1849.

No. 11.

ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

To constitute a Municipal Corporation for the City of Adelaide.

[24th August, 1849.]

WHEREAS it is expedient for the care and management of the local interests of the Inhabitants of the City of Adelaide, and for the improvement thereof, to Incorporate the said Inhabitants:

Be it therefore Enacted, by the Governor of South Australia, with the advice and consent of the Legislative Council thereof—that from and after the commencement of this Ordinance, the Inhabitants of the said City, and their Successors, Inhabitants to be incorporated.
Inhabitants of the same, shall be and they are, hereby, constituted a Body Corporate and Politic, by and under the name, style, and title of the Mayor, Aldermen, Councillors, and Citizens of the City of Adelaide; and under that name shall have Perpetual Succession, and shall be capable in Law, by the Council hereinafter mentioned, to sue and be sued, and to implead and be impleaded, in all Courts of Law and Equity, and other places, in all manner of Actions, Causes, and Matters whatsoever, and to accept, take, purchase, and hold Lands, Tenements, and Hereditaments, Goods, and Chattels, and to do all such other and further acts and things as are in this Ordinance set forth and authorised to be done and suffered; and shall and may have a Common Seal; and in all cases of Legal Proceedings, service of notice thereof upon either the Mayor or Town Clerk for the time being, shall be deemed and taken as good and sufficient service upon the Corporate body.

II. AND BE IT ENACTED, That the Boundaries of the said City shall be those which are defined in the Schedule to this Ordinance annexed, marked A.

III. AND BE IT ENACTED, That the said City shall be divided into four Wards to be called, respectively, Hindmarsh Ward, Gawler Ward, Grey Ward, and Robe Ward; and that the boundaries of the said Wards shall be those which are described in the Schedule to this Ordinance annexed, marked B.

IV. PROVIDED ALWAYS, AND BE IT ENACTED, That the boundaries of the said City, and of the said several Wards, shall be and remain as they are in the said Schedules respectively fixed and determined, until otherwise enacted by Law.

V. AND BE IT ENACTED, That whenever in the description of the boundaries, either of the whole City or of the Wards thereof contained in the said Schedules A and B, the word Northward or Southward, Eastward or Westward, be used, such word shall only mean the general direction in which such boundary shall proceed, and that whenever any Street or Road be mentioned, the centre of such Street or Road shall always be meant, unless otherwise expressed.

VI. AND BE IT ENACTED, That whenever any doubt shall arise whether any House or other Building be within one or any other Ward of the said City, it shall be competent for the Mayor and Council of the said City to decide such doubt; and such decision shall be final.

VII. And
VII. AND WHEREAS it is expedient that the metes and bounds of the said City, and of the several Wards into which the same is hereby directed to be divided, be constantly maintained, and generally known: BE IT ENACTED, that the Mayor of the said City, within six months after the first election of Mayor under this Ordinance, shall cause to be set up, at the expense of the Body Corporate, permanent and conspicuous boundary marks of iron, wood, stone, or other durable material, in exact conformity with, or as near as circumstances will admit, the respective metes and boundaries of the said City, and the several Wards thereof, and in the most public and convenient place along or near the line of such metes and bounds; and further, within the period of six calendar months after the expiration of every successive period of three years thereafter, a circuit of perambulation of the metes and boundaries of the said City, and of the several Wards into which the same is divided, shall be made by the Mayor, accompanied by the Town Clerk of the said City; and the Town Clerk shall, at the time of making such perambulation, inquire whether the name or names whereby the same metes and bounds, or any part thereof, are or is described, have or has been changed, and by what name or description the same are, or is, then commonly known and distinguished; and if any change in the description thereof shall have taken place, shall note the same in a book to be kept by him for that purpose, to be called the Boundary Book of the said City; and the Mayor is hereby required, in the event of any of the said boundary mark or marks, as aforesaid, being obliterated or defaced, to cause the same to be renewed at the expense of the Body Corporate, within three calendar months next after such perambulation as aforesaid.

VIII. AND BE IT ENACTED, That every Mayor or Town Clerk, who shall neglect to perform the duties hereinbefore prescribed, shall forfeit and pay the sum of Twenty Pounds, to be recovered by action in any Court of competent jurisdiction, by any person who shall sue for the same; one-half to be paid to the person who shall sue for the same, and the other half, after deducting the expenses of so suing, to be ascertained by such Court, to be paid to Her Majesty, Her Heirs and Successors, for the public uses of the said Province.

IX. AND BE IT ENACTED, That every person who shall wilfully or maliciously pull down, deface, obliterate, injure, conceal, or destroy any such boundary marks as aforesaid, shall, for every such offence, forfeit and pay, in addition to the value of such boundary mark or marks as aforesaid, any sum not exceeding Forty Shillings, to be recovered, paid, and levied according to the provisions of this Ordinance.
Ordinance relative to offences against the same, punishable upon summary conviction.

X. AND BE IT ENACTED, that every male person of the full age of Twenty-one years, who, on the day of the passing of this Ordinance, shall have occupied any House, Warehouse, Counting-house, or Shop within the said City, either as Owner or Tenant thereof, during one whole year preceding such date; and also during the term of such occupation shall have been an Inhabitant Householder within the said City, or within seven miles of the same, shall, on being duly enrolled according to the provisions hereinafter contained, be a Citizen and a Member of the Body Corporate of the City, Aldermen, Councillors and Citizens of the said City; and that every male person of the full age aforesaid who, on the last day of September in any year after the Incorporation of the said City, shall have occupied any House, Warehouse, Counting-house, or Shop within the said City, either as Owner or Tenant thereof, during the whole of one year preceding such date; and also during the term of such occupation shall have been an Inhabitant Householder within the said City, or within seven miles thereof, shall, if duly enrolled in that year, according to the provisions hereinafter contained, be a Citizen of the said City, and Member of the Body Corporate of the Mayor, Aldermen, Councillors and Citizens of the same: PROVIDED ALWAYS, that no such person shall be so enrolled in any year unless he shall have paid, on or before the last day of September aforesaid, all such Rates, including therein all City Rates (if any), directed to be paid under the provisions of this Ordinance, as shall have become payable by him in respect of the said premises, except such as shall become payable within three calendar months next before the said last day of September: PROVIDED also, that the premises in respect of the occupation of which any person shall have been so enrolled need not be the same premises, or in the same Ward, but may be different premises in the same Ward, or in different Wards, within the said City: PROVIDED LIKewise that no person, being an alien, shall be so enrolled in any year: PROVIDED also, that in every case under this Ordinance, the distance of seven miles aforesaid shall be computed by the nearest public road or way, by land or water, from the nearest part of the boundary of the City.

XI. AND BE IT ENACTED, that where any House, Warehouse, Counting-house, or Shop as aforesaid, in the said City, shall come to any person by descent, marriage, marriage settlement, or devise, such person shall be entitled to reckon the occupancy by the person from, or by, whom such House, Warehouse, Counting-house, or Shop shall have so come to him, as his own occupancy con-
XII. AND BE IT ENACTED, That the Collector or Collectors appointed under this Ordinance shall, on or before the fifth day of October in every year, make out an Alphabetical List, to be called the Citizen List, according to the form in the Schedule to this Ordinance annexed, marked C, of all persons who shall be entitled to be enrolled in the Citizen List, according to the provisions of this Ordinance, in respect of property within each Ward respectively; and the Collector or Collectors so appointed, shall sign such Citizen Lists, and shall deliver the same to the Town Clerk of the said City, on the said fifth day of October in every year; and each Collector shall keep a true copy of the list so delivered by him, to be perused by any person, without payment of any fee, at all reasonable hours between the fifth and fifteenth day of October in every year; and the Town Clerk shall forthwith cause copies to be printed of all such lists delivered to him, and shall deliver a copy of any such list to any person requiring the same, on payment of a reasonable price for each copy; and shall cause a copy of the Citizen List of each Ward to be fixed on some public and conspicuous building within the Ward, on every day during the week next preceding the fifteenth day of October in each year.

XIII. AND BE IT ENACTED, That any person whose name shall have been omitted in any such Citizen List, and who shall claim to have his name inserted therein, shall, on or before the fifteenth day of October in every year, give notice thereof to the Town Clerk in writing, according to the form in the Schedule to this Ordinance annexed, marked D, or to the like effect; and every person whose name

Collectors to make
lists of all per-
sons entitled to be
enrolled citizens.

Schedule C.

Persons omitted in
Citizen Lists, to give
notice to Town Clerk.

Schedule D.
name shall have been inserted in any Citizen List, may object any other person as not being entitled to have his name retained in the Citizen List; and any person so objecting shall, on or before the fifteenth day of October in every year, give to the Town Clerk, and also to the person objected to, or leave at the premises in respect of which his name shall be inserted in the Citizen List, notice thereof in writing, stating concisely the grounds of objection according to the form in the Schedule to this Ordinance annexed, marked E, or to the like effect; and the Town Clerk shall include the names of all persons so claiming to be inserted on the Citizen List, in a list according to the form in the Schedule to this Ordinance annexed, marked F; and shall include the names of all persons so objected to, as not entitled to be retained on the Citizen List, in a list according to the form in the Schedule to this Ordinance annexed, marked G; and shall cause copies of such several lists to be fixed on the outer doors or walls of the said public conspicuous buildings, during the eight days next preceding the first day of November in every year; and the Town Clerk shall likewise keep a list of the names of all persons so claiming as aforesaid, and also a list of the names of all persons so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days (Sundays excepted) next preceding the first day of November in every year; and shall deliver a copy of each of such lists to any person requiring the same, on payment of a fee of two shillings and sixpence for each copy, to be applied in aid of the City Fund.

Schedule E.

Schedule F.

Schedule G.

An alderman and two assessors, to revise lists in each ward, retain, insert, and expunge names.

XIV. AND BE IT ENACTED, That an Alderman and two Assessors, to be chosen as hereinafter mentioned, in every year, by the Citizens of every Ward, shall respectively hold an open court within such Ward, for the purpose of revising the said Citizen Lists; such revisions to take place at such time as the said Alderman and Assessors shall appoint, between the first day of November inclusive and the fifteenth day of November inclusive, in each and every succeeding year; they having first given three clear days' notice of the holding of such court, such notice to be placed on the outer doors respectively of the Town Hall, when erected, and in the meantime on such place as the Council shall fix, being some public and conspicuous building within the said Ward; and the Town Clerk, or person acting as such, shall, at the opening of the Court, produce the said list, and a copy of the lists of the persons so claiming, and of the persons so objected to, made out in manner aforesaid; and the Collectors of Rates under this Ordinance shall attend the court, and shall answer, upon oath, all such questions as the court may put to them, or any of them, touching any matter necessary for revising the Citizen List; and the said Alderman shall insert in such list the name of every person.
A person who shall be proved, according to the provisions of the court, to be the true owner of the property or any part thereof, shall be entitled to be inserted therein, according to the provisions of this Act.

XV. An ordinance of the said city, to be known as the Acts of the Common Council of the City of the City of Alde, to be passed at the next meeting of the same, on the day of the said city, shall be in force and effect, providing that no person, unless the party so applying shall have been objected to by any person, except the party so applying, and shall have been proved by the saidAlde, to be the true owner of the property or any part thereof, shall be entitled to be inserted therein, according to the provisions of this Act.

The said Alde shall have power to adjourn the said meeting from time to time, unless notice shall have been given, as hereinbefore provided, of the day on which the said meeting shall be held. And the said Alde and Assessors, by the decision of the three
three or any two of them, shall, upon the hearing in open Court, determine upon the validity of such claims and objections; and the said Alderman shall, in open Court, write his initials against the names struck out or inserted, and against any part of the said lists in which any mistakes shall have been corrected; and shall sign his name to every page of the list so settled: Provided, that in case it shall appear to the said Alderman and Assessors, that any objection made to the name of any person on the said list, on enquiry, shall appear to them to be frivolous or vexatious, it shall be lawful for them to award such costs, not exceeding twenty shillings, as to them shall seem meet, against the parties so objecting, the same to be recovered in a summary manner, as hereinafter provided for.

In case it shall appear that any frivolous objection is made to the name of any person, the Court may award costs, not exceeding twenty shillings, against the party objecting.

**Affirmation may be substituted for an oath.**

**XVI. AND BE IT ENACTED,** That every person authorised by law to make an affirmation instead of taking an oath, shall make such affirmation in every case in which, by this Ordinance, an oath is required to be taken; and if any person taking any oath required by this Ordinance, or making any affirmation instead of taking such oath, shall wilfully swear or affirm falsely, such person shall be deemed guilty of Perjury, and shall be punished accordingly.

**Revised lists to be kept by the Town Clerk.**

**XVII. AND BE IT ENACTED,** That the Citizen Lists of each Ward so revised and signed as last aforesaid, shall be delivered by the said Alderman to the Town Clerk, who shall keep the same, and shall cause each of the said Citizen Lists to be fairly and truly copied into an alphabetical list, in books to be by him provided for that purpose—the Citizen List of each Ward being kept separate— with every name therein numbered, beginning the numbers from the first name, and continuing them in a regular series to the last name; and shall cause such book to be completed on or before the twenty-second day of November in every year; and shall deliver such books, together with the lists, at the expiration of his office, to the person succeeding him in such office; and every such book in which the said Citizen Lists shall have been copied, shall be the Citizen Roll of the Citizens of the several Wards of the City entitled to vote, after the commencement of this Ordinance, in the choice of the Aldermen, Councillors, Assessors, and Auditors of the said City, as hereinafter mentioned, at any election which may take place in the said City, between the first day of December inclusive, in the year wherein such Citizen List shall have been made, and the first day of December in the succeeding year.

**Copies of the citizen roll, to be written or printed for distribution.**

**XVIII. AND BE IT ENACTED,** That the Town Clerk shall cause copies of the Citizen Roll in every year, to be written or printed, and shall deliver one copy of each list to each Alderman; and further
Further, copies to all persons applying for the same, on payment of a reasonable price for each copy; and the amount received for such copies, and for copies of the Collectors' lists, and of the lists of claims and objections as aforesaid, shall be paid over to the Treasurer of the said City, and shall be applied by him in aid of the City Fund, hereinafter mentioned.

XIX. And be it enacted, That it shall be lawful for any person, whose claim shall have been rejected, or name expunged, at the revision of the Citizen Roll of the said City, to apply before the end of the term then next following, to the Supreme Court, or a Judge thereof, for a mandamus to the Alderman of his Ward, to insert the name of such person upon the Citizen Roll, and thereupon for the Court or Judge to enquire into the title of the applicant to be so enrolled; and if the Court or Judge shall award such mandamus, the Alderman shall be bound to insert the name upon the Citizen Roll, and shall add thereunto the words "By order of the Supreme Court;" and shall subscribe his name to such words; and thereupon the person whose name shall be so added to the Citizen Roll, shall be deemed a Citizen, and entitled to vote and act as a Citizen in all respects as if his name had been put upon the Citizen Roll at the Revision Court of his Ward; and upon every such application, the Court or Judge shall have power to make such order with respect to the costs, as to the said Court or Judge shall seem fit.

XX. And be it enacted, That the Council hereinafter mentioned, shall take an account of the reasonable expenses incurred by the Collectors and Town Clerk, in carrying into effect the several provisions of this Ordinance, so far as relates to the said lists, and the revision and publication thereof; and shall order their Treasurer to pay the same out of the said City Fund.

XXI. And be it enacted, That there shall be elected at the time, and in manner, hereinafter mentioned, one fit person who shall be, and be called, the "Mayor" of the said City; and in the different Wards of the said City there shall be elected at the time, and in the manner, hereinafter mentioned, four fit persons who shall be, and be called, the "Aldermen" of the said City; and twelve persons who shall be, and be called, the "Councillors" of the said City; and such Mayor, Aldermen, and Councillors for the time being, or so many of them as shall at any time be elected and have accepted the offices, shall be, and be called, the Council of the said City.

XXII. And be it enacted, That every Citizen who shall be enrolled

Any person may apply for mandamus to have his name inserted as citizen.

Expenses of Collectors and Town Clerk to be defrayed.

Mayor, Aldermen, & Councillors to be elected.

Every citizen enrolled
on the Citizen Roll for the time being, shall be entitled to vote in the election of Aldermen, Councillors, Auditors, and Assessors hereinafter mentioned; and no person who shall not be enrolled in such Citizen Roll for the time being, shall have any voice, or be entitled to vote, in any such election; and no person who shall not be entitled to be, and who shall not be, on the said Citizen Roll, shall be qualified to be elected, or to be, an Alderman, Councillor, Auditor, or Assessor of the said City; and any Alderman, Councillor, Auditor, or Assessor ceasing to be a Citizen of the said City, shall, ipso facto, cease to hold such office.

XXIII. AND BE IT ENACTED, That on the first day of December next after the commencement of this Ordinance, the Citizens, in every Ward of the said City, shall, separately, elect from among the persons qualified to be Councillors, four persons in each Ward, one of whom in each Ward, being the person who shall have the greatest number of votes in such Ward, shall be the Alderman of the said Ward, and the remaining three shall be the Councillors of such Ward; and in case an equal number of votes shall be given for any two or more persons, any of whom, but for such equality, would be Aldermen, or where there shall be no contest, the majority of the Council shall determine which of such persons having an equal number of votes, shall be Alderman or Aldermen.

XXIV. AND BE IT ENACTED, That on the first day of December in every succeeding year, one Councillor in each Ward shall go out of office by rotation, and that an election be held by the Citizens so enrolled as aforesaid in each Ward, to supply his place: PROVIDED, however, that the Councillor so going out of office may be re-elected, if still duly qualified.

XXV. AND BE IT ENACTED, That the Councillors first elected under the provisions of this Ordinance in each Ward, shall go out of office in the following order; that is to say, the Councillor who was elected by the smallest number of votes in each Ward respectively, or his successor, shall be the first to go out of office; the Councillor who was elected by the next smallest number of votes, or his successor, shall be the next to go out of office, and so on; and in case two or more Councillors be returned by the same Ward by an equal number of votes, the majority of the Council for the time being shall determine the order in which the Councillors so elected shall go out of office; and that afterwards the Councillor to go out of office shall always be the one who has been longest in office without re-election: PROVIDED, however, that no Alderman or Councillor who may be elected to be Mayor, shall be compelled to go out of office as Alderman or Councillor, earlier than is hereinafter provided.

XXVI.
XXVI. AND BE IT ENACTED, That on the first day of December, in every third year after the year in which this Ordinance shall come into operation, one-half of the whole number of Aldermen shall go out of office, and the Citizens then enrolled, in the Citizen Rolls of the Wards in which such Aldermen so going out of Office were elected, shall elect Aldermen to supply such vacancies, and the Council of the City shall determine which of the Aldermen first elected under this Ordinance shall first go out of Office; and, thereafter, those who shall go out of Office shall always be those who have been Aldermen for the longest time without election: PROVIDED ALWAYS, that any Alderman on going out of Office, may be forthwith re-elected if then qualified.

XXVII. AND BE IT ENACTED, That the election of Aldermen of Councillors within each Ward, according to the provisions of this Ordinance, shall be held before the Alderman and Assessors at the time being of each Ward, except as hereinafter is excepted; and the voting at every such election shall commence at nine o'clock in the forenoon, and shall finally close at four of the clock in the afternoon of the same day, and shall be conducted in manner following; that is to say, every Citizen entitled to vote in the election, may vote for any number of persons not exceeding the number of Aldermen or Councillors then to be chosen, by delivering to the Alderman or presiding Councillor and Assessors, a Voting Paper, containing the Christian name and surnames of the persons by whom he votes, with their respective places of abode, and descriptions; such paper being previously signed with the name of the citizen voting, and with the name of the street, lane, or other place in which the property in respect of which he is enrolled is situated.

XXVIII. AND BE IT ENACTED, That at every election in any Ward, the Mayor, if it shall appear to him expedient for taking the Poll at such Election, may cause Booths to be erected, or rooms to be hired and used as such Booths, in one place, or in several places, within each Ward, as occasion may require; and the same shall be so divided and allotted into compartments as to the said Mayor shall seem most convenient; and the said Mayor shall appoint a Clerk to take the Poll at each compartment, and shall cause to be affixed, on the most conspicuous part of each of the said Booths, the names of the Wards, or parts of Wards, for which such Booth is respectively allotted; and no person shall be admitted to vote at any such Election, except at the Booth allotted for the part wherein the House, Warehouse, Counting-house, or Shop occupied by him, as described in the Citizen Roll, may be; but in case no Booth shall happen to be provided for
for any particular part as aforesaid, the votes of the persons voting in respect of property situate in any part so omitted may be taken at any of the said Booths; and public notice of the situation, division, and allotments of the different Booths, shall be given two days before the commencement of the Poll, by the Mayor; and in case the Booths shall be situated in different places, the Mayor may appoint as many persons to act as Deputies for the Alderman and Assessors, as may be necessary: PROVISED ALWAYS that no election shall be held under this Ordinance in any Church, Chapel, or other place of Public Worship.

XXIX. AND BE IT ENACTED, That no enquiry shall be permitted at any election, as to the right of any person to vote as a Citizen except only as follows; that is to say, that the Alderman or other presiding Officer shall, if required by any two Citizens entitled to vote in the same Ward, put to any voter, at the time of his delivering in his voting paper, and not afterwards, the following questions or any of them, and no other:—"1st. Are you the person whose name is signed as A.B. to the Voting Paper now delivered in by you? 2nd. Are you the person whose name appears as A.B. in the Citizen Roll now in force for this Ward, being registered therein for property described to be situated in (here specify the street described in the Citizen Roll)? 3rd. Are you still in the same Ward, and resident within the City? 4th. Have you already voted at the present Election?" And no person required to answer any of the said questions, shall be permitted or qualified to vote until he shall have answered the same; and if any person shall wilfully make a false answer to any of the questions aforesaid or shall Poll more than once, or offer to Poll more than once, at the same Election, or shall personate any other person for the purpose of Polling at such Election, he shall be deemed guilty of a misemeanor; and upon being thereof convicted, shall be imprisoned for any term not more than two years, at the discretion of the Judge or Judges who shall try such person, and shall for ever thereafter, be disabled to vote in any Election to be held under the provisions of this Ordinance; and if at any Election, it shall appear to the satisfaction of the Alderman or other Presiding Officer and Assessors, that any person voting, or offering to vote, at such Election, has been guilty of either of the above offences, such Alderman or other Presiding Officer, may, thereupon commit the person so offending, for examination before any one or more Justices of the Peace, within the said City.

XXX. AND BE IT ENACTED, That the Alderman and Assessors in each Ward, shall examine the Voting Papers so delivered as aforesaid, for the purpose of ascertaining which of the several persons voted.
XXXI. AND BE IT ENACTED, That the Alderman and Assessors, in examining the Voting Papers as aforesaid, shall reject none for mere want of form: PROVIDED that the name or designation of the party signing the paper, and the names of the duties contained in it, be intelligibly expressed, and in a manner to be commonly understood.

XXXII. AND BE IT ENACTED, That on the first day of April next following after the first election of Councillors under this ordinance, and on the first day of April in every year thereafter, the Citizens of each Ward, shall elect from persons qualified to be Councillors, two Citizens, who shall be, and be called, the Assessors of such Ward; and every such Assessor shall continue in office one year; and the election of such Assessors respectively shall be in the form and manner hereinbefore provided for the election of Councillors: PROVIDED that no Citizen shall be eligible to be, or one elected, or qualified to act as Assessor as aforesaid, who shall be of the Council, or shall be the Town Clerk or Treasurer of the corporation.

XXXIII. AND BE IT ENACTED, That on the said first day of April, every year, after the commencement of this Ordinance, the Citizens of the said City shall elect two fit and proper persons, qualified to be Aldermen, but not actually being, of the Council, to be the Auditors of the said City; and the Auditors so elected, shall hold office for one year, but be capable of being re-elected, if still duly qualified.

XXXIV. AND BE IT ENACTED, That if any extraordinary vacancy shall at any time occur in the office of Auditor, by reason of death or otherwise, the Mayor of the said City shall appoint a person to supply so vacancies of Auditors how to be supplied.
day for the election of a person to supply the place of the Auditor so dying, or vacating office, within twenty-one days after the occurrence of such vacancy, and shall cause an election of an Auditor to be held accordingly.

**XXXV. AND BE IT ENACTED,** That on the election of Auditor the Citizens entitled to vote in each Ward, shall proceed as herein before directed for the election of Councillors, but the person of persons elected shall be he, or they, for whom there shall appear to be a majority of votes in the whole of the Wards collectively, and that the Mayor shall declare the result of every such election within two days after the holding thereof.

**XXXVI. AND BE IT ENACTED,** That on the ninth day of December, in every year, the Council of the City shall elect, out of the Aldermen or Councillors of such City, a fit person to be the Mayor of such City, who shall continue in Office for one whole year, and until his successors shall have accepted the Office of Mayor, and shall have made and subscribed the declaration required in that behalf; and in case a vacancy shall be occasioned in the Office of Mayor during such year, by reason of any person who shall have been elected to such Office not accepting the same, or by reason of his dying, or ceasing to hold the said Office, the Council of the City shall, within ten days after such vacancy, elect out of the Aldermen or Councillors of the said City, another fit person to be the Mayor thereof for the remainder of the current year: Provided also, that the person filling the Office of Mayor may be re-elected with his own consent.

**XXXVII. AND BE IT ENACTED,** That before proceeding to such election, the Council shall, by the majority of their voices, appoint two of their own body to be Scrutineers at the same; and the presiding Member shall first deposit in a box or urn, to be provided for the purpose, a list or voting paper, signed by himself, containing the names of the person for whom he may vote to be Mayor of the said City, and shall then receive from each Alderman and Councillor present, a similar voting paper signed by the Alderman or Councillor presenting it, and deposit the same in the said box or urn; and at the expiration of one hour from the time when the Presiding Member deposited his paper, or sooner if the whole of the Aldermen and Councillors shall sooner have delivered their papers, the Presiding Member and the Scrutineers shall examine the said lists or voting papers, and declare the name of the Alderman or Councillor who shall have the majority of votes, to be duly elected to be Mayor of the said City, which Alderman or Councillor shall be the Mayor of the said City; and in the event of
of there being any doubt whether any one or more person or persons be elected, by reason of an equality of votes, the said Presiding Member and Scrutineers, or any two of them, shall decide which of the said persons shall be elected: PROVIDED, however, that, if in any such voting paper, any Alderman or Councillor shall include his own name, the same shall be struck out by the Scrutineers.

XXXVIII. AND BE IT ENACTED, That the Mayor shall, during the continuance of his office, continue to be a Member of the Council, anything herein contained as to Aldermen or Councillors going out of office to the contrary notwithstanding; and that he shall not go out of office as Alderman or Councillor by rotation, earlier than the first day of December next following after the day in which he may cease to be Mayor.

XXXIX. AND BE IT ENACTED, That no person being in Holy Orders, or being a regular Minister of any Religious Congregation, shall be qualified to be elected, or to be Mayor, Alderman, Councillor, Auditor, or Assessor under this Ordinance, nor shall any person be qualified to be elected, or to be Mayor, Alderman, or Councillor of the said City, who shall not be entitled to be on the citizen list, nor during such time as he shall hold office for place of profit other than that of Mayor, in the gift or disposal of the Council of the said City; nor during such time as he shall have directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of, such Council: PROVIDED, that no person shall be disqualified from being Mayor, Alderman, Councillor, Auditor, or Assessor as aforesaid, by reason of his being a proprietor or shareholder of any company which shall contract with the Council of the said City for lighting, or for supplying with water, or insuring against fire, any part of the said City: PROVIDED also, that no person who may, under the provisions of this Ordinance, have been elected Assessor for any Ward, shall, whilst he continue to be such, be elected an Alderman or Councillor for the same, or any other Ward, or Auditor of the City.

XL. AND BE IT ENACTED, That every citizen shall be entitled to vote in the election of the Aldermen, Councillors, Auditors, and Assessors, to be chosen within that Ward in which the property for which he shall be enrolled on the citizen Roll for the time being, shall appear to be situate; and if any citizen shall occupy distinct premises in two or more Wards, he shall be entitled to vote in such one of the said Wards as he shall select, but not more than one.

XLI
XLII. AND BE IT ENACTED, That if at any election, any person shall be elected an Alderman, Councillor, or Assessor, in more than one Ward of the said City, he shall within three days after notice thereof, choose, or in his default the Mayor shall declare for which one of the said Wards such Alderman, Councillor or Assessor shall serve; and such person shall thereupon be held to be elected in that Ward only, which he shall so choose, or which the Mayor shall so declare.

XLIII. AND BE IT ENACTED, That no person elected to be Mayor, Alderman, Councillor, Auditor, or Assessor, under the provisions of this Ordinance, shall be capable of acting as such, except in administering the declaration hereinafter contained, until he shall have taken the Oath of Allegiance to Her Majesty, Her Heirs, and Successors, and have made and subscribed the said declaration, before any two or more such Councillors, who are hereby respectively authorised and required to administer the same oath and declaration to each other, such declaration being in the words, or to the effect following, that is to say—"I, A B, having been elected Mayor, (or Alderman, or Councillor, or Auditor, or Assessor) for the city of Adelaide, do hereby declare that I take the said office upon myself, and will duly and faithfully fulfill the duties thereof, according to the best of my judgment and ability."

XLIV. AND BE IT ENACTED, That every person duly qualified, who shall be duly elected to the office of Mayor, Alderman, Councillor, Auditor, or Assessor, under the provisions of this Ordinance, shall accept such office to which he shall have been elected, or shall in lieu thereof, pay to the corporate Body of the said City, a fine of not less than Twenty-five nor more than Fifty Pounds,
III. And be it enacted, That every person elected into 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, or if he shall become entitled to claim exemption from payment of any such fine, or from accepting or serving such office under any provision herein contained.

XLVI. And be it enacted, That if the Mayor, or any Alderman, or Assessor of the said City, who shall be in Office

Proviso. 

Penalties on Mayor, Aldermen, Collectors, Assessors, and Town Officers.
Office at the time herein appointed, in each year, for the revision by them of the citizen list, under this Ordinance, or for any election of Aldermen, Councillors, Assessors, or Auditors which he is required to conduct or declare, shall neglect or refuse to revise such citizen list, or to conduct or declare such election as aforesaid, every such Mayor, Alderman, or Assessor shall, for every such offence, forfeit and pay the sum of One Hundred Pounds; and if any collector appointed under the provisions of this Ordinance, shall neglect or refuse to make out, sign, and deliver, such list as aforesaid, or if the Town clerk shall neglect or refuse to receive, print, and publish such lists as aforesaid, or if any such collector or Town clerk shall refuse to allow any such list to be perused by any person having right thereunto, every such collector and Town clerk respectively, for every such offence, shall forfeit and pay the sum of Fifty Pounds, and the said penalties hereby in such case imposed, shall be recovered, with full costs of suit, by any person who shall sue for the same within three calendar months after the commission of such offence, by action of debt or on the case, in any Court of competent jurisdiction, and the money so recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows (that is to say), one moiety thereof to the person so suing, and the other moiety thereof to the Treasurer to be appointed by virtue of this Ordinance, to be by him applied in aid of the City Fund hereinafter mentioned.

Any Mayor, Alderman, Councillor, Auditor, or Assessor, if he shall be declared bankrupt or insolvent, or absent himself from the city, shall lose his office.

XLVII. PROVIDED ALWAYS, AND BE IT ENACTED, That if any person holding the office of Mayor, Alderman, Councillor, Auditor, or Assessor, under the provisions of this Ordinance, shall be declared or become Bankrupt or Insolvent, according to the Laws relating to Insolvency; or being Mayor, shall be absent for more than two calendar months, or being an Alderman, Councillor, Auditor, or Assessor, shall be absent from the said City for more than six calendar months at one and the same time (unless in case of illness,); then, and in every such case, such person shall immediately become disqualified, and shall cease to hold such office, respectively, and in case of such absence, shall be liable to the same fine to be recovered in the same manner as if he had refused to accept the said office; and the Council, thereupon, shall forthwith declare the said office to be vacant, and shall specify the same by a notice in writing, under the hands of three or more of them countersigned by the Town clerk, such notice to be affixed in some public place within the City; and the said Office shall thereupon become vacant; but every person so becoming disqualified, and ceasing to hold such office on account of his being declared
declared, or becoming, a Bankrupt or Insolvent, according to the laws relating to Insolvency, shall, on obtaining his Certificate, or payment of his debts in full, be capable (if otherwise qualified) of being re-elected to such office; and every person becoming disqualified to hold such office on account of the provisions of this Ordinance, shall, on his return to the said City, be capable of being re-elected to such office, provided he shall then be otherwise qualified.

XLVIII. AND BE IT ENACTED, That if any person shall act as Mayor, or Alderman, or Councillor, or Auditor, or Assessor, under any of the provisions of this Ordinance, without having made the declaration hereinbefore required in that behalf, or without being duly qualified at the time of making such declaration, or after he shall cease to be qualified according to the provisions of this Ordinance, he shall be disqualified to hold any such office, after he shall have become disqualified to hold any such office, for every such offence, forfeit the sum of Fifty Pounds, and such sum to be recovered, together with full costs of suit, by any person who shall sue for the same within three calendar months after the commission of such offence, by action of debt or on the case, in any court of competent Jurisdiction; and every person so disqualified by reason of not being qualified according to the provisions of this Ordinance, shall prove that he was at the time of so acting, qualified as aforesaid, or otherwise shall pay the said penalty without any further evidence being given, than that he acted as Mayor, or as Alderman, Councillor, Auditor, or Assessor, under this Ordinance, as the case may be: PROVIDED ALWAYS, that it shall be lawful for any Defendant, by Judge’s order, to be obtained within fourteen days after he shall have been served with process in any such action, to require the Plaintiff to give security for costs; and in such case, all further proceedings in the said case shall be stayed, until the Plaintiff shall give security to the satisfaction of the Proper Officer of the court, for the costs of such action in case a verdict shall pass for the Defendant, or the Plaintiff shall become nonsuited, or discontinue such action; or, upon demurrer, or otherwise, Judgment shall be given against the Plaintiff; and the Defendant shall, in either of such cases, recover his full costs as between Attorney and client: PROVIDED also, that no such action shall be brought, except by a citizen of the said city, nor unless the citizen bringing the same, shall, within fourteen days after the commission of the offence, have served a notice in writing, personally, upon the party committing such offence, of his intention to bring such action; and in case the plaintiff in any such action, shall obtain a verdict, the money so recovered, shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows, (that is to say):—one moiety thereof to the person so suing, and the
the other moiety thereof to the Treasurer to be appointed in virtue of this Ordinance, to be by him applied in aid of the Fund: Provided further, that all acts and proceedings of a person in possession of the Office of Mayor, Alderman, Councillor, Auditor, or Assessor, and acting as such, shall, notwithstanding such disqualification, or want of qualification, be as valid as effectual as if such person had been duly qualified.

XLIX. And be it enacted, That if any person who shall have, or claim to have, any right to vote in any election of Mayor, or Alderman, or Councillor, or Auditor, or Assessor under this Ordinance, shall after the commencement of this Ordinance, ask or take any money or other reward, by way of gift, loan, or other devise or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give or to forbear to give his vote, or to be represented by him, or by any person employing him, shall by any gift or reward, or by any promise, agreement, or security, for any gift or reward, corruptly procure, or offer to corrupt or procure any person to give, or to forbear to give, his vote in any such election, such person offending in any of the cases aforesaid, shall, for every such offence, forfeit the sum of Fifty Pounds of lawful money of Great Britain, to be recovered with full costs of suit, by any one who shall sue for the same by action of debt, bill, plaint, or information, in any court of competent Jurisdiction; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall, for ever thereafter, be disabled to vote in any election to be held under the provisions of this Ordinance, or in any Municipal Election whatsoever in any part of the said Province of South Australia, and also shall for ever be as incapable of holding, exercising, or enjoying any office or franchise, whether he then shall be, or at any time thereafter may become, entitled to as a citizen, as if such person were naturally dead.

L. And be it enacted, That if any person offending in any of the cases last aforesaid, shall, within the space of twelve calendar months next after such election as aforesaid, discover any other person offending in any of the cases aforesaid, so that such other person be thereof convicted, such person so discovering, and not having been before that time convicted of any such offence, shall be indemnified and discharged from all penalties and disabilities which he then shall have incurred by any such offence.

Prosecution must commence within one year.

LI. Provided always, and be it enacted, That no person shall be made liable to any incapacity, disability, forfeiture of
II. AND BE IT ENACTED, That the Mayor for the time being, duly elected under the provisions of this Ordinance, shall, ex-officio a Justice of the Peace of and for the Province, and shall continue to be such Justice of the Peace during the next preceding year after he shall cease to be Mayor, unless disqualified aforesaid; and after having been duly sworn as a Justice, it shall be lawful for him to act as such during the period above specified; and that such Mayor shall, during the period of his tenure of his Mayoralty, have precedence in all Municipal Proceedings.

III. AND BE IT ENACTED, That the Council of the said City shall appoint a fit and proper person, not being a Member of said Council, to be the Town Clerk of the same, who shall hold his office during pleasure, and such Town Clerk may be an Attorney of the Supreme Court of South Australia, or of any of Her Majesty's Superior Courts in Great Britain or Ireland; and the said Council shall also appoint another fit and proper person, not being a Member of such Council, to be the Treasurer of the said City Corporation; and shall also appoint a Surveyor of the said City, and collectors of Rates as hereinafter mentioned, and such Officers as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this Ordinance; and may, from time to time, discontinue the appointment of such officers as shall appear to them not necessary to be re-appointed, and shall take such security for the due execution of his office by any such Town Clerk, Treasurer, collector of Rates, or other Officer, as the said Council shall think proper; and in case of a vacancy in any such office as aforesaid, by death, resignation, removal, or otherwise, the said Council may appoint another fit and proper person in the place of the person so making such vacancy: PROVIDED, that the Town Clerk and Treasurer shall not be one and the same person: PROVIDED also, that no Macebearers, or other Officers merely for trade or show, shall be appointed.

IV. AND BE IT ENACTED, That it shall and may be lawful for the said Council, to order the payment to the Mayor, Town Clerk, and Treasurer, and to every such other Officer, to be employed as aforesaid, of such allowance or salary, as the said Council shall seem reasonable and proper: PROVIDED that the salary of the Mayor, if any, be fixed within ten days after his acceptance of office, and that such salary be in lieu of all fees, perquisites, and other emoluments: PROVIDED also,
Provided that the payment for salaries, commissions, &c., to Corporate officers shall, at no time, exceed in the aggregate, ten per centum of the current city revenue.

Provided also that no liabilities of the Corporation shall be chargeable against the general revenue.

Treasurer to pay no money but by order of the City Council.

Receipts of Treasurer to be paid into a Bank within two days after receipt.

Payments for ordinary purposes may be made, and money retained for special occasions.

Collectors to be appointed by warrant.

Also, that in cases where Salaries, Wages, commissions, or other pecuniary allowances, are assigned by the said Council to any Officers, or to any other official persons, whatsoever, the said payments shall be and become payable for and out of the current annual City Revenue, exclusive of all sums which may be granted out of the General Public Revenue of the Province in aid of the purposes of this Ordinance, and exclusive of any other sums otherwise specially appropriated; and shall at no time exceed in the aggregate Ten per cent of the current Annual City Revenue, and of the remainder of the City Revenue, less than Ninety per cent. shall be applied to and for the improvement of the City: Provided also, that no Liabilities at any time incurred by the Council of the said City for any object or purpose whatsoever, shall, under any pretence, constitute any charge against the General Public Revenue of the Province.

LV. AND BE IT ENACTED, that the Treasurer of the said City shall pay no money on account of the Mayor, Aldermen, or Citizens, save only upon the order, in writing, of the Council, signed by not less than three Members thereof, and countersigned by the Town Clerk, or by competent judicial authority.

LVI. AND BE IT ENACTED, That all sums of money, bills, and drafts which shall be received by the Treasurer of the said City, shall, within two days after the same shall have been received, or within two days after the same shall have been accepted, completed, and perfected, if the same shall not be accepted completed, and perfected at the time it shall be received, be paid into the hands of the Manager and Company of a chartered Bank within the Province; and all such Monies, Bills, and Drafts, to be paid as aforesaid, shall, from time to time, be placed to the account in the books of the said Manager and Company, intituled "the account of the Mayor and Corporation of the City of Adelaide" and shall be applied and disposed of by the Council of the said City, for and towards the carrying the several purposes of this Ordinance into execution.

LVII. PROVIDED ALWAYS, AND BE IT ENACTED, That it shall be lawful for the said Treasurer to pay, out of the money received by him, any ordinary and daily payments required to be made by orders of the Council, and, upon any special occasion, retain in his hands, at the close of any day, for any period specified by the Council, such sum as he shall be authorised and directed by the Council so to retain.

LVIII. AND BE IT ENACTED, That the Council of the said City, shall, from time to time, as may be necessary, order and appoint, by warrant, such number of persons, to be collectors for the said city, as they shall judge necessary and proper, and shall direct.
direct what commission, or wages, or allowances shall be given to
them for their services, who shall levy the amount of rates charged
in any assessment according to the provisions of this Ordinance;
and such warrant shall be according to the form or to the effect
given in the Schedule marked H. hereunto annexed, and shall be
signed by the Mayor of the said City, and be under the Common
Seal of the Mayor, Aldermen, Councillors, and Citizens thereof,
and shall specify the amount to be collected within the precinct
or place named in the warrant, and the property in respect of
which such rate is charged according to the particulars set forth
in the Assessment Book; and every such Collector shall duly
account for and pay over the amount collected by him to the
said Treasurer, at such times and in such manner as may be
appointed by the said Council, according to the provisions of this Or-
dinance; or in default thereof, shall be deemed and taken to have
embezzled the same, and be proceeded against as by law provided
for the punishment of the crime of embezzlement; and all money
received by any such Collector may, from the receipt thereof by him,
be deemed the money of the Treasurer for the time being of the said
City, and may be so described in any indictment or other proceeding.

LX. AND BE IT ENACTED, that the Council of the said City
shall, from time to time, make such Orders and Regulations concern-
ing the Collectors of rates, as the nature of the service shall appear
to them to require, and such further Orders and Regulations for the
better government and direction of the said Collectors, as the said
Council shall think proper, and shall also fix the amount of securi-
ties to be found by such Collectors for the due execution and per-
formance of the duties of their office.

LX. AND BE IT ENACTED, that after the appointment of the
Treasurer, as aforesaid, the rents and profits of all Lands, Houses,
Market Dues, Dues for Slaughtering Cattle, Tolls, Rates of Assess-
ment, and other sources of Revenue which now or hereafter may ac-
crue, or belong to, or become payable to the Corporation of the said
City, and the Interest, Dividends, and Annual Proceeds of all
Monies, Dues, Chattels, and valuable Securities belonging to or pay-
able to the Corporation, or levied under this Ordinance, shall be
paid to the said Treasurer, and all the monies which he shall receive
on account of the Corporation shall be carried by him to an account
of the Corporation shall be carried by him to an account
to be called the "City Fund," and such Fund shall be applied
in the proportionate amounts per centum, respectively, hereinbefore set
forth, towards the payment of the allowance, if any be made, to the
Mayor, and of the respective salaries or allowances or commis-
sions of the Town Clerk, Treasurer, Surveyor, and Collectors,
and of any other Officers whom the Council shall appoint, and also
towards the payment of the expenses incurred from time to time in
preparing

City Council to make
Orders for conduct of
the Collectors.

Corporate pro-
erty to be paid to
the Treasurer, and
carried to account in
a fund to be called
the "City Fund."

City Fund, how to
be applied.
preparing Citizen Lists, and Notices, and in other matters attending such Elections as are herein mentioned, and also towards the payment of all other expenses which shall be necessarily incurred in the repair of the streets, improvement of the City, and generally of carrying into effect the provisions of this Ordinance.

LXI. AND BE IT ENACTED, that the said Council shall, from time to time, make and publish in the South Australian Government Gazette, estimates of the expenditure necessary for carrying into effect the purposes of this Ordinance, and in order to raise the amount so estimated, from time to time, if necessary, order City rates to be made within the said City; and for that purpose the said Council shall have full power and authority to order and direct Assessments to be made, subject to the provisions and in manner hereinafter mentioned of all Buildings, Lands, Tenements, and Hereditaments within the limits of the said City, whether occupied or not occupied, rented or not rented, according to the full, fair, and average estimated annual value of the same, clear of all outgoings; and on the Assessment so made from time to time, to cause such Rate or Rates to be levied as to the said Council may seem proper, the same to be declared by the said Council. And the said Rates, when collected, shall be paid to the Treasurer of the said City on account of the said City Fund, and shall be applied to all necessary purposes under and in virtue of this Ordinance.

LXII. AND BE IT ENACTED, that for carrying the aforesaid provisions into effect, the said Council may, from time to time, by warrant under the hand of the Mayor, appoint fit and proper persons to be Valuators, to value, rate, and assess all such Buildings, Lands, Tenements, and Hereditaments to such Rates and Assessments as aforesaid; and such Valuators shall, within forty days after the delivery to them of the warrant of their appointment, make a sign, and return to the said Council an Assessment for the premises or place named in such warrant; and the Assessment shall be fairly written in a book, and shall specify, in different columns, the names of the respective owners, occupiers, or agents of owners (when the same can be ascertained), of all Buildings, Lands, Tenements, and Hereditaments comprised in such Assessment, who may be liable to the payment of the said Rates, the full and fair annual value of the same, and the amount of Rates chargeable thereon respectively; and when the premises shall be unoccupied, the full and fair annual value thereof to let.

LXIII. AND BE IT ENACTED, that when any such Assessment shall have been allowed by the said Council, the Mayor shall sign the same, and the said Council shall cause a notice to be given of every such Assessment, and of the place
same may be inspected, by causing such notice to be fixed on
the door of some conspicuous building within the City, and by ad-
visement to be inserted in the South Australian Government
Gazette; and every person in whose custody such Assessment
can be, shall permit each owner or occupier of property included in
such Assessment, or in case of there being no occupier, or any
other within the Province, then the agent of such owner, to
inspect the same during ordinary business hours, and to make any
extracts therefrom without fee or reward; and if any such person
shall willfully neglect or refuse to permit any such owner, occupier,
agent to inspect such Assessment, or to make any extract there-
from, he shall, on conviction thereof before any two Justices of the
Peace, forfeit and pay, for every such offence, such sum not exceeding
five Pounds, as the Justices shall think meet.

XLIV. And be it enacted, that if any person who shall have
the amount of Rates charged upon him by any Assessment made
allowed according to the provisions of this Ordinance, shall
himself aggrieved by such Assessment, on the grounds that
such Assessment includes any property for which he is not rateable
under this Ordinance, or that it assesses his rateable property
below its full and fair annual value, or that any person is omitted out
such Assessment, or that the property of any person is assessed
below its full and fair annual value, the person so considering him-
self aggrieved may appeal to the next Court of General Quarter
Sessions which shall be holden within the said City, not less than
twenty-one days after public notice of such Assessment shall have
been given as hereinbefore mentioned: PROVIDED that the person so
wishing to appeal, shall give to the Treasurer of the said City a
receipt in writing of such appeal, and of the cause and matter thereof,
seven days at the least before such Sessions; and shall also,
in three days after this notice of appeal, enter into a recogni-
ze before some Justice of the Peace, with two sufficient sureties,
attained to try such appeal at the said Sessions, and to abide the
decision of the Court thereupon, and to pay such costs as shall be by
the Court awarded. And in such case such person shall appeal on the
ground that any person is omitted out of the Assessment, or that the
property of any person is assessed below its full and fair annual
tax, the party so appealing shall not only give such notice of ap-
peal to the said Treasurer, and enter into such recognizance afore-
said, but shall also give a like notice of appeal to the person so in-
cluded in the event of such appeal as aforesaid, and shall enter into
the recognizance within the times hereinbefore respectively men-
tioned; and the person so interested shall, if he shall desire it, be
heard upon the appeal; and the Justices of the Peace at such Ses-
sions, or some adjournment thereof, upon due proof of the notice
being given, and of the recognizances having been entered into
as
as aforesaid, shall hear and determine the matter of the appeal in summary manner, and shall make such order thereon, with or without costs to either party, as the said Justices shall think proper; and in any case the said Justices shall think the appellant entitled to relief, it shall order the Assessment to be amended in such manner as may be necessary for giving him relief; and shall also order any money paid to him which he was not liable to pay, to be returned to him by the said Treasurer. And in case he shall have appealed on the ground that any person is omitted out of the Assessment, the said Justices may order the name of such person to be inserted in the Assessment, as to be therein rated at such amount as they shall deem just. And in case the appellant shall have appealed on the ground that the property of any person is assessed below its full and fair annual value, the said Justices may order the amount at which such person is rated in the Assessment, to be altered in such manner as they shall deem just. And the proper officer of the Court shall, in each case aforesaid, forthwith amend the Assessment accordingly; but the Assessment shall not be quashed, or altered, with respect to any other persons named therein; and the determination of the Justices at such Sessions or adjournment, shall be final and conclusive.

LXV. And be it Enacted, that after the signing by the Mayor of the said City, of every such Assessment as aforesaid, in original book or document of such Assessment, or true and compared copies of such Assessment, or of so much and so many parts thereof as shall be material or necessary to be given or read in evidence (such copies to be certified by the Town Clerk), shall be legal and sufficient evidence, in all Courts and places, of the contents of such Assessment.

LXVI. And be it Enacted, that if it shall, at any time, appear to the Council of the said City, that the name of any person ought to be included in such book of assessment, hath been omitted from, or that the name of any person hath been inserted therein, or the owner or occupier of any premises or property in respect of which some other person ought to have been rated, or that any other alteration or amendment may be necessary in such books, then, and in every such case, it shall be lawful for the said Council to cause to be added or inserted therein, the name of the person so omitted, together with the sum for which he ought to be assessed, and the amount of money payable in respect thereof, and also to cause to be inserted or substituted, the name of such person as may be the occupier or owner of any building, tenement, or other property, instead of, and for the name of the person incorrectly inserted in such books, and that every such addition, insertion, alteration, or amendment, to or in such book, shall be valid and effectual in law to all intents and purposes, as if the said Assessment had been amended as aforesaid.
may be demanded, received, and recovered, in the same manner as if the name of such person, or other alteration or amendment, had been inserted or made in such books, when the same were originally made and signed by the Mayor. Provided that every such addition, insertion, alteration, or amendment, shall be marked in the assessment-book, with the initials of the Mayor for the time being, and public notice thereof be given, by advertising every such addition, insertion, alteration, or amendment, in the South Australian Government Gazette, and that any person affected thereby, shall have the same right and remedies by appeal, as are hereinbefore given with respect to the original assessment: Provided also that nothing herein contained, shall be construed to authorise or enable the said Council to set aside the effect of any judicial decision given after appeal, and that such amended assessment-book and all entries therein, lawfully made, or true and compared copies certified as aforesaid, shall be received in all Courts in this Province, as evidence of the facts therein set out, as in the case of the original assessment-book.

LXVII. And be it enacted, that it shall and may be lawful for any collector, appointed under this Ordinance, to sue for, recover, and receive, of and from the person thereto liable, any rate or assessment payable under the provisions of this Ordinance, in any Court of competent jurisdiction; and for the purposes of any action or suit, such rate or assessment shall be deemed to be due and payable to such Collector.

LXVIII. And be it enacted, that if any person shall neglect or refuse to pay the rates, or arrears thereof, to which he may be liable under this Ordinance, for the space of ten clear days after personal demand thereof by the Collector, or demand in writing left at the house, land, or tenement, rated and assessed thereto; and if after a second demand thereof, made in any such like manner, after the expiration of the said ten clear days, payment shall be refused or remain uncomplied with for four days after such second demand, then, and in such case, it shall and may be lawful for any Collector appointed to receive such rates, and his assistants, without any further warrant or authority than the warrant delivered to him at the time of his appointment, in form or to the effect aforesaid, to enter into any part of any house, building, land, or tenement, so rated and assessed, and to distrain the goods and chattels therein or thereon, or to enter into any part of any other house, building, land, or tenement, occupied by the person so rated and assessed, and to distrain the goods and chattels of such person therein or thereon, and if the sums for which such distress shall have been taken, shall not be paid within five days after such distress made, together with the costs of making such distress, such costs not to exceed the sums given in Schedule 1, Schedule of Fees allowed on distraint.
The person primarily liable to Rates, shall be the Occupier:

LXIX. And be it enacted, that except as hereinafter provided, the person primarily liable to the payment of rates under this Ordinance, in respect of any house or other property assessed, shall be the occupier thereof, or person in possession at the time when such rates shall be demanded, or (in case of a change in such possession in the meantime) the person occupying the premises when the distress shall be executed; and in case the premises shall be vacant, and there shall not be sufficient distress found therein, then the proprietor or landlord shall be liable: Provided that in all cases where any tenant shall be called on to pay, and shall accordingly pay, either a greater amount of assessment than he shall in fact owe for rent, or an amount of assessment extending over any period of time during which he shall not have been in possession as tenant, he shall be entitled either to deduct the amount of excess so paid, from the accruing of future rent, or to recover the same from the proprietor or landlord (after demand), by an action as for money paid in an ordinary case, in any court of competent jurisdiction.

Power to rate Owners of certain houses, instead of the Occupiers.

LXX. And be it enacted, that the owners of all houses, apartments, or dwellings, within the limits of the said City, or the immediate lessors of the actual occupiers which shall respectively be let to the occupiers thereof, at any rent or rate not exceeding twenty pounds by the year, for any less term than one year, or under any agreement by which the rent shall be reserved or made payable at any shorter period than three months, shall be assessed to the rates aforesaid, for or in respect of such houses, apartments, or dwellings, and the outhouses and curtilages thereof, instead of the actual occupiers, and upon non-payment of the sums so to be assessed, the same shall
and may be levied upon, and the payment thereof be enforced against such owners and lessors so to be assessed, and their goods and chattels, in like manner as rates against the tenant or occupier, may by law be levied and recovered: Provided always that where such rate shall be in arrear and unpaid for the space of Fourteen Days after the same shall have become due, it shall be lawful for the Collector, or other person authorised to demand payment thereof, to give notice in writing to the person or persons in occupation of the House in respect whereof such arrears shall be due, to pay to the said Collector, or other person, the rent reserved upon his holding; after the service of which notice, by leaving the same at the Premises chargeable, every such Tenant, Occupier, or Lodger, shall pay all rent thereafter accruing due from him, pursuant to the requisition of such notice; and from and after the delivery of such notice, and until satisfaction of all such Arrears, such Collector, or other person, shall have all such rights, powers, and authorities, for recovering and enforcing the payment of the Rent due and payable by any such Tenant, Occupier, or Lodger, as the immediate Landlord of such Tenant, Occupier, or Lodger, might have had; and after satisfaction of such arrears of rates by the receipt of such Rent as aforesaid, the surplus, deducting therefrom One Shilling in the Pound, and so rateably for any smaller sum, shall be paid over to the said Landlord.

LXXI. AND WHEREAS many of the lands included within the limits of the said City of Adelaide, are unoccupied, and the owners reside out of the Province: And such lands will derive increased value from the improvements effected in the City at the cost of the Corporation: And it is reasonable and expedient that the owners of such lands should contribute towards the funds which give increased value to their property: Be it Enacted, that all lands, tenements, and hereditaments within the said City, not being specially exempt, shall be rated to all rates imposed and levied under this Ordinance, whether occupied or not, and that in order to provide more fully for the recovery of rates in cases of non-occupancy, any lands, tenements, and hereditaments, in respect of which any rate, or any part thereof, shall be due and unpaid, and remain due and unpaid for the space of one year after the same shall have become due and payable, in case no goods liable to distraint in satisfaction of the amount due upon the same can be found within the Province, shall be chargeable with the said amount, together with interest thereon at the rate of five per cent. per annum, from the day when the said rate, or part thereof became due and payable, with all reasonable costs and expenses incurred in the recovery thereof, and the said amounts shall and may be recovered in the Supreme Court of the Province in manner hereinafter provided.

LXXII. AND BE IT ENACTED, that in any case hereinbefore mentioned...
Court shall order the property to be sold by public auction in satisfaction of the said rates, if in arrear and unpaid.

mentioned, in which any rate, or any part thereof, imposed or levied under this Ordinance, shall remain due, and unpaid, and in arrear for the space of one year, it shall be lawful for the Mayor of the said City, and he is hereby required, within thirty days after the expiration of the said space of one year, to cause notice thereof to be given, by public advertisement in the South Australian Government Gazette, to the owner, or reputed owner, or in case of there being no owner, or reputed owner known, then to all whom it may concern, describing the premises alluded to in such notice; and that if after such notice as aforesaid, the amount due in respect of any such arrears, with interest, costs, and expenses as aforesaid, shall remain unpaid for the further space of one year, it shall be lawful for the Mayor of the said City, to make application by petition to the Supreme Court of the Province, and the said Court, or any Judge thereof, on being satisfied that such arrears are lawfully due, and are in arrear, and unpaid, and that the conditions herein prescribed have been fulfilled, shall and is hereby authorized and required summarily to adjudge and order such lands, tenements, and hereditaments, or such part thereof, as may be sufficient to pay the said arrears of rates with interest thereon at the rate aforesaid, together with the costs of such application and expenses of sale, to be sold by public auction, and the proceeds to be paid into Court, and the said Court is also hereby authorized, empowered, and required to order payment to the said Corporation, of the said amount of rates, interests, costs, and expenses incurred, in preference to any mortgage or other right of security over the said property, and to direct a deed or deeds of conveyance to be made and executed to the purchaser by some officer of the Court, in such form as shall be approved of by the Court, or a Judge thereof, free of any mortgage or other burthen, or incumbrance whatsoever, and such conveyance of the said premises sold, shall be as good, valid, and effectual, to vest the legal estate therein conveyed in the purchaser, as if the same had been granted by the lawful proprietor thereof, or party having the legal or beneficial estate or interest therein, any law or practice to the contrary notwithstanding: and that any balance or sum remaining after payment as aforesaid, shall be paid by the Clerk of the said Court into some Bank in the said Province, subject to the future orders of the said Court, for behalf of the party or parties having interest therein.

LXXIII. And be it Enacted, that for the execution of the purposes of this Ordinance, it shall and may be lawful for any Valuator appointed under this Ordinance, with his necessary assistants, and they are hereby respectively authorized and empowered, from time to time, to enter into and upon, and to go through, and over any land or ground, or into any house of any person whomsoever, for the purpose of making and carrying on any valuation or assessment authorized by this Ordinance: Provided always, that in every case
in which it shall be necessary for any such valuator, with his necessary assistants, to enter any house, or any walled garden, or orchard, or pleasure ground, such Valuator shall give three days' notice to the occupier of such house, garden, orchard, or pleasure ground, of his intention so to do, and that such Valuator shall do as little damage as may be, in the execution of the powers to him granted by this Ordinance; and shall make reasonable satisfaction (if required) to the owners of, and other persons interested in any such houses, lands, gardens, orchards, or pleasure grounds, which shall or may be any way hurt or damaged, for the damage in any way sustained by them in, or by the execution of all or any of the powers given to them in this Ordinance; and this Ordinance shall be sufficient to indemnify such Valuator with his necessary assistants, or any persons acting in aid or under his orders in the execution of this Ordinance, for what he or any of them shall do in respect thereof by virtue of the powers by this Ordinance granted to them respectively.

LXXIV. AND BE IT ENACTED, that the Treasurer of the said Council shall, in books to be kept for that purpose, enter true accounts of all Sums of Money by him received and paid, and of the several matters for which such Sums shall have been received or paid; and such books shall, at all times, be open to the inspection of the Mayor, or any of the Aldermen, or Councillors, and all the accounts, with all vouchers and papers relating thereto, shall, in the months of April and October in every year, be submitted by the said Treasurer to the Auditors hereinbefore provided to be elected, and to such Member of the Council as the Mayor shall name, on the First Day of April in every year, or in case of an extraordinary vacancy, within ten days next after such vacancy, for the purpose of being examined and audited from the First Day of October in the year preceding, to the First Day of April, and from the First Day of April to the First Day of October in the year in which the said Auditors were elected and named; and if the said accounts shall be found to be correct, the Auditors and the Member of the Council appointed by the Mayor as aforesaid, shall sign the same; and after such accounts shall have been so examined and audited in the month of October in every year, the Treasurer shall make out in writing, and shall cause to be printed, a full abstract of his accounts for the year; and the copy thereof shall be open to the inspection of all the Rate-payers of such City, and copies thereof shall be delivered to all the Rate-payers of such City applying for the same, on payment of a reasonable sum, to be fixed by the Council, for each copy.

LXXV. AND BE IT ENACTED, that the Town Clerk, Treasurer, Collector, and every officer appointed by the Council as aforesaid, shall, at all such times, and in any such manner as the said Council may direct.

Accounts of Receipts and Disbursements to be kept by the City Treasurer, and be open to the inspection of the Mayor or any Councillor.

Officers to account, etc., according to Orders of the City Council.
direct, whilst any such officer shall continue to hold office, and also within two months after he shall have ceased to hold such office, deliver to the said Council, or to such person as they shall authorise for that purpose, a true account in writing of the matters committed to the charge of such officers respectively, by virtue of this Ordinance, and of all moneys which shall have been received by him in virtue and for the purposes of this Ordinance, and how much thereof shall have been paid and disbursed, and for what purpose, together with proper vouchers for such payments, and also a list of the names of all such persons as shall not have paid the moneys due from them for the purposes of this Ordinance, specifying the amount due from each of them; and every such officer shall pay to the Treasurer for the time being, or to any person whom the said Council may authorise to receive the same, the balance due by him (if any) of all the moneys so received and disbursed; and if any such officer shall refuse or wilfully neglect to deliver such account, and the vouchers relating to the same, and such List as aforesaid, or shall refuse or wilfully neglect to make payment of such balance as aforesaid, or to deliver to the said Council, or to any person whom they may authorise in that behalf, within three days after being thereinunto required by notice in writing, under the hands of any three or more of the said Council, such notice to be given to or left at the last place of abode of such officer, all books, accounts, papers, and writings in his custody or power, relating to the execution of this Ordinance, or shall refuse or wilfully neglect to give satisfaction to the said Council, or to any person whom they may so authorise as aforesaid respecting the same, then, and in every such case, upon complaint made on behalf of the said Council, by such person as they shall authorise for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace, such Justice is hereby authorised and required to issue a Warrant under his hand and seal, for bringing such officer before any two Justices of the Peace: and upon the said officer appearing or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to such Justices that any moneys remain due from any such officer, such Justices may, and they are hereby authorised and required, upon non-payment thereof, by warrant under their hands and seals, to cause such moneys to be levied by distress and sale of the goods of such officer; and if sufficient goods shall not be found to satisfy the said moneys and the charges of the distress and sale, or if it shall appear to such Justices that such officer has refused or wilfully neglected to deliver such account, and the vouchers relating thereto, and such list as aforesaid, or that any books, accounts, papers, or writings, relating to the execution of this Ordinance, remain in the hands or in the custody or power of such officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same, as aforesaid.
LXV. AND BE IT EXPLICITLY PROCLAIMED, that the Council elected under this Ordinance shall have power, from time to time, to remove from office any and every Town Clerk, Treasurer, Collector, and other municipal officers, who shall have been elected or appointed by the said Council, and by virtue of the provisions of this Ordinance shall have been removed, who shall be in possession of any of the moneys, goods, books, accounts, and papers belonging to or committed to the body corporate, shall deliver up and account for the same to the Council, immediately upon such removal as aforesaid; and the Council shall have the same remedy against such officer for the recovery and satisfaction of such property as aforesaid.

LXVII. AND BE IT EXPLICITLY PROCLAIMED, that the officers to be removed by the City Council, and all such accounts shall be paid and expended for the purposes of this Ordinance, shall be paid and expended for the purposes of this Ordinance, and the amounts actually expended in the manner hereinbefore provided.

Provided always, that no person so committed shall be discharged from the service of the City as aforesaid, but such officer shall not be subjected to any such action or proceeding for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause, or for the time being in prison, for want of sufficient cause.
LXXVIII. AND BE IT ENACTED, that it shall not be lawful for the said Council to sell, mortgage, or alienate the lands, tenements, or hereditaments of the Corporation of the said City, or any part thereof, or to enter into any covenant, contract, or agreement, except in the cases allowed by this Ordinance, for demising or leasing any such lands, tenements, or hereditaments, or any part thereof.

LXXIX. AND BE IT ENACTED, that the reserves of Crown Lands known as the Park Lands, and all other reserves for public purposes in the City, (with the exceptions specified in the Schedule hereto annexed, marked J.) shall be under the care, control, and management of the City Council, so far as is necessary for the purposes of this Ordinance: PROVIDED NEVERTHELESS, that nothing herein contained shall be construed to vest in the said Corporation, the property of the Park Lands, or of the public roads, bridges, streets, squares, open spaces, and thoroughfares within the Municipal Boundaries, which are hereby declared to be and remain vested in Her Majesty, her Heirs and Successors, and to be reserved for the public purposes to which the same have been respectively dedicated and set apart, as specified in the third section of an Act of the Imperial Parliament, passed in the session of the fifth and sixth year of Her Majesty's reign, cap. 36, intituled, "An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies," subject always to the powers for the care and management thereof, hereby conferred on the said Corporation: PROVIDED ALSO, that it shall not be lawful for the City Council to sell, alienate, or lease the said reserves, or in any way or manner to use them, or suffer them to be used, contrary to the purposes for which they have been so set apart: PROVIDED NEVERTHELESS, that nothing herein contained, shall be construed to prevent the City Council from deriving a Fee on Licenses to depasture a limited number of cattle on the Park Lands.

LXXX. AND BE IT ENACTED, that it shall be lawful for the said Council in their Corporate capacity, to accept and have vested in them, the use of, and interest in, any property, real or personal, conveyed, made over, devised, or bequeathed to them in their said Corporate capacity, in trust for any public or charitable purposes for which any such property, real or personal, may be so conveyed, made over, devised, or bequeathed; and it shall also be lawful for the said Council, to act as Trustees in the administration of any such property to such public or charitable purposes.

LXXXI. AND BE IT ENACTED, that it shall be lawful for the said Council, and they are hereby authorized, if they shall see fit, over and above any Assessment hereinbefore mentioned, once in every year to Assess, by a just and equitable Assessment, and to rate under the name
name of Lighting Rate, the several owners or occupiers of tenements and other property within the limits of the said City liable to be Rated under this Ordinance, in any sum not exceeding fourpence in the pound, by the year, computed upon the annual value of such property, which Lighting Rate may be levied and recovered in like manner as any City Rate under this Ordinance; PROVIDED, however, that no Tenement or other property shall be so Assessed or Rated, which may be situated in any portion of the City that is not lighted at the expense of the Corporation.

LXXXII. PROVIDED HOWEVER, AND BE IT ENACTED, that nothing in this Ordinance contained, shall empower the said Council to levy any rate whatever on any lands or buildings the property of Her Majesty, and used for a public purpose within the said City; nor on any building hired by the Government for any public purpose; nor on any Hospital, Lunatic Asylum, Benevolent Asylum, or building used exclusively for charitable purposes; nor on any Church or Chapel, or other building used exclusively for Public Worship; nor on any building used as a School; PROVIDED it be not inhabited by the Master or Mistress of the school, or his or her family, and the school be one receiving aid from the Government, or otherwise of a public character.

LXXXIII. AND BE IT ENACTED, that it shall be lawful for the said Mayor, Aldermen, and Councillors, and they are hereby empowered, from time to time to purchase and provide such and so many Lamps, of such sorts and sizes, and such and so many Lamp Irons and Lamp Posts, and other Posts and Rails as they shall judge necessary, and to direct the same to be put or fixed upon or against the walls, rails, or pallsadoes of any houses or buildings, or upon, or against any other walls or places, or to be put up and erected in such other manner within all or any of the Streets, Highways, Market Places, and other public ways or places within the limits of the said City, as they shall think proper, and to cause the same to be taken down, altered, or renewed, when and as often as they shall think fit; and to cause the said Lamps to be lighted with gas or oil, or otherwise, for such number of hours in every twenty-four hours, and during such times and seasons of the year, as the said Mayor, Aldermen, and Councillors shall deem necessary and proper for lighting all or any of the Streets, Market Places, or other public ways or places within such City.

LXXXIV. AND BE IT ENACTED, that it shall be lawful for the Mayor, Aldermen, and Councillors as aforesaid, from time to time, to contract with any Gas Light Company, or with any one or more persons, or with any Corporation, for lighting the Streets, Highways, Market Places, and other public ways or places, within the limits
limits of the said City, with Gas, Oil, or otherwise, from year to year or for any number of years, and for such terms and conditions in all respects, as the said Council shall from time to time think proper; and to provide and fit up Lamps, Lamp Posts, Lamp Irons, and all other works necessary for such purposes within the same.

**Penalty for wilfully breaking lamps.**

LXXXV. **And be it Enacted**, that if any person shall wilfully take away, or wilfully break, throw down, or otherwise destroy or damage any Lamp which shall be erected by, or by order of the said Council, or by any person or persons, at his or their own expense, for the purpose of lighting any of the Streets, Market Places, or other public ways or places within such City, or any Post, Iron, Cover, or other furniture thereof, or shall wilfully extinguish the light of any such Lamp, it shall be lawful for any Justice of the Peace, and he is hereby required, upon complaint made to him of any such offence, to issue a warrant for apprehending the party accused; and it shall be lawful for any person who shall see such offence committed, to apprehend, and also for any person to assist in apprehending, the offender, and by authority of this Ordinance, without any other warrant, to deliver him into the custody of a Constable, in order to be secured and conveyed before some Justice, and such offender on conviction of such offence, either by his own confession or on evidence on oath, (in every such case,) shall, for such offence, and if more than one, for each several offence, forfeit and pay any sum not less than One nor more than Five Pounds, and shall besides, make full satisfaction, to be ascertained by such Justice, for the damage which shall have been done thereby: and in case such offender shall not, upon conviction, forthwith pay such penalty, and also make such satisfaction as aforesaid, such Justice is hereby required and empowered, to commit such offender to any Gaol or House of Correction, there to be kept to hard labour (if such Justice shall so order), for any term not exceeding six calendar months, unless such penalty shall be sooner paid and satisfaction made.

**Satisfaction to be made for negligently breaking lamps.**

LXXXVI. **And be it Enacted**, that if any person shall carelessly or negligently break, destroy, or damage any Lamp which shall be set up by order of the said Council, or by any person or persons at his or their own expense, or any Post, Iron, Cover, or any furniture thereof respectively, and shall not, upon demand, make satisfaction for the damage so done, then, and in every such case, it shall be lawful for any Justice of the Peace, and he is hereby required, upon complaint made to him on oath, to summon the party complained of; and upon hearing the parties on both sides, or on the non-appearance of the party complained of (oath having been made that the party complained of had been served with such summons, or that the same had been left at his usual place of abode), to examine into the matter of such complaint, and award and order such sums
sum of money (by way of satisfaction) to be paid by the party complained of, to the complaining party, as to such Justice shall appear just and reasonable; and in case the sum so awarded shall not be paid forthwith, the same, together with the expenses attending the recovery thereof, shall be levied and recovered by distress and sale of the offender's goods and chattels, with the reasonable charges of such distress and sale; and for want of sufficient distress, such offender may be committed to Gaol for any term not exceeding one calendar month, unless full satisfaction be sooner made.

LXXXVII. AND be it ENACTED, that from and after the election aforesaid, of the Mayor, Aldermen, and Councillors, the formation, repair, and ordering of all Public Roads, Lanes, Streets, Highways and Passages, and other Public Ways and Passages, Bridges, Tunnels, Sewers, and Drains, within the said City, shall be wholly under the management and direction of the said Council, and the same shall be superintended, performed, and carried on, under the management, inspection, and superintendence of the Surveyor or Surveyors, to be by them from time to time appointed, as hereinbefore mentioned.

LXXXVIII. AND be it ENACTED, that if any person shall at any time hereafter, in any manner whatsoever, wilfully obstruct, hinder, or molest the Surveyor or Surveyors, so to be appointed by the said Council, or any person who shall be appointed, employed, or authorized to put into execution this Ordinance, in the performance or execution of his duty, then every person so offending, shall, on conviction, for the first offence forfeit and pay any sum not exceeding Five Pounds, and for the second offence a sum not exceeding Ten Pounds, and for the third or every subsequent offence a sum not exceeding Twenty Pounds, to be recovered before any Justice of the Peace.

LXXXIX. AND be it ENACTED, that it shall be lawful for the said Council, and they are hereby authorized, empowered and required, from time to time, when, and as often, and in such manner as, they shall think proper and necessary, to order and cause the several Streets, Roads, Ways, (as well Carriage as Footways), Foot-crossings, Passages and places in the said City, which now are, or hereafter shall be declared to be, and are, or shall be adopted as public or common Highways and Thoroughfares, and each and every of them respectively, to be Paved, Flagged, Macadamized, or otherwise constructed, improved, repaired or amended, supported and kept in good order and condition, with such materials as the said Council shall think proper; and also from time to time, to cause the Pavements, flagging, or other materials of such public or common Highways and Thoroughfares, to be taken up and relaid, or renewed, and the ground and soil thereof to be raised, lowered, or altered, in such manner
manner, and with such materials, as the said Council shall deem proper, or direct; and also from time to time, to cause proper and convenient Sewers, Gutters, Drains, and Water-courses, to be made along or under the said several Streets, Roads, Lanes, Highways, Passages, or other public places, for carrying off Water, Mud, or other filth from the same, and to cause grates to be placed on or over any of the said Sewers, Gutters, Drains, or Water-courses; and to remove, renew, alter, or vary the situation of any grates that may be placed on or over the same, in such manner as the Council shall think proper.

 XC. AND BE IT ENACTED, that it shall be lawful for any Surveyor of the said Council, during such time as any of the said streets, roads, lanes, highways, passages, or public places, within the said City, shall be under repair, or during the making or repairing of any sewers or drains therein, to cause so many bars, posts, rails, and chains, or other obstructions, to be fixed, set up, and placed across, or along any of the streets, lanes, highways, passages, or other public places within the said City, to prevent the passing of carriages, carts, drays, horses, and cattle, whilst such works and repairs are in progress, as to the said Surveyor may seem proper; and if any person or persons shall throw down, break, remove, damage, or injure any of the said bars, posts, rails, chains, or other obstructions, every person so offending shall, for every such offence, forfeit and pay a sum not exceeding forty shillings, to be recovered, together with costs and the expense of repairing the injury done, in manner hereinbefore prescribed in other cases. PROVIDED ALWAYS that such Surveyor shall, during all the time such obstructions shall be so set up, maintain such and so many Lamps or Lights as shall be sufficient to prevent injury or danger to passengers, under a Penalty for every neglect or omission so to do, not exceeding Five Pounds sterling, to be recovered from such Surveyor by any party suing for the same; and to be payable to the Colonial Treasurer on behalf of Her Majesty, her Heirs and Successors, for the public uses of the Province and support of the government thereof.

 XCI. AND BE IT ENACTED, that it shall be lawful for the said Council from time to time to erect, and set up in such parts of the said streets, lanes, highways, passages, and other public places, as they may think necessary, any posts, pillars, stones, rails, bars, chains, or any other permanent or temporary fence, or fences, for the purpose of preserving any of the footways within the said City, clear from annoyance by horses, cows, swine, or other animals, and for the purpose of keeping off carriages, carts, drays, and other vehicles, from any of the said foot ways, and for the prevention of accidents; and also to paint, repair, and replace any posts, pillars, stones, rails, bars, chains, or other fence-work from time to time, whenever it shall appear to be requisite; and also from time to time to order, and cause the removal
noval of all, or any posts, rails, pales, and fences which are, or shall be, in any of the said streets, roads, lanes, highways, passages, or public places, and which the Council shall deem to be an useless obstruction to the free passage along the same.

XCII. AND BE IT ENACTED, that it shall and may be lawful for the said Council, to cause such, and so many common sewers, drains, and water-courses, public wells, fountains, and pumps of such materials, dimensions, and forms, as they may think fit and necessary, to be constructed, and made, or continued, in, along, or across any of the streets, lanes, roads, highways, passages, or other public places within the said City; and also to adopt any of the common sewers, drains, or water-courses, wells, or pumps, which now are, or hereafter shall be made within the same; and to cause the same to be altered, enlarged, repaired, or cleansed, as the said Council may deem proper; and to enter upon, and conduct through, and make upon any private lands, whether the same shall have been, or shall be, acquired by the owner, or owners, occupier or occupiers thereof, by grant or purchase from the Crown, or from any private individual, or individuals, or in any other manner whatsoever, all, or any such sewers, drains, water-courses, wells, or pumps, as may be deemed necessary, having given first fourteen days' notice of their intention so to enter upon such lands, to the owner or owners, occupier or occupiers thereof; and in case it shall be found necessary to enter upon any such private lands as aforesaid, for the purpose of altering, or completing any of the aforesaid sewers, drains, or water-courses, wells, or pumps, which now are, or hereafter may be, within the said City—it shall be lawful for such Council to enter upon such lands, and alter, or continue such sewers, drains, or water-courses, wells, or pumps, having first given fourteen days' notice in manner aforesaid: PROVIDED HOWEVER, that if the owners or occupiers of any lands, or grounds into, or through, or upon which any sewer, drain, or water-course, wells, or pumps shall be made, altered, and continued as aforesaid, shall be injured thereby, and such owners or occupiers shall refuse to treat, or cannot agree with the said Council, as to the compensation to be paid for such injury, such owners or occupiers may claim and recover compensation for such injury, in any Court of competent jurisdiction.

XCIII. AND BE IT ENACTED, that it shall be lawful for the said Council, by their officers, their deputies, agents, workmen, and assistants, to make, construct, erect, maintain, lay down, and keep, water-works, reservoirs, fountains, cisterns, tanks, cuts, aqueducts, conduits, engines, waste gates, stop gates, stop locks, sluices, banks, bridges, pumps, pipes, tunnels, works, machinery, and conveniences in, and through the said City, and from time to time to regulate, and conduct, continue, cleanse, open, widen, enlarge, alter, amend, and use, or
or discontinue the same, and make and maintain other works, as such
Council shall think fit and proper; and to bore, dig, trench, and re-
move earth, stone, gravel, and any other matter or thing which may
be dug, or met with in, and for the making, and perfecting, repair-
ing, and maintaining of any such water-works as aforesaid; or which
may obstruct the making, perfecting, repairing, or maintaining of
the same; and for effecting the purposes aforesaid, the said Council,
and their officers, deputies, agents, workmen, and assistants, are here-
by empowered to go, enter, and pass in, upon, over, under, and
through all, or any of the rivers, brooks, streams, and waters, high-
ways, roads, public lands, squares, streets, lanes, alleys, and passages
in the said City, or its vicinity; and also shall construct, erect, do, and
perform all other matters and things which shall be deemed necessary
and convenient for making, completing, improving, and continuing
such water-works, and for bringing a sufficient supply of water for
the said City, and through all the streets, lanes, highways, alleys,
passages, courts, and public places in such City, and for conveying
and distributing such water to the respective houses, factories, hos-
pitals, prisons, warehouses, workshops, offices, and all other buildings,
and premises within the same: Provided, the said Council, their
officers, workmen, and assistants, shall do as little damage as may be
in the execution of the several powers to them hereby granted, and
shall make full satisfaction to the owners or occupiers of, and all per-
sons interested in, any lands, tenements, or other hereditaments which
shall be taken, used, removed, or injured, for all damage by them
sustained, in or by the execution of any of the powers hereby granted.

Proviso.

XCIV. AND BE IT ENACTED, that the rate to be charged by
the said Council, for the supply of water, shall be fixed and regu-
lated by the Council of the Corporation: Provided always, that in
case the owner or occupier of any house or premises shall be dissa-
tisfied with such rate, it shall not be compulsory on such owner or
occupier to be supplied with water by the Corporation: Provided
also, that nothing herein contained shall be deemed to authorize the
said Council to make any charge for water supplied to any house or
other establishment belonging to, or occupied on behalf of, Her Ma-
jesty, except any actual expense which may be incurred by the said
Council in supplying the water in every such case; but that every
such house, or establishment as aforesaid, shall be entitled to obtain
such supply of water as may be directed by order of His Excellency
the Governor.

Proviso.

XCV. AND BE IT ENACTED, that all and singular the matter
and things hereby authorized to be done by the said Council
in respect to the supply of water to the City, may be by them dele-
gated to be done, under their control and with their sanction, by any
Company.
Company or Association for the supply of water to the City; Provided no such delegated authority be inconsistent with, or repugnant to, the provisions of this Ordinance.

XCVI. AND BE IT ENACTED, that it shall be lawful for the said Council to make, publish, alter, modify, amend, or repeal, such bye-laws and regulations, as to them shall seem meet, for regulating their proceedings, and for conducting the election of Mayor, Aldermen, Councillors, or other corporate Officers, in any matters which may not be sufficiently provided for by this Ordinance, and which may not be inconsistent therewith, and for the good rule and government of the said City, and for the prevention and suppression of all nuisances whatever, and for regulating the quality, and the place, and manner of selling butchers' meat; for the suppression and restraint of disorderly houses, and houses of ill-fame and repute; for prohibiting, forestalling and regulating, and every kind of fraudulent device and practice in relation to the sale of marketable commodities; for compelling the owners or occupiers of cellars, tallow-chandlers' shops, soap factories, and tanneries, and the owners of privies, sewers, slaughter-houses, and other houses or places which may be in an unwholesome or offensive state, or be likely to become so, to cleanse the same from time to time, and in such manner as the said Council may think necessary and proper, with a view to promote the health and comfort of the inhabitants of the said City; and for the regulation and government of carters, porters, and drivers; and for regulating slaughter-houses; for suppressing and restraining noisome and offensive trades, billiard tables, gaming tables, and gambling of every description; for preventing obstructions and incumbrances in, and upon the streets and waters of the said City; for regulating the flagging, paving, and repairing of the streets and roads, and for keeping the same clear from dirt; and also to appoint by such bye-laws, such fines as they shall deem necessary for the prevention and suppression of such offences, and for enforcing such regulations: Provided that no fine so to be appointed, shall exceed the sum of Ten pounds; and that no such bye-laws shall be made unless two-thirds at least of the whole number of the Council shall be present: Provided also, that no such bye-law shall be of any force until the expiration of forty days after the same or a copy thereof, sealed with the seal of the Corporation, shall have been laid before the Governor and Legislative Council of the said Province, at any session next ensuing the date of the bye-laws, and by the said Governor, with the advice and consent of the Council aforesaid, shall be then left unaltered, nor until a copy of the same shall have been published in the South Australian Government Gazette for at least one week; and if at any time within the said period of forty days, the Governor, with the advice and consent of the Council aforesaid, shall disallow such bye-law, or any part thereof, such
such bye-law, or the part thereof so disallowed, shall not come into operation: Provided likewise, that in the case of any such bye-laws, it shall be lawful for the said Governor, with the advice and consent of the Council aforesaid, at any time within such forty days as aforesaid, to enlarge, as he shall think fit, the period within which any such bye-laws shall remain inoperative; and no such bye-law shall come into force until after the expiration of such enlarged period: Provided further, that no bye-law to be passed by the said Council, shall be repugnant to this Ordinance, or to the general spirit and intendment of the laws in force within the Province of South Australia.

XCVII. And be it enacted, that all the provisions hereof, relative to offences against this Ordinance, punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any bye-law or regulation made by virtue of this Ordinance.

XCVIII. And be it enacted, that all Acts whatsoever, authorized or required by virtue of this Ordinance, save as respects the passing of bye-laws as hereinbefore mentioned, to be done by the said Council of such City, and all questions of adjournment, or others, that may come before such Council, may be done and decided by the majority of the members of the Council who shall be present at any meeting held in pursuance of this Ordinance, the whole numbers present at such meetings not being less than one-third part of the number of the whole Council; and at all such meetings, the Mayor if present, shall preside, and the Mayor, or in his absence such Alderman as the Members of the Council then assembled shall choose to be Chairman of that Meeting, shall have a second or casting vote in all cases of equality of votes; and minutes of the proceedings of all such meetings shall be drawn up, and fairly transcribed into a book to be kept for that purpose, and shall be signed by the Mayor or Alderman presiding at such meeting: and the said minutes shall be open to the inspection of any citizen, at all reasonable times, on payment of a fee of one shilling: Provided always, that previous to any meeting of the Council held by virtue of this Ordinance, a notice of the time and place of such intended meeting shall be given three clear days at least before such meeting, by fixing such notice on the outer door of the town-hall, or on some other public place within the said City; and such notice shall be signed by the Mayor, who shall have power to call a meeting of the Council as often as he shall think proper; and in case the Mayor shall refuse to call any such meeting, after a requisition for that purpose, signed by at least four Members of the Council, shall have been presented to him, it shall be lawful for the said four Members to call a meeting of the Council by giving such notice as hereinbefore required in that behalf, such notice to be signed by the said Members instead
instead of the Mayor, the said Members stating therein the business proposed to be transacted at such meeting; and in every case, a summons to attend the Council, specifying the business proposed to be transacted at such meeting, signed by the Town Clerk, shall be left at the usual place of abode of every Member of the Council, or at the premises in respect of which he is enrolled a citizen, or sent to him by post, three clear days at least before such meeting; and no business shall be transacted at such meeting other than is specified in such notice: PROVIDED ALWAYS, that there shall be four quarterly meetings in every year, at which the Council shall meet for the transaction of general business, and no notice shall be required to be given of the business to be transacted on such quarterly days; and the said quarterly meetings shall be held at noon on the ninth day of the months of December, March, June and September, respectively, or any such quarterly meeting may be held on any other day within three days next following any of the days so respectively appointed, as the Council, at any quarterly meeting next preceding the same, shall determine; and the first business transacted at the quarterly meeting in December, shall be the election of Mayor.

XCIX. AND BE IT ENACTED, that it shall be lawful for the said Council to appoint out of their own body, from time to time, such and so many committees, either of a general or special nature, and consisting of such number of persons, as they may think fit, for any purposes which in the discretion of such Council would be better regulated and arranged by means of such committees: PROVIDED ALWAYS, that the acts of every such committee shall be submitted to the Council for their approval.

C. AND WHEREAS an Ordinance was passed by the Governor of South Australia, with the advice and consent of the Legislative Council thereof, on the eighth day of December, One Thousand Eight Hundred and Forty, intituled "An Act to regulate the Slaughtering, and prevent the Stealing of Cattle:" And also an Ordinance was passed on the nineteenth day of February, One Thousand Eight Hundred and forty-four, intituled "An Ordinance to authorise the levying of Fees on the Slaughtering of Cattle in South Australia:" And also an Ordinance was passed on the first day of May, One Thousand Eight Hundred and forty-seven, "For the Establishment and Regulation of Markets:" AND WHEREAS by the said Ordinances respectively, certain powers and authorities are given to the Governor in Council, and other persons therein mentioned: AND WHEREAS it is expedient that the Council of the said City should have the sole control and management of all public Slaughter-houses and Markets within the limits of the said City: Be it therefore enacted, that the said Council, and no others, shall have and exercise the several powers, authorities, duties, and immunities

City Council to have sole control and man-
nagement of public 
slaughter-houses and 
markets.

immunities, in respect to Markets and public Slaughter-houses 
within the said City, which are given by the said Ordinances 
respectively, to the Governor in Council, the Commissioners of 
Police, and others therein appointed to carry the said Ordinances 
into execution.

All tolls and dues, 
and rents for stalls, 
standings, cattle pens, 
to be paid to City 
Treasurer.

Regulations and bye-
laws respecting mar-
kets and slaughter-
house, to remain in 
force only till altered 
by City Council.

Certain powers and 
authorities in Police 
Ordinance, transferred 
to City Council.
7 & 8 Vict. No. 19, 
1844.

CII. AND BE IT ENACTED, that the Regulations and By-laws, 
if any, respecting Markets and Slaughter-houses within the said 
City, made in pursuance of the said recited Ordinances respectively, 
shall remain in force only until the same may be varied or altered 
by any By-Law or By-Laws passed, as hereinbefore provided by the 
Council of the said City.

CIII. AND WHEREAS another Ordinance was passed on the 
seventh day of September, one thousand eight hundred and forty-four, 
intituled, "An Ordinance for Regulating the Police in South Aus-
tralia," AND WHEREAS it is expedient, also, that certain powers 
and authorities therein given to the Surveyor-General, the Police, 
Magistrates, and others, should be transferred to, and exercised 
within the said City solely by, the said City Council: BE IT ENACTED 
that, for preserving cleanliness and the health of the inhabitants, it 
shall be lawful for any person authorised by the City Council, by 
any writing under the hand of the Mayor, from time to time, and 
when and as often as he shall see occasion, to visit and inspect the 
Butchers' Sambles and Slaughter-houses, and all private avenues, 
passages, yards, hog-styes, privies, and ways, within the said City, 
and to give such directions, in writing, under the hand of the Mayor, 
concerning the cleansing the said Shambles and Slaughter-houses, 
and the said private avenues, passages, yards, privies, and ways, 
both within and without, and the removal or abating of all 
uisances therein, as to the said Council shall seem needful; and 
such order, or a true copy of the same, shall be forthwith served 
upon the occupier of the premises or place mentioned in such 
order, or if there be no such occupier, then upon the owner, or if 
such occupier or owner cannot be served, then such order, or a 
true copy thereof, shall be forthwith affixed upon some part of such 
preises or place as aforesaid; and if the said Butchers' Shambles, 
Slaughter-house, private avenue, passage, yard, hog-stye, privy,
IV. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

V. And it shall be lawful for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

VI. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

VII. And it shall be lawful for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

VIII. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

IX. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

X. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XI. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XII. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XIII. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XIV. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XV. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XVI. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XVII. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XVIII. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XIX. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XX. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XXI. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.

XXII. And in every case in which the directions in any such order under the
provisions described in any such order shall not be removed or abated in
the manner in the said manner as described in the said order, or if the nuisance in
the said order shall not be removed or abated within the time therein
specified, the said order shall be lawfully for the said Council by their servants, their
agents, or other persons, or houses, or places, or persons, to be removed or abated.
CV. AND BE IT ENACTED, that any person who shall form, dig or open, any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material used in the formation of the streets, in or from any part of the carriage or footway, without leave first had and obtained from the said City Council or some officer authorised by them in that behalf, or who shall wantonly break up, or otherwise damage, the said carriage or footways, shall, on conviction, forfeit and pay for every such offence any sum not exceeding Five Pounds nor less than One Pound.

CVI. AND BE IT ENACTED, that the Council of the said City, or any person deputed by them, shall set out, from time to time, as far as may be practicable, and necessary, the breadth of the carriage and footways in the streets and public places within the said City, and shall cause the said footways to be marked off by posts at the corners and intersections of the streets, or wherever the same may be necessary for defining the footways; and the carriage and footways when so marked off, shall be deemed to be the carriage and footways within the meaning of this Ordinance, and of the laws of the Province in this behalf: and the breadth of the said footways shall, in all cases, be taken and measured from the curb-stone or exterior edge thereof, as so defined, without reference being in any manner had to the breadth of the carriage way adjoining thereto, or any part thereof: PROVIDED ALWAYS, that a plan of every street, or part of a street, or public place, so marked off, certified under the hand of the Mayor, showing thereon the proposed breadth of the carriage and footways, shall be deposited and kept open to public inspection in the hands of the Town Clerk, and a notice referring thereto shall be published in the South Australian Government Gazette, fixing and declaring the distance from the curb-stone, or exterior edge of the said footway, in any such street, or part of a street, or public place.

CVII. AND BE IT ENACTED, that after the commencement of this Ordinance, no person whatsoever shall begin to erect any house, shop, or other building abutting on any street, without first serving notice in writing on the Town Clerk, on any lawful day between the hours of eleven and three o'clock, stating such intention and describing the proposed situation of the building; and the said Town Clerk is hereby required and directed, within three days after the receipt of such notice, to furnish such person with a paper, signed by him, specifying the position of the exterior edge and the breadth of the footway in front of the site of such proposed building, so as to prevent encroachment on the footways; and if any person shall begin to erect the same, without having first served such notice and received such paper, he shall forfeit and pay a sum not exceeding Five Pounds; and if the said Town Clerk shall refuse or neglect to furnish
furnish such written paper within three days after the receipt of
such notice, he shall, on conviction, forfeit and pay the sum of Five
Pounds, unless reasonable cause be shewn.

CVIII. And be it Enacted, that no house, shop, or other build-
ing, shall be erected or allowed to project or encroach in any
part within the distance from the exterior edge of the footways
described and specified in the paper so furnished as aforesaid, or fixed
and declared under the provisions of this Ordinance, or any other
Ordinance in this behalf at any time in force; nor shall any house,
shop, or other building, which is now erected within the said distance
from the exterior edge of the said footway, be rebuilt in the whole
or in any part, nor shall any addition or alteration be made to the
same, except in conformity with the provisions hereof. And any
person who shall erect or rebuild any such house, shop, or other
building, in whole or in part, or make any addition or alteration to
the same, except according to the provisions hereof, shall, on convic-
tion, for every such offence, forfeit and pay the sum of twenty
pounds: And if the said house, shop, or other building, or any addi-
tion or projection, shall not be removed or abated within one
month after notice shall be served to that effect, by order of the
Mayor, on the proprietor or occupier thereof, or left at his usual
place of abode, the further sum of one pound for every day the same
shall remain, contrary to the provisions of this Ordinance: And it
shall be lawful for two or more Justices of the Peace, the Mayor
being one of them, to grant a warrant to cause the said house, shop, or
other buildings, and all additions and alterations thereto, so far
as the same may be contrary to the provisions hereof, to be taken
down, and the materials thereof to be sold, and thereout to pay the
charges of taking down the same, and the surplus, if any, shall be
paid to the owner of such materials.

CIX. And be it further Enacted, that it shall and may be
lawful for any person appointed by the said Council, at any time
after the commencement of this Ordinance, to mark upon the
walls of any house, the name of the street or place in which
it is situated, or such other notice as it may be conducive to the
public convenience to affix, either by painting or coloring the
same upon the walls, or by affixing a board thereto, upon which
such notice may be painted; and also from time to time, to
allot a number to each house, in every street or public place, which
number the occupier of every such house is hereby required to paint,
or affix, or cause to be painted or affixed, in legible characters,
on the door of his house, within fourteen days after written notice
from the said person so to be appointed by the Council to that effect,
left at his said house; and every person neglecting or refusing to
paint or affix such number after such notice as aforesaid, shall on
conviction

No buildings or
creations to be within
the distance fixed for
the footways.

City Council may affix
name of street.
conviction, forfeit and pay the sum of Ten Shillings, and the like sum for every week during the continuance of such neglect or refusal.

CX. AND for greater regularity and convenience, BE IT FURTHER ENACTED, that it shall and may be lawful for any person appointed by the said Council, as soon as the footways shall have been set out and marked in manner hereinbefore mentioned, in any street or part of a street or public place, to cause the same to be levelled, and made as nearly as may be practicable, of an equal height and breadth, and with an equal slope and inclination; and for this purpose to remove and abate any flagging, steps, or any other thing that may injure or obstruct the said footway, or render it unequal or inconvenient or dangerous to passengers, and which now is, or hereafter may be, erected or placed on or over the space marked out for any of the said footways.

CXI. AND BE IT ENACTED, that if any person after the said Footways shall be so defined as aforesaid, shall be desirous of Flagging, Paving, Gravelling, or putting a Curb-stone to the Footway in front of his house, every such person shall, before such work be begun, give notice in writing to the Town Clerk at his office, between the hours of eleven in the forenoon, and three in the afternoon of any day, of such his intention. And the said Town Clerk is hereby required, within three days after receipt of such notice, to furnish such person with written directions as to the Length, Breadth, Height, Slope, and Inclination of such Footway; and if any person shall commence any such work without giving the notice herein directed, or shall refuse or neglect to conform to the directions given in that behalf, every such person shall forfeit and pay any sum not less than Five Pounds, nor more than Ten Pounds; and it shall be lawful for any two or more Justices of the Peace, the said Mayor being one of them, to order the removal of all work which may be so executed contrary to such directions.

CXII. PROVIDED ALWAYS AND BE IT ENACTED, that nothing in this Ordinance contained, shall be deemed to prevent any person from placing an Awning or Verandah in front of his shop or house: PROVIDED HOWEVER, that such Awning or Verandah be at least seven feet above the height of the Footway in front of such shop or house, and that the posts be placed close up to the Curb-stone or other edge of such footway.

CXIII. AND BE IT ENACTED, that so much only of the provisions of the several last hereinbefore recited Ordinances, namely: "To regulate the slaughtering, and prevent the stealing of cattle; "To authorise the levying of Fees on the slaughtering of cattle in South Australia:" "For the establishment and regulation of Mar-
And "for regulating the Police in South Australia;" as may interfere, or be inconsistent with the exercise by the said City Council, solely and exclusively within the said City, of the powers and authorities hereinbefore mentioned or referred to, shall be and are hereby repealed; save as to all things lawfully done before the commencement hereof: PROVIDED ALWAYS, that the said Ordinances shall be and remain in full force in all respects not inconsistent herewith.

CXIV. AND BE IT ENACTED, that all Fines, Penalties, and Sums of Money recovered and payable under this Ordinance for any offence against the same, the appropriation whereof is not otherwise provided for, shall be paid to the City Treasurer, and carried to the credit of the City Fund, and applied under the provisions of this Ordinance.

CXV. AND BE IT ENACTED, that the Charters, Deeds, Muniments, and Records of the Corporation, or relating to the property thereof, shall be kept in such place as the Council from time to time shall direct, and the Town Clerk for the time being shall have the charge and custody thereof, and be responsible for the same.

CXVI. AND BE IT ENACTED, that all proceedings under this Ordinance, in so far as not otherwise expressly provided, may be had and taken, and all Summonses to parties and witnesses, and Warrants, (where necessary,) for enforcing the same, may be issued and served, or executed, respectively; and all fines and penalties imposed, and all sums of money ordered to be paid, may be recovered before any one or more Justice or Justices; and shall be appropriated and applied; and every person feeling aggrieved by any conviction or order, shall be entitled to appeal therefrom in manner and form, and on the terms respectively prescribed by the Laws of the Province for regulating Summary Proceedings before Justices of the Peace.

CXVII. AND BE IT ENACTED, that no person, although liable to any rate, contributing to the City or other fund of the said City, shall be deemed an incompetent witness in proof of any offence against this Ordinance, or any bye-law authorised as aforesaid, or in any civil or criminal proceeding whatever, by or against the Mayor, or by or against the Corporation, or any Member thereof, or in which such Corporation, or any of its Members, shall be directly or indirectly interested: AND no Judge, Justice of the Peace, or other inhabitant discharging any judicial or civil functions whatever, shall be disabled from acting in the execution of this Ordinance, or otherwise in the due discharge and execution of his respective duties, by reason of his being liable to the rates, contributing to the said funds.
funds, or by reason of his being a Member of the Corporation interested: And no Collector or other Officer acting in the execution of this Ordinance, although paid out of the Rates collected by him, or by a proportion thereof, shall by reason thereof, be deemed an incompetent Witness before any Court or Justice of the Peace, in any proceedings whatever, for any offence against this Ordinance, or in any matter relating to such rates, or in any other matter mentioned in this Ordinance.

CXVIII. And for the more effectual Prosecution of Offences punishable upon summary conviction by virtue of this Ordinance, Be it Enacted, that the prosecution for every such offence, shall be commenced within Three Calendar Months after the commission of the offence, and not otherwise; And proceedings for such Offences by summons, without information, in writing, shall be as valid and effectual, as if an information, in writing, had been first exhibited in that behalf: Provided always, that a note or memorandum, in writing, shall be made and kept in Court, of the substance of every charge for which a summons shall be issued: Provided also, that the Justice, if he shall think fit, may require an information, in writing, to be laid in every case in which it shall seem to him expedient, before the matter of the complaint or charge shall be brought before him.

CXIX. And be it Enacted, that no misnomer or inaccurate description in this Ordinance, or in any proceeding had or taken in pursuance of the same, shall in anywise prevent or abridge the operation hereof, with respect to the subject-matter, provided the same be designated so as to be understood.

CXX. And be it Enacted, that no Assessment, Order, Warrant, or other Proceeding which shall be made by virtue, or in pursuance, or in execution of this Ordinance, shall be quashed, or deemed to be void or voidable, for want of form, or be impeached or affected by reason of any mistake, defect, or omission therein, provided the person or property charged, or intended to be charged, or affected, by any such proceeding, be designated, therein to common intent and understanding, and such proceeding be in substance and effect in conformity with, or according to, the intent and meaning of the said Ordinance.

CXXI. And be it Enacted, that in case it shall be found that sufficient provision is not made in this Ordinance for the Recovery of Rates by Distress, in case of non-payment thereof, or for the costs of levy, and other matters connected therewith, the Council of the said City, shall have power to make such regulations, as from time to time they may think fit, for enforcing such distress.
distress and sale; for allowing such costs; and for returning the
over-plus, if any, and for all other matters connected therewith, not
otherwise provided for by this Ordinance: Provided always that
the costs chargeable on any such distress, shall not exceed those
enumerated in Schedule I. hereto annexed.

CXXII. And Whereas, at the first elections to be held after the
commencement of this Ordinance, the provisions of this Ordinance
cannot be complied with, unless certain Officers be appointed to preside
at such elections, and to exercise all other necessary functions: Be it
Enacted, that it shall and may be lawful for the Governor of the
said Province for the time being, by Warrant under his hand, to
appoint some fit and proper person to preside at each of such elections,
and also to appoint in like manner, such and so many persons as may
be necessary, to perform any of the acts hereinbefore required to be
done by the Mayor, Aldermen, Assessors, Councillors, Town-clerk,
Collectors, or other Officers, before such Officers can be appointed or
elected under the provisions of this Ordinance; and every such
appointment shall be notified in the South Australian Government
Gazette.

CXXIII. And be it Enacted, that whenever in consequence of
death, absence, or any lawful impediment, it shall not be possible for
any Alderman, or for the Town-clerk, or any other officer or person,
to perform any particular matter or thing which by this Ordinance
he is directed to perform, it shall and may be lawful for the Mayor
for the time being, to appoint any other Alderman or 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 Ordinance be
required to perform, the Council may either perform the same, or
by the majority of their voices appoint some other person to perform
it.

CXXIV. And be it Enacted, that at any time, in case no Election
shall be made of the Mayor, or of any of the Aldermen, Councillors,
or other Corporate Officers of the said City, upon the day, or within
the time, appointed by this Ordinance for any such election; or such
election being made, shall afterwards become void, whether such
omission or voidance shall happen through the officer or officers who
ought to preside at such election, or by any accident or other
means whatsoever, the Corporation shall not be thereby deemed or
taken to be dissolved or disabled from electing such Mayor,
Alderman, or Councillor, or other Corporate Officer for the future;
but in any case where no such election shall be made as aforesaid, the
election of any such Mayor, Alderman, Councillor, or other Cor-
porate Officer, may be held and proceeded with upon the day next
after the day on which such election ought to have been made, unless
such

Governor may ap-
point persons to pre-
side and perform other
necessary functions at
first elections.

If by death or other-
wise, any officer is pre-
vented from doing any
matter required under
this Ordinance, City
Council to appoint a
person.

Provides for omis-
sion in election of
Mayor, Alderman,
Councillors, and other
officers.
CXXV. And be it enacted, that after the commencement of the Eleventh Year of the Reign of His late Majesty King George the First, intituled "An Act for Preventing the Election of the Bow of the Province of South Australia,"  the Eleventh Year of the Reign of His late Majesty King George the First, intituled "An Act for the Prevention of the Election of the Bow of the Province of South Australia," such day shall happen to be on a Sunday, Christmas-day, or Good Friday, and then upon the next day following: And, every Act made and done under this Ordinance, and the said Act of His late Majesty King George the First, intituled "An Act for Preventing the Election of the Bow of the Province of South Australia," and the said Act of His late Majesty King George the First, intituled "An Act for the Prevention of the Election of the Bow of the Province of South Australia," and the said Act of His late Majesty King George the First, intituled "An Act for Preventing the Election of the Bow of the Province of South Australia," shall be void and for all purposes, as if the election had been made or the proper day appointed for the election to have been held.
CXXVII. AND BE IT ENACTED, that every meeting or adjourned meeting held in furtherance of this Ordinance, for the nomination, election, appointment, swearing in, or admission of any Officer or Officers, or for the transaction of any other affair of the Corporation, which is, or shall be required to be held on a Sunday, Good Friday, or Christmas-day, shall be held on the day next ensuing at the like hour, with like form and effect as if the same had been held on such Sunday, Good Friday, or Christmas-day: PROVIDED always that every person whose term of office would, according to this Ordinance, have expired on any such Sunday, Good Friday, or Christmas-day, shall continue in Office, and exercise and enjoy all the powers and privileges annexed or relating to such Office, until, and on such next ensuing day, in the same manner as if such day had been the customary day of nomination, election, appointment, swearing in, or admission.

CXXVIII. PROVIDED ALWAYS, AND BE IT DECLARED AND ENACTED, that nothing in this Ordinance contained, shall be deemed to limit the Royal Prerogative, or to affect or to interfere with any right, title, or interest of HER MAJESTY, Her Heirs, or Successors, or of any Body Politic or Corporate, or of any of Her Majesty's Subjects; save and except such as are mentioned herein, and those claiming by, from, through, and under them.

CXXIX. PROVIDED ALSO, AND BE IT DECLARED AND ENACTED, that nothing contained in this Ordinance, shall at any time be held or construed to prevent the alteration or repeal of the whole or any part thereof, whether such repeal or alteration shall take away or affect the franchises, immunities, or privileges of the Corporate Body created thereby, or otherwise.

CXXX. AND BE IT ENACTED, that it shall and may be lawful for the Governor, with the advice of the Executive Council, on application made by a majority (being not less than two-thirds) of the resident house-holders of any other Town, Village, or Hamlet in this Province, to extend the provisions of this Ordinance, or such of them as may be deemed proper, by Proclamation, to any such other Town, Village, or Hamlet, with such modifications as to the number of Aldermen, Councillors, and other office-bearers of the Corporation, and with respect to all other matters, as shall appear to the said Governor and Executive Council to be best adapted to the size and population of such other Town, Village, or Hamlet: and by such Proclamation to declare the limits within which such provisions shall be in force for such purposes, and to determine the boundaries of the respective Wards (if any) into which the same may be divided.

CXXXI. AND
Provisions of this Ordinance may be extended by Proclamation to other towns, &c.

CXXXI. AND BE IT ENACTED, that within every such Town, Village, or Hamlet, to which the provisions of this Ordinance, or any of them, shall be so extended by proclamation, under modification as necessary as aforesaid, such provisions shall be applicable and binding, and have the force of law.

Commencement.

CXXXII. AND BE IT ENACTED, that this Ordinance shall commence and take effect from and after a day to be for that purpose appointed by the Governor, by Proclamation published in the South Australian Government Gazette; upon the Petition of at least Four Hundred Ratepayers, rated to any City assessments in force within the City of Adelaide at the time of such Petition,—representing among them property rated of the yearly value of Fifteen Thousand Pounds.

H. E. F. YOUNG,
Lieutenant Governor.

Passed the Legislative Council, this Twenty-fourth day of August, One Thousand Eight Hundred and Forty-nine.

W. L. O'HALLORAN,
Clerk of Council.
SCHEDULE A.

BOUNDARIES OF CITY OF ADELAIDE.

The exterior boundaries of the Park Lands, as delineated on the Public Maps and Plans deposited in the Survey Office at Adelaide.

SCHEDULE B.

HINDMARSH WARD.

The portion of the City of Adelaide south of the River Torrens, bounded by a line drawn through the centre of Flinders Street, and produced both ways until it intersects, towards the west, a line drawn through the centre of King William Street, 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 King William Street until it reaches the northern boundary line of North Terrace; thence continued eastward, along the said boundary and the northern side of the road leading to Payneham, until intersected by the eastern exterior boundary of the Park Lands, thence southward along the eastern exterior boundary of the same, as far as the point formed by the intersection of a line through Flinders Street produced.

GAWLER WARD.

The portion of the City of Adelaide south of the River Torrens, bounded by a line drawn through the centre of Franklin-street, commencing at the south-west angle of Hindmarsh Ward, and produced until it intersects, towards the west, the exterior boundary of the Park Lands; thence following the said boundary, to the northward, until it reaches the centre of the River Torrens; thence continued eastward, along the centre of the said River, until it intersects a line drawn northward in prolongation of the western side of Morphett-street; thence southward along the said line, to the northern side of North Terrace; thence eastward, along the northern side of North Terrace, to the intersection thenceforth of a line through the centre of King William-street, and southward along that line to the point of commencement.

GREY WARD.

The portion of the City of Adelaide south of the River Torrens, bounded on the north by a line drawn through the centre of Franklin and Flinders-streets, crossing King William-street, and continued, both ways, to the exterior boundary of the Park Lands; thence, from these two points of intersection, by the two lines continued southward, which form the eastern and western exterior boundary of the Park Lands, until they meet the southern boundary of the Park Lands, which last boundary will form the southern boundary of the Ward.

ROBE WARD.

The portion of the City of Adelaide north of the River Torrens, bounded on the north by a line drawn through the centre of the River Torrens throughout its whole course, within the exterior boundary of the Park Lands, and bounded in other parts by the exterior boundary of that portion of the Park Lands being to the north of the River Torrens, including thereby the whole of that part of the City known as North Adelaide.
### SCHEDULE C.

**THE LIST OF CITIZENS IN WARD IN THE CITY OF ADELAIDE.**

<table>
<thead>
<tr>
<th>Christian Name and Surname of each person, at full length.</th>
<th>Nature of the Property in respect of which he is enrolled.</th>
<th>Street, Lane, or other Place in this Ward, where the property is situated for which he is now enrolled.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashton, John</td>
<td>Shop</td>
<td>No. 23, Hindley-street</td>
</tr>
<tr>
<td>Bates, Thomas</td>
<td>Dwelling-house</td>
<td>Rundle-street</td>
</tr>
</tbody>
</table>

(Signed) A. B. Collectors of Ward.

C. D.

---

### SCHEDULE D.

**NOTICE OF CLAIM.**

To the Town Clerk of Adelaide.

I hereby give you Notice that I claim to have my name inserted in the Citizen List of the City of Adelaide; that I occupy (here describe the house, warehouse, counting-house, or shop then occupied by claimant) in the City.

Dated this day of in the year

(Signed) JOHN ALLEN, of (Place of abode.)
NOTICE OF OBJECTION.

To the Town Clerk of Adelaide (or to the person objected to, as the case may be.)

I hereby give you notice that I object to the name of Thomas Bates, of Hindley-street, in Ward, of the City of Adelaide (Describe the person objected to as described in the Citizen List) being retained on the Citizen List of the City of Adelaide.

Dated the day of in the year

(Signed) John Ashton, of ________________________________

(Signed) A. B., Town Clerk.

SCHEDULE F.

LIST OF CLAIMANTS.

The following persons claim to have their names inserted in the Citizen List of the City of Adelaide:—

<table>
<thead>
<tr>
<th>Christian name and Surname of each Claimant</th>
<th>Nature of the Property for which he is now enrolled</th>
<th>Situation of the Property for which he is now enrolled</th>
<th>Ward (or Wards) in which he has occupied any Tenement, as stated in the Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen, John</td>
<td>House</td>
<td>No. 1, Hindley-street</td>
<td>Enrolled in the last year in _______ Ward (or _______ Wards), and in the whole of the preceding year, in _______ Ward (or _______ Wards)</td>
</tr>
</tbody>
</table>

(Signed) A. B., Town Clerk.

SCHEDULE G.

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to, as not being entitled to have their names retained on the Citizen List of the City of Adelaide:—

<table>
<thead>
<tr>
<th>Christian name and Surname of each person objected to</th>
<th>Nature of the Property for which he is now on the List</th>
<th>Situation of the Property for which he is said to be now inserted in the Collector's List</th>
<th>Ward (or Wards) in which is the Property for which he is now said to be entered in the Collector's List</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bates, Thomas</td>
<td>House</td>
<td>Rundle-street</td>
<td>_______ Ward</td>
</tr>
</tbody>
</table>

(Signed) A. B., Town Clerk.
SCHEDULE II.

To A M Collector of Rates for the City of Adelaide and his Assistants.

Whereas in an Assessment made, allowed, and published for the Day of [here state the number and title of ordinance] pursuant to the Ordinance No. the several persons named in the Schedule hereto annexed have been severally rated at the Sums per Annum set opposite their respective Names, for the Rate of the said City, in respect of certain Property in the said City described in the said Schedule.

You, the said A M, are hereby nominated and appointed to be Collector of City Rates, during the pleasure of the Council of the said City, to levy the amount of Rates charged in the said Schedule.

And you are hereby authorised and required to make demand of the several Sums contained in the said Schedule, in the manner appointed in the said Ordinance; and upon payment thereof to give acquittances; and if such payment shall be refused or remain uncomplied with, for the time mentioned in the said Ordinance, after demand shall have been duly made, then you are hereby enjoined and required to distrain for the same, according to the directions of the said Ordinance, by virtue of this warrant, without further authority.

Given under the hand of the Mayor, and the Seal of the Corporation of the said City, at the Day of A. D. (Signature of Mayor.)

SCHEDULE I.

For every Levy ................................................................. s. d. 1 0
For man, in possession, each day, not exceeding ........................................ 5 0
For Inventory, Sale, Commission, and Delivery of Goods, not exceeding One Shilling in the Pound on the net produce of the Sale.
SCHEDULE J.

GOVERNMENT RESERVES. CITY OF ADELAIDE.

All that portion of land included by a line commencing at a point on the North Terrace formed by the intersection of a line drawn in prolongation of the west side of Morphett Street and the north side of the North Terrace, thence northward, in prolongation of said line to the centre of the River Torrens, thence along the centre of the said river to the east, until it meets the eastern boundary of the Park Lands at the north-west angle of Section 256, thence following southward the eastern boundary of the Park Lands to its intersection with the northern side of the road to Payneham—thence easterly along said side of said road to eastern end of north side of North Terrace—hence westward along north side of North Terrace to the point of commencement.

<table>
<thead>
<tr>
<th>Description</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Containing about</td>
<td>312.00</td>
</tr>
<tr>
<td>Also the site of the Cemetery</td>
<td>60.00</td>
</tr>
<tr>
<td>Signal Station West Terrace</td>
<td>1.00</td>
</tr>
<tr>
<td>Barracks</td>
<td>4.00</td>
</tr>
<tr>
<td>North of the River Torrens, Sappers Quarters</td>
<td>1.00</td>
</tr>
<tr>
<td>Proposed new Signal Station</td>
<td>1.00</td>
</tr>
</tbody>
</table>

Printed by Authority, by George Dehane, King William Street, Adelaide.