No. 16.

An Act to consolidate and amend the Laws relating to the Corporation of the City of Adelaide, and to enable towns and places within the Province of South Australia to be incorporated under the provisions hereof.

[Assented to, 29th November, 1861.]

Whereas it is expedient to consolidate and amend the Laws constituting and relating to the Corporation of the City of Adelaide, and that the provisions of this Act may be extended to towns and places in the said Province, as hereinafter provided—

Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled, as follows:—

1. This Act may be cited as "The Municipal Corporations Act, 1861."

2. The Ordinance and Acts specified in the table following, shall be and the same are hereby repealed, that is to say—

<table>
<thead>
<tr>
<th>No. and year of Act</th>
<th>Title of Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 11 of 1849</td>
<td>An Ordinance to constitute a Municipal Corporation for the City of Adelaide.</td>
</tr>
<tr>
<td>No. 9 of 1851</td>
<td>An Act to postpone for six months the first elections or appointments of officers and other persons under the Ordinance to constitute a Municipal Corporation for the City of Adelaide.</td>
</tr>
<tr>
<td>No. and year of Act.</td>
<td>Title of Act.</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>No. 23 of 1852</td>
<td>An Act to alter and amend the Ordinance No. 11 of 1849—To constitute a Municipal Corporation for the City of Adelaide.</td>
</tr>
<tr>
<td>No. 23 of 1854</td>
<td>An Act to alter and repeal certain Laws relating to the Corporation of the City, 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.</td>
</tr>
<tr>
<td>No. 5 of 1855-6</td>
<td>An Act to amend a certain provision of the Act No. 11 of 1849—To constitute a Municipal Corporation for the City of Adelaide.</td>
</tr>
<tr>
<td>No. 18 of 1855-6</td>
<td>An Act to amend the Laws relating to the Corporation of the City of Adelaide, and also to regulate the slaughtering of sheep, calves, swine, and goats in the said City, and to prevent certain nuisances therein.</td>
</tr>
<tr>
<td>No. 13 of 1858</td>
<td>An Act to alter and amend Ordinance No. 11 of 1849—To constitute a Municipal Corporation for the City of Adelaide.</td>
</tr>
<tr>
<td>No. 17 of 1858</td>
<td>An Act to regulate certain buildings and for preventing mischief by fire in the City of Adelaide.</td>
</tr>
</tbody>
</table>

Provided as follows—

First—No Act or Ordinance heretofore repealed by the Ordinance and Acts in the foregoing table specified or any of them shall revive by virtue hereof:

Secondly—The Corporation and Council of the said City shall not be subjected to any disability whatsoever by reason of such repeal; but the Mayor, Councillors, and Auditors, and all officers elected or holding office under the said Ordinance and Acts repealed, shall continue in and hold such offices subject to the provisions hereof:

Thirdly—No suit or other proceeding shall be prosecuted against the Corporation or the officers thereof, or any person acting in execution of the repealed Acts, for any thing heretofore legally done:

Fourthly—All proceedings which may have been commenced under such Ordinance and Acts or any of them, before the operation hereof, may be continued and completed under such Ordinance and Acts.

3. The Corporation of the said City shall have and exercise the several powers, authorities, duties, and immunities imposed or conferred by the several Acts following, within the limits of the said City; and so much of No. 19 of 1844, intituled "An Ordinance for regulating
regulating the Police in South Australia," as shall be applicable to
the said City, that is to say:—

<table>
<thead>
<tr>
<th>No. and year of Act</th>
<th>Title of Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 5 of 1840</td>
<td>An Act to regulate the Slaughtering and prevent the Stealing of Cattle.</td>
</tr>
<tr>
<td>No. 2 of 1844</td>
<td>An Ordinance to authorize the levying of fees on the Slaughtering of Cattle in South Australia.</td>
</tr>
<tr>
<td>No. 13 of 1845</td>
<td>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.</td>
</tr>
<tr>
<td>No. 7 of 1845</td>
<td>An Ordinance to amend An Act for establishing Standard Weights and Measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient.</td>
</tr>
<tr>
<td>No. 10 of 1845</td>
<td>An Ordinance to regulate the Sale of Bread in South Australia.</td>
</tr>
<tr>
<td>No. 16 of 1845</td>
<td>An Ordinance to regulate the use of Weighbridges and Steel-yards.</td>
</tr>
<tr>
<td>No. 8 of 1858</td>
<td>An Act to consolidate and amend the Laws relating to the impounding of cattle.</td>
</tr>
<tr>
<td>No. 8 of 1847</td>
<td>An Ordinance for the establishment and regulation of Markets.</td>
</tr>
<tr>
<td>No. 19 of 1855</td>
<td>An Act to provide for the licensing of Public Conveyances, and to prevent the wanton ill-treatment of horses and cattle.</td>
</tr>
<tr>
<td>No. 1 of 1854</td>
<td>An Act to amend An Act to provide for the regulation and licensing of Public Conveyances, and to prevent the wanton ill-treatment of horses and cattle.</td>
</tr>
<tr>
<td>No. 9 of 1860</td>
<td>An Act to repeal an Act, No. 5 of 1852, intituled &quot;An Act for abating the nuisance and damage to Property occasioned by the great number of Dogs which are loose in the Province of South Australia, and to make other provisions in lieu thereof.</td>
</tr>
<tr>
<td>No. 9 of 1881</td>
<td>An Act to amend the Dog Act, 1860.</td>
</tr>
</tbody>
</table>

4. The Act specified in the table following, in the respects, and as to the sections therein set forth shall be incorporated herewith, that is to say:—

<table>
<thead>
<tr>
<th>No. 6 of 1847.</th>
<th>Lands Clauses Consolidation Act.</th>
<th>Numbers of sections incorporated, each number inclusive.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heads of sections incorporated.</td>
<td>As to the purchase of Lands by Agreement</td>
<td>6 to 9, 12 to 14</td>
</tr>
<tr>
<td></td>
<td>As to the purchase of Land otherwise than by agreement</td>
<td>18 to 68</td>
</tr>
<tr>
<td></td>
<td>As to Purchase Money or Compensation</td>
<td>69 to 80</td>
</tr>
<tr>
<td></td>
<td>As to entry on Lands</td>
<td>84 to 92</td>
</tr>
<tr>
<td></td>
<td>As to small portions of intersected Lands</td>
<td>93 and 94</td>
</tr>
<tr>
<td></td>
<td>As to Lands subject to Mortgage</td>
<td>95 to 101</td>
</tr>
<tr>
<td></td>
<td>As to Lands subject to Lease</td>
<td>106 to 110</td>
</tr>
<tr>
<td></td>
<td>As to interests in Lands omitted to be purchased</td>
<td>111 to 113</td>
</tr>
<tr>
<td></td>
<td>As to Lands purchased not ultimately required for the purposes of this Act</td>
<td>114 to 119, 121, and 122</td>
</tr>
<tr>
<td></td>
<td>As to forfeitures, penalties, and costs</td>
<td>123 to 135</td>
</tr>
</tbody>
</table>

5. The
5. The subject matter of this Act shall be arranged under the following heads:—

I. Boundaries of city and wards.

II. Citizens—Their incorporation, qualification, and enrolment.

III. City Council—Its constitution and functions.

IV. Auditors.

V. Disqualification, retirement, and election of the Mayor, Councillors, and Auditors. Oaths, resignation, and cesser of office, and supply of vacancies.

VI. Council proceedings and minutes.

VII. Officers appointed by the Corporation.

VIII. Map of the city.

IX. Real estate of the Corporation.

X. Park Lands and public reserves.

XI. Public Establishments and works.

XII. Municipal regulations.

XIII. Financial.

XIV. Miscellaneous Provisions.

XV. Other Corporations.

I. Boundaries of city and wards:

6. The boundaries of the City of Adelaide shall be those defined in Schedule A, until Parliament shall otherwise direct.

7. The said city shall be divided into four wards, to be known respectively as Hindmarsh Ward, Gawler Ward, Grey Ward, and Robe Ward, the boundaries whereof are severally defined in Schedule B.

8. Durable and conspicuous marks, denoting the boundaries of the said city and of the several wards thereof, shall be set up.

II. Citizens—Their incorporation, qualification, and enrolment:

9. The inhabitants of the said City shall be a body corporate under the style of "The Corporation of the City of Adelaide" (hereinafter designated the Corporation), and by such name shall have perpetual succession and be capable at Law, by the Council herein-
after mentioned, but in the name aforesaid, to hold, acquire, and possess lands, tenements, and hereditaments (in fee simple or for any term of years or otherwise), goods and chattels, and to grant, demise, assign, or otherwise dispose of the same, to sue, implead, and answer, and to be sued, impleaded, and answered in all Courts, and before all Judges and Magistrates whomsoever, in all actions, pleas, suits, disputes, causes, and matters whatsoever, and to do and suffer all such further acts as may be done and suffered by virtue of their incorporation and as are in this Act set forth and authorized to be done and suffered.

10. The Corporation may have and use a common seal.

11. Every person of full age, being resident within the said Province, who, on the first day of October in any year, shall be seized of or occupy any land, house, warehouse, counting-house, or shop within the said city, either as owner or tenant, and whose name, as such owner or occupier, shall be inserted in the assessment hereinafter directed to be made, shall be a citizen of the said city, a member of the Corporation, and entitled to be enrolled on the citizens' roll, under the provisions of this Act.

12. On or before the twentieth day of October in each year, the Town Clerk shall cause alphabetical lists of all persons in each of the wards, entitled to be enrolled as citizens under the provisions of this Act, to be prepared, and such lists, being thereupon signed by the Mayor and Town Clerk, which they are hereby authorized and required to do, shall form and be called "The Citizens' Roll," whereof the Town Clerk shall cause a sufficient number of copies for the purposes of this Act, to be forthwith printed or copied, and one of such copies to be affixed on one or more conspicuous buildings in each ward; and he shall deliver any one or more of such copies to any citizen applying for the same, on the payment of a reasonable price for each copy.

13. No person, unless so enrolled, shall be qualified to be elected to any office, or to vote at any election under this Act.

14. No alien nor any person in the receipt of public relief or alms, nor any person who being assessed shall not have paid all such rates, directed to be levied under the provisions of this Act, as shall have become payable before the time of his application to be enrolled, shall be entitled to be so enrolled.

15. Any person, whose name shall have been omitted from such citizens' roll, may claim to have it inserted thereon; and any citizen, whose name appears on such roll, may object to any other person as not being entitled to have his name retained thereon.
III. City Council—its constitution and functions:

16. By and from among the enrolled male citizens shall be elected, in manner hereinafter provided—one person to be the Mayor, and for each of the said four several wards, two Councillors.

17. Such Mayor and Councillors shall constitute a Council for the good government of the Corporation, the management of the affairs thereof, and the exercise within the said city of such powers and authorities as by this Act shall be vested in or delegated to the Corporation; and such Council shall be called "The Council of the City of Adelaide."

IV. Auditors:

18. For the due examination of the accounts of the said Corporation, the citizens of all the wards, shall annually elect two Auditors, as hereinafter provided.

V. Disqualification, retirement, and election of the Mayor, Councillors, and Auditors: Oaths, resignation, and cesser of office, and supply of vacancies:

19. No person being a regular Minister of any religious congregation, nor any person who shall hold any office or place of profit (other than that of Mayor) in the gift or disposal of the Council, or who, by himself, his partner, or otherwise, shall have any interest in any contract with or employment under such Council, shall be elected as Mayor, Councillor, or Auditor of the city: Provided that no person shall be disqualified from being a Mayor, Councillor, or Auditor as aforesaid, by reason of his being a proprietor or shareholder of any public company which shall contract with the Council for any of the purposes hereof.

20. On the first day of December in every year the Mayor and four of the Councillors and the two Auditors for the said city, shall respectively go out of office.

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

22. Upon the first day of December in every year, the citizens shall elect from among themselves a citizen to be Mayor, and the citizens of the respective wards one of their number to be a Councillor to supply the place of the retiring Councillor, and shall also in like manner elect the Auditors for the year ensuing; and for the election of Mayor and Auditors votes shall be taken at meetings which shall be held in all the wards.

23. Every such election shall be held before a Councillor or other person authorized by the Council, but no candidate shall so preside.

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

25. Subject to the objections authorized to be taken by collectors of rates as hereinbefore mentioned, no inquiry 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—The presiding officer may, or shall if required by any two citizens entitled to vote in the same ward, put to any voter, at the time of his claiming his voting paper and not afterwards, the following question and no other:—"Are you the person whose name appears as A. B. in the citizens' roll now in force for this ward, being registered therein as rated for property described to be situated in (here specify the street described in the citizens' roll)?" No person required to answer the said question shall vote until he shall have answered the same in the affirmative; and if any person shall wilfully make a false answer to the question aforesaid, or shall poll or offer to poll more than once at the same election in the same ward, or shall personate any other person for the purpose of polling at such elections, he shall be deemed guilty of a misdemeanor.

26. Every citizen entitled to vote in the elections aforesaid may give a separate vote in each ward in respect of the property for which he is assessed therein and has duly paid the rates according to the provisions hereof.

27. Every election for Mayor, Councillors, and Auditors shall be by ballot, and shall be conducted in the several wards in the manner prescribed and set forth in the Act in force for the time being for regulating the election of members for the House of Assembly for the said Province, so far as the same may be applicable for the purposes hereof.

28. Seven clear days, at the least, before the day by this Act appointed for the retirement and annual election of the Mayor, Councillors, and Auditors, the Mayor shall cause public notice to be given of a place, day, and hour for the nomination of candidates for election to the said several offices, such day of nomination not being later than three days before the said day of annual retirement and election.

29. The nomination of the Mayor, Councillors, and Auditors, respectively, shall be signed by two citizens, and by each of the persons therein nominated, in testimony of his consent to be
Elections.

Proceedings on day of nomination.

30. On the day of nomination, the Mayor shall attend at noon at the Corporation Acre, within the said city, at which time and place he shall cause all nominations so lodged in the office of the Town Clerk publicly to be opened and read aloud. If there shall be such number only of candidates so nominated as are required to be elected, and no more, the Mayor shall declare such candidates to be duly elected to serve in their respective offices for the municipal year, commencing on the first day of December next ensuing. But in the event of there being more candidates nominated than are required to be elected, then the Mayor shall adjourn all further proceedings in respect of such elections until the said first day of December; and he shall cause public notice of such adjournment, and the object thereof, and the names of the several candidates put in nomination, to be given daily until such first day of December.

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

32. No person elected to be Mayor, Councillor, or Auditor under this Act, shall be capable of acting as such until he shall have first read aloud and taken before any two Councillors, who are hereby respectively authorized to administer the same, the oath of allegiance to Her Majesty, Her heirs and successors, and shall in like manner have made and subscribed the declaration following (that is to say):—“I, A. B., having been elected Mayor or one of the Auditors for the City of Adelaide, or Councillor, for ward, in the City of Adelaide, do hereby declare that I take the office upon myself, and will duly and faithfully fulfill the duties thereof according to the best of my judgment and ability.”

33. The Mayor for the time being shall be a Justice of the Peace for the said Province so soon as he shall be duly sworn as such.

34. If any extraordinary vacancy shall occur in the office of Mayor, Councillor, or Auditor, the citizens entitled to vote shall, upon a day to be fixed by the Council (such day not to be later than fourteen days from the occurrence of such vacancy), elect

put in nomination, and to act, if elected, and such nomination shall be in the Form in Schedule E, or as near thereto as circumstances may admit; but no nomination shall be acted upon unless the same shall have been lodged in the office of the Town Clerk before noon of the day fixed for nominations as aforesaid.

Oath of allegiance and declaration of office to be taken before acting by Mayor, Councillors, or Auditor.

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

Extraordinary vacancy in office of Mayor, Councillor, or Auditor—how filled up.
elect another qualified citizen to supply such vacancy; and such election shall be held, and the voting and other proceedings in case of a contest shall be conducted in the same manner and subject to the same regulations as are hereinbefore prescribed with respect to the election of Mayor and Councillors; and every citizen so elected shall hold such office until the time at which the Mayor, Councillor, or Auditor, in room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but be capable of re-election.

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

36. All the powers, authorities, and jurisdictions by an Act of Parliament, of the eleventh year of the reign of His late Majesty King George the First, intituled "An Act for preventing inconveniences arising from the want of election of Mayors, or other chief Magistrates of boroughs or corporations being made upon the days appointed by the charter or usage for that purpose," and directing in what manner such elections shall be afterwards made, given to Her Majesty's Court of Queen's Bench, in cases where no election shall be made of the Mayor, Bailiff or Bailiffs, or other chief officer, or officers of cities, boroughs, or towns corporate, upon the day or within the time appointed by charter or usage for that purpose; and that no election is made pursuant to the directions in that Act prescribed, or such election being made shall afterwards become void, as in that Act mentioned, shall, and the same are hereby extended to the Supreme Court of the said Province in all cases in which no election shall be made of any Mayor, Councillor, or other corporate officer, or other person to any corporate office, on the day or within the time appointed for any such election under the provisions of this Act.

37. The Supreme Court is hereby empowered in all such cases to award a mandamus, and to cause such proceedings to be had thereupon, and to make such orders and to do all other acts, matters, and things in respect thereof as fully and effectually as the said Court is now by law authorized in any other cases of mandamus for the election of any officers of corporation; and the elections under such mandamus shall be held and the proceedings thereon conducted within the said city in the same manner, and under the like regula-

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*Elections*

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

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*11 Geo. 1: Powers under, for preventing inconveniences from want of elections, given to Supreme Court.*

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*Mandamus.*

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*Supreme Court empowered to award mandamus for election.*
tions and provisions as are in the said Act of His late Majesty King George the First enacted and provided.

38. Every citizen who shall be duly elected to the office of Mayor, Councillor, or Auditor, shall accept such office by taking the oath and making and subscribing the declaration aforesaid within five days after notice of his election, or shall in lieu thereof pay to the Corporation the fine specified in the Schedule of Penalties for the non-acceptance of such office, which shall thereupon be deemed to be vacant, and shall be filled up in manner hereinbefore mentioned: Provided that all persons who shall have already served such office (or paid the fine for not accepting such office) within five years next before the day on which he shall be so re-elected, shall be exempted from accepting the same office if he shall claim such exemption within five days after notice of his election; nor shall any member or officer of the Parliament of the said Province, nor any person holding any civil or permanent military employment under the Local Government, or being a military, naval, marine, commissariat, or ordnance officer, on full pay in Her Majesty's Service, be liable to serve in or to be fined for non-acceptance of any office under this Act.

39. 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.

40. If any person holding the office of Mayor, Councillor, or Auditor, under the provisions of this Act shall be declared or become insolvent, or shall obtain any order for the protection of his person or goods under the laws of the said Province relating to insolvency, or shall, during his term of office, compound by deed or otherwise with his creditors, or being Mayor shall be absent from the meetings of the Council for more than one calendar month, or being a Councillor, for more than three calendar months; or being an Auditor, shall be absent from the said City for more than six calendar months, without leave of the Council (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 as if he had refused to accept the said office, and the Council thereupon shall forthwith declare such office to be vacant, by public notice, 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 or becoming insolvent according to the laws relating to insolvency, or being protected thereunder, or so compounding as aforesaid, shall on obtaining his certificate or on payment of his debts in full, or being by deed under seal released therefrom, be capable (if otherwise qualified) of being re-elected; and every person becoming disqualified to hold such office on account of absence as aforesaid, shall on his return to the said city be capable of being re-elected; provided he shall then be otherwise qualified.

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

42. No person shall act as Mayor, Councillor, or Auditor, without taking the oath and making 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 Act to hold any such office: Provided that all acts and proceedings of any person so acting as Mayor, Councillor, or Auditor, shall, notwithstanding such disqualification, be as valid and effectual as if such person had been duly qualified.

43. Every application to any Judge of the Supreme Court, for the purpose of calling upon any person to shew by what warrant he claims to exercise the office of Mayor, Councillor, Auditor, or citizen, of the said City, shall be made before the end of three calendar months after the election of, or the time when the person against whom such application shall be directed shall have been disqualified, and not at any subsequent time.

44. Unless three members are present no meeting of the Council shall be constituted for the transaction of business; and except the passing of by-laws hereinafter mentioned, all acts to be done by the Council, and all questions of adjournment or other questions that may come before such Council, may be done and decided by the majority of members present.

VI. Council proceedings and minutes:

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

46. 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 other chairman; and such minute book shall be open to the inspection of any qualified citizen at all reasonable times.

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

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

49. Previously
49. Previously to any meeting of the Council (except in cases of emergency when the Council may be convened to meet within any less time) notice to attend such meeting, signed by the Town Clerk, shall be sent to each member of the Council three days before the day appointed for such meeting.

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

51. The Council shall constitute an open Court for the revision of the citizens' lists, and for hearing and determining the claims of the citizens thereof to be inserted in such lists, and the objections of such citizens to any other citizen having his name retained thereon; ten days' public notice being previously given by the Town Clerk of the time and place of the sitting of such Court; the same shall sit for the purposes aforesaid on one or more days, not being later than the twenty-fifth day of November in every year; and such Courts shall have power to award costs, not exceeding Twenty Shillings, against any person who shall prefer an objection which by the Court shall be deemed frivolous.

52. Every claim by any citizen to have his name inserted on such list, and every objection by a citizen to the name of any other citizen being retained on such list, shall be respectively in the forms specified in Schedule C, nor shall any such claim or objection be available unless, as respects claims. the same shall have been lodged in the office of the Town Clerk not later than the eighteenth, and as respects objections, not later than the twentieth day of November in every year.

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

VII. Officers appointed by the Corporation.

54. The Council may appoint fit persons, not being members thereof, to be Town Clerk and Surveyor of the said City, and, by warrant under the hand of the Mayor and seal of the Corporation, shall also appoint fit persons to be valuators of all property to be assessed within, and to be collectors of rates for the said city, and all such inspectors, clerks, and other officers as they shall think necessary
necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this Act, and may, from time to time, discontinue the appointment of such officers as shall appear to them not to be necessary to be re-appointed.

55. All such officers as aforesaid shall hold their offices during pleasure, and give such security for the due execution thereof as the Council shall think proper.

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

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

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

59. If any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the Council, or to such person as they shall authorize, within three days after being thereof required by notice in writing, under the hands of the Mayor and any two members thereof, all books, papers, and writings, in his custody or power, relating to the Corporation or to the execution of this Act, or to give satisfaction to the Council, or to such other person 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 authorize for that purpose, of any such refusal or wilful neglect
as aforesaid, to any Justice, such Justice is hereby authorized and required to issue a warrant under his hand and seal for bringing such officer before any two Justices sitting within the said city; 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 such officer, such Justices may, and they are hereby authorized 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, or if it shall appear to such Justices that such officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or such lists as aforesaid, or that any books, papers, or writings relating to the execution of this Act 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, then, and in every such case, such Justices shall, and they are hereby required to commit such offender to gaol, there to remain, without bail, until he shall have paid such moneys as aforesaid, or shall have compounded with the said Council for such moneys, and shall have paid such composition in such manner as they shall appoint (which composition the said Council are hereby empowered to make and receive), or until he shall have delivered a true account as aforesaid, together with such vouchers and lists as aforesaid, or until he shall have delivered up such books, papers, and writings, or have given satisfaction in respect thereof to the said Council, or to such authorized person as aforesaid, as the case may be: Provided that no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than three calendar months: Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer; but such officer shall not be sued by action, and also proceeded against in a summary way by virtue of this Act for the same cause: Provided further that no surety shall be released from liability by any summary proceedings against his principal.

VIII. Map of the City:

60. The Council may, from time to time, cause maps of the said city and the suburbs thereof to be constructed, and all or any of the maps aforesaid, or any parts thereof, to be copied or engraved and published and sold as they may deem expedient.

IX. Real Estate of the Corporation:

61. The town acre section of land numbered 203, known as “The Corporation Acre,” in King William-street, within the said city, shall be vested in the Corporation.

62. The Council may, with the consent of a general meeting of the
the ratepayers convened for that purpose build on such part of the
said acre fronting to King William-street as they shall deem fit, a
public edifice suitable for a Town Hall, and the offices of the Cor-
poration: Provided that such consent shall not be necessary unless
the estimated cost of such Town Hall and offices shall exceed the
sum of Five Thousand Pounds.

63. As to all land now, or which by virtue hereof or otherwise,
may become vested in the Corporation for the general purposes
of this Act. and which shall not have been built upon, the
Council may demise the same on building leases in one or
more lots, either by public tender or auction, or after having
been so offered without having been leased at the rent reserved,
then by private contract for such rent as the Council may deter-
mine for any terms not exceeding fifty years, and at such rents
as may be reasonably obtained therefor, subject to such conditions
in regard to the class and elevation of the houses to be erected thereon
by virtue of any such building lease, as may be consistent with the
improvement of the said city and the situation of the land demised;
and as to any messuages or other buildings on the residue of the said
acre, or on any other of the lands of the Corporation the Council
may in like manner demise the same on repairing, improving, or
other leases for any term not exceeding thirty years at such yearly
rent as may be reasonably obtained for the same.

64. The Council may accept and have vested in them the use of,
and interest in, any property, real or personal, in trust for any public
or charitable, but not for religious, purposes, for which any such
property may be conveyed, made over, demised, or bequeathed to
them in their corporate capacity, and act as trustees in the adminis-
tration thereof.

X. Park Lands and Public Reserves.

65. The Park Lands, public roads, bridges, streets, squares, and
thoroughfares within the said City, shall, for all the purposes of this
Act, be under the care, control, and management of the Council,
except the reserves specified in Schedule D: Provided that the
Governor, with the advice and consent of the Executive Council,
may, by Proclamation in the South Australian Government Gazette,
take under their temporary control and use any portion of the said
Park Lands which may be required for the purpose of military
training and exercise, or for other military purposes.

66. By virtue of the powers and management so vested in them
as last aforesaid, the Council may fence in or otherwise enclose, level,
drain, plant, form walks and carriage drives, through and over the
said Park Lands, or any part thereof, and may construct dams and
reservoirs for the retention and formation of sheets of water thereon,
or may otherwise improve and ornament the same; and do all such
further acts and carry out such measures as are calculated for the
adaptation
adaptation of such lands to the purposes of public recreation, amusement, health, and enjoyment, to which the same have been dedicated, and for which the same so remain vested in Her Majesty and Her successors.

67. The Council are hereby authorized to grant any such licences for the depasturing of cattle on the said Park Lands as they may deem proper, and to take for the same such fees as they may by any by-law or public notice from time to time appoint.

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

69. The Council may declare any portion of the River Torrens, within the limits of the said City to be reserved for the supply of water for the public use.

70. No person shall put into the water of the said river, within such limits, any offal, carrion, filth, or offensive matter, or bathe in any portion of such river other than such as shall be appropriated by the Council for that purpose.

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

XI. Public Establishments and Works.

72. The Council may establish or permit the establishment of public baths and washhouses, and may frame by-laws regulating the same.

73. The Council may issue to any person a licence to keep a slaughterhouse for large or small cattle, or pigs, at any place within the said city; and every licensed person shall be liable to all the rules, penalties, and disabilities, and shall do and perform all things which by an Ordinance passed in the fourth year of the reign of Her present Majesty, intituled "An Act to regulate the slaughtering and prevent the stealing of cattle," any persons hereunder are required to do, and to which they are subject and liable; and, after the passing of this Act, it shall not be lawful for any person to slaughter any cattle whatever, great or small, within the said city, except at some slaughterhouse established or licensed by the
the Council; the fees for slaughtering and for such licences, when not otherwise provided, to be regulated by by-law.

74. The Council may license any bazaar or repository within the said city for the sale therein of horses, horned cattle, carriages, and other vehicles.

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

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

77. No person shall injure any such public fountain, or any tap, or cock, or water or other pipe belonging thereto; or use or keep in his possession any private key for the purpose of opening any such tap or cock; or shall, in any manner, clandestinely or unlawfully, appropriate to his use, any water from any public fountain or pipe, or open, or leave open any tap or cock of any public fountain, so that the water shall run to waste, or shall wash theret, or shall wash any animal, clothes, or things theret, or use the same otherwise than for obtaining water therefrom in a proper and cleanly manner.

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

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

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

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

82. Whenever it may be deemed expedient to execute works for the sewerage and drainage of the said city, the Council may cause all necessary trigonometrical or other surveys to be made of the area of the said city, and levels to be taken for that purpose; and, as to the works
works to be so executed, shall cause all proper plans of such drainage
and sewerage on a scale of not less than six inches to a mile, together
with books of reference, containing the names of owners, lessees, or
occupiers of any land or watercourses through or into which such
sewerage or drainage may be intended to pass, or which may be re-
quired to be taken for such purpose by the Council, to be deposited
for public inspection in the office of the Town Clerk, and shall give
all such notices and do such acts as are hereby prescribed in respect
to land and premises required and intended to be taken for the site
of any new or altered street, before such sewerage and drainage shall
be proceeded with.

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

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

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

86. The Council shall, and they are hereby required, prior to any
public sewerage and drainage being commenced, to make and
pass Council to repair and
cleanse sewers, not
creating any public
nuisance.

Private Drains
and Sewers.

Council to provide by
by-laws for private
sewerage.
pass all necessary and proper by-laws for the purposes following:

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

2. For the repairs and cleansing thereof, under the direction of the City Surveyor:

3. For removing, by drainage, to be discharged into the common sewers, any nuisances from tenements, &c., at the expense of the owners or occupiers.

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

XII. Municipal Regulations:

88. The streets and roads fixed at the original setting out of the site of the said city as delineated on the public maps and plans deposited in the office of the Surveyor-General of the said Province, and such streets and roads as have been since opened and dedicated to the public, or surrendered to and accepted by the Corporation as a public street, or which may hereafter be so surrendered and accepted, or which may be formed by the Council by virtue hereof, shall be deemed public streets.

89. The formation, repair, and ordering of all public streets, ways, passages, and watercourses, within the said city, shall be under the management and direction of the Council, and be executed under the inspection and superintendence of the Surveyor of the city for the time being.

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

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

92. The Council may open, make, alter, widen, divert, turn, or extend any new or other street, court, or alley, or public place, within the said city; and for any of such purposes (subject to the powers, provisions, and restrictions hereinafter contained), may enter
enter upon, take, purchase, and hold, all such messuages, lands, tenements, and hereditaments, of any tenure as may be necessary for effecting the same.

93. Whenever the Council shall deem it expedient to make, open, alter, widen, divert, turn, or extend any new or other street, court, alley, or public place as aforesaid, they shall cause a survey and plan describing the exact course, bearings, and admeasurements of such intended new street, diversion, extension, or alteration, and the messuages, lands, tenements, and hereditaments required for the purposes thereof; together with a book of reference in which shall be entered the names of the owners and occupiers of such messuages, 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 an estimate of the expense of the work to be deposited in the office of the Town Clerk, and shall also cause a notice to be published in the Gazette, and in the daily newspapers of the said city, describing generally the same particulars, and referring to such plan, book of reference, and estimate, as being open for inspection at the office of the Town Clerk, and calling upon all persons affected to set forth in writing, and to leave with 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, as the case may be; and such map, plan, book of reference, and estimate shall remain open for such inspection as aforesaid at all reasonable hours from the publication of the said notice until the expiration of the said thirty days.

94. 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 by himself, his counsel, or agent, in support of such objection.

95. The Town Clerk shall cause to be inserted in the daily newspapers of the said city for seven clear days prior to the sitting of such Council a notice specifying the place and time for such sitting, and that any person who shall have duly lodged any written objection to such intended new street or works in accordance with the provisions hereof, may at such Council be heard by himself, or his counsel, in support of such objection.

96. If, after the expiration of such thirty days, and the due consideration of objections (if any) it shall appear to the Council expedient to proceed with the work, either wholly or in part, the Council shall make an order directing such opening, making, altering, widening, diverting, turning, or extending, or such part thereof.
as they may deem expedient to be executed according to such plan and estimate as aforesaid, and shall cause such plan, estimate, and 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 Gazette.

97. No street, unless forty feet in width (such width to be ascertained by measuring at right angles to the course of such street from front to front of the buildings or proposed sites for buildings on either side thereof) shall, after the passing hereof, be formed within the said city.

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

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

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

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

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

103. The Council may assign a number to each house in every street and public place within the said city, which number the occupier of every such house is hereby required to paint or affix upon the door thereof within fourteen days after notice to that effect, signed by the Town Clerk or City Surveyor, shall have been served on such occupier.

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

105. The Council may, from time to time, cause any public street within the said city to be watered, and they are hereby authorized to employ such men, horses, and water-carts as may be necessary for that purpose, and for defraying the expense to be occasioned thereby, to make a separate rate, which may be apportioned among the inhabitants of any such street, either according to the assessed value of the respective properties or holdings therein, or to the litleal frontage of such property or holdings; and for the purpose of collecting and enforcing payment of such rate, the Council may appoint any such officer or agent as may be necessary, and may exercise
exercise the like powers and remedies as are herein provided for collecting, levying, and enforcing any general rate to be made by virtue of this Act.

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

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

108. If any person shall be desirous of flagging, paving, graveling, or putting a curb-stone to any footpath, he shall leave notice in writing of such his intention at the office of the City Surveyor, who is hereby required within three days after the receipt thereof, to furnish such person with written directions as to length, breadth, height, and inclination of such footway; and, if any person shall commence any such intended work without giving the notice herein directed, or shall refuse or neglect to conform to the directions of the City Surveyor in that behalf, any two Justices may order the removal of all work executed contrary to such directions.

109. The Council may fix the places at which crossing places for vehicles and animals from any public street to private residences, or other premises on either side of the said street shall be made over any footway, and may by any by-law regulate the width and specify the mode in which, and the materials whereof such crossing places shall be constructed.

110. Upon the application of any owner, or of the majority in number of any owners of property, who may require a communication with the street by means of such crossing as aforesaid, the Council may permit the same to be constructed under the superintendence, and to the satisfaction of the City Surveyor, in conformity with the provisions of this Act.

111. The Council, by any writing under the hand of the Mayor or Town Clerk, may require the owners or occupiers of any premises on either side of any public street to make or repair any crossing place over the footway leading to and from such premises into the said street in conformity with the provisions aforesaid, as to the Council may appear necessary; and unless the said owners or occupiers shall within thirty days after the service of such requisition show cause to the satisfaction of the Council why such crossing should not be so constructed or repaired, or within such time shall construct or repair the same according to the provisions hereof, the Council
Council may execute such work or repairs and determine and charge such owners or occupiers with their proportionate parts of the expenses so thereby incurred; and if, after the expiration of twenty-one days from the delivery of an account of the proportionate expense to which any such owner or occupier may have become liable, the same shall not be repaid, the Council, by order under the hand of the Mayor or Town Clerk, may direct payment thereof.

112. No alley or court of less than twenty feet in width (such width to be determined as prescribed by Section 97) shall, after the passing hereof, be formed within the said city.

113. Every alley to be hereafter formed shall have two entrances, each of the full width of the alley, and one open from the ground upwards.

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

115. All other streets and roads within the said city formed by private persons which have not been surrendered to, and accepted by, the Corporation as public streets, or which may be so formed, shall until surrendered to and accepted by the Corporation for the public use, be deemed private streets, the formation, completion, and repairs whereof shall be executed at the exclusive expense of the proprietors of such private streets, but which nevertheless as to the prevention and suppression of nuisances therein, and the cleansing thereof, and the prevention of fire, shall be subject to the provisions of this Act for the general regulation of public streets, from and after the period at which any such private street shall be set out and aligned.

116. When any private street, court, or alley, shall have been set out within the said city, the Council, by any writing under the hand of the Mayor or Town Clerk respectively, may order that any erection or obstruction which shall contract the proper width of any such street, court, or alley, or any part thereof, be removed, and that any such street, court, or alley, or any part thereof be respectively levelled, paved, flagged, macadamized, or otherwise repaired and completed with such sewerage in such manner, and within such time as to the Council may appear expedient; and if after service of notice of such order upon the owners of property abutting upon either sides of such private street, court, or alley, such owners shall fail...
null within the time provided by such order to free from obstruction, and well and sufficiently to level, pave, flag, or macadamize, repair, and complete with proper sewerage, so much of the said street, court, or alley to the centre thereof as may be opposite to and coextensive with their respective properties aforesaid, the Council may execute and complete whatsoever work as aforesaid shall not have been done in pursuance of and according to such order, and may charge each such owner respectively with such part of the expenses incurred in such completion as shall bear a fair and reasonable proportion to the extent to which his property may abut on such street, court, or alley, regard being had to the condition of completeness and repair, or the reverse, in all or any of the respects aforesaid, in which such street, court, or alley opposite to the property abutting thereon shall be at the time of the service of such notice; and direct payment thereof, by writing under the hand of the Mayor or Town Clerk.

117. The Council may adopt all such measures as they may deem necessary for the cleansing of the said city and the preservation of the public health, and for the prevention and suppression of nuisances; and, for the more effectually carrying such objects into effect, may appoint one or more Inspectors, to be called Inspectors of Nuisances.

118. Every such Inspector of Nuisances is hereby authorized to visit and report upon the state and condition in regard to cleanliness of all streets, squares, places, and public reserves, within the said city, and as to any nuisances affecting the same; and also to visit all slaughterhouses, markets, baths, and washhouses, and all butchers' and other shops and shambles, and all buildings wherein any offensive trades may be carried on, and all breweries, stables, cattle-yards, cowsheds, hogssties, backyards, outbuildings, wells, ashpits, privies, cesspools, and drains, belonging to or used with any dwellinghouse, building, or premises, within the said city, and to examine the state thereof in regard to health and cleanliness, or in respect of any nuisance.

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

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

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

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

123. The nightsoil, dung, ashes, filth, and refuse, which the Council shall cause to be carried away and collected from the streets, houses, privies, sewers, cesspools, or elsewhere within the said city, shall be the property of the Council, and they shall have the power to sell and dispose of the same as they shall think proper, and the moneys arising from the sale thereof shall be paid to the funds of the Corporation.

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

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

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

127. If upon the certificate of any two duly qualified medical practitioners, or on the oath of any three citizens, that place is likely to engender disease, Mayor may require owner to cleanse same.

128. No person shall proceed to erect, take down, alter, or repair any building whereby any street, court, alley, or footway within the said city may be obstructed, without giving three clear days' notice to the City Surveyor of such his intention, nor until there shall have been put up, to the satisfaction of the said Surveyor,
sufficient hoards or fences for separating such intended works from such street, court, or alley, and also a convenient platform and hand rail (if there be room enough), to form a footway for passengers between such hoards and fences and the carriageway; and every such person shall keep and maintain such hoards and platforms in good condition and repair, and cause the same to be sufficiently lighted after sunset during such time as the said Surveyor shall require.

129. No building shall project on any footway; nor shall any building which may so encroach be rebuilt, either wholly or in part, or any alteration therein or addition thereto be made, except according to a plan, to be approved by the City Surveyor, whereby such building shall be placed clear of and without the distance defined for the breadth of such footway.

130. If within one month after notice to remove any building which may so encroach as aforesaid shall have been served on the owner or occupier thereof, the same shall not be accordingly removed, any two Justices may grant a warrant under their hands and seals to the City Surveyor for the time being and his assistants, forthwith to cause the said building and all alterations therein or additions thereto, so far as the same shall encroach upon the said footway, to be taken down; but nothing herein contained shall prevent any person from placing an awning or verandah in front of his shop or house, provided that such awning or verandah be seven feet, at the least, in height above the footway in front of such shop or house, and that the posts for the support thereof be placed close to the curbstone or outer edge of such footway, or within three feet thereof, as the said Council may direct.

131. When for any of the purposes aforesaid any materials, rubbish, or other things shall be deposited, or any excavation made in any public street, court, or alley, the owner or occupier of the land or buildings in respect of which such materials or other things shall be so deposited, or such excavations be made, or the person causing such deposit or excavation to be made shall, at his own expense, until such materials or other things be removed, or such excavation be filled up, sufficiently fence in and enclose the same, and cause a sufficient light for the prevention of contact with such fence or materials to be securely fixed and kept burning thereon from sunset to sunrise.

132. No person shall cause or suffer any such building materials or other things, or such excavation to remain for an unnecessary length of time, and the question as to what may be an unnecessary length of time shall be determined by the Justice before whom any information with a view to the conviction of any person so offending shall be heard.

133. If any building or anything thereon affixed shall be deemed to

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

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

135. From
135. From and after the passing hereof, the Council, in regard to all buildings hereafter to be erected, and all buildings which may hereafter be taken down and rebuilt within the said city, may, by by-law, provide regulations concerning party walls, and also concerning the height and thickness of parapets of external walls of buildings hereafter to be built and erected within the said city; and also concerning flues and fire-places in any such buildings.

136. The Council, either separately or in conjunction with any Commissioners or other authorized body for supplying the said city with water, may cause such reservoirs, tanks, mains, pipes, and fire-plugs to be constructed and laid down in such streets and public or other places as the Council may deem necessary for affording a constant and ample supply of water for use in the event of any fire or conflagration within the said city; and either separately or in conjunction with any fire insurance company, or other persons, may procure such fire-engines, fire-escapes, ladders, and other machines, and apparatus made use of for extinguishing, and in cases of fire; and may in like manner organize and establish any fire-brigade and make provision for, or contribute towards the payment of any superintendent, officer, fireman, or other person employed therein, or grant any sums of money as rewards for meritorious conduct, or compensation for personal injury to any person assisting in the extinguishment, or preventing the spreading of fire, or in the rescue of, or attempt to rescue, any persons, animals, or goods therefrom within the said city; and may cause alarm-bells to be fixed in such situations, and make such further and other regulations from time to time for the more effectual extinction and suppression of fires as they may deem expedient.

137. No building, after the passing hereof, shall be erected within the said city, the external walls whereof shall be wholly or in part of wood, canvas, thatch, or other inflammable material, or the internal partitions or ceilings whereof either wholly or in part shall be of calico, canvas, paper, or other inflammable substances, nor shall any verandah to any house or building be roofed with wood, canvas, or other inflammable material; and in case any building, partition, ceiling, or verandah shall be erected or constructed of material contrary to the provisions hereof, the Council shall cause notice to be served upon the owner or occupier thereof requiring the removal of the same within such time as the Council may deem proper, and in default thereof any Justice, upon due proof of the service of such notice, and of non-compliance therewith, may order any such building, or the roof, or verandah thereof, or any ceiling or partition to be forthwith removed, either wholly or in part as the case may require, under the superintendence of the City Surveyor, and at the expense and charges of the owner thereof, which upon the order of the Council in writing under the hand of the Mayor or Town Clerk, shall be paid by such owner to the Corporation.

138. The
138. The covering of the roofs of all houses and other buildings erected within the said city, after the passing hereof, shall be of slate, tiles, metal, glass, artificial stone or cement.

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

140. In all party-walls, there shall be a space between the timbers on either side, to be inserted in or supported by such party-wall of at least nine inches, filled up with solid and incombustible material; nor shall any timbers in any such party-wall be nearer to the back of any fire-place than fourteen inches, nor to any flue in such party-wall than seven inches—the backs of fire-places being considered as extending, for the purpose of this Act, five feet above the hearth, and flues as commencing at that height; and in case any timber shall be placed in such party-wall contrary to the provisions hereof, the City Surveyor for the time being may require the same to be removed, and replaced so as to be in conformity herewith; and if, on the report in writing of the City Surveyor, that such requirement has not been complied with, the Council may direct the removal of such timbers, and, if necessary, the reconstruction of such party-wall at the expense of the owner, and may order such expense, by writing under the hand of the Mayor or Town Clerk, to be paid by such owner to the Corporation.

141. If it shall be deemed expedient for the public safety, with a view to the prevention of fire, that any street, acre, or place, within the said city, shall be brought under the operation of this Act, in order to a gradual removal of all buildings therein, the walls or coverings of the roofs whereof shall be wholly or partially of wood, thatch, canvas, or other inflammable material, the Council may either separately, or in conjunction with any insurance companies, or other persons, cause any such street, acre, or place, to be surveyed by three competent surveyors or architects, of whom the City Surveyor shall be one, another of whom shall be nominated by the Chief Secretary, and the third by the fire insurance companies established within the said city, or any of such companies; and if such surveyors and architects shall report that it is desirable for the public safety that such street, acre, or place, or any part thereof, should be brought under the operation of this Act, the Governor, at the instance of the Council, and on the application of three or more ratepayers, being owners or occupiers of land or property assessed at a sum exceeding Twenty Pounds per annum, in any such street, acre, or place, may, with the advice of the Executive Council, declare such street, acre, or
or place, or any part thereof, by a Proclamation in the Gazette, to be subject to the provisions hereof.

142. If any buildings within the said city, the external walls or coverings of the roofs whereof, at the time of the passing of this Act, shall be wholly or partially of wood, thatch, canvas, or other inflammable material, shall not be removed within three years, after the street, acre, or place, within the said city, whereon the same shall be situate, shall have been proclaimed subject to the provisions hereof, or shall at any time, either internally or externally, be in such a state as to be liable to immediate ignition in the event of contact with fire, the Council, on the report of the City Surveyor, or other complaint or information to that effect, shall cause immediate notice, under the hand of the Mayor or Town Clerk, to be given to the owner or person beneficially interested therein, or his authorized agent, that such building is liable to take fire, and in that respect dangerous, and requiring the removal or repair thereof, or of the parts which render it dangerous, within such time as to the Council shall seem meet; but subject only to such compensation for injury to be occasioned by such removal, to be paid by the Council, as may be fixed by a reference to arbitration, in the usual way, each party appointing a referee, and the referees, before proceeding with such reference, an umpire, the award of any two of whom shall be final; and in default of compliance with such notice and requisition, any one or more Justices, on the complaint of the Town Clerk or City Surveyor, and proof of service of such notice and requisition, may thereupon order the removal thereof by the City Surveyor, or other persons appointed by the Council, and after such removal the parties interested shall be entitled to receive the compensation fixed as aforesaid.

143. No person shall stack or pile in the open air, or store for sale, within the said city, any hay, straw, or thatch, except in premises to be licensed by the Council on the report of the City Surveyor as fit for such purposes; and the Council may, by by-law, make such regulations for the proper construction of buildings and premises wherein any such materials and articles may be stored and sold as they may deem meet.

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

145. If the chimney flue of any dwelling-house, or other premises within the said city shall take fire, by reason of its having been suffered
suffered to become foul, or from any neglect, carelessness, or default of the occupier of such dwelling-house or other premises, or of his servant or other person using such chimney-flue, such occupier shall forfeit, for every such offence, the fine specified in the Schedule of Penalties: Provided that, if any defendant shall plead that such chimney-flue did not take fire in consequence of its being foul, or of any such neglect, carelessness, or fault as aforesaid, the proof thereof shall be upon such defendant.

146. The Council may make such by-laws as they shall deem meet for the ordering of their proceedings; for conducting the elections of Mayor, Councillors, and Auditors, in any matters which may not be sufficiently provided for by this Act, nor be inconsistent therewith, and for the determining the duties of any officers, servants, and others appointed by the Council; and all such by-laws as to them shall seem meet for the good rule and government of the city, and for the prevention and suppression of nuisances therein, and such further and other by-laws as may from time to time be deemed necessary to these ends; and all such by-laws as are specified in the Schedule hereto marked K of by-laws authorized to be made by the Council of the City of Adelaide; and to repeal all or any of the said several by-laws in this section, and in the said Schedule mentioned or referred to, and to make others in their stead for all or any of the purposes aforesaid; and to appoint such regulations and fines as they may consider requisite for the prevention and suppression of such offences as aforesaid, for the better enforcement of the said several by-laws: Provided that no such fine shall exceed the sum of Ten Pounds. The by-laws in force in the said city at the time of the passing of this Act, shall (unless sooner repealed), be and remain in full operation therein, until the first day of June then next ensuing.

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

148. A copy, certified under the hand of the Town Clerk and seal of the Corporation, of any by-laws which shall be passed by virtue of this Act, with a declaration thereon, signed by the Mayor and Town Clerk, that a transcript of such by-laws, sealed with the said seal, had been sent to the Governor, and the requirements of
this Act, in respect of such by-laws had been otherwise complied
with, shall be received as *prima facie* evidence of the existence of
such by-laws, and of the sending and publishing thereof, in all
Courts of law or equity, and before all Justices or otherwise.

149. The Council may, from time to time, cause to be sworn in
as special constables any inspector or other officer of the Corpo-
ration, and any citizen, or other persons, as city constables, before
some Justice; and every special or city constable so sworn in as to
preventing nuisances and obstructions, and for the purpose of
otherwise carrying this Act into execution, for preserving the peace,
apprehending offenders against the peace, and preventing robberies
and other felonies, shall exercise and possess within the said city, and
so far without the boundaries thereof as the jurisdiction of the
Corporation may by this Act be extended, all such powers and
privileges, and be liable to all such duties and responsibilities as any
constable may have by virtue of the common law, and shall obey
all such lawful commands as they may from time to time receive
from the said Mayor, or from any Justice.

150. The Council shall have within the said city all the powers,
authorities, and rights, and be subject to the liabilities which by
any Act in force to promote education in South Australia, by aids
towards the erection of schools, and the payment of stipends to
teachers, are conferred or imposed upon District Councils.

XIII. Financial—

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

152. For raising such portion (if any) of the proposed expenditure
as the estimated probable income of the Corporation may be insuf-
sicient to meet, the Council may order assessments of all buildings,
lands, tenements, and hereditaments within the said city, to be made
according to the principles following, that is to say: As to all land
being the site of any building and of appurtenances not exceeding
one acre in superficial area which may be occupied therewith ac-
cording to the full, fair, and average estimated annual rent (clear of
all outgoings) at which the whole would let for a term of not less
than twenty-one years. And as to all land being the site of appur-
tenances which shall exceed one acre in area, and all land unbuilt
upon, and all vacant land within the city according to a percentage
of five per cent. on the value of the freehold.

153. For
153. For the making and completing of any assessment authorized hereby, any valuator and his assistants may, between the hours of nine, a.m., and five, p.m., enter any property within the said city subject to assessment under the provisions hereof; and in case admission thereto shall be denied by the owner or occupier, then, after the expiration of three days from the leaving at the residence of the person so refusing, notice in writing of the intention of such valuator to enter and view the property to be assessed for the purposes of this Act, he with his assistants may summarily act in the execution of all or any of the powers hereby given.

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

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

156. After the signing, by the Mayor, of any such assessment, copies of any parts thereof certified by the Town Clerk to be true extracts therefrom, shall constitute and be received as sufficient evidence of so much of the contents of such assessment as such extracts may contain, without producing the original assessment.

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

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

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

160. Any person may, within ten days after the publication of the notice, appeal against the assessment for any of the grounds following, that is to say—That he is not owner or occupier of the whole or any, or some particular part of the rateable property for which his name appears as owner or occupier; that the rateable property for which he appears to be the owner or occupier is assessed beyond its full and fair annual value; that any rateable property, or the owner or occupier of any rateable property within the said city, is omitted from the assessment; that any rateable property is assessed below its full and fair annual value; that any property included in the assessment is not rateable.

161. Appeals against assessments, or alterations in assessments, shall be heard before the nearest Local Court of full jurisdiction, and shall be commenced by a notice in the form in the Schedule F, or as near thereto as circumstances will permit, served by the appellant, within the period allowed for appeals upon the Council; and also upon any person whose name it is proposed to insert in the assessment, or whose property it is alleged is omitted, or assessed below its full and fair annual value; and a copy of such notice shall be delivered to the Clerk of the said Local Court six days before the day of hearing.

162. The appeal shall come on for hearing at the sittings of the Local Court next after sixteen days from public notice of the assessment or alteration appealed against having been given, and the Town Clerk shall produce the assessment book appealed against; and, upon examining the parties and the witnesses upon oath, the Court, at the sittings aforesaid, or at some adjourned or subsequent sittings, may make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made by the Clerk of the Court in the assessment book, and may make such order as the Court may think fit for the payment of costs by or to the Council, to or by the appellant, or by or to any respondent other than the Council to or by the appellant.

163. No lands and buildings, or other property used by the Government for any public purpose within the said city, nor any hospital, lunatic asylum, benevolent institution, or buildings used exclusively for charitable purposes, nor any church, chapel, or buildings...
buildings used exclusively for public worship, nor any academical institution which shall have obtained any act of incorporation, nor any other building used exclusively as a school, whether private or public, shall be subject to any rates to be levied by virtue hereof; and on the assessment of any building, part whereof only shall be used as a school, whether public or private, the valuator acting in the premises, by virtue hereof, shall allow a proportionate abatement in respect of the part so used as a school, and shall specify the same on his assessment.

164. On any such assessments the Council may, from time to time, declare and cause to be collected such rates as may be deemed proper: Provided that the rates so to be levied and collected in any one year shall not exceed in the whole the sum of One Shilling in the Pound on such assessment, without the consent of the ratepayers in public meeting for that purpose assembled; and the aggregate amount of rates levied and collected in one year, with or without the consent of the citizens, shall not exceed Two Shillings in the Pound.

165. The person primarily liable to the payment of rates under this Act shall be the tenant of the property rated who shall be in possession thereof at the time when such rate may be due or recoverable, and if such property be vacant and no sufficient distress found thereon, then the owner shall in succession be liable.

166. Any such occupier who shall have duly paid up all arrears of rent to such owner shall not be deprived of his right to vote as a citizen at any election under this Act by reason of the non-payment of any rate by the owner due for the property in respect of which such occupant may claim to vote.

167. When any rate shall have been made and be payable, the collector of rates shall leave with the owner or tenant in possession of each property rated written or printed particulars of the rate to be collected in respect thereof, and which shall specify also the number and description of such property in the assessment-book, the time allowed for payment of such rate, and the consequence of default in payment.

168. Every such rate shall be deemed payable to the collector authorized to receive the same, who is hereby empowered in his own name to receive, sue for, and recover from the person liable therefor any rate payable under the provisions hereof.

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

170. In respect of rates in arrear, for the payment whereof the owner of the property rated is liable, the collector shall give notice to the occupier of the property in respect of which such arrears shall be due to pay to the collector, or his authorized agent, all rent thenceforward, until satisfaction shall be made thereout of such arrears, and every such occupier shall pay all rent accruing due after the service of such notice, pursuant to the requisitions thereof, to the collector or his agents; and until full satisfaction of such arrears by the receipt of rent as aforesaid, and a poundage of One Shilling thereon, the collector is hereby empowered to exercise all remedies which may be enforced by a landlord against a tenant for recovery of rent in arrear.

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

172. Any unoccupied houses, lands, tenements, or hereditaments in respect of which any rate or part of any rate shall remain unpaid for one year after the same shall have become due and payable, and for satisfaction whereof no distress and sale can be made, shall thereupon become charged with such rate in arrear, together with interest at Ten Pounds per centum from the day when such rate became payable, which arrears and interest may be recoverable in manner following.

173. Within two calendar months after the expiration of such year, the Town Clerk shall cause to be inserted in the Gazette, and such daily newspapers of the said City as may be deemed necessary, particulars.

---

Collector shall give notice to tenants to pay rents to him when rates payable by owner are in arrear; And take a poundage of 1s. on collection.

Rates payable by owner.

As to unoccupied houses, where no distress for rates, chargeable thereto, after expiration of one year, with interest.

Manner in which property so chargeable is to be dealt with for recovery of rates in arrear and interest.
particulars of every such unoccupied property, and of the arrears of rate payable with interest in respect thereof, together with a notice requiring the owner, or reputed owner, by name (if known) or otherwise whom it may concern, to make payment of such arrears within one year from the publication of such notice in the Gazette, and that in default thereof, application at the expiration of such year will be made to the Supreme Court to order such property to be sold by public auction (subject to such further if any notice as such Court may deem necessary) in satisfaction of all rates and interest which shall be due in respect of such property up to and at the time of such application.

174. If, after the expiration of such notice, such arrears and interest, with all expenses which may have been incurred, shall still remain unpaid, the Supreme Court of the said Province or any Judge thereof, may, on petition of the Corporation, and upon proof of such arrears and interest, and that the conditions herein prescribed have been fulfilled, summarily order any such houses, lands, tenements, and hereditaments, or such part thereof as shall be sufficient to satisfy such arrears, interest, and expenses, to be sold by public auction, and the proceeds to be paid into Court, and thereout direct payment to the Corporation of the said arrears, interest, and charges, together with the costs of such petition, and all expenses of sale as a prior charge and in preference to any mortgage, security, or claim whatsoever (if any) affecting the property so sold; and the said Court or any Judge thereof, is hereby further authorized to direct a conveyance in such form as shall be approved by the Master to be executed by him, or some other officer of the Court, to the purchaser of the said houses, lands, tenements, and hereditaments so sold, freed, and discharged of any mortgage or encumbrance whatsoever, which conveyance shall vest in the said purchaser an indefeasible and legal estate in fee simple, any outstanding legal estate or beneficial interest or any law or practice notwithstanding; and the surplus (if any) of the proceeds of such sale shall be deposited by the Master in some Bank of the said Province, subject to the further orders of the Court.

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

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

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

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

179. The Auditors shall carefully examine such accounts and balance-sheet with the books, papers, and vouchers of the Corporation, and correct or alter the same as may be found necessary.

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

181. The Council may borrow at interest, on the credit of the rates hereby authorized to be levied from time to time (except special rates), any sum which with any amount previously borrowed and remaining unpaid shall not exceed Twenty Thousand Pounds; and, in the event of any part of such money being repaid, may reborrow the same, but so that there shall not be owing on the security aforesaid any more than Twenty Thousand Pounds at any one time.
one time: and for securing the repayment of the moneys so to be borrowed, with interest, the Council may assign such rates, or any part thereof, to the person who shall advance or lend such money, or his trustee, as security for the repayment of such advance, with interest: But the Council shall not be authorized to borrow or reborrow any such sum or sums of money until a resolution to that effect shall have been previously made by the Council at a meeting specially called for that purpose, and at which two-thirds of the members shall be present, and subsequently approved at a meeting of the ratepayers, specially convened for the consideration of the subject.

Form of assignment.

182. Every such assignment shall be by deed, under the seal and at the expense of the Corporation, and wherein the consideration shall be truly stated, and may be according to the form in Schedule H, or to the like effect.

Assignments to be without preference.

183. All persons to whom such assignments shall be made, or who shall be entitled to the moneys thereby secured, shall, in proportion to the sums therein respectively mentioned, be creditors on the rates equally one with another, without any preference in respect of the priority of advancing such moneys, or of the dates of any such assignments respectively.

Register of assignments to be kept.

184. A register of such assignments shall be kept by the Town Clerk, and within fourteen days after the date of any such assignment, a memorial specifying the number and date thereof, the principal sums secured thereby, and the names of the parties thereto with their proper additions, shall be entered in such register, and such register may be perused at all reasonable times by any person interested therein, without change, and no other than such registration shall be necessary to the validity of any such assignment, any Act for the registration of deeds in the said Province or otherwise to the contrary notwithstanding.

Transfer of assignments.

185. Any party entitled to any such assignment may transfer his right and interest therein to any other person by deed, wherein the consideration shall be truly stated, and any such transfer may be according to the form in the Schedule I, or to the like effect.

Register of such transfers to be kept.

186. Within twenty-one days after the date of every such transfer, if executed within the said Province, or otherwise within twenty-one days after the arrival thereof in the said Province, it shall be produced to the Town Clerk, who thereupon shall cause a memorial thereof to be registered in the same manner as in the case of the original assignment, and for such registration the Town Clerk may demand a sum not exceeding five shillings, and until such registration, the Corporation shall not be in any manner, responsible to the transferee in respect of such mortgage, nor shall any other than such registration be necessary to the validity thereof, any Act for the registration of deeds within the said Province to the contrary, nor
shall any transferee by registration under any such Act be enabled to make void or acquire priority over the transfer of any assignment registered under the provisions hereof.

187. The interest of the money borrowed upon every such assignment, granted under the provisions hereof, shall be of an equal rate, and in no case exceed six per cent. per annum, and shall be payable half-yearly to the several persons entitled thereto, unless otherwise provided by the conditions of such securities respectively.

188. It shall be lawful for the Council, and it is hereby required, from out of the rates so chargeable as aforesaid, in each and every year from the first raising of any sums of money under the authority hereof, until the whole amount so raised, and all interest thereon, shall have been duly paid, to set apart the sum of Two Thousand Pounds or such lesser sum as shall suffice to pay the amount of principal money redeemable during such year, together with interest thereon, and shall apply such sums in payment of such principal and interest as aforesaid.

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

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

191. After the Chairman shall have declared the result of a show of hands at any meeting, any six ratepayers may demand a poll, which shall be immediately held, and shall finally close at four in the afternoon, unless, in the case of obstruction or necessary hindrance, when the Chairman shall adjourn the poll to the next day, unless that day shall be on a Sunday, and then to the next Monday, when the poll shall finally close; and every adjourned poll meeting shall be held at the same place, and open at ten in the forenoon and close at four in the afternoon.

192. At meetings for making a rate, raising a loan, or erecting a Town Hall, each person entitled to vote, may vote on a scale according to the amount of annual value at which he is assessed as under:—Twenty-five Pounds or under, one vote; from Twenty-five Pounds to Thirty-five Pounds, two votes; from Thirty-five Pounds to Forty-five Pounds, three votes; from Forty-five Pounds to Fifty-five Pounds, four votes; from Fifty-five Pounds to Sixty-five Pounds, five votes; Sixty-five

Borrowing money.

Interest payable half-yearly.

Sinking Fund.

Application of rates charged with money borrowed.

At meeting to approve borrowing or adopt a rate—show of hands to be taken.

Ratepayers may demand a poll.

Adjourned poll meeting.
five Pounds to Seventy-five Pounds, six votes; and no person shall have more than six votes.

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

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

195. Any person tendering a voting-paper, may be asked by the presiding officer, or on the application of any two ratepayers present at the meeting, the questions following, or any of them, and no other:

i. Are you the person whose name is signed to the voting-paper now produced?

ii. Are you the person appearing in the Assessment-book now in force for this city, as the occupier of the property mentioned in the voting-paper now tendered by you, being (here describe the property)?

Or, Are you the person appearing in the Assessment-book now in force for this city as the owner of the property mentioned in the voting-paper now tendered by you, being (here describe the property)?

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

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

197. No
XIV. Miscellaneous Provisions:

197. No person shall damage any public building, wall, parapet, fence, bridge, road, street, sewer, water-course, well, fountain, lamp, lamp-posts, name-plates of streets, or other public property, within the said city.

198. No person shall blast with gunpowder, or any blasting powder, any stone, timber, or other material, or thing within the said city, without the permission of the Council or City Surveyor, first obtained.

199. No swine shall be kept, bred, or suffered to remain within the said city, except at such places as may be appointed by the Council.

200. No person after the passing hereof, shall inter any dead human body in any church, or place within the said city, other than a public cemetery; and each and every person so offending, or who shall suffer, or aid in such prohibited interment, shall be guilty of a misdemeanor.

201. Any goat found in any public square or enclosure within the said city may be seized and destroyed by any authorized agent of the Corporation, policeman, or constable; and, if so found in any private garden or enclosure within the said city, then by the occupier or owner.

202. Any goat found at large in any street, public thoroughfare, or unenclosed place within the said city, may be destroyed, or led to and impounded in any public city pound, by any person whomsoever; and, in such latter case, the keeper of such pound shall, within six hours thereafter, post in some conspicuous part of such pound, a description of such goat, and a requisition to the owner thereof, within twenty-four hours after such posting, to release such goat, by payment to the poundkeeper of One Pound; in default of such payment within the time so limited, the poundkeeper shall forthwith destroy such goat.

203. If any order which shall be made by the Council by virtue hereof for the payment of any sum of money, costs, charges, or expenses, by any owner, lessee, occupier, or other person, and whereof a copy, either in print or written, or partly in print or partly written, shall have been duly served on the person therein named, or if such person cannot be found, whereof a copy shall have been affixed on the house or land therein referred to, shall not have been satisfied within the time by such order limited, payment thereof may be enforced as follows: That is to say—After such copy shall be so served upon any owner, lessee, occupier, or other person; and upon complaint made to them that the money, costs, charges, and expenses required by such order to be paid, or any part thereof, still remains due and payable, any one or more Justices, upon proof of such service, and of the order being unsatisfied, either wholly or in part, may order the sum to be paid thereunder to be levied by distress.  

Miscellaneous.

<table>
<thead>
<tr>
<th>Damage to public buildings and works, &amp;c.</th>
<th>Blasting with gunpowder prohibited.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No swine to be kept.</td>
<td>No burials except in cemetery.</td>
</tr>
<tr>
<td>Goats in enclosures may be destroyed the spot.</td>
<td>Goats at large in the streets to be impounded, and destroyed in twenty-four hours.</td>
</tr>
</tbody>
</table>

B
distress and sale of the goods and chattels of the person mentioned
in such order, and in default of such distress, shall commit such
person to the common gaol at Adelaide for any period not less than
fourteen days nor exceeding three months: Provided that any tenant
or occupier who, in satisfaction of such order, shall pay any sum
which ought to be paid by the owner of any property, in relation to
which such order shall issue, or whose goods shall in default have
been distrained and sold in such satisfaction, shall have all the
remedies for his reimbursement in any sum so paid, and his compen-
sation for any goods so distrained and sold, as hereinbefore are
reserved to tenants in possession primarily liable to the payment of
rates under the provisions hereof.

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

205. It shall be deemed sufficient personal service of all summonses,
notices, orders, and requisitions, which by this Act are directed to be
served upon any owner, lessee, occupier, or other person, if the same
be left within the time hereby prescribed at the usual or last known
residence or place of business within the said city of any of such
persons respectively; and as respects summons or notices to be served
upon any member of the Council, or officer of the Corporation, it
shall be deemed sufficient personal service if such notices be
forwarded by post, addressed to his last known residence or place
of business.

206. Where it may be requisite to serve any notice, writ, or other
legal proceedings upon the Corporation, the service thereof upon
the Town Clerk, personally or by copies left at the Town Hall, or
building used as such by the Council, shall be deemed sufficient
service on the Corporation.

207. Every person authorized by law to make an affirmation,
instead of taking an oath, shall make such affirmation in every case
in which by this Act an oath is required to be taken; and if any
person, taking any oath required hereby, 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.

208. All actions and prosecutions to be commenced against any
person acting in the execution of this Act, for anything done in
pursuance hereof, shall be commenced within three months after the
fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined; or if upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy therefor as any defendant hath by law in other cases.

209. No person shall be made liable to any incapacity, disability, forfeiture, or penalty, by this Act imposed, unless prosecution be commenced within three months after such incapacity, disability, forfeiture, or penalty shall be incurred.

210. In the construction of this Act, the following words shall, unless inconsistent with the context, have the respective meanings hereby assigned to them, that is to say—

<table>
<thead>
<tr>
<th>Index of Words</th>
<th>Definition or Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide</td>
<td>The words City of Adelaide shall be construed as including also the name of any town, district, or place incorporated under this Act, as respects all matters and things not specially relating, or by this Act intended to apply exclusively to the said city.</td>
</tr>
<tr>
<td>By-laws</td>
<td>All by-laws authorized to be made by the Council of the City of Adelaide, shall also be deemed by-laws (so far as the same may be applicable) authorized to be made by the Council or governing body of any incorporate town.</td>
</tr>
<tr>
<td>Citizens</td>
<td>In the case of an incorporated town, the word citizen shall be construed to mean burgess; and the words &quot;Citizens' Roll&quot; to mean the burgess roll.</td>
</tr>
<tr>
<td>City</td>
<td>Shall be construed to mean any incorporated town, as well as the City of Adelaide.</td>
</tr>
<tr>
<td>Gazette</td>
<td>The South Australian Government Gazette.</td>
</tr>
<tr>
<td>Gender</td>
<td>Words expressed in the masculine gender only, shall be understood to denote females as well as males.</td>
</tr>
<tr>
<td>Horse</td>
<td>Shall be understood as including the words mare, gelding, pony, mule, and ass.</td>
</tr>
<tr>
<td>Justice</td>
<td>The word Justice shall mean any Justice of the Peace for the Province, not interested; and the expression one or more Justices, shall be understood to mean two Justices at the least, assembled and acting together, of whom the Mayor or other chief officer of the city, or of any incorporated town, may be one.</td>
</tr>
<tr>
<td>Mayor</td>
<td>Shall denote the Mayor for the time being of the City of Adelaide, and also the Chief Officer of any incorporated town, by whatever name he may be called. Mayor, Councillors, and citizens of the City of Adelaide, shall be deemed also to include the name of incorporation of any town, district, or place, incorporated under this Act.</td>
</tr>
<tr>
<td>Index to Words</td>
<td>Definition or Explanation</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Month</td>
<td>Calendar month.</td>
</tr>
<tr>
<td>Notice</td>
<td>&quot;Public notice,&quot; where directed by this Act, shall be sufficiently given by insertion thereof in the Gazette, and in any one or more of the Adelaide daily newspapers, or such other newspaper as the case may require and the Council direct.</td>
</tr>
<tr>
<td>Number</td>
<td>Words expressed in the singular number shall be understood to include several persons, as well as one person, and several matters or things as well as one matter or thing. Words expressed in the plural number shall be understood to apply to one person as well as more than one, and to one matter or thing as well as more than one. Shall be deemed to include the affirmation or declaration of any person authorized by law to declare or affirm.</td>
</tr>
<tr>
<td>Oath</td>
<td>The several statements of offences against this Act, in the Schedule of Penalties, shall be read as if each such statement commenced with words importing the commission by some person of such offence, and as if each such statement respectively concluded with the words contrary to this section, meaning the section of this Act, the number of which is set opposite to each such statement; and, further, as if the whole of such section, or so much thereof as constitutes such offence, had been repeated in each such statement, and as if in each such statement the words within the city had been made use of. Wherever by this Act power is given to the Council of the City of Adelaide to appoint any collector, valuator, inspector, clerk of the market, superintendent, or other officer or agent, this Act shall be read as conferring the like power on all towns or districts now or to be incorporated under this Act.</td>
</tr>
<tr>
<td>Offences</td>
<td>Where any notice shall be required to be given to the owner of any lands, messuages, or hereditaments within the city, or where any act shall be authorized or required to be done with the consent of any owner, the word owner shall be understood to mean the person for the time being receiving or entitled to receive the rents and profits thereof, whether on his own account, or as agent, attorney, or trustee, for any other person.</td>
</tr>
<tr>
<td>Owner</td>
<td>The figures denoting pecuniary fines in the Schedule of Penalties, shall be read as if the same had been expressed in words denoting the amount of each specific fine, and as if such words had been preceded by the words, &quot;every such person shall forfeit and pay for such offence the sum of.&quot;</td>
</tr>
<tr>
<td>Person</td>
<td>Shall include a female as well as a male, and words applying to any individual shall apply to and include corporations, companies, firms, or other bodies of persons.</td>
</tr>
<tr>
<td>Repeal of Acts</td>
<td>Repealing clauses in this Act shall not have the effect of reviving any Act repealed by the Acts hereby repealed.</td>
</tr>
<tr>
<td>Street</td>
<td>Shall include every public square, place, road, terrace, or thoroughfare, or any private street, subject to the provisions of this Act, and may be so used in any summons, information, or indictment under this Act.</td>
</tr>
<tr>
<td>Surveyor or</td>
<td>Shall mean the Surveyor for the time being of the Council of the City of Adelaide, or the like officer in the employ of the Council of any incorporated town, district, or place.</td>
</tr>
<tr>
<td>City Surveyor</td>
<td>In all cases in which any particular number of days not expressed to be clear days is prescribed by this Act, or shall be mentioned in any order of the Council by virtue hereof, the same shall be reckoned exclusively of the first day, and inclusively of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, Good Friday, or gazetted public holiday.</td>
</tr>
<tr>
<td>Time</td>
<td>The Town Clerk for the time being of the City of Adelaide, or the like officer of any incorporated town, district, or place.</td>
</tr>
</tbody>
</table>

211. This
211. This Act shall commence and take effect on the first day of December, one thousand eight hundred and sixty-one; and for the purpose of carrying out the provisions of this Act, in the first election of Mayor, Councillors, and Auditors, which shall take place on the sixteenth day of December, one thousand eight hundred and sixty-one, the Mayor and Councillors acting under the said repealed Acts shall be the officers to do and perform all such duties as shall be requisite and necessary in the election aforesaid.

XV. Other Corporations:

212. The Corporate Towns and places following, that is to say—of Kensington and Norwood, Glenelg, Gawler, Port Adelaide, and Brighton, in the said Province, shall not be subjected to any disability by reason of any Ordinance or Act, under which the said Corporate Towns were respectively proclaimed as such, being hereby repealed; but the Mayor, Councillors, or other officers (as the case may be), elected or holding office in any such corporate town, under the Ordinance and Acts hereby repealed, or any of them, shall continue in and hold such offices, subject to the provisions of this Act; nor shall any suit or other proceedings be prosecuted against any corporate bodies of any of the said towns, or any officer thereof, or other person acting under any of such corporate bodies in execution of the repealed Ordinance or Acts, for anything heretofore done in pursuance thereof; and any proceedings which may have been commenced under such Ordinance or Acts by or on behalf of any of such corporate bodies, before the operation hereof, may be continued and completed, either under such Ordinance or Acts, or under this Act, as may be deemed expedient.

213. Such of the provisions of this Act as shall by the Governor, by and with the advice of the Executive Council, be deemed applicable to and within the limits of the said several Corporate Towns, shall apply and be extended thereto, as the Governor by Proclamation shall declare.

214. The Governor, with the advice of the Executive Council, on the petition of a majority (not being less than two-thirds) of the ratepayers, for the incorporation of any town, district, or place within the said Province, may, by Proclamation, extend the provisions of this Act to any such town, district, or place, by such name of incorporation as shall be deemed fit, with such modifications as to the names and number of the members of such proposed Corporation and the office bearers thereof, and any other municipal matters and regulations as shall seem to the Governor in Council to be suitable for the area and population of such district, town, or place; and, in accordance with such petition, may declare the number of wards into which any such incorporated district, town, or place may be divided, and define the boundaries thereof respectively.

215. So soon as by such Proclamation the Governor shall have declared the name of incorporation of any such town, district, or place,
place, the limits thereof, and the extent to which the provisions of this Act shall be applicable to such town, district, or place, the inhabitants thereof shall be a Corporation by the name aforesaid, under and subject to the provisions hereof, or such of them as shall be declared applicable within the limits of such incorporated town, district, or place.

216. From the date of such Proclamation, every such incorporated town, district, or place, shall be independent of the authority of the Council of any district of which it may have formed part.

217. Upon such petition as hereinbefore is prescribed in respect of incorporation, the Governor, by Proclamation, may extend the original limits of any corporate town, district, or place, by the addition thereto of any land, and may, in relation to such extended area, increase the number of the wards of any such corporate town, district, or place, and the members of Council or other office-bearers, or may, upon petition as aforesaid, in any other manner, from time to time vary such wards and office-bearers.

In the name and on behalf of the Queen I hereby assent to this Act.

RICHARD GRAVES MACDONNELL,
Governor.

Government House, Adelaide,
29th November, 1861.
SCHEDULES REFERRED TO.

A

Boundaries of the City of Adelaide.

The exterior boundaries of the Park Lands, as delineated on the public maps and plans deposited in the office of the Surveyor-General, in the said city.

B

Boundaries of the Wards of the City.

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 therewith 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 south 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.

C

CLAIM of A.B., [insert the residence and calling of the claimant], to have his name inserted on the Citizens' Roll of the City of Adelaide, for Ward, in right of [insert description of property], situate in [insert name of street, or number of the acre], within the said City, being No. [or omitted from, as the case may be] the assessment for the present year; or being No. in the assessment, and omitted from the Citizens' Roll for the present year; or being omitted from the Citizens' Roll for the present year. Dated the day of 186. [Signature of Claimant.]

OBJECTION of C.D., [insert the residence and calling of the objector], to E.F. [insert name and description of E.F., as entered on the Citizens' Roll], having his name retained on the Citizens' Roll of the City of Adelaide, for Ward, on the ground [shortly state the objection]. Dated the day of 186. [Signature of Objector].

D
D

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 western boundary of the Park Lands, to its intersection with the northern side of the road to Payneham; thence westerly, along said side of said road, to eastern end of north side of North-terrace; thence westward, along north side of North-terrace, to the point of commencement, except the City Bridge Road, from North-terrace to Pennington-terrace, as now fenced off one chain wide; and a portion of land on the western side of such road, containing one acre and a half or upwards, appropriated as City Public Baths.

Containing about ........................................ 312 acres.
Also the site of the Cemetery ................................ 60 "
Signal Station, West-terrace .................................. 1 "
Observatory, West-terrace .................................... 4 "

E

Corporation of the City of Adelaide.—Annual Election of Corporate Officers for the year ending 1st December, 186

I, A.B., of [insert name, residence, and calling, and No. of property in the Assessment Book] hereby propose

I, C.D., [insert the like] hereby second

E.F., of [insert the description of candidate] { As a fit and proper person to represent this Ward as one of its Councillors.
[If two, the like also for the second candidate.

I (or we) consent to act, if elected,

G.H., { As fit and proper to be one
I.K., } [if two, the like also for the second Auditor.] } of the City Auditors.

[Signature of A.B.] [Signature of C.D.]
[Signature of E.F.]
[Signature of Auditors.]
[Signature of G.H.]
[Signature of I.K.]

F

Notice of Appeal from Assessment.

City of Adelaide.

To the Town Clerk of , and to Mr. of

Take notice, that it is my intention to appeal against the assessment made for the City of Adelaide, at the sittings of the Local Court of Adelaide of full jurisdiction, to be held next after sixteen days from the publication of the notice of such assessment; and that the grounds of my appeal are [here state clearly the grounds of appeal].

Dated this day of , 186 .

G

Fees and charges which may be taken by any Collector of Rates upon each distress, made in pursuance of "The Municipal Corporations Act," for rates in arrear, and for any sale consequent upon such distress.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>For every levy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Man in possession, each day</td>
<td></td>
<td></td>
<td>0 1 0</td>
</tr>
<tr>
<td>Inventory, sale, and delivery of goods</td>
<td></td>
<td></td>
<td>0 5 0</td>
</tr>
<tr>
<td>Collector's poundage on executing warrant and effecting sale</td>
<td></td>
<td></td>
<td>1s. in the £1 on the net proceeds of sale.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6d. in the £1 on the net proceeds of sale.</td>
</tr>
</tbody>
</table>
FORM OF MORTGAGE OF RATES.

No. 3

By virtue of "The Municipal Corporations Act," the Mayor, Councillors, and citizens of the City of Adelaide, in consideration of the sum of

pounds paid to them by A.B., of [insert (1) the names, (2) place of abode, and (3) calling of the mortgagee] for the purposes of the said Act, hereby assign to the said A.B., his executors, administrators, and assigns, all rates which by the said Act are authorized to be levied from time to time within the said city (except special rates not applicable to the repayment of mortgages), to hold to the said A.B., his executors, administrators, and assigns, until the said sum of £ with interest at ten per centum per annum, be satisfied.

Given under the common seal of the Corporation, the day of , 186 .

[The seal of the Corporation.]

In pursuance of an order of the Council of the City of Adelaide, dated the day of , 186 , the seal of the Corporation was hereto affixed on the date hereof, in the presence of

A. B., Mayor.
C. D., Town Clerk.

I

Form of Transfer of Mortgage.

I, A. B., of , in consideration of the sum of paid to me by C. D. of , hereby transfer to the said C. D., his executors, administrators, and assigns, a certain mortgage, number made by the Corporation of the City of Adelaide, by virtue of the Municipal Corporations Act, to bearing date the day of , for securing the sum of and interest at the rate of per cent. per annum (or, if such transfer be by endorsement, the within ), and my right to, and estate and interest in, the money thereby secured, and to the rates thereby assigned. In witness whereof, I have hereunto set my hand and seal this day of one thousand eight hundred and

Signed, sealed, and delivered in the presence of

SCHEDULE OF BY-LAWS BY THIS ACT AUTHORIZED TO BE MADE BY THE COUNCIL OF THE CITY OF ADELAIDE.

AUCTIONS (Evening).

For fixing the hour for holding and otherwise regulating evening sales by auction.

BATHS.

For the general management of public baths, and for fixing the sums to be paid for the use thereof.

For the division of baths, so as to afford sufficient separate accommodation for the sexes, and private baths for either.

For the regulation of hot and cold baths, and shower baths, vapour and medical baths, the requisites to be supplied; and the sums to be paid therefor.

BAZAARS.

For the regulation of any licensed bazaars for the sale of horses and carriages, established in pursuance of this Act: the amount to be paid for licences: and the maintenance of cleanliness therein.

BREAD.

For the better enforcement of the sale of bread by weight, whether sold in a shop or otherwise; and the seizure and forfeiture, to charitable institutions, of bread under weight, or compounded of materials prohibited by this Act, or not being marked as hereinbefore directed.

CATTLE.

For the better prevention of trespass by stray cattle in the streets and public places of the City, and on the Park Lands.

CELLARS,
CELLARS.
For prohibiting the use of cellars as places for dwellings and general habitation.
For requiring wells to be sunk in all cellars where the City Surveyor shall report
the same to be essential for preventing the rising and accumulation of water in such
cellar.

DISORDERLY PLACES AND CONDUCT.
For the suppression and restraint of brothels and houses of ill-fame and repute,
of prize fights, dog fights, and cock fights, of gaming tables, and gambling of
every description.
For preventing damage, disturbance, interruption, and indecent and offensive
language and behaviour.

DRAINS (Private.)
For the general regulation of private drains and sewers intended to communicate
with main and common sewers, and in the respects following, viz.:—
1. For regulating the construction of branch or private sewers, and the com-
munications thereof with main common sewers.
2. For fixing annual or other rents to be paid for such private sewers, to be
recoverable in respect of the house or premises from which such drain issues, in the
same manner as general rates.
3. For the repair and cleansing thereof, under the direction of the City Surveyor.
4. For preventing the use of private drains and sewers except by the person rated.
5. For removing, by drainage to be discharged into the common sewers, any
nuisances from houses and tenements at the expense of the owners or occupiers
refusing so to do.

ELECTIONS.
For the better regulation thereof in any respects not defined by this Act, and not
being inconsistent therewith.

FIRES.
For the prevention and more speedy extinguishment of fires.
For the regulation and reward of firemen, and provision for them and their
families in case of death or accident in the discharge of duty.
For the regulation of fire-plugs, alarm bells, and fire-engines.
For securing a prompt supply of water.
For preventing the lighting of fires in the open air, smoking in any warehouse,
store, stable, or outbuildings, or place liable to ignition, or wherein are goods so
liable.
For regulating the kind and quantity of any inflammable or combustible materials
or substances to be kept at any one time in one place.
For preventing the stacking, and for regulating the storage and keeping of any
hay, straw, bark, thatch, reeds, coal, or firewood.
For licensing fit buildings for the storage thereof.
For prohibiting the use of ash pits of improper construction, and the throwing
out of unquenched embers liable to rekindle in the open air.
The throwing down in any building or premises where ignition might ensue therefrom, any lucifer or tow match, whether lighted or not, or any lighted cigar or
ashes from any pipe.

GAS.
The keeping service-pipes fully charged with gas.
For preventing the contamination of the River Torrens, or any stream, or place
for water, well, or fountain within the city, by such gas, or anything used in the
making of it.
The escape of gas.

GOATS.
For the destruction of goats at large, or trespassing within enclosures.

HORSES.
To restrict the breaking in of horses in the streets, either by leading, riding or
driving.
For preventing entire horses being led or exhibited through or in the streets or
public places of the city at inexpedient hours.
For preventing mares being covered within the city, except in yards, buildings,
or premises sufficiently enclosed or screened from public view.

HAWKERS.
For licensing hawkers trading within the city, and fixing the amounts to be paid
for their licences, for the registration of their names, and the regulation of their conduct.

LIGHTING.

For regulating the lighting of any street or district at the joint expense of the Corporation and the inhabitants of such street, the assessments for, and the collection of the rates to be levied to meet the moiety of the expense to be paid by such inhabitants.

MARKETS.

For the general regulation of all markets for cattle and provisions, the tolls, dues, and fees to be received thereat, and the maintenance of good order therein.

For prohibiting forestalling and regrating, and every kind of fraudulent device and practice in relation to the sale of marketable commodities.

OFFICERS,

For defining the functions and regulating and enforcing a due performance of the duties of officers appointed by the Council.

PARK LANDS.

For the regulation and conservation of the Park Lands.

For licensing persons to depasture cattle thereon, and fixing the fee therefor.

For preventing the driving and the depasturing of cattle upon the Park Lands by persons not having licences for so doing.

For the more speedy recovery of any such licence fees, either by distraint of cattle depasturing, or by impounding and sale thereof at any city pound, subject to agistment.

PARTY-WALLS.

For regulating party-walls, and also the height and thickness of parapets, external walls, and flues and fire-places.

PASSENGER AND OTHER VEHICLES.

For regulating and licensing all hackney carriages, cabriolets, public conveyances, coaches, omnibuses, spring-carts, or other vehicles of the like nature, waggons, drays, carts, or other vehicles for the carrying of goods and merchandize, plying, kept, or let for hire within the city; and also waggons, drays, carts, or other vehicles used in hawking firewood and water within the city respectively; and for registering the names of the owners, drivers, and conductors of all such passenger and other vehicles, and for the approval of owners and drivers before licences granted.

AS TO HACKNEY CARRIAGES.

For the distinction of vehicles, in respect of fares to be taken by the owner.

For fixing the rates and fares to be taken, and the mode of computation of distances.

For appointing stands for such carriages within the city, and regulations to be observed thereat.

For enforcing the obligation of owners and drivers to convey passengers on demand.

For limiting the number of such passengers (inside and outside), their baggage and goods, and regulating fares for children, and as to taking up and setting down passengers.

For the maintenance of carriages in proper condition and order, and regulating how the same shall be furnished, provided, and kept.

The painting of the names of the owners and the numbers thereon, and the keeping affixed within the same authorized tables of fares and distances, and the speed at which they shall proceed.

For providing for the delivery over and disposal of articles left in licensed carriages.

For compelling the approved owner or driver to be in charge of such carriages, and preventing the same from being driven by others, and persons not hiring the same from riding with the owner.

For prevention of smoking in any such carriages, or by the driver thereof.

For prohibiting coffins, containing the corpses of deceased persons above the age of five years, from being conveyed therein.

AS TO ALL CARRIAGES.

For punishing the misconduct of the drivers and conductors of, and persons attending
attending any of the aforesaid passenger or other vehicles, in carelessly or furiously
driving or racing, or in demanding or receiving more than the legal fare, or in
using any threatening or abusive, indecent, or insulting language; as also for the
punishing of persons hiring such vehicles respectively, seeking to avoid payment
thereof, who shall fraudulently evade, or attempt to evade the payment of fares.

PORTERS.

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

SUNDAY.

For the better observance of.

SLAUGHTERHOUSES.

For the regulation of slaughterhouses, the cattle to be slaughtered thereat.
For the better prevention of the slaughtering, both of great and small cattle,
except at slaughterhouses established by the Council.
For destroying infected cattle which, if slaughtered, would be unfit for human
food.
For destroying unwholesome meat.
For the maintenance of cleanliness.
For the regulation of cattle kept at any slaughterhouse on behalf of the owner,
prior to their being slaughtered, or without having been slaughtered, and the fees
to be taken therefor.

STREETS.

For preventing obstructions of any streets, footways, water-channels, and water-
courses therein.
For regulating the flagging, paving, and repairing of the streets and footways.
For cleansing the same.
For compelling the securing, removing, or filling up of any cellar, ways, or
openings, which may now or hereafter be in or under any footway.

SANITARY.

For the prevention and suppression of all nuisances whatsoever, whether specified
in this Act or not.
For compelling the owners or occupiers of tallow chandlers' shops, soap factories,
tanneries, and of houses, buildings, privies, sewers, or places which may be in an
unwholesome or offensive state, or be likely to become so; to cleanse the same as the
Council may think necessary, in relation to the health and comfort of the inhabitants
of the city.
For the preservation of cleanliness in public slaughterhouses, markets, baths, and
wash-houses.
For the due restriction and regulation of noisome and offensive trades.
For regulating the situations, construction, removing, emptying, cleansing, and
filling up of privies and cesspools.
For compelling the removal of waste-water and impurities from cellars and any
other places.
For regulating the removal and disposal of night-soil, filth, offal, and refuse, and
for the appointment of proper places for the deposit thereof.
For the check and prevention of infectious or contagious diseases.
For the purification of any house, building, or place, from the state of which, there
is probable cause to apprehend the engendering of disease and injury to the public health.
For fixing the fees payable to medical advisers consulted in such cases.

TORRENS RIVER.

For the conservancy of the banks and bed, and for preserving from pollution the
waters of the river.
For setting apart any portion thereof as a water-reserve for public use.

WASH-HOUSES.

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

FOUNTAINS.

For regulating a continuous supply of water, without charge, therefrom.
For preventing the pollution thereof.
WEIGHTBRIDGES.

For regulating the licensing of weighbridges.
For enforcing the use of avoirdupois weights thereat.
For the prohibition of the sale of coals, wood, hay, bark, and articles, and marketable commodities carted for sale, by the load, unless the weight be first ascertained at a licensed weighbridge.

WEIGHTS AND MEASURES.

For the better enforcing of the use of compared weights and measures, and for regulating the use of measures of glass or earthenware, and the suppression of such as are false.
For the regulation of the duties of the Inspector, and the comparison of weights and measures.
For the introduction of, and regulating the use of weights and measures (in accordance with the standards established by the Imperial Parliament), for the sale of the precious metals, precious stones, and medicines, under the provisions of this Act.

<table>
<thead>
<tr>
<th>SCHEDULE OF PENALTIES.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Offence</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>City Boundaries—Wilfully or maliciously pulling-down, removing, concealing, defacing, injuring or destroying any of the boundary marks, described or referred to in these sections</td>
</tr>
<tr>
<td>In addition to the expense of re-instituting the same.</td>
</tr>
<tr>
<td>As to Elections—Wilfully making false answer to question put under this section; polling, or offering to poll more than once at any Election; personating another person for the purpose of polling at any election.</td>
</tr>
<tr>
<td>Oaths and affirmations—Any person who, in taking any oath required by this Act, or in making any affirmation instead of such oath, shall wilfully swear or affirm falsely.</td>
</tr>
<tr>
<td>Non-acceptance of office—Every person (not exempted by this Act), elected to the office of Mayor, not taking the oath of allegiance, and declaration of office, prescribed hereby, within five days, after notice of his election, shall pay to the Corporation a fine of.</td>
</tr>
<tr>
<td>Every person (not exempted by this Act), elected to the office of Councillor or Auditor, not taking such oath and making such declaration within the time aforesaid, shall pay to the Corporation a fine of.</td>
</tr>
</tbody>
</table>

SCHEDULE
## SCHEDULE OF PENALTIES (Continued)

<table>
<thead>
<tr>
<th>Offence</th>
<th>Contrary to Section</th>
<th>Fine</th>
<th>Imprisonment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absence (except in cases of illness)—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If any person holding the office of Mayor shall be absent from the Council meetings for more than two calendar months, he shall pay a fine to the Corporation of</td>
<td>40</td>
<td></td>
<td>50 0 0</td>
</tr>
<tr>
<td>If any person holding the office of Councillor shall be absent from the Council meetings for more than three calendar months, or being an Auditor, shall be absent from the said city for more than six months, he shall pay a fine to the Corporation of</td>
<td>40</td>
<td>Recoverable by distress and sale under warrant or any officer of the City,</td>
<td>25 0 0</td>
</tr>
<tr>
<td>Unqualified persons acting—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any person acting as Mayor, Councillor, or Auditor, under this Act, without having taken the oath and made the declaration aforesaid, or without being duly qualified at the time of such oath or declaration</td>
<td>33</td>
<td></td>
<td>50 0 0</td>
</tr>
<tr>
<td>Or after ceasing to be qualified according to this Act</td>
<td>34</td>
<td>Recoverable within three months by action in debt, or on the common pleas at the discretion of the Corporation</td>
<td></td>
</tr>
<tr>
<td>Or after he shall become disqualified to hold any such office</td>
<td>39</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For each offence</td>
<td>40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Injuries to Park Lands—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilfully or maliciously throwing down, breaking, injuring or removing any boundary marks, gates, posts, fences, or enclosures on the Park Lands; or injuring or damaging any walk, carriage-drive, dam, reservoir, lodge, building, or erection thereon; or any drain or water-course; or cutting down, injuring, or removing any tree, shrub, or plant, or any crop of whatever kind growing thereon, or any fallen timber lying or being on such lands; or digging, or otherwise breaking up or carting away, or removing any of the soil, thereof, or any clay, sand, gravel, or stones therefrom, or any of the turf, or award thereof, or otherwise defacing or injuring the same by depositing thereon broken glass or other rubbish... For each and every such offence, in addition to full compensation for the damage arising from the injury so committed</td>
<td>65 to 71 inclusive</td>
<td></td>
<td>10 0 0</td>
</tr>
<tr>
<td>Trespass by Cattle thereon—</td>
<td></td>
<td></td>
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<tr>
<td>Driving or depasturing any cattle thereon by any person not having a depasturing licence</td>
<td>67</td>
<td></td>
<td>5 0 0</td>
</tr>
<tr>
<td>Offence</td>
<td>Contrary to Section</td>
<td>Fine</td>
<td>Imprisonment</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>The River Torrens— Putting into the water thereof any offal, carrom, filth, or offensive matter; or bathing therein, except at appropriated places; or removing sand or gravel from the bed of the river without having a licence for that purpose; or in any manner injuring the banks of the river</td>
<td>$85 to 71 inclusive</td>
<td>£ 5 0 5 0 0</td>
<td>—</td>
</tr>
<tr>
<td>Public Slaughterhouses— Slaughtering any bull, ox, steer, heifer, calf, sheep, goat, or swine within the city, except at slaughtering houses within the city, under the control or sanction of the Council</td>
<td>73</td>
<td>2 0 0 10 0 0</td>
<td>—</td>
</tr>
<tr>
<td>Bazas— The selling of any horses, horned cattle, carriages, or other vehicles, except at public markets, or licensed bazaa, or by auction, or private contract at any private residence</td>
<td>74</td>
<td>0 5 0 5 0 0</td>
<td>—</td>
</tr>
<tr>
<td>Fountains— Wilfully injuring any public fountain, cock, or water pipe; or washing thereat; or using any private key for opening any cock; or clandestinely using water from any public fountain, or pipe; or leaving open any cock of any public fountain so that the water shall run to waste</td>
<td>77</td>
<td>0 5 0 10 0 0</td>
<td>—</td>
</tr>
<tr>
<td>Watercourses— Obstructing or diverting from its channel any watercourse, in addition to the cost of restoring the same to its proper channel,</td>
<td>76</td>
<td>0 5 0 5 0 0</td>
<td>—</td>
</tr>
<tr>
<td>Public Sewers— After having severed any private drain from a main sewer, failure of the Council, out of the Corporate funds, to continue such private drain to the main sewer, or into some branch drain in connexion therewith</td>
<td>83</td>
<td>0 10 0 10 0 0</td>
<td>—</td>
</tr>
<tr>
<td>The Council, or their contractors, failing to make good, level, and reinsate the surface of any public street which may have been displaced in the execution of any sewerage works, contrary to this Section</td>
<td>84</td>
<td>0 10 0 10 0 0</td>
<td>—</td>
</tr>
<tr>
<td>Offensive sewage left above ground, for twenty-four hours, without being removed to some place authorized by the Act</td>
<td>85</td>
<td>0 10 0 10 0 0</td>
<td>—</td>
</tr>
<tr>
<td>As to Streets— Any street formed of a less width than forty feet</td>
<td>97</td>
<td>—</td>
<td>Any former of such street, to be deemed a public nuisance, and may be dealt with accordingly by any citizen.</td>
</tr>
</tbody>
</table>

SCHEDULE
<table>
<thead>
<tr>
<th>Offence</th>
<th>Contrary to Section</th>
<th>Fine</th>
<th>Imprisonment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>As to streets— Throwing down, breaking, removing, or injuring any bar, post, rail, chain fence, or obstruction placed across any street, or place within the city, by the City Surveyor, while streets under repair or sewers are constructing in addition to costs of repairs...</td>
<td>99</td>
<td>0 5 0</td>
<td>5 0 0</td>
</tr>
<tr>
<td>Omission of City Surveyor to affix sufficient light to prevent injury to passengers, during the night, upon fences, or obstructions used for stoppage of the streets or sewers under repair, or in course of formation...</td>
<td>99</td>
<td>0 5 0</td>
<td>5 0 0</td>
</tr>
<tr>
<td>For every such omission...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>As to Street Doors— Neglecting or refusing, after notice, to affix, or paint number of house on the door thereof...</td>
<td>103</td>
<td>0 5 0</td>
<td>2 0 0</td>
</tr>
<tr>
<td>Weekly, for continuance of offence after notice...</td>
<td>103</td>
<td>0 5 0</td>
<td>—</td>
</tr>
<tr>
<td>Footways— Commencing to flag, pave, gravel, or put a curb stone to any footway, without leaving previous notice, in writing, at the office of the City Surveyor...</td>
<td>108</td>
<td>0 5 0</td>
<td>5 0 0</td>
</tr>
<tr>
<td>Or refusing, or neglecting to conform to the directions of the City Surveyor in that behalf...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alleys and Courts— Offending against the provisions of these Sections, either as respects the width or entrance of any alley...</td>
<td>112, 113, 114</td>
<td>1 0 0</td>
<td>20 0 0</td>
</tr>
<tr>
<td>Public Health and cleaning of the City— Any person (other than the person employed by or contracting with the Council for that purpose), who shall collect or carry away any night soil, dust, ashes, filth, or rubbish removable under this Act...</td>
<td>124</td>
<td>0 5 0</td>
<td>10 0 0</td>
</tr>
<tr>
<td>Suffering waste, or impure water, liquid or matter, to remain within any building, or upon any property, after twenty-four hours notice to remove the same...</td>
<td>125</td>
<td>0 5 0</td>
<td>5 0 0</td>
</tr>
<tr>
<td>Or suffering the like impurities to flow upon any footway or carriage-way, or into any surface drain, or water-course...</td>
<td>125</td>
<td>0 5 0</td>
<td>5 0 0</td>
</tr>
<tr>
<td>Or suffering any offensive overflow, leakage, or soakage from any watercourse, privy, or cesspool... For the continuance of each of the aforesaid offences, per diem...</td>
<td>125</td>
<td>0 5 0</td>
<td>10 0 0</td>
</tr>
<tr>
<td>Pumping, from out of any cellar, any water into the water channel of any street, before ten o'clock at night, and after six o'clock in the morning...</td>
<td>125</td>
<td>0 5 0</td>
<td>5 0 0</td>
</tr>
<tr>
<td>Offence</td>
<td>Contrary to Section</td>
<td>Fine</td>
<td>Imprisonment</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>---------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Public Health and Cleansing</td>
<td>125</td>
<td>£ 0 5 0 - £ 5 0 0</td>
<td>-</td>
</tr>
<tr>
<td>of the City—Suffering any such pumped out waste water to accumulate in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the water channel of the street ...........................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>As to Buildings—Erecting, taking down, altering, or</td>
<td>128</td>
<td>£ 1 0 0 - £ 10 0 0</td>
<td>-</td>
</tr>
<tr>
<td>repairing any building, or part thereof, whereby any street,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>court, alley, or footway may be obstructed, without giving three</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>clear days' notice to the City Surveyor ...................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not putting up sufficient hoards, with a platform and handrail, as</td>
<td>128</td>
<td>£ 0 5 0 - £ 1 0 0</td>
<td>-</td>
</tr>
<tr>
<td>required by this section ..................................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Or failing to keep the same in good condition ................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Or to keep the same sufficiently lighted after sunset ....................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Or to remove the same when directed by the City Surveyor ..................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For each offence .....................................................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For every day, while any default is continued ................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Encroachment on Footways by Buildings—Any proprietor, by himself or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>agent, erecting any building which shall project on any footway, or</td>
<td>129 and 130</td>
<td>£ 2 0 0 - £ 20 0 0</td>
<td>-</td>
</tr>
<tr>
<td>rebuilding any house, shop, or other building, in the whole, or in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>part, or making any alteration in or addition thereto, other than</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>according to the plan by this Section prescribed ........................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Or not removing every such projecting building, alteration, and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>addition, made contrary thereto, within one month next there-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>after ..................................................................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>And weekly, during the continuance of such neglect from the service of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>such notice .................................................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The placing in front of any house or shop any verandah or awning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>less than seven feet in height above the footway in front of such</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>house ............................................................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Or fixing the supporting posts thereof more than three feet from the</td>
<td>130</td>
<td>£ 0 1 0 0 - £ 5 0 0</td>
<td>-</td>
</tr>
<tr>
<td>outer edge of the curb-stone ...............................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neglecting to fence and light materials deposited in Streets &amp; Public</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Places—Failing, after notice from the City Surveyor, to cause any</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>building materials, rubbish, or other things deposited, or any</td>
<td>131</td>
<td>£ 0 1 0 0 - £ 10 0 0</td>
<td>-</td>
</tr>
<tr>
<td>excavation made in any public street, court, or alley, to be</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sufficiently fenced in or around, or to keep a sufficient light fixed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>threat from sun-setting to sun-rising until such materials, or other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>things and excavations, shall be removed, filled up, or made</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>permanently secure ..................................................................</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offence</td>
<td>Contrary to Section</td>
<td>Fine</td>
<td>Imprisonment</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>------</td>
<td>--------------</td>
</tr>
<tr>
<td>Neglecting to fence and light materials deposited in Streets &amp; Public Places</td>
<td></td>
<td>£ s. d. £ s. d.</td>
<td></td>
</tr>
<tr>
<td>And for each day such default is continued</td>
<td></td>
<td>0 10 0</td>
<td></td>
</tr>
<tr>
<td>Stashing any building materials, or other things, or any excavation incident to the progress of any works or buildings, to remain in, or adjoining any public street for an unreasonable length of time</td>
<td>132</td>
<td>0 5 0 5 0 0</td>
<td></td>
</tr>
<tr>
<td>For the prevention of Fires</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The erection of any building, the external walls and roof whereof shall be wholly or in part of wood, canvas, thatch, or other inflammable material</td>
<td>137</td>
<td>2 0 0 20 0 0</td>
<td></td>
</tr>
<tr>
<td>The putting up in any house any internal partitions or ceilings of calico, canvas, paper, or other inflammable material, or the erecting of any verandah roofed with wood, canvas, or other inflammable material</td>
<td>137</td>
<td>2 0 0 20 0 0</td>
<td></td>
</tr>
<tr>
<td>Covering the roof timbers of any house or other buildings with other than materials required by this Act</td>
<td>138</td>
<td>2 0 0 20 0 0</td>
<td></td>
</tr>
<tr>
<td>The putting up of any partition of wood or any inflammable material between any separate houses or other buildings</td>
<td>139</td>
<td>2 0 0 20 0 0</td>
<td></td>
</tr>
<tr>
<td>The failing to remove within reasonable time of the notice from the City Surveyor, any existing partition of inflammable materials, and replacing the same by proper party-walls, whenever the front of any house shall be taken down or such house be raised in height one or more stories</td>
<td>139</td>
<td>1 0 0 10 0 0</td>
<td></td>
</tr>
<tr>
<td>The construction of any party-wall in which there shall not be a space between the timbers on either side inserted therein or supported thereby of at least nine inches, filled up with solid incombustible material</td>
<td>140</td>
<td>0 10 0 10 0 0</td>
<td></td>
</tr>
<tr>
<td>The putting up of any close fencing of timber, poles, boards, or other inflammable materials within ten feet of any building</td>
<td></td>
<td>5 0 0 5 0 0</td>
<td></td>
</tr>
<tr>
<td>Stacking and piling in the open air, or storing for sale or otherwise, any hay, straw, or thatch, except on premises licensed by the Council on the report of the City Surveyor as fit for such purposes</td>
<td>143</td>
<td>0 5 0 10 0 0</td>
<td></td>
</tr>
</tbody>
</table>
## SCHEDULE OF PENALTIES (Continued).

<table>
<thead>
<tr>
<th>Offence</th>
<th>Contrary to Section</th>
<th>Fine</th>
<th>Imprisonment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>For the prevention of Fires—Using any pit or place for the deposit of ashes constructed of any other than incombustible materials, and which shall not be carried up on all sides with the same material, two feet above the surface of the ground. Lighting any fire or depositing any ashes liable to kindle in the open air, for each offence</td>
<td></td>
<td>144 0 5 0 5 0 0</td>
<td></td>
</tr>
<tr>
<td>Suffering any chimney to become foul from negligence, carelessness, or other default of the occupier of any house, or other person using such chimney, whereby the same shall take fire</td>
<td></td>
<td>145 0 5 0 5 0 0</td>
<td></td>
</tr>
<tr>
<td>Valuator, Omission of acts by—Valuator failing to prepare and deliver at the office of the Town Clerk book of assessment within the time allowed, or to deliver note of particulars of property assessed, and its value, as prescribed by this Act</td>
<td></td>
<td>154 1 0 0 10 0 0</td>
<td></td>
</tr>
<tr>
<td>Any collector, officer, or agent of the Corporation failing to pay to and deposit with the bankers of the Corporation all moneys, notes, bills, securities for money, exceeding in amount or value the sum of Ten Pounds, which shall have been received by him, by virtue of his office, on account of the Corporation, within the space of two days next after the day of such receipt</td>
<td></td>
<td>175 —</td>
<td></td>
</tr>
<tr>
<td>Any collector, officer, or agent of the Corporation who shall retain in his own hands any moneys, notes, bills, or securities for money, not exceeding in amount or value Ten Pounds, received by him by virtue of his office or employment, on account of the Corporation, without paying the same to the bankers of the Corporation, as required by this Act, for any space of time not exceeding two days after such moneys or securities shall have been received by him, shall pay for each day of such detention, the day of such receipt being included as one, per diem of</td>
<td></td>
<td>175 2 0 0 5 0 0</td>
<td></td>
</tr>
<tr>
<td>Sundry offences—Wilfully injuring or damaging any public building, bridge, wall, parapet, fence, road, street, sewer, watercourse, well, fountain, lamp, lamp-post, names of streets, or other public property, in addition to the cost of repairing or restoring the same</td>
<td></td>
<td>197 1 0 0 20 0 0</td>
<td></td>
</tr>
<tr>
<td>Description of Offence</td>
<td>Section</td>
<td>Fine.</td>
<td>Imprisonment.</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------</td>
<td>---------</td>
<td>-------</td>
<td>---------------</td>
</tr>
<tr>
<td>Sundry Offences—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blasting with gunpowder, or any blasting powder, any stone, timber, or other material without the permission required by this section</td>
<td>198</td>
<td>£ 1 0 0</td>
<td>10 0 0</td>
</tr>
<tr>
<td>The keeping or breeding swine other than at places appointed by the Council</td>
<td>199</td>
<td>£ 1 0 0</td>
<td>20 0 0</td>
</tr>
<tr>
<td>The interment, or the aiding in or suffering the interment of any human body in any church or place, other than a public cemetery</td>
<td>200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neglecting to bury or otherwise dispose of, so as effectually to prevent any offensive effluvia therefrom, the carcass of any goat, dog, or other animal destroyed under the authority of this Act</td>
<td>201, 202, and Act generally</td>
<td>£ 0 5 0</td>
<td>5 0 0</td>
</tr>
</tbody>
</table>