid passenger or other vehicles, in carelessly or furiously driving or racing, or in demanding or receiving more than the legal fare, or in using any threatening or abusive, indecent, or insulting language; and also for punishing persons hiring such vehicles evading or attempting to evade the payment of fares :

For regulating the routes, within the limits of any municipality, to be observed by licensed omnibuses or passenger vehicles plying as omnibuses :

For requiring all licensed vehicles, of whatever sort, to have the number of their licence conspicuously painted on and in the vehicle and on the outside lamps :

For requiring and regulating the carrying of a lighted lamp inside licensed passenger vehicles whilst plying for hire after sunset :

For preventing licensed drivers or others loitering with licensed vehicles in the street, or plying for hire in the streets except on a stand :

For preventing any person, not being of the full age of seventeen years acting as driver, and of the full age of twelve years acting as conductor of any licensed vehicle :

For preventing licensed drivers from being or standing away from the vehicle and horses in their charge whilst on the stand, or for regulating the distance at which such drivers may be allowed to be away from their vehicles whilst on the stand :

For limiting the number of vehicles or carriages from time to time to be licensed by the Council :

For regulating and licensing drivers and conductors of licensed vehicles, and for fixing and receiving licence fees therefor, and for making regulations for the granting and refusal of licences :

For enforcing the painting, inside and outside of all licensed passenger vehicles, the number of passengers the vehicle is licensed to carry outside and inside, also the rate of fares for time or distance :

For preventing what is called the nursing or shepherding of passenger vehicles by other passenger vehicles, and for preventing the owner or driver of one passenger vehicle from wilfully preceding or following another passenger vehicle :

For

*Municipal Corporations Act.—1880.***PART XI.**

For preventing persons standing on the footways or roadways of any town or city and touting for passengers for any licensed vehicles :

For the punishment of any driver or rider of horses or other animals who may leave them in any street or other public place unattended or insecurely fastened to bridle-posts, or not leaving them in charge or under the proper control of other persons, whereby such horses or animals may break away and bolt, to the danger or injury of any person :

Porters.

For the licensing and regulating of porters and their charges, and the fixing upon any badge or number to be borne by them :

Proceedings at Council and rate meetings.

For ordering and regulating the mode and conduct of proceedings at Council and rate meetings, and for punishing misconduct, obstructions, and disturbances thereat, and generally for regulating their own proceedings :

Public health and sanitary.

For the licensing, regulation, supervision, government, and control of premises for the sale of raw or green hides or skins :

For the licensing and government of nightmen and their laborers, and for the regulating, numbering, and licensing of the night-carts used or to be used by them :

For regulating, numbering, and licensing the description of vehicle or vessel to be used for the removal of nightsoil, or ammoniacal liquor, or other offensive liquors or substances :

For regulating the quality, condition, and dressing of butchers' meat offered for sale, and for preventing the sale of objectionable butchers' meat or butchers' meat unfit for human food :

For preventing the burning of rags, clippings, or parings of leather, or other offensive substances :

For the prevention and suppression of all nuisances whatsoever, whether specified in this Act or not :

For compelling the owners or occupiers of all tallow-chandlers' shops, soap factories, tanneries, and of houses, buildings, privies, urinals, sewers, or places which may be in an unwholesome or offensive state, or be likely to become so, to cleanse the same as the Council may think necessary for the health and comfort of the inhabitants of the municipality :

For the preservation of cleanliness in public slaughterhouses, markets, baths, and wash-houses :

For the restriction and regulation of noisome and offensive trades :

For regulating the situation, construction, removing, emptying, cleansing, and filling up of privies and cesspools :

For compelling the removal of waste-water and impurities from cellars and any other places :

For

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- For regulating the removal and disposal of night-soil, filth, offal, and refuse, and for the appointment of proper places for the deposit thereof:
- For the check and prevention of infectious or contagious diseases:
- For the purification of any house, building, or place, from the state of which there is probable cause to apprehend the engendering of disease and injury to the public health:
- For fixing the fees payable to medical advisers consulted in such cases:
- For conserving the banks and bed of any river or watercourse, and for preserving from pollution the waters thereof: *Rivers and water-courses.*
- For setting apart any portion thereof as a water reserve for the public use:
- For prohibiting and regulating the erection, putting up, and situation of signboards or other signs over or near any footway: *Signboards.*
- For the regulation of slaughterhouses and the cattle to be slaughtered thereat: *Slaughterhouses.*
- For the prevention of the slaughtering both of great and small cattle, except at slaughterhouses established by the Council:
- For destroying infected cattle which, if slaughtered, would be unfit for human food:
- For destroying unwholesome meat:
- For the maintenance of cleanliness in and at every slaughterhouse and place used for slaughtering cattle:
- For the regulation of cattle kept at any slaughterhouse on behalf of the owner, prior to their being slaughtered, or without being slaughtered, and the fees to be taken therefor:
- For issuing licences to slaughterhouses and regulating the fees payable therefor, or for slaughtering cattle:
- For preventing obstructions of any streets, footways, water-channels, and watercourses therein: *Streets and footways.*
- For regulating the paving, and repairing of the streets and footways:
- For cleansing the same:
- For compelling the securing, removing, or filling up of any cellar, ways, or openings, which may now or hereafter be in or under any footway:
- For regulating the speed or pace at which persons shall ride or drive round the corners or across the intersections of any street or streets, or across any bridge, or along any particular part or parts of any municipality:

For

*Municipal Corporations Act.—1880.*PART XI.

For regulating the traffic at times of public interest, amusement, or excitement, in and along all or any of the foot and carriage ways of any street :

For preventing the drawing any wagon, cart, or other carriage not having springs, or the driving any animal attached thereto, at any faster rate, speed, or pace than a common walk :

For preventing any goods or merchandise, coal, or firewood from remaining in any street for a longer period than necessary for the housing or removing the same :

For regulating the cleansing of footpaths in front of buildings before eight o'clock in the morning, and to prevent the shaking of carpets, rugs, or door-mats in the street after that hour :

For preventing animals or vehicles being left in the street, or obstructing any portion of the street, and for the seizure by the Corporation officers or police constables of any such animals or vehicle :

For the punishment of any contractor, or other person, who shall deposit, or cause to be deposited, any rubbish or materials on the surface of any street or roadway, or who shall excavate or leave open any excavation without having a sufficient and continuous light burning thereon from sunset to sunrise :

For regulating or prohibiting the use of bicycles and other velocipedes in or upon the streets, roadways, and footways :

For preventing unyoked cattle or unbroken horses being driven through the streets within certain hours :

For the punishment of persons throwing orange peel or other vegetable substances, or any offensive or noxious substance, on any footpath of a street in the municipality :

Sunday.

For the better observance of Sundays :

Wash-houses.

For the general regulation of public wash-houses and the drying grounds belonging thereto, and the requisites to be supplied to the persons hiring the same :

Weighbridges.

For regulating the licensing of weighbridges :

For enforcing the use of avoirdupois weights thereat :

For prohibiting the sale, within any municipality, of coals, wood, hay, bark, straw, and other articles, and marketable commodities usually sold by the load, by weight, unless the weight be first ascertained at a licensed weighbridge :

For compelling such weight to be ascertained at a licensed weighbridge within the municipality :

For

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For enforcing the use of compared weights and measures, and for regulating the use of measures of glass or earthenware, and the suppression of such weights and measures as are false :

PART XI.
Weights and Measures.

For regulating the comparison of weights and measures :

For introducing and regulating the use of weights and measures (in accordance with the standards established by the Imperial Parliament), for the sale of precious metals, precious stones, and medicines :

AND GENERALLY for more effectually regulating, observing, and carrying out all and every the powers and authorities by this Act given to Corporations, and for the good rule and government of the municipality—for the convenience, comfort, and safety of the inhabitants thereof—and for the prevention and suppression of nuisances therein.

243. No by-laws shall be made unless two-thirds of the whole number of the members constituting the Council, for the time being, shall be present; nor shall any such by-laws be of any force until they shall have been confirmed by the Governor, and shall have been published in the *Government Gazette*: Provided that no by-law shall be submitted to the Governor for confirmation, as aforesaid, until the same shall have been laid before the Parliament of the said province for fourteen days; and provided also, that no by-law to be passed by any Council shall be repugnant to this Act, or to the general spirit and intendment of the laws in force within the said province.

Two-thirds of whole Council requisite for passing by-laws.

No by-law to be repugnant to this Act, or laws of the colony.

244. Every by-law lawfully made, when so confirmed by the Governor as aforesaid, shall, until altered, amended, modified, or repealed by the Council, for all purposes have the same force and effect within the municipality as if such by-law had been enacted in and formed part of this Act.

By-laws when confirmed to have same force as if substantively enacted.

245. Any Corporation officer or other authorised person may, without warrant, arrest any person found offending against any by-law, if the offender shall refuse to give his true name and address.

Power to arrest offender against by-laws if he refuse his name and address.

PART XII.

EVIDENCE.

PART XII.

246. The production of the *Government Gazette* containing any Proclamation heretofore or hereafter published for effecting anything which the Governor, with the advice of the Executive Council, is by this Act or was by any Act hereby repealed empowered to do, shall be conclusive evidence in all Courts, before all Justices, and before all tribunals that everything has been duly done which is or was required

Proclamation in *Gazette* to be conclusive evidence of preliminaries having been done.

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required as a preliminary to the publication of the Proclamation, and shall be conclusive evidence of all matters and things in such Proclamation contained.

Gazette containing notice evidence of election, &c.

247. The production of the *Government Gazette* containing any notice of the election of any person to the office of Mayor, Councillor, or Auditor, shall be conclusive evidence of such election, except in any proceeding to try the title of the person elected.

Notice in Gazette evidence of proposition at meeting having been adopted.

248. The *Government Gazette* containing a notice that any proposition has been adopted at a meeting of ratepayers shall be conclusive evidence that such proposition has been duly made and carried at such meeting, and that such meeting has been duly called and held.

Minute-book evidence of proceedings.

249. The minute-book of the Council containing a statement of the proceedings at meetings thereof and the business transacted at such meetings, shall be evidence of all such proceedings as shall purport to be authenticated by the signature of the Mayor or other Chairman, without proof of such meetings having been duly convened or held, or of the signature of the Mayor or other Chairman, or of the fact of his having been Chairman, or of the persons attending such meeting having been members of the Council, all which last matters shall be presumed until the contrary is proved.

Assessment-book and Gazette containing notice to be evidence of assessment or rate.

250. The assessment-book produced from the custody of the Council, signed by the Mayor, and the *Government Gazette*, containing a notice that any assessment has been allowed, shall be conclusive evidence, except on proceedings to quash such assessment, that such assessment has been duly made and notice thereof duly published; and the *Government Gazette* containing a notice of the declaring, making, or authorising of any general or special rate or loan, shall be conclusive evidence, except on proceedings to quash such rate or loan, that the rate or loan has been duly declared, made, or authorised, and shall be evidence until the contrary is shown that any special rate referred to in such notice was in force and payable in respect of the year in which such *Government Gazette* is published.

Copies of and extracts from assessment or minute-book or register of public streets to be evidence.

251. Copies of or extracts from any assessment-book or minute-book or register of public streets, certified by the Town Clerk to be true copies of or true extracts from any such book or register, shall be received as sufficient evidence in all Courts and before all Justices and tribunals of the contents of the assessment-book, or minute-book, or register, or of so much thereof as any such extracts shall contain.

Certified copies of by-laws to be evidence.

252. A printed copy, purporting to be a copy of any by-law made by any Council, and purporting to be signed by the Town Clerk, of any by-laws made by virtue of this Act or any Act hereby repealed, shall, without any other proof, be received as *prima facie* evidence of the existence of such by-law, and of the passing, confirm-

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firming, and publishing thereof, and of the performance of the requirements of this Act or any Act hereby repealed in respect thereof in all Courts and before all Justices and Tribunals.

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253. All acts, by-laws, deeds, papers, writings, and documents to which the common seal of the Corporation shall be attached, and purporting to be signed by the Mayor and countersigned by the Town Clerk, shall be received as sufficient evidence of the due execution by the Council and the Corporation of all such acts, by-laws, deeds, papers, writings, and documents, unless the contrary thereof be shown.

Corporate seal and signatures of Mayor and Town Clerk *prima facie* evidence of execution of deeds and documents.

PART XIII.

PART XIII.

LEGAL PROCEDURE.

254. No writ of *quo warranto* or information in the nature of a *quo warranto* or other proceeding shall issue, or be filed, or, had or taken in the Supreme Court, to try or question the title of any person to act as Mayor, Councillor, Auditor, or ratepayer of any municipality or in any office or place in, or in the gift of, a Council.

Writ of *quo warranto* abolished.

255. No *mandamus* shall issue from the Supreme Court to admit or restore to office, or to compel a Council to proceed to the election or appointment of any Mayor, Councillor, Auditor, officer, or other person to any office or place in, or in the gift of, a Council, or compel any person or persons to proceed to any ballot, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof any Council or person may be entitled under this Act.

Mandamus abolished.

256. No assessment, rate, or loan, or notice thereof, or order for declaring or making the same, or for making or allowing any alteration thereof, or any proceedings in relation thereto, shall be removed by *certiorari* or otherwise to the Supreme Court.

Certiorari taken away

257. The proceedings for trying the title of a Mayor, Councillor, Auditor, officer, or other person to his office or place, or trying the right of any person to be admitted or restored to any such office or place, or to compel his restoration or admission, or to compel any Council to proceed to any election or appointment, or to try the validity of any assessment, rate, or loan, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof any Council or person may be entitled under this Act, shall be had and taken before, and determined by, two or more Justices of the Peace in a summary way.

Proceedings for trying title to office to be before Justices.

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Jurisdiction of
Justices.

258. The information may be laid at the instance of any Corporation, or by any ratepayer of the district or other person interested, and the Justices may make an order declaring any person not entitled to the office or place then possessed by him, and that such office or place is vacant, or that the informant is entitled to the said office or place, or command the Council to proceed to take the necessary steps for and hold any election, or make any appointment, or to compel any person or persons to proceed to any ballot that may be necessary, or may make any order quashing any assessment, rate, or loan, which for any reason is invalid, or may make an order to compel the production or delivery of any books, voting-papers, or documents by or to any Council, or officer thereof, to or by any person, but no order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

Claims by Council to
moneys not accounted
for by officer may be
decided by Justices.

259. All claims by or on the part of any Corporation to any moneys, or to any vouchers, receipts, papers, writings, property, and effects whatsoever, retained or not duly accounted for by any collector, or other officer or person employed by the Council, may be heard and determined by any two or more Justices of the Peace in a summary way.

On non-compliance
with order Justices
may inflict punish-
ment.

260. On non-compliance with any order made by any Justices of the Peace, under the provisions hereof, on information laid at the instance of any Corporation, or by any ratepayer or person interested, any two or more Justices of the Peace may order any sum of money to be paid by or to any Corporation, or officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with any such order, and may order any such person to be imprisoned, either for a special time not exceeding six calendar months, or until the order aforesaid is obeyed, and such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid; and on non-compliance with any order commanding anything to be done by a Corporation, any two or more Justices of the Peace may order the payment of any sum of money by, or the imprisonment of, any person who would before the passing of this Act have been liable to attachment or subject to process of contempt for disobedience to any peremptory writ of *mandamus* issued out of the Supreme Court commanding the Corporation to do the act directed by such order.

Time within which
proceedings may be
taken.

261. No proceedings to try the title of any person to any office or place in, or in the gift of, a Council, shall be had or taken except upon an information laid within three calendar months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person shall be liable to be ousted, whichever shall last happen; and no proceedings to try the validity of any assessment, rate, or loan, shall be had or taken except upon an information laid within two calendar months from the time at which notice of the assessment, rate, or loan first appeared in the *Government Gazette*.

262. Whenever

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262. Whenever any order shall have been made by any Council, by virtue of this Act, for the payment by any person liable of any fine, sum of money, costs, charges, or expenses, 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 the province, or, if there shall be no such place of abode, shall have been affixed or left upon the house or land (if any) therein referred to, and such order shall not have been satisfied within the time thereby limited, any one or more Justices, upon complaint thereof, and upon proof of such copy order having been served, left, 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 common gaol for any period not less than fourteen days nor more than three months; or such Justice or Justices may, either without or after any previous order for distress, order the house, land, or premises (if any) referred to in the order of Council to be let by the Corporation for the recovery of the amount remaining unpaid in respect of such order, together with such sum as the Justice or Justices shall fix for costs; and thereupon the Corporation shall have, and may exercise all and singular, the same rights and powers for enforcing payment of such amount and costs, and all subsequent costs, and interest thereon after the rate of Ten Pounds per centum per annum, as are by this Act given to every Corporation for enforcing, by letting, the payment of rates in arrear, and the consequent costs and interest after one year from the publication in the *Government Gazette* of the notice required by section 212 of this Act: Provided that any tenant or occupier who, in satisfaction of any such order of the Council, shall pay any sum which ought to be paid by the owner of any property, in relation to which such order shall issue, or whose goods shall, in default, have been distrained and sold in such satisfaction, shall have all the remedies for reimbursement of any sum so paid, and for compensation for any goods so distrained and sold, as hereinbefore are reserved to tenants in possession primarily liable to the payment of rates.

263. It shall be deemed sufficient service of all notices, orders, and requisitions, which by this Act are directed or required to be served upon any owner, lessee, occupier, or other person, if the same be left within the time (if any) prescribed at the usual or last known residence or place of business of any of such persons respectively, or be forwarded by post in a prepaid letter addressed to him at his last known or most usual place of abode within the province, or if no such place of abode shall be known, be left upon the premises in respect of which such notices, orders, or requisitions shall be directed or required to be served; and as respects notices to be served upon any member of the Council or officer of the Corporation, it shall be deemed sufficient service if such notices be forwarded by post, addressed to his last known residence or place of business

PART XIII.

Order of Council for
payment of money,
how enforced.

Service of notices,
orders, &c.

264. Where

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PART XIII.

Service on Corporations.

264. Where it may be requisite to serve any notice, summons, writ, or other legal proceeding upon any Corporation, service of a copy thereof upon the Town Clerk personally, or by leaving the same at the Town Hall or building used as such by the Council, shall be deemed sufficient service on the Corporation.

Service of notices may be proved by affidavit.

265. Whenever it shall be necessary, on the hearing of any information for any offence against the provisions of this Act or the Acts hereby repealed or against any by-law thereunder, to prove the service of any notice an affidavit of the service of such notice, sworn before a Justice of the Peace or Commissioner for taking Affidavits in the Supreme Court, shall be sufficient proof of such service.

Fines and penalties may be recovered before two Justices.

266. All fines and penalties for any offence against this Act, or any Act hereby repealed, or for breach of any by-law of a Council, may be recovered before any two or more Justices of the Peace in a summary way, on an information at the instance of the Council, or of any person or persons whatever.

Proceedings before Justices to be regulated by Ordinance No. 6 of 1850.

267. All proceedings before Justices may be conducted as appointed by, and shall be regulated under, the Ordinance No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders."

On non-payment of penalties, &c., Justice may imprison.

268. In every case of the adjudication of a fine or pecuniary penalty or amends under this Act, or (where the proceedings resulting in such adjudication are taken at the instance of a Council or any duly authorised officer thereof) under any of the Acts or Ordinances mentioned in the Schedule I to this Act, and of the non-payment of such fine or pecuniary penalty or amends, any Justice of the Peace may commit the offender or person making default in payment to any gaol in the said province for any time not exceeding three calendar months, the imprisonment to cease on payment of the sum due and of the costs of such proceedings as may have been taken for the recovery thereof; but this section shall not affect any remedy under the said Ordinance, No. 6 of 1850, or under any of the Acts or Ordinances mentioned in Schedule I to this Act for the recovery of any fine or any pecuniary penalty or amends.

Appeal to Local Court of Adelaide.

269. There shall be an appeal from any order of Justices of the Peace made under the provisions hereinbefore contained, or from any conviction by Justices for any offence against this Act, or any Act hereby repealed, or for breach of any by-law of a Council, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings in such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, but the Local Court of Adelaide aforesaid may make such order as to payment of costs of appeal as the Court shall think fit, although such costs may exceed Ten Pounds.

270. It

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270. It shall be lawful for the Local Court of Adelaide, upon the hearing of any appeal under the last preceding section, to state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases, according to the practice of the Supreme Court on special cases; and the Supreme Court shall make such order as to the costs of any such special case as to the said Court shall appear just; and any one or more Justices of the Local Court of Adelaide shall make an order in respect of the matters referred to the Supreme Court in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the Justices of the Peace or Local Court shall be enforced in manner provided by this Act for the enforcement of orders of Justices of the Peace, and save as herein provided, no order or proceeding of Justices, or of any Local Court, made under the authority of this Act, shall be appealed against or removed by *certiorari* or otherwise into the Supreme Court of the said province.

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Local Court may, on appeal, state case for opinion of Supreme Court.

271. No Mayor or Councillor shall be subject to be sued or prosecuted by any person whomsoever, and the body, goods, or lands of a Mayor or Councillor shall not be liable to any execution of any legal process by reason of any contract or other instrument entered into by any Corporation, or by reason of any other lawful act done by the Council in the execution of any of their powers, and every Mayor and Councillor, and his heirs, executors, and administrators shall be indemnified by the Corporation for all payments made, or liability incurred, in respect of any act done by him, and of all losses, costs, and damages which he may incur in the *bonâ fide* execution of the powers granted to him by this Act, or any Act hereby repealed.

No officer to be sued or prosecuted by reason of contract or liability entered into or incurred by the Corporation.

272. If any person against whom any Corporation shall have any claim or demand shall become insolvent under the provisions of any Act relating to insolvents, the Town Clerk, or other officer in that behalf appointed by the Council, in all proceedings against the estate of such insolvent, or under any adjudication or act of insolvency against such insolvent, may represent the Corporation, and act in their behalf in all respects as if such claim or demand were the claim or demand of the Town Clerk or other officer in his own right.

Proceedings in insolvency may be taken by Town Clerk.

273. In any indictment to be preferred by any Corporation against any person who shall steal or wilfully injure, and in any proceedings to be instituted in relation to any property or thing belonging to or under the management of a Corporation, it shall be sufficient to state generally the property or thing in respect of which such indictment shall be preferred, or proceeding instituted, to be the property of such Corporation.

Property stolen from a Corporation may be stated in indictment to be the property of the Corporation.

274. Every order, summons, notice, or other document in any proceedings in any Court or before any Justices or tribunal requiring authentication by any Corporation or Council shall be sufficiently

Orders, &c., if signed by Mayor or Town Clerk to be sufficiently authenticated.

ciently

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ciently authenticated if signed by the Mayor or Town Clerk, and the same may be in writing or in print, or partly in writing and partly in print.

Proceedings, when to be commenced.

275. All prosecutions for the recovery or infliction of pecuniary penalties and all actions against any Mayor, Councillor, Auditor, officer, or person for anything done or omitted to be done in pursuance of this Act, shall be commenced within three calendar months after the happening of the cause of prosecution or action, and not otherwise, unless hereinbefore to the contrary provided; and notice in writing of any action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action, and the defendant in any such action may plead the general issue and give this Act and the special matter in evidence at any trial; and the plaintiff should not recover in such action if tender of sufficient amends shall be made before action brought, or if after action brought, the defendant shall pay into Court sufficient amends; but in such last-mentioned case the plaintiff shall recover his costs of suit up to the time of payment into Court, and if a verdict shall pass for the defendant, or the plaintiff become nonsuit, or discontinue, or the defendant otherwise recover judgment, he shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.

PART XIV.**PART XIV.**

PROVISIONS AFFECTING THE CORPORATION OF THE CITY OF ADELAIDE ONLY.

Corporate name of the City of Adelaide.

276. The corporate name of the City of Adelaide shall be "The Corporation of the City of Adelaide."

Boundaries of City of Adelaide.

277. The boundaries of the City of Adelaide, until Parliament shall otherwise direct, shall be the exterior boundaries of the Park Lands, as delineated on the public maps and plans deposited in the office of the Surveyor-General in the said city.

Number, names, and boundaries of city wards.

278. The said city shall be divided into six wards, to be known respectively as Hindmarsh Ward, Gawler Ward, Grey Ward, Young Ward, Robe Ward, and MacDonnell Ward, bounded severally as follows—

Hindmarsh Ward.—That portion of the City of Adelaide south of the River Torrens, bounded by a line drawn through the centre of Wakefield-street, and produced both ways until it intersects, towards the west, a line drawn through the centre of King William-street and Victoria-square, and towards the east, the exterior boundary of the Park Lands; then, from the first-mentioned intersection, in a right line northwards, through the centre of Victoria-square, King William-street, and the King
William

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William Road, until it reaches the centre of the River Torrens; thence eastward, along the centre of the said river, until intersected by the eastern exterior boundary of the city; thence southward, along the said eastern exterior boundary as far as the point formed by the intersection of the line through Wakefield-street produced.

Gawler Ward.—That portion of the City of Adelaide south of the River Torrens, bounded by a line drawn through the centre of Grote-street, commencing at the south-west angle of Hindmarsh Ward, and produced through the centre of the Hilton Road until it intersects, towards the west, the exterior boundary of the Park Lands; thence following the said boundary northward until it reaches the centre of the River Torrens; thence continued eastward, along the centre of the said river, until it reaches the north-west angle of Hindmarsh Ward; thence southward, through the centre of the King William Road, King William-street, and Victoria-square, to the point of commencement.

Grey Ward.—That portion of the City of Adelaide south of the River Torrens, bounded on the north by the southern boundary of Gawler Ward; on the east, by the western boundary of Young Ward; on the south, by the exterior boundary of the city, commencing from the point at the south-west angle of Young Ward, and running west to its intersection with the western exterior boundary of the city; thence north, along the western boundary, to the south-west angle of Gawler Ward.

Young Ward.—That portion of the City of Adelaide south of the River Torrens, bounded on the north by the southern boundary of Hindmarsh Ward; on the west, by a right line drawn from the south-west angle of Hindmarsh Ward, running south through the centre of Victoria-square and King William-street, and continued across the Park Lands until it intersects the southern exterior boundary of the city; thence eastward, along the southern boundary until it intersects the eastern exterior boundary; thence northward, along the eastern boundary, to the south-east angle of Hindmarsh Ward.

Robe Ward.—That portion of the City of Adelaide north of the River Torrens, commencing at a point formed by the intersection of the Victoria Road with the centre of the River Torrens, and running northward, along the western boundary of MacDonnell Ward, to the intersection of the centre of Prospect Road with the northern exterior boundary of the city; thence westward, following the said boundary to its intersection with the western exterior boundary of the city; thence southward, along the said western boundary, to its intersection with the centre of the River Torrens; thence eastward, along the centre of the River Torrens, to the point of commencement.

MacDonnell

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MacDonnell Ward.—That portion of the City of Adelaide north of the River Torrens, commencing at a point formed by the intersection of the Victoria Road with the centre of the River Torrens; thence northward, along the centre of the Victoria Road eastward of Montefiore Hill, to the intersection of the centre of Pennington-terrace with the centre of the eastern roadway of Palmer-place; thence along the centre of the eastern roadway of Palmer-place to its intersection with the centre of the roadway of Brougham-place, opposite acre 741; thence eastward, along the centre of the roadway of Brougham-place to its intersection with the centre of the roadway of O'Connell-street; thence northward, along the centre of O'Connell-street and Prospect Road, to the northern exterior boundary of the city; thence eastward, following the said boundary to its intersection with the eastern exterior boundary of the city; thence southward, along the said eastern boundary to its intersection with the centre of the River Torrens; thence westward, along the centre of the River Torrens, to the point of commencement.

Town Acre 203 to continue vested in Corporation.

279. The town acre section of land numbered 203, known as "The Corporation Acre" in King William-street, within the said city, shall continue vested in the said Corporation.

Government reserves excepted from control of Council.

280. Notwithstanding anything contained in clause 80 of this Act, the Reserves and portions of the Park Lands of the said city, hereunder more particularly specified and described (with the exception of the roads and crossings therein), shall not be under the care, control, and management of the Council, that is to say—

This description of the Government Reserves has been supplied by the Surveyor-General from a survey made for the purpose.

1. All that portion of the Park Lands north of the north side of North-terrace and Botanic Road; east of a line being the production northerly of the eastern side of Morphett-street to the centre of the River Torrens, and south of the centre of the said river; exclusive of the land on the western side of King William Road appropriated as City Public Baths, and containing one acre and a half or thereabouts; and also those portions described as follows—

(a.) Commencing at a point on the eastern side of King William Road 396 links southerly from the south-east abutment of the Adelaide Bridge; thence easterly at an angle of $93^{\circ} 41'$ for 452 links; thence northerly at right angles to the centre of the River Torrens; thence westerly along centre of said river to the eastern side of the Adelaide Bridge; thence southerly along said side of bridge and the eastern side of King William Road to the point of commencement.

(b.) Commencing at a point on the western side of King William Road 839 links southerly from the south-west abutment of the Adelaide Bridge; thence west-south-westerly at an angle of $67^{\circ} 15'$ to the centre of the River Torrens; thence north-north-easterly along centre of said river to the western side of the Adelaide Bridge; thence, southerly along

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along said side of bridge and the western side of King William Road to the point of commencement.

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2. All that portion of the Park Lands bounded as follows:—Commencing at the intersection of the north side of North-terrace with the production northerly of the west side of Morphett-street; thence northerly by said production for about 1,150 links, to its intersection with the south side of the River Torrens; thence south-westerly at an angle of $55^{\circ} 16'$ for 1,089 links; thence west north-westerly at an angle of $109^{\circ} 8'$ for 1,096 links; thence at an angle of $173^{\circ} 4'$ for 264 links; thence at an angle of $168^{\circ} 31'$ for 624 links; thence north-easterly at right angles to the south bank of the River Torrens; thence north-north-westerly and westerly along the said bank to the south-east abutment of the railway bridge; thence along the said abutment to the eastern side of the said bridge; thence north-westerly along the said side of the said bridge for 150 links; thence north-easterly at right angles for 155 links; thence north-westerly at an angle of 82° for 523 links; thence at an angle of $171^{\circ} 58'$ for 1,724 links; thence north-north-westerly at an angle of $170^{\circ} 44'$ for 207 links; thence at an angle of $177^{\circ} 22'$ for 204 links; thence at an angle of $176^{\circ} 7'$ for 202 links; thence northerly at an angle of $175^{\circ} 37'$ for 201 links; thence at an angle of $177^{\circ} 51'$ for 200 links; thence at an angle of $176^{\circ} 51'$ for 200 links; thence at an angle of $174^{\circ} 52'$ for 402 links; thence at an angle of $173^{\circ} 52'$ for 205 links; thence at an angle of $177^{\circ} 13'$ for 180 links; thence at an angle of $175^{\circ} 13'$ for 470 links; thence east-south-easterly at an angle of $88^{\circ} 2'$ for 112 links; thence north-north-easterly at an angle of $87^{\circ} 14'$ for 517 links; thence west-north-westerly at an angle of $90^{\circ} 30'$ for 114 links; thence north-north-easterly at an angle of $90^{\circ} 56'$ for 916 links to the south-eastern side of the road south-east of preliminary section 354 in the Hundred of Yatala; thence south-westerly along the said side of the said road for 252 links; thence south-south-westerly at an angle of $30^{\circ} 2'$ for 690 links; thence south-westerly at an angle of $155^{\circ} 58'$ for 408 links; thence south-south-westerly at an angle of $154^{\circ} 41'$ for 857 links; thence east-south-easterly at right angles for 175 links; thence southerly at an angle of $97^{\circ} 27'$ for 377 links; thence at an angle of $175^{\circ} 9'$ for 224 links; thence south-south-westerly at an angle of $163^{\circ} 3'$ for 347 links; thence south-westerly at an angle of $153^{\circ} 11'$ for 136 links; thence north-westerly at an angle of $82^{\circ} 30'$ for 390 links; thence at an angle of $177^{\circ} 48'$ for 517 links; thence at an angle of $177^{\circ} 24'$ for 354 links; thence at an angle of $178^{\circ} 3'$ for 277 links to the south-eastern side of the road aforesaid; thence south-westerly at an angle of $89^{\circ} 6'$ for 100 links; thence south-easterly at an angle of $89^{\circ} 6'$ for 273 links; thence at an angle of $178^{\circ} 3'$ for 350 links; thence at an angle of $177^{\circ} 24'$ for 514 links; thence at an angle of $177^{\circ} 48'$ for 335 links; thence at an angle of $178^{\circ} 33'$ for 199 links; thence at an angle of $178^{\circ} 28'$ for 379 links; thence at an angle of $177^{\circ} 40'$ for 476 links; thence at an angle of $177^{\circ} 3'$ for 388 links; thence at an angle of $179^{\circ} 18'$ for 1,400 links; thence at an angle of $174^{\circ} 20'$ for 252 links; thence at an angle of $174^{\circ} 20'$ to the south-eastern approach

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approach to the railway bridge; thence south-westerly at an angle of $104^{\circ} 38'$ for 236 links; thence southerly at an angle of $152^{\circ} 28'$ for 223 links; thence south-south-easterly at an angle of $161^{\circ} 21'$ for 1,009 links; thence at an angle of $173^{\circ} 35'$ for 271 links; thence east-south-easterly at an angle of $126^{\circ} 12'$ for 644 links; thence at an angle of $173^{\circ} 49'$ for 269 links; thence south-westerly by a line about 80 links north-west of and parallel to the centre line of the Adelaide and Nairne Railway to the south side of the Port Road; thence westerly along the said side of such road to the western boundary of the Park Lands; thence southerly along the said boundary to the northern side of the road north of the preliminary section 6 in the Hundred of Adelaide; thence easterly along the said side of such road for about 150 links; thence northerly and north-easterly by a line about 75 links easterly and south-easterly of and parallel to the centre line of the Adelaide and Nairne Railway, to the north side of the Port Road; thence on a bearing of $57^{\circ} 3'$ for 227 links; thence east-north-easterly at an angle of $175^{\circ} 20'$ for 996 links; thence at an angle of $172^{\circ} 29'$ for 253 links; thence at an angle of $171^{\circ} 36'$ for 200 links; thence easterly at an angle of $173^{\circ} 13'$ for 163 links; thence at an angle of $177^{\circ} 2'$ for 65 links; thence at an angle of $175^{\circ} 11'$ for 150 links; thence at an angle of $172^{\circ} 36'$ for 142 links; thence at an angle of $172^{\circ} 32'$ for 359 links; thence south-easterly at an angle of $162^{\circ} 15'$ for 973 links; thence at an angle of $173^{\circ} 53'$ to the northern side of North-terrace aforesaid; and thence easterly along the said side of North-terrace, to the point of commencement.

3. All those portions of the Park Lands bounded as follows—

- (a.) Commencing at the intersection of the west side of West-terrace with the production westerly of the south side of Currie-street; thence westerly by the said production for 634 links; thence southerly at right angles for 639 links; thence easterly at right angles for 634 links, to the west side of West-terrace aforesaid, and thence northerly along the said side of West-terrace to the point of commencement:
- (b.) Commencing at the intersection of the west side of West-terrace with the production westerly of the north side of Franklin-street; thence north along the said side of West-terrace for 84 links; thence westerly at right angles for 340 links; thence southerly at right angles for 330 links; thence easterly at right angles for 340 links, to the west side of West-terrace aforesaid, and thence northerly along the said west side of West-terrace to the point of commencement:
- (c.) Within a radius of 125 feet from a point 400 feet south of the southern boundaries of town acres 662 and 663, and 250 feet west of a line being the production southerly of the eastern boundaries of town acres 661 and 662:
- (d.) Commencing at the intersection of the western side of Dequetteville-

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Dequetteville-terrace with the southern side of the Botanic Road; thence southerly along the western side of Dequetteville-terrace for 704 links; thence westerly at right angles for 600 links; thence northerly at right angles for 452 links to the southern side of the Botanic Road aforesaid, and thence north-easterly along the southern side of the Botanic Road to the point of commencement:

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(e.) Commencing on the northern side of Barton-terrace opposite the north-western corner of town acre 918; thence easterly along the northern side of Barton-terrace for 576 links; thence northerly at right angles for 576 links; thence westerly at right angles for 576 links, to the eastern side of Barton-terrace aforesaid, and thence south along the eastern side of Barton-terrace to the point of commencement.

4. All that portion of the West Park Lands appropriated as a public cemetery, and containing sixty-one acres or thereabouts.

281. The Governor, with the advice and consent of the Executive Council, may, by Proclamation in the *Government Gazette*, take the temporary control of and use any portion of the Park Lands of the said city which may be required for the purpose of military training and exercise, or for other military purposes.

The Governor may take temporary control of Park Lands for military purposes.

282. Notwithstanding the repeal by the "Adelaide Sewers Act" of the provisions relating to sewers and sewerage contained in "The Municipal Corporations Act, 1861," all contracts, acts, matters, and things heretofore entered into, done, performed, or executed by the Council since their repeal, shall have the same validity and effect as if the said provisions had not been repealed.

Sewage contracts entered into to be valid.

283. Every person who would under the provisions of this Act be liable for the payment to the Corporation of a moiety of the expense of paving any footway or portion of a footway with asphalt shall be equally liable to pay to the Corporation the moiety of the expense incurred by the Council in the past in paving footways with asphalt; and such moiety of the expense may, by the Council, by any writing under the hand of the Mayor or Town Clerk, be ordered to be paid by such person to the Corporation.

Moiety of costs of asphaltting footways before this Act may be recovered.

PART XV.

PROVISIONS RESPECTING ALDERMEN.

PART XV.

284. The provisions of this part of this Act relating to Aldermen shall, after Proclamation by the Governor in the *Government Gazette*, made upon the petition of the Council of any municipality, be applicable to such municipality, and after such proclamation the Council of such municipality shall consist of Aldermen, in addition to the Mayor and Councillors.

After Proclamation by Governor this part of Act to apply to any municipality.

285. No

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Poll of ratepayers to be taken before petition presented.

285. No such petition shall be presented by any Council until after a poll of the ratepayers of the municipality shall have been taken, affirming a proposition in favor of this part of this Act applying to such municipality, and of the intention to hold which poll one month's previous public notice shall have been given by such Council; nor unless such petition be accompanied by a certificate under the hand of the Mayor and Town Clerk of the result of such poll.

How poll to be taken.

286. The proposition to be submitted to the ratepayers at such poll shall be the following—

Are you in favor of a resolution that for the future there shall be Aldermen in the Council of this municipality as well as Councillors, and that after the first election of Aldermen no person shall be eligible for election as Mayor unless he shall have previously served in the Council for a year?

and the voting at such poll and the manner of conducting any meeting for taking the same shall be in all respects the same as at a loan or rate meeting under Part ix. of this Act.

Particulars to be contained in Proclamation.

287. Every Proclamation under this part of this Act shall define the number of Aldermen (not being less than three nor more than six) to be elected for the municipality, and the number of such Aldermen who shall annually retire.

How first Aldermen to be elected.

288. On the first day of December next, after the publication of such Proclamation, the ratepayers of the municipality shall elect from among themselves such number of persons as shall be appointed by such Proclamation to be Aldermen of the municipality.

Qualification and mode of election of Aldermen first elected.

289. The qualification, mode of election, and swearing-in of such Aldermen shall be the same in all respects as the qualification, mode of election, and swearing-in of the Mayor of the municipality, with such variations as the nature of their office may require.

Mode of retirement of first Aldermen.

290. On the first of December next after such election as last aforesaid, and on the first day of December in every year thereafter, such number of Aldermen as shall have been appointed by Proclamation as aforesaid to retire annually shall retire from office, but shall be eligible for re-election if then qualified; and for the purpose of determining the order of their retirement, it is enacted that the first Alderman to retire shall be the one for whom the least number of votes shall have been recorded; the second to retire shall be the one for whom the next least number of votes shall have been recorded, and so, in rotation, until the last of the Aldermen elected, as aforesaid, shall have retired; and thereafter such Alderman or Aldermen shall annually retire as shall have been longest in office without re-election, and in any case where the order of retirement cannot be so ascertained, by reason of an equality of votes or of tenure of office, the same shall be determined by lot.

291. No

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291. No person shall be qualified or eligible for nomination, or be elected as Mayor, unless he shall have previously been elected to and have served in the office of Mayor, Alderman, or Councillor of the municipality for at least one year.

PART xv.

Qualification of Mayor

292. All Aldermen elected as herein provided shall be members of and form part of the Council, and all the provisions in this Act relating to the constitution, powers, and authorities of the Council, the disqualification of Mayors and Councillors, the causes creating vacancies in the Council, the nominations for and mode of election for the Mayor and Councillors, the filling of any extraordinary vacancies in such offices, the swearing-in of and acceptance of office by members of the Council, their liabilities for non-acceptance of office, and all other provisions having relation to the several matters aforesaid, shall (except as modified or altered by this part of this Act) be construed as if the office of Aldermen had been inserted throughout those provisions in addition to the offices of Mayor and Councillors.

Aldermen to be members of Council.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

Municipal Corporations Act.—1880.

SCHEDULES REFERRED TO.

A.

Acts Repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
No. 16 of 1861	"The Municipal Corporations Act, 1861."	The whole
No. 21 of 1862	"An Act to amend the Municipal Corporations Act, 1861."	The whole
No. 5 of 1863	"The Municipal Corporations Amendment Act, 1863."	The whole
No. 13 of 1865-6	"The Corporations Amendment Act, of 1865-6."	The whole
No. 23 of 1873	"The Municipal Corporations Amendment Act, 1873."	The whole
No. 60 of 1877	"The Municipal Corporations Further Amendment Act 1877."	The whole
No. 79 of 1877	"The Municipal Corporations Amendment Act, 1877."	The whole

B.

CLAIM of A. B., of [*insert the residence and calling of the claimant*], to have his name inserted on the Ratepayers' List of the City of Adelaide [*or Town of* *as the case may be*] for *Ward*, in right of [*insert description of property*], situate in [*insert name of street, or number of the acre*] within the said *Ward*, being No. *18*, in [*or omitted from, as the case may be*] the assessment for the present year; *or* being No. *18* in the assessment, and omitted from the Ratepayers' List for the present year; *or* being omitted from the Ratepayers' List for the present year. Dated the *18* day of *18*.

[*Signature of Claimant*]

OBJECTION of C. D. [*insert the residence and calling of the objector*], to E. F., [*insert name and description of E. F., as entered on Ratepayers' List*] having his name retained on the Ratepayers' List of the City of Adelaide [*or Town of* *as the case may be*] for *Ward*, on the ground [*shortly state the objection*]. Dated the *18* day of *18*.

[*Signature of Objector.*]

C.

Corporation of the City of Adelaide [*or Town of* *as the case may be*]*—Election of Corporate Officers for the year ending 1st December, 18* .

Nomination of Mayor or Auditor.

I, A. B., of [*insert name, residence, and calling, and No. on the Ratepayers' Roll*] hereby propose, and I, C. D., [*insert the like*] hereby second E. F., of [*insert the description of candidate*] as a fit and proper person to be Mayor [*or one of the Auditors*] [*as the case may be*], of the City of Adelaide, *or* Town of *Ward*.

[*Signature of A. B.*]

[*Signature of C. D.*]

[*Signature of E. F.*]

I consent to act if elected,

Nomination of Councillor.

Ward.

I, A. B., of [*insert name, residence, and calling, and No. on the Ratepayers' Roll*] hereby propose, and I, C. D., [*insert the like*] hereby second E. F., of [*insert the description of candidate*] as a fit and proper person to represent this *Ward* as one of its Councillors.

[*Signature of A. B.*]

[*Signature of C. D.*]

[*Signature of E. F.*]

I consent to act if elected,

D.

Municipal Corporations Act.—1880.

D.

Slaughterhouse Regulations—First, as to Great Cattle.

1. Cattle brought for slaughter shall be slaughtered during the hours which intervene between sunrise and sunset on any working day throughout the year; and on Saturdays during the summer months, viz., from 1st November to 31st March, may be slaughtered after sunset up to 10 o'clock at night. Slaughtering will only be permitted on Sundays during the summer months before mentioned, and then after sunset.

2. Every butcher or other person having need or requiring to slaughter cattle on Sundays shall give notice thereof to the Inspector of the slaughterhouse before 5 o'clock in the afternoon of the same day; and the slaughterhouse will only be opened on those Sundays of which notice shall be given to the Inspector as aforesaid.

As to slaughtering on Sundays.

3. All cattle sent to the slaughterhouse for the purpose of slaughtering shall, after being slaughtered, be skinned, dressed, and washed clean before being taken away.

Cattle slaughtered to be properly skinned, &c.

4. Every butcher or other person shall pay to the Inspector the amount of fees due for the number of cattle slaughtered for or by him during each week, or on each day if demanded.

Fees to be paid.

5. If any bull, cow, ox, heifer, steer, or calf, shall be left in any pen or yard adjoining or appurtenant to the slaughterhouse for any longer time than thirty-six hours without food, the Inspector of the Slaughterhouse shall feed the same, and charge the cost thereof to the owner or person putting in any such animal; and if left in any pen or yard or appurtenance as aforesaid for any longer time than four days, either with or without food, the said Inspector is hereby directed and required immediately to impound the same unless permission for any longer period shall first have been obtained from the Council.

Cattle left in any pen or yard.

6. Any person or persons breaking or infringing these rules and regulations, or any or either of them, and in respect whereof a penalty may not be already provided, shall be fined a sum not exceeding Five Pounds for each such offence.

Penalty when not otherwise provided.

7. The Inspector of Slaughterhouses shall carefully enter into books provided for that purpose the number of cattle daily slaughtered, with the brands and all other necessary particulars, and report thereon every Monday to the Council, and failing in either case to do so shall be fined as last aforesaid.

Inspector to keep brands, &c.

Second, as to Small Cattle.

1. The building to be licensed for the slaughtering of calves under twelve months old, sheep, goats, and swine, shall not be less than eight feet by ten feet, or of an area less than eighty feet, and walls eight feet high, and shall be built of brick, stone, or concrete, and of the thickness of nine inches at least, with roof of incombustible material; the floor of the building shall be of such material and in such form as is directed by regulations of the Local Board of Health.

Building to be licensed.

2. The building to be licensed as aforesaid shall, where practicable, be at least fifty feet from any public way, and ten feet at least from any building other than the buildings forming part of the same premises; the Council, in granting the licence, to decide as to the practicability or otherwise of the said distances.

Distance from public way, &c.

3. Licences may be issued for the year commencing 1st June in each year, or for the half-years commencing 1st June and 1st December in each year, in the discretion of the Council; the fee for such licence not to be less than £5, nor to exceed £10, payable in each case in advance.

Licences.

4. No person shall have or be entitled to apply for a licence to keep a slaughterhouse in the municipality otherwise than upon the terms of these conditions.

Licence only to be granted on these conditions.

5. Every slaughterhouse shall be well ventilated in the roof, or as near thereto as possible.

Ventilation of building.

6. Pits for the reception of blood shall in no case be allowed to be made or continued in the floor of any slaughterhouse.

7. The inside walls and ceiling of every slaughterhouse shall be lime-whitened at least once in every month during the year; and every slaughterhouse shall be provided with a good and constant supply of pure water.

Walls to be lime-whitened.

8. The Inspector of Slaughterhouses and Sanitary Inspectors of the Council shall frequently inspect the said licensed slaughterhouses, and cause these regulations to be strictly observed; and shall have full power, without any further authority other than the appointment to such office by the Council, to inspect the licensed premises at all hours of the day and night in the execution of the duties of their office.

Licensed slaughterhouses to be frequently inspected.

9. Any

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Licence liable to forfeiture.

9. Any licensed person obstructing any Corporation officer in the performance of his duty will render his licence liable to forfeiture by the Council.

Penalty.

10. Every licensed person neglecting to carry out these regulations, and each of them, shall, for the first offence, be fined a sum not less than One Pound and not exceeding Five Pounds; for the second offence, not less than Two Pounds and not exceeding Ten Pounds; and for the third and every subsequent offence, Ten Pounds.

Licence may be withdrawn.

11. The Council may at any time, upon information proved before any Justice of the Peace of a violation of any of these conditions, deprive a licensed person of his licence for such a time as the Council may deem proper; and any person so deprived found slaughtering, or causing or suffering to be slaughtered, any animal aforesaid shall be dealt with as unlicensed.

As to slaughterhouses already erected.

12. The Council shall have the power, in respect to any private slaughterhouses already erected and licensed, to dispense with such or so much of these conditions as may be thought advisable; but nevertheless the slaughterhouse shall be so constructed as to prevent a nuisance to the neighbourhood in which it is situated.

Removal of garbage.

13. Every occupier of a slaughterhouse shall provide and keep a sufficient number of tubs, boxes, or vessels, with tight and close-fitting covers thereto, constructed to the satisfaction of the Local Board of Health or their authorised officer, for the purpose of receiving and conveying away all manure, garbage, and filth, and shall in all cases, immediately after the killing and dressing of any cattle in such slaughterhouse, cause all such manure, garbage, and filth to be placed in such tubs, boxes, and vessels; and such tubs, boxes, and vessels, together with their contents, shall be removed to such place, at such interval of time, with such precautions, and within such hours, as may from time to time be fixed by the Local Board; and all the blood arising from the slaughtering of cattle shall be put into separate tubs or vessels with close-fitting covers, and shall be carried away from the slaughterhouse without delay, and shall not be permitted to flow in the channel or sewer, or open street: Provided always, that no blood shall be put into the same tubs or vessels in which the manure, garbage, or other filth are put.

Cleansing of utensils.

14. All the tubs and vessels which are used for the removal of any manure, filth, and garbage, and all the tubs and vessels which are used for the removal of blood from any slaughterhouse, shall, immediately after being used for such removal, be thoroughly emptied, cleansed, and purified, and the floor of such slaughterhouse shall then be also effectually scoured and cleansed; and the whole shall generally be kept in such a condition that neither within the slaughterhouse nor without it shall there be any offensive smell arising therefrom.

Removal of skins, &c.

15. Every occupier of such slaughterhouse shall remove or cause to be removed from such slaughterhouse the hides and skins of any cattle that shall be slaughtered therein within two days next after such cattle shall have been slaughtered.

No privy to be near.

16. No occupier of any slaughterhouse shall build or permit an access or opening to any privy or cesspool from such slaughterhouse to be made, or, if now made, to remain; nor shall any such occupier permit or suffer any pigs or other animals to be kept in any slaughterhouse except for the purpose of being fasted previous to being killed.

Repairs.

17. Every occupier of a slaughterhouse shall, on the request of the Local Board, or of their authorised officer in that behalf, forthwith cause all repairs in or concerning such slaughterhouse which such occupier shall be required by such request as aforesaid to perform, to be executed to the satisfaction of the said Board, or of their authorised officer, as the case may be.

Inspectors to have access to premises.

18. All members and all authorised officers of the Local Board shall have free access to any and every slaughterhouse within the municipality, whether licensed or not, and to every part thereof at the time when they shall demand admission for the purpose of inspecting and examining into the condition thereof, with regard to the cleanliness, ventilation, and management thereof.

E.

Notice of Appeal against Assessment.

Sir—You are requested to take notice that I appeal to the [*here state to the Council or the Local Court, as the case may be*] against the assessment of my property (or the property

Municipal Corporations Act.—1880.

property of), street, Acre No. , Assessment No. Ward,
 on the following grounds :—[*here set forth grounds of appeal*].
 Dated at , the day of , 18
 I am, Sir, your obedient servant.
 To the Town Clerk, Adelaide (*or as the case may be*), or to the Town Clerk.
 Adelaide (*or as the case may be*), and the Clerk of the Local Court of

F.

Notice of Appeal from the Decision of the Council.

To the Town Clerk at and Mr. the Clerk
 of the Local Court of
 Take notice that it is my intention to appeal to the Local Court of Full Jurisdiction
 at from the decision of the Council of the Corporation
 of on my appeal thereto against the assessment, and I appeal
 to such Local Court against such decision and such assessment on the following
 grounds :—[*here set forth grounds of appeal*].
 Dated at the day of 18
 I am, Sir, your obedient servant,

G.

Fees and Charges which may be taken by any Collector of Rates upon each distress made in pursuance of this Act, for rates in arrear, and for any sale consequent upon such distress.

	£ s. d.
For every levy	0 1 0
Man in possession, each day	0 5 0
Inventory, sale, and delivery of goods	{ 6d. in the £1 on the net proceeds of sale
Collector's poundage on executing warrant and effecting sale	{ 1s. in the £ on the net proceeds of sale

H.

The Corporation of the City of Adelaide [or Town of as the case may be].

Notice is hereby given, that there is now due in respect of the premises mentioned in the Schedule hereto the sum [or respective sums] set opposite to the description of such premises in the said Schedule, for a rate or rates made [or declared] by the Corporation of for the year [or years] ending as in the said Schedule mentioned; and the owner [or owners] of such premises are required to take notice that unless the amount [or amounts] so due, together with the costs of and attending this notice, be paid in one year from the first publication of this notice, the said Corporation will let the same from year to year, in manner provided by "The Municipal Corporations Act, 1880," or an application will be made by the said Corporation to the Supreme Court for an order for the sale of the said land [or lands], or so much thereof as may be necessary to produce the rates so due and costs as aforesaid, and also the costs of and attending the said publication, together with interest and all other moneys due to the said Corporation in respect thereof.

Dated this day of , 18 . , Town Clerk.

The Schedule.

Description of land.	Name of owner, or reputed owner (or state if owner unknown).	Number of years for which rates in arrear.	Date of ending of last year for which rates in arrear.	Amount of Rates.

I.

Municipal Corporations Act.—1880.

I.

Acts and Ordinances for offences against which the Penalties are to be paid to Corporations.

Reference to Act.	Title of Act.
No. 5 of 4 Vic. (1840) No. 2 of 1844	An Act to regulate the Slaughtering and prevent the Stealing of Cattle. An Ordinance to authorise the Levying of Fees on the Slaughtering of Cattle in South Australia.
No. 13 of 6 Vic. (1843) No. 7 of 1845	An Act for establishing Standard Weights and Measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient. An Ordinance to amend "An Act for establishing Standard Weights and Measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient."
No. 10 of 1845 No. 16 of 1845 No. 19 of 1847	An Ordinance to regulate the Sale of Bread in South Australia. An Ordinance to regulate the use of Weighbridges and Steelyards. An Ordinance to impose Penalties on persons injuring or endangering the property of others by wilful or negligent burning of stubble or other produce.
No. 17 of 1852 No. 11 of 1863 No. 15 of 1865-6 No. 8 of 1858 No. 5 of 1862 No. 26 of 1862 No. 18 of 1864 No. 15 of 1874 No. 6 of 1867 No. 12 of 1867 No. 9 of 1868-9	An Act for the making and improving of Roads in South Australia. The Roads Amendment Act, 1863. The Roads Act, 1865-6. The Impounding Act of 1858. An Act to regulate the Sale of certain Poisons The Thistle and Bur Act of 1862. The Bush Fires Act, 1864. An Act to amend "The Bush Fires Act, 1864." The Dog Act, 1867 (as to one moiety only). The Width of Tires Act of 1867 (as to one moiety only). An Act to amend the "Width of Tires Act of 1867," excepting as regards penalties, fees, and moneys received in respect of offences committed on any main road (as to one moiety only).
No. 16 of 1872 No. 33 of 1876 No. 6 of 1875	An Act to provide for the carrying of Light by Vehicles at Night (as to one moiety only). An Act to amend Act No. 16 of 1872, intituled "An Act to provide for the carrying of Light by Vehicles at Night." An Act to regulate the use of Guns and Firearms in certain cases.