The Municipal Corporations Act, 1890.

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An
An Act to consolidate and amend the Laws relating to Municipal Corporations.

[Assented to, December 23rd, 1890.] WHEREAS it is expedient to consolidate and amend the laws relating to Municipal Corporations—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as “The Municipal Corporations Act, 1890.”

2. This Act shall be divided into twenty parts, relating to the following subject-matters:

PART I.—Repeal and interpretation:

PART II.—Creation of Corporations and New Wards, and Alteration of Wards:

PART III.—Councils, Members of Councils, their Qualification, Disqualification, and Retirement:

PART IV.—Qualification, Disqualification, and Enrolment of Citizens—Courts of Revision:

PART V.—Election of Mayor, Councillors, and Auditors:

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REPEAL AND INTERPRETATION.


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matter, or thing lawfully made, held, executed, validated, or done, under or by virtue of the authority of the said repealed Act, or of any by-laws lawfully made in pursuance thereof, or prevent any penalty being imposed, enforced, or recovered, or any punishment being inflicted for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

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 All Corporations and wards now existing and heretofore constituted, designated, and appointed under the said repealed Act, or under any Acts or laws heretofore in force respecting Corporations, shall be and continue Corporations and wards under and subject to the provisions of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and officers, or other persons appointed, elected, or holding any offices under or by virtue of the Act hereby repealed, or under or by virtue of any Acts or laws heretofore in force respecting Corporations which it would be lawful for such persons to hold under the provisions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to the provisions of this Act; and all proceedings bona fide commenced and prosecuted and now depending under the said repealed Act, shall proceed in every respect as if this Act had not been passed; and all lands, tenements, hereditaments, and premises, and property of every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

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

"Assessment" shall mean an assessment made pursuant to this Act:

"Clerk" shall mean the Town Clerk:

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

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

"Minister" shall mean the Minister administering this Act, or the part to which the expression relates:

"Municipality" shall mean any locality the citizens or inhabitants of which are incorporated, or are continued or become incorporated, under this Act:

"Occupier" shall include leaseholder:

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

"Park lands" shall mean any open or enclosed park lands included in or adjoining any Municipality, which are already, or shall hereafter be, declared or set apart for the use and enjoyment of the inhabitants of such Municipality, or which may be vested in the Corporation, or be under the control and management of the Council:

"Pave," "paved," and "paving," shall mean and include paving with asphalt, flags, or other stone, or any other material that the Council may deem expedient, and shall respectively include "kerb," "kerbed," and "kerbing":

"Public Health Act" shall mean and include "The Public Health Act," "The Public Health Act, 1876," and "The Public Health Acts Amendment Act, 1884":

"Public notice" shall mean notice by advertisement in the Government Gazette:

"Public place" shall include every road, street, lane, footway, court, alley, and thoroughfare which the public are allowed to use, and whether formed on private property or not, within the limits of any Municipality:

"Ratable
PART I.

"Ratable property" shall mean and include all buildings, lands, tenements, and hereditaments (including land belonging to the Crown), with the following exceptions, namely: Land belonging to the Crown, and not granted nor lawfully contracted to be granted in fee-simple to any person, and not leased to or in the occupation of any person: Lands and buildings, and parts of lands and buildings, used exclusively by the Government for any public purpose, and not occupied as a place of private residence: Provided that where the Government occupy any property owned by a private person such property shall be ratable: Any hospital, lunatic asylum, benevolent institution, or buildings used exclusively for charitable purposes: Any church, chapel, or buildings used exclusively for public worship: Any building belonging to an academical institution which shall have obtained an Act of Incorporation, if such building be used directly for the academical purposes of such institution, and any other building or part of a building used exclusively as a school, whether private or public:

"Ratepayer" shall mean and include the occupier of ratable property, and also the owner, other than the Crown, of ratable property, whether occupied or not, within the Municipality:

"Real Property Act" shall mean and include "The Real Property Act, 1886," "The Estates Tail Act, 1881," and all other Acts now or hereafter amending or repealing the Real Property Act, 1886, or incorporated therewith:

"Roll of voters" shall mean the citizens' roll or other authorised list of persons entitled to vote, or assessment book or copy thereof, as the case may be:

"Street" shall mean and include every public square, place, road, terrace, or thoroughfare, or any private street, subject to the provisions of this Act, and may be so used in any summons, information, or indictment:

"Surveyor" shall mean and include the surveyor of every Municipality, and any officer of a Municipality performing similar duties, or duties by this Act or any by-laws of a Municipality directed to be performed by or imposed on the surveyor, by whatever name such officer may be called:

"The Lands Clauses Consolidation Acts" shall mean and include "The Lands Clauses Consolidation Act (being No. 6, 1847), the Act to amend the same (being No. 26, 1855-6), and "The Lands Clauses Consolidation Act Amendment Act, 1881" (being No. 202, 1881):

"Town Clerk" shall mean and include the Town Clerk of every Municipality, and any officer of a Municipality performing similar duties, by whatever name he may be called:

"Writing"
PART I.

The Municipal Corporations Act.—1890.

"Writing" and "written" shall include "printing" and "printed," and vice versa. Documents required to be written may be partly printed, and documents required to be printed may be partly written.

PART II.

CREATION OF CORPORATIONS AND NEW WARDS AND ALTERATION OF WARDS.

7. The Governor, on a petition, as hereinafter mentioned, may, by Proclamation in the Government Gazette, from time to time, do any one or more of the following acts:—

He may constitute new Municipalities of land wholly within or wholly without, or partly within and partly without, any existing Municipality, and may define the number and boundaries of the wards therein, and fix the names thereof, and may declare the citizens of any such new Municipality to be a Corporation under this Act:

He may appoint the first Mayor and Auditors of a new Corporation, and the first two Councillors for each ward therein:

He may alter the boundaries of any Municipality, either by separating portion thereof from such Municipality and declaring that it shall no longer form part thereof, or by adding other land to such Municipality, and may form or divide any land so added into a ward or wards, or may join the land so added to any ward or wards already existing:

He may re-arrange the wards of a Municipality and increase or diminish the number of such wards, and alter the names thereof:

He may, when the number of wards in a Municipality is increased, appoint two Councillors for each new ward, who shall hold office until the next annual election of Councillors under this Act, and may, when the number of wards is diminished, determine which of the Councillors shall cease to hold office.

8. No new Municipality shall, after the coming into operation of this Act, be constituted, unless the value of the ratable property within the proposed boundaries shall be sufficient to produce at least Three Hundred Pounds per annum from the general rate authorised to be declared under this Act.

9. The petition shall contain the following particulars, and shall be signed, as follows—

For forming a New Municipality.

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

For altering the Boundaries of a Municipality.

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

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

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

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

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

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

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

14. From and after the publication of any Proclamation altering the boundaries of any Municipality, or re-arranging, increasing, or diminishing the number, or altering the names of the wards of any Municipality, the boundaries of such Municipality, the number, names, and boundaries of the wards of such Municipality, and the Councillors appointed to hold or to cease to hold office as defined, declared, or named in such Proclamation, shall respectively be the boundaries of such Municipality, the number, names, and boundaries of such wards, and the Councillors holding office or ceasing to hold office, as therein mentioned.

15. The Governor, on the petition of any Council, may, by Proclamation in the Government Gazette, divide into wards any Municipality which may not have heretofore been divided, describing the boundaries of such wards, and may assign a name to each of such wards, and the Municipality shall thenceforth be divided and formed into wards as may be described in such Proclamation.

16. The Governor may, without petition, exercise the powers conferred upon him by section 7 of this Act, of adding land to a Municipality in any case where the land so added belongs to the Crown, and has not been granted or lawfully contracted to be granted to any person in fee simple, or for an estate of freehold.

17. The Governor may, from time to time, by any order or orders, apportion, settle, or adjust any property, rights, liabilities, or matters which he shall consider ought to be apportioned, settled, or adjusted in consequence of the exercise by him of any of the foregoing powers.

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

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

PART II.

Effect of Proclamation creating new Corporation.

Governor may divide Municipality into wards.

Effect of Proclamation altering boundaries, &c.

Governor may add Crown lands to Municipality without petition.

Governor may apportion property, &c.

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

Such Proclamation may issue forthwith
PART III.

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

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

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

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

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

Any person who, by himself, his partner, or otherwise, shall have any interest in any contract (except for advertisements or printing, or any share in any lease, sale, or purchase of land, or any agreement for the loan of money, or any security for the payment of money) with or employment under such Council: Provided that no person shall be disqualified from being a Mayor or Councillor by his being a proprietor, member, or shareholder of or in any public company incorporated under any Act of Parliament, or registered under any Act for registering Joint-Stock Companies and limiting the liability of the members thereof, by reason of any contract entered into by such company with any Corporation in which he holds the office of Mayor or Councillor; but no such Mayor or Councillor, being a proprietor or shareholder in any such company, shall vote on any question relating to any contract in which such person or company is interested:

Any person absent from the province at the time of election, unless such person shall have consented in writing to be nominated to the office of Councillor, and to act as Councillor if elected:

Any female:

Any minor:

Any uncertificated insolvent.

23. The following causes shall create a vacancy in the office of Mayor or Councillor—

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

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

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

Disqualification as hereinbefore provided:

Retirement by rotation as herein provided:

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

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

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

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

Death, lunacy, idiotcy, or insolvency:

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

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

27. On
PART III.

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

Retirement of Councillors and Auditors, how regulated.

Retirement of person elected to fill extraordinary vacancy.

PART IV.

QUALIFICATION, DISQUALIFICATION, AND ENROLMENT OF CITIZENS—COURTS OF REVISION.

30. Every person of full age who, on the first day of October in any year, shall be seized of or occupy any ratable property within any Municipality, either as owner or occupier, and whose name as such owner or occupier shall be inserted in the assessment hereafter directed to be made, shall be a citizen and a member of the Corporation of such Municipality, and be entitled to be enrolled on the citizens' roll and to vote at all elections and meetings and polls of citizens in such Municipality under and subject to the provisions of this Act.

31. The following persons shall not be entitled to be enrolled on the citizens' roll of any Municipality—

Any alien:

Any person in receipt of public relief or alms:

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

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

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

35. 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 seven days at the least prior to the sitting of the Court of Revision hereinafter mentioned, and shall also give public notice thereof.

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

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

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

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

40. On any alteration or amendment of the assessment-book by the insertion or omission of any name therein, the Council shall, except within fourteen days immediately preceding any annual election, alter or amend the citizens' roll so as to accord with the alteration or amendment of the assessment-book, and any person whose name shall be inserted in the said roll under this section shall, while his name remains therein, be a citizen and be entitled to vote at all elections and meetings and polls of citizens in the Municipality, under and subject to the provisions of this Act.

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

PART V.

ELECTION OF MAYOR, COUNCILLORS, AND AUDITORS.

42. Subject to the provision contained in section 27 relating to Corporations hereafter proclaimed, the citizens of every Municipality shall, upon the first day of December in every year, elect one of their number to be Mayor of the Municipality for the ensuing year, and shall also elect an Auditor to fill the place of the retiring Auditor. The citizens of each ward of the Municipality shall also, on the first day of December in every year, elect a citizen of the Municipality to be a Councillor to fill the place of the retiring Councillor. Elections shall be held at one polling-place for all the wards, or at a polling-place in each of the wards, as may be decided and appointed by the Council.

43. Every Council may appoint one of their number, not being a candidate, to preside as returning officer at any election within the Municipality, and to have the conduct and control of the proceedings thereat.

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

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

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

47. Every election to fill the office of Mayor, Councillor, or Auditor under this Act shall be by ballot, and for the purpose of such election every Corporation shall be a public body within the meaning of "The Ballot Act of 1862": Provided that the initials of the Returning Officer or Deputy Returning Officer, required by that Act to be borne by the voting papers at any election, shall be written or lithographed by or under the authority of such Returning Officer or Deputy Returning Officer.

48. Any voter at any election pursuant to this Act may signify to the presiding officer that, by reason of being afflicted with blindness or defective eyesight, he is unable to vote without assistance, and thereupon the presiding officer, if satisfied that such voter is so afflicted, shall permit any agent named by such voter to accompany him into the compartment set apart for the purpose to mark the voting paper on such voter's behalf, and hand the same to the Presiding Officer, who shall deposit the same in the ballot box.

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

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

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

52. Whenever the annual election of Mayor, Councillors, or Auditors shall from any cause, wholly or in part, fail to be made on the day appointed by this Act, or such election, being made, shall afterwards become wholly or in part void, and whenever an extraordinary vacancy occurs in any of the aforesaid offices, a supplementary election shall be held, and the Council shall come under no disability by reason of such failure, avoidance, or extraordinary vacancy.

53. Immediately upon the happening of such whole or part failure or avoidance, or such extraordinary vacancy, the Town Clerk shall, by public notice, appoint a day not being earlier than seven days, nor later than fourteen days from such notice, for the nomination of the persons to be elected, and such nomination shall take place.
place on the day so appointed in like manner as at the annual elections; and, if there be such number of candidates nominated as are required to be elected for the respective vacant offices and no more, the Mayor or the Councillor attending, shall declare the persons so nominated to be elected; but, in the event of there being more candidates nominated than are required to be elected to fill any vacancy in the said offices, he shall adjourn all further proceedings in respect of the election until a day to be fixed by him for such election, not being less than six nor more than ten clear days from the day of nomination; and on the day so fixed, the election shall take place in like manner as at the annual election.

54. The Town Clerk shall give public notice of such adjournment and the object thereof, and the names of the several candidates, and the offices, and (in the case of wards) the wards for which they are respectively nominated, and the hour when, and the place or places where, such election is to take place.

55. Whenever any supplementary election shall wholly or in part fail to be made, or shall become wholly or in part void, the Council may elect any qualified person to the vacant office, whether he shall consent thereto or not; and the person so elected shall serve accordingly.

56. At every municipal election the poll shall be open to voters at the hour of eight o'clock in the morning, and shall continue so open until all the votes of electors present in the polling-booth at the hour of seven in the evening shall have been taken, and shall then finally close.

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

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

59. The
PART V.

Notice to be given to persons elected.

Declaration of office to be made by Mayor, Councillors, and Auditor, before acting as such.

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

60. No person appointed by Proclamation or elected to be Mayor, Councillor, or Auditor under this Act, shall act as such until he shall make and subscribe, before one of the Judges of the Supreme Court, or before any two councillors, or a Justice of the Peace, who are hereby respectively authorised to take the same, the declaration following (that is to say)—"I, A. B., having been elected (or proclaimed) Mayor (or one of the Auditors for the city of Adelaide, or the Town of Ward, in the City of Adelaide, or the Town of " as the case may be), "do hereby declare that I take the office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability."

61. Every person who shall be duly elected to the office of Mayor, Councillor, or Auditor, shall accept such office by making and subscribing the declaration aforesaid within seven days after notice of his election, or shall in lieu thereof pay to the Corporation the fine specified in the Schedule of Penalties to section 307 of this Act for the non-acceptance of such office, which shall thereupon be deemed to be vacant, and shall be filled up in manner hereinbefore mentioned, with respect to extraordinary vacancies: Provided that any person who shall have already served such office (or paid the fine for not accepting such office) within five years next before the day on which he shall be so re-elected, shall be exempted from accepting the same office if he shall claim such exemption within five days after notice of his election; and that no member or officer of the Parliament of the said province, nor any person holding any civil or permanent military employment under the Local Government, or being a military, naval, marine, commissariat, or ordnance officer, on full pay in Her Majesty's service, shall be liable to serve in or to be fined for non-acceptance of any office under this Act: Provided also that if the Mayor, Councillor, or Auditor elected shall be absent from the province at the time of election, he may, without incurring any penalty, make the aforesaid declaration within five days after his returning to the province and before acting in his office.

62. The Mayor for the time being of every Corporation shall, ex officio, be a Justice of the Peace for the said province, from the time when he shall have duly taken the oath of allegiance and the judicial oath prescribed by the "Promissory Oaths Act, 1869," before a Judge of the Supreme Court or a commissioner for taking affidavits in the Supreme Court.

63. Every
63. Every person elected to any office in a Corporation 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.

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

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

PART VI.

MEETINGS AND POWERS OF COUNCILS AND CORPORATIONS.

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

67. The mayor in all cases of emergency may call a meeting of the Council.

68. 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 or shall neglect for two days 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.

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

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

71. At all meetings of the Council the Mayor, or in his absence such member of the Council 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.

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

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

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

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

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

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

78. The Council shall have and maintain a suitable office within the Municipality for transacting the business of the Municipality.

79. i. The Council may, from time to time, appoint a committee or committees of their members, and may delegate to any such committee such of their powers and duties under this Act as they think fit:

ii. The
11. The Council may, from time to time, make such regulations as they think fit for the guidance of a committee, and may, from time to time, remove any members of the committee and appoint in the stead of them, or any of them, other members of the Council:

111. The proceedings of a committee shall, unless otherwise ordered by the Council, require the approval of the Council:

11v. A committee may appoint a sub-committee of its members to execute and discharge any of the powers and duties of the committee, but the acts of such sub-committee shall be submitted for approval to the committee by which such sub-committee was appointed:

v. In no case shall a committee be authorised to borrow any money or to declare any rate; and no expenditure or payment or contract to expend or pay any sum of money exceeding Twenty Pounds, made by a committee, shall be lawful or valid unless such expenditure, payment, or contract shall be afterwards approved or ratified by the Council:

vi. A committee appointed under this Act may (subject to regulations of the Council) meet from time to time and adjourn as they think fit, but no business shall be transacted at any meeting of such committee unless three members be present:

vii. At the first meeting of any committee or sub-committee one of its members shall be appointed chairman of the committee or sub-committee, and all questions in committee shall be determined by a majority of votes of the members present; and in case of an equal division of votes, the chairman shall have a casting vote only: Provided that the Mayor shall be ex officio a member of every committee or sub-committee.

80. The Mayor, Councillors, and citizens of every Municipality shall be a body corporate; and every Corporation, other than that of the City of Adelaide, shall be styled “The Corporation of the Town of ” (such blank being filled in with the distinctive name of the particular Municipality for which it is appointed).

81. Every Corporation shall, by its corporate name, have perpetual succession; and by such name may purchase, take, receive, accept, hold, acquire, and possess lands, tenements, and hereditaments (in fee-simple, or for any term of years, or otherwise), and goods and chattels, and may grant, sell, convey, transfer, demise, assign, or otherwise dispose of the same, and may sue, implead, and answer, and be sued, impleaded, and answered in all Courts, and before all Judges and Magistrates whomsoever, in all actions, pleas, suits, disputes, causes, and matters whatsoever, and do and exercise all such further acts and powers as may be done and exercised by virtue of the incorporation and as are by this Act authorised to be done and exercised.
The Municipal Corporations Act—1890.

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

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

84. All real and personal property which, at the time of the passing of "The Municipal Corporations Act, 1861," was vested in the Mayor and Aldermen, or in the Mayor, Aldermen, and Councillors of any Municipal Corporation, shall be deemed to have been vested in such Corporation on the passing of such Act.

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

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

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

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

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

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

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

92. All water and other reserves for public convenience, and all jetties, piers, wharves, and breakwaters situated within or on the boundaries of any Municipality which, by Proclamation of the Governor, shall be placed under the care, control, and management of the Corporation or Council of such Municipality, shall be vested in the Corporation.

93. The Governor may issue to the Corporation a grant of any such water and other reserves, jetties, piers, wharves, and breakwaters, as in the last preceding section mentioned, upon such trusts and under such conditions as may appear expedient: Provided that, until such grant shall be issued, the Governor may, by Proclamation, resume such water and other reserves, jetties, piers, wharves, and breakwaters.

94. The conservancy of all rivers and watercourses within the limits of any Municipality shall be vested in the Corporation, who shall have power, either alone or in conjunction with the Government.

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| **Public meeting of citizens may compel trustees to convey cemetery lands to Corporations in certain cases.** | |

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

| **Water reserves, &c., may be vested in Corporations.** | |

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| **Conservancy of rivers and watercourses.** | |
ment of the province, or with any company or other persons, to make and erect dams and reservoirs within the limits aforesaid for the retention of the waters of the said rivers and watercourses, and the expansion thereof, for such ornamental and other public purposes as the Council may deem proper: Provided that no water shall be impounded by any dam across any river or watercourse so long as any drain or sewer shall discharge liquid matter, other than storm waters, into such river or watercourse above such dam at any point within the boundaries of the Municipality.

95. The Council may, after any dam, as in the last preceding section mentioned, shall have been completed, build, erect, or place upon the banks and shores of the river or watercourse dammed, where such banks or shores are under the care, control, and management of the Council, or upon any park lands adjacent to such banks or shores, all such sheds, boathouses, stands, landing-stages, and other buildings as shall be requisite for the purpose of rendering available for public use and recreation the sheet of water formed by the erection of such dam, or may let such portions of any such banks, shores, or park lands, at such rent and on such conditions as to them may seem desirable, to any persons, with a view to the construction of any such sheds, boathouses, stands, or landing-stages.

96. The Council may lease, for any period not exceeding twenty-one years at one time, any convenient portions of land being the ends of streets abutting on any arm of the sea, lake, river, creek, or stream, for the purpose of erecting and maintaining wharves.

97. Notwithstanding anything contained in "The Ornamental Grounds Act, 1881," the Council may grant a lease or leases of any portion or portions of the park lands, not exceeding ten acres each, for any term not exceeding the term of twenty-one years, to be used for cricket, football, bowls, or other athletic sports, agricultural shows, or public recreations, and may from time to time renew such lease or leases for a further term of not exceeding twenty-one years. Every such lease shall be granted to two or more persons, upon such terms as to the erection of booths and pavilions on the premises, admission of the public thereto or to any part thereof, and generally subject to such rents, covenants, provisions, and reservations as the Council may think fit. No such lease shall be granted until, at a meeting of the ratepayers, a resolution shall have been passed in favor of a lease being granted of the lands in question under the powers conferred by this section, and, if a poll be demanded, until the poll has resulted in favor of such resolution; the voting at such poll, and the manner of conducting any meeting for taking the same, to be in all respects the same as at a meeting for a poll to consent to a rate.

98. Section 7 of "The Ornamental Grounds Act, 1881," is hereby amended by the insertion of the words "twenty-one years" in the lieu of the words "eight days," occurring in the second line thereof.

99. The
99. The Council may declare any portion of any river or water-course within the limits of any Municipality to be reserved for the supply of water for the public use.

100. Every Council may (under the hand of the Mayor and seal of the Corporation) appoint fit persons, not being members of the Council, to be Town Clerk and Surveyor of the Municipality, and may also appoint valuers, collectors of rates, inspectors, clerks, and such other officers as they shall think necessary for enabling them to carry into execution the various powers and duties vested in or imposed on them by virtue of this Act.

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

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

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

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

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

PART VII.

MUNICIPAL FUNCTIONS OF COUNCILS.

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

Public Streets.

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

1. All streets delineated and shown on the public maps or plans of the said province as laid out for public purposes by the Crown:

2. All streets opened by the Council under the power given by the Acts for the time being in force relating to the opening of new streets or roads:

3. All streets conveyed or transferred to the Corporation by the owners of the fee-simple thereof, and accepted as public streets by the Council:

4. All streets vested in the Corporation by the Supreme Court or a Judge thereof, under the power hereinafter contained:

5. All streets declared by the Council, under the power hereinafter contained, by writing under their common seal and signed by the Mayor and Town Clerk, to be public streets:

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

All other streets shall be private streets.

The fee-simple of every public street in the Municipality shall be vested in the Corporation of such Municipality.

108. Every public street or place within a Municipality shall be a public road within the meaning of "The Roads Act, 1884."

109. All main roads and portions of main roads and all other public roads within a Municipality, together with the timber growing thereon and the bridges thereof, and all public works connected therewith, and all lamps, direction-boards, milestones, posts, rails, walls, chains, fences, and other things erected thereon or affixed thereto
thereto, not being the property of any other person or company, shall be vested in, and be under the care, management, and control of the Corporation of such Municipality. The Governor, on the address of both Houses of Parliament, may, by Proclamation in the Government Gazette, vary the Second Schedule of "The Roads Act, 1884," by adding thereto or striking out therefrom any road or portion of a road.

110. All moneys received by the Council as a Government contribution towards the construction or maintenance of main roads shall be carried to the account of a fund to be called "The Main Road Fund," and such fund shall be applied towards the construction and maintenance in good repair of the main roads within the Municipality. Any Government contribution towards the maintenance of main roads shall be divided amongst the various District Councils and Corporations, in proportion to the mileage of main roads within their boundaries and the traffic thereon.

111. The Supreme Court, or any Judge thereof, upon the application of the Corporation, and upon proof upon oath that any land within the limits of the Municipality has been dedicated to the public by the owner thereof as a street, or that such land has been formed, made, levelled, paved, or drained as a street by the Corporation, and used by the public as such for five years consecutively, may make an order vesting the fee-simple of such land in the Corporation as a street; and if such land shall be under the provisions of the Real Property Act, the Registrar-General, on being served with an office copy of such order, shall enter in the register-book the date of the said order, the date and hour of its production to him, and the name of the Corporation in which the said order shall purport to vest the said land, and shall issue a certificate of title to such Corporation in respect of the said land as a street.

Notice of any such application shall be sufficient if served upon one of several joint tenants or tenants in common, or upon the person, or one of the persons, appearing as the registered proprietor or proprietors of the said land.

Any such application may be made ex parte upon an affidavit by the Town Clerk that he is unable to ascertain the name of the owner of the said land, and any order obtained ex parte shall be advertised four times in the Government Gazette: Provided that the owner of any land in respect of which such ex parte order shall be made may at any time, within one year from the date thereof, apply to the Supreme Court, or a Judge thereof, to discharge the same on the ground that such order was improperly made, and such discharge, if granted, shall operate as if such vesting order had not been made, and may be registered in like manner as is herein provided with respect to such vesting order.

112. If any street, court, alley, thoroughfare, or cul de sac, not being a public street at the time of the passing of this Act, shall heretofore have been or shall hereafter be formed, made, paved, or repaired
part vii.

repaired at the cost of the owner of land abutting on such street, the Council may, by writing under their common seal, and signed by the Mayor and Town Clerk, on the request in writing of the owner, declare the same to be a public street, and thereupon the said street shall become a public street, and shall thereafter be repaired by the Council out of the Municipal Fund, and such declaration shall be entered amongst the proceedings of the Council, and in the register of public streets mentioned in section 123 of this Act, and notice of such declaration shall be put up in some conspicuous place in or near such street.

113. No street shall, after the passing hereof, be set out or declared as a public street by the Council of any Municipality, unless the width of such street, to be ascertained by measuring at right angles to the course of such street from front to front of the building line on either side thereof, shall be forty feet at the least.

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

115. The Council, at the time of making any alignment of any square, public street, or place within any Municipality, under section 114 of this Act, or at any time after the making of any alignment under this or any other Act, may cause permanent marks, as points of reference, to be fixed in such square, public street, or place as aids in defining such alignment.

116. Within one month after fixing the permanent marks mentioned in section 115 the Council shall cause public notice to be given of the alignment referred to in such section, giving the particulars thereof and of the said permanent marks, and shall send by post or otherwise a written notice of such alignment, containing such particulars, to every owner or occupier, so far as known, of land abutting on the square, street, or place aligned. Any person disputing the correctness of such alignment may, within one month after such public notice shall have been given, lodge with the Town Clerk a caveat signed by himself or his agent against such alignment, stating the grounds and particulars of his objections thereto.

117. The Supreme Court, or a Judge thereof, may, upon the application of the Council, call upon the caveator to attend before such Court or Judge to show cause why the caveat should not be discharged, and the Court or Judge may make such order in the premises, and as to the costs of the proceedings, as shall seem just.

118. Any caveator may, by notice in writing, withdraw his caveat at any time, but the Supreme Court or a Judge may, notwithstanding such withdrawal, order payment by the caveator to the Council of any costs incurred by the Council prior to the receipt by the Council of such notice.

119. After
119. After the expiration of one month from the giving of the public notice mentioned in section 116, in case no caveat shall have been lodged as mentioned in section 116, or in case such caveat shall have been lodged, then, after the expiration of one month from its withdrawal or discharge by the Court or a Judge, the Governor may, by public notice, declare that the alignments and permanent marks mentioned in the public notice given by the Council under section 116 are the alignments and permanent marks of the square, public street, or place mentioned in the said public notice, and thereupon the alignments or permanent marks mentioned and referred to in the said public notice shall be deemed to be the alignments and permanent marks of such square, public street, or place.

120. The Governor may make and, from time to time, rescind, alter, or vary regulations for the conduct of all proceedings in relation to caveats under this Act; and such rules and regulations shall, on publication in the Government Gazette, have the force of law. Until the publication of such regulations the practice in all such proceedings shall be the same as in force for the time in respect of proceedings of a similar nature in the Supreme Court in relation to caveats under "The Real Property Act" against the registration of dealings with land, or as near thereto as the nature of the case will admit.

121. The Judges of the said Court shall have power, from time to time, to fix and regulate the fees payable on all proceedings before the Court under this Act; and, until the Judges shall otherwise order, the fees shall be according to those payable in respect of other proceedings of a similar nature in the said Court.

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

123. A register of public streets, showing their names, situation, extent, and width, and the building line thereon, and the width of roadways, and water-tables, and of each footway respectively, with the additions or alterations made thereon from time to time, shall be made up and kept in the Town Clerk's office, and such register shall at all reasonable times be accessible to any citizen.

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

125. The
PART VII.

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

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

Steam road rollers.

Conditions to be observed on using steam rollers.

Steam rollers may be used on any roads.

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

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

126. The Surveyor, during such time as any public street or place within the Municipality shall be under repair, or during the making or repairing of any sewers or drains therein, may prevent the passing of carriages, carts, drays, horses, and cattle whilst such works and repairs are in progress, by causing such fences or barriers to be placed on or across any such street or place as he may deem proper; but shall, during the time that such fences or barriers 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.

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

1. At least two persons shall be employed to each locomotive, one of whom shall, on foot, precede the locomotive when in motion by at least twenty yards, and shall in case of need assist riders and drivers of horses and carriages passing the same:

2. Barriers shall be provided and fixed, whenever practicable and not inconvenient, at the ends and intersections of streets to prevent ingress or egress during the time a street or place is undergoing rolling with a steam road roller.

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

129. It shall be lawful for any Council from time to time to cause all or any streets now existing within their jurisdiction, not being less than twenty feet in width (such width to be ascertained by measuring at right angles to the course of such street from front to front...
The Municipal Corporations Act.—1890.

130. Where any land which shall adjoin or abut upon any public street or place within any Municipality shall not be fenced in or enclosed to the satisfaction of the Council of such Municipality, such Council may from time to time, by writing under the hand of the Mayor or Town Clerk, order that such land, so far as the same shall adjoin or abut upon any such public street or place, be enclosed with a substantial wooden fence of posts and rails, or in order to prevent drift sand, soil, or other refuse from being carried on to any public street or place, to the obstruction or annoyance of passers by or others, by a close and sufficient fence of not less than five feet in height, 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 own cost, well and sufficiently fence, or otherwise to the satisfaction of the Council enclose, so much of the said land as shall abut upon any such public street or place.

131. If any such owner shall neglect to fence in or otherwise enclose any such land in the manner and within the time expressed in such order, the Council may fence in and enclose such land, or such parts thereof as shall not have been fenced in and enclosed pursuant to the said order, and cause an account of the expenses thereby incurred to be ascertained, and payment thereof demanded from such owner; and in default of payment of the same within thirty days from such demand, the Council, by writing under the hand of the Mayor or Town Clerk, may order payment thereof by such owner, who shall pay the same accordingly, and the amount so expended and ordered to be paid shall be recoverable by the Council by action or by distress in like manner as for rates in arrear.

132. The Council may, from time to time, exercise the following powers—

1. They may increase or decrease the width of any footpath, road, or carriage way in any public street: Provided that the width of any such footpath shall not exceed in width the carriage way of such street:

11. They may level, pave, make, or form walks and roads through any public square within the limits of the Municipality, and may alter the boundaries of any such square: Provided, however, that no such alteration of the boundaries of any public square, shall, except by the formation of walks and roads through the same, diminish in any way the superficial area thereof:

III. They
Private roads, yards &c., to be kept clean by occupiers or owners.

Posting bills, &c., in public places without permission of Council.

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

### Part VII.

#### III. They may, in any public street or road within the Municipal, the width whereof exceeds one hundred feet, fence in and plant with trees and shrubs such portions thereof as to them may seem proper, and may from time to time increase or decrease the width of the portions so fenced in and planted: Provided that such fencing or planting shall not interfere with or prejudice the rights of owners of property abutting upon such public street or road.

133. The occupier of any ratable property within the Municipality, or, if such ratable property be unoccupied, then the owner thereof, shall keep all private roads, passages, yards, and ways adjacent or belonging thereto, clean and free from rubbish, offal, dirt, and mud: Every person failing to comply with the provisions of this section shall, on conviction for every such offence, forfeit and pay a sum not being less than Ten nor more than Forty Shillings.

134. No person shall in any street or public place, or in any park lands, squares or reserves, fix any posting bills or other papers against or upon any building, wall, fence, tree, street, board, verandah, lamp-post, telegraph-post, or other post, rail, pole, seat, or any kerb, flag, or footpath, the property of or under the control of the Corporation or Council, or write upon, soil, deface, stencil, chalk, paint, or mark any such building, wall, fence, tree, board, verandah-post, lamp-post, telegraph-post, bridle-post, or other post, rail, pole, seat, kerb, flag, footpath, or any fixture or appendage thereto without having first obtained the consent thereto of the Council, for such time and on such terms as the Council may decide, or then except in accordance with such consent. Any person offending against the provisions of this section shall, for every such offence, on conviction, forfeit and pay a sum of not more than Ten Pounds.

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

136. No
136. No person shall dig or excavate any hole or pit for the sole purpose of using or removing to any other place the soil, clay, stone, sand or gravel, or other such like material, unless such person leaves untouched and intact a bank of solid earth not being less than five feet in width from the nearest edge of the said hole or pit to the building line or lines of any street or streets, such bank of solid earth to have a batter of at least one-half to one, so as to support the said bank and to prevent its breaking away or falling for the want of such batter or support: Provided that nothing herein contained shall prevent any owner of land from removing the soil of any cellar up to and abutting on the building-line of any footway where such footway shall forthwith be supported by a wall of sufficient strength to prevent the falling or subsiding of the footway into such cellar.

137. The Council may affix upon the walls of any house within the Municipality any board, or plate, legibly showing thereon the name of any street or place, or such notice as may be conducive to the public convenience, or may cause such name or notice to be painted or colored upon such walls, or may fix 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.

138. The Council may assign a number to each house in every public street or place within the Municipality, and may from time to time, whenever they may deem it expedient, assign any other number to such house in lieu of the previously assigned number, and the occupier of every such house is hereby required to paint or affix every such number upon a conspicuous place on the front door of such house within fourteen days after notice to that effect, signed by the Town Clerk or Surveyor, shall have been served on such occupier. Any person failing to comply with the provisions of this section shall be deemed to have committed an offence under this Act.

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

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

141. The Council may erect such permanent or temporary fences 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, and from time to time paint, repair, remove, and replace the same.

142. 1. Whenever
PART VII.

Footways may be paved, and moiety of expense recovered.

Owner not to recover from tenant unless special contract.

Interest may be charged to tenant or sub-tenant.

Footways may be paved at request of owner or occupier.

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

II. No money paid by any owner under this section shall be recovered by him from his lessee or tenant, any now existing contract or covenant notwithstanding, and no contract or covenant hereafter entered into shall bind any lessee or tenant to pay any such money to such owner unless such contract or covenant shall specifically refer to this section.

III. Any owner paying money under this section, and not entitled to recover it from his lessee or tenant, shall be entitled to charge the person who is his tenant at the time of such money becoming due by such owner with interest during the remainder of the tenancy of such tenant, at the rate of Seven Pounds per centum per annum on the amount of such money from the time of the same being paid by such owner or of such owner becoming liable to pay interest thereon. Such interest shall be paid by such tenant to such owner at the due dates of the rent under the tenancy, and shall be a debt from the tenant to the owner, and shall also be recoverable by distress in the same manner as the said rent. In like manner every tenant or sub-tenant who shall be charged interest under this section shall be entitled to charge the person who is his sub-tenant at the time of such money becoming due by such owner with interest, at the same rate and from the same time as above mentioned, during the remainder of such sub-tenancy, which interest shall be paid by such sub-tenant at the due dates of the rent under the sub-tenancy, and shall be a debt from the sub-tenant, and shall also be recoverable by distress in the same manner as such rent.

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

144. 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.

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

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

147. Whenever a public road, bridge, or other work thereon or connected therewith, so far as it forms the common boundary of any part of two corporations, or of a Corporation and District Council, ought in the opinion of the corporation or council having the care, control, and management of either half of such road, bridge, or work, to have any repairs or work done thereon or thereto, it shall be lawful for such Corporation or Council to give to the Corporation or District Council having the care, control, and management of the other half of such road or bridge notice in writing, specifying such repairs or work, and requiring the said last mentioned Corporation or Council to concur with them in executing the same; and if such two Corporations, or Corporation and District Council shall not, within three months after the service of such notice, enter into an agreement for executing the said work, the Corporation giving such notice may execute the same at their own costs and charges, and may recover by
by action as a debt from the Corporation or Council to which the
said notice shall have been given, such portion of the said costs and
charges as shall have been actually and reasonably expended on the
said last mentioned half of such road, bridge, or work: Provided
always that, in determining the reasonableness of such expenditure,
regard shall be had not only to the state of such road, bridge, or
work, but also to the comparative necessity for the work, and the
manner in which the same shall have been executed.

148. No alley or court of less than twenty feet in width (such
width to be determined as prescribed by section 113) shall, after the
passing hereof, be laid out or formed within any Municipality.

149. Every alley or court hereafter laid out or formed within
a Municipality shall have two entrances, each of the full width of
the alley or court and one of which shall be opened from the
ground upwards.

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

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

152. When any private street, court, alley, or right-of-way shall
have been set out within any Municipality, the Council of such
Municipality, by any writing under the hand of the Mayor or Town
Clerk, may order that any erection or obstruction which shall contract
the proper width of any such street, court, alley, or right-of-way, or
any part thereof, be removed, and that any such street, court, alley,
or right-of-way, or any part thereof, be respectively levelled, paved,
macadamized, or otherwise repaired and completed with such sewerage
works, if any, in such manner, and within such time as to such Council
may appear expedient; and if, after service of notice of such order upon
the owners of ratable property abutting upon either side of such private
street, court, alley, or right-of-way, such owners shall fail within the
time provided by such order to free from obstruction, and well and
sufficiently to level, pave, or macadamize, repair, and complete with
the proper sewerage works, so much of the said street, court, alley, or
right-
right-of-way to the centre thereof as may be opposite to and co-extensive with their respective properties aforesaid, the Council may execute and complete whatsoever work as aforesaid shall not have been done in pursuance of and according to such order, and may charge each such owner with such part of the expenses incurred in such completion as shall bear a fair and reasonable proportion to the extent to which his property may abut on such street, court, alley, or right-of-way (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, alley, or right-of-way opposite to the property abutting thereon shall be at the time of the service of such notice), and may order payment thereof by writing under the hand of the Mayor or Town Clerk. The provisions of sub-sections ii. and iii. of section 142 shall apply to cases of moneys paid by any owner under this section as if such sub-sections had been in terms repeated in this section.

153. No map or plan of any land situated within a Municipality, and hereafter laid out, assigned, or allotted as a new street or portion of a new street, or as a township or portion of a township, shall be deposited with the Registrar-General, or in the Lands Titles Registration Office, or in the General Registry Office, unless the same shall be certified as approved by the Surveyor-General or some other person to be authorised by the Minister in that behalf.

154. Every such map or plan as aforesaid shall be submitted by the person desiring to deposit the same to the Council of the Municipality in which the land is situated. The Council shall, within twenty-eight days, consider such map or plan, and forward the same to the Surveyor-General, with a memorandum under the hand of the Mayor and Clerk stating whether the Council have or have not any objections to the map or plan, and, if any, the nature of such objections. If the Council have no such objection, the Surveyor-General or some person to be authorised by the Minister as aforesaid shall certify the map or plan as approved. If the Council have any such objection, the Surveyor-General shall submit the same with the map or plan to the Minister, who may either confirm the objection, or over-rule the same, in which latter case the Surveyor-General or authorised person shall certify the plan as approved. If the Minister confirm the objection, he may at any time review his decision, and vary the same if he shall see fit.

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

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

157. No
PART VII.

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

Width of private streets.

Lighting.

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

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

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

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

159. The Council, by contract or otherwise, as they may deem proper, may cause the several streets and public places within the Municipality, or such of them as they shall think fit, to be lighted with gas, oil, electricity, 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 or electricity for lighting such streets and public places, and provide or contract for gasometers, and all requisite apparatus and machinery; and appropriate, purchase, or rent any land which may be necessary for the establishment of such manufacture.

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

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

162. If at any time before any Municipality shall be so wholly or chiefly lighted as aforesaid, the majority of the ratepayers of any principal street, or of any district or ward, shall be desirous that the same should be lighted with lamps, the Council may cause the same to be so lighted, either under the provisions herein contained or otherwise; and may, as to one moiety of the expense to be so incurred, defray the same out of the municipal fund for the time being: and, as to the other moiety of the expense of lighting such street, district, or ward, the same shall be paid by the ratepayers thereof, ratably, either according to their assessments 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, ratably, from each of the ratepayers of the said street, district, or ward by any collector of rates or duly authorised officer of the Corporation, under any of the provisions herein contained for the collection and enforcing payment of rates, or payment thereof may be ordered by the Council, by any writing under the hand of the Mayor or Town Clerk.

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

164. The control and superintendence of all public sewers within the limits of any Municipality shall be vested in the Council thereof, with power to alter, amend, and enlarge the same from time to time, under the provisions hereof: Provided that if the communication of any private drain with any public sewer shall be severed or impeded by any such alteration or other works, the Council shall, at their own cost, continue such private drain to the main sewer, or into a branch drain in connection therewith, so as to afford the owner
OWNER OR OCCUPANT OF SUCH PRIVATE DRAIN THE SAME USE THEREOF AS THERETOFORE ENJOYED BY HIM.

165. The Council, in carrying any such works as last aforesaid into execution, may, by themselves or their contractors, break up any public or private street within the Municipality, and sink therein trenches for the construction of sufficient common sewers or drains; but, after the construction thereof, shall immediately fill in such trenches and such other excavations as may be caused by such works, and make good, level, and reinstate the surface or pavement of any public or private street which surface or pavement 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.

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

167. The Council shall make and pass all necessary and proper by-laws for the purposes following—

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

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

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

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

169. The Governor may, by Proclamation in the Government Gazette, declare that the provisions of this Act relating to sewerage and drainage, or such of the said provisions as he may deem expedient,
expedient, shall cease to apply to any Municipality, or to any portion of a Municipality; and after such Proclamation the said provisions, or such of them as shall be specified in such Proclamation, and all provisions in this Act as to by-laws, offences, and penalties relating to sewerage and drainage, shall cease to be of force and effect within the limits of the Municipality or portion of the Municipality described in such Proclamation. Where the Governor has, by Proclamation under section 136 of “The Municipal Corporations Act, 1880,” declared that the provisions of such Act relating to sewerage and drainage, or any of them, should cease to apply to any Municipality or portion of a Municipality, such Proclamation shall have the same effect as regards such Municipality or portion of a Municipality as if it had been made under this section, and related to the corresponding provisions of this Act.

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

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

172. Every such inspector is hereby authorised to visit and report upon the state and condition in regard to cleanliness of all streets, squares, places, and public reserves within the Municipality, and as to any nuisances affecting the same; and also to visit all slaughter-houses, markets, baths, and wash-houses, 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, cow-sheds, hogsties, backyards, outbuildings, wells, ashpits, privies, cess-pools, and drains belonging to or used with any dwelling-house, building, or premises within the Municipality, and to examine the state thereof in regard to health and cleanliness, or in respect of any nuisance.

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

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

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

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

177. 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 their Municipality shall be the property of the Council, and such Council shall have the power to sell and dispose of the same as they shall think proper, and the moneys arising from the sale thereof shall be paid to and form part of the funds of the Corporation of such Municipality.

178. No person other than a person employed by, or contracting with,
179. No person shall suffer waste or impure water, liquid, or matter to remain within any building, or upon any property of which he may be the owner or occupier within any Municipality for twenty-four hours after notice to him from any inspector or authorised officer of the Council to remove the same; or shall suffer any waste or impure water or liquid matter to flow upon any footway or carriage-way, or into any surface drain or water-course, or shall suffer any offensive overflow, soakage, or leakage from any water-closet, privy, or cesspool within any Municipality: Provided that water rising through the ground, or from springs in any cellar and collected therein, not being impure, may be pumped thereout into the water-channel of any street.

180. If, after twelve hours’ notice to remove any such impurities as in the last preceding section mentioned, 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.

181. If, upon the certificate of any two duly qualified medical practitioners, or on the oath of any three citizens, which oath any Justice of the Peace or Notary Public is empowered to administer, it shall appear, to the satisfaction of the Mayor, or the Council, or any committee of the Council, that any building or place within any Municipality is in such a condition as may be likely to engender and propagate infectious or contagious disease, and that the health of any person is liable to be prejudicially affected or endangered by reason thereof, the Mayor is hereby authorised, by order under his hand, to require the owner or occupier of any such building or place forthwith to cleanse, purify, and disinfect the same, as the case may require, in manner and to the satisfaction of any inspector or other officer of the Corporation or medical practitioner as in such order shall be directed and named; and if such owner or occupier shall fail to comply with such directions within such time as in the said order may be specified, the Mayor, on proof of such default, may, by endorsement on such order, or on a duplicate thereof, further authorise such inspector, with such assistants as may be necessary, forthwith to enter into any such building or premises in such order described, and to cause the same forthwith to be cleansed, purified, and disinfected, as the case may require; and the expense which may be so incurred, together with a proper fee to each such medical practitioner, shall, upon the order of the Council, by
by writing under the hand of the Mayor or Town Clerk, be paid to
the Corporation by such owner or occupier.

182. Until public abattoirs shall have been duly proclaimed by
the Council of any Municipality, the Council shall, twice in every
year, that is to say, on the first day of May and on the first day of
November, constitute an open Court for hearing and determining on
the advisability or otherwise of issuing licences or renewing licences
already issued to any person to keep a slaughter-house for slaughtering
small cattle and pigs at any place within the Municipality; and any
person to whom a licence shall be issued shall be liable to all the rules,
penalties, and disabilities, and shall do and perform all things which,
by an Ordinance passed in the fourth year of the reign of Her
present Majesty, intituled "An Act to regulate the Slaughtering and
prevent the Stealing of Cattle," or any Act amending the same, or
substituted therefor, any persons thereunder are required to do, and
to which they are subject and liable; and after the passing of this
Act it shall not be lawful for any person, without the permission in
writing of the Council, or any officer of the Council authorised for
the purpose, to slaughter, kill, or dress any cattle whatever, great or
small, within any Municipality, except at some slaughter-house
established, or to be established, or licensed by the Council; and the
fees for slaughtering, and for such licences, may from time to time
be fixed, varied, or altered as the Council may deem necessary.

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

184. The Council may from time to time let on lease, or other-
wise, either on public auction or private contract, for any term not
exceeding twenty-one years, the whole or any portion of any
slaughter-house, market, bath, or wash-house, with the fees, tolls,
dues, charges, and profits incident thereto, at such rent or rents,
and subject to such covenants, conditions, and restrictions as the
Council may think proper.

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

186. The Council of every Municipality may establish markets
for the sale of cattle, hides, and skins, and general provisions, and
may for such purposes, or any of them, set apart or erect any build-
ing or premises.
187. The Council of every Municipality may establish, or permit the establishment, of public baths and wash-houses.

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

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

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

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

192. The Council may fence in or otherwise enclose, level, drain, plant, and form walks and carriage drives through and over any park lands or reserves, or any part thereof, and may construct dams and reservoirs for the retention and formation of sheets of water thereon, or may otherwise improve and ornament the same; and do all such further acts and carry out such measures as are calculated for the adaptation of such lands or reserves to the purposes of public recreation, amusement, health, and enjoyment.

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

194. The Council may grant licences for the removal of sand and gravel from the bed of any river or water-course, under such restrictions,
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.

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

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

197. Every person erecting or setting up any such hoarding or fence as aforesaid, shall keep the same, with the platform and handrail (if any) thereto standing and in good condition, to the satisfaction of the Surveyor, during such time as shall be necessary for the public safety or convenience; and every person erecting, setting up, or causing to be erected or set up, any hoarding, fence, or obstruction in or on any public street or place, or at any excavation, shall cause the same (until removed) to be well lighted from sunset to sunrise, to prevent accidents, and shall remove the same and fill up any excavation, and shall repair any damage done to the public street or place within a reasonable time after being required so to do by the Surveyor; and the question as to what shall be a reasonable time shall be determined by the Justice or Justices before whom any information for non-compliance with any of the requirements of this section shall be heard.

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

199. Any person erecting or setting up in any public street or place any hoarding, or fence, or scaffolding, for any purpose whatever, and injuring or destroying any footway or roadway of any such street or place, or any kerbing, or water-tabling, or drain, shall make good the same to the satisfaction of the Surveyor; and in case the person to whom such hoarding, fence, or scaffold shall belong shall neglect or fail to make good and repair to the satisfaction of the Surveyors such footway, road way, kerb, water-table, or drain, it shall be lawful for the Council to cause such repairs to be done, and, by order under the hand of the Mayor or Town Clerk, to order the costs, charges, and expenses thereof, together with any such further costs, charges and expenses as may have been incurred by reason of such neglect, to be paid.

200. Whenever any builder or other person shall have erected the wall of any building abutting on any footpath of any public street or place to the height of twelve feet above the level of the footpath, or whenever any plastering operations are in progress above the height hereinafore mentioned, such builder or other person, or the plasterer, shall cause the footway abutting on such building to be covered, and kept covered until the completion of the work then in progress, with a close and substantial covering of boards of not less than
PART VII.

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

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

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

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

205. An absolute majority of the members of the Council may from time to time suspend the operation, within their Municipality or any portion thereof, of the provisions contained in the last preceding ten sections, or of any of them, for such time as they may think fit, and such suspension may at any time be revoked by an absolute majority of the members of the Council; and no conviction shall be had, or penalty recovered, for the breach, during their suspension, of any of the provisions so suspended.

206. In any case where the operation of the provisions contained in the ten sections, 162 to 171, both inclusive, of "The Municipal Corporations Act, 1880," or of any of them, shall heretofore have been suspended under section 172 of the last mentioned Act, the operation of such of the provisions of sections 195 to 204, both inclusive, of this Act, as are similar to the provisions whose operation shall have been so suspended, shall in like manner be suspended until an absolute majority of the members of the Council shall resolve that the suspension effected by this section shall cease.

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

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

209. If any building or anything thereon affixed shall be deemed by the Surveyor to be in a ruinous or dangerous condition, so as to render either the occupiers of adjoining buildings or any other persons liable to any injury in any way therefrom, he is hereby empowered to cause a hoarding or fence for preventing nearer approach thereto than may be safe to be forthwith put up, and to take any such other measure of protection as the exigency of the case in his discretion shall require; but if circumstances shall so admit, he shall cause notice in writing to be served on the owner or occupier of such ruinous or dangerous building, or if such owner or occupier cannot be found, to be fixed on the door or other conspicuous part thereof, requiring such ruinous or dangerous building or other thing to be taken down, repaired, or secured, as the case may require. If such taking down, repairing, or securing, shall not be commenced within the time by such notice required, or being so commenced any delay shall take place in the completion thereof as speedily as the nature of the case may demand, the Surveyor may make complaint thereof before any Justice, who is hereby empowered to order the owner, or, in his default, the occupier (if any) of such ruinous or dangerous building or other thing to take down, re-build, repair, or otherwise secure the same, or such part thereof as shall appear to such Justice to be ruinous or dangerous within a time to be fixed by such Justice, and to the satisfaction of the Surveyor. In case the same be not so taken down, repaired, re-built, 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, re-built, or otherwise secured in such manner as shall be requisite, in which case all expenses of putting up such hoarding or fence and of taking down, repairing, re-building, 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.

210. If any building shall be taken down either wholly or in part under the provisions herein contained, the Council may sell the materials thereof, or so much thereof as shall be taken down; and the money to arise from such sale shall be applicable so far as the same may extend to the reimbursement to the Corporation of any outlay and expenditure which shall have been incurred by reason of every such taking down respectively, or incidental thereto, and the surplus, if any, shall be paid to the owner of the property taken down, on demand; but if the money to arise from any such sale of materials shall be insufficient to satisfy and defray the expenses incurred by the Corporation in any such taking down, then the owner
The Municipal Corporations Act.—1890.

owner of the property shall be liable to make good the deficiency to
the Corporation, and to pay the same as the Council, by any
order in writing under the hand of the Mayor or Town Clerk,
shall direct.

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

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

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

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

215. If it shall be deemed expedient for the public safety, with
a view to the prevention of fire, that any public or other place within
any Municipality shall be brought under the operation of the next
following three sections, the Council may, either separately or in
conjunction

<table>
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<th>Prevention of Fires</th>
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<tr>
<td>Council may take measures for providing supply of water for use in the event of fire.</td>
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<td>Procure fire-engines, &amp;c.</td>
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<td>Organise fire brigade, pay officers, &amp;c.</td>
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<td>Give rewards.</td>
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<td>Fix alarm-bells.</td>
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| Hay, straw, and thatch not to be stacked in the open air. |
| Ashpits to be constructed of incombustible material. |
| Fires not to be lit in open air. |
| Chimneys not to be allowed to take fire. |
| Inflammatory buildings in public or other places may, by Proclamation, be rendered liable to removal. |
conjunction with any insurance companies or other persons, cause any such public or other place to be surveyed by three competent surveyors or architects, of whom the Surveyor shall be one, another of whom shall be nominated by the Chief Secretary, and the third by the fire insurance companies established within or nearest to such Municipality, or any of such companies; and if such surveyors and architects, or surveyors or architects, shall report that it is desirable for the public safety that such public or other place, or any part thereof, shall be brought under the operation of the next following three sections, the Governor, at the instance of the Council, and on the application of three or more citizens, being owners or occupiers of ratable property assessed at a sum exceeding Twenty Pounds per annum in any such public or other place, may, with the advice of the Executive Council, declare such public or other place, or any part thereof, by a Proclamation in the Government Gazette, to be and the same shall thereupon become subject to the provisions of the next following three sections.

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

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

218. In default of compliance with the notice and requisition directed to be given by section 216, any one or more Justices, on the complaint
complaint of the Town Clerk or Surveyor, and on proof of the service
of such notice and requisition, may order the immediate removal by
the Surveyor, or other persons appointed by the Council, of the
building or portion specified in such notice, and the same shall be
removed accordingly; and after such removal the parties entitled
shall be paid by the Council, out of the general revenue of the
Corporation, the compensation ascertained as aforesaid, together with
the cost of the inquiry, if awarded, and, if necessary, may recover
the amount thereof from the Corporation by action.

219. It shall be lawful for the inspector or other officer of any
Council to enter upon any private land within the Municipality
where any bridge, dam, or fence shall have been erected across any
creek or waterway, for the purpose of inspecting the same; and
wherever, in the opinion of such Council, any such bridge, dam,
or fence is unsafe, or is constructed in such a manner as to unduly
obstruct the flow of water in any such creek, or be, or be likely to
become, detrimental to the interests of the public, the Council may,
by notice in writing to the owner of the land on which any such
bridge, dam, or fence is erected, require such bridge, dam, or fence
to be altered in such manner as the Council shall direct, or wholly
removed: And, if such notice is not complied with, the said Council
may enter upon any such land and execute the work mentioned or
referred to in such notice, and the whole of the expenses incurred by
the Council in so doing shall be a debt by such owner to the said
Council, payable on demand.

220. It shall be lawful for any officer of any Council to enter
upon any private land within the Municipality to inspect any creek
or waterway; and whenever, in the opinion of the Council, any
such creek or waterway is so small or so tortuous as to cause an
overflow of water detrimental to the interests of the public, the said
Council may enter upon any such land and execute such works as
may be necessary to prevent further overflow of water on to any
public road or street: Provided that no works, except cleaning out or
widening the creek or waterway, shall be executed through any
garden: And, notwithstanding the powers herein given, the Coun-
cil shall be liable for the cost and expense of making good or repair-
ing any damage to any fence or building damaged by any works
executed; and the owner shall have the right to claim compensation
for any permanent depreciation of his property occasioned by the
alteration made under this clause.
PART VIII.

ASSESSMENTS, APPEALS AGAINST ASSESSMENTS, RATES.

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

222. The Council may order assessments of all ratable property within the Municipality to be made according to the principles following, that is to say—

1. As to any ratable property, except such as is mentioned in sub-section 11. of this section, according to the full, fair, and average estimated annual rent (clear of all outgoings) at which the same would let for a term of not less than seven years if such rent shall be more than five per centum upon the value of the fee-simple of such property, but if not then according to a percentage of five per centum on such value:

11. As to any ratable property being an area of land within the Municipality, unbuilt upon, comprising a block of not less than twenty acres, not divided by roads, and unused, or used only for pastoral or agricultural purposes, according to a percentage of two and a half per centum on the value of the fee-simple.

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

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

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

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

227. 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, occupier, or agent, without the payment of any fee.

228. If it shall at any time appear to the Council that any property which ought to be included in any assessment-book has been omitted therefrom, or that the name of any person has been inserted therein as the owner or occupier of any property in respect of which some other person ought to have been assessed, or that any other matter purely of error shall need rectification in such book, the Council, except within fourteen days immediately preceding any annual election, 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 or occupier 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.

229. Every person whose name appears in the assessment-book as owner or occupier of any ratable property shall, upon a change of ownership or occupation as to the whole or any portion or portions of such ratable property, and notice in writing thereof given to the Council under his hand, be entitled, except within fourteen days immediately preceding any annual election, to have his name removed from the assessment-book, or to have such assessment-book altered so as to accord with such change; he having first paid all rates for which he shall be liable, notice of which has been duly given him: And the Council may make any apportionment of the assessment which they shall deem just where such change of ownership or occupation shall relate to a part only of the ratable property comprised in one assessment.

230. The Council may, in their discretion, instead of causing to be prepared and published a fresh assessment in any year, use the assessment of the last or any other previous year, under the municipal
Assessments.

Appeals against assessments.

PART VIII.

Principal Corporation Act, 1880, or under this Act, so far as the same shall be available, and with such alterations and additions as may appear necessary; and shall give or cause to be given to the owner or occupier of each property added to the assessment, or in the assessment whereof any alteration is made before the giving of the public notice hereby directed, a note of the particulars of such additions or alterations; and such assessment, with such alterations and additions as aforesaid, shall, on public notice being given that the same will be used as the assessment for the ensuing year, be deemed to have been duly made and published under the requirements of this Act.

231. Any person may appeal against the assessment, or any alteration thereof or addition thereto, on any of the grounds following, that is to say—

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

That any ratable property is assessed above or below its full and fair value:

That any ratable property, or the owner or occupier of any ratable property, within the Municipality, is omitted from the assessment:

That any property included in the assessment is not ratable.

Appeals, how and where heard.

232. Appeals as aforesaid shall be to the Council, and there may be a further appeal from the decision of the Council on any such appeal to the Local Court of Full Jurisdiction nearest to the ordinary place of meeting of the Council, and the decision of such Local Court shall be final.

Time for appealing.

233. Every appeal to the Council shall be commenced within ten days after the publication of the notice of assessment in the Government Gazette, by notice in the form in the Fourth Schedule to this Act, or in a form to the like effect, as nearly as applicable, given to the Town Clerk; and notice shall also be served on every person whose name it is proposed to insert in or omit from the assessment, or whose property is alleged to be omitted or assessed above or below its full and fair value six days before the hearing of the appeal. Appeals shall be heard by the Council within twenty-one days next after the said publication of the notice of assessment; and public notice of the day appointed by the Council for the hearing of such appeals shall, six days before the day of hearing, be given, and notice of such day shall also for the like period be conspicuously posted on the door of the place of the meeting of the Council.

Time of hearing appeals.

Clerk to produce assessment-book.

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

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

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

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

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

A rate for the general purposes of this Act, not exceeding One Shilling in the pound in any one year, to be called a General Rate:

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

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

Watering rate.

239. The Council may declare a particular rate for defraying the expense of watering any public street or place, or portion of a public street or place, which rate may be apportioned among, and shall be paid by, the persons liable for the rates in respect of the ratable properties fronting to such street, or place, or portion thereof watered, ratably according to the lineal frontage of such ratable properties respectively.

240. If the general rate be insufficient for carrying out any purpose by this or any other Act authorised to be carried out by the Council, and if the same has not been provided for by a separate or other rate, the Council, by a resolution passed by a majority of all the members thereof, may, with the consent of the ratepayers, to be obtained as hereinafter mentioned, declare a special rate for the year on the ratable property within the Municipality. The Council may also, with the like consent, declare a like special rate for the purpose of renewing or repaying any loan, in whole or in part: Provided that such special rate as hereinbefore mentioned, together with the general rate, shall not exceed Two Shillings in the Pound in any one year on the assessed value of ratable property within the Municipality.

Ratepayers may memorialize for specific works.

241. One-half in number of the ratepayers, representing not less than three-fourths of the assessed value of the ratable property within any portion of a Municipality, may address a memorial to the Council requesting them to construct any specific works for the benefit of such portion.

Contents of memorial.

242. Such memorial shall set forth a description of the proposed works, and shall define the portion of the Municipality that would be benefited by the construction of such works, and shall state the names of all the ratepayers of such portion, the assessed value of all the ratable property therein, and the assessed value of the ratable property held therein by each of the signatories, and shall also name a certain amount in the pound of such value which the signatories are willing to pay for each and every year thereafter as a separate rate for the purposes of the proposed works, and to meet the cost of their maintenance.

Memorial to be verified.

243. Such memorial, and the signatures thereto, shall be verified by the statutory declaration or declarations of one or more of the signatories.

Council may make rates and execute works in accordance with memorial.

244. If it shall appear to the Council that it will be desirable to comply with the memorial, and that the proposed works will in no way be disadvantageous to the interests and requirements of any other portion of the Municipality, they may cause plans, estimates, and full details of the proposed works to be prepared, and may, for the purposes of such works, declare for one year, or annually, or for several years, a separate rate or separate rates, and may raise a loan in manner by this Act provided in respect of loans, and may cause the works to be executed.

245. Such
245. Such separate rate or rates shall not exceed in the whole for any one year the amount of the separate rate mentioned in the memorial desiring the particular works, and such rate or rates shall be payable by all the ratepayers within the portion of the Municipality defined in such memorial, and the resolution declaring such rate shall define such portion in accordance with the memorial.

246. Whenever a separate rate as hereinbefore mentioned is declared, the Council shall cause a separate and distinct account to be kept of all moneys collected, and of all payments and disbursements in respect of such rate, and shall apply the said moneys for the purposes for which the rate was authorised and not otherwise.

247. In the event of the abandonment or completion of the works for which a separate rate has been declared, the unexpended balance of such rate shall be credited to the persons paying the same, as against the general rate payable next after such abandonment or completion.

248. Within fourteen days after declaring any rate, the Council shall cause notice to be given in the Government Gazette of the nature and amount thereof.

Meeting to Consent to Rate.

249. The consent of the ratepayers to any rate shall be obtained at a meeting of ratepayers to be called by the Council; and at every such meeting the chairman shall, in the usual way, take a show of hands for every proposition 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.

250. Immediately after the chairman shall have declared the result of the show of hands at any such meeting, he shall publicly inquire from the meeting whether any ratepayers demand a poll, and thereupon any six ratepayers of the Municipality may demand a poll by giving notice in writing of such demand to the chairman of the meeting, and such chairman shall thereupon appoint a day, not later than eight days thereafter, to take a poll of the ratepayers on the subject.

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

PART
PART IX.

RECOVERY OF RATES.

Rates when payable. 252. Every rate shall become due and payable so soon as the same shall have been declared, but no rate shall be recoverable by action or otherwise until fourteen days after the same shall have been declared.

Collector to leave particulars of rate. 253. When any rate shall have been declared and be payable, the collector of rates shall leave with or post (in a prepaid letter) to the tenant in possession or owner of each property rated, written or printed or partly written and partly printed notice containing particulars of every rate to be collected in respect of such property, the number and description of such property in the assessment-book, the time allowed for payment of such rate, and the consequences of default in payment.

Rates, how recoverable. 254. Rates may be recovered from any person liable to pay them, in the name of the Council, or of any collector appointed by the Council, by action in any Court of competent jurisdiction, or in a summary way before any two or more Justices, not being Members or Officers of such Council, and special and separate rates on the security of which a loan has been raised may be also so recovered in the name of any receiver appointed by the Supreme Court or a Judge thereof to collect them.

Distress for rates in arrear. 255. If, after the expiration of the time limited for the payment of any rate to be collected under the provisions hereof in respect of any property assessed, any person liable to pay the same shall neglect or refuse so to do, the collector of rates, by virtue of his appointment to office, may satisfy such rates by distress and sale of the goods and chattels of the person so liable, together with such charges as are specified in the Sixth Schedule hereto.

Occupier primarily liable and ultimately owner. 256. The person primarily liable to the payment of rates under this Act shall be the occupier for the time being of the property rated, and in default of payment by or recovery from him, or if such property shall be or become vacant or unoccupied, or no sufficient distress shall be found thereon, then the owner shall be liable: Provided that where the property is occupied the owner shall only be liable for all rates, not exceeding two years in arrears.

Liability of persons appearing in assessment-book as owners till new names inserted or notice given of change. 257. Subject to the last preceding section, every person appearing in the assessment-book as the owner of any ratable property shall continue liable for all rates in respect of such property, notwithstanding any change in the ownership thereof, except as to rates declared after the name of another person is inserted in the assessment-book as the owner, or after the person so ceasing to be owner has given written notice to the Town Clerk of such change of ownership, stating who is the person who has become owner.

258. If
258. If any rates for the payment whereof the owner of the property rated is liable shall be in arrear, the collector may give notice to the occupier of the property in respect of which such arrears shall be due to pay to collector, or his authorised agent, all rent henceforward, 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 agent; 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.

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

260. Any tenant who shall by deed or contract be liable to payment of rates in respect of any property during his term, and shall have paid rates in respect thereof for a period prior to, or extending beyond his term, shall be entitled to recover from his landlord the amount so paid by action in any Court of competent jurisdiction. This and the last preceding section shall apply to the case of a tenant paying rates, although not compellable to pay them.

261. In any case in which rates heretofore due or hereafter to become due in respect of any ratable property (other than property belonging to the Crown) shall be in arrear for two years, or where any moneys ordered by the Council, under sections 131, 142, and 152 of this Act to be paid shall remain unpaid for one year after the date of the order for payment, the Council may demand payment of such rates or moneys by letter addressed to the owner of the property, and forwarded through the post to the last known place of abode.
Corporation may let land for payment of rates.

Land may be sold for payment of rates.

262. If, after one year from the posting of such demand for payment and the last publication of the notice in the Government Gazette relating to rates, the rates due at the time of the first publication thereof, or any part of such rates, are or is still unpaid, or if, after the expiration of three months from the posting of such demand for payment, and the last publication of the notice relating to moneys other than rates, such moneys or any part thereof are or is still unpaid, the Corporation may let the property from year to year, or for any term not exceeding seven years, and may receive the rents, and shall then apply the same, in the first place, to reimbursing all costs of and attending such notice and letting, and, in the next place, to the payment of the rates in arrear, including as well the rates in arrear at the time of the first publication of the said notice as any rates that may become in arrear up to the time of such letting, or to the payment of such other moneys as aforesaid, as the case may be, and also interest on all such rates or other moneys at the rate of Ten Pounds per centum per annum from the time of the same becoming due respectively until such letting as aforesaid, and shall hold any surplus for the owner of the land; and every agreement, deed, or other instrument entered into by the Council for effectuating such letting shall be valid against and binding upon the owner or any person claiming through or under him.

263. Instead of letting such property as aforesaid, the Corporation may, after one year from the posting of such demand for payment and the last publication of the notice relating to rates, if the rates due at the time of the first publication thereof, or any part of such rates, are or is still unpaid, or after the expiration of three calendar months from the posting of such demand for payment and the last publication of the notice relating to moneys other than rates if such moneys or any part thereof are or is still unpaid, apply by petition to the Supreme Court for a sale of all or any part of the ratable property comprised in such notice; and the said Court, on being satisfied, by affidavit or otherwise, that the rates mentioned in such notice are lawfully due, and were in arrear for one year at the time of the posting of such demand for payment and the first publication of such notice, or that the other moneys have been ordered to be paid as aforesaid and remained unpaid for half a year before the posting of such demand for payment and first publication of the notice, and that all things required by section 261 of this Act to be done have been done, shall—

Order the sale, by public auction, of the ratable property comprised in such petition, or so much thereof as may be sufficient to pay the rates in arrear, including as well the rates in arrear at the time of the first publication of the notice as any rates that may become in arrear up to the time of the application for sale, or sufficient to pay the other moneys, as the case may be, together with interest on all such rates or other moneys
moneys, at the rate of Ten Pounds per centum per annum from the time of the same becoming due respectively, until such application for sale, and together with all costs and expenses of and attending the notice, the application, and the sale, and also all further moneys then due to the Corporation in respect of, or relating to, such ratable property, and that the proceeds be paid into Court; and may

Order, where the land is under the Real Property Act, that a memorandum of transfer be executed by the Master or other officer of the Court in such form as shall be approved by the Court or a Judge thereof, transferring the premises to the purchaser, free from any mortgage, lease, tenancy, or encumbrance; or, where the land is not under the Real Property Act, that the Master or other officer of the Court request in writing the Registrar-General to issue to and in the name of the purchaser a certificate of title under the Real Property Act for such land, free from any mortgage, lease, tenancy, or encumbrance; and the Registrar-General shall, on the receipt of such request, and an office or certified copy of the order, and without any further evidence of title or the necessity of publishing any notice of such request, forthwith issue to the purchaser a certificate of title as aforesaid; and the registration of such memorandum of transfer or such certificate of title shall vest in the purchaser an indefeasible estate in fee-simple in the premises free from any mortgage, lease, tenancy, or encumbrance.

The Court may order payment out of the proceeds of such sale of the said rates or other moneys, interest, costs, and expenses, and of all such further moneys as aforesaid, and the balance of the proceeds of such sale shall remain subject to any future or other orders of the Court for the benefit of the parties interested therein.

264. Every transfer ordered by the Court as aforesaid shall have effect in accordance with such order, and the Registrar-General shall register every such transfer and issue a certificate of title to the purchaser of the premises comprised therein, and do such other acts and things as may be necessary to give effect to the order of the Court.

265. In case there shall be included in any such notice as aforesaid any ratable properties comprised in different assessments or belonging to different owners, the same may be included in one petition for sale, and the Court may make such orders as to the apportionment of rates or other moneys, interest, costs, and expenses in respect of such ratable properties, or any part thereof, as such Court may deem just: Provided that, in the event of the rates or other moneys in respect of any of such properties being paid before the hearing of the petition, the owner or other person liable to pay such rates or other moneys shall pay to the Corporation such costs in respect of such property as the Court or a Judge shall order.

Transfer to have effect as ordered, and Registrar-General to do all acts necessary.

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

LOANS.

266. With the consent of the ratepayers, obtained in manner hereinafter provided, the Corporation may, for the purpose of carrying out any object or purpose for which any special or separate rate has been declared, borrow, on the security of such special or separate rate by means of debentures as hereinafter provided, a sum of money not exceeding ten times the amount which at the time of borrowing would result from a rate of One Shilling in the Pound on the assessed value of the rateable property in the Municipality or the portion separately rated, as the case may be: Provided that, in case more than one such loan shall be raised, the total amount raised on loan shall not exceed the amount hereinbefore in this section mentioned. In estimating the maximum sum that may be borrowed on the security of a special rate, any sums then owing which shall have been borrowed on the security of the rates under "The Municipal Corporations Act, 1880," shall be reckoned as if included in the sum proposed to be borrowed.

267. Before proceeding to borrow any money, the Council shall cause to be prepared a statement showing the proposed expenditure of the money to be borrowed, and, in case the loan is to be applied in the execution of works and undertakings, shall also cause to be prepared plans and specifications therefor, and an estimate of the cost thereof. Such statement, plans, specifications, and estimate shall be open to the inspection of the ratepayers in the town office.

268. No proposal for borrowing money as aforesaid shall be adopted by the Council unless a notice of such proposal has been published in the Government Gazette and twice in some newspaper generally circulating in the neighborhood, not less than one month nor more than three months before such proposal is adopted, stating the amount of the principal moneys for which it is proposed to issue debentures, the rate of interest to be named in such debentures, the times and places at which the moneys due on such debentures are to be payable, and the purposes to which the loan is to be applied, and that the statement in the last preceding section mentioned is open for inspection at the town office; and, in case the loan is to be applied in the purchase of works and undertakings, specifying such works and undertakings; and, in case the loan is to be applied in the execution of works and undertakings, stating that the plans, specifications, and estimate relating to such works and undertakings as in the last preceding section mentioned are open for inspection at the town office.

269. Within one month after the last publication of such notice as aforesaid, any twenty ratepayers may, by writing under their hands, delivered to the Mayor or Clerk, demand that the question whether or not such loan is to be incurred be submitted to a poll of the ratepayers, and, if no such demand is made, the consent of the ratepayers
270. Section 251 of this Act shall apply to the voting at a poll with respect to a loan.

271. Where the consent of the ratepayers has been obtained as aforesaid, the Council may, at any time not less than one month nor more than three months after the publication of the notice of the proposal for borrowing by a resolution carried by a majority of the whole number of members of the Council, make an order for borrowing the money, and for the purposes mentioned in such notice; but if the purposes for which the money is to be borrowed include the exercise of the compulsory power of taking land, such order shall not be acted on until approved by the Minister.

272. After such order has been made, and, if necessary, approved by the Minister, the Council shall give notice thereof in the Government Gazette, and may offer, or cause to be offered, for sale, debentures in accordance with the Gazette notice; and upon the issuing of any such debenture the special or separate rate on the security of which the loan is to be raised shall become a continuous annual rate until the discharge of such loan; and any surplus of the last year's rate, after the discharge of the loan, shall be added to the moneys arising from the general rate.

273. The Council shall appropriate the special or separate rate, in the first instance, to the payment of interest half-yearly on the debentures, and the balance shall be carried to a sinking fund, to be invested at interest in a manner to be approved by the Minister; and the interest of such fund shall, every half-year, be added to and invested with the principal; and such fund, and the interest thereof, so invested, shall be applied to the discharge of the principal moneys still owing on the debentures.

274. (1.) Any Corporation may, for the purpose of repaying any loan contracted before the passing of this Act, borrow at interest (without the necessity of obtaining the consent of the ratepayers), on the security of the general rates declared or to be declared under this Act, any sum not exceeding the amount owing in respect of such loan.

(2.) For securing the repayment of the money so to be borrowed with interest, the Council may assign the general rates under this Act, or any part of such rates, and may issue debentures under the seal of the Corporation.

(3.) The Council shall appropriate the rates on which such moneys shall have been borrowed in the first instance to the payment of interest half-yearly on the debentures, and shall also set apart out of such rates a proportionate amount against the principal owing on such debentures for a sinking fund, to ensure the redemption
tion of the debentures when due. Such funds shall be invested at interest in a manner to be approved by the Minister, and the interest thereon shall every half-year be added to and invested with the principal; and such fund and interest shall at the due date of the debentures be applied to the discharge of the principal moneys owing thereon.

275. The debentures to be issued by the Council shall be under the corporate seal, and shall be in the form given in the Eighth Schedule hereto, and the coupons or vouchers for interest shall be annexed to such debentures, and shall be in the form given in the same Schedule. A register of all debentures issued shall be kept at the town office and remain open for the inspection of rate-payers at all reasonable hours.

276. The principal and interest upon such debentures shall be payable and paid to the bearers of the debentures or coupons, as the case may be, at the place and time specified in such debentures or coupons, and the interest payable on such debentures shall in no case exceed Six Pounds per centum per annum.

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

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

279. The Council shall keep a separate account of all the moneys received in respect of every rate on the security of which money is borrowed and of the expenditure thereof, and of the sinking fund aforesaid and the interest thereof, and such account shall be open at the town office for inspection by every debenture or coupon-holder at all reasonable times.

280. Upon default being made by the Council in the payment of any debenture, or any coupon thereof, the holder of such debenture or coupon shall have all the rights of a creditor of the Corporation in respect of any sum of money due upon such debenture or coupon, and may apply to the Supreme Court or a Judge thereof for the appointment of a receiver, who, when so appointed, shall from time to time have the like power of collecting and obtaining payment of the rate on the security of which the money was borrowed as the Council would have, and on exercising such power shall collect and obtain payment of such rate as well on behalf of the person so applying as on behalf of the other holders of debentures and
and coupons, and for that purpose shall have access to all books and
papers relating to such rate, and shall receive such remuneration
out of the moneys arising therefrom as the Court or Judge shall
think fit.

281. The bearer for the time being of any bond or coupon issued
under "The Municipal Corporations Act, 1880," shall have the like
rights and remedies in respect of all general rates declared under
this Act as by the said Municipal Corporations Act, 1880, are given
to him in respect of any rate under the said Act.

282. Any Corporation, pending the collection of any rates or of
any grants which may be payable by the Government, may, for
the purpose of carrying on or completing public works then in
progress, obtain advances from any bank by overdraft of the amount
wanted, but no such overdraft shall exceed one-fourth of the amount
of the last previous year's income of the Corporation.

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PART XI.

REVENUE AND EXPENDITURE.

283. The revenue of a Corporation shall consist of the moneys
following, namely—

(1) Rents, profits, and income which may be received from any
lands or hereditaments vested in or held in trust for them,
or of which they may have the control and management:

(2) Proceeds arising from the sale or exchange of any lands or
hereditaments vested in the Corporation, or of any real or
personal property of such Corporation which they may be
authorised to sell:

(3) Fines and penalties imposed or inflicted for any offence
against this Act or the Act hereby repealed, or any
by-law of the Municipality and committed within the
Municipality; or for any offence committed by, or for
any breach or neglect of duty on the part of, any coun-
cillor, ratepayer, officer, or other person in any matter
relating to the Municipality or Corporation, or to any
councillor or officer, or in respect of any election or other
meeting or proceeding in connection with such Munici-
paty or Corporation, councillor or officer, all which fines
and penalties shall be paid to the Council for the use and
benefit of the Municipality, save any fine or portion
thereof ordered to be paid to any constable or other person
in pursuance of this or any other Act:

(4) Fines
Money rations and to certain cheque expended. Revenue, Subsidies be withheld from Corporations not complying with Act.

284. All moneys received by any officer on account of the Council shall, except as herein otherwise provided, be credited to a fund to be called the Municipal Fund, and shall, within forty-eight hours after receipt thereof, be paid into the bank appointed by the Council to receive the same. No funds paid into the bank shall be withdrawn except under an order of the Council or a committee thereof, and by cheque signed by the Mayor and two other members of the Council, and countersigned by the Town Clerk.

285. The Minister may withhold any moneys voted by the Parliament and payable to any Corporation by way of subsidy until he is satisfied that the Corporation or its Council has fulfilled any duty imposed upon it by this Act, and has paid the costs of any inquiry authorised by the Minister as to such compliance.

286. A Council may expend its moneys as follows—

In preparing for, carrying out, improving, and maintaining any works and undertakings by this Act authorised:

284.

285.

286.
The Municipal Corporations Act.—1890.

In paying allowances, salaries, and fees to the Mayor and to any officers of the Municipality or persons in the employ of or appointed by the Council, and in paying premiums for the guaranty of the fidelity of any such officers or persons:

In subscribing to any public hospital, asylum, or charitable institution, or to any institute:

In payment of or towards the travelling expenses of Councillors when engaged on special business at the written request or by the written authority of the Council:

In the remuneration of professional and other like services, which are necessary or desirable in and about the property and business of the Corporation:

In promoting any Bill before the Parliament which may be necessary or desirable for the benefit of the Municipality:

In payment of the expenses incurred by the Council for the public benefit of the inhabitants of the Municipality, the repairing of the streets, and the sewerage, lighting, and all other improvements of the Municipality:

And generally in performing the duties and doing the business of the Council as required or authorised by this Act or any other Act for the time being in force in that behalf.

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

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

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

290. An account of all moneys received and expended by virtue of, and for the purposes of this Act, signed by the Mayor and Town Clerk, and certified by the Auditors, specifying the total sum received from each source of income, and the total annual revenue, and the total amounts disbursed under each head of expenditure,

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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 Parliament of the said province if then in session, otherwise as soon thereafter as Parliament may be sitting. Such annual account shall, on or before the said first day of March, also be printed and published for distribution among the ratepayers, or advertised for public information, as the Council may direct.

PART XII.

POWER TO TAKE LAND FOR WORKS AND UNDERTAKINGS.

291. Subject to the provisions of this Act, the Corporation of every Municipality may, in any case not provided for by the Roads Act, 1884, or any Act amending the same, or substituted therefor, compulsorily take land within the Municipality, except park lands and public reserves, and, with the consent of the Governor, land in any part of this province, for the purpose of executing any of the works and undertakings which it shall be authorised by this or any other Act to execute.

292. Whenever any Council deem it expedient to execute any work or undertaking for the purpose whereof the exercise of any compulsory power of taking land will in their opinion be necessary or desirable, they shall cause their Surveyor to prepare such specifications, maps, plans, sections, and elevations as may be necessary, expressing the nature and extent of such work or undertaking, and the exact site and admeasurements thereof, and on and through what lands the same is proposed to be placed and to be extended, and what lands are required for such work or undertaking, and the names of the owners or reputed owners, lessees or reputed lessees, and the occupiers thereof so far as known; and the same, when so prepared and approved by the Council, shall be deposited at the town office, and shall be open for inspection by all persons interested at all reasonable hours for the space of forty clear days after notice has been given by advertisement in the Government Gazette, as next hereinafter provided; and any clerk or other person having the custody of the said specifications, maps, or other papers who shall refuse to permit such inspection shall, for every such offence, be liable to a penalty not exceeding Five Pounds.

293. The Council shall forthwith, after the said specifications, maps, plans, sections, and elevations have been deposited, cause to be published in the Government Gazette, and twice in some newspaper generally circulating in the neighborhood, a notice describing shortly the purport of the said specifications, maps, and other papers, and stating that the same are deposited for inspection and the place where they are so deposited, and calling upon all persons affected by the proposed work or undertaking to set forth in writing, addressed to the Council or the Clerk, within forty days from the publication of
of such notice in the Government Gazette, all objections which the persons so affected may have to the work or undertaking; and shall further, within one week after such publication in the Government Gazette, serve a notice in manner hereinafter mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of the lands proposed to be taken, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land; such notice to be served—

By delivery of the same personally to the person required to be served, or, if such person is absent from this province, to his agent; or

By leaving the same at the usual or last-known place of abode of such person as aforesaid; or

By posting the same in a registered letter, addressed to the usual or last-known place of abode of such person, the service to be deemed effectual on such letter being posted.

294. At the next ordinary meeting of the Council, after the expiration of forty days from the publication of such notice in the Government Gazette, any person affected by the proposed work or undertaking, or his agent or manager for the property in respect of which he is so affected, who has set forth in writing his objections to the said work or undertaking within the time hereby limited for the purpose, may appear in person or by counsel, solicitor, or agent, before the Council in support of such objections.

295. The Council shall, touching all such objections, have authority to hear, receive, and take evidence upon oath, affirmation, or declaration; and, by summons under the hand of the person who shall act as chairman at the meeting of the Council, to require all such persons as the Council may think fit to appear personally before the Council at the Town Office at a time to be fixed in and by such summons, and to produce to such Council all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination; and the person who shall act as chairman at the meeting shall administer and take for the Council all necessary oaths, affirmations, and declarations.

296. If, after the expiration of such term of forty days, and hearing all objections (if any) so set forth as aforesaid and such evidence as the Council shall require, it appears to them expedient to proceed with the work or undertaking, they may make an order directing the work or undertaking to be executed according to the specifications, maps, plans, sections, and elevations deposited as aforesaid, and, if it be found to be necessary for the purpose of any such work or undertaking to take any land compulsorily, shall cause such order, together with true copies of all such specifications, maps, plans, sections, and elevations, and with the written objections (if any) set forth as aforesaid, to be transmitted to the Minister, and
PART xii.

Confirmation of order when it is required to take land compulsorily

After confirmation work may be executed

The Minister shall consider the same respectively, and shall, for the purpose of such consideration, have the like powers as are by the last preceding section vested in the Council and in the person acting as chairman, and may confirm the said order with or without variation or may disallow such order; and notice of the confirmation or variation of any such order shall be forthwith published in the Government Gazette.

297. Upon the confirmation of such order as aforesaid, and not before, the Corporation shall be authorised to take and use, subject to the provisions hereinafter contained, for the purpose of such work or undertaking, all land described in and by the said specifications, maps, and plans, as being required for the said work or undertaking: Provided that the Corporation shall make to the owners of, and all persons interested in, any lands taken or used for the purposes of such work or undertaking, or injuriously affected by the execution thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other persons, by reason of the exercise of the powers vested in the Corporation by this Act; and the amount of such compensation shall be ascertained and determined in manner hereinafter provided.

298. After the confirmation by the Minister of any such order as aforesaid, the same, with the variations, if any, made by the Minister, shall be deemed valid and effectual, notwithstanding any non-compliance with any matter or thing hereinbefore required as preliminary thereto.

Lands Clauses Consolidation Acts incorporated.

299. The Lands Clauses Consolidation Acts, except sections 110, 114, 115, 116, 117, and 118 of the Act No. 6, 1847, are incorporated with this Act, and shall take effect with regard to all works and undertakings which the Corporation is by any part of this Act authorised to construct, or for which the Corporation is authorised to take and use lands; and the Corporation taking lands for such purposes shall be regarded as the promoters of an undertaking, and this Act as the special Act within the meaning of such incorporated Acts: Provided that, for the purposes of section 13 of Act No. 202, of 1881, there shall be deemed to be no such special Act.

Enhancement of owner's lands to be considered in estimating compensation.

300. In estimating the purchase-money or compensation to be paid by the Corporation in any case, the amount of the enhancement in value of the adjoining lands belonging to the person to whom the compensation is to be made, and the value of any other benefit or advantage which such person may or shall obtain by reason of the making or carrying out of the works or undertaking, shall be deducted from the amount of such purchase-money or compensation.

Power to take temporary possession of land.

301. It shall be lawful for the Council, and all persons by it authorised, to enter upon any lands not being more than two hundred yards distant from any works which the Council has power to construct.
construct or carry out, and not being a yard, garden, orchard, vineyard, or plantation attached or belonging to a house or place of worship, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the dwelling-house of the owner of any such lands than five hundred yards therefrom, and to occupy such lands as long as may be necessary for the purposes of the works, or of the accommodation works connected therewith, hereinafter mentioned, and use the same for any of the following purposes, that is to say:

For the purpose of taking earth by side-cuttings therefrom:

For the purpose of depositing soil thereon:

For the purpose of obtaining materials therefrom for the construction or repair of the works, or such accommodation works as aforesaid: or

For the purpose of forming roads thereon to or from or by the side of the works:

And, in exercise of the powers aforesaid, it shall be lawful for the Council, and all persons authorised thereby, to deposit, and also to manufacture and work upon such lands, materials of every kind used in constructing the works; and also to take from any such lands any timber, and also to dig and take therefrom, or thereout, any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the works, or any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature: Provided always that nothing in this Act contained shall exempt the Corporation from any action for nuisance or other injury (if any) done in the exercise of the powers hereinbefore given to the lands or habitations of any person other than the person whose lands shall be so taken or used for any of the purposes aforesaid: Provided also that no stone or slate quarry, brickfield, or other like place which, at the time of the passing of this Act, shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken and used by the Council, either wholly or in part, for any of the purposes in this section hereinbefore mentioned.

302. If any such lands shall be used for any of the purposes aforesaid the Council shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be necessary for the convenient occupation of such lands; and in case of any difference between the owner or occupier of such lands and the Council as to the necessity of such fences and gates, then with such fences and gates as the Minister shall deem necessary for the purposes aforesaid.

303. In any of the cases aforesaid where the Council shall take temporary possession of lands by virtue of the powers herein granted, it shall be incumbent on the Corporation, within one month after entry upon such lands, upon being required to do so, to pay to the occupier...
occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of the Council so taking possession of his lands; and the Corporation shall also, from time to time during such occupation of the said lands, pay half-yearly or quarterly to such occupier or the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ, and shall also, within six months after the Council shall have ceased to occupy the said lands, pay to such occupier or owner, or pay into the Supreme Court for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers herein granted, including the full value of all such clay, stone, gravel, sand, and other things taken from such lands.

304. The amount and application of the compensation payable by the Corporation, in any of the cases aforesaid, shall be determined in the manner provided by the Lands Clauses Consolidation Acts for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

305. The Council may, at all times, by its officers, surveyors, engineers, agents, and servants enter into any lands for the purpose of making surveys or taking levels, or setting out any land which may be required for or in connection with the works.

306. The Corporation may, subject to the consent of the Minister, demes any land acquired by them for the purposes of any works under this Act, and which shall not be immediately required for the purposes of this Act, for such period, at such rent, and upon such conditions as the Council shall think fit, and may, subject to the like consent, sell, exchange, or otherwise dispose of any such land which the Corporation shall not require for such works, and transfer or convey such land, and the Council’s receipt for any sum of money shall be a sufficient discharge to any lessee, purchaser, or other person paying the same.

PART XIII.

OFFENCES AND PENALTIES.

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

<table>
<thead>
<tr>
<th>Offence</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ALLEYS AND COURTS.</strong></td>
<td>£ s. d.</td>
</tr>
<tr>
<td>Forming any alley or court of less than twenty feet in width, or without two entrances, each of the full width of the alley or court, and one of such entrances being open from the ground upwards</td>
<td>5 0 0</td>
</tr>
<tr>
<td>And for every day after notice has been given during which such alley or court shall be allowed so to continue</td>
<td>1 0 0</td>
</tr>
<tr>
<td><strong>BAZAARS.</strong></td>
<td></td>
</tr>
<tr>
<td>Selling any horses, horned cattle, carriages, or other vehicles, except at public markets, or licensed bazaars, or by auction, or private contract at any private residence</td>
<td>0 5 0</td>
</tr>
<tr>
<td><strong>BUILDINGS.</strong></td>
<td></td>
</tr>
<tr>
<td>Building, taking down, altering, adding to or repairing any building, or part of a building, or making any excavation, whereby, or by reason or means whereof, any public street or place, or any footway may be obstructed or rendered inconvenient or dangerous, without giving three clear days' notice to the Surveyor</td>
<td>1 0 0</td>
</tr>
<tr>
<td>Not putting up a proper and sufficient hoarding or fence, with a convenient platform and handrail (if there be room enough for the same) to serve as a footway for passengers, in such place and in such manner as the Surveyor shall direct</td>
<td>1 0 0</td>
</tr>
<tr>
<td>Erecting or setting up in or on any public street or place any hoarding, fence, or scaffold, or any enclosure for any purpose whatever, or (without putting up a hoard or fence to the satisfaction of the Surveyor), making any excavation on any land abutting on or adjoining or contiguous to any public street or place, or (without putting up such hoarding or fence), depositing in any such street or place any stone, bricks, lime, rubbish, timber, iron, or other materials, without a licence in writing for the purpose having been first obtained from the Surveyor</td>
<td>1 0 0</td>
</tr>
<tr>
<td>Or, failing to keep any such hoarding or fence, with the platform and handrail (if any) thereto, standing and in good condition, to the satisfaction of the Surveyor, during such time as shall be necessary for the public safety or convenience</td>
<td>1 0 0</td>
</tr>
<tr>
<td>Or, failing to cause any such hoarding, fence, or obstruction until removed to be well lighted from sunset to sunrise to prevent accidents</td>
<td>1 0 0</td>
</tr>
<tr>
<td>Or, failing to remove any such hoarding, fence, or obstruction, or to fill up any excavation within a reasonable time after being required so to do by the Surveyor</td>
<td>1 0 0</td>
</tr>
<tr>
<td>And, for every day during which any such offence shall be continued</td>
<td>1 0 0</td>
</tr>
</tbody>
</table>

SCHEDULE
### BUILDINGS—continued.

<table>
<thead>
<tr>
<th>Offence.</th>
<th>Fine.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failing to repair any damage done to a public street or place within a reasonable time after being required so to do by the Surveyor (in addition to the amount of such damage)</td>
<td>£ s. d. 5 0 0</td>
</tr>
<tr>
<td>Failing to cause the footway abutting on any building, erected to the height of 12ft. above the level of the footway, or whilst any plastering operations are in progress above height aforesaid, to be covered, and kept covered until the completion of the work then in progress with a close and substantial covering of boards of not less than two inches in thickness, strongly supported and sloping in manner prescribed by this Act...</td>
<td>£ s. d. 1 0 0</td>
</tr>
<tr>
<td>And for every day during which such offence shall be continued...</td>
<td>£ s. d. 1 0 0</td>
</tr>
<tr>
<td>Erecting any building which shall project on any public street or place, or rebuilding any such building, in the whole or in part, or making any alteration in or addition thereto, except according to a plan to be approved by the Surveyor...</td>
<td>£ s. d. 2 0 0</td>
</tr>
<tr>
<td>Or, not removing every such projecting building, alteration, and addition within one month next after notice by the Surveyor to remove the same...</td>
<td>£ s. d. 0 1 0</td>
</tr>
<tr>
<td>And weekly, during the continuance of such neglect, from the service of such notice...</td>
<td>£ s. d. 0 1 0</td>
</tr>
<tr>
<td>Placing in front of any house, or shop, any verandah or awning less than eight feet in height above the footway in front of such shop or house...</td>
<td>£ s. d. 0 1 0</td>
</tr>
<tr>
<td>Or, fixing the supporting posts thereof not in accordance with the direction of the Council...</td>
<td>£ s. d. 0 1 0</td>
</tr>
<tr>
<td>Or, putting up any verandah or balcony without the consent of the Surveyor and Council...</td>
<td>£ s. d. 0 1 0</td>
</tr>
<tr>
<td>And for every day after notice of removal has been given during which any such offence shall be continued...</td>
<td>£ s. d. 0 1 0</td>
</tr>
<tr>
<td>Allowing any building materials, rubbish, or other things, or any fence, enclosure, or excavation, incident to the progress of any works or buildings, to remain in or adjoining any public street or place for an unreasonable length of time, or not removing or filling up the same, or making the same permanently secure, when required by the Surveyor...</td>
<td>£ s. d. 0 5 0</td>
</tr>
<tr>
<td>Continuing such default, for each day...</td>
<td>£ s. d. 0 5 0</td>
</tr>
<tr>
<td>Erecting any building, the external walls or roof thereof shall be wholly or in part of wood, canvas, thatch, or other inflammable material...</td>
<td>£ s. d. 2 0 0</td>
</tr>
<tr>
<td>Putting up in any house any internal partitions or ceilings, consisting either wholly or in part of calico, canvas, paper, or other inflammable material...</td>
<td>£ s. d. 2 0 0</td>
</tr>
<tr>
<td>Erecting any verandah roofed with wood, canvas, or other inflammable material...</td>
<td>£ s. d. 2 0 0</td>
</tr>
<tr>
<td>Constructing the roof of any house or other building with materials other than slate, tiles, metal, glass, artificial stone, or cement...</td>
<td>£ s. d. 2 0 0</td>
</tr>
<tr>
<td>Constructing any partition between separate houses or other buildings of wood or any inflammable material...</td>
<td>£ s. d. 2 0 0</td>
</tr>
</tbody>
</table>
### The Municipal Corporations Act—1890.

#### SCHEDULE OF PENALTIES—continued.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUILDINGS—continued.</strong></td>
<td><strong>£ s. d.</strong></td>
</tr>
<tr>
<td>Neglecting to remove any existing partition of wood or</td>
<td>2 0 0</td>
</tr>
<tr>
<td>inflammable materials, whenever the front of any building</td>
<td></td>
</tr>
<tr>
<td>shall be taken down or such building be raised in height,</td>
<td></td>
</tr>
<tr>
<td>and to replace such partition by proper party-walls</td>
<td>2 0 0</td>
</tr>
<tr>
<td>Constructing any party-wall in which there shall not be</td>
<td>2 0 0</td>
</tr>
<tr>
<td>between the timbers on either side, inserted therein, or</td>
<td></td>
</tr>
<tr>
<td>supported thereby, a space of at least nine inches, filled</td>
<td></td>
</tr>
<tr>
<td>up with solid incombustible material</td>
<td>2 0 0</td>
</tr>
<tr>
<td>Allowing any timber in any party-wall to be nearer to the</td>
<td>2 0 0</td>
</tr>
<tr>
<td>back of any fireplace than fourteen inches, or to any flue</td>
<td></td>
</tr>
<tr>
<td>in such party-wall than seven inches</td>
<td></td>
</tr>
<tr>
<td><strong>CONVEYANCES.</strong></td>
<td></td>
</tr>
<tr>
<td>Any owner or driver of any licensed conveyance refusing</td>
<td>0 5 0</td>
</tr>
<tr>
<td>to take a fare, or to remove or carry any goods</td>
<td></td>
</tr>
<tr>
<td>Any person, having hired a licensed conveyance, refusing</td>
<td>0 5 0</td>
</tr>
<tr>
<td>to pay a legal fare</td>
<td></td>
</tr>
<tr>
<td><strong>DEAD.</strong></td>
<td></td>
</tr>
<tr>
<td>Interring, or aiding, or suffering the interment of any</td>
<td>20 0 0</td>
</tr>
<tr>
<td>human body in any church or place other than a public</td>
<td></td>
</tr>
<tr>
<td>cemetery</td>
<td></td>
</tr>
<tr>
<td><em>And for every day after notice of removal has been given</em></td>
<td>20 0 0</td>
</tr>
<tr>
<td>during which such body shall be allowed so to remain</td>
<td></td>
</tr>
<tr>
<td>interred</td>
<td></td>
</tr>
<tr>
<td><strong>FIRES—PREVENTION OF.</strong></td>
<td></td>
</tr>
<tr>
<td>Stacking or piling in the open air, or storing for sale or</td>
<td>0 5 0</td>
</tr>
<tr>
<td>otherwise, any hay, straw, or thatch, except in premises</td>
<td></td>
</tr>
<tr>
<td>licensed or authorised by the Council</td>
<td></td>
</tr>
<tr>
<td>Using for the deposit of ashes any pit or place not wholly</td>
<td>0 5 0</td>
</tr>
<tr>
<td>constructed of incombustible material, and carried up</td>
<td></td>
</tr>
<tr>
<td>on all sides with the same material, two feet at least</td>
<td></td>
</tr>
<tr>
<td>above the surface of the ground</td>
<td></td>
</tr>
<tr>
<td>Depositing in the open air any embers or ashes liable to</td>
<td>0 5 0</td>
</tr>
<tr>
<td>kindle</td>
<td></td>
</tr>
<tr>
<td>Lighting any fire in the open air, unless with the prior</td>
<td>0 5 0</td>
</tr>
<tr>
<td>consent of the Council</td>
<td></td>
</tr>
<tr>
<td>Allowing any chimney or flue to take fire, by reason of</td>
<td>0 5 0</td>
</tr>
<tr>
<td>having become foul, or of neglect, carelessness, or</td>
<td></td>
</tr>
<tr>
<td>default of the occupier or other person using such chimney</td>
<td></td>
</tr>
<tr>
<td><strong>GUNPOWDER.</strong></td>
<td>5 0 0</td>
</tr>
<tr>
<td>Blasting with gunpowder, or blasting powder, or any</td>
<td></td>
</tr>
<tr>
<td>explosive substance, any stone, timber, or other material, without</td>
<td></td>
</tr>
<tr>
<td>the permission of the Council or Surveyor first obtained</td>
<td></td>
</tr>
<tr>
<td><strong>NOTICES.</strong></td>
<td>1 0 0</td>
</tr>
<tr>
<td>Wilfully publishing in the Government Gazette, or otherwise,</td>
<td></td>
</tr>
<tr>
<td>any false petition, notice, or other documents any matter in which</td>
<td></td>
</tr>
<tr>
<td>by this Act the same is required or authorised to be published in the</td>
<td></td>
</tr>
<tr>
<td>Government Gazette or otherwise</td>
<td></td>
</tr>
<tr>
<td>Tearing down, mutilating, defacing, or obliteratoring any notice</td>
<td>1 0 0</td>
</tr>
<tr>
<td>or other document posted under the authority of this Act</td>
<td></td>
</tr>
</tbody>
</table>

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**Schedule**
### The Municipal Corporations Act.—1890.

#### SCHEDULE OF PENALTIES—continued.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OFFICERS.</strong></td>
<td></td>
</tr>
<tr>
<td>Mayor elected to that office not making and subscribing the declaration of office prescribed hereby within seven days after notice of his election, or, if absent from the province at time of election, within five days after his return to the province</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>Councillor or Auditor, elected to the office of Councillor or Auditor, not making such declaration within the time aforesaid</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>Mayor being absent from the Council meetings for more than two calendar months without leave of the Council</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>Councillor being absent from the Council meetings for more than three calendar months (except in case of illness), or Auditor being absent from the Municipality for more than six months without leave of the Council</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>Acting as Mayor, Councillor, or Auditor, without having made the declaration required by this Act</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>Or without being duly qualified at the time of such declaration</td>
<td></td>
</tr>
<tr>
<td>Or after ceasing to be qualified according to this Act</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>Or after becoming disqualified to hold any such office</td>
<td></td>
</tr>
<tr>
<td>For each offence</td>
<td></td>
</tr>
<tr>
<td>Collector, officer, or agent of the Corporation neglecting, within forty-eight hours after the receipt thereof, to pay into and deposit with the bankers of the Corporation, to the credit of the Corporation, all moneys, notes, bills, securities for money, which shall have been received by him by virtue of his office</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>If exceeding £10 in amount or value, for every day during which such neglect shall continue</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>If exceeding £2 10s. and not exceeding £10 in amount or value, for every day during which such neglect shall continue</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>Willfully obstructing or hindering the Council or any valuator, or other officer or person employed by the Council, in the discharge of their or his duties, or of anything which they or he are or is empowered to do by this or any other Act</td>
<td>£0 0 0 £0 0 0</td>
</tr>
<tr>
<td>Valuator neglecting during the progress of any assessment to leave with the owner or occupier of any ratable property a note of the particulars thereof, and of the value placed upon the same, except when Part xix. of this Act shall have come into operation in the Municipality</td>
<td>£0 0 0 £0 0 0</td>
</tr>
</tbody>
</table>

#### PARK LANDS AND RESERVES.

Wilfully or maliciously throwing down, breaking, injuring, or removing any boundary marks, gates, posts, fences, or enclosures on the park lands or reserves, or injuring or damaging any walk, carriage-drive, dam, reservoir, lodge, building, or erection thereon; or any drain or watercourse; or cutting down, injuring, or removing any tree, shrub, or plant, or any crop of whatever kind growing thereon, or any fallen timber lying or

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*SCHEDULE*
### SCHEDULE OF PENALTIES—continued.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Fine</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>£</td>
<td>s.  d.</td>
<td>£</td>
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<tr>
<td><strong>PARK LANDS AND RESERVES—continued.</strong></td>
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<tr>
<td>being on such lands or reserves, or digging, or otherwise breaking up,</td>
<td>0</td>
<td>10 0</td>
<td>10 0</td>
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<tr>
<td>or carting away or removing any of the soil thereof, or any clay,</td>
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<tr>
<td>sand, gravel, or stones therefrom, or any of the turf or sward</td>
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<tr>
<td>thereof, or otherwise defacing or injuring the same by depositing</td>
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<tr>
<td>thereon broken glass or other rubbish</td>
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<tr>
<td>For each and every such offence, in addition to full compensation</td>
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<tr>
<td>for the damage arising from the injury so committed</td>
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<tr>
<td>Draining or depasturing any cattle on any park lands or reserves, by</td>
<td>0</td>
<td>5 0</td>
<td>5 0</td>
</tr>
<tr>
<td>any person not having a depasturing licence</td>
<td></td>
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<tr>
<td><strong>PUBLIC HEALTH AND SANITARY.</strong></td>
<td></td>
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</tr>
<tr>
<td>Collecting or carrying away any night soil, dust, ashes, filth, or</td>
<td>0</td>
<td>5 0</td>
<td>10 0</td>
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<tr>
<td>rubbish removable under this Act, except by a person employed by or</td>
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<tr>
<td>contracting with the Council for that purpose</td>
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<tr>
<td>Suffering waste or impure water, liquid, or matter, to remain within</td>
<td>0</td>
<td>5 0</td>
<td>5 0</td>
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<tr>
<td>any building, or upon any property after twenty-four hours' notice</td>
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<tr>
<td>to remove the same</td>
<td></td>
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<tr>
<td>Or, suffering the like impurities to flow upon any footway or</td>
<td>0</td>
<td>5 0</td>
<td>5 0</td>
</tr>
<tr>
<td>carriage-way, or into any surface-drain or water-course</td>
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<tr>
<td>Or, suffering any offensive overflow, leakage, or soaking from any</td>
<td>0</td>
<td>5 0</td>
<td>10 0</td>
</tr>
<tr>
<td>water-closet, privy, or cesspool</td>
<td></td>
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<tr>
<td>Continuing any of the aforesaid offences, for each day</td>
<td>0</td>
<td>5 0</td>
<td>10 0</td>
</tr>
<tr>
<td>Pumping from out of any cellar any water into the water-channel of</td>
<td>0</td>
<td>5 0</td>
<td>5 0</td>
</tr>
<tr>
<td>any street, except between ten o'clock at night and six o'clock in</td>
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<tr>
<td>the morning</td>
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<tr>
<td>Suffering any pumped-out waste water to accumulate in the water-</td>
<td>0</td>
<td>5 0</td>
<td>5 0</td>
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<tr>
<td>channel of the street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>And for every day during which such offence shall be continued</td>
<td>0</td>
<td>10 0</td>
<td>1 0</td>
</tr>
<tr>
<td>Neglecting to bury or otherwise dispose of the carcass of any dead</td>
<td>0</td>
<td>5 0</td>
<td>5 0</td>
</tr>
<tr>
<td>animal, so as effectually to prevent any offensive effluvia therefrom</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storing, keeping, or having any raw or green hides, except in</td>
<td>1</td>
<td>0 0</td>
<td>10 0</td>
</tr>
<tr>
<td>premises specially licensed by the Council for that purpose, or in a</td>
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<tr>
<td>tannery where raw or green hides, or skins are used for manufacturing</td>
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<td></td>
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<tr>
<td>purposes solely</td>
<td></td>
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<tr>
<td>Keeping or breeding any swine, or allowing the same to remain at any</td>
<td>1</td>
<td>0 0</td>
<td>10 0</td>
</tr>
<tr>
<td>place within the Municipality, except at a place appointed by the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### PUBLIC PROPERTY.

| Wilfully or maliciously pulling down, removing, concealing, defacing,  | In addition to the expenses of reinstating, repairing, or restoring the same— |
| injuring, or destroying any of the boundary marks of the Corporation,  | 1 0 0 | 10 0 0 |
| or wilfully injuring, or damaging any public building, bridge, wall, |      |      |
| parapet, fence, road, street, sewer, watercourse, well, fountain,     |      |      |
| lamp, lamp-post, names of streets, waterpipe, cock, or other public   |      |      |
| property                                                              |      |      |

**SCHEDULE**
<table>
<thead>
<tr>
<th>Offence</th>
<th>Fine.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUBLIC PROPERTY—continued.</strong></td>
<td></td>
</tr>
<tr>
<td>Washing at any public fountain, cock, or waterpipe, or using any private key for opening any cock, or clandestinely using water from any public fountain or pipe, or leaving open any cock of any public fountain so that the water shall run to waste—for each offence</td>
<td>£ 0 5 0</td>
</tr>
<tr>
<td>Wilfully making any false answer to any question authorised by this Act to be put to any person tendering a voting-paper at any poll</td>
<td>20 0 0</td>
</tr>
<tr>
<td>Personating another person for the purpose of voting at any poll</td>
<td>20 0 0</td>
</tr>
<tr>
<td>Procuring or inciting any person to personate another person for the purpose of voting at any poll</td>
<td>20 0 0</td>
</tr>
<tr>
<td>Wilfully obstructing or hindering proceedings of any meeting of Councillors or ratepayers, or at any poll</td>
<td>5 0 0</td>
</tr>
<tr>
<td><strong>RIVERS AND WATER-COURSES.</strong></td>
<td></td>
</tr>
<tr>
<td>Putting into the water of any river or water-course any offal, carrion, filth, or offensive matter; or bathing therein, except at appointed places; or removing sand or gravel from the bed of any river or water-course without having a licence for that purpose; or in any manner injuring the banks of any river or water-course—for each offence</td>
<td>£ 0 5 0</td>
</tr>
<tr>
<td>Obstructing or diverting from its channel any watercourse</td>
<td>In addition to the cost of restoring the watercourse to its proper channel</td>
</tr>
<tr>
<td><strong>SEWERS.</strong></td>
<td></td>
</tr>
<tr>
<td>After having severed any private drain from a main sewer, failure of the Corporation, out of the corporate funds, to continue such private drain to the main sewer, or into some branch drain in connection therewith</td>
<td>£ 2 0 0</td>
</tr>
<tr>
<td>The Corporation, or their contractors, failing to make good, level, and reinstate the service of any public street which may have been displaced in the execution of any sewerage works, contrary to the provisions of this Act</td>
<td>£ 2 0 0</td>
</tr>
<tr>
<td>Leaving offensive sewage above ground for twenty-four hours, without removing same to some place authorised by the Act</td>
<td>£ 2 0 0</td>
</tr>
<tr>
<td><strong>SLAUGHTER-HOUSES.</strong></td>
<td></td>
</tr>
<tr>
<td>Slaughtering any bull, ox, steer, heifer, calf, sheep, goat, or swine within the Municipality, except at slaughterhouses, under the control or sanction of the Council, without the permission, in writing, of the Council or any officer authorised for the purpose</td>
<td>£ 2 0 0</td>
</tr>
<tr>
<td><strong>STREETS AND FOOTWAYS.</strong></td>
<td></td>
</tr>
<tr>
<td>Laying out or making any new street without giving written notice to the Council, or before the level of such street shall have been fixed by the Council, or before the Surveyor shall be satisfied that the proper and perfect drainage of such street has been provided for</td>
<td>£ 10 0 0</td>
</tr>
</tbody>
</table>

**SCHEDULE**
## SCHEDULE OF PENALTIES—continued.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STREETS AND FOOTWAYS</strong>—continued.</td>
<td><strong>£ s. d.</strong></td>
</tr>
<tr>
<td>Not keeping, in building any house or other building, the level of any street the level of which shall have been fixed by the Council</td>
<td>10 0 0</td>
</tr>
<tr>
<td><strong>And</strong> for every day during which either of such offences shall be allowed to continue</td>
<td>5 0 0</td>
</tr>
<tr>
<td>Laying out or making any new street which shall be less than the required width</td>
<td>10 0 0</td>
</tr>
<tr>
<td><strong>And</strong> for every day during which such street shall continue to be so laid out or made</td>
<td>5 0 0</td>
</tr>
<tr>
<td>Erecting or causing to be erected for human habitation, or using, allowing, or suffering to be used for human habitation, any building fronting or abutting on any street of less than the required width</td>
<td>1 0 0 0</td>
</tr>
<tr>
<td><strong>And</strong> for every day during which any such offence shall be continued</td>
<td>1 0 0</td>
</tr>
<tr>
<td>Corporation setting out any street of less width than forty feet</td>
<td>10 0 0</td>
</tr>
<tr>
<td><strong>And</strong> for every day during which such street shall be allowed to continue of less than such width</td>
<td>5 0 0</td>
</tr>
<tr>
<td>Throwing down, breaking, removing, or injuring any bar, post, rail, chain, fence, or obstruction placed across any street or place within the Municipality by the Surveyor while streets under repairs or sewers are being constructed</td>
<td>In addition to the cost of repair or re-instatement—</td>
</tr>
<tr>
<td>Surveyor omitting to affix sufficient light to prevent injury to passengers during the night upon fences or obstructions used for stoppage of the streets or sewers under repair, or in course of formation—<strong>for each offence.</strong></td>
<td>0 5 0</td>
</tr>
<tr>
<td>Extinguishing, removing, hiding, or improperly interfering with any light affixed by the Surveyor, contractors, builders, or other persons to prevent injury to passengers during the night</td>
<td>0 5 0</td>
</tr>
<tr>
<td>Neglecting or refusing, after notice, to affix or paint number of house on a conspicuous place on the front door thereof</td>
<td>0 5 0</td>
</tr>
<tr>
<td><strong>For continuance of such offence after notice, for every seven days or portion of seven days</strong></td>
<td>0 5 0</td>
</tr>
<tr>
<td>Commencing to pave, gravel, or put a kerbstone to any footway, without leaving previous notice, in writing, at the office of the Surveyor</td>
<td>0 5 0</td>
</tr>
<tr>
<td><strong>Or</strong> refusing or neglecting to conform to the directions of the Surveyor in that behalf</td>
<td>0 5 0</td>
</tr>
</tbody>
</table>

### 308. Every person who shall be examined upon oath, affirmation, or declaration, by any Court or Council, or any Justice or Justices, or other person under the authority of this Act, and shall wilfully, upon any such examination, make any false statement, shall be guilty of wilful and corrupt perjury, and be punished accordingly. Persons examined on oath, &c., making false statement, guilty of perjury, and punishable accordingly.

### 309. Every person who shall forge or alter, or shall utter, use, dispose of, or put off, knowing the same to be forged or altered, any document or writing required or authorised by this Act, or any signature Forgery.
PART XIII.

Non-performance of provisions of this Act.

310. Where any matter or thing is by or under this Act, or by any order or notice made and published under the authority hereof, directed or forbidden to be done, or where any authority is given by this Act to any person to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such act so directed to be done remains undone, or such act so forbidden to be done is done, in every such case every such person offending against such direction or prohibition shall be deemed guilty of an offence against this Act.

311. Every person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed by this Act or by any by-law in force in that behalf, and, if no other penalty be imposed, to a penalty not exceeding Twenty Pounds.

312. The imposition of a penalty for any offence under this Act shall not affect any action or other remedy at the instance of the Council or Corporation or any person for compensation for or the prevention of injury that may result from such offence.

313. The Governor may remit the whole or any part of any fine or penalty, although the same may be appropriated to any Corporation.

PART XIV.

BY-LAWS.

314. Every Council may from time to time modify, amend, or repeal its existing by-laws, and may from time to time make, publish, alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet, for any of the following purposes: And may by such by-laws inflict penalties, not exceeding Ten Pounds, for each offence for the better enforcing the said several by-laws, or for punishing the breach thereof, or of any of them—

For regulating or controlling the sale of newspapers, or merchandise of any kind whatsoever, in the streets or public places of the Municipality, and the sex and age of persons selling newspapers or merchandise in the said streets or public places:

For regulating and securing the entrances of courts and alleys:

For fixing the hours for holding and otherwise regulating evening sales by auction:

For regulating or prohibiting bathing in any or any part of any river, creek, stream, sea, or other open public water, situated within the limits of or abutting on the boundary of any Municipality; for setting apart any place, or any portion of any such water, for the sole use of either sex; for fixing the hours within which persons may bathe; for requiring persons
persons bathing to wear some convenient clothing; for
authorising the erection and use of bathing-houses, or
machines, and charging licence fees for the same, and for
providing for such other matters as may appear expedient
for preserving decency, or promoting the convenience of the
public:

For the general management of public baths, and the conduct of
visitors thereat, and for fixing the sums to be paid for the
use thereof:

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

For the regulation in public bathing-houses of hot and cold baths
and shower baths, vapor and medical baths, the requisites to
be supplied, and the sums to be paid therefor:

For regulating the licensing, supervision, government, and control
of any premises as bazaars, general sale yards, or repositories
for the sale of horses, horned cattle, carriages, and other
vehicles, or any of them, the amount to be paid for licences,
and the maintenance of cleanliness in the licensed premises:

For the general regulation of horse bazaars and sheep and cattle
markets; for fixing the tolls, dues, and fees to be received
thereat; for the maintenance of good order therein, and for
the licensing of such horse bazaars, sheep or cattle markets,
and fixing the fees payable for such licence:

For regulating and enforcing the sale of bread by weight:

For regulating the construction and erection of party walls,
external walls, parapets, and of flues and fireplaces, and the
situation thereof, in any buildings which may be hereafter
taken down and rebuilt, or which may hereafter be built or
erected within the Municipality, and for removing any party-
wall, external wall, parapet, flue, or fireplace constructed or
erected contrary to any such by-law:

For regulating the deposit and removal of building material on
and from streets and footways:

For the prevention of trespass by stray cattle in the streets and
public places of the Municipality, and on the park lands and
reserves therein:

For prohibiting the use of cellars for dwellings and general
cellars.
habitation:

For requiring wells to be sunk in all cellars where the Surveyor
shall deem the same to be essential for preventing the rising
and accumulation of water therein:

For regulating and licensing chimney-sweeps, and for prohibiting
the sweeping for hire or reward of chimneys by unlicensed
persons; for fixing the fees to be paid for such licences, and
for regulating a tariff of the rates to be paid to licensed
chimney-sweeps.

For
For regulating the width of, and the mode in which, and the materials whereof, crossing-places for vehicles and animals from any public street to private residences over any footway shall be constructed:

For the annual registration of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk, and for fixing the licensing fees to be paid in respect thereof, such fees not exceeding Ten Shillings per annum:

For the inspection of cattle and dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cowsheds:

For securing the cleanliness of milk stores, milk shops, and of milk vessels used for containing milk for sale:

For prescribing precautions to be taken for protecting milk against infection or contamination:

For prohibiting the adulteration of milk:

For prohibiting the sale of milk by other than licensed persons:

For the suppression and restraint of brothels and houses of ill-fame and repute, of prize-fights, dog-fights, and cock-fights, of gaming tables, and gambling of every description:

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour:

For preventing any person acting as the proprietor, occupier, or having the chief control or management of any bawdy-house, brothel, or house of ill-fame, and for preventing any person from knowingly letting any house for the purpose of being used as a bawdy-house, brothel, or house of ill-fame, and for punishing any person who knowingly and wilfully continues as a tenant any person who shall keep any bawdy-house, brothel, or house of ill-fame:

For regulating and providing for the destruction of dogs unregistered, or dogs without collars, by shooting or otherwise:

For the general regulation of private drains and sewers intended to communicate with main and common sewers, and also in the respects following, viz.——

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

2. For fixing annual or other rents to be paid for such private sewers, to be recoverable in respect of the house or premises from which such drain issues, in the same manner as general rates:

3. For the repair and cleansing thereof under the direction of the Surveyor:

4. For
4. For preventing the use of private drains and sewers, except by the person rated:

5. For removing, by drainage to be discharged into the common sewers, any nuisances from houses and tenements at the expense of the owners or occupiers refusing so to do:

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

For the prevention, suppression, and speedy extinguishment of fires:

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

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

For securing a prompt supply of water:

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

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

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

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

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

For regulating the kind and quantity of any inflammable or combustible materials or substances to be kept at any one time in one place:

For prohibiting the use of ashpits of improper construction, and the throwing out of unquenched embers liable to rekindle in the open air:
The Municipal Corporations Act.—1890.

For preventing the placing, stacking, or storing of empty cases, paper shavings, crates packed with straw, or any dangerous or inflammable substances in the open air:

Fountains.

For regulating a continuous supply of water to any fountain:

For preventing the pollution thereof:

Gas.

For keeping service-pipes fully charged with gas:

For preventing the contamination of any river, stream, or place for water, well, or fountain, within the Municipality, by gas, or anything used in the manufacture thereof:

For prohibiting the escape of gas:

For regulating and enforcing the inspection and test of gas-meters by officers of the Council appointed for that purpose:

Goats.

For the destruction of goats at large, or trespassing within enclosures, and for regulating the burial or other disposal of the carcass of any goat destroyed under the authority of any by-law.

Gunpowder.

For appointing suitable magazines or buildings for the storage of gunpowder and other explosive substances; for regulating the quantity of such explosive substances which may be kept by any person, and for prohibiting or regulating the use of such explosive substances within the Municipality:

Hawkers.

For licensing hawkers trading within the Municipality, for the registration of their names and the regulation of their conduct, and for fixing the amounts to be paid for their licences, and for preventing hawking by persons not licensed by the Council. A licence issued under Act No. 3 of 1863 shall not extend to any Municipality the Council of which shall have made by-laws for licensing hawkers. A licence issued under a by-law of a Municipality shall not extend to any other Municipality, the Council of which shall have made by-laws for licensing hawkers. The maximum amount to be paid for a hawker's licence under by-laws of a Municipality shall be Ten Shillings per annum.

Horses.

To restrict the breaking-in of horses in the streets, either by leading, riding, or driving:

For preventing entire horses being led or exhibited through or in the streets or public places of the Municipality at inexpedient hours:

For preventing mares being covered within the Municipality, except in yards, buildings, or premises sufficiently enclosed or screened from public view:

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

For licensing marine store dealers, and for prohibiting the carrying on the business of a marine store dealer without a licence, and for regulating the carrying on of such business, and for fixing the fees to be paid for licences:

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 every kind of fraudulent device and practice in relation to the sale of marketable commodities:

For defining the functions and regulating and enforcing the due performance of the duties of officers and servants appointed by the Council:

For the punishment of persons falsely representing themselves to be officers of the Corporation:

For the regulation and conservation of the park lands and reserves:

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

For preventing the driving and the depasturing of cattle upon the park lands and reserves by persons not having licences for so doing:

For the recovery of any such licence fees, either by distraint of cattle depasturing, or by impounding and sale thereof:

For appointing and regulating keepers or servants employed therein:

For regulating the time at which any such park lands and reserves shall be opened and closed:

For regulating the conduct of persons frequenting any such park lands and reserves:

For regulating the days on and the bounds or limits within which games and gymnastics shall be permitted on any park lands and reserves, and for otherwise regulating or prohibiting such games and gymnastics:

For preventing or regulating the admission of vehicles, horses, asses, mules, and cattle:

For regulating shooting over, on, or in such park lands and reserves:

For regulating matches, or training for racing, with horses, dogs, or otherwise thereon:

For
For enabling Corporation servants, police constables, or special constables to remove persons who shall be guilty of any breach of any by-law made by the Corporation:

For regulating or preventing the selling, or exposing for sale, goods, wares, or merchandise on the park lands, public reserves, or squares:

For prohibiting damage or injury to and destruction of trees, shrubs, and plants in the park lands, public squares, parks, reserves, and plantations of the Municipality:

For the proper management, control, and preservation of all walks, roads, and reserves within the Municipality, and all plantations, trees, and shrubs therein:

For regulating and licensing all hackney carriages, wagonettes, cabriolets, cabs, public conveyances, coaches, omnibuses, spring-carts, or other vehicles of the like nature; wagons, drays, carts, or other vehicles for the carrying of goods and merchandise, plying, kept, or let for hire within the Municipality; and also wagons, drays, carts, or other vehicles used in hawking firewood and water therein respectively; and for registering the names of the owners, drivers, and conductors of all such passenger and other vehicles, and for the approving of owners and drivers before licences are granted:

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

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

For appointing stands for such carriages within the Municipality, and the regulations to be observed thereat:

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

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

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

For enforcing the painting of the names of the owners and the numbers thereon, and keeping affixed within the carriages authorised tables of fares and distances, and the speed at which vehicles proceed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the licensing and regulation of porters and their charges, and for appointing any badge or number to be borne by them:

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

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

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

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

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

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

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

For the prevention of the storage or keeping of bonedust or artificial or other manure, so as to be a nuisance or injurious to health:

For the prevention of the keeping of animals of any kind so as to be a nuisance or injurious to health:

For the regulation of noxious or offensive trades, businesses or manufactories, whether established before or after the passing of this Act, in order to prevent or diminish the noxious or offensive effects thereof, and to prevent nuisance or injury to health arising therefrom; and for the regulation of the position and manner of construction of privies, earthclosets, and cesspools or urinals:

For
For the prevention of the use of steam whistles at factories or other establishments so as to be a nuisance to any person:

For compelling the consumption in factories of the smoke caused by such factories, or by the operations carried on therein or incidental thereto:

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

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

For the restriction and regulation of noisome and offensive trades.

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

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

For regulating the removal and disposal of nightsoil, 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 probably cause to apprehend the en-gendering of disease and injury to the public health:

For fixing the fees payable to medical advisers consulted in such cases:

For conserving the banks and bed of any river or water-course, and for preserving from pollution the waters thereof:

For setting apart any portion thereof as a water reserve for the public use:

For regulating the granting of licences or privileges for boating and other purposes, over or in respect of any lake, dam, river, water-course, or pond within the limits of the Municipality, and determining the fees payable in respect thereof:

For regulating and defining the manner in which any dam, water-course, or river may be used by the holder of any privilege or licence:

For regulating the construction or erection of boathouses, sheds, or other buildings, and determining the rents or fees payable in respect thereof:

For regulating the tolls, fares, and charges payable by the public in respect of the use of the waters of any dam, river, or water-course:
For regulating and controlling the removal of seaweed from any portion of the seabeach within the boundaries of the Municipality, and for fixing the fees payable for a licence to any person to remove such seaweed:

For prohibiting and regulating the erection, putting up, and situation of signboards or other signs over or near any footway:

For the regulation of slaughter-houses and the cattle to be slaughtered thereat:

For the prevention of the slaughtering, both of great and small cattle, except at slaughter-houses established by the Council:

For destroying infected cattle which, if slaughtered, would be unfit for human food:

For destroying unwholesome meat:

For the maintenance of cleanliness in and at every slaughter-house and place used for slaughtering cattle:

For the regulation of cattle kept at any slaughter-house on behalf of the owner, prior to their being slaughtered, or without being slaughtered, and the fees to be taken therefor:

For issuing licences to slaughter-houses and regulating the fees payable therefor, or for slaughtering cattle:

For preventing obstructions of any streets, footways, water-channels, and water-courses therein:

For regulating the paving and repairing of the streets and footways:

For cleansing the same:

For compelling the securing, removing, or filling up of any cellar, ways, or openings, which may now or hereafter be in or under any footway:

For regulating the speed or pace at which persons shall ride or drive round the corners or across the intersections of any street or streets, or across any bridge, or along any particular part or parts of any Municipality:

For removing or causing to be removed any verandahs or balconies which obstruct the footway or roadway, or are dangerous, and all other obstructions to the footways or roadways:

For prohibiting or regulating processions in the streets:

For prohibiting or regulating the playing of music in the streets:

For prohibiting or regulating the passage of advertising vans through the streets, and the throwing or discharging of hand bills or other printed matter therein:
For requiring and regulating the lighting of wharves for the purposes of public safety: Provided that wherever any wharf is assessed and subject to a lighting rate, one moiety of the cost of lighting shall be paid out of such rate on such wharf:

For prohibiting the erection of dangerous fences or fences with barbed wire abutting on public places, and for regulating and prescribing the materials of which fences abutting on public places shall be erected:

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

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

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

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

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

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

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

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

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

For the better observance of Sundays:

For preventing the over-crowding of tramcars within the Municipality:

For the general regulation of public wash-houses and the drying grounds.
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Weighbridges.

For regulating the licensing of weighbridges:

For enforcing the use of avoiddupois weights thereat:

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

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

Weights and measures.

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

For regulating the comparison of weights and measures:

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

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

Validation of by-laws.

315. All by-laws heretofore made by the Council, for any of the purposes in the last preceding section mentioned, shall henceforth be as valid and have the same effect as if such by-laws had been made immediately after the passing of this Act.

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

316. No by-laws shall be made, altered, modified, amended, or repealed 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, alteration, modification, amendment or repeal be of any force until confirmed by the Governor, and published in the Government Gazette: Provided that no by-law, alteration, modification, amendment, or repeal 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 thirty days; and provided also that no by-law, alteration, modification, amendment, or repeal to be passed by any Council shall be repugnant to this Act, or to the general spirit and intendment of the laws in force within the said province.

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

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

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

PART XV.

EVIDENCE.

319. The production of the Government Gazette containing any Proclamation heretofore or hereafter published for effecting anything which the Governor is by this Act, or was by any Act hereby repealed, or any previous Act relating to Municipal Corporations, empowered to do, or containing any order made by the Governor under this Act, shall be conclusive evidence in all Courts, before all Justices, and before all tribunals that everything has been duly done which is or was required as a preliminary to the publication of the Proclamation or the making of the order, and shall be conclusive evidence of all matters and things in such Proclamation or order contained, and of the fact, tenor, and validity of the order.

320. The production of the Government Gazette containing any notice of the appointment or election of any person to the office of Mayor, Councillor, or Auditor, or any other office in a Municipality, shall be conclusive evidence of such appointment or election, except in any proceeding to try the title of the person appointed or elected.

321. The Government Gazette containing a notice that any resolution was passed, or order made at a meeting of the Council, or that any proposition has been adopted or affirmed, or loan consented to or forbidden, at a meeting or a poll of citizens or ratepayers, shall be conclusive evidence of such resolution being passed or order made, or proposition adopted or affirmed, or loan consented to or forbidden; and of the meeting being lawfully convened, and the poll lawfully taken, and of any facts stated in such notice relating to the majority by which such resolution was passed, or proposition adopted or affirmed, and the number and proportion of councillors present, or of citizens or ratepayers voting.

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

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

This section shall only apply to assessments, rates, and loans made, declared, or authorised before the passing of this Act.

**324.** The assessment-book produced from the custody of the Council, signed by the Mayor, or any copy of or extract from the same, certified as a true copy or extract under the hand of the Mayor or Town Clerk, or the hands of two Councillors, and the Government Gazette containing a notice that any assessment has been allowed or made, shall be conclusive evidence, except on proceedings to quash such assessment, that such assessment has been duly made and notice thereof duly published; and the Government Gazette containing a notice of the declaring of any rate or the making of any order for borrowing money, shall be conclusive evidence, except on proceedings to quash such rate or order, that the rate or order has been duly declared or made.

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

**326.** Nothing in this Act contained shall prevent proof being given of the tenure of any office by evidence of acting in such office, nor any notice purporting to be a notice given by the Council, and published or posted as by this Act directed, or a copy thereof, being given in evidence in any proceeding against the Council, or any officer thereof, or shall negative any statutory or other rule of law as to evidence or presumptions therefrom.

**327.** A printed copy, purporting to be a copy of any by-law made by any Council, and purporting to be signed by the Mayor, the Town Clerk, or two Councillors, of any by-laws made by virtue of this Act or any Act hereby repealed, or any previous Act relating
relating to Municipal Corporations, shall, without any other proof, be received as *prima facie* evidence of the existing of such by-law, and of the passing, confirming, and publishing thereof, and of the performance of the requirements of this Act or any Act hereby repealed in respect thereof in all Courts, and before all Justices and tribunals. Every citizen shall be entitled, on payment of One Shilling at the town office, to receive such a printed copy so signed of all by-laws made by the Council, and for the time being in force in the Municipality or any part thereof.

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

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**PART XVI.**

**LEGAL PROCEDURE.**

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

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

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

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

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

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

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

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

337. If any citizen of a Municipality desires to dispute the validity of any by-law made or purporting to be made under this Act or any other Act relating to Municipal Corporations, such citizen may apply to the Supreme Court upon an affidavit setting out the facts for a rule calling upon the Council concerned to show cause why such by-law should not be quashed for illegality, and the Court may make the said rule absolute or discharge it, with or without costs, as to the Court shall seem fit: Provided that no such rule to show cause shall be drawn up until such citizen shall have paid into the Supreme Court the sum of Fifteen Pounds as security for the costs of the proceedings.

338. Whenever any order shall have been made by any Council, under the hand of the Mayor and Town Clerk, for the payment by any person liable of any sum of money due or payable to the Council in respect of any fine, expenditure, costs, charges, or expenses, and a copy of such order shall have been served on such person, or left at his usual or last-known place of abode in the province, or, if there shall be no such place of abode, shall have been affixed or left upon the house or land (if any) therein referred to, and such order shall not have been satisfied within the time thereby limited, any one or more Justices, upon complaint thereof, and upon proof of such copy order having been left, served, or affixed as aforesaid, and of such order remaining unsatisfied, either wholly or in part, may order the amount payable in respect of such order, and all costs and expenses incurred by reason of the same not being satisfied, to be levied by distress and sale of the goods and chattels of the person mentioned in such order; and in default of such distress, or if no sufficient distress shall be found, may commit such person to the nearest gaol for any period not less than fourteen days nor more than three months; or such Justice or Justices may, either without or after any previous order for distress, order the house, land, or premises (if any) referred to in the order of the Council to be let by the Corporation for the recovery of the amount remaining unpaid in respect of such order, together with such sum as the Justice or Justices shall fix for costs; and thereafter the Corporation shall have the same rights and powers for enforcing payment of such amount and costs, and all subsequent costs, and interest thereon after the rate of Ten Pounds per centum per
per annum, as are by this Act given to every Corporation for enforcing, by letting, the payment of rates in arrear, costs, and interest: Provided that any tenant or occupier who, in satisfaction or part satisfaction of any such order of the Council, shall pay any sum which ought to be paid by the owner of any property in relation to which such order shall issue, or whose goods shall in default have been distrained and sold in such satisfaction, shall have the same remedies for reimbursement of any sum so paid, and for compensation for any goods so distrained and sold, as are by section 259 of this Act reserved to tenants in the cases therein mentioned.

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

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

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

342. Every order, summons, notice, or other such document requiring to be authenticated by the Corporation or Council may, except when otherwise provided, be sufficiently authenticated without the common seal of the Council if signed by the Mayor, by two Councillors, or by the Clerk.

343. In the event of any person against whom the Council or Corporation have any claim or demand being adjudicated insolvent, or making a statutory assignment for the benefit of or composition with his creditors, the Clerk or Treasurer, or any other officer appointed by the Council in that behalf, may represent the Council or Corporation.
Corporation in all proceedings relating to the insolvency, assignment, or composition, of the estate of such person as if such claim or demand had been the claim or demand of such Clerk, Treasurer, or officer.

344. In all proceedings before Justices or any Local Court, the Clerk, Treasurer, or any other officer of the Council, appointed by the Mayor in writing under his hand, may represent the Council or Corporation in all respects as though such officer had been the party concerned.

345. The Clerk, Treasurer, or other officer appointed as aforesaid shall be reimbursed out of the Municipal fund all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in either of the two last preceding sections.

346. Whenever default is made by the owner of any building or land in the execution of any work which the Council, under the powers conferred upon them by this Act, have required him to execute, the lessee or occupier of such building or land may, with the approval of the Council, cause such work to be executed; and the expense thereof shall be repaid to such lessee or occupier by the owner of the building or land, and such lessee or occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

347. If the owner of any building or land made liable by this Act for the repayment to the Council or Corporation of any expenses incurred by them, do not, as soon as the same become due and payable from him, repay all such expenses to the Council, the Council or Corporation may, in addition to any other remedies, recover the same from such owner in an action in any Court of competent jurisdiction.

348. The Council may, by way of additional remedy, and whether such action has been brought against such owner or not, require the payment of all or any part of the expenses payable by the owner from the person who then or at any time thereafter occupies such building or land under such owner; and, in default of payment thereof by such occupier on demand, the same may, in addition to any other remedies, be recovered from him by action in any Court of competent jurisdiction.

349. No trustee, agent, or attorney for any owner of any building or land shall be liable to pay any sum of money recovered, or penalty imposed, under the provisions of this Act greater than the amount which is in the hands or under the control of such trustee, agent, or attorney, belonging to the owner in his own right of such building or land at the time such sum is recovered, or penalty imposed.

350. If
350. If any trustee, agent, or attorney for any owner of any building or land shall make default in the payment of any sum of money recovered, or penalty imposed, under the provisions of this Act, and such default shall continue for thirty days, the Council shall have the same powers of leasing or selling the building or land in respect of which the sum of money has been recovered, or penalty imposed, as heretofore enacted in respect of rates in arrears, and subject to the like notices as are required by sections 261 and 262 of this Act.

351. No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from such occupier for the premises in respect of which such expenses are payable, at the time of demand made upon such occupier, and notice from the Council not to pay such rent to his landlord, together with any amount becoming due after such demand and notice and before action, unless such occupier neglect or refuse, upon application made to him for that purpose by the Council, to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of the occupier is greater than such amount or amounts shall be upon such occupier: Provided that nothing in this Act contained shall be taken to affect any contract between any such owner and occupier specially providing respecting the payment of the expenses of any such work as aforesaid.

352. The Council may, if they think fit, at the request of the owner of any such building or land, allow time for the re-payment of such expenses, and receive the same by such instalments as they, under the circumstances of the case, think reasonable, but so that the same be repaid by annual instalments of not less than one-seventh part of the sum originally due, with interest for the principal money from time to time remaining unpaid after the rate of six per centum per annum until payment. Any overdue instalment or instalments, with interest, shall be recoverable in like manner as the whole of the said expenses would have been recoverable if no time had been allowed.

353. If the occupier of any building or land within the Municipality prevent the owner thereof from carrying into effect in respect of such building or land any of the provisions of this Act, after notice of his intention so to do has been given by such owner to such occupier, any Justice on proof thereof may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land as shall be necessary for carrying into effect the provisions of this Act; and if, after the expiration of ten days from the service of such order, such occupier continue to prevent such owner from executing such works, such occupier shall, for every day during which he so continues to prevent, be liable to a penalty not exceeding Five Pounds; and every
every such owner during the continuance of such refusal shall be
discharged from any penalties to which he might otherwise have
become liable by reason of his default in executing such works.

354. The Council shall, for the purposes of this Act, have power
by its members or officers to enter at all reasonable hours in the
daytime into and upon any building or land within the Municipality,
for the purpose of executing any work or making any inspection
authorised to be executed or made by the Council under this Act,
without being liable to any legal proceedings on account thereof:
Provided that, except as herein otherwise provided, the Council
shall not make any such entry upon occupied premises, unless with
the consent of the occupier, until after the expiration of twenty-
four hours' notice for that purpose given to the occupier.

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

356. All the proceedings before Justices shall be regulated by
Ordinance No. 6 of 1850, "The Justices Procedure Amendment
Act, 298 of 1883-4," and any other Act that may be law in that
behalf. The fee payable for any information or complaint laid or
brought by an officer authorised in that behalf by the Council of the
Municipality for the breach of any by-law of such Municipality, and
for any summons or summonses issued on such information or
complaint, and the service thereof, shall be the sum of Five Shillings
only.

357. In every case of the adjudication of a fine or pecuniary
penalty or amends under this Act, or (where the proceedings result-
ing in such adjudication are taken at the instance of a Council
or any duly authorised officer thereof) under any of the Acts or
Ordinances mentioned in the Ninth Schedule to this Act, and of the
non-payment of such fine or pecuniary penalty or amends, any
Justice may commit the offender or person making default in pay-
ment to any gaol in the said province for any time not exceeding
three calendar months, the imprisonment to cease on payment of
the sum due and the costs of such proceedings as may have been
taken for the recovery thereof; but this section shall not affect any
remedy under the said Ordinance No. 6 of 1850, or the Act No.
298 of 1883-4, or under any of the Acts or Ordinances mentioned
in the Ninth Schedule to this Act for the recovery of any fine or any
pecuniary penalty or amends.

358. There shall be an appeal from any order of Justices made
under the provisions herein contained, and from any conviction by
Justices for any offence against this Act or the Act hereby repealed
or any by law of a Council, and from any order dismissing any
information
information or complaint under this Act, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings in such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4, for appeals to Local Courts, but the Local Court of Adelaide aforesaid may make such order as to payment of the costs of such appeal as the Court shall think fit, although such costs may exceed Ten Pounds. Nothing in this Act contained shall affect any of the provisions of the Act No. 298 of 1883-4.

359. The Court of Appeal, upon the hearing of any appeal under the last preceding section, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases; and the Supreme Court shall make such order as to the costs of any such special case as to the said Court shall appear just; and any Justice or Justices or the Local Court of Adelaide shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the Justice or Justices or Local Court shall be enforced in manner provided by this Act or otherwise for the enforcement of orders of Justices; and, save as herein, or by Act No. 298 of 1883-4, or any other Act in that behalf provided, no order or proceeding of Justices, or of any Local Court made under the authority of this Act, shall be appealed against or removed by certiorari or otherwise into the Supreme Court of the said province.

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

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

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

363. Any declaration required by this Act may be made before a Notary Public, Justice, or Commissioner for taking Affidavits in the Supreme Court, and shall be sufficient if it purport to be a solemn and sincere declaration made in pursuance of this Act; and every person who shall wilfully make a false declaration purporting to be made in pursuance of this Act shall be guilty of the crime of perjury.

PART XVII.

PROVISIONS AFFECTING THE CORPORATION OF THE CITY OF ADELAIDE ONLY.

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

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

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

Hindmarsh Ward.—That portion of the City of Adelaide south of the River Torrens, bounded by a line drawn through the centre of Wakefield-street, and produced both ways until it intersects, towards the west, a line drawn through the centre of King William-street and Victoria-square, and towards the east, the exterior boundary of the Park Lands; then, from the first-mentioned intersection, in a right line northwards through the centre
centre of Victoria-square, King William-street, and the King William Road, until it reaches the centre of the River Torrens; thence eastward, along the centre of the said river, until intersected by the eastern exterior boundary of the city; thence southward, along the said eastward exterior boundary as far as the point formed by the intersection of the line through Wakefield-street produced.

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

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

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

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

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

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

368. Notwithstanding anything contained in section 91 of this Act, the Reserves and portions of the Park Lands of the said city, hereunder more particularly specified and described (with the exception of the roads and crossings therein) shall not be under the care, control, and management of the Council, that is to say—

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

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

(b) Commencing at a point in the centre of the River Torrens where it intersects the west side of the Adelaide Bridge; thence southerly along said side of bridge and the western side.
side of King William-road, north of the wing wall of the under-roadway; thence south-westerly by a line eight feet from and parallel to said wing wall and its production to the fence running east-north-easterly from the south-eastern boundary of the kitchen garden; thence in a south-westerly direction along said fence and said boundary of kitchen garden to its south-western corner (Survey buildings); thence north-westerly along the south-western boundary of said garden and its production to the centre of the River Torrens; thence north-easterly and north-north-easterly along centre of said river, comprising the strip of land, fifteen feet wide, south of and adjoining the south bank of the River Torrens from the Rotunda Reserve to the Corporation Reserve east of the Victoria Bridge, exclusive of the Railway Reserve and buildings at the Government stables, to the point of commencement.

2. All that portion of the Park Lands bounded as follows:—
Commencing at the intersection on the north side of North-terrace with the production northerly of the west side of Morphett-street; thence northerly by the said production for about 1,150 links, to its intersection with the south side of the River Torrens; thence south-westerly at an angle of 55° 16' for 1,089 links; thence north-west-westerly at an angle of 109° 8' for 1,096 links; thence at an angle of 173° 4' for 264 links; thence at an angle of 168° 31' for 624 links; thence north-easterly at right angles to the south bank of the River Torrens; thence north-north-westerly and westerly along the said bank to the south-east abutment of the railway bridge; thence along the said abutment to the eastern side of the said bridge; thence north-westerly along the said side of the said bridge for 150 links; thence north-easterly at right angles for 155 links; thence north-westerly at an angle of 82° for 523 links; thence at an angle of 171° 58' for 1,724 links; thence north-north-westerly at an angle of 170° 44' for 207 links; thence at an angle of 177° 22' for 204 links; thence at an angle of 176° 7' for 202 links; thence northerly at an angle of 175° 37' for 201 links; thence at an angle of 177° 51' for 200 links; thence at an angle of 176° 51' for 200 links; thence at an angle of 174° 52' for 402 links; thence at an angle of 173° 52' for 205 links; thence at an angle of 177° 13' for 180 links; thence at an angle of 175° 13' for 470 links; thence east-south-easterly at an angle of 88° 2' for 112 links; thence north-north-easterly at an angle of 87° 14' for 517 links; thence west-north-westerly at an angle of 90° 30' for 114 links; thence north-north-easterly at an angle of 90° 56' for 916 links to the south-eastern side of the road south-east of preliminary section 354 in the Hundred of Yatala; thence south-westerly along the said side of the said road for 252 links; thence south-south-westerly at an angle of 30° 2' for 690 links; thence south-west-westerly at an angle of 155° 58' for 408 links; thence south-south-westerly at an angle of 154° 41' for 857 links; thence east-south-easterly at right angles for 175 links; thence southerly at an angle of 97° 27' for 377 links; thence at an angle of 175° 9' for
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224 links; thence south-south-westerly at an angle of 163° 3' for 347 links; thence south-westerly at an angle of 153° 11' for 136 links; thence north-westerly at an angle of 82° 30' for 390 links; thence at an angle of 177° 48' for 517 links; thence at an angle of 177° 24' for 354 links; thence at an angle of 178° 3' for 277 links to the south-eastern side of the road aforesaid; thence south-westerly at an angle of 89° 6' for 100 links; thence south-easterly at an angle of 89° 6' for 273 links; thence at an angle of 178° 3' for 350 links; thence at an angle of 177° 24' for 514 links; thence at an angle of 177° 48' for 335 links; thence at an angle of 178° 33' for 199 links; thence at an angle of 178° 28' for 379 links; thence at an angle of 177° 40' for 476 links; thence at an angle of 177° 3' for 388 links; thence at an angle of 179° 18' for 1,400 links; thence at an angle of 174° 20' for 252 links; thence at an angle of 174° 20' to the south-eastern approach to the railway bridge; thence south-westerly at an angle of 104° 38' for 236 links; thence southerly at an angle of 152° 28' for 223 links; thence south-south-easterly at an angle of 161° 21' for 1,009 links; thence at an angle of 173° 35' for 271 links; thence east-south-easterly at an angle of 126° 12' for 644 links; thence at an angle of 173° 49' for 269 links; thence south-westerly by a line about 80 links north-west of and parallel to the centre line of the Adelaide and Nairne Railway to the south side of the Port Road; thence westerly along the said side of such road to the western boundary of the Park Lands; thence southerly along the said boundary to the northern side of the road north of the preliminary section 6 in the Hundred of Adelaide; thence easterly along the said side of such road for about 150 links; thence northerly and north-easterly by a line about 75 links easterly and south-easterly of and parallel to the centre line of the Adelaide and Nairne Railway, to the north side of the Port Road; thence on a bearing of 57° 3' for 227 links; thence north-easterly at an angle of 175° 20' for 996 links; thence at an angle of 172° 29' for 253 links; thence at an angle of 171° 36' for 200 links; thence easterly at an angle of 173° 13' for 163 links; thence at an angle of 177° 2' for 65 links; thence at an angle of 175° 11' for 150 links; thence at an angle of 172° 36' for 142 links; thence at an angle of 172° 32' for 359 links; thence south-easterly at an angle of 162° 15' for 973 links; thence at an angle of 173° 53' to the northern side of North-terrace aforesaid; and thence easterly along the said side of North-terrace, to the point of commencement.

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

(a) Commencing at the intersection of the west side of West-terrace with the production westerly of the south side of Currie-street; thence westerly by the said production for 634 links; thence southerly at right angles for 639 links; thence easterly at right angles for 634 links, to the west side of West-terrace aforesaid, and thence northerly along the said side of West-terrace to the point of commencement.

(b) Commencing at the intersection of the west side of West-terrace with the production westerly of the north side of

Franklin-
Franklin-street; thence north along the said side of West-terrace for 84 links; thence westerly at right angles for 340 links; thence southerly at right angles for 330 links; thence easterly at right angles for 340 links, to the west side of West-terrace aforesaid, and thence northerly along the said west side of West-terrace to the point of commencement.

(c) Within a radius of 125 feet from a point 400 feet south of the southern boundaries of town acres 662 and 663, and 250 feet west of a line being the production southerly of the eastern boundaries of town acres 661 and 662.

(d) Commencing at the intersection of the western side of Dequetterville-terrace with the southern side of the Botanic Road; thence southerly along the western side of Dequetterville-terrace for 704 links; thence westerly at right angles for 600 links; thence northerly at right angles for 452 links to the southern side of the Botanic Road aforesaid, and thence north-easterly along the southern side of the Botanic Road to the point of commencement.

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

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

5. All that portion of the Adelaide Park Lands south-east of the roadway south-east of Gaol Reserve, north-east and north-west of the present Railway Reserve, and south of the footpath 20 feet wide along the south bank of the River Torrens.

6. That piece of land the boundaries whereof are as follows:— Commencing at the intersection of the northern side of the road north of the Cattle Market with the south-western side of the present Railway Reserve; thence north-westerly along said side of reserve for 518 feet; thence south-westerly at right angles for 30 feet; thence south-easterly at right angles for 33 feet; thence south-westerly at right angles for 25 feet; thence south-easterly at right angles for 79 feet; thence southerly along the eastern side of road east of the Corporation Offices to the northern side of road north of the Cattle Market aforesaid: and thence easterly along said side of road to the point of commencement.

369. The Governor may, by Proclamation in the Government Gazette, take the temporary control of and use any portion of the Park

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PART XVIII.

PROVISIONS RESPECTING ALDERMEN.

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

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

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

373. The proposition to be submitted to the citizens at such poll shall be the following—

That for the future there shall be Aldermen in the Council of this Municipality, as well as Councillors, and no person shall be eligible for election as Mayor unless he shall have previously served in a Council for one year.

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

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

376. The qualification, mode of election, and swearing-in of such
such Aldermen shall be the same in all respects as the qualification, mode of election, and swearing-in of the Mayor of the Municipality, with such variations as the nature of their office may require. No person shall be qualified or eligible for nomination or be elected as Mayor unless he shall have previously been elected to and have served in the office of Mayor, Alderman, or Councillor of any Municipality for at least one year.

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

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

379. Every Proclamation heretofore made by the Governor under Part xv. of "The Municipal Corporations Act, 1880," shall have the same effect as if it had been made under this part of this Act.

PART XIX.

MISCELLANEOUS.

380. In the absence of special provision, the proceedings at any meeting of citizens shall be regulated as follows:

1. The chairman of such meeting shall in the usual way take a show of hands for every proposition and amendment touching
touching the object of the meeting, and shall declare that
proposition carried for which in his opinion the largest
show of hands appears:

II. In cases where it is provided that a poll may be demanded,
the chairman shall immediately after he shall have
declared the result of the show of hands publicly inquire
from the meeting whether any citizens demand a poll,
and thereupon any six citizens may demand a poll by
giving notice in writing of such demand to the chairman
of the meeting, and such chairman shall thereupon appoint
a day, not later than eight days thereafter, to take a poll of
the citizens on the subject:

III. In case of joint tenancy, or tenancy in common, one person
only shall vote, unless the assessed value of the property
shall exceed Seventy-five Pounds, and then one other joint
tenant, or tenant in common, may vote for each additional
Seventy-five Pounds, or for any fractional part of Seventy-
five Pounds, of assessed value and at polls to consent to a
rate or a loan 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 shall tender their votes, until votes
shall have been taken for the whole assessed value, or all
the joint tenants, or tenants in common, shall have voted.

381. Every poll of citizens or ratepayers shall be taken by
ballot:—

1. The Council shall appoint a Returning Officer, who shall,
mutatis mutandis, have all the powers conferred by this Act
or "The Ballot Act, 1862," on aReturning Officer in case
of an election, including the power to appoint deputies, and
shall preside at the taking of the poll:

II. The Council may appoint one polling-place for such poll, or
a polling-place in each ward. The taking of the poll
shall commence at eight o'clock in the forenoon, and shall
continue open until all the voters present in the polling-
booth at seven o'clock in the afternoon shall have had an
opportunity of voting, and shall then close:

III. One scrutineer, to be present at the voting at each polling-
place, shall be appointed by the Council, and the persons
demanding the poll may, by writing under their hands,
or the hands of any three of them, appoint one scrutineer
to be so present:

IV. At every poll the Returning Officer, if it shall appear to
him expedient, may cause booths to be erected, or rooms
to be hired and used as booths, at the several polling-
places of the Municipality; and the same shall be so
divided and allotted into compartments as to the Return-
ing Officer may seem most convenient, and the Returning Officer shall, before the day fixed for taking the votes, cause to be furnished for use at each polling-place a copy of that portion of the roll of voters which contains the names of the persons entitled to vote at such polling-place, and shall, under his hand, certify such copy to be a true copy:

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

vi. Except as by this Act otherwise provided, no person shall have more than one vote.

vii. Every person entitled to vote shall present himself to the Returning Officer, or his Deputy, at the polling-place for the Municipality, or for the ward in respect of which such person claims to vote, and state his christian and surname, abode, profession, or occupation, the nature of his qualification, and the place where the property or qualification is situate. The Returning Officer, or Deputy, shall thereupon place a mark against the voter's name on the roll of voters, and hand such voter a voting-paper for every vote to which he shall be entitled, which voting-paper shall bear the initials of the Returning Officer, or Deputy, and a statement of, or reference to, the particular proposition in respect of which the votes are given, and, underneath, such statement or reference shall contain on separate lines, the following sentences, that is to say:

"I agree to the above proposition":

"I object to the above proposition":

And shall have a square printed opposite each such sentence, and nothing else shall be inserted in, or placed on, such voting-paper:

viii. There shall be provided one or more separate apartments or places forming part of the polling-booth, into which the voter shall, on receiving his voting paper or papers, immediately retire, and there alone and in private, without interruption, indicate his vote or votes by making a cross within one of the squares on his voting-paper, or on each of
his voting-papers, as the case may be, and shall then fold the paper or papers and immediately deliver it or them so folded to the Returning Officer or his Deputy, who shall forthwith publicly, and without opening the same, deposit it or them in a box to be provided for that purpose; and no voting-paper so deposited in any box shall on any account be taken therefrom unless in the presence of the scrutineers after the close of the poll. No voting-paper shall be received unless it be so folded as to render it impossible for the Returning Officer, his Deputy, or any other person, to see whether the vote is given for or against the proposition:

ix. Any voter wilfully infringing any of the provisions of this section, or obstructing the voting by any unnecessary delay in performing any act within the said polling booth or room, shall be guilty of a misdemeanor:

x. Any voter may signify to the Returning Officer or his Deputy that, by reason of blindness or defective eyesight, he is unable to vote without assistance, and thereupon such Officer or Deputy, if satisfied of such inability, shall permit any agent named by such voter to accompany him into the apartment or place for voting to mark the voting-paper on such voter's behalf, and shall receive such paper from such agent and deposit it in the ballot-box.

xi. The only persons who shall be allowed to remain in the polling booth or room shall be the persons about to vote, the Returning Officers, the Deputy Returning Officers, and the scrutineers:

xii. No inquiry shall be permitted at any poll as to the right of any person to vote, except as follows, that is to say:—The Returning Officer or his Deputy may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other—

(1) Are you the person whose name appears as and as the owner [or occupier] of the property set opposite your name in the roll of voters now in force for this Municipality?

(2) Have you already voted at the present poll?

(3) Are you the owner (within the meaning of the Municipal Corporations Act) or the lessee or tenant of the property for which you now claim to vote?

And no person shall be entitled to vote unless his answer to the first and third questions, or such of them as shall be put to him, shall be in the affirmative, and to the second, if put, in the negative; and any person who shall wilfully make a false answer to either of such questions shall be guilty of a misdemeanor:

xiii. Every
PART XIX.

xiii. Every person who shall vote a second time, or offer to vote a second time at any poll, or who shall personate any other person for the purpose of voting at any such poll, shall be guilty of a misdemeanor, and upon conviction shall be imprisoned for a term not exceeding six months:

xiv. Immediately before taking the votes the Returning Officer, or Deputy Returning Officer, shall exhibit the ballot-box empty; and shall immediately, upon the close of the voting, publicly close and seal the box containing the voting-papers which shall have been taken at the voting-place at which he presided, and each Deputy Returning Officer shall, with as little delay as possible, deliver, or cause his box to be delivered, to the Returning Officer; and any Returning Officer or Deputy Returning Officer who shall unlawfully tamper with any ballot-box or voting-paper shall be guilty of a misdemeanor, and be liable to imprisonment for not exceeding six months:

xv. At the close of the poll the Returning Officer shall fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the poll, and shall, in the presence of such of the scrutineers as choose to be present, open all the boxes containing voting-papers delivered in at the taking of the poll, and shall examine such voting-papers, and shall reject all such as shall contain crosses against both the affirmation and the negation of any proposition, or shall contain anything other than such matters as are hereinbefore prescribed for such voting-papers: And shall openly declare the general state of the votes at the close of the poll, as the same shall be made up by him from the voting-papers taken at the several voting-places: And shall declare any proposition or propositions carried or not, according as the majority of votes shall be for or against the same. In case of an equality of votes for and against a proposition, the Returning Officer shall, by his casting vote, decide for or against the same: Provided that no Returning Officer shall vote at any poll at which he is Returning Officer, except in case of an equality of votes as aforesaid; but this provision shall not apply to a Deputy Returning Officer.

xvi. All voting-papers shall be destroyed by the Returning Officer immediately after the declaration of the result of the poll.

Cost of advertisements.

382. The cost of any advertisement required by this Act shall be paid by the Council or person whose action immediately necessitates such advertisement, and the Minister may require payment of such cost before causing any advertisement to be inserted.

383. The
383. The Governor may make regulations for the carrying out of this Act, and in particular, and without derogating from his general power, he may make regulations prescribing forms of assessment-books, notices of assessments and rates, and all other forms necessary or expedient for carrying this Act into effect, and prescribing the mode in which the account books and any other books of Corporations or Councils shall be kept; and may from time to time annul, amend, and add to any such regulations as aforesaid, or make others in lieu thereof; and such regulations shall be published in the Government Gazette, and shall thenceforth, save as hereinafter provided, have the force of law. Such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, and if not, then within fourteen days after the next session of Parliament shall begin; and if, during that session, either House of Parliament pass a resolution objecting to any such regulations, the same shall (so far as so objected to) thenceforth cease to have the force of law, and notice of such resolution shall forthwith be published by the Minister in the Government Gazette.

384. The Government Gazette containing any regulations purporting to be made by the Governor, by virtue of this Act, shall be conclusive evidence of the making of such regulations, and the Government Gazette containing a notice of a resolution being passed by either House of Parliament objecting to any such regulation, shall be conclusive evidence of the passing of such resolution.

385. Nothing contained in this Act shall extend to or affect the rights and privileges of any company as conferred, or intended to be conferred, by any other Act relating to such companies.

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

KINTORE, Governor.
SCHEDULES REFERRED TO.

THE FIRST SCHEDULE.

CLAIM of A. B., of [insert the residence and calling of the claimant], to have his name inserted on the Citizens' List of the City of Adelaide (or Town of as the case may be) for Ward, in right of [insert description of property], situate in [insert name of street, or number of the acre] within the said Ward, in (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' List for the present year; or being omitted from the Citizens' List for the present year. Dated the day of 18 .

[Signature of Claimant.]

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

[Signature of Objector.]

THE SECOND SCHEDULE.

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

Nomination of Mayor or Auditor.

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

I consent to act if elected.

[Signature of A. B.]
[Signature of C. D.]
[Signature of E. F.]

Nomination of Councillor.

Ward.

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

I consent to act if elected.

[Signature of A. B.]
[Signature of C. D.]
[Signature of E. F.]

THE
THE THIRD SCHEDULE.

Slaughter-house Regulations—Firstly, as to Great Cattle.

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

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

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

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

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

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

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

Secondly, as to Small Cattle.

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

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

3. Licences may be issued for the year commencing June 1st in each year, or for the half-years commencing June 1st and December 1st in each year, in the discretion of the Council; the fee for such licences not to be less than £2, nor to exceed £10, payable in each case in advance.

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

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

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

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

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

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

10. Every
Penalty.

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

Licence may be withdrawn.

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

As to slaughter-houses already erected.

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

Removal of garbage.

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

Cleansing of utensils.

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

Removal of skins, &c.

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

No privy to be near.

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

Repairs.

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

Inspectors to have access to premises.

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

THE FOURTH SCHEDULE.

Notice of Appeal against Assessment.

Sir—You are requested to take notice that I appeal to the Council against the assessment of my property (or the property of ), street, Acre No., Ward (or that I appeal to the Council against the omission of here mention the property] from the assessment), on the following grounds:—here set forth grounds of appeal.

Dated at , the day of , 18.

I am, Sir, your obedient servant,

To the Town Clerk, Adelaide [or as the case may be].
THE FIFTH SCHEDULE.

Notice of Appeal from the Decision of the Council.

To the Town Clerk at the Clerk of the Local Court of

Take notice that it is my intention to appeal to the Local Court of Full Jurisdiction at

from the decision of the Council of the Corporation on my appeal thereto against the assessment, and I appeal to such Local Court against such decision and such assessment on the following grounds:—[here set forth grounds of appeal].

Dated at the day of 18

I am, Sir, your obedient servant,

THE SIXTH SCHEDULE.

Fees and Charges which may be taken upon Distress 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>1</td>
</tr>
<tr>
<td>Man in possession, each day (or, if stored, the actual amount paid for storage)</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Inventory (per folio)</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Sale and delivery of goods—6d. in the pound on the net proceeds of sale.</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Poundage on executing warrant and effecting sale—1s. in the pound on the net proceeds of sale.</td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

THE SEVENTH SCHEDULE.

PART I.

The Corporation of the City of Adelaide (or Town of as the case may be).

Notice is hereby given that there is now due, in respect of the premises mentioned in the Schedule hereeto, the sum (or respective sums) set opposite to the description of such premises in the said Schedule, for a rate (or rates) made (or declared) by the Corporation of for the year (or years) ending as in the said Schedule mentioned; and the owner (or owners) of such premises are required to take notice that unless the amount (or amounts) so due, together with the costs of and attending this notice, be paid in one year from the last publication of this notice, the said Corporation will let the same from year to year or for any term not exceeding seven years, in manner provided by "The Municipal Corporations Act, 1890," or an application will be made by the said Corporation to the Supreme Court for an order for the sale of the said land (or lands), or so much thereof as may be necessary to produce the rates so due and costs as aforesaid, and also the costs of and attending this notice, together with interest and all other moneys due to the said Corporation in respect of the said premises.

Dated this day of 18 , Town Clerk.

The Schedule.

<table>
<thead>
<tr>
<th>Description of Land</th>
<th>Name of Owner, or reputed Owner (or state of Owner unknown)</th>
<th>Number of years for which Rates in Arrear</th>
<th>Date of ending of last year for which Rates in Arrear</th>
<th>Amount of Rates</th>
</tr>
</thead>
</table>

| PART |
The Municipal Corporations Act—1890.

PART II.

The Corporation of the City of Adelaide (or Town of

Notice is hereby given that there is now due, in respect of the premises mentioned in the Schedule hereto, the sum (or respective sums) set opposite to the description of such premises in the said Schedule, for moneys ordered by the Council to be paid by the owner (or respective owners) of the said premises under section 131 of "The Municipal Corporations Act, 1890" (or under section 142 or 152 of "The Municipal Corporations Act, 1890," as the case may be); and the owner (or owners) of such premises are required to take notice that unless the amount (or amounts) so due, together with the costs of and attending this notice, be paid within three calendar months from the last publication of this notice, the said Corporation will let the same from year to year, or for any term not exceeding seven years, in manner provided by "The Municipal Corporations Act, 1890"; or an application will be made by the said Corporation to the Supreme Court for an order for the sale of the said land (or lands), or so much thereof as may be necessary to produce the moneys so due and costs as aforesaid, and also the costs of and attending this notice together with interest and all other moneys due to the said Corporation in respect of the said premises.

Dated this day of , 18 , Town Clerk.

<table>
<thead>
<tr>
<th>Description of Land</th>
<th>Name of Owner, or reputed Owner [or state if Owner unknown]</th>
<th>Amount of Moneys</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

THE EIGHTH SCHEDULE.

Form of Debenture.

South Australia.—Municipality of The Corporation of the City (or Town) of , in consideration of the sum of pounds, paid to the said Corporation for the purposes of the said Municipality, hereby binds itself to pay to the bearer for the time being of this debenture the sum of pounds, and to the bearer or bearers for the time being of the coupons or vouchers annexed hereto, interest upon the said sum after the rate of per centum per annum, such interest to be payable on the first day of and the first day of in every year, and the principal to be paid on the first day of in the year one thousand eight hundred and :

And the said Corporation hereby assigns the special (or separate) rate authorised to be levied in the said Municipality (or in the Ward of the said Municipality), from time to time for the purpose [of shortly describe purpose for which special or separate rate declared] to the bearer for the time being of this debenture, until the said principal sum be satisfied, and to the bearer or bearers for the time being of the coupons or vouchers annexed hereto, until the interest upon the said principal, as represented in such coupons or vouchers by him or them held, shall be satisfied.

Given under the seal of the Corporation of the City (or Town) of the day of , one thousand eight hundred and [The seal of the Corporation.]

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

A. B., Mayor.

C. D., Town Clerk.

NOTE.—Interest and principal payable at the bank of the Corporation in or at such bank or other place as may be appointed by notice to be given in the South Australian Government Gazette, { or } in the London Gazette.

COUPONS
COUPONS OR VOUCHERS.

Coupon for £ , for half year's interest due the day of , 18 , on debenture No .
Payable to bearer at

[The seal of the Corporation.]
A. B., Mayor.
C. D., Town Clerk.

THE NINTH SCHEDULE.

<table>
<thead>
<tr>
<th>Reference to Act.</th>
<th>Title of Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Vict., No. 5 (1840) No. 2 of 1844</td>
<td>An Act to regulate the Slaughtering and prevent the Stealing of Cattle.</td>
</tr>
</tbody>
</table>