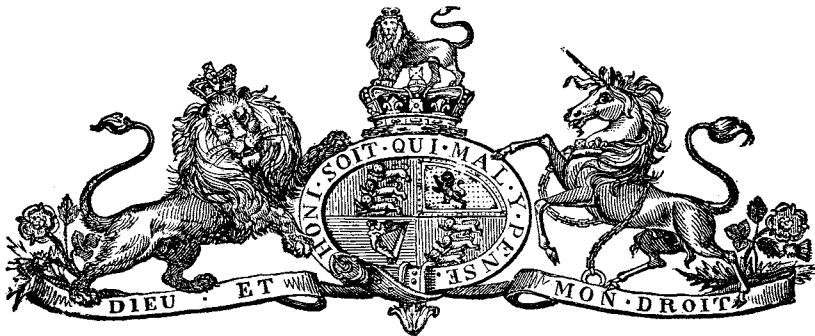


T A S M A N I A.



1858.

ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 15.

*Recd. by 3/4 10 11/26*

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AN ACT for preventing Mischiefs by Fire in the  
City of *Hobart Town*. [29 October, 1858.]

**W**HEREAS it is expedient that more effectual provision should be made for the prevention of Mischiefs arising by Fire in the City of *Hobart Town*: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

**1** The external walls and chimneys of all houses, shops, and other buildings to be erected and put up within the boundaries of the City of *Hobart Town* shall be constructed and built of bricks, stone, iron (if supported by iron uprights), or other incombustible material: Provided nevertheless, that in such external walls, besides the said component materials thereof, there may be put and placed such wood and other material as shall be requisite and necessary; but every plate, lintel, band, corbel, being of wood, and every wood-brick laid into any such external wall, and all ends of joists of girders, and of the heads and sills of partitions running into any external wall, must be fixed at a distance from the external face of the wall of four inches at the least, except ceiling joists which may go through the wall, provided a sufficient corbel or projection of brick, stone, or iron be formed to separate one building from another at the line of the party and external walls.

External walls and chimneys to be built of incombustible material.

Existing walls may be repaired with the same material as that of which they are constructed.

2 Where any such external walls already built within the said City are composed of wood or other combustible material, every part of such external walls may at all times hereafter, as occasion requires, be repaired with materials of the same description as those of which such external walls are built; but if any such last-mentioned wall be at any time hereafter taken down or otherwise demolished for the height of one story, or for a space equal to one-fourth of the whole surface of such external wall, then every part thereof shall be taken down, and the same, if rebuilt, shall be rebuilt in the manner hereinbefore directed with regard to external walls of houses, shops, and other buildings hereafter to be erected and put up in the said City.

Buildings erected in opposition to the provisions of this Act to be deemed nuisances.

3 If any external wall or chimney of any house, shop, or other building within the said City is built or rebuilt, enlarged or altered, otherwise than in the manner and of and with the materials hereinbefore specified and directed to be used for that purpose, every such house, shop, or other building shall be deemed a nuisance, and thereupon the City Surveyor for the time being shall, by a notice in writing, require the builder or owner thereof to remove such nuisance; and if such builder or owner neglects or refuses to remove the same within three days after the receipt of such notice as aforesaid, the said Surveyor shall forthwith lay an information against such builder or owner for contravening the provisions of this Act.

Such nuisance to be removed on the order of two Justices of the Peace.

4 On the hearing of any such information any Two Justices of the Peace may, by an order under their hands, direct such builder or owner to remove such nuisance within a certain time to be fixed by such Justices; and further, such Justices may, by a like order, direct and require, that in case such nuisance is not removed within the time so to be fixed as aforesaid, then that the said Surveyor shall immediately after the expiration of such time, with workmen and others, enter and remove the said nuisance; and the said Surveyor is hereby authorised and required to carry every such order into execution, according to the tenor and exigency thereof; and no action shall be brought against the said Surveyor, or against any person employed by him in that behalf, for so doing.

Builder or owner to defray the expenses of removal of nuisance.

5 Such builder or owner shall defray all reasonable charges and expenses which such Surveyor may incur in carrying out any such order; and in case such builder or owner refuses or neglects forthwith to defray such charges and expenses, then such Surveyor may summon such builder or owner before any Two Justices of the Peace; and such Justices are hereby authorised and required, upon proof that such charges and expenses have been incurred, and that the same are reasonable in amount, summarily to order the same to be paid by such builder or owner: Provided, that if such builder or owner fail to appear in compliance with such summons, such order as last aforesaid may be made in his absence.

Any person obstructing Surveyor liable to a penalty of Twenty Pounds.

6 Any person who unlawfully obstructs such Surveyor, or any person by him authorised in that behalf, in carrying into execution any order for the removal of any such nuisance as aforesaid, shall for every such offence forfeit a penalty not exceeding Twenty Pounds.

Actions to be brought within Six months.

7 No action shall be brought for anything done under this Act in relation to the removal of any such nuisance unless within Six months

after the fact committed; and in any such action the Defendant may plead the general issue, and give the special matter in evidence; and the Plaintiff shall not recover in such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into Court.

General issue may be pleaded.  
Tender of amends.

**8** No person shall make, or cause to be made, any fire in the open air within the said City at a less distance from any building, or enclosure, or party wall, or party fence, or public way, than fifty feet, under a penalty not exceeding Twenty Pounds for every such offence.

Penalty for making fires in the open air near buildings, &c.

**9** No person shall stack or pile any hay or straw in the open air within the said City at a less distance than fifty feet from any building, or enclosure, or party-wall, or party-fence, or public way, under a penalty not exceeding Twenty Pounds for every such offence.

Penalty for stacking hay near buildings.

**10** No person shall commence any building within the said City until he has given the City Surveyor Seven days' previous notice in writing, specifying the street in which, and the material of which, such building is to be erected, under a penalty not exceeding Twenty Pounds for every such offence.

Notice of intention to build to be given to the City Surveyor.

**11** Where no other mode is specifically provided, all offences against this Act shall be heard and determined, and all orders shall be made, and all penalties and moneys ordered to be paid shall be recovered in a summary way, by any Two or more Justices of the Peace, in the mode prescribed by the *Magistrates' Summary Procedure Act*.

Recovery of Penalties, &c.

**12** This Act shall commence and take effect on the First day of January, 1859.

Commencement of Act.

