



ANNO DECIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 13.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land
and its Dependencies, with the Advice and Consent of the
Legislative Council.*

*AN ACT for regulating Buildings and for preventing
Mischiefs by Fire in the Town of Launceston.*

[29th September, 1853.]

PREAMBLE.

External walls to
be built of brick
or stone.

WHEREAS in order to prevent mischiefs arising by fire it is desirable that no external wall of any house or other building hereafter to be erected and put up or rebuilt in the Town of Launceston should be constructed of wood—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council thereof that from and after the passing of this Act the external walls of all houses shops and other buildings to be erected and put up in any street lane or public place in the Town of Launceston shall be constructed and built of bricks or stone or of bricks and stone together laid in and with mortar or cement in such manner as to produce solid work of brick or stone or brick and stone of the thickness of nine inches at the least or of iron or of other incombustible material and every such wall shall be laid upon a proper stone or brick foundation—PROVIDED NEVERTHELESS that in all such walls of brick or stone or brick and stone as aforesaid besides all requisite openings for doors and windows recesses may be formed so that the back thereof be of the thickness of nine inches at the least and so that the stability and sufficiency of the wall be not injuriously affected by making such recesses—PROVIDED ALSO that in such external walls besides the said component materials thereof there may be put and placed such wood and iron as shall be requisite and necessary but every plate lintel bond corbel being of wood and every wood-brick laid into any

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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.

II. AND WHEREAS there are at present in the said Town of Launceston many buildings the external walls of which are composed of wood—BE IT ENACTED that every part of such last-mentioned existing walls may at all times hereafter as occasion shall require be repaired with materials of the same description as those of which such external walls have been already built but if any such last-mentioned external 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 so rebuilt of brick or stone or brick and stone or of iron or other incombustible material in such manner as is hereinbefore directed with regard to external walls of houses shops and other buildings hereafter to be put up and erected in the said Town as aforesaid.

As to repairing existing walls and rebuilding.

III. AND BE IT ENACTED that for the purpose of enforcing the observance of the provisions of this Act if at any time or times after the passing thereof any external wall of any house shop or other building within the said Town shall be built 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 within the said Town shall be deemed a nuisance and that thereupon it shall be the duty of the Town Surveyor for the time being and he is hereby directed to require the Builder or Owner thereof by a Notice in Writing to remove such nuisance and if such Builder or Owner shall neglect or refuse to remove the same within Three Days after the receipt of such notice as aforesaid it shall be the duty of the said Surveyor for the time being and he is hereby directed and required to summon the Builder or Owner thereof before any two Justices of the Peace in and for the Island of Van Diemen's Land and its Dependencies and if at the time and place appointed in such summons such Builder or Owner shall fail to appear then it shall be lawful for the said Justices and they are hereby authorised and required to issue a warrant under their hands and seals to compel such Builder or Owner to appear before such Justices or any other two Justices and that thereupon it shall be the duty of such Builder or Owner and he is hereby required to enter into a recognizance in such sum as the said Justices shall appoint for abating and taking down the same within such convenient time as the said Justices shall respectively appoint or otherwise for amending the same in terms of the provisions of this Act and also for paying the costs charges and expenses incurred by such Town Surveyor in laying the information and obtaining the conviction including such compensation for the Surveyor's loss of time as the said Justices shall think fit and that if

Power of enforcing observance of Act.

the party so required fail to enter into such recognizance then it shall be lawful for either of such Justices or any Justice and they are and he is hereby required to commit such Builder or Owner to Gaol and there to remain without bail or mainprize until he shall have entered into such recognizance as aforesaid or until such irregular building shall have been abated or demolished taken down or otherwise amended or until such nuisance shall be abated or demolished by order of such Justices respectively (which order the said Justices are hereby empowered and required to make forthwith) and until the costs charges and expenses thereof and of all operations and proceedings in relation thereto shall have been paid and further that on application it shall be lawful for any two or more Justices to order the Town Surveyor or any other person or persons to abate or demolish such nuisance and to order the persons authorised to abate or demolish the same to sell and dispose of the materials thereof and out of the moneys arising by such sale to pay themselves and all persons by them employed for such purpose the reasonable charges for abating or demolishing such nuisance and also such costs and expenses as aforesaid and to pay the surplus moneys (if any) arising by such sale to the Owner of such building all which charges costs and expenses shall be assessed and determined by any two Justices of the Peace.

Proviso as to
buildings ten feet
from boundaries
of allotments.

IV. PROVIDED ALWAYS AND BE IT ENACTED that nothing in this Act contained shall apply or extend to any house shop or other building which now is or hereafter shall or may be erected or built rebuilt enlarged altered or repaired within the said Town the whole of the external walls of which are or shall be at a greater distance than ten feet from each of the boundary lines of the allotment or allotments of land of the Owner or Owners thereof on which any such house shop or other building is or shall be so erected built amended or rebuilt as aforesaid anything hereinbefore to the contrary notwithstanding.

RICHARD DRY, *Speaker.*

Passed the Legislative Council this twenty-third day of September, one thousand eight hundred and fifty-three.

FR. HARTWELL HENSLowe,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

W. DENISON,
Lieut.-Governor.

Government House, Hobart Town,
29th September, 1853.