



1849.

No. 13.

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

Farther to amend and continue the Ordinances authorising the Levying of an Assessment within the City of Adelaide, and to provide for the Improvement of the City, until Municipal Institutions shall be established.

Expired

[19th September, 1849.]

WHEREAS an Ordinance of the Governor of South Australia, with the advice and consent of the Legislative Council thereof, was passed on the thirtieth day of September, one thousand eight hundred and forty-six, "To authorise the Levying of an Assessment in aid of the expense of repairing the Streets within the City of Adelaide," which Ordinance was to commence and take effect from and after the passing thereof, and continue in force for a period of not more than two years: 1846, No. 15.

And Whereas another Ordinance was passed on the twenty-fourth day of August, one thousand eight hundred and forty-seven, to amend and continue the aforesaid Ordinance, which was to be construed, together with the aforesaid Ordinance, as one Act, and to continue in operation until the thirtieth day of September, one thousand eight hundred and forty-nine: 1847, No. 12.

And

1849 No. 11.

And Whereas another Ordinance was passed on the twenty-fourth day of August, one thousand eight hundred and forty-nine, "To constitute a Municipal Corporation for the City of Adelaide," which was to commence, and take effect, from and after a day to be for that purpose appointed by the Governor, by Proclamation, published in the *South Australian Government Gazette*, upon the petition of at least four hundred Rate-payers, rated to any City Assessments in force within the City of Adelaide, at the time of such petition representing among them property rated of the yearly value of Fifteen Thousand Pounds:

And Whereas it is necessary to provide for the improvement of the said City, until Municipal Institutions shall be established therein:

1846, No. 15, and
1847, No. 12, continu-
ed in operation.

Be it therefore Enacted, by the Governor of South Australia, with the advice and consent of the Legislative Council thereof— That the before recited Ordinance of the thirtieth day of September, one thousand eight hundred and forty-six, "To authorise the "Levying of an Assessment in aid of the expense of repairing the "Streets within the City of Adelaide," as amended and continued by the said Ordinance of the twenty-fourth day of August, one thousand eight hundred and forty-seven, and by this Ordinance, shall be, and is, hereby, farther continued in operation, and the said last-mentioned Ordinances shall be construed, together herewith, as one Act. Provided always That whensoever the said recited Ordinance, passed on the twenty-fourth day of August, one thousand eight hundred and forty-nine, "To constitute a Municipal Corporation for the City of Adelaide," shall commence and take effect in manner therein provided, this Ordinance shall cease and determine, save and except so far as respects all things then lawfully done in pursuance thereof; and also save and except so far as may be necessary for the recovery of all rates, penalties, and other moneys, which shall then have accrued and become due under the provisions thereof.

Proviso.

1849, No. 11.

When Corporation
established and ac-
ting, this Ordinance
to cease.

Powers of Police
Magistrate transferred
to a Board of Com-
missioners.

II. Provided always and be it Enacted, That the several powers and authorities, rights, privileges, and protections, which, by the said last mentioned Ordinances, are vested in the Commissioner of Police and Police Magistrate, in and for the Police limits therein mentioned, shall, from and after the thirtieth day of September instant, be exercised and enjoyed by a Board of Commissioners, to be appointed in manner hereinafter mentioned, throughout the Municipal limits of the City of Adelaide, that is to say, within the exterior boundaries of the Park Lands thereof, which Board shall be called the "City Commissioners."

III. And

III. And for facilitating the construction of the said recited Ordinances hereby continued and amended, Be it Enacted, That from and after the said thirtieth day of September instant, whenever, in the said Ordinances, or the Schedules thereto, mention is made of the Commissioner of Police and Police Magistrate, the same shall be construed to mean the "City Commissioners," and whenever mention is made of the Police limits, the same shall be construed to mean the "Municipal limits of the City of Adelaide within the exterior boundaries of the Park Lands." Construction clause.

IV. And be it Enacted, That such Board shall consist of five Commissioners, whereof one shall be the Colonial Engineer for the time being, and four shall be appointed and may be removed by the Governor with the advice and consent of the Legislative Council: And whensoever a vacancy shall occur by death, resignation, removal, or absence from the Province, of any Commissioner, a successor shall be appointed thereto, in like manner as such preceding Commissioner: Provided that every such appointment shall be notified in the *South Australian Government Gazette*. Constitution of Board

V. And be it Enacted, That the said Commissioners, or any three of them, shall have power to do all such acts as shall be necessary for the due execution of this Ordinance, and for the appropriation of all such moneys as may come to their hands, or be entrusted to them, for the improvement of the City. Proviso.

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

amounts shall and may be recovered in the Supreme Court of the Province in manner hereinafter provided.

Application to be made to the Supreme Court, and the said Court shall order the property to be sold by public auction, in satisfaction of the said rates, if in arrear and unpaid.

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

Penalties for obstructing persons executing this Act.

VIII. And be it Enacted, That if any person shall, at any time hereafter, in any manner whatsoever, wilfully obstruct, hinder, or molest any Commissioner

Commissioner, Surveyor, or person who shall be appointed, employed, or authorized to put into execution this Ordinance, in the performance or execution of his duty, then every person so offending shall, on conviction, for the first offence forfeit and pay any sum not exceeding Five Pounds, and for the second offence a sum not exceeding Ten Pounds, and for the third or every subsequent offence a sum not exceeding Twenty Pounds, to be recovered before any Justice of the Peace.

IX. And be it Enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, from time to time, when and as often, and in such manner as they shall think proper and necessary, to order and cause the several streets, roads, ways (as well carriage as foot-ways), foot-crossings, passages, and places in the said City, which now are, or hereafter shall be declared to be, and are, or shall be adopted as public or common highways and thoroughfares, and each and every of them respectively, to be paved, flagged, macadamized, or otherwise constructed, improved, repaired, or amended, supported, and kept in good order and condition, with such materials as the said Commissioners shall think proper; and also from time to time, to cause the pavements, flagging, or other materials of such public or common highways and thoroughfares, to be taken up and relaid or renewed, and the ground and soil thereof to be raised, lowered, or altered, in such manner, and with such materials as the said Commissioners shall deem proper, or direct; and also from time to time, to cause proper and convenient sewers, gutters, drains, and water-courses, to be made along or under the said several streets, roads, lanes, highways, passages, or other public places, for carrying off water, mud, or other filth from the same, and to cause grates to be placed on or over any of the said sewers, gutters, drains, or water-courses; and to remove, renew, alter, or vary the situation of any grates that may be placed on or over the same, in such manner as the Commissioners shall think proper.

Commissioners to keep streets in repair.

X. And be it Enacted, That it shall be lawful for the Commissioners, or any Officer in that behalf, appointed under this Ordinance, during such time as any of the said streets, roads, lanes, highways, passages, or public places, within the said City shall be under repair, or during the making or repairing of any sewers or drains therein, to cause so many bars, posts, rails, and chains, or other obstructions, to be fixed, set up, and placed across, or along any of the streets, lanes, highways, passages, or other public places within the said City, to prevent the passing of carriages, carts, drays, horses, and cattle, whilst such works and repairs are in progress, as to the said Commissioners or Officer may seem proper

Power to place bars across the streets under repair.

proper; and if any person or persons shall throw down, break, remove, damage, or injure any of the said bars, posts, rails, chains, or other obstructions, every person so offending shall, for every such offence, forfeit and pay a sum not exceeding Forty Shillings, to be recovered, together with costs and the expense of repairing the injury done, in manner hereinbefore prescribed in other cases.

Power to set up posts for guarding footways.

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

Power to make common sewers.

XII. And be it Enacted, That it shall and may be lawful for the said Commissioners, to cause such, and so many common sewers, drains, and water courses, public wells, fountains, and pumps, of such materials, dimensions, and forms, as they may think fit and necessary, to be constructed and made, or continued in, along, or across any of the streets, lanes, roads, highways, passages, or other public places within the said City; and also to adopt any of the common sewers, drains, or water-courses, wells, or pumps, which now are, or hereafter shall be made within the same; and to cause the same to be altered, enlarged, repaired, or cleansed, as the said Commissioners may deem proper; and to enter upon, and conduct through, and make upon any private lands, whether the same shall have been, or shall be, acquired by the owner or owners, occupier or occupiers thereof, by grant or purchase from the Crown, or from any private individual, or individuals, or in any other manner whatsoever, all, or any such sewers, drains, watercourses, wells, or pumps, as may be deemed necessary, having given first fourteen days' notice of their intention so to enter upon such lands, to the owner or owners, occupier or occupiers thereof; and in case it should be found necessary to enter upon any such private lands as aforesaid for the purpose of altering, or completing any of the aforesaid sewers, drains, or water courses, wells,

or

or pumps, which now are or hereafter may be within the said City, it shall be lawful for such Commissioners to enter upon such lands, and alter or continue such sewers, drains, or water-courses, wells, or pumps, having first given fourteen days' notice in manner aforesaid : Provided, however, that such lands be not, in either of the cases last mentioned, occupied as courts, yards, or gardens, or by dwelling-houses, or as approaches to any dwelling-house : And Provided further, that if the owners or occupiers of any lands or grounds, into, or through, or upon which any sewer, drain, or water-course, wells, or pumps shall be made, altered, and continued as aforesaid, shall be injured thereby, and such owners or occupiers shall refuse to treat, or cannot agree with the said Commissioners, as to the compensation to be paid for such injury, such owners or occupiers may recover the same in any Court of competent jurisdiction.

Proviso.

Proviso.

XIII. And be it Enacted, That it shall be lawful for the said Commissioners, by their officers, their deputies, agents, workmen, and assistants to make, construct, erect, maintain, lay down, and keep, water-works, reservoirs, fountains, cisterns, tanks, cuts, aqueducts, conduits, engines, waste gates, stop gates, stop locks, sluices, banks, bridges, pumps, pipes, tunnels, works, machinery, and conveniences, in, and through the said City, and from time to time to regulate, and conduct, continue, cleanse, open, widen, enlarge, alter, amend, and use, or discontinue the same, and make and maintain other works, as such Commissioners shall think fit and proper ; and to bore, dig, trench, and remove earth, stone, gravel, and any other matter or thing which may be dug, or met with, in, and for, the making, and perfecting, repairing, and maintaining of any such water works as aforesaid ; or which may obstruct the making, perfecting, repairing, or maintaining of the same ; and for effecting the purposes aforesaid, the said Commissioners and their officers, deputies, agents, workmen, and assistants, are hereby empowered to go, enter, and pass in, upon, over, under, and through, all, or any of the rivers, brooks, streams, and waters, highways, roads, public lands, squares, streets, lanes, alleys, and passages in the said City or its vicinity ; and also shall construct, erect, do, and perform all other matters and things which shall be deemed necessary and convenient for making, completing, improving, and continuing such water works, and for bringing a sufficient supply of water for the said City, and through all the streets, lanes, highways, alleys, passages, courts, and public places in such City, and for conveying and distributing such water to the respective houses, factories, hospitals, prisons, warehouses, workshops, offices, and all other buildings and premises within the same : Provided the said Commissioners, their officers, workmen, and assistants, shall

Power to make water-works.

Proviso.

do

do as little damage as may be, in the execution of the several powers to them hereby granted, and shall make full satisfaction to the owners or occupiers of, and all persons interested in, any lands, tenements, or other hereditaments which shall be taken, used, removed, or injured, for all damage by them sustained, in or by the execution of any of the powers hereby granted.

Power to delegate to any Company for supply of water.

XIV. And be it Enacted, That all and singular the matters and things hereby authorized to be done by the said Commissioners in respect to the supply of water to the City, may be by them delegated to be done, under their control and with their sanction, by any Company or Association for the supply of water to the City: Provided no such delegated authority be inconsistent with, or repugnant to the provisions of this Ordinance.

Proviso.

4 Vict. No. 5.

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

7 and 8 Victoria, No. 2, 1844

1847, No. 8.

Commissioners to have sole control and management of public slaughter-houses and markets.

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

XVI. And be it Enacted, That all Tolls and Dues, and all Rents for stalls, standings, cattle pens, or enclosures, levied or recovered in respect of markets and slaughter-houses within the said City, by virtue of the said Ordinances respectively, shall be paid to the Colonial Treasurer, to be accounted for and kept as a separate fund, subject to the orders of the said Commissioners, and appropriated,
under

under warrant of the Governor, by the said Commissioners, for the public improvement of the said City, and the benefit of the inhabitants thereof, according to the provisions thereof.

XVII. And be it Enacted, That the Regulations and By-laws, if any, respecting markets and slaughter-houses within the said City, made in pursuance of the said recited Ordinances respectively, shall remain in force only until the same may be varied or altered by any By-law or By-laws passed, as herein provided, by the said Commissioners.

Regulations and by-laws respecting markets and slaughter-house, to remain in force only till altered by Commissioners.

XVIII. And whereas another Ordinance was passed on the seventh day of September, One Thousand Eight Hundred and Forty-four, intituled "An Ordinance for Regulating the Police in South Australia:" And whereas it is expedient, also, that certain powers and authorities therein given to the Surveyor-General, the Police Magistrates, and others, should be transferred to, and exercised within the said City solely by the said Commissioners:—Be it Enacted, That, for preserving cleanliness and the health of the inhabitants, it shall be lawful for the Commissioners, or for any person authorised by them, by any writing under the hands of the Commissioners, from time to time, and when and as often as they shall see occasion, to visit and inspect the butchers' shambles and slaughter-houses, and all private avenues, passages, yards, hog-sties, privies, and ways, within the said City, and to give such directions in writing, under the hands of the Commissioners, concerning the cleansing the said shambles and slaughter-houses, and the said private avenues, passages, yards, privies, and ways, both within and without, and the removal or abating of all nuisances therein, as to the said Commissioners shall seem needful; and such order, or a true copy of the same, shall be forthwith served upon the occupier of the premises or place mentioned in such order, or if there be no such occupier, then upon the owner, or if such occupier or owner cannot be served, then such order or a true copy thereof, shall be forthwith affixed upon some part of such premises or place as aforesaid; and if the said butchers' shambles, slaughter-house, private avenue, passage, yard, hog-stye, privy or way, shall not be cleansed or purified according to the directions contained in the said order, or if the nuisance in the said order described shall not be removed or abated within the period and in the manner in the said order mentioned, it shall be lawful for the said Commissioners, by themselves, their servants, and others, to enter any such butchers' shambles, slaughter-house, private avenue, passage, yard, hog-stye, privy, or way, to cleanse or purify the same, or to remove or abate the nuisance in the said order described.

Certain powers and authorities in Police Ordinance, transferred to Commissioners.

7 & 8 Vict. No. 19, 1844.

The order, or a copy, to be served or affixed to the premises

If the order be not obeyed, the Commissioners may remove or abate the nuisance.

XIX. And

Cost and expenses incurred by the Commissioners may be recovered from occupier or owner of premises on which the nuisance existed.

XIX. And be it Enacted, That it shall be lawful for the Commissioners, in every case in which the directions in any such order under the hands of the Commissioners, shall be complied with at the Commissioners' expense, to take proceedings to recover from the occupier or owner of any premises described in any such last-mentioned order, the costs and expenses incurred by the Commissioners in removing or abating any nuisance, and otherwise carrying such order into effect; and any two Justices, of whom a Commissioner shall not be one, upon the application of the Commissioners, or any person authorised by them on their behalf, shall summon such occupier or owner to appear before them at a time and place to be named in such summons; and upon the appearance of such occupier or owner, or in his absence upon proof of the due service of the summons, such Justices, upon proof that such costs and expenses as aforesaid have been incurred by the said Commissioners, shall (unless they shall think fit to excuse the party so charged, on the ground of poverty or other special circumstances), order such occupier or owner to pay the amount thereof to the said Commissioners, together with the costs of such summons and hearing; and if the same shall not be paid by the parties liable to pay the same, within seven days after demand, the amount may be recovered by distress of the goods of the parties liable as aforesaid; and the Justices by whom the same shall have been ordered to be paid, or any two other Justices, except as aforesaid, on application, shall issue their warrant accordingly. And for the purposes of this and the preceding enactment, and in order to prevent any dispute touching the word "owner," the person receiving or entitled to receive the rents of the property on which the nuisance existed, on his own account, or as trustee or agent for any other person, or otherwise managing such property, shall be deemed the owner of the same for all such purposes.

No turf, gravel, &c., to be removed from streets without permission.

XX. And be it Enacted, That any person who shall form, dig, or open, any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material used in the formation of the streets, in or from any part of the carriage or footway, without leave first had and obtained from the said Commissioners, or some officer authorised by them in that behalf, or who shall wantonly break up, or otherwise damage the said carriage or footways, shall, on conviction, forfeit and pay for every such offence any sum not exceeding Five Pounds, nor less than One Pound.

Carriage and footways to be set out.

XXI. And be it Enacted, That the said Commissioners, or any person deputed by them, shall set out, from time to time, as far as may be practicable and necessary, the breadth of the carriage and footways

footways in the streets and public places within the said City, and shall cause the said footways to be marked off by posts at the corners and intersections of the streets, or wherever the same may be necessary for defining the footways; and the carriage and footways when so marked off, shall be deemed to be the carriage and footways within the meaning of this Ordinance, and of the laws of the Province in this behalf; and the breadth of the said footways shall, in all cases, be taken and measured from the curb-stone or exterior edge thereof, as so defined, without reference being in any manner had to the breadth of the carriage way adjoining thereto, or any part thereof: Provided always, that a plan of every street, or part of a street, or public place, so marked off, certified under the hands of the Commissioners, shewing thereon the proposed breadth of the carriage and footways, shall be deposited and kept open to public inspection in the hands of the Commissioners, or the authorized officer, and a notice referring thereto shall be published in the *South Australian Government Gazette*, fixing and declaring the distance from the curb-stone, or exterior edge of the said footway, in any such street, or part of a street, or public place.

Breadth of the footways to be measured from the curb-stone or exterior edge of the footway, without reference to the breadth of the carriage ways.
Proviso.

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

Notice to be given of intention to build.

XXIII. And be it Enacted, That no house, shop, or other building, shall be erected or allowed to project or encroach in any part within the distance from the exterior edge of the footways described and specified in the paper so furnished as aforesaid, or fixed and declared under the provisions of this Ordinance, or any other Ordinance in this behalf at any time in force; nor shall any house, shop

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

shop, or other building, which is now erected within the said distance from the exterior edge of the said footway, be rebuilt in the whole or in any part, nor shall any addition or alteration be made to the same, except in conformity with the provisions hereof. And any person who shall erect or rebuild any such house, shop, or other building, in whole or in part, or make any addition or alteration to the same, except according to the provisions hereof, shall, on conviction, for every such offence forfeit and pay the sum of Twenty Pounds: And if the said house, shop, or other building, or any addition or projection, shall not be removed or abated, within one month after notice shall be served to that effect, by order of the Commissioners, or the proprietor or occupier thereof, or left at his usual place of abode, the further sum of One Pound for every day the same shall remain contrary to the provisions of this Ordinance: And it shall be lawful for two or more Justices of the Peace, a Commissioner not being one of them, to grant a warrant to cause the said house, shop, or other buildings, and all additions and alterations thereto, so far as the same may be contrary to the provisions hereof, to be taken down, and the materials thereof to be sold, and thereout to pay the charges of taking down the same, and the surplus, if any, shall be paid to the owner of such materials.

Commissioners may
affix name of street.

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

Regulations respecting
footways.

XXV. And for greater regularity and convenience, Be it further Enacted, That it shall and may be lawful for any person appointed by the said Commissioners, as soon as the footways shall have been set out, and marked in manner hereinbefore mentioned, in any street
or

or part of a street or public place, to cause the same to be levelled, and made, as nearly as may be practicable, of an equal height and breadth, and with an equal slope and inclination; and for this purpose to remove and abate any flagging, steps, or any other thing that may injure or obstruct the said foot-way, or render it unequal or inconvenient, or dangerous to passengers, and which now is, or hereafter may be, erected or placed on, or over, the space marked out for any of the said foot-ways.

Obstructions may be removed.

XXVI. And be it Enacted, That if any person, after the said foot-ways shall be so defined as aforesaid, shall be desirous of flagging, paving, gravelling, or putting a curb-stone to the foot-way in front of his house, every such person shall, before such work be begun, give notice in writing to the said Commissioners, or the authorised Officer, between the hours of eleven in the forenoon and three in the afternoon of any day, of such his intention: And the said Commissioners and Officer are hereby required, within three days after receipt of such notice, to furnish such person with written directions as to the length, breadth, height, slope, and inclination of such foot-way; and if any person shall commence any such work without giving the notice herein directed, or shall refuse or neglect to conform to the directions given in that behalf, every such person shall forfeit and pay any sum not less than Five Pounds, nor more than Ten Pounds; and it shall be lawful for any two or more Justices of the Peace, a Commissioner not being one of them, to order the removal of all work which may be so executed contrary to such directions.

Persons to give notice of intention to pave footways.

XXVII. Provided always and be it Enacted, That nothing in this Ordinance contained, shall be deemed to prevent any person from placing an awning or verandah in front of his shop or house: Provided however, that such awning or verandah be at least seven feet above the height of the foot-way in front of such shop or house, and that the posts be placed close up to the curb-stone or outer edge of such foot-way; and that such awning or verandah be maintained in good and sufficient repair, and be not dangerous or offensive to the public.

Not to prevent awnings being erected in front of shops.
Proviso.

XXVIII. And be it Enacted, That so much only of the provisions of the several last hereinbefore recited Ordinances, namely, "To regulate the slaughtering and prevent the stealing of cattle:" "To authorise the levying of fees on the slaughtering of cattle in South Australia:" "For the establishment and regulation of Markets:" and "For regulating the Police in South Australia:" as may interfere, or be inconsistent with the exercise by the said Commissioners, solely

4 Vict. No. 5, 1840.

7 & 8 Vict. No. 2, 1844.

10 & 11 Vict. No. 8, 1847.

7 & 8 Vict. No. 19, 1844.

Repealed so far only
as inconsistent here-
with.

solely and exclusively, within the said City, of the powers and authorities hereinbefore mentioned or referred to, shall be and are, hereby, repealed, save as to all things lawfully done before the commencement hereof: Provided always, that the said Ordinances shall be, and remain, in full force in all respects not inconsistent herewith.

By-Laws and Regu-
lations.

XXIX. And in case it may be found that farther provision should be made for carrying out the purposes of this Ordinance,—Be it Enacted, That it shall be lawful for the said Commissioners, subject to, and with approbation of the Governor, by notice published in the *South Australian Government Gazette*, to make, amend, and repeal such By-Laws and Regulations, as shall seem fit and necessary, for regulating their proceedings, for recovery of Rates, and other matters connected therewith, for the formation, repair, ordering, maintenance, and cleansing of all Public Lands, Roads, Lanes, Streets, and other Public Ways and Passages, Bridges, Tunnels, Sewers, and Drains within the said City; and for compelling the owners and occupiers of houses, shops, cellars, factories, tanneries, slaughter-houses, and other places, which may be in a dangerous, unwholesome, or offensive state, or be likely to become so, to repair, alter, order, and cleanse the same from time to time, and in such manner as may appear necessary and proper, with a view to promote the health, comfort, and safety of the inhabitants of the said City; and for the prevention and suppression of all nuisances whatever; and for carrying into execution all necessary public improvements within the said City: All which By-Laws and Regulations, not being contrary to any Statute or Law in force within the Province, shall, after the expiration of twenty-eight days from the approval and publication of the same as aforesaid, be effectual, and have the force of Law, in like manner as if such By-Laws and Regulations were expressly hereby enacted.

Penalty for offence
against the same.

XXX. And be it Enacted, That whosoever shall contravene or offend against any such By-Law or Regulation, shall, on conviction before any Justice of the Peace, forfeit a penalty, not exceeding Five Pounds, in the discretion of such Justice, for every such offence; and, in case of a continuing offence, a penalty, not exceeding One Pound, for each and every day during which such contravention or offence shall continue, or remain unabated.

Reports and accounts.

XXXI. And be it Enacted, That the said Commissioners shall, at such times and in such manner and form as the Governor shall direct, furnish full and true reports of their proceedings, and accounts of all moneys raised under the provisions of this Ordinance, which reports and accounts shall be laid before the Legislative Council as soon as practicable.

XXXII. And

XXXII. And be it Enacted, That from and out of the moneys raised by virtue of this Ordinance, there may be issued and applied, under Warrant of the Governor, from time to time, such sums, as may to him appear reasonable, as remuneration to the said Commissioners, or any of them, and salaries to the Officers appointed under this Ordinance, for their services in the execution of the same, not exceeding in the whole ten per centum on the gross amount of such moneys in any one year.

Remuneration may be made to Commissioners and their officers.

XXXIII. Provided always and be it Enacted, That nothing herein contained, shall be construed to limit the Royal Prerogative, or affect the rights of Her Majesty, Her Heirs, and Successors, or of any bodies Politic or Corporate of any of Her Majesty's subjects, save and except so far as expressly hereinbefore provided.

Saving rights of Her Majesty, &c.

H. E. F. YOUNG,
Lieutenant-Governor.

*Passed the Legislative Council, this }
Nineteenth day of September, One }
Thousand Eight Hundred and }
Forty-nine.*

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