1854.

No. 23.

An Act to alter and repeal certain Laws relating to the Corporation of the City of Adelaide, and to make further and other provisions in lieu thereof, and to confer further powers on the said Corporation, and on the Council for the time being of the said City.

[Assented to, December 16, 1854.]

WHEREAS an Ordinance was passed by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council thereof, being No. 11 of 1849, "To constitute a Municipal Corporation for the City of Adelaide:" And whereas an Act was passed by the said Governor and Council, being No. 23 of 1852, "To alter and amend the Ordinance No. 11 of 1849, 'To constitute a Municipal Corporation for the City of Adelaide:'" And whereas it is expedient to alter and repeal portions of the said recited Ordinance, and to repeal a portion of the said recited Act, and to make further and other provisions in lieu thereof, and to confer further powers on the said Corporation, and on the Council for the time being, of the said City—Be it therefore Enacted, by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

1. It shall be lawful for the Council, as soon as conveniently may be after the passing of this Act, to cause to be made and completed a survey of the area within the City, and of the precincts thereof which they may deem necessary to include in such survey, and a map or maps thereof, on such scale or respective scales, and with such indications of the surface levels thereof, as they shall think expedient; and the Council may cause such map or maps, or any part or parts thereof, to be from time to time copied or engraved, and published as they may think proper; and shall, from time to time, cause such map or maps to be revised, and such additions made thereto, as may show the
new streets, courts, alleys, buildings, or other alterations within the said limits or precincts, and the date of revision shall be expressed in such revised map or maps, and every such map shall be kept in the office of the Town Clerk, and the same, or a copy thereof, shall be open, at all reasonable times, to the inspection of the owners or occupiers of any land or house, or other building within the City.

2. It shall be lawful for the Council to open, make, alter, widen, divert, turn, or extend, any new or other street, court, alley, or public place within the City, or for all, any, or either of such purposes, the Council may, with and subject to the powers, provisions, and restrictions hereinafter contained, enter upon, take, purchase, and hold all such messuages, lands, tenements, and hereditaments, of any tenure as may be necessary for effecting the same.

3. Whenever the Council shall deem it necessary or expedient to open, alter, widen, divert, turn, or extend, any new, or other street, court alley, or public place as aforesaid, they shall cause a survey map and plan, describing the exact course, bearings, and admeasurements thereof, and the lands, tenements, and hereditaments required to be taken by them for the purposes thereof, and also a book of reference, in which shall be entered the names of the owners and occupiers of such lands, tenements, and hereditaments, so far as known, and the description of the said lands, tenements, and hereditaments, and the quantity of such lands, and also an estimate of the expense of the work, to be deposited in the office of the Town Clerk, and a notice to be published, by advertisement, once in the South Australian Government Gazette, and in each newspaper published in the City, describing generally the same particulars, and referring to such map, plan, book of reference, and estimate, to be seen in the said office of the Town Clerk, and calling upon all persons affected to set forth in writing, addressed to such Council or the Town Clerk, within thirty days from the first publication of such notice, any objections to such opening, making, altering, widening, diverting, turning, or extending, and such map, plan, book of reference, and estimate, shall be open to inspection, at all convenient times, for public information, from the publication of the said notice.

4. At the next meeting of the Council, to be held after the expiration of such thirty days as aforesaid, it shall be competent for any person who shall be affected by any such proposed opening, making, altering, widening, diverting, turning, or extending, and who shall have set forth, in writing, his objections as aforesaid, to appear before the Council, and be heard in support of such objection.

5. If, after expiration of such term, and the due consideration of such objections set forth as aforesaid, if any, it shall, nevertheless, appear to the Council necessary or expedient to proceed with the said work, either in whole or in part, the Council shall make an order thereupon, directing such opening, making, altering, widening, diverting, turning, or extending, or such part thereof as they may deem
deem expedient to be executed according to such plan and estimate, as aforesaid, and shall cause such order to be transmitted along with such written objections, if any, for the consideration of the Local Court of Adelaide of full jurisdiction, and it shall be lawful for the said Local Court, to confirm such order, by notice published in the South Australian Government Gazette.

6. The following clauses of the "Lands Clauses Consolidation Act" shall be, and the same are hereby, incorporated with this Act, that is to say—With respect to the purchase of lands by agreement, the clauses numbered respectively from 6 to 9, both inclusive, and the clauses numbered respectively from 12 to 14, both inclusive: And, with respect to the purchase and taking of lands otherwise than by agreement, the clauses numbered respectively from 18 to 68, both inclusive: And, with respect to the purchase-money or compensation coming to parties having limited interests, or prevented from treating, or not making a title, the clauses numbered respectively from 69 to 80, both inclusive: And, with respect to the conveyance of land, the clauses numbered respectively from 81 to 83, both inclusive: And, with respect to the entry on lands by the promoters of the undertaking, the clauses numbered respectively from 84 to 92, both inclusive: And, with respect to small portions of intersected land, the clauses numbered respectively 93 and 94: And, with respect to lands subject to mortgage, the clauses numbered respectively from 95 to 101, both inclusive: And, with respect to lands subject to leases, the clauses numbered respectively from 106 to 110, both inclusive: And with respect to interests in lands which have, by mistake, been omitted to be purchased, the clauses numbered respectively 111, 112, and 113: And, with respect to lands acquired by the promoters of the undertaking under the provisions of this Act, or of the said "Lands Clauses Consolidation Act," or of the recited Ordinance, but which shall not be required for the purposes thereof, the clauses numbered respectively from 114 to 119, both inclusive, and the clauses numbered respectively 121 and 122: And, with respect to the recovery of forfeitures, penalties, and costs, the clauses numbered respectively from 123 to 135, both inclusive.

7. No street or alley shall be formed within the City unless such street be of the width of forty feet at least, and such alley of the width of twenty feet at least, from front to front, in every part thereof respectively; the width of every such street and alley to be ascertained by measuring at right angles to the course thereof, from front to front of the buildings on each side of such street or alley; and every such alley shall have two entrances thereto, each being at the least of the full width of the alley, and one at the least open from the ground upwards; and any person offending against the provisions hereof, either as respects the width or entrances of any such street or alley, shall be deemed guilty of a nuisance; and being thereof lawfully convicted, shall be liable to fine and imprisonment, at the discretion of the Court or Judge before whom any such offender may be convicled, and shall be compelled, by due course of law to abate such nuisance:
nuisance: Provided always, that all alleys or passages now in exist-}
ence, of less than eight feet in width, shall be properly secured at
their entrances, at the expense of the adjoining proprietors, by posts,
with cross top rails, or turnstiles, to secure them from the intrusion
of horses and cattle.

8. Where any street, court, or alley, within the City, is or shall
be formed or set out, and is or shall be in any way encumbered or
obstructed by any privy, dustbin, pigsty, or other erection or thing,
and shall not be sufficiently freed from such encumbrance or ob-
struction, and paved, flagged, macadamized, levelled, and sewered,
or otherwise completed or repaired to the satisfaction of the Council,
it shall be lawful for the Council, at any time, and from time to time,
after this Act shall have come into operation, by any writing under
the hand of the Mayor or Town Clerk respectively, to order that any
such street, court, or alley, or any part thereof, shall be freed from
cumbrance or obstruction, paved, flagged, macadamized, levelled,
and sewered, or otherwise completed or repaired, in such manner and
within such time as to the Council may appear expedient; and there-
upon the owners of the tenements adjoining or abutting upon such
street, court, or alley, on each side thereof, shall, in such manner and
within such time as shall be expressed in such order, at their respective
costs, charges, and expenses, remove all encumbrances or obstructions
therefrom, and well and sufficiently pave, flag, macadamize, level,
s sewer, or otherwise complete or repair so much of the said street,
court, or alley, to the centre thereof, as may be opposite to and co-
extensive with their respective tenements, adjoining or abutting on
such street, court, or alley.

9. If any such owners shall neglect or omit to remove the said
encumbrances or obstructions, and pave, flag, macadamize, level, and
sewer, or otherwise complete or repair such street, court, or alley, in
the manner and within the time expressed in the said order, it shall
be lawful for the Council to remove all such encumbrances or ob-
structions therefrom, and to pave, flag, macadamize, level, sewer, and
otherwise complete or repair the same, or such parts thereof as
shall not have been so done pursuant to the said order; and to ascer-
tain, determine, and charge such respective owners with their several
proportionate parts of the costs, charges, and expenses thereby incur-
dered, according to and coextensive with the respective tenements ad-
joining, or abutting on such street, court, or alley, having regard in
such apportionment to the state and condition of the pavement,
flagging, macadamizing, levelling, and sewerage, in which such street,
court, or alley, or any part thereof, shall or may be at the time when
the Council shall make such order, and to cause an account of the
proportionate amount of the cost so ascertained to be left at the
buildings, tenements, or upon the lands or other property of such
owners respectively, and by writing under the hand of the Mayor or
Town Clerk, as aforesaid, to order the payment of the said propor-
tionate amount by such owners respectively to the Treasurer.

10. Where
10. Where any occupied or unoccupied land, which now adjoins or abuts, or at any time hereafter shall adjoin or abut upon any street, court, or alley within the City, is not now, or at any time hereafter shall not be sufficiently fenced or otherwise enclosed to the satisfaction of the Council, it shall be lawful for the Council at any time, and from time to time, after this Act shall have come into operation, by any writing under the hand of the Mayor or Town Clerk, as aforesaid, to order that any such occupied or unoccupied land shall, so far as the same shall adjoin or abut upon any such street, court, or alley, be well and sufficiently fenced or enclosed with a good and substantial fence of posts and rails, with at least two rails in each panel, the lower of such rails being not less than one foot or more than eighteen inches from the ground, or less than three feet or more than three feet and six inches from the upper of such rails, and in such manner and within such time as to the Council may appear expedient, and thereupon the owner of the said land shall in such manner and within such time as shall be expressed in such order at his costs, charges, and expenses, well and sufficiently fence and enclose, in manner aforesaid, or with some other substantial fence, to the satisfaction of the Council, so much of the said land as shall abut upon any such street, court, or alley.

11. If any such owner, last aforesaid, shall neglect to fence and enclose any such land last aforesaid, in the manner and within the time expressed in such order, it shall be lawful for the Council so to fence and enclose such land, or such parts thereof, as shall not have been fenced and enclosed pursuant to the said order, and to ascertain, determine, and charge the owner thereof with the costs, charges, and expenses thereby incurred, according to and coextensive with his land abutting on such street, court, or alley, and to cause an account of the proportionate amount of the costs so ascertained to be left at the buildings, tenements, or upon the lands or other property of such owner, and by writing under the hand of the Mayor or Town Clerk, as aforesaid, to order the payment of such proportionate amount by such owner to the Treasurer.

12. It shall be lawful for the Council to fix by any by-law the width, form, materials, and mode of construction of crossing-places across the footways of the City, and in like manner to vary the same from time to time, and thereafter, upon the application of the owner or owners, or of the majority in number and value of the owners of any premises communicating with such crossing-place, the Council shall construct such crossing-place, or cause or permit the same to be constructed, and the costs thereof, and the expenses attending the same, shall be paid in rateable proportions by the owners or occupiers of all such premises; and in case of nonpayment, it shall be lawful for the Council, by any writing under the hand of the Mayor or Town Clerk, as aforesaid, to order the payment of such proportion by such owners respectively to the Treasurer.

13. If it shall appear necessary to the Council to make or repair any application.
any crossing-place across any such footway, and the owners or occupiers of the adjoining premises communicating therewith have not applied for the making or repairing of the same, it shall be lawful for the Council, by any writing under the hand of the Mayor or Town Clerk as aforesaid, to give notice to the owners and occupiers of the said premises of their intention to make or repair the same, and unless the said owners or occupiers, shall, within thirty days from the giving of such notice, show cause, to the satisfaction of the Council, why such crossing-place should not be made or repaired, it shall be lawful for the Council to make or repair the same, and to ascertain, determine, and charge such respective owners or occupiers with their several proportionate parts of the costs, charges, and expenses thereby incurred, and to cause an account of the proportionate amount so ascertained to be left at the buildings, tenements, or upon the lands or other property of such owners or occupiers, and, by writing under the hand of the Mayor or Town Clerk as aforesaid, to order the payment of such proportionate amount by such owner to the Treasurer: Provided always, that so much of an Ordinance, passed by the Governor of the said Province, with the advice and consent of the Legislative Council thereof, on the seventh day of September, one thousand eight hundred and forty-four, intituled, "An Ordinance for regulating the Police in South Australia," as enacts that "Any person who shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any street or public place within the said City, any waggon, cart, dray, sledge, or other carriage, or any wheel, wheelbarrow, handbarrow, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, or ride, any horse, ass, mule, or other beast, upon any of the footways aforesaid (otherwise than therein mentioned), then, and in every such case, every person so offending, upon conviction before any Justice of the Peace, or upon the view of any such Justice, shall forfeit and pay a sum not exceeding Forty Shillings nor less than Five Shillings," shall be, and the same is, hereby repealed, in so far as regards the crossings to be made and established in pursuance of the provisions herein contained, and that so much of the same enactment as, in reference to the said footways, includes the words "otherwise than by crossing the same for any necessary purpose," shall be, and the same is, hereby absolutely repealed.

14. Every person intending to erect or take down any building within the City, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be so done, where any street, court, alley, or footway, will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on, from such street, court, or alley, with a convenient platform and handrail, if there be room enough, to leave a footway for passengers outside of such hoards and fences, and shall continue such hoards or fences with such platform and handrail as aforesaid standing
standing and in good condition, to the satisfaction of the Surveyor, during such time as the public safety or convenience requires, and shall, in all cases in which it is necessary, in order to prevent accident, cause the same to be sufficiently lighted during the night, and every such person who shall fail to put up such fences, or hoards, or platform, with such handrail as aforesaid, or to continue the same respectively standing and in good condition, during such time, as aforesaid, or who shall not, while the said hoards or fences are standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the Surveyor, or within a reasonable time afterwards, shall, for every such offence, be liable to a penalty not less than Five Pounds, and to a further penalty not exceeding Forty Shillings nor less than Ten Shillings for every day while such default is continued.

15. When any building materials, rubbish, or other things are laid, or any hole or excavation made in any such street, court, or alley, the person causing such materials or other things to be so laid, or such hole or excavation to be made, whether by order of the Council or not, shall, at his own expense, cause a sufficient light to be fixed in a proper place upon or near the same, and shall continue such light every night from sun-setting to sun-rising while such materials, or other things, hole or excavation shall remain, and such person shall, at his own expense, cause such materials or other things, and such hole or excavation to be sufficiently fenced and enclosed until such materials or other things are removed, or the hole or excavation filled up or otherwise made secure; and every such person who shall fail so to light such fence, or to enclose such materials or other things, or such hole or excavation shall, for every such offence, be liable to a penalty not exceeding Five Pounds nor less than Forty Shillings, and to a further penalty not exceeding Forty Shillings nor less than Ten Shillings for every day while such default is continued.

16. In no case shall any such building materials or other things, or such hole or excavation be allowed to remain for an unnecessary length of time under a penalty not exceeding Five Pounds nor less than Forty Shillings, to be paid for every such offence by the person who shall cause such materials or other things to be laid, or such hole or excavation to be made, and a further penalty not exceeding Forty Shillings nor less than Ten Shillings for every day during which such offence is continued after the conviction of such offence, and, in any such case, the question as to what is an unnecessary length of time shall be determined by the Justice of the Peace by whom the same shall be heard.

17. If any building, well, hole, excavation, or any other place be, for want of sufficient repairs, protection, or enclosure, dangerous to persons passing or liable to pass near such building, well, hole, excavation, or other place, whether by night or by day, the Council, or some person to be appointed by them in that behalf, shall cause the same to be repaired, protected, enclosed, covered, or filled in, so as to prevent
prevent danger therefrom, and the expenses of such repair, protection, enclosure, covering, or filling in shall be paid to the Treasurer by the owner of the building, well, hole, excavation, or other place, so repaired, protected, enclosed, covered, or filled in, upon the order of the Council, by writing under the hand of the Mayor or Town Clerk, as aforesaid, for such payment.

18. If any building or wall, or anything affixed thereon, within the City be deemed by the Surveyor to be in a ruinous state or dangerous to passengers or to the occupiers of the neighboring buildings, such Surveyor shall immediately cause a proper hoard or fence to be put up for the protection of such occupiers or passengers, and shall cause notice, in writing, to be given to the owner of such building or wall, if he be known and resident within the City, by leaving the same at his usual place of abode, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof, if any, by leaving the same on the premises, requiring such owner or occupier forthwith to take down, secure or repair such building, wall, or other thing, as the case shall require, and if such owner or occupier do not begin to repair, take down, or secure such building, wall, or other thing, within the space of three days after any such notice has been so given or put up as aforesaid and complete such repairs, or taking down or securing as speedily as the nature of the case will admit, the Surveyor may make complaint thereof before any Justice of the Peace, and it shall be lawful for such Justice to order the owner, or, in his default, the occupier, if any, of such building, wall, or other thing, to take down, rebuild, repair, or otherwise secure, to the satisfaction of such Surveyor, the same or such part thereof as appears to such Justice to be in a ruinous or dangerous state, within a time to be fixed by such Justice; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Council shall, with all convenient speed, cause all or so much of such building, wall, or other thing, as shall be in a ruinous condition, or dangerous, as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured in such manner as shall be requisite, and all the expenses of putting up such hoard or fence, and of taking down, repairing, rebuilding, or securing such building, wall, or other thing, shall be paid by the owner or occupier thereof to the Treasurer, upon the order of the Council, by writing under the hand of the Mayor, or Town Clerk, as aforesaid, for such payment.

19. If any such building, wall, or other thing as aforesaid, or any part of the same be pulled down by virtue of the powers aforesaid, the Council may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building, wall, or other thing, and the Council shall render any surplus arising from such sale to the owner of such building, wall, or other thing, on demand; nevertheless, the Council, although they may sell such materials for the
the purposes aforesaid, shall have the same remedies for compelling
the payment of so much and such part of the said expenses as may
remain due after the application of the proceeds of such sale as are
herein given to them for compelling the payment of the whole of the
said expenses.

20. Three days, at the least, before beginning to dig or lay out
the foundation of or for any new house, or other building, or
to rebuild any house or other building within the City, the person
intending so to build, or rebuild, shall give to the surveyor
written notice thereof, together with the level or intended levels
of the cellar or lowest floor, and the situation and construction
of the privies and cesspools to be built, constructed, or used in con-
nection with such house, or other building; and it shall not be lawful
to begin to build, or rebuild any such house, or other building, or to
build or construct any such privy or cesspool until the particulars
so required to be stated have been approved by the surveyor, and he
is hereby required to signify his approbation or disapprobation of the
same, within the space of three days after receiving such notice,
without fee; and in default of such notice, or if any such house, or
other building, privy or cesspool, be built, rebuilt, or constructed, as
aforesaid, without such approval, the offender shall be liable to a
penalty not less than Ten Pounds, nor exceeding Twenty Pounds;
and the Council may, if they shall think fit, cause such house, or
other building, privy, or cesspool, to be altered, or otherwise dealt
with, as the case may require, and the expenses incurred by them in
so doing, shall be repaid by the offender, together with the penalty
aforesaid; and in default of payment thereof for seven days after
demand made by the Council, or their duly authorized agent, for the
payment thereof, the said expenses, together with the said penalty,
shall and may be levied and recovered by distress and sale of the
goods and chattels of such offender, together with the costs of such
distress.

21. The Council may, from time to time, cause any street within
the City to be watered, and they are hereby authorized to hire and
employ the necessary number of men, horses, and water-carts for
that purpose, and to make and impose upon the inhabitants of such
street, a rate, to be called the watering rate, sufficient to cover the
expenses of the same; and the Council shall, for the purpose of
collecting, raising, and levying such watering rates, proceed in the
same manner, and have and exercise the same powers and remedies
as are hereinafter provided for collecting, levying, and enforcing any
sewer rate to be made by virtue of this Act.

22. The Council shall cause all the streets, foot-pavements, and
surface drains within the City to be, from time to time, properly
swept and cleansed, and all dust and filth of every sort found thereon,
to be collected and removed; and shall cause all dust, ashes, and
rubbish to be carried away from the dwelling-houses or other build-
ings and premises in the City at convenient hours and times; and
shall
shall cause the privies and cesspools within the City to be, from time
to time, emptied and cleansed in a sufficient and proper manner:
Provided always, that the occupier of any such house, building, or
premises may keep and remove any night-soil, ashes, or rubbish as
shall be made on his own premises and shall be kept as manure, so
that the same be not a nuisance to the inhabitants residing near
such premises, and that the same be removed at such times and in
such manner as shall be approved of by the Council.

23. The Council, if they think fit so to do, may cause any number
of moveable or fixed dust boxes or other conveniences, wherein dust
and ashes may be deposited until removed and carried away, to be
provided and placed in such of the streets within the City as they shall
judge necessary, and may require the occupiers of dwelling-houses
or other buildings or premises, within such streets to cause all their
dust and ashes to be deposited daily in the said dust boxes or other
conveniences, and every person who, after such dust boxes or
conveniences shall have been so provided, shall deposit, or cause or
permit to be deposited, any ashes or dust in any part of any street
within the City, except in some of the said dust boxes or other conve-
niences, and every person who shall lay or cause to be laid any
dirt, dung, or other filth in any part of any such street, except in
such dust boxes, shall, for every such offence, forfeit and pay a sum
not less than Five Shilling nor exceeding One Pound

24. The Council may, from time to time, provide places convenient
for the deposit of the night soil, dung, ashes, and other filth and rub-
bish to be collected under the authority of this Act, and for stabling
and keeping all horses, cattle, implements, and other things required
for the purposes of this Act; and for any of such purposes the Coun-
cil may take and purchase or hire any lands or buildings by them
considered necessary, or they may cause any new building to be made
for the purpose upon any land which shall be taken, purchased, or
hired by them under the provisions of this Act, either within or
without the boundaries of the City.

25. The night-soil, dung, dust, ashes, filth, and other rubbish,
which the Council shall cause to be collected or carried away from
the streets, houses, privies, sewers, cesspools, or elsewhere within
the City shall be the property of the Council, and they shall have the
power to sell and dispose of the same as they think proper, and
the moneys arising from the sale thereof shall be applied in aid of
the City Fund.

26. The Council may appoint and employ a sufficient number of
scavengers, or contract with any person or persons, for sweeping,
cleansing, and watering the streets, and for removing all dust, ashes,
filth, and rubbish therefrom, and from the houses and other premises
therein, and for emptying privies and cesspools in the manner by this
Act directed; and such scavengers shall, on such days and at such hours,
and in such manner as the Council may, from time to time, appoint,
sufficiently
sufficiently execute all such works and duties as they may have re-
spectively contracted or been employed to perform, and every such
contractor who shall fail to sweep, and properly cleanse or water, or
who shall fail to clean out and empty any privy, cesspool, or sewer
which he may have contracted to clean out and empty, at the time
and in the manner prescribed by the Council, or to collect or remove
any dust, ashes, filth, or rubbish which he may have contracted to
remove, at the time and in the manner prescribed by the Council
for that purpose, or who shall lay any night-soil, dust, ashes,
filth, or rubbish in any other place than such as is appointed by the
Council for that purpose, shall, for every such offence, be liable to a
penalty not less than One Pound nor exceeding Ten Pounds.

27. Every occupier of any building or land within the limits of
the City, and every other person who shall refuse to permit the said
scavengers to remove such dust, ashes, filth or rubbish, as by this Act
they are authorized to do, or who shall obstruct the said scavengers
in the performance of their duty, shall, for every such offence, be
liable to a penalty not less than One Pound nor exceeding Five
Pounds.

28. Every person other than the person employed by the Council,
or by some person contracting with them for that purpose, who shall
collect or carry away any night-soil, dust, ashes, filth, or rubbish, by
this Act directed to be removed by persons employed by the Council,
from any street within the City, shall, for every such offence, be liable
to a penalty not less than Five Shillings nor exceeding One Pound.

29. Whosoever shall suffer any waste or impure water, or other
matter, to remain in any cellar or place within any building or
premises in the City, for twenty-four hours after written notice to him
from any Inspector of Nuisances to remove the same, and whosoever
shall allow any waste or impure water, or other matter, to run or flow
from any such building or premises, upon, or over, or be on any
carriage or footway, or other place, whether public or private, within
the City, or shall allow the contents of any water-closet, privy, or
cesspool, to overflow or to soak therefrom, so as to be offensive, shall
for every such offence be liable to a penalty, not less than Twenty
Shillings, nor exceeding Forty Shillings, and to a further penalty of
Twenty Shillings for every day during any part of which the offence is
continued; and the Council shall abate, or cause to be abated, every such
nuisance, and do what shall be needful for preventing a continuance
or recurrence thereof, and shall have power to enter any building
or premises for that purpose, and the expense incurred by them in so
doing shall be paid by the owner or occupier of the said building
or premises to the Treasurer, upon the order of the Council, by
writing under the hand of the Mayor or Town Clerk, as aforesaid,
for such payment.

30. If, upon the certificate of any two duly qualified medical
practitioners, it shall appear to the Council that any building, or part
thereof,
thorough, or the premises occupied in connection therewith, within the City, or the precincts thereof, is in such a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, so that the whitewashing, cleansing, or purifying of any building, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the Council shall give notice in writing to the owner or occupier of such building, or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same, as the case may require, and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty, not less than Ten Shillings, for every day during which he continues to make default, and the Council shall, if they shall think fit, cause such building, or part thereof, or the premises occupied in connection therewith, to be whitewashed, cleansed, or purified, and for such purpose shall have power to enter the same, and the expense incurred by them in so doing shall be paid by the owner or occupier to the Treasurer, upon the order of the Council by writing, under the hand of the Mayor or Town Clerk, as aforesaid, for such payment.

31. Whenever it shall be made to appear, on oath, to the satisfaction of any Justice of the Peace, that there is reasonable ground for believing that any building, or part thereof, or the premises occupied therewith as is hereinbefore mentioned, within the City, is in a filthy or unwholesome condition, it shall be lawful for such Justice to grant a warrant under his hand, authorizing any officer of the Council, Inspector of Slaughter-houses, or Inspector of Nuisances, or Inspector of Police, with such assistance as may be necessary, and accompanied by such medical practitioners as aforesaid, to enter, in the day-time, into such building, or part thereof, or the premises occupied therewith as aforesaid, and to view the same, and the state and condition thereof.

32. Anything in the said firstly-recited Ordinance, or any other Ordinance or any Act of the said Province notwithstanding, the one-acre section of town land numbered 203 in the Provincial Survey of public lands in the said Province, marked with the letter A, and being situated in King William-street, in the City, and commonly known by the name of the Corporation Acre, shall, by force of this Act, from time to time, and at all times hereafter, vest in the said Corporation; and it shall be lawful for the Council, from time to time, and at all times hereafter, to demise or lease all or any part or parts of the said one-acre section; and also, notwithstanding anything in the said recited Ordinance contained to the contrary, to demise or lease all or any other lands, tenements, or hereditaments which may for the time being be vested in the said Corporation, or any part thereof, and to enter into any covenant, contract, or agreement (except in the cases hereinafter mentioned), for demiseing or leasing any such lands, tenements, or hereditaments, or any part or parts thereof, for any term not exceeding thirty years from the time as and when each and every such lease shall be made; or if made, in pursuance
pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and also, from time to time, and at all times hereafter, in like manner, to demise or lease, and to enter into any covenant, contract, or agreement (except in the cases hereinafter mentioned), for demising or leasing all or any part or parts of the said one-acre section of town land, or of such other lands, tenements, or hereditaments, to any person or persons who shall improve the same, by erecting or building thereon any new house, erection, or building; or by re-building, repairing, enlarging, or improving any house, erection, or building, for the time being, standing on the said lands, or hereditaments, or any part thereof, or who shall covenant or agree so to do within two years next after the date of such lease, for any term not exceeding thirty years from the time when such lease shall be made; or, if made in pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and in every such lease there shall (except in the cases hereinafter mentioned) be reserved and made payable, during the whole of the term thereby granted, such clear yearly rent as to the Council shall appear reasonable, without taking any fine for the same: Provided, nevertheless, that, in every case in which the said Council shall deem it expedient to demise or lease, for a longer term than thirty years, or upon different terms and conditions than those hereinbefore mentioned, all or any part or parts of the said one-acre section of town land, or any other, the lands, tenements, or hereditaments aforesaid, it shall be lawful for the Council to represent the circumstances of the case to the said Governor and Executive Council; and it shall be lawful for the Council, with the approbation of the said Governor and Executive Council, to demise and lease all or any part or parts of the said one-acre section of town land, or other the lands, tenements, or hereditaments aforesaid, in such manner and on such terms and conditions as shall be approved of by the said Governor and Executive Council.

33. The Council may from time to time erect any buildings suitable for Public Baths and Wash-houses, and as to such Wash-houses either with or without open Drying Grounds, and make any open Bathing Places, and convert any buildings into Public Baths and Wash-houses within the City, and may from time to time alter, enlarge, repair, and improve the same respectively; and fit up, furnish, and supply the same respectively with all requisite water, light, furniture, fittings, and conveniences.

34. For the purpose of erecting, supplying, and maintaining such Baths, Wash-houses, and open Bathing Places as hereinbefore provided, it shall be lawful for the Council from time to time to borrow on the credit of the said Corporation, and of the rates, rents, revenues, or other property thereof, real or personal, or any of them, or any part or parts thereof respectively, already or to be hereafter derived by virtue of the recited Ordinance, or of this Act, by mortgage or otherwise, any sum or sums of money not exceeding the sum of Ten Thousand Pounds in the whole, and to assign the same rates, rents, revenues, or
other property, or any of them, or any part or parts thereof respectively, as may be necessary as a security for any sum of money so to be borrowed, with interest to the person who shall advance the same; Provided that no such sum of money shall be so borrowed on any aid of money given by the Government towards defraying any portion of the expenses of the said Corporation: Provided always that the rate of interest payable upon the moneys so borrowed shall not exceed the rate of ten per cent. per annum thereon.

Form of mortgage. Schedule A.

35. In every such mortgage-deed, the consideration shall be truly stated, and the said deed shall be under the common seal of the Mayor, Aldermen, Councillors, and Citizens of the City, and may be in the form in the Schedule to this Act annexed marked A, or to the like effect.

Transfer of mortgages. Schedule B.

36. Any person entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer may be according to the form in the Schedule to this Act annexed, marked B, or to the like effect.

37. Unless otherwise provided by any such mortgage-deed, the interest of the money borrowed thereupon shall be paid half-yearly by the Treasurer to the several parties entitled thereto.

Mortgage-deeds to be, at the cost of the Council, registered by the Town Clerk.

38. All such mortgage-deeds shall be made at the costs of the Council, and be registered by the Town Clerk in a book to be kept for that purpose, and all persons to whom such mortgage-deeds shall be made shall be equally entitled, one with the other, to the rates, rents, revenues, or other property so to be mortgaged as aforesaid, in proportion and according to the respective sums in such mortgage-deeds mentioned to be advanced, without any preference by reason of the priority of any such mortgage; and every transfer as aforesaid shall, within thirty days after the date thereof, be produced to the Town Clerk, who shall cause a memorial to be made thereof, in like manner as the original mortgages are hereinbefore directed to be registered, for which the Town Clerk shall be paid such sum as the Council shall appoint, not exceeding Ten Shillings, and every such entry made of such transfer shall from thenceforth entitle every such assignee, his executors, administrators, or assigns to the full benefit of the original mortgage, and it shall not from thenceforth be in the power of any person who shall have made such assignment, to make void, release, or discharge the original mortgage, or any money thereby secured, or any part thereof.

Transfers to be also registered.

39. And further, for the purpose of erecting, supplying, and maintaining such Baths, Wash-houses, and open Bathing Places as hereinbefore provided, it shall be lawful for the Council in aid of the income to arise from such Baths, and Wash-houses, and open Bathing Places, once in every year to make, declare, and levy one equal rate, to be called the Baths and Wash-houses Rate, and which shall be so made according to, but shall not exceed the sum of Threepence.
Threepence in the Pound upon, the last valuation or assessment for the time being acted upon in making the City Rate, under and by virtue of the said-recited Ordinance, and the Council and every Collector or other person to be appointed by them in that behalf shall, for the purpose of collecting, levying, and enforcing such Baths and Wash-houses Rate, proceed in the same manner, and have and exercise the same powers and remedies by distress or otherwise as are in and by the recited Ordinance provided and given for collecting, levying, and enforcing the City Rates thereunder, in respect of lands, tenements, and hereditaments occupied or unoccupied, as the case may be.

40. The moneys arising from such Baths and Wash-houses Rates as hereinbefore provided, and the income arising from such Baths and Wash-houses and open Bathing Places shall be paid to the credit of the City Fund, and the Council shall keep distinct accounts of their receipts, payments, credits, and liabilities, with reference to such Baths, and Wash-houses, and open Bathing Places, to be called the Baths and Wash-houses account, and such accounts, with the books relating thereto, shall at all times be open to the inspection of the Mayor or any of the Aldermen or Councillors of the City, and shall be examined and audited by the persons, and at the times, and be signed, printed, and published, and the copy thereof be open to inspection, and copies thereof be delivered to all the ratepayers of such City, and all mortgagees and other creditors in respect of such Baths and Wash-houses applying for the same, in like manner, or as near thereto as conveniently may be, as in the recited Ordinance is enacted and provided in respect of the general accounts relating to the City Fund of the said City; and further, an account of all moneys received and expended in respect of such Baths, Wash-houses, and open Bathing Places shall annually be laid before the Legislature for the time being of the said Province, signed, and at such period, and specifying the particulars, and otherwise in like manner, or as near thereto as conveniently may be, as in the recited Ordinance is enacted and provided, in respect of moneys received and expended for the purposes of such Ordinance.

41. In order to discharge the principal money borrowed as aforesaid on security, the Council shall every year appropriate and set apart, out of the moneys then standing to the credit of the Baths and Wash-houses account, or of the City Fund, such a sum of money annually as shall be equal, at the least, to five per cent. on the money borrowed, as a sinking fund, to be applied in paying off the respective principal moneys so borrowed; and shall, from time to time, cause such sinking fund to be invested in Government securities, and to be increased by accumulation in the way of compound interest or otherwise, until the same respectively shall be of sufficient amount to pay off the principal moneys respectively to which such sinking fund shall be applicable, or some part thereof which the Council may think fit then to pay off, at which time the same shall be so applied in paying off the same and not otherwise.

42. The
42. The Council shall not proceed to erect, or to convert any buildings into, such Public Baths or Wash-houses, or make any such open Bathing Places until they shall have caused to be deposited in the office of the Town Clerk, plans, estimates, specifications, and conditions, and such other particulars as may show the locality, elevation, internal arrangements, admeasurements, and cost of such proposed erection or conversion, and shall have given notice by advertisement once in the South Australian Government Gazette, and in each newspaper published in the City, calling upon all rate-payers or others desirous of so doing to inspect the said plans, estimates, specifications, conditions, and particulars as so deposited, at all convenient times within thirty days after the publication of such notice, and during which period the same shall continue so deposited accordingly: Provided, that such Baths or Wash-houses are not erected on the Park Lands of the City of Adelaide.

43. Whenever such Baths, or Wash-houses, or open Bathing Places shall be determined by the Council to be unnecessary, or too expensive to be kept up, the Council, with the approval of the Governor and Executive Council, may sell the same for the best price that can be reasonably obtained for the same, and the Mayor, Aldermen, Councillors, and Citizens shall convey the same accordingly, or the Council may, in their discretion, take down and remove or discontinue such Baths, and Wash-houses, and open Bathing Places, and sell the materials thereof for such best price as aforesaid, and in either or any such case the purchase-money (if any) shall be paid to the Treasurer.

44. The general management, regulation, and control of the said Baths, and Wash-houses, and open Bathing Places shall, subject to the provisions of this Act, be vested in and exercised by the Council.

45. A printed copy or sufficient abstract of the by-laws relating to the use of the Baths and open Bathing Places respectively, shall be put up in every Bath-room and open Bathing Place respectively, and a printed copy or sufficient abstract of the by-laws relating to the use of the Wash-houses shall be put up in some convenient place near every Washing-tub or Trough, or every pair of Washing-tubs or Troughs in every Wash-house.

46. The number of Baths and Washing-tubs or Troughs respectively in any building under the management of the Council, and in respect of which Baths and Washing-tubs or Troughs respectively, the maximum rate of charges is fixed as hereinafter provided, shall not be less than twice the number of the Baths and Washing-tubs or Troughs respectively, in any such building in respect of which any higher rate of charges might be made by the Council as hereinafter also provided.

47. The Council may from time to time make such reasonable charges for the use of the said Baths, and Wash-houses, and open Bathing
Bathing Places respectively, as they shall think fit, but so far as regards the Baths, and Wash-houses, and open Bathing Places, in respect of which the maximum rate of charges is hereinbefore referred to, not exceeding such charges as are mentioned in the Schedule annexed to this Act, marked C.

48. For the recovery of the charges at such Wash-houses, the officers, servants, and others having the management thereof may detain the clothes brought to be washed, or other goods and chattels of any person refusing to pay the charge to which such person may be liable, or any part thereof, till full payment thereof be made, and in case such payment be not made within seven days, may sell such clothes, goods, and chattels, or any of them, returning the unsold articles (if any), and the surplus proceeds of such sale (if any), after deducting the unpaid charge, and the expenses of such deduction and sale, on demand, to such person.

49. It shall be lawful for the Council, from time to time, and at all times hereafter, to fence in or otherwise enclose the reserves of Crown lands within the City, known as the Park Lands, or any part or parts thereof; and level, drain, plant, lay out with carriage drives and walks, and otherwise improve or ornament the same; and erect any lodges, or other buildings, as places of residence, or temporary shelter, for any rangers, gatekeepers, watchers, or other persons whom the Council may hereafter employ for the care and management of the said Park Lands; and do or perform any other act in relation to such Park Lands as shall render them more fitting and effectual 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, intitled "An Act for regulating the Sale of Waste Lands belonging to the Crown in the Australian Colonies."

50. Any person who shall wilfully or maliciously, or by negligence, throw down, break, injure, or remove any of the boundary marks, gates, posts, rails, fences, or enclosures, which have already been, or shall be hereafter, erected or set up by the Council, or shall cut down, injure, or remove, or cause to be cut down, injured, or removed, any timber or other tree, or any shrub or plant growing, lying, or being upon the said Park Lands, or upon or in any of the squares, or other public places within the City, or dig, raise, or remove, or cause to be dug, raised, or removed, any turf, clay, sand, soil, gravel, stone, or other material, from the said Park Lands, or other public place, other than a carriage or footway, or from the bed or banks of the River Torrens, within the City, shall, on conviction, for each and every such offence, if there shall be more than one, forfeit and pay a sum not less than Five Pounds, and shall also make full satisfaction for the injury done thereby; and, in default thereof, the same shall be levied by distress and sale of the goods and chattels of the offender; and, in case of the insufficiency of such distress, such offender...
offender shall be imprisoned in any Gaol or House of Correction for any term not exceeding six calendar months, unless such penalty shall be sooner paid and satisfaction made.  

51. Every person who shall neglect, or fail to comply with, any directions or order under the hand of the Mayor, which may hereafter be given or served, in accordance with the provisions contained in the 103rd clause of the firstly-recited Ordinance, shall be liable to a penalty of Five Pounds for every day or part of a day during the continuance of such default; and such penalty shall or may be recoverable and recovered in like manner as is provided in the 104th clause of the last-mentioned Ordinance, for the recovery of any costs and expenses which may be incurred by the Council as therein referred to.  

52. No person shall blast, or cause to be blasted, any stone, timber, or other material or thing within the City, without the permission of the Council, or of the Surveyor; and any person offending in this respect shall, on conviction, forfeit and pay any sum not less than One Pound nor exceeding Five Pounds.  

53. No human body shall be interred within the City, save and except in the Government Reserve, known as the Public Cemetery or Burial Ground, now existing there, and save and except in any place or places within the City, which may hereafter be appointed for that purpose by the Council, with the consent of the said Governor and Executive Council; and any person who shall offend against this present provision shall be deemed guilty of a misdemeanor, and being thereof lawfully convicted, shall be liable to fine and imprisonment, at the discretion of the Court or Judge before whom any such offender may be so convicted.  

54. It shall be lawful for any Inspector of Weights and Measures, or other officer or person, appointed by the Council for such purpose, to enter into any shop or other place, and to search any vehicle or basket, in which bread is sold or exposed, or carried, or offered for sale, or carried for delivery, and to weigh such bread by means of a just beam and scales and true weights of the established Imperial standard, and if such bread shall be thereupon found to be under the weight at or for which it shall be so sold or exposed, carried or offered for sale, or carried for delivery, then it shall be lawful for such Inspector, or other officer or person, as aforesaid, to seize such bread and the person who shall sell or expose, carry, or offer for sale, or carry for delivery, any such bread under weight as aforesaid, or the person in whose service such last-mentioned person may be, shall, for every such offence, forfeit and pay a penalty or sum of not less than One Pound or more than Twenty Pounds, and the bread so seized shall be dedicated to the use of the poor then being in any asylum for destitute persons within the City, or such other charitable object as the Council may, from time to time, direct.  

55. No
55. No person shall keep or use any weighbridge within the said City without previously obtaining, and from time to time obtaining, from the Council, a licence to keep and use the same.

56. When and so soon as such weighbridges shall be licensed, in number sufficient in the discretion of the Council, with the approval of the said Governor and Executive Council, for the purposes of the trade of the City, notice thereof, and of the situation of such weighbridges, shall be given by the said Council by advertising the same once in the South Australian Government Gazette, and not less than twice in each public newspaper published within the City, and thereafter all hay, straw, coals, firewood, bark, shall be sold, offered, or exposed for sale, bartered, exchanged, retailed, or delivered within the City by avoirdupois weight only, and that such weight shall be ascertained at some weighbridge licensed by the Council as aforesaid, and not otherwise, or elsewhere.

57. And whereas an Act was passed by the said Governor, with the advice and consent of the said Legislative Council, on the eighteenth day of February, one thousand eight hundred and forty-three, “For establishing Standard Weights and Measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient;” and also an Ordinance was passed on the ninth day of July, one thousand eight hundred and forty-five, “To amend an Act for establishing Standard Weights and Measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient;” and also an Ordinance was passed on the twenty-fifth day of July, one thousand eight hundred and forty-five, “To regulate the use of Weighbridges and Steelyards;” and also an Ordinance was passed on the twenty-third day of February, one thousand eight hundred and forty-seven, “To amend the Laws relating to the Impounding of Cattle;” and whereas by the said lastly hereinbefore recited Act and 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 City Council should have the sole appointment, control, and management of all and every the persons, places, matters, and things within the City, mentioned or referred to in, or by, the said Act and Ordinances, or any, or either of them—Be it therefore Enacted, That the said City Council, and no others, shall have and exercise the several powers, authorities, rights, duties, privileges, and immunities, in respect to the persons, places, matters, and things last aforesaid, within the City, which are given by the said Act and Ordinances respectively to the Governor in Council and others, appointed to carry the said Act and Ordinances into execution.

58. And be it further Enacted as follows: So much only of the provisions of the said lastly hereinbefore recited Act and Ordinances, respectively, as may interfere or be inconsistent with the exercise by the City Council, solely and exclusively within the City, of the powers and authorities hereinbefore mentioned or referred to, shall be, and

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6 Vict., No. 13, 1843, as to weights and measures.

9 Vict., No. 7, 1845, further as to weights and measures.

9 Vict., No. 16, 1845, as to weighbridges and steelyards.

10 and 11 Vict., No. 3, 1847, as to impounding.

Transfer of powers of above Act and Ordinances to the City Council.

Lastly-recited Act and Ordinances repealed so far only as inconsistent herewith.
are hereby repealed, save as to all things lawfully done before the commencement hereof: Provided always, that the said Act and Ordinances shall be and remain in full force in all respects not inconsistent herewith.

59. Every member of the Council shall be exempt and disqualified from serving on any Jury summoned within the City.

60. So much of the said firstly-recited Ordinance and Act respectively, as limits to any aggregate per centage or sum of money, the salaries, wages, commissions, or other pecuniary allowances, which are, or may be assigned by the Council to any officer or official person, shall be, and the same is hereby repealed.

61. And whereas an Ordinance was passed by the said Governor, with the advice and consent of the said Legislative Council, on the first day of May, one thousand eight hundred and forty-seven, “For the Establishment and Regulation of Markets;” and whereas it is expedient to provide for the increasing of the maximum rate of the tolls, dues, or sums of money mentioned in the same Ordinance—Be it therefore Enacted, That so much of the same Ordinance as limits the amount of tolls, dues, or other sums of money, which may be demanded, recovered, received, or taken thereunder, to the maximum rate specified in the Schedule thereunto annexed, shall be, and the same is hereby repealed, so far as it relates to or affects any market or markets already established, or to be hereafter established within the City, but not further, or otherwise.

62. And be it further Enacted as follows: It shall be lawful for the Council, in manner directed by the firstly-recited Ordinance or Act, respectively, to make, publish, alter, modify, amend, or repeal such by-laws and regulations, as to them shall seem meet, for all or any of the purposes of this Act, for the management, use, and regulation of Public Baths, and Wash-houses, and open Bathing Places, and of the persons resorting thereto respectively, and for determining (subject to the provision hereinafter contained) from time to time, the charges for the use of such Baths, and Wash-houses, and open Bathing Places, respectively; for securing that the Public Baths, and Wash-houses, and open Bathing Places shall be under the due management and control of the officers, servants, or others appointed or employed in that behalf by the Council; for securing adequate privacy to persons using the Baths, and Wash-houses, and open Bathing Places, and security against accidents to persons using the open Bathing Places; for securing that men, and boys above eight years old, shall bathe separately from women, and girls and children under eight years old; for preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances; for determining the duties of the officers, servants, and others appointed by the Council; for regulating the situation, size, and mode and materials of construction of privies and cesspools; for the removing, emptying, cleansing, closing, and filling up of privies and
and cesspools, and for regulating such other works of cleansing, and of removing and disposing of refuse or otherwise as the Council may deem necessary for preserving or improving the sanitary condition of the City; for compelling the securing, removing, or filling up of any cellar traps, ways, or openings, which may now or hereafter be in or under any footway; for regulating the keeping and use of weigh-bridges and the conduct of the owners and keepers thereof and persons attending or using the same; for regulating the sale and exposure for sale of or other dealings with goods, wares, or commodities hereinbefore directed to be sold by avoididupois weight only; for fixing the hours for holding and otherwise regulating sales by auction; for preventing the stacking, and for regulating the storage and keeping of hay and straw; for preventing the lighting of fires in the open air, unless properly protected; for regulating the storage, quantity, and sale of gun and blasting powder; and for regulating hackney and other passenger vehicles, that is to say—carriages, coaches, omnibusses, cabriolets, spring carts, or other vehicles of the like nature, and for licensing and regulating waggons, drays, carts, and other vehicles, for the carrying of goods and merchandise, plying, kept, or let for hire within the City, and also of waggons, drays, carts, or other vehicles used in hawking firewood and water, within the said City, respectively; for licensing and registering the names of and regulating the conduct of the owners, drivers and conductors thereof; for licensing and registering the names of and regulating the conduct of porters and hawkers in the City in their several employments, the amounts to be paid to the said Council for or in respect of any or every such licence, the hours within which such owners, drivers, conductors, and porters shall exercise their respective callings, whether they and such porters shall wear any and what badges, the number and description and furnishing of such hackney and other passenger carriages, the situation and number of public stands in respect of all or any of the vehicles aforesaid, the amount of fares for time or distance to be paid for the use of such vehicles, respectively, the safe custody and delivery of any property which may be accidentally or otherwise left in such vehicles respectively; for punishing the misconduct of the drivers and conductors of and persons attending the same, whether by reason of careless or furious driving or racing or other wilful misconduct, or in the way of imposition by demanding or receiving more than the regular fare or otherwise, and also for punishing of persons hiring such vehicles respectively, for fraudulently evading the payment of such fares; for fixing the amount of fees to be paid by any such owner, driver, conductor, porter, or hawker, for such licence; for the regulation and government of drivers not hereinbefore referred to; for preventing cruelty to animals; for preventing the killing of any ram, ewe, sheep, lamb, goat, or swine, save at any slaughterhouses or other places to be chosen and, if by them deemed expedient, licensed by the Council; for the regulation and conservation of the Park Lands and the bed, banks, and water of the River Torrens; and also to appoint by such by-laws such fines as they shall deem necessary for the prevention and suppression of such offences, and for enforcing such
such by-laws and regulations: Provided that so much of the firstly-recited Ordinance as enacts that no fine to be appointed under any by-law made by the Council shall exceed the sum of Ten Pounds, shall, as to the storage, keeping, and sale of gun and blasting powder, be and the same is hereby repealed.

63. A copy of any by-laws passed or to be passed under and by virtue of the firstly-recited Ordinance or Act or this Act, under the said common seal of the Mayor, Aldermen, Councillors, and Citizens, with a declaration thereon, signed by the Mayor and countersigned by the Town Clerk, or person holding the situation of Town Clerk, when the by-law came into force, that the same had been sent, sealed with the said seal, to the said Governor and that all the other requirements of the ninety-sixth section of the said recited Ordinance, or of the fifth section of the firstly-recited Act, as the case may be, have been complied with, shall be received as evidence of the existence of any such by-law, and of the sending and publishing thereof in all Courts of law or equity, and before all Justices in Sessions, or otherwise.

64. Anything in the firstly-recited Ordinance or Act, or either of them, or any other Ordinance or Act of the said Province, to the contrary notwithstanding, all rents, costs, charges, and expenses, which shall hereafter be received by virtue of this Act, and all fines, fees, penalties, and other moneys which shall hereafter be levied, recovered, and received, under or by force of any information, or other legal proceeding, laid, taken, or instituted, under or by virtue of this Act, or of the firstly-recited Ordinance or Act respectively, or of any by-law already, or to be hereafter made, in pursuance of the same Acts or Ordinance respectively, or under or by virtue of any other Act or Ordinance of the said Province, by the Council, or by any Inspector of Nuisances, Inspector of Weights and Measures, Park Lands Ranger, Poundkeeper, or other officer or person already appointed, or to be hereafter appointed by the Council, shall, in all cases in which they are not, by the first-recited Ordinance, already directed to be so paid, be paid to the Treasurer.

65. Every order which shall be made by the Council, by virtue of this Act, for freeing from incumbrance or obstruction paving, flagging, macadamizing, levelling, sewer ing, or otherwise completing or repairing any street, court, or alley, as aforesaid; for fencing or enclosing any occupied or unoccupied land, as aforesaid; for making or repairing any crossing place, as aforesaid; for taking down, securing, or repairing any ruinous or dangerous building, or wall, or other thing, as aforesaid; or for payment to the said Council of any costs, charges, or expenses which they may incur, and charge to the person named in such order, or which might otherwise become payable by him to the Council by virtue of this Act, shall, if not complied with, be advertised, once in the South Australian Government Gazette, and in each newspaper published in the City; and such order shall not begin to take effect until the end of fourteen days next after the publication thereof in such Gazette or newspaper; and thereupon such
such order, and the publication thereof as aforesaid, shall be, and the
same are hereby declared and deemed to be a good, valid, and suf-
cient notice, to all owners, lessees, tenants, occupiers, and others
interested in the premises, to all intents and purposes.

66. If any owner, or occupier, or other person, in this Act referred
to, shall neglect or refuse to pay to the Treasurer the amount which
shall be ordered by the Council to be paid by such owner, or occupi-
er, or other person, in respect of any costs, charges, or expenses
which the Council shall incur and charge to him, or which shall or
might otherwise become payable by him to the Council by virtue of
this Act, then the Council, and every Collector or other person ap-
pointed by them in that behalf, shall or may, for the purpose of
collecting, levying, and enforcing the same amount, proceed in the
same manner, and have and exercise the same powers and remedies,
by distress or otherwise, as are in and by the firstly-recited Ordinance,
provided and given for collecting, levying, and enforcing the city
rates thereunder, in respect of lands, tenements, and hereditaments,
occupied or unoccupied, as the case may be: Provided always, that
any tenant who shall, under the powers and remedies last aforesaid,
be called upon to pay, and shall pay, a greater amount than he shall
in fact owe for rent; such tenant shall, save and except in cases
arising out of the neglect or default of such tenant, have and enjoy
the same rights and remedies as against the owner or landlord of the
premises occupied by him, as are, by the last-mentioned Ordinance,
given to any tenant who shall pay a greater amount of assessment
than he shall owe for rent.

67. It shall be lawful for any officer acting under the Council,
with such aid as shall be necessary, to seize and detain any transient
or unknown person guilty of any offence against this Act, or against
any by-law already made in pursuance of the firstly-recited Ordinance
or Act respectively, or hereafter to be made in pursuance of the same
Ordinance or Acts respectively, and forthwith to convey such person
before any Justice of the Peace without any other warrant or author-
ity than this Act for so doing, to be by such Justice dealt with ac-
cording to law.

68. All proceedings under this Act, in so far as not otherwise ex-
pressly 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 forfeitures, fines, and penalties imposed, and all sums of money
ordered to be paid, may be recovered before any one or more Justice
or Justices of the Peace, in manner and form prescribed by the
firstly-recited Ordinance; and every person feeling aggrieved by any
conviction or order of such Justice or Justices, shall be entitled to
appeal therefrom in manner and form, and on the terms respectively
prescribed by the same Ordinance.

69. All the provisions in the firstly-recited Ordinance and Act
respectively not hereby or otherwise altered or repealed shall be ap-
plicable

Sufficient notice to owners, and others interested.
Amount ordered by the Council to be paid by owner or occupier.
Recoverable in same manner as the City rates.
Proviso for remedy by tenant against owner.
Transient offenders may be apprehended.
Regulating proceedings, &c.
Provisions of No. 11 of 1849, and No. 23 of 1852, to be applied to this Act.
plicable, and shall apply to the provisions of this present Act so far as they are consistent therewith, and in the same manner and to the same extent as if the provisions of this present Act had been contained in the same recited Ordinance or Act, in lieu of those hereby altered or repealed; and that this Act, and the said last-mentioned Ordinance and Acts, shall be read and construed together as one Act or Ordinance.

70. In the construction of this Act, the following words and expressions shall have the meanings hereby assigned to them, unless such meanings be repugnant to or inconsistent with the context, that is to say—the word “City,” shall mean the City of Adelaide, as included within the corporate limits thereof; and the words “Council,” “Mayor,” “Town Clerk,” “Treasurer,” and “Surveyor,” respectively, shall mean the Council, Mayor, Town Clerk, Treasurer, and Surveyor, respectively, for the time being, of the said City; the word “person,” or words applying to any person or individual, shall apply to and include corporations, companies, firms, or other bodies of persons; the word “owner” shall mean the person for the time being receiving, or entitled to receive, the whole or any part of the rent or profits of the messuages, tenements, land, or premises, in connection with which the word is used, whether on his own account, or as agent, attorney, or trustee for any other person, or otherwise managing such property, or who would so receive or be entitled to receive the same, if such messuages, tenements, land, or premises were let; the word “sewer” shall mean and include surface sewers and drains of every description, whereby any liquid refuse, or any water, shall be carried off; the word “street” shall include every street, terrace, square, road, place, row, or public mews, or lane, along which carriages can pass or are intended to pass, and that, whether there be or not, in addition to the carriageway, a footway paved or otherwise; the word “court” shall signify any space wherein a carriage may or is intended to enter, the same not being a thoroughfare; the word “alley” shall include any court, alley, passage, or other place, which can be used, or is intended to be used, as a footway only; and the words “tenements adjoined or abutting on such street, court, or alley,” shall mean tenements or premises, the owners or occupiers of which communicate with or have the right to use, or commonly use, any such street, court, or alley, or part thereof.

71. The provisions of this Act shall be limited to operate in respect only of the City, and the Corporate Body thereof; and shall not extend to or affect any town, village, or hamlet, in the said Province, already or to be hereafter incorporated, under the provisions of the said firstly-recited Ordinance, until the provisions of this Act may be thereunto extended, by proclamation, as in the said recited Ordinance provided.

72. This Act shall commence and take effect from and after the passing thereof.

SCHEDULES
SCHEDULES REFERRED TO.

A

Form of Mortgage of Rates and Corporate Revenue.

The Corporation of the City of Adelaide. Mortgage, No.

By virtue of an Act of the Governor and Legislative Council of the Province of South Australia, passed in the eighteenth year of the Reign of Her Majesty Queen Victoria, No. 23, and intituled "An Act to alter and repeal certain Laws relating to the Corporation of the City of Adelaide, and to make further and other provisions in lieu thereof, and to confer further powers on the said Corporation, and upon the Council for the time being of the said City," we, the Mayor, Aldermen, Councillors, and Citizens of the City of Adelaide, incorporate, in consideration of the sum of pounds sterling, to us in hand, lent and paid by A. B., of for the purposes of the said Corporation, do grant, bargain, sell, and assign unto the said A. B., his executors, administrators, and assigns, and all and singular the rates, rents, and sums of money arising, and to arise, and be payable to us for or from (here describe the rate or other property proposed to be mortgaged), and all our estate, right, title, and interest of, in, and to the same, to hold to the said A. B., his executors, administrators, and assigns, from the day of the date hereof, until the said sum of pounds, with interest for the same at the rate of pounds per centum per annum, shall be fully paid and satisfied; and it is hereby declared, that the said principal sum shall be repaid on the day of, at the office of the City Treasurer in Adelaide, aforesaid (or other place of payment), and that, in the meantime, the interest thereof shall be paid on the day of and the day of in every year, at the office of the City Treasurer, in Adelaide, aforesaid (or other place of payment).

Given under the common seal of the Mayor, Aldermen, Councillors, and Citizens of the City of Adelaide, in the Province of South Australia, this day of one thousand eight hundred and

C. D., Mayor.

B

Form of Transfer of Mortgage.

I, A. B., of in consideration of the sum of pounds sterling in hand, paid to me by C. D., of, do hereby transfer to the said C. D., his executors, administrators, and assigns, a certain mortgage (or bond) No. bearing date the day of one thousand eight hundred and and made by the Mayor, Aldermen, Councillors, and Citizens of the City of Adelaide, incorporate, for securing to the sum of pounds, (or if such be by endorsement on the mortgage insert instead of the words after "assign" the words "the within security"), together with all interest now due, and to become due therein, and all my property, right, and interest in and to the money thereby secured and in and to the rates, rents, and sums of money, and property thereby assigned.

In witness whereof, I have hereunto set my hand and seal, this day of one thousand eight hundred and

A. B. (L. S.)
Maximum Charges for the Baths and Wash-houses and Open Bathing Places.

1. BATHS.

Every bath to be supplied with clean water for every person bathing alone, or for several children bathing together, and in either case with one clean towel for every bather:

For one person above eight years old—

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Cold bath, or cold shower bath</td>
<td>0 0</td>
<td>3</td>
</tr>
<tr>
<td>Warm bath, or warm shower bath, or vapour bath</td>
<td>0 0</td>
<td>6</td>
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</tbody>
</table>

For several children, not above eight years old, nor exceeding four in number, bathing together—

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<thead>
<tr>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Cold bath or cold shower bath</td>
<td>0 0</td>
<td>6</td>
</tr>
<tr>
<td>Warm bath, or warm shower bath, or vapour bath</td>
<td>1 0</td>
<td></td>
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</tbody>
</table>

2. WASH-HOUSES.

Every Wash-house, to be supplied with conveniences for washing and drying clothes, and other articles:

For the use, by one person, of one washing-tub or trough, and of a copper or boiler (if any), or where one of the washing-tubs or troughs shall be used as a copper or boiler, for the use of one pair of washing-tubs or troughs, and for the use of the conveniences for drying—

<table>
<thead>
<tr>
<th>Description</th>
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<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>For one hour only in any one day</td>
<td>0 0</td>
<td>3</td>
</tr>
<tr>
<td>For two consecutive hours in any one day</td>
<td>0 0</td>
<td>9</td>
</tr>
</tbody>
</table>

A fraction of an hour, exceeding five minutes, to be reckoned one hour.

For two hours not consecutive, or for more than two hours in any one day, such charges as the Council may think fit.

For the use of the washing conveniences alone, or of the drying conveniences alone, such charges as the Council may think fit; but not exceeding in either case the charges for the use for the same time of both the washing and drying conveniences.

3. OPEN BATHING-PLACES.

Open bathing places, where several persons bathe in the same water—

<table>
<thead>
<tr>
<th>Description</th>
<th>s.</th>
<th>d.</th>
</tr>
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<tbody>
<tr>
<td>For one person</td>
<td>0 0</td>
<td>2</td>
</tr>
</tbody>
</table>