

T A S M A N I A.



1869.

ANNO TRICESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 28.



AN ACT to further amend *The Hobart Town Corporation Act* in certain Particulars.
[22 October, 1869.]

WHEREAS it is expedient to further amend *The Hobart Town Corporation Act* in certain particulars: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 The Sixth Section of *The Hobart Town Corporation Act* is hereby repealed, and the following Section is substituted in lieu thereof; namely,—Every male of the full age of Twenty-one years, named in the Assessment Roll for the time being in force for the City of *Hobart Town* as the occupier of any land or building, or any portion of any building, of the annual value of Eight Pounds or upwards, shall be a Citizen of the said City: Provided, that no person being an alien shall be a Citizen unless he has received Letters of Denization, or a Certificate of Naturalization.

PREAMBLE.
21 Vict. No. 14.
Persons qualified to be Citizens.

2 Section 15 of the said Act is hereby repealed, and in lieu thereof the following is substituted—Each Citizen shall have a number of Votes according to the Scale following; that is to say,—every Citizen assessed as the occupier of lands or buildings of the annual value of Eight Pounds and under Forty Pounds, shall have One vote; every Citizen assessed as the occupier of lands or buildings of the annual value of Forty Pounds and under Eighty Pounds, shall have Two votes; every Citizen assessed as the occupier of lands or buildings of the annual value of Eighty Pounds and under One hundred and twenty Pounds,

Repeal of Sect. 15 of 21 Vict. No. 14.
Number of Votes to which each Citizen is entitled.

Hobart Town Corporation Act Amendment.

shall have Three votes; every Citizen assessed as the occupier of lands or buildings of the annual value of One hundred and twenty Pounds and under One hundred and sixty Pounds, shall have Four votes; every Citizen assessed as the occupier of lands or buildings of the annual value of One hundred and sixty Pounds and under Two hundred Pounds shall have Five votes; every Citizen assessed as the occupier of lands or buildings of the annual value of Two hundred Pounds and under Two hundred and forty Pounds shall have Six votes; and every Citizen assessed as the occupier of lands or buildings of the annual value of Two hundred and forty Pounds or upwards shall have Seven votes; and every Citizen entitled to such Vote or Votes as aforesaid is hereby empowered to give, and shall if he votes give, the number of Votes to which he is so entitled to any number of persons not exceeding the number of Aldermen to be elected.

All Goods found on property liable for Rates.

3 All goods and chattels whatsoever found upon the property in respect of which any Municipal Rate is payable, to whomsoever the same may belong, shall be liable to be taken under any Warrant of Distress issued for the recovery of such Rate.

Form of Warrant of Distress.

4 The Warrant of Distress referred to in Section One hundred and seven of the said Act may be in the form or to the effect in the Schedule to this Act, anything in the said Section to the contrary notwithstanding.

Ballot Papers may be signed or stamped.

5 All Ballot Papers required for any Election to be held under the provisions of the said Act shall be signed or stamped on the back thereof by the Mayor with his Name in full or his Initials.

Interpretation. "Owner."

6 Section One hundred and sixty-four of the said Act is hereby repealed, and in the construction and for the purposes of the said Act, and of all proceedings under and by virtue thereof, or of any Act amending the said Act, and of all Bye-laws passed and to be passed by the Municipal Council of the said City by virtue of any Act, the word "Owner" shall have the meaning assigned to such word in the fourth Section of *The Police Act, 1865*.

Acts to be read together.

7 This Act, and *The Hobart Town Corporation Act*, and all Acts passed for amending *The Hobart Town Corporation Act*, shall, save as altered by any of the said Acts or by this Act, be read and construed together as one Act.

Hobart Town Corporation Act Amendment.

SCHEDULE.

DISTRESS WARRANT FOR RATES.

TASMANIA } To X.Y.
 TO WIT. } WHEREAS complaint has been made before me C. D., Mayor of the City
 of *Hobart Town*, that A. B. of _____ has not paid the sum of _____
 payable by him by virtue of the General Rate for the City of *Hobart Town* [or of the
 Special Rate for the City of *Hobart Town* called the (*name of Rate*) Rate] made on
 or about the _____ day of _____ 186____, although the same
 has been duly demanded by him: And whereas the said A.B. having appeared before
 me in pursuance of my Summons for that purpose, has not shown sufficient cause why
 the said sum of _____ should not be paid [or, And whereas it has
 been proved to me upon Oath that the said A.B. has been summoned to appear before
 me to show cause why the said sum of _____ should not be paid, and that
 the said A. B. has neglected to appear according to such Summons, and has not shown
 any sufficient cause why the said sum of _____ should not be paid]: These are
 therefore to command you forthwith to make Distress of the Goods and Chattels of the
 said A. B. wheresoever the same may be found, and also of all Goods and Chattels
 found by you upon the said property to whomsoever the same may belong; and (unless
 at any time before the sale of the Goods and Chattels so by you distrained the said sum
 of _____, together with all costs, charges, and expenses attendant upon such
 Distress, be paid to you) that you cause the said Goods and Chattels so by you
 distrained to be sold, and out of the money arising by such sale that you detain the
 said sum of _____, and also all costs, charges, and expenses attendant upon
 such Distress and Sale, rendering to the said A. B. or other person whose Goods and
 Chattels are so distrained by you, as the case may be, the overplus (if any) on demand;
 and the said sum of _____ you are hereby commanded to pay to me the said
 Mayor; and if no sufficient Distress can be made of the Goods and Chattels of the
 said A. B., or otherwise as aforesaid, that then you certify the same to me together
 with this Warrant.

Given under my hand, this _____ day of _____ 186____.

C.D.

Mayor of the City of *Hobart Town*.



The Launceston Building Act.

ARRANGEMENT OF CLAUSES.

1. Short Title of Act.
2. Commencement of Act.
3. Interpretation of Terms.

Limits of Act.

4. Limits of Act.
 5. Division of Act.
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PART I.

REGULATION AND SUPERVISION OF BUILDINGS.

6. Exempted Buildings.
7. Application of Act.
8. Buildings, when deemed to be new.
9. Alterations of, and additions to, old Buildings.
10. Rebuilding of old Buildings.
11. Division of old Buildings separated by irregular Partitions.

Walls.

12. Structure and thickness of Walls.

Recesses and Openings.

13. Rules as to recesses and openings.

Miscellaneous.

14. Timber in external Walls.
15. Rules as to Bressummers.
16. Height and thickness of Parapets to external Walls.
17. Height of Party Walls above Roof.
18. Chases in Party Walls.
19. Construction of Roof.
20. Rules as to Chimneys and Flues.
21. Rules as to close Fires, and pipes conveying Vapour
22. Rules as to habitable Rooms.
23. Party Arches over Public Ways.
24. Arches under Public Ways.
25. Rules as to Projections.
26. Separation of Buildings and Limitation of Areas.
27. Rules as to uniting Buildings.
28. Open spaces near Dwelling-houses.
29. Construction of Public Buildings.

Surveyor.

30. Buildings to be supervised by Surveyor, who is to be appointed by Council.
31. Notices to be given to Surveyor by Builder.
32. Surveyor to cause Rules of Act to be observed.
33. Notice to be Evidence of intended Works.
34. Penalty for neglecting to give Notice.
35. Surveyor may enter Buildings to inspect same.
36. Surveyor may enter Buildings to ascertain as to exempted Buildings.
37. In case of emergency, Works may be commenced without notice.

Hoardings.

38. Hoards to be erected before Building commenced.
39. Licence for Hoards to be obtained of Surveyor.
40. Fee on Licence.
41. Certain Hoards may be removed by Surveyor.

Proceedings in case of Irregularity.

42. Notice by Surveyor in case of Irregularity.
43. On non-compliance with Notice, Justices to summon Builder, and make Order.
44. Penalty on non-compliance with Order.
45. Penalty on Workmen contravening Act.

Fees of Surveyor.

46. Payments to Surveyor.
47. Council may appoint special Fees for services not provided for.
48. Surveyor when entitled to Fees.

Returns by Surveyor.

49. Surveyor to make Monthly Returns to Council.
50. Return to be Certificate that Works are agreeable to Act.

PART 2.**DANGEROUS STRUCTURES.**

51. Survey to be made of dangerous Structures.
52. Surveyor, on completion of Survey, to give Certificate.
53. Proceedings to be taken in respect of Certificate.
54. On non-compliance of Notice, Justices to summon Owner, &c., and make Order.
55. If Owner cannot be found, Council may sell Structure.
56. Payments by or to the Council, how made.
57. Surplus how applied.
58. Fees to Surveyor.
59. Council may appoint special Fees for services not provided for.
60. Fees to be deemed part of expenses.
61. Justices may cause Inmates to be removed from dangerous Structures.
62. Council may appoint Officers.

PART 3.**PARTY STRUCTURES.***Preliminary.*

63. Definition of Building Owner and Adjoining Owner.

Rights of Building and Adjoining Owners.

64. Rights of Building Owner.
65. Rights of Adjoining Owner.
66. Rules as to exercise of Rights by Building and Adjoining Owners.
67. Power of Building Owner to make entry on premises to effect Works.
68. Security to be given by Building Owner if required by Adjoining Owner.
69. Rules as to expenses in respect of Party Structure.
70. Account of Expenses of Works to be delivered to Adjoining Owner within One month.
71. Adjoining Owner may appeal against Account.
72. Building Owner may recover if no appeal made.
73. Penalty on delay of payment by Adjoining Owner.
74. Expenses incurred on requisition of Adjoining Owner.
75. Penalty on Building Owner failing to execute required Works.
76. Consent how given on behalf of persons under disability.
77. Consent how given on behalf of persons not to be found.

PART 4.*Miscellaneous Provisions.*

78. Payment of Expenses by Owners.
79. Rules as to service of Notices, Summonses, and Orders.
80. Manner of determining differences.
81. Form of Proceedings in Court of Requests

82. Recovery of Penalties.
83. Appropriation of Penalties.
84. Appropriation of other Moneys.
85. Provision as to limitation of Time when due notice has not been given.
86. Power to appeal to Supreme Court.
87. Form of Appeal.
88. Notice of Action.

PART 5.

Repeal of former Acts and temporary Provisions.

89. Repeal of 18th Vict. No. 18, with certain exceptions, and of 20th Vict. No. 1.
90. Contracts made previously to passing Act.
91. Liabilities under Contract between Landlord and Tenant.
92. Iron and Wooden Buildings constructed before Act comes into operation.

PART 6.

93. Council may make Bye-Laws.

SCHEDULES.

FIRST SCHEDULE.—Preliminary. 1. Structure of Buildings. 2. Construction of Walls of Brick, Stone, &c. 3. Extra thickness of certain Stone Walls. 4. Thickness of Walls. 5. Height of Story. 6. Height of External and Party Walls. 7. Length of Walls.

PART 1.—Rules for the Walls of Dwelling-houses. 1. Thickness of Walls. 2. Table. 3. Explanation of Table. 4. Qualification in case of certain Walls. 5. Condition in respect of Stories exceeding a certain height. 6. Restriction in case of certain Stories. 7. Thickness of Walls built of Materials other than such Bricks as aforesaid. 8. Rule as to Buildings not being Public Buildings, or Buildings of the Warehouse Class.

PART 2.—Rules for the Walls of Buildings of the Warehouse Class. 1. Definition of Warehouse Class. 2. Thickness at Base. 3. Table. 4. Explanation of Table. 5. Thickness at top of Walls, and through intermediate space. 6. Condition in respect of Stories exceeding a certain height. 7. Thickness of Walls built of materials other than such Bricks as aforesaid.

Miscellaneous.

1. Cross Walls. 2. Extra thickness of certain Stone Walls.

SECOND SCHEDULE.—Boundary Line referred to in Section 6 of 1st Part of Act. Unrepealed portion of 18th Victoria, No. 18.

