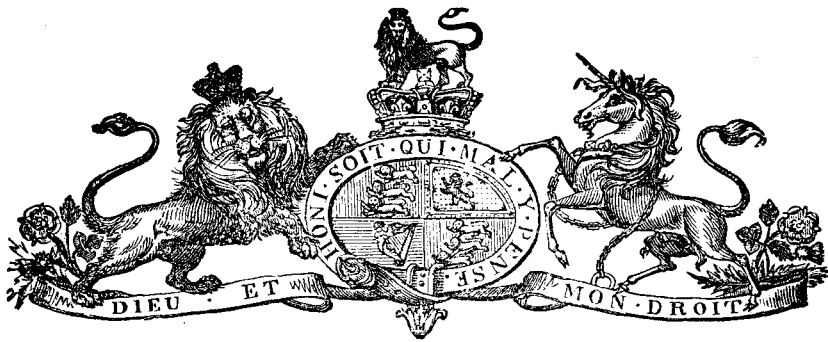


T A S M A N I A.

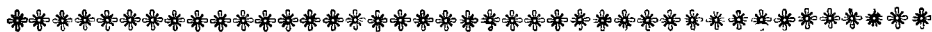


1886.

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ,

No. 19.



AN ACT to amend the Law relating to A.D. 1886.
Buildings in the City of *Hobart*.
[8 *December*, 1886.]

WHEREAS it is expedient that the Law relating to Buildings in PREAMBLE.
the City of *Hobart* should be amended :

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:—

Preliminary.

1 This Act may be cited for all purposes as “The *Hobart* Building Short Title.
Act, 1886.”

2 This Act shall, except in cases where it is otherwise expressly Commencement.
provided, come into operation on the First day of *January*, One thousand eight hundred and eighty-seven.

3 In the construction of this Act, if not inconsistent with the context, Interpretation.
the following terms shall have the respective meanings hereinafter assigned to them; that is to say,—

“Building” shall mean any fixed structure which is either wholly or in part enclosed with walls and roofed:

“Shed” shall mean any fixed roof, other than a verandah or balcony, which is not in any way enclosed with walls:

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- “Outbuilding” shall mean any building which is contiguous, accessory, or a convenience to a dwelling, warehouse, workshop, or manufactory:
- “Public Building” shall mean every Building used as a Church, Chapel, or other place of Public Worship; also every Building used for purposes of Public Instruction; and every Building used as a College, Public Hall, Concert Room, Public Ball Room, Public Lecture Room, Public Exhibition Room, or for any other public purposes:
- “External Wall” shall apply to every outer wall or vertical enclosure of any Building, not being a party wall:
- “Party Wall” shall apply to every wall used, or built in order to be used, as a separation of any Building from any other Building, with a view to the same being occupied by different persons:
- “Partition” shall apply to every wall used or built in order to be used as a separation of one part of any Building from another part of the same Building, such Building being wholly in one occupation:
- “Party Structure” shall include party walls, and also partitions, arches, floors, and other structures separating Buildings, stories, or rooms which belong to different owners, or which are approached by distinct staircases, or separate entrances from without:
- The “Area” of every Building shall be deemed to be the superficies of a horizontal section of such Building made at the point of its greatest surface, including the external walls and such portion of the party walls as belong to the Building, but excluding any attached Building, the height of which does not exceed the height of the ground story:
- The “Base of the Wall” shall mean the course immediately above the footings:
- “Foundation” shall mean the footings and any course above the footings to the height of six inches above the surface; and these shall in all cases be built of stone, brick, or concrete, and shall be continuous with the external walls:
- “Footings” shall mean the first and wider course on which the foundation rests, or (where there is no such footing) the first course of the foundation which rests upon the earth or bed-rock:
- “Necessary repairs” shall mean any work required to be done in or to any building in order to make it weatherproof; or any work required to be done in or to any building which by reason of age, or decay, or accident, is becoming dilapidated:
- “Owner” shall apply to every person in possession or receipt either of the whole, or of any part, of the rents or profits of any land or tenement, or in the occupation of such land or tenement, other than as a tenant from year to year, or for any less term, or as a tenant at will:
- “Builder” shall apply to and include the Master Builder, or other person employed to execute, or who actually executes, any work upon any Building, or if there be no Master

Hobart Building.

Builder or other person so employed, then the Owner of the Building or other person for whom, or by whose Order, such work is to be done : A. D. 1886.

“Council” shall mean the Municipal Council of the City of *Hobart* :

“Surveyor” shall mean every such Surveyor who is appointed in pursuance of this Act, or whose appointment is hereby confirmed :

“Person” shall include a “Body Corporate” or other body of persons.

Limits of Act.

4 This Act shall extend to all places within the limits of the City, as defined by *The Hobart Corporation Act*. Limits of Act.

5 This Act shall be divided into Six parts :—

Division of Act.

- (1.) The First part relating to the Regulation and Supervision of Buildings :
- (2.) The Second part relating to Dangerous Structures :
- (3.) The Third part relating to Party Structures :
- (4.) The Fourth part relating to Miscellaneous Provisions :
- (5.) The Fifth part relating to the Repeal of former Acts, and to temporary provisions :
- (6.) The Sixth part relating to Bye-laws.

PART I.

REGULATION AND SUPERVISION OF BUILDINGS.

6 The following Buildings and Works shall be exempt from the operation of Part I. of this Act :— Buildings, &c. herein named exempt from operation of Part I. of this Act.

Bridges, Piers, Jetties, Embankment Walls, Retaining Walls, and Wharf or Quay Walls :

The Buildings belonging to any Canal, Dock, or Railway Company, and used for the purposes of such Canal, Dock, or Railway, under the provisions of any Act of Parliament :

All Party Fence Walls, and Greenhouses, so far as regards the necessary woodwork of the sashes, doors, and frames :

Openings made into Walls or Flues for the purpose of inserting therein ventilating Valves of a superficial extent not greater than Forty square inches, if such Valves are not nearer than Twelve inches to any timber or other combustible material ; and, with the exception of the notice to and fees payable to Building Surveyor, as hereafter provided :

All necessary repairs, and any alteration or addition in or to any building or structure by way of embellishment or improvement that would not include additional rooms or other habitable space :

All Outbuildings ; but every privy, whether built or hereafter to be built shall have a door, and be properly screened from public view, provided they are at least 20 feet from the line of street, unless in this respect specially authorised by the Council :

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Sheds for business purposes erected on brick piers, or hardwood or iron pillars, provided that three sides of the erection are open and afterwards kept open in their entirety, and that there is no subdivision or partition, and no fireplace, copper, boiler, or any such appliance in such Sheds; and provided likewise that such Sheds are at least twenty feet distant from the line of street:

Buildings, other than outbuildings, the external walls of which are chiefly or entirely of wood or iron outside, and beyond the line set forth in the Schedule (1.), in so far as the materials of the walls and roofs are concerned, provided the eaves of such Buildings are not nearer than Two feet to the boundary line; but if the dividing or external wall be built of not less than $8\frac{1}{2}$ -inch brick, stone, or concrete, they may be built on the boundary line: Provided, that all party walls of such Buildings shall be carried up Fifteen inches above the roof, flat, or gutter of the highest adjoining building, and every such party wall shall extend Two and a quarter inches beyond the back and front walls; but such party walls to be otherwise subject to the Rules of the Act, and to the supervision of the Surveyor: Provided also, that when the walls of such buildings exceed Eight feet in height, the studs in the external walls shall not be less than Four inches wide and Two inches thick, and if there be Two or more stories, then the studs of the lowest story shall be not less than Five inches wide and Two inches thick, and the wall-plates shall be not less than Four inches wide and Two inches thick and Five inches wide and Two inches thick respectively, if bedded on solid foundation, and One inch thicker if otherwise.

Application of Act, except Exemptions before mentioned.

7 With the Exemptions hereinbefore mentioned this Act shall apply to all new Buildings, and whenever mention is herein made of any Building it shall, unless the contrary appears from the context, be deemed to imply a new Building.

Building, when deemed to be new.

8 A Building shall be deemed to be new whenever the enclosing walls thereof have not been carried higher than the footings previously to the said First day of *January*, One thousand eight hundred and eighty-seven; any other Building shall be deemed to be an old Building.

Rebuilding old Buildings.

9 Whenever any old Building has been taken down, or otherwise demolished to an extent exceeding one-half of the whole external walls, such third to be measured in superficial feet, the rebuilding thereof shall be deemed to be the erection of a new Building; and every portion of such old Building that is not in conformity with the Regulations of this Act shall be forthwith taken down, unless otherwise determined by the Council.

Division of old Buildings separated by irregular party walls.

10 Whenever any old Buildings are separated by timber or other party walls not in conformity with this Act, then, if such party walls are removed to the extent of one-third thereof, such Buildings shall, as respects the separation thereof, be deemed to be new Buildings, and be forthwith divided from each other in the manner directed by this Act.

Walls.

Structure and thickness of Walls.

11 Walls (except partition walls) shall be constructed of such substances, and of such thickness, and in such manner as are mentioned in the Schedule (2.)

Hobart *Building.**Recesses and Openings.*

A.D. 1886.

12 The following Rules shall be observed with respect to recesses and openings in walls :—

Rules as to recesses and openings.

Recesses and openings may be made in external walls : Provided,

- i. That the backs of such recesses are not of less thickness than four and a half inches ; and
- ii. That the area of such recesses and openings do not, taken together, exceed one-half of the whole area of the wall in which they are made.

Recesses may be made in party walls : Provided,

- i. That the backs of such recesses are not of less thickness than four and a half inches ; and
- ii. That every recess so formed is arched over, and that the area of such recesses do not, taken altogether, exceed one-third of the whole area of the wall of the story in which they are made :

But no opening shall be made in any party wall except in accordance with the Rules of this Act :

The word " Area " as used in this Section shall mean the Area of the vertical face, or elevation of the wall, pier, or recess to which it refers.

Miscellaneous.

13 Loophole Frames may be fixed within One inch and a half of the face of any external Wall, but all other woodwork fixed in any external Wall, except Bressummers and Story Posts under the same, and frames of doors, and windows of shops, on the ground story of any Building shall be set back Four inches at the least from the external face of such Wall.

As to timber in external Walls.

14 The following Rules shall be observed with respect to Bressummers and Timbers :—

Rules as to Bressummers.

- i. Every Bressummer must have a bearing in the direction of its length of Four inches at the least at each end upon a sufficient pier of brick or stone, or upon a timber or iron story post fixed on a solid foundation, in addition to its bearing upon any party wall.
- ii. No bond Timber or wood plate shall be built into the face of any party wall, and the ends of any beam or joist bearing on such walls shall be at least Two and one-fourth inches distant from the centre line of the party walls : unless the ends of such timbers are separated by brick-work :
- iii. Every Bressummer bearing upon any party wall must be borne by a templet or corbel of stone or iron, tailed through at least half the thickness of such wall, and of the full breadth of the Bressummer.

15 All external Walls on the boundary next to or within Four feet of the boundary of an adjoining owner must be carried up so as to form a Parapet One foot at the least above the highest part of the gutter,

Height and thickness of Parapets to

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external Walls
next to adjoining
owners.Height of Party
Walls above
roofs.Council may
fix limits within
which Shingles
shall not be used.As to construction
of Roofs.Rules as to
Chimneys and
Flues.

and the thickness of the Parapet so carried up must be at least Eight and a half inches reckoned from the level of the under side of the gutter-plate.

16 Every Party Wall shall be carried up above the roof, flat, or gutter to such height as will give a distance of Eighteen inches measured at right angles to the slope of the roof, or Eighteen inches above the highest part of any flat or gutter, as the case may be.

17 It shall be lawful for the Council, by Notice in the *Gazette*, to appoint and declare, at any time they may think fit, certain limits within the City of *Hobart* within which the Roofs of Buildings shall not be externally covered with Shingles or other combustible material, under such restrictions as the said Council may impose, and may in like manner amend or alter any such Notice, and may also in like manner restrict or enlarge such limits as aforesaid.

18 The Roofs of Buildings shall be constructed as follows; that is to say,—

With the exception hereinafter mentioned, the flat, gutter, and roof of every building, and every turret, dormer, lantern-light, skylight, or other erection placed on the flat or roof thereof shall be externally covered with hardwood shingles, or with slates, tiles, metal, or other incombustible materials; but every mansard or curb-roof shall be covered with slates, tiles, metal, or other incombustible materials, except the doors, door-frames, windows, and window-frames of such dormers, turrets, lantern-lights, skylights, or other erections.

19 The following Rules shall be observed as to Chimneys and Flues:—

- i. Chimneys built on corbels of brick, stone, or other incombustible materials may be introduced above the level of the ceiling of the ground story, if the work so corbelled out does not project from the wall more than the thickness of the wall, but all other chimneys shall be built on solid foundations, and with footings similar to the footings of the walls in the same buildings :
- ii. Chimneys and Flues having proper doors of not less than Six inches square may be constructed at any angle, but in every other Chimney or Flue the angle shall be constructed of an obtuseness of not less than One hundred and thirty degrees, and shall be properly rounded :
- iii. An arch of brick or stone, or a bar of wrought iron, must be built over the opening of every Chimney to support the breast thereof; and if the breast projects more than Fourteen inches from the face of the wall, and the jamb on either side is of less width than Seventeen and a half inches, the abutments must be tied in by an iron bar or bars turned up and down at the ends and built into the jambs for at least Eight and a half inches on each side :
- iv. The inside of every Flue, and the back or outside, unless forming part of the outer face of an external wall, must be rendered, pargeted, or lined with fire-proof piping:

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- v. The jambs of every Chimney must at least be Eight and a half inches wide on each side of the opening thereof: A.D. 1886.
- vi. The breast of every Chimney, and the front withe, partition, and back of every Flue, must at the least be Four inches in thickness:
- vii. The back of every Chimney opening from the hearth up to the height of Twelve inches above the mantel, must, at the least, be Eight and half inches thick if in a party or external wall:
- viii. The thickness of the upper side of every Flue, when its course makes with the horizon an angle of less than Forty-five degrees, must be at the least Eight and a half inches:
- ix. Every Chimney shaft shall be carried up in brick or stone work all round, at the least Four inches thick, to a height of not less than Three feet above the roof, flat, or gutter adjoining thereto, measured at the highest point in the line of junction with such roof, flat, or gutter:
- x. The brickwork or stonework of any Chimney shaft, excepting that of the furnace of any steam-engine, brewery, distillery, or manufactory, shall not be built higher above the roof, flat, or gutter adjoining thereto, measured from the highest point in the line of junction with such roof, flat, or gutter, than a height equal to Six times the least width of such Chimney shaft as the level of such highest point in the line of junction, unless such Chimney shaft is built with, and bonded to, another Chimney shaft not in the same line with the first, or otherwise rendered secure: And the brickwork and stonework of every Chimney shaft of the furnace of any steam-engine, brewery, distillery, or manufactory shall be built of the height and in such manner and of such strength and dimensions as shall be directed by the Council in each particular case.
- xi. There shall be laid level with the floor of every story, before the opening of every Chimney, a slab of stone, slate, or other incombustible substance, at the least Twelve inches longer than the width of such opening, and at the least Fifteen inches wide and Three inches thick in front of the breast thereof:
- xii. On every floor, except the lowest floor, such slab shall be placed wholly upon stone or iron bearers, or upon brick or hard-wood trimmers, but on the lowest floor it may be bedded on the solid ground:
- xiii. No Flue shall be built against any party structure, unless a withe is properly secured thereto, at the least Four inches in thickness:
- xiv. No Chimney-breast or shaft built with or in any party wall shall be cut away, unless the Surveyor certifies that it can be done without injuriously affecting the stability of any Building:
- xv. No Chimney shaft, jamb, breast, or flue shall be cut into except for the purpose of repair, or doing some one or more of the following things:—

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Of letting in, or removing, or altering flues, pipes, or funnels for the conveyance of smoke, hot air, or steam, or of letting in, removing, or altering smokejacks :

Of forming openings for soot-doors, such openings to be fitted with a close iron door and frame :

Of making openings for the insertion of ventilating valves, subject to the following restriction :—That no opening shall be made nearer than Four and a half inches to any timber or combustible substance :

- xvi. No timber or woodwork shall be placed in any wall or Chimney-breast nearer than Six inches to the inside of any Flue or Chimney opening :

And no wooden plugs shall be within Four inches of the inside of any flue or chimney opening.

Rules as to close Fires and Pipes for conveying vapour, &c.

20 The following Rules shall be observed as to close Fires and Pipes for conveying heated Vapour or Water ; that is to say,—

- i. The floor under every oven or stove used for the purpose of trade or manufacture, and the floor around the same, for a space of Eighteen inches, shall be formed of materials of an incombustible and non-conducting nature :
- ii. No pipe for conveying smoke, heated air, steam or hot water shall be fixed against any building on the face next to any street :
- iii. No pipe for conveying heated air or steam shall (unless covered with incombustible material) be fixed nearer than Six inches to any combustible materials :
- iv. No pipe for conveying smoke or other products of combustion shall (unless covered as aforesaid) be fixed nearer than Nine inches to any combustible material :

And if any person fails in complying with the Rules of this Section he shall for each offence incur a penalty not exceeding Twenty Pounds, to be recovered before Two Justices of the Peace.

Rules as to Habitable Rooms.

21 The following Rules shall be observed with respect to habitable Rooms in any Building ; that is to say,—

- i. Every habitable Room hereafter constructed in any Building, except Rooms in the roof thereof, and Cellars, and underground Rooms, shall be in every part at the least Nine feet in height from the floor to the ceiling :
- ii. Every habitable Room hereafter constructed in the roof of every building shall be, at the least, Eight feet in height from the floor to the ceiling throughout not less than one half of the area of such Room.
- iii. *As to Cellars and Under-ground Rooms ;*

No Cellar, or Room of a House, the surface of the floor of which Cellar or Room is more than Three feet below the surface of the footway of the adjoining street or land, shall be occupied as a habitable apartment unless it possesses the following requisites ; that is to say,—

Unless the same be in every part thereof at least Seven feet in height, measured from the floor to the ceiling thereof :

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Unless the same be at least One foot of its height above the surface of the footway of the street or land adjoining, or nearest to the same : A.D. 1886.

Unless there be outside of, and adjoining the same Room or Cellar, and extending along the entire frontage thereof and upwards, from Six inches below the level of the floor thereof up to the surface of the said footway, an open area at least Three feet wide in every part:

Unless the same shall be effectually drained and secured against the rise of effluvia from any sewer or drain :

Unless the same have a fireplace with a proper chimney or flue, or otherwise properly ventilated :

Unless the same have an external glazed window of at least Nine superficial feet in area clear of the frame, and made to open in such manner as the Surveyor may approve :

Provided, that in any area adjoining a Room or Cellar there may be placed steps necessary for access to such Room or Cellar, and over or across any such area there may be steps necessary for access to any Building above the Room or Cellar to which such area adjoins, if the steps in such respective cases be so placed as not to be over or across any such external window; and whosoever knowingly suffers any Room that is not constructed in conformity with this Section to be inhabited shall, in addition to any other liabilities he may be subject to under this Act, incur a penalty not exceeding Twenty Shillings for every day daring which such Room is inhabited; and any Room in which any person passes the night shall be deemed to be inhabited within the meaning of this Act.

22 Every Party Arch, and every arch or floor over any Public Way, or any passage leading to premises in other occupation, shall be formed of brick, stone, or other incombustible materials: If an arch of brick or stone is used it shall, in cases where its span does not exceed Nine feet, be of the thickness of four and a half inches at the least, but when its span exceeds Nine feet, be of the thickness of Eight and a half inches at the least: If an arch or floor of iron or other incombustible material is used, it shall be constructed in such manner as may be approved by the Surveyor. As to Party
Arches over
Public Ways.

23 Every Arch under any Public Way shall be formed of brick, stone, or other incombustible materials: If an arch of brick or stone is used, it shall, in cases where its span does not exceed Ten feet, be of the thickness of Eight and a half inches at the least; where its span does not exceed Fifteen feet it shall be of the thickness of Thirteen inches at the least; and where its span exceeds Fifteen feet it shall be of such thickness as may be approved by the Surveyor: If an Arch or other construction of iron or other incombustible material is used, it shall be constructed in such manner as may be approved by the Surveyor. As to Arches
under Public
Ways.

24 The following Rules shall be observed as to Projections:—

- i. Every coping, cornice, fascia, window dressing, and architectural Projection whatsoever, and also the eaves or cornices to any overhanging roof, (except the cornices and dressings of the window fronts of shops, and except the

Rules as to
Projections.

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eaves and cornices to detached and semi-detached dwelling-houses distant at least Five feet from any other building and from the ground of any adjoining owner), when constructed of wood, shall be protected by corbels of brick or other fire-proof material, carried out at least two inches beyond any such projection :

- ii. In streets or alleys of a less width than Thirty feet, any shop front may project beyond the external wall of the building to which it belongs for Five inches and no more, and any cornice of any such shop front may project Thirteen inches and no more ; and in any street or alley of a width greater than Thirty feet, any shop front may project Ten inches and no more, and the cornice may project for Eighteen inches from the external walls, but no more :
- iii. No part of the woodwork of any shop front shall be fixed nearer than Four and a half inches from the line of junction of any adjoining premises, unless a pier or corbel of stone, brick, or other fire-proof material, Four and a half inches wide at the least, is built or fixed next to such adjoining premises as high as such woodwork is fixed, and projects an inch at the least in front of the face thereof :
- iv. The roof, flat, or gutter of every building and every balcony, verandah, and shop front, exceeding Thirteen inches, must be so arranged and constructed, and so supplied with gutters and pipes, as to prevent the water therefrom from dropping upon or running over any public way :
- v. Except in so far as is permitted by this Section in the case of shop fronts, and with the exception of water pipes and their appurtenances, copings, cornices, facias, window dressings, and other like architectural decorations, no Projection from any Building shall extend beyond the general line of fronts in any street except with the permission of the Council ; and the Surveyor shall have power at all times to fix and determine the general line of Building in any street or section of a street :
- vi. If any Building which shall in any part thereof project beyond the regular line of the street in which the same may be situate, or beyond the front of the building, wall, or railing, or either side thereof, shall at any time be taken down to be rebuilt or altered, it shall be lawful for the Council to require the same to be set backwards to such a line and in such a manner as the Council shall direct for the improvement of such street, the Council making full compensation to the owner of such building for any damage which he may sustain thereby :
- vii. If the Council shall consider any porch, shed, projecting window, step, cellar, door, or window, or steps leading into any cellar or otherwise, lamp, lamp-post, lamp-iron, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, fence, or opening, or any other projection or obstruction that hereafter may be placed or made against or in front of any house or building to be an annoyance, in consequence of the same projecting into or being made in, or endangering, or rendering less commodious the passage along any street, it shall be lawful for them to give notice in writing to the

Houses projecting beyond line of street when taken down to be set back.

Owners, &c. to remove future Projections on notice from Council.

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owner or occupier of any such house or building to remove such projection or obstruction, or to alter the same in such manner as the Council shall think fit; and such owner or occupier shall, within Twenty-eight days after the service of such notice upon him, remove such projection or obstruction, or alter the same in such manner as shall have been directed by the Council:

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- viii. If the owner of any such house or building shall neglect or refuse, within Twenty-eight days after service of such notice upon him, to remove such projection or obstruction, or to alter the same in such manner as shall have been directed by the Council, he shall forfeit and pay any sum not exceeding Five Pounds for every such offence; and it shall be lawful for the Council to cause the same to be removed or altered, and all the charges for such removal or alteration shall be repaid to the Council by such owner, and in default of payment the same may be levied and recovered in the same manner as penalties and forfeitures are by this Act directed to be levied and recovered:
- ix. And with regard to all projections or obstructions of a like kind as those before-mentioned which have been erected, placed, or made against or in front of any house or building in any street before the commencement of this Act, it shall be lawful for the Council, if they shall consider any such projection or obstruction to be an annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the passage along any street, to cause the same to be removed or altered as they shall think fit: Provided always, that the Council shall give notice in writing of such intended removal or alteration to the owner or occupier against or in front of whose house or building such projection or obstruction shall be, Seven days before such removal or alteration shall be commenced, and shall make every reasonable compensation (to be ascertained, in case of dispute, by any Two Justices in any manner by this Act directed) to every person who shall incur any loss or damage by such removal.

Penalty on owners for refusing to remove Projections.

Council may remove the same and charge the expense to owners.

Council may remove existing Projections and make compensation for the same.

25 The following Rules shall be observed as to the separation of Buildings and limitation of their Areas:—

- i. Every Building shall be separated by external or party walls from any adjoining Building:
- ii. Separate sets of chambers or rooms tenanted by different persons shall, if contained in a Building exceeding Three thousand six hundred square feet in area, be deemed to be separate Buildings, and be divided accordingly, so far as they adjoin vertically by party walls, and so far as they adjoin horizontally by party arches or fire-proof floors:
- iii. If any Building in one occupation is divided into two or more tenements, each having a separate entrance and staircase, or a separate entrance from without, every such tenement shall be deemed to be a separate Building for the purposes of this Act:
- iv. Every warehouse or other Building used either wholly or in part for the purposes of trade or manufacture, containing

Rules as to the separation of Buildings, and limitation of their Areas.

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more than Two hundred and sixteen thousand cubic feet, shall be divided by party walls in such manner that the contents of each division thereof shall not exceed the above-mentioned number of cubic feet.

Rules as to
uniting Buildings.

26 The following Rules shall be observed as to uniting Buildings:—

- i. No Buildings shall be united unless they are wholly in the same occupation :
- ii. No Buildings shall be united, if when so united they will, considered as one Building only, be in contravention of any of the provisions of this Act :
- iii. No opening shall be made in any party wall dividing Buildings which, if taken together, would contain more than Two hundred and sixteen thousand cubic feet, except under the following conditions :—

Such opening shall not exceed in width Seven feet, or in height Eight feet :

Such opening shall have the floor jambs and head formed of brick, stone, or iron, and be closed by Two wrought iron doors, each One-fourth of an inch thick in the panel, at a distance from each other of the full thickness of the wall, fitted to rebated frames without woodwork of any kind :

- iv. Whenever any Buildings which have been united cease to be in the same occupation, any openings made in the party walls dividing the same shall be stopped up with brick or stonework of the full thickness of the wall itself, and properly bonded therewith.

As to open spaces
near Dwelling-
houses.

27 Every Building used or intended to be used as a Dwelling-house, unless all the rooms can be lighted and ventilated from a street or alley adjoining, shall have in the rear or on the side thereof an open space exclusively belonging thereto of the extent at least of Four hundred square feet.

Construction of
public Buildings.

28 Notwithstanding anything herein contained, every public Building, including the walls, roofs, floors, galleries, staircases, chimneys, and flues, shall be constructed in such manner as may be approved by the Surveyor, or, in the event of disagreement, may be determined by the Council, and save in so far as respects the rules of construction, every public Building shall throughout this Act be deemed to be included in the term Building, and be subject to all the provisions of this Act in the same manner as if it were a Building erected for a purpose other than a public purpose.

Council may fix
limits within
which certain
Buildings shall
not be erected.

29 It shall be lawful for the Council, by notice in the *Gazette* at any time they may think fit, to appoint and declare certain limits within the City of *Hobart* wherein dwelling-houses below the annual assessment to be fixed by the Council for dwelling-houses within such limits shall not be built ; and the Council may in like manner restrict or enlarge such limits as aforesaid : Provided that no such notice shall take effect until the expiration of Three months after the first publication thereof.

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30 It shall not be lawful to erect any building, outbuilding, workshop, shed, or any other structure within the limits set forth in Schedule (3) until the sanction of the Council is obtained thereto; and it shall be compulsory for the builders to lodge a ground plan and elevation with the Building Surveyor Two days before the application for the sanction of the Council is made.

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Buildings not to be erected until sanction of Council obtained.

Surveyor.

31 With the exemptions hereinbefore mentioned, every Building, and every work done to, in, or upon any Building and affected by the Rules of this Act, shall be subject to the supervision of the Surveyor to be appointed as hereinafter mentioned:—

Buildings to be supervised by Surveyor.

It shall be lawful for the Council, from time to time, to nominate and appoint, at such salary for his services as they shall think fit, a Building Surveyor or Surveyors, and, until such Surveyor or Surveyors shall be appointed, it shall be lawful for the City Surveyor of the said City, and he is hereby empowered to perform all the duties which by this Act are required to be performed by such Building Surveyor or Surveyors as aforesaid:

Appointment of Surveyor.

Every such Surveyor so appointed by the said Council as aforesaid shall hold his office during the pleasure of the said Council, and be subject in the same manner as other Corporate Officers to their Regulations and Government:

Surveyors to be under Council.

It shall be the duty of every Surveyor for the said City, and he is hereby required to have an Office at such place as the said Council may appoint.

Surveyor to have Office.

Notices to Surveyors.

32 Two days before the following acts or event, that is to say:—

Notice to be given to Surveyor by Builder.

Two days before any Building or any work to, in, or upon any Building is commenced, and also if the progress of any such Building or work is, after the commencement thereof, suspended for any period exceeding Three months:

Two days before such Building or work is resumed, and also if during the progress of any such Building or work the Builder employed thereon is changed, then, Two days before any new Builder enters upon the continuance of such building or work:

It shall be the duty of the Builder engaged in building or rebuilding such building, or in executing such work, or in continuing such Building or work, to give to the Surveyor notice in writing stating the situation, area, and intended use of the Building or Buildings about to be commenced, or to, in, or upon which any work is to be done, and the number of such Buildings, if more than one, and also the particulars of any such proposed work, and stating also his own name and address; but any works to, in, or upon the same Building that are in progress at the same time may be included in one Notice.

33 The Surveyor shall, upon the receipt of any such Notice as aforesaid, and also upon any work affected by the Rules of this Act, but in respect of which no Notice has been given, being observed by, or made known to him, and also, from time to time, during the progress of any works affected by the Rules and directions of this Act, as often as may be necessary for securing the due observance of such Rules,

Surveyor to cause Rules of this Act to be observed.

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Limitation of proceedings for irregularities.

survey any Building or work hereby placed under his supervision, and cause all the Rules of this Act to be duly observed: Provided always, that when any such building or work has been finished and completed, no proceedings (except in cases where due notice has not been given, and then within the period of One month to be computed as hereinafter specified), shall be had or taken in respect of any irregularity in any Building affected by the Rules and directions of this Act.

Notice to be Evidence of intended Works.

34 Every Notice given in pursuance of this Act shall be deemed in any question relative to any Building or work to be *prima facie* Evidence as against such Builder of the nature of the Building or work proposed to be built or done.

Penalty on Builders neglecting to give Notice.

35 If any Builder neglects to give notice in any of the cases aforesaid, or executes any works of which he is hereby required to give notice, before giving the same, or, having given due Notice of any works, executes the same before the expiration of two days from the time of giving such Notice, (unless with consent in writing under the hand of the Surveyor,) such Builder shall, for every such offence, incur a penalty not exceeding Five Pounds.

Surveyor may enter and inspect Buildings affected by the Act.

36 At all reasonable times during the progress of any Building or work affected by this Act, it shall be lawful for the Surveyor to enter and inspect such Building or work; and if any person refuses to admit such Surveyor to inspect such Building or work, or refuses or neglects to afford such Surveyor all reasonable assistance in such inspection, in every such case the offender shall incur, for each offence, a penalty not exceeding Twenty Pounds.

Penalty on refusal.

Surveyor may enter Buildings to ascertain as to exempted Buildings.

37 The Surveyor may at all reasonable times enter any premises, with the exception of Buildings hereinbefore exempted by name, for the purpose of ascertaining whether any Buildings erected in such premises are in such a situation, or possess such characteristics as are hereinbefore required in order to exempt them from the operation of this Act; and he may do all such things as are necessary for the above purpose; and if any person refuses to admit such Surveyor to enter such premises, or to inspect any such Buildings, or neglects to afford to him all reasonable assistance in such inspection, in every such case the offender shall incur for each offence a penalty not exceeding Twenty Pounds.

In case of emergency, Works may be commenced without Notice.

38 If by reason of any emergency any act or work is required to be done immediately, or before Notice can be given as aforesaid, then it shall be lawful to do the act or work so required to be done, upon condition that, before the expiration of Twenty-four hours after such act or work has been begun, Notice thereof is given to the Surveyor.

Hoards to be erected before Building commenced, &c.

39 The following Rules shall be observed with respect to the erection of Hoardings:—

Every person who shall build, or begin to build or to take down, or begin to take down any house or wall, or alter or repair or begin to alter or repair the outward part of any house or wall, shall cause to be put up a proper and sufficient Hoard or Fence, or Scaffold, in all cases in which the footway shall be thereby obstructed or rendered inconvenient, with a convenient platform and hand-rail, if there shall be room enough for the same, to serve as a footway for passengers outside of such Hoard or Fence,

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and shall continue such Hoard, or Fence, or Scaffold in such case as aforesaid, with such platform and hand-rail standing and in good condition to the satisfaction of the Surveyor, during such time as may be necessary for the public safety or convenience, and shall, in all cases in which the same shall be necessary to prevent accidents, cause such Hoard or Fence, except on clear moonlight nights, to be well lighted during the night; and every such person who shall fail to put up such Hoard, or Fence, or Scaffold, or such platform, with such hand-rail as aforesaid, or who shall not, whilst the said Hoard or Fence is standing, keep the same, except as aforesaid, well lighted during the night, shall for every such offence forfeit a sum not exceeding Five Pounds, and a further sum not exceeding Forty Shillings for every day during the continuance of such default.

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Penalty on not erecting Hoards, &c.

40 It shall not be lawful for any person to erect or set up in any street any Hoard, or Fence, or Scaffold, for any purpose whatever, or any posts, bars, rails, boards, or other things, by way of enclosure, for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials, without a Licence in writing first had and obtained from the Surveyor under his hand, and every such Licence shall state the name of the street in which, and the purpose for which, such Hoard or Fence or enclosure is to be made, and the size thereof, and the time for which it is to be permitted to continue.

No Hoard to be erected without Licence from Surveyor.

41 For every such Licence there shall be paid to the Surveyor a Fee according to a scale to be prepared by the Council, regulated with reference to the space of ground to be enclosed by such Hoard or Fence, or covered by such Scaffold, and the length of time for which such Hoard or Fence or Scaffold is to continue.

Fee on Licence.

42 If any person shall erect or set up in any street any Hoard, or Fence, or Scaffolding for any purpose whatever, or any posts, bars, rails, boards, or other things by way of enclosure, for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials, without a Licence from the Surveyor, or shall do any such acts as aforesaid in any other manner than is permitted in any such Licence, or shall continue the same beyond the time stated in such Licence, without renewal, or shall fail to keep any Hoard, Fence, platform, or hand-rail in good repair, he shall for every such offence forfeit a sum not exceeding Five Pounds, and a further sum not exceeding Forty Shillings for every day during the continuance of such offence; and it shall be lawful for the Surveyor, after Three days' notice to such person, to cause such Hoard, Fence, or Scaffolding, or other enclosure or erection to be pulled down, and the materials thereof, and also all the bricks, mortar, lime, or other building materials, or other matters or things contained within the same, or thereto belonging, to be removed to the public Pound, there to be deposited and kept until the owner thereof, or his known servant, shall pay to the person in whose custody the same shall be the charges of pulling down and removing the same; and in case the same shall not be claimed and the said charges paid within the space of Eight days next after such seizure thereof, it shall be lawful for the Surveyor to order the same to be sold, and by and out of the proceeds of such sale to pay the costs and charges thereby incurred, rendering any surplus to the owner or other person by law entitled thereto: And it shall be lawful for the Surveyor to remove to such place as he shall think fit any rubbish or

If Hoard be erected or materials deposited in any manner otherwise than to the satisfaction of the Surveyor, the same may be removed.

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other matters which shall not be of sufficient value to take to the Pound; and in case the proceeds of such sale shall be insufficient to cover the costs, charges, and expenses incurred or occasioned by the pulling down of such Hoard, or Fence, or Scaffolding, or other enclosure or erection, and of removing the materials thereof, and of other materials, matters, and things, and of selling and disposing of such materials, matters, and things, and of removing and carting away such rubbish and things as shall not be of sufficient value to take to the Pound, the deficiency shall be repaid by the owner of such materials, matters, and things to the Surveyor, on demand, and in default of payment the same may be levied or recovered in the same manner as penalties and forfeitures are by this Act directed to be levied and recovered.

Proceedings by Surveyor in case of irregularity.

Notice by
Surveyor in case
of irregularity.

43 In the following cases; that is to say,—

If, in erecting any building or in doing any work to, in, or upon any building, anything is done contrary to any of the Rules of this Act, or anything required by this Act is omitted to be done: or,

In case where due Notice has not been given,

If the Surveyor, on surveying or inspecting any building or work, finds that the same is so far advanced that he cannot ascertain whether anything has been done contrary to the Rules of this Act, or whether anything required by the Rules of this Act has been omitted to be done:

In every such case the Surveyor shall give to the builder engaged in erecting such building, or in doing such work, notice in writing requiring such builder, within Forty-eight hours from the date of such notice, to cause anything done contrary to the Rules of this Act to be amended, or to do anything required to be done by this Act but which has been omitted to be done.

On non-compliance with Notice, Justices to summon Builder and two Justices to make Order to comply with Requisition.

44 If the Builder to whom such Notice is given makes default in complying with the requisition thereof within such period of Forty-eight hours, the Surveyor may cause complaint of such non-compliance to be made before a Justice of the Peace, and such Justice shall thereupon issue a Summons requiring the Builder so in default to appear before him; and if upon his appearance, or in his absence upon due proof of the service of such Summons, it appears to any two Justices that the requisitions made by such Notice or any of them are authorised by this Act, they shall make an Order on such Builder commanding him to comply with the requisitions of such Notice, or any of such requisitions that may in their opinion be authorised by this Act, within a time to be named in such Order.

Penalty on non-compliance with Order of Justices.

45 If such Order is not complied with, the Builder on whom it is made shall incur a penalty not exceeding Five Pounds a day, to be recovered before any two Justices of the Peace during every day of the continuance of such non-compliance, and in addition thereto the Surveyor may, if he thinks fit, proceed with a sufficient number of workmen to enter upon the premises, and do all such things as may be necessary for enforcing the requisitions of such Notice, and for bringing any building or work into conformity with the Rules of this Act; and all expenses incurred by him in so doing, and in any such proceedings

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as aforesaid, may be recovered from the Builder on whom such Order was made in a summary manner before any two Justices of the Peace, or may be recovered from the owner of the premises in the same manner in which expenses incurred by the Council in respect of dangerous Buildings are hereinafter directed to be recovered from any owner; and if the owner cannot be found, or if, on demand, he refuses or neglects to pay the aforesaid expenses, the Surveyor shall have the same power of taking and selling the building in respect of which the Order is made, and of applying the proceeds, as is thereby given to the Council.

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46 If any workman, labourer, servant, or other person employed in or about any building, wilfully, and without the privity or consent of the person causing such work to be done, does anything in or about such Building contrary to the Rules of this Act, he shall for each such offence incur a penalty not exceeding Fifty Shillings.

Penalty on workmen, &c. doing anything contrary to Rules of Act.

Fees of Surveyor.

47 There shall be paid to the Surveyor, for his time and trouble incurred in causing the Rules and directions of this Part of this Act to be observed, such Fees as shall from time to time be fixed and determined by the Council.

Payments to Surveyor in respect of works.

48 If any special service is required to be performed by the Surveyor under the First Part of this Act for which no Fee may be specified, the Council may order such Fee to be paid for such service as they think fit, and the Surveyor shall have the same remedy for recovering such special Fee as is given for recovering any other Fee.

Council may appoint special Fees for services not provided for.

49 At the expiration of the following periods; that is to say,—
 Of One month after the roof of any building surveyed by any Surveyor under this Act has been covered in:
 Of Fourteen days after the completion of any such work as is by this Act placed under the supervision of the Surveyor:
 Of Fourteen days after any special service in respect of any building has been performed:

Periods when Surveyor entitled to Fees.

the Surveyor shall be entitled to receive the amount of Fees due to him from the Builder employed in erecting such Building, or in doing such work, or in doing any matter in respect of which any special service has been performed by the Surveyor, or from the Owner or Occupier of the Building so erected, or in respect of which such work has been done or service performed; and if any such Builder, Owner, or Occupier refuses to pay the same, such Fees may be recovered in a summary manner before a Justice of the Peace, upon its being shown to the satisfaction of such Justice that a proper Bill, specifying the amount of such Fees, was delivered to such Builder, Owner, or Occupier, or sent to him in a registered letter, addressed to his last known residence.

Returns by Surveyor.

50 The Surveyor shall, within Seven days after the First day of every month, make a Return to the Council in such manner as they may appoint, of all notices and complaints received by him relative to his business, and the results thereof, and of all matters brought by him before any Justices of the Peace, and of all the several works supervised

Surveyor to make Monthly Returns to Council.

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and special services performed by him in the exercise of his office within the previous month, and of all Fees charged or received in respect thereof, and specify in such Return the description and locality of every Building built, rebuilt, enlarged, or altered, or on which any work affected by the Rules of this Act has been done, with the particular nature of every work in respect of which any fee has been charged or received; and the Surveyor shall, monthly, when the said Returns are made as aforesaid, pay over the said Fees received by him to the Town Clerk, who shall carry the same to the credit of the General Municipal Fund.

Return duly signed to be a Certificate that works are agreeable to Act.

51 Every such Return shall be signed by such Surveyor, and shall be deemed to be a Certificate that all the works enumerated therein as completed have been done in all respects agreeably to this Act according to the best of his knowledge and belief, and that they have been duly surveyed by him.

PART II.
Dangerous Structures.

Survey to be made of dangerous Structures.

52 Whenever it is made known to the Council that any Structure (including in such expression any building, wall, or other Structure, and anything affixed to or projecting from any building, wall, or other Structure) is in a dangerous state, such Council shall require a survey of such Structure to be made by the Surveyor, or by some other competent Surveyor, and it shall also be the duty of the Surveyor to make known to the said Council any information he may receive with respect to any Structure being in such state as aforesaid.

Surveyor, on completion of Survey, to give Certificate.

53 Upon the completion of his Survey, the Surveyor employed shall certify to the said Council his opinion as to the state of any such Structure as aforesaid.

Proceedings to be taken in respect of Certificate.

54 If such Certificate is to the effect that such Structure is not in a dangerous state, no further proceedings shall be had in respect thereof; but if it is to the effect that the same is in a dangerous state, the Council shall cause the same to be shored up, or otherwise secured, and a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the Owner of such Structure, requiring him forthwith to take down, secure, or repair the same, as the case requires.

On non-compliance with Notice, Justices to summon Owner, &c., and to make Order to comply with requisition.

55 If the Owner or Occupier, to whom notice is given as last aforesaid, fails to comply as speedily as the nature of the case permits with the requisition of such Notice, the said Council may make complaint thereof before a Justice of the Peace; and it shall be lawful for any Two Justices to order the Owner of any such Structure to take down, repair, or otherwise secure to the satisfaction of the Surveyor who made such survey as aforesaid, or of such other Surveyor as the said Council may appoint, such Structure or such other part thereof as appears to them to be in a dangerous state, within a time to be fixed by such Justices; and in case the same is not taken down, repaired, or otherwise secured within the time so limited, the said Council may, with all convenient speed, cause all, or so much of such Structure as is in a dangerous condition to be taken down, repaired, or otherwise secured, in such manner as may

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be requisite; and all expenses incurred by the said Council in respect of any dangerous Structure by virtue of the Second Part of this Act shall be paid by the Owner of such Structure, but without prejudice to his right to recover the same from any Lessee or other person liable to the expenses of repairs. A.D. 1886.

56 If such Owner cannot be found, or if, on demand, he refuses or neglects to pay the aforesaid expenses, the said Council, after giving Three months' notice of their intention to do so, by posting a printed or written Notice in a conspicuous place on the Structure in respect of which, or of part of which they have incurred expense, or on the land whereon it stands, may sell such Structure, and they shall, after deducting from the proceeds of such sale the amount of all expenses incurred by them, restore the surplus, if any, to the Owner. If Owner cannot be found, Council may sell Structure, giving the surplus to Owner, &c.

57 All payments hereby directed to be made by or to the Council shall be made by or to the Town Clerk in the same manner in which payments are made by or to such Town Clerk in the ordinary course of his business; but the Council or other Officer shall not be liable in respect of any loss that may be sustained by any person in consequence of the exercise by the Council of the powers hereby given them, unless such loss happens through the wilful default of such Council or other Officer. Payments, by or to the Council, how made.

58 In cases where any surplus is hereby made payable to any Owner, if no demand for the same is made by any person entitled thereto within One year, then the same shall be paid into some Bank in the Town, in the name of the Council, and be paid out to the Owner on his applying by petition, and proving his title thereto. Surplus, how to be applied if no demand made for it.

59 There shall be paid to the Surveyor, or to such other Surveyor as aforesaid, in respect of his services under the Second Part of this Act such Fees as may from time to time be directed by the said Council. Fees to Surveyor.

60 If any special service is required to be performed by the Surveyor, or by such other Surveyor as aforesaid, under the Second Part of this Act, for which no Fee may be specified, the said Council may order such Fee to be paid for such service as they think fit. Council may appoint special Fees for services not provided for.

61 All Fees paid to the Surveyor, or to such other Surveyor as aforesaid, by virtue of the Second Part of this Act, shall be deemed to be expenses incurred by the said Council in the matter of the dangerous Structure in respect of which such Fees are paid, and shall be recoverable by them from the Owner accordingly. Fees to be deemed part of Expenses.

62 In cases where a Structure has been certified by the Surveyor, or such other Surveyor as aforesaid, to be dangerous to its inmates, any Two Justices of the Peace may, if satisfied of the correctness of such Certificate, upon the application of the said Council, by order under their hands, direct any inmates of such Structure to be removed therefrom by a Constable. Justices of Peace may cause inmates to be removed from dangerous Structures.

63 The said Council may appoint such persons at such salaries, and make such Regulations, as they think fit for carrying into execution the Second Part of this Act; and all expenses incurred by them not hereby otherwise provided for shall be deemed to be expenses incurred by them in respect of the General Municipal Fund, and be payable accordingly. Powers of Council to appoint Officers.

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PART III.

PARTY STRUCTURES.

Preliminary.

Definition of
Building Owner
and Adjoining
Owner.

64 In the construction of the following provisions relating to Party Structures, such one of the Owners of the premises separated by, or adjoining to, any Party Structure as is desirous of executing any work in respect to such Party Structure, shall be called the Building Owner, and the Owner of the other premises shall be called the Adjoining Owner.

Rights of Building and Adjoining Owners.

Rights of
Building Owner.

65 The Building Owner shall have the following Rights in relation to Party Structures; that is to say,—

- i. A Right to make good or repair any Party Structure that is defective or out of repair :
- ii. A Right to pull down and rebuild any Party Structure that is so far defective or out of repair as to make it necessary or desirable to pull down the same :
- iii. A Right to pull down any timber or other partition that divides any Buildings, and is not conformable with the Regulations of this Act, and to build instead a party wall conformable thereto :
- iv. In the case of buildings connected by arches or communications over public ways, or over passages belonging to other persons, a Right to pull down such of the said Buildings, arches, or communications, or any part thereof, as are not built in conformity with this Act, and to rebuild the same in conformity with this Act :
- v. A Right to raise any Party Structure permitted by this Act to be raised, or any external wall built against such Party Structure, upon condition of making good all damage occasioned thereby to the adjoining premises, or to the internal finishings and decorations thereof, and of carrying up to the requisite height all flues and chimney stacks belonging to the Adjoining Owner on or against such Party Structure or external wall, but so as not to interfere with pre-existing rights of parties :
- vi. A Right to pull down any Party Structure that is of insufficient strength for any building intended to be built, and to rebuild the same of sufficient strength for the above purpose, upon condition of making good all damage occasioned thereby to the adjoining premises, or to the internal finishings and decorations thereof :
- vii. A Right to cut into any Party Structure, upon condition of making good all damage occasioned to the adjoining premises by such operations :
- viii. A Right to cut away any footing or any chimney breasts, jambs, or flues projecting from any party wall, in order to erect an external wall against such party wall, or for any other purpose, upon condition of making good all damage occasioned to the adjoining premises by such operation :

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- ix. A Right to cut away or take down such parts of any wall or building of an Adjoining Owner as may be necessary, in consequence of such wall or building overhanging the ground of the Building Owner, in order to erect an upright wall against the same, on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down : A.D. 1886.
- x. A Right to perform any other necessary works incident to the connection of Party Structure with the premises adjoining thereto :

But the above Rights shall be subject to this qualification, that any building which has been erected previously to the time of this Act coming into operation shall be deemed to be conformable with the provisions of this Act if it is conformable with the provisions of any Act heretofore in force in the City of *Hobart*, notwithstanding the same Act or any part thereof shall be by this Act repealed.

66 Whenever the Building Owner proposes to exercise any of the foregoing Rights with respect to party structures, the Adjoining Owner may require the Building Owner to build on any such party structure certain chimney jambs, breasts, or flues, or certain piers or recesses, or any other like works for the convenience of such Adjoining Owner; and it shall be the duty of such Building Owner to comply with such requisition in all cases where the execution of the required works will not be injurious to the Building Owner, or to cause him unnecessary inconvenience or unnecessary delay in the exercise of his right; and any difference that arises between any Building Owner and Adjoining Owner in respect of the execution of such works as aforesaid shall be determined in manner in which differences between Building Owners and Adjoining Owners are hereinafter directed to be determined. Rights of Adjoining Owner.

67 The following Rules shall be observed with respect to the exercise by Building Owners and Adjoining Owners of their respective Rights :— Rules as to the exercise of Rights by Building and Adjoining Owners.

- i. No Building Owner shall, except with the consent of the Adjoining Owner, or in cases where any Party Structure is dangerous, in which cases the provision hereby made as to dangerous Structures shall apply, exercise any right hereby given in respect of any Party Structure, unless he has given at the least Three months' previous notice to the Adjoining Owner, by delivering the same to him personally or by sending it by Post in a registered letter addressed to such Owner at his last known place of abode :
- ii. The Notice so given shall be in writing or printed, and shall state the nature of the proposed work, and the time at which such work is proposed to be commenced :
- iii. No Building Owner shall exercise any right hereby given to him in such a manner or at such time as to cause unnecessary inconvenience to the Adjoining Owner :
- iv. Upon the receipt of such Notice, the Adjoining Owner may require the Building Owner to build, or may himself build, on any such Party Structure any works to the construction of which he is hereinbefore mentioned to be entitled :

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- v. Any Requisition so made by an Adjoining Owner shall be in writing or printed, and shall be delivered personally to the Building Owner within One month after the date of the notice being given by him, or be sent by Post in a registered letter addressed to him at his last known place of residence ; it shall specify the Works required by the Adjoining Owner for his convenience, and shall, if necessary, be accompanied with explanatory plans and drawings :
- vi. If either Owner does not, within Fourteen days after the delivery to him of any Notice or Requisition, express his consent thereto, he shall be considered as having dissented therefrom, and thereupon a difference shall be deemed to have arisen between the Building Owner and the Adjoining Owner :
- vii. In all cases not hereby specially provided for, where a difference arises between a Building Owner and Adjoining Owner in respect of any matter arising under this Act, unless both parties concur in the appointment of One Surveyor, they shall each appoint a Surveyor, and the Two Surveyors so appointed shall select a Third Surveyor, and such One Surveyor, or Three Surveyors, or any Two of them, shall settle any matter in dispute between such Building and Adjoining Owner, with power, by his or their award, to determine the right to do, and the time, and manner of doing any work, and generally any other matter arising out of, or incidental to such difference ; but any time so appointed for doing any work shall not commence until after the expiration of such period of Three months as is hereinbefore mentioned :
- viii. Any award given by such One Surveyor, or by such Three Surveyors, or any Two of them, shall be conclusive, and shall not be questioned in any Court, with this exception, that either of the parties to the difference may appeal therefrom to the Court held under "The Small Debts Act," or to any like Court of Requests, or Court for the recovery of Small Debts, which may be hereafter substituted in lieu thereof, such appeal to be made within Fourteen days from the date of the delivery of any such award as aforesaid ; and such Court may, subject as hereinafter mentioned, rescind or modify the award so given in such manner as it thinks just ; and in case any Court shall hereafter be substituted for the Court held under the said Act, the Judge or Commissioner of such newly constituted Court shall stand in the room of the Commissioner mentioned and referred to in this Act, and shall have the like or similar jurisdiction and powers :
- ix. If either party to the difference makes default in appointing a Surveyor for Ten days after notice has been given to him by the other party in manner aforesaid to make such appointment, the party giving the notice may make the appointment in the place of the party so making default :
- x. The costs incurred in obtaining any such award as aforesaid shall be paid by such party as such One Surveyor, or Three Surveyors, or any Two of them, may determine :
- xi. If the appellant from any such award as aforesaid, on appearing before the said Court, declares his unwillingness to

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have the matter decided by such Court, and proves to the satisfaction of the Commissioner of such Court that, in the event of the matter being decided against him, he will be liable to pay a sum, exclusive of costs, exceeding Thirty Pounds, and give security, to be approved by such Commissioner duly to prosecute his Appeal, and to abide the event thereof, all proceedings in the said Court shall thereupon be stayed; and it shall be lawful for such Appellant to bring an Action in the Supreme Court of *Tasmania* against the other party to the difference; and the Plaintiff in such Action shall deliver to the Defendant an Issue or Issues whereby the matters in difference between them may be tried; and the Form of such Issue or Issues in case of dispute, or in case of the non-appearance of the Defendant, shall be settled by the said Supreme Court; and such Action shall be prosecuted and Issue or Issues tried in the same manner and subject to the same incidents in and subject to which Actions are prosecuted and Issues tried in other cases within the jurisdiction of the same Court, or as near thereto as circumstances admit:

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- xii. If the parties to any such Action agree as to the facts, a special case may be stated for the opinion of the Supreme Court; and any case so stated may be brought before the Court in like manner and subject to the same incidents in, and subject to which other special cases are brought before such Court, or as near thereto as circumstances admit; and any costs that may have been incurred in the said Court of Requests by the parties to such Action as is mentioned in this Section shall be deemed to be costs incurred in such Action, and be payable accordingly.

68 Whenever any Building Owner has become entitled, in pursuance of this Act, to execute any work, it shall be lawful for him, his servants, agents, or workmen, at all usual times of working, to enter on any premises for the purpose of executing and to execute such work, removing any furniture or doing any other thing that may be necessary; and if such premises are closed, he or they may, accompanied by a Constable or other Officer of the Peace, break open any doors in order to such entry; and any Owner or other person that hinders or obstructs any workmen employed for any of the purposes aforesaid, or wilfully damages or injures the said work, shall incur for every such offence a penalty not exceeding Ten Pounds.

Power for Building Owner to make entry on Premises to effect Works.

Penalty on persons obstructing.

69 Any Adjoining Owner may, if he thinks fit, by notice in writing given by himself, or his agent, require the Building Owner, before commencing any work which he may be authorised by this Act to execute, to give such security as may be agreed upon, or in case of difference, may be settled by the Commissioner of the Court of Requests, for the payment of all such costs and compensation in respect of such work as may be payable by such Building Owner.

Security to be given by Building Owner, if required by Adjoining Owner.

70 The following Rules shall be observed as to Expenses in respect of any Party Structure; that is to say,—

Rules as to Expenses in respect of Party Structure.

As to Expenses to be borne jointly by the Building Owner and Adjoining Owner:

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- i. If any Party Structure is defective or out of repair, the Expense of making good or repairing the same shall be borne by the Building Owner or Adjoining Owner in due proportion, regard being had to the use that each Owner makes of such Structure :
- ii. If any Party Structure is pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull down the same, the Expense of such pulling down and rebuilding shall be borne by the Building Owner and Adjoining Owner in due proportion, regard being had to the use that each Owner makes of such Structure :
- iii. If any timber or other partition dividing any building is pulled down, in exercise of the right hereinbefore vested in a Building Owner, and a Party Structure built instead thereof, the Expense of building such Party Structure, and also of building any additional Party Structures that may be required by reason of such partition having been pulled down, shall be borne by the Building Owner and Adjoining Owner in due proportion, regard being had to the use that each Owner makes of such Party Structure, and to the thickness required to the respective buildings parted thereby :
- iv. If any arches, or communications, or any parts thereof, are pulled down in pursuance of the right hereinbefore vested in any Building Owner, and rebuilt in conformity with this Act, the Expense of such pulling down and rebuilding shall be borne by the Building Owner and Adjoining Owner in due proportion, regard being had to the use that each Owner makes of such arches or communications.

As to Expenses to be borne by Building Owner—

- v. If any Party Structure or external wall built against the same is raised in pursuance of the power hereinbefore vested in any Building Owner for his own benefit exclusively, the Expense of raising the same, and of making good all such damage, and of carrying up to the requisite height all such flues and chimneys as are hereinbefore required to be made good and carried up, shall be borne by the Building Owner; and if the Adjoining Owner shall at any time thereafter make use of any such party structure or external wall, or any part thereof, he shall repay to the Building Owner one half of such expense in respect of so much of the structure or wall as he shall use as aforesaid :
- vi. If any Party Structure which is of proper materials and sound, or not so far defective or out of repair as to make it necessary or desirable to pull down the same, is pulled down and rebuilt by the Building Owner, the Expense of pulling down and rebuilding the same, and of making good all such damage as is hereinbefore required to be made good, shall be borne by the Building Owner :
- vii. If any Party Structure is cut into by the Building Owner, the Expense of cutting into the same, and of making good any damage hereinbefore required to be made good, shall be borne by such Building Owner :

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viii. If any footing, chimney breasts, jambs, or floor is cut away in pursuance of the powers hereinbefore vested in any Building Owner, the expense of such cutting away, and of making good any damage hereinbefore required to be made good, shall be borne by the Building Owner.

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71 Within One month after the completion of any work which any Building Owner is by this Act authorised or required to execute, and the expense of which is in whole or in part to be borne by an Adjoining Owner, such Building Owner shall deliver to the Adjoining Owner an Account in writing of the Expense of the work, specifying any deduction to which such Adjoining Owner or other person may be entitled in respect of old materials or in other respects; and every such work as aforesaid shall be estimated and valued at fair average rates and prices according to the nature of the work and the locality, and the market price of materials and labour at the time.

Account of Expenses of Works to be delivered to Adjoining Owner within One month.

72 At any time within One month after the delivery of such Account, the Adjoining Owner, if dissatisfied therewith, may declare his dissatisfaction to the party delivering the same, by notice in writing given by himself or his agent, and specifying his objections thereto; and, upon such notice having been given, a difference shall be deemed to have arisen between the parties, and such difference shall be determined in manner hereinbefore provided for the determination of differences between Building and Adjoining Owners.

Adjoining Owner may appeal against Account.

73 If within such period of One month as aforesaid the party receiving such Account does not declare, in manner aforesaid, his dissatisfaction therewith, he shall be deemed to have accepted the same, and shall pay the same on demand to the party delivering the Account, and if he fails to do so, the amount so due may be recovered as a debt.

Building Owner may recover, if no Appeal made.

74 Where the Adjoining Owner is liable to contribute to the expenses of building any Party Structure, until such contribution is paid the Building Owner at whose expense the same was built shall stand possessed of the sole property in such Structure.

Penalty on delay of payment by Adjoining Owner.

75 Where any Building Owner has incurred any expenses on the requisition of any Adjoining Owner, the Adjoining Owner making such requisition shall be liable for all such Expenses, and in default of payment the same may be recovered from him as a debt.

As to Expenses incurred on requisition of Adjoining Owner.

76 Where any Building Owner is by the Third Part of this Act liable to make good any damage he may occasion to the property of the Adjoining Owner by any works authorised to be executed by him, or to do any other thing, upon condition of doing which his right to execute such works is hereby limited to arise, and such Building Owner fails, within a reasonable time, to make good such damage, or to do such thing, he shall incur a penalty, to be recovered before a Justice of the Peace, not exceeding Twenty Pounds for each day during which such failure continues.

Penalty on Building Owner failing to execute required Works.

77 Where, in pursuance of this Act, any consent is required to be given, any notice to be served, or any other thing to be done by, on, or to any Owner under any disability, such consent may be given, such

Consent, how given on behalf of persons under disability.

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notice may be served, and such thing may be done by, on, or to the following persons, on behalf of such persons under disability; that is to say,—

By, on, or to a Husband, on behalf of his Wife :

By, on, or to a Trustee, on behalf of his *Cestuique* Trust :

By, on, or to a Guardian or Committee, on behalf of an Infant, Idiot, or Lunatic.

Consent, how given on behalf of persons not to be found.

78 Where any Consent is required to be given, or any other thing to be done by any Owner in pursuance of this Act, if there is no Owner capable of giving such Consent, or of doing such thing, and no person empowered by this Act to give such Consent, or to do such thing on behalf of such Owner, or if any Owner so capable, or any person so empowered cannot be found, the Commissioner of the said Court of Requests shall have power to give such Consent, or do or cause to be done such thing on behalf of such Owner, upon such terms and subject to such conditions as he may think fit, having regard alike to the nature and purpose of the subject matter in respect of which such Consent is to be given, and to the fair claims of the parties on whose behalf such Consent is to be given; and such Commissioner shall have power to dispense with the service of any notice which would otherwise be required to be served.

PART IV.

Miscellaneous Provisions.

Payment of Expenses by Owners.

79 Where it is hereby declared that Expenses are to be borne by the Owner of any premises (including in the term "Owner" the Adjoining and Building Owner, respectively), the following Rules shall be observed with respect to the payment of such Expenses:—

- i. The Owner immediately entitled in possession to such premises, or the Occupier thereof, shall, in the first instance, pay such Expenses, with this limitation, that no Occupier shall be liable to pay any sum exceeding in amount the rent due, or that will thereafter accrue due from him in respect of such premises during the period of his occupancy :
- ii. If there are more Owners than one, every Owner shall be liable to contribute to such Expenses in proportion to his interest:
- iii. If any difference arises as to the amount of contribution, such difference shall be decided by arbitration, to be conducted in manner hereinafter directed; that is to say,—

Appointment of Arbitrator when questions are to be determined by Arbitration.

Unless both parties shall concur in the appointment of a single Arbitrator, each party, on the request of the other party, shall, by writing under his hand, nominate and appoint an Arbitrator, to whom such dispute shall be referred; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if, for the space of Fourteen days after any such dispute shall have arisen, and after a

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request in writing shall have been served by the one party on the other party to appoint an Arbitrator, such last-mentioned party fail to appoint such Arbitrator, then, upon such failure, the party making the request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both parties, and such Arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single Arbitrator shall be final:

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If, before the matters so referred shall be determined, any Arbitrator appointed by either party die, or become incapable, or refuse, or for Seven days neglect to act as Arbitrator, the party by whom such Arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if, for the space of Seven days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former Arbitrator at the time of such his death, refusal, or disability as aforesaid:

Vacancy of Arbitrator to be supplied.

Where more than One Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an Umpire to decide on any such matters on which they shall differ; and if such Umpire shall die, or refuse, or for Seven days neglect to act, they shall forthwith, after such death, refusal, or neglect, appoint another Umpire in his place, and the decision of every such Umpire on the matters so referred to him shall be final:

Appointment of Umpire.

If in either of the cases aforesaid the said Arbitrators shall refuse, or shall, for Seven days after request of either party to such arbitration, neglect to appoint an Umpire, it shall be lawful for the Council, if they think fit, in any case in which a Railway Company shall be one party to the arbitration, on the application of either party to such arbitration, to appoint an Umpire; and the decision of such Umpire on the matters on which the Arbitrators shall differ shall be final:

Council empowered to appoint an Umpire, on neglect of the Arbitrator, in case of Railway Companies.

The said Arbitrators, or their Umpire, may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose:

Power of Arbitrators to call for Books, &c.

Except where by this Act it shall be otherwise provided, the Costs of and attending every such arbitration to be determined by the Arbitrators shall be in the discretion of the Arbitrators, or their Umpires, as the case may be:

Costs to be in the discretion of the Arbitrators.

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Submission to
Arbitration to be
made Rule of
Court.

The submission to any such Arbitration may be made a Rule of the Supreme Court of *Tasmania* on the application of either of the parties :

- iv. If some of the Owners liable to contribution cannot be found, the deficiency so arising shall be divided amongst the parties that can be found :
- v. Any Occupier of premises, who has paid any expenses under this Act, may deduct the amount so paid from any rent payable by him to any Owner of the same premises ; and any Occupier of premises who has paid more than his due proportion of any expenses, may deduct the amount so overpaid from any rent that may be payable by him to any Owner of the same premises :
- vi. If default is made by any Owner or Occupier in payment of any expenses hereby made payable by him in the first instance, or if default is made by any Owner in payment of any other expenses or moneys due from him by way of contribution, or otherwise, in pursuance of this Act, then, in addition to any other remedies hereby provided, such expenses and moneys, if arising in respect of any matter within the provisions of the Third part of this Act, may be recovered as a debt in due course of Law, but if arising in respect of any other matter under this Act, may be recovered in a summary manner.

Rules as to the
services of
Notices,
Summonses, and
Orders.

80 The following Rules shall be observed with respect to the giving or service of any Notice, Summons, or Order directed to be given or served under this Act in cases not hereinbefore provided for :—

- i. A Notice, Summons, or Order may in all cases be served either personally, or by leaving the same for him at his place of abode, or last known place of abode :
- ii. A Notice, Summons, or Order may be served on any Builder by leaving the same, or sending it in a registered letter addressed to him, at his place of address as stated by him to the Surveyor.
- iii. A Notice, Summons, or Order may be served on the owner or Occupier of any premises, by leaving the same with the Occupier of such premises, or with some inmate of his abode, or, if there is no Occupier, by putting up such Notice, Summons, or Order on a conspicuous part of the building or premises to which the same relates ; and it shall not be necessary to name the Owner or Occupier of such premises ; nevertheless when the Owner of any such premises, and his residence, or that of his Agent, are known to the party by whom, or on whose behalf, any Notice, Summons, or Order is intended to be served, it shall be the duty of such party to send every such Notice, Summons, or Order by the Post in a registered letter addressed to the residence, or last known residence of such Owner, or of his Agent :
- iv. A Notice, Summons, or Order may be served on any Surveyor by leaving the same at his Office.

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81 In cases where jurisdiction is hereby given to the Court of Requests, such Court may, from time to time, make such Order in respect of matters so brought before it as it may think fit, with power to settle the time and manner of executing any work, or of doing any other thing, and to put the parties to the case upon such terms as respects the execution of the work, as it thinks fit; it shall also have power to award or refuse costs according to circumstances, and to settle the amount thereof.

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Manner of determining differences.

82 Proceedings in the Court of Requests, in respect of any matter arising under this Act, shall be conducted in the same manner as proceedings are conducted in any case within the ordinary jurisdiction of such Court, or as near thereto as circumstances permit, and Orders made by the Commissioner of such Court may be enforced by execution, committal, or otherwise, in a similar manner to that in which the Orders of such Court are ordinarily enforced.

Form of proceeding in Court of Requests

83 All Penalties and Forfeitures under this Act, and all fees, fines, moneys, costs, or expenses by this Act to be recovered in a summary manner, may be recovered in manner directed by *The Magistrates Summary Procedure Act* before any Two Justices of the Peace, unless where otherwise directed.

Recovery of Penalties.

19 Vict. No. 8.

84 Any Two Justices of the Peace in any case over which jurisdiction is hereby given to them, may make such Order as to the costs of any proceedings of which they have cognizance as they think just; they may also direct the whole or any part of any penalty imposed by them under this Act to be applied in or towards payment of the costs of the proceedings; and, subject to such direction, all penalties shall be paid into the hands of the Town Clerk of the said Town, and by him carried to the credit of the General Municipal Fund.

Appropriation of Penalties.

85 All other moneys received under this Act, and which are not otherwise specifically appropriated, shall be also paid to the said Town Clerk, who is hereby required to place the same to the credit of the General Municipal Fund.

Appropriation of other Moneys.

86 In cases where any building has been erected or work done without due notice being given to the Surveyor, the Surveyor may, at any time within One month after he has discovered that such building has been erected or work done, enter the premises for the purpose of seeing that the Regulations of this Act have been complied with; and the time during which the Surveyor may take any proceedings, or do any thing authorised or required by this Act to be done by him in respect of such building or work, shall begin to run from the date of his discovering that such building has been erected or work done.

Provisions as to limitation of time when due notice has not been given.

This Section shall not apply in cases where such building or work shall have been completed for more than Six months.

87 In every case except in respect of fees of the Surveyor, in which jurisdiction is hereinbefore given to a Justice of the Peace, if either party to any such case is dissatisfied with the determination of the Justices so convicting in respect of any point of Law, or of the admission or rejection of any evidence, such party may, upon giving notice within Seven days to the other party of his intention to appeal, appeal therefrom to the Supreme Court of *Tasmania*, subject to this

Power to appeal to Supreme Court.

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restriction, that no such appeal shall be made by a Surveyor except with the consent of the Justices before whom the case is tried, and that no such appeal shall be made by any other party to the case except upon giving such security for costs, and if the case requires it, in addition thereto, such undertaking in respect of desisting in the meantime from any works complained of or in respect of any other matter or thing arising in the case, as the Justices think fit.

Form of Appeal.

88 Any Appeal so made shall be in the form of a Special Case, to be agreed on by both parties, or if the parties cannot agree, to be settled by the Justices from whose decision the appeal is made, and such case shall be transmitted by the Appellant to the Clerk of the Supreme Court, and be heard in manner provided by the practice of such Court.

Notice of Action.

89 No Writ or Process shall be sued out against any Surveyor or other person for anything done, or intended to be done, under the provisions of this Act until the expiration of One month next after notice in writing has been delivered to him, or left at his office or usual place of abode, stating the cause of Action, and the name and place of abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the trial of any such Action the Plaintiff shall not be permitted to go into evidence of any Cause of Action which is not stated in such last-mentioned Notice, and unless such Notice is proved the jury shall find for the Defendant; and every such Action shall be brought or commenced within Six months next after the accrual of the Cause of Action and not afterwards; and the Defendant shall be at liberty to plead the General Issue. and give this Act and all special matter in evidence thereunder.

PART V.

REPEAL OF FORMER ACT AND TEMPORARY PROVISIONS.

Repeal.

Repeal.

90 Section Four of "The *Hobart* Municipal Council Powers Act, 1884," and the enactments therein particularly referred to, so far as they apply to the City of *Hobart*, are hereby repealed as from the First day of *January*, One thousand eight hundred and eighty-seven, save as to anything done or any right acquired or any liability incurred before that day; and any proceedings authorised to be taken by any enactment repealed by this Act for any act done before that day may be had and taken as if such enactment had not been repealed, notwithstanding such repeal.

As to Contracts made previously to passing of Act.

91 Any Contract made previously to the passing of this Act for the erection of a new building shall be carried into effect, in the same manner as if this Act had been passed at the time of the making thereof, and the necessary deviations from the terms of such Contract may be made accordingly; and if any dispute arises in respect of any loss sustained by any party to such Contract by reason of such necessary deviation, such dispute shall be determined by the said Court of Requests; and whenever any costs or expenses have been paid by any Owner in pursuance of this Act, then, as to any structure held under any lease or agreement made previously to the commencement of this

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Act, it shall be lawful for such owner to recover the same from the persons hitherto liable by Law, or by such existing lease or Contract, to maintain or repair the structure in respect of which such costs and expenses have been incurred. A.D. 1886.

92 Nothing herein contained shall vary or affect the rights or liabilities as between Landlord and Tenant under any Contract between them. Liabilities under Contract between Landlord and Tenant.

93 In cases where any Iron or Wooden Building has been constructed or is in progress of construction previously to the time at which this Act comes into operation, and doubts are entertained whether such Building is permitted by Law, any person interested in such Building may make an application to the Council to signify their approval of such Building; and upon being satisfied of the stability of such Building, may approve of the same, and upon such approval being given, such Building shall be deemed to have been constructed in manner permitted by Law, and this Section shall come into operation immediately after the passing of this Act. As to Iron or Wooden Buildings constructed before this Act comes into operation.

PART VI.*By-Laws.*

94 If, in the opinion of the Council, the Rules by this Act imposed shall be inapplicable, or that they require to be altered or amended, and that by the modification of such Rules or any or either of them the objects of the Act will be attained, it shall be the duty of the Surveyor from time to time to report in writing his opinion thereon, stating the grounds of such opinion to the Council; and if on the investigation thereof it shall appear to the Council that such opinion is well founded, it shall be lawful for the Council from time to time to direct by By-law that such modification be made in such Rules as will in the opinion of the Council give effect to the purposes of this Act; and such By-laws from time to time to alter, modify, amend, or repeal as the Council shall think fit. Council empowered to modify Rules by By-laws. And to amend or repeal same.

95 The publication of any such By-laws in *The Hobart Gazette* shall be sufficient evidence of the same By-laws, and that they are in full force and effect. Publication to be evidence.

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SCHEDULE.

(1.)

Commencing at the easterly limit of the City boundary at the mouth of the *Hobart Rivulet*, and following the City boundary in a north-westerly direction to the point of intersection with the centre line of *Brisbane-street*, along the centre line of *Brisbane-street* (the part not yet made) to within one hundred and fifty feet of the centre line of *Campbell-street*; from that point in a north-westerly direction and parallel with the centre line of *Campbell-street* to a point one hundred and fifty feet on the north-west side of the centre line of *Patrick-street*: from that point in a south-westerly direction and parallel with the centre line of *Patrick-street* to the point of intersection with the centre line of *Argyle-street*; from that point in a north-westerly direction and along the centre line of *Argyle-street* to the point of intersection with the centre line of *High-street*; from that point in a south-westerly direction along the centre line of *High-street* to a point one hundred and fifty feet distant from the centre line of *Elizabeth-street*; from that point and in a north-westerly direction and parallel with the centre line of *Elizabeth-street* to the point of intersection with the centre line of *Colville-street*; from the point of intersection of *Colville-street* and *Elizabeth-street* in a north-westerly direction along the centre lines of *Elizabeth-street*, *Commercial Road*, and *New Town Road* to the City boundary, including a distance of one hundred and fifty feet on the north-easterly and south-westerly sides of such centre lines; from a point on the centre line of *Elphinstone-road* one hundred and fifty-feet distant from the centre line of *Elizabeth-street* and parallel therewith in a south-easterly direction to the centre line of *Little Arthur-street*; from that point along the centre line of *Little Arthur-street* in a south-westerly direction to its intersection with the centre line of the private roadway known as *Hawks' Roadway*; along the centre line of the said private roadway in a south-easterly direction to its intersection with the centre line of *Burnett-street*; from that point in a straight line to the south-westerly end of the centre line of *John-street*; from that point in a straight line to the intersection of the centre lines of *Warwick-street* and *Murray-street*; from that point along the centre line of *Warwick-street* in a south-westerly direction to the distance of one hundred and fifty feet past the centre line of *Harrington-street*; from that point in a south-easterly direction and parallel with the centre line of *Harrington-street* to its intersection with the centre line of *Melville-street*; from that point in a south-westerly direction along the centre line of *Melville-street* to the distance of one hundred and fifty feet past the centre line of *Barrack-street*; from that point in a south-easterly direction and parallel with the centre line of *Barrack-street* to its intersection with the central line of *Goulburn-street*; from that point in a south-westerly direction along the centre line of *Goulburn-street* to a point one hundred and fifty feet past the centre line of *Molle-street*; from that point in a south-easterly direction and parallel with the centre line of *Molle-street* to a point one hundred and fifty feet distant from the centre line of *Macquarie-street* on its westerly side; from that point in a south-westerly direction and parallel with the centre line of *Macquarie-street* to its intersection with the centre line of *Gore-street*; from that point and along the centre line of *Gore-street* in a south-easterly direction to its intersection with the centre line of *Macquarie-street*; along the centre line of *Macquarie-street* in a south-westerly direction to its intersection with the centre line of *Elboden Place*; along the centre line of *Elboden Place* in a south-easterly direction to a point one hundred and fifty feet from the centre line of *Adelaide-street* on its westerly side; from that point in a south-westerly direction and parallel with the centre line of *Adelaide-street* to the city boundary in *D'Arcy-street*; along the city boundary in a south-easterly direction as far as the *Sandy Bay Rivulet*; from that point along the city boundary in a north-easterly direction to its intersection with the centre line of *Sandy Bay Road*; from that point along the centre line of *Sandy Bay Road* in a northerly direction to a point one hundred and fifty feet south-west of the intersection of the centre lines of *St. George's Terrace* and *Sandy Bay Road*; from that point in a south-easterly direction and parallel with *St. George's Terrace* as far as its intersection with the centre line of *De Witt-street*; from that point along the centre line of *De Witt-street* in a north-easterly direction to its intersection with the centre line of *Cromwell-street*; from that point along the centre of *Cromwell-street* in a south-easterly direction to its intersection with the centre

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line of *Colville-street*; from that point along the centre line of *Colville-street* in a north-easterly direction to its intersection with the centre line of *Trumpeter-street*; from that point in a south-easterly direction and in a straight line with the centre line of *Trumpeter-street* to its intersection with the high-water line at *Battery Point*; from that point along the high-water line by *Battery Point*, *Mulgrave Point*, and *Sullivan's Cove* to its confluence with the *Hobart Rivulet* at the eastern point of the City boundary. A.D. 1886.

(2.)

PRELIMINARY.

1. Every Building or other structure within the boundary mentioned in Schedule (I.) shall be enclosed with Walls constructed of brick, stone, concrete, or iron, and if built of iron, shall be framed with iron studs, plates, and braces. Structure of Buildings.
2. Every Wall constructed of brick, stone, or other similar substances shall be properly bonded and solidly put together with mortar or cement, and no part of such Wall shall overhang any part underneath it, and all Return Walls shall be properly bonded together. Construction of Walls of brick, stone, &c.
3. The thickness of every Stone Wall shall be One-fourth more than the thickness stated in the table for Brick Walls, but if the masonry is not laid in horizontal courses, and the stones on their natural bed and level, then the thickness thereof shall be One-third more. Extra thickness of certain Stone Walls.
4. The thickness of every Wall as hereinafter determined shall be the minimum thickness. Thickness of Walls.
5. The height of every topmost Story shall be measured from the level of its floor up to the underside of the tie of the roof, or up to half the vertical height of the rafters when the roof has no tie; and the height of every other Story shall be the clear height of such Story exclusive of the thickness of the floor. Height of Story.
6. The height of every External and Party Wall shall be measured from the top of the Foundation Wall to the level of the top of the topmost Story. Height of External and Party Walls.
7. Walls are deemed to be divided into distinct lengths by Return Walls, and the length of every Wall is measured from the centre of one Return Wall to the centre of another; provided that such Return Walls are External, Party, or Partition Walls of the thickness hereinafter required, and bonded into the walls so deemed to be divided. Length of Walls.

PART I.

RULES FOR THE WALLS OF DWELLING-HOUSES.

1. The External and Party Walls of Dwelling-houses shall be made throughout the different Stories of the thickness shown in the following Table, arranged according to the heights and lengths of the Walls, and calculated for Walls up to One hundred feet in height, and supposed to be built of bricks not less than Eight and a half inches and not more than Nine and a half inches in length, the heights of the Stories being subject to the Condition hereinafter given. Thickness of Walls of Dwelling-houses.

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2.—TABLE.

I.	II.	III.	IV.
Height up to 100 Feet.	Length up to 45 Feet. Two Stories, 21½ Inches. Three Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 80 Feet. Two Stories, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 30 Inches. Two Stories, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 90 Feet.	Length up to 45 Feet. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 70 Feet. One Story, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 30 Inches. Two Stories, 26 Inches. Two Stories, 21½ Inches. One Story, 17½ Inches. Remainder, 13 Inches.
Height up to 80 Feet.	Length up to 40 Feet. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 60 Feet. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 70 Feet.	Length up to 40 Feet. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 55 Feet. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 26 Inches. Two Stories, 21½ Inches. One Story, 17½ Inches. Remainder, 13 Inches.
Height up to 60 Feet.	Length up to 30 Feet. One Story, 17½ Inches. Remainder, 13 Inches.	Length up to 50 Feet. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 50 Feet.	Length up to 30 feet. Wall below the topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	Length up to 45 Feet. One Story, 17½ Inches. Rest of Wall below topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	Length unlimited. One Story, 21½ Inches. One Story, 17½ Inches. Remainder, 13 Inches.
Height up to 40 Feet.	Length up to 35 Feet. Wall below Two topmost Stories, 13 Inches. Two topmost Stories, 8½ Inches. Remainder 8½ Inches.	Length unlimited. One Story, 17½ Inches. Rest of Wall below topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	
Height up to 30 Feet.	Length up to 35 Feet. Wall below Two topmost Stories, 13 Inches. Two topmost Stories, 8½ Inches. Remainder, 8½ Inches.	Length unlimited. Wall below topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	
Height up to 25 Feet.	Length up to 30 Feet. From base to top of Wall, 8½ Inches.	Length unlimited. Wall below topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	

Explanation of Table.

3. In using the above Table the height of the Wall is to be reckoned on the First vertical Column on the left hand of the Table, and the length of the Wall on the corresponding horizontal Column. The thickness of the Wall in each Story is given in inches, and begins with the Wall from the base upwards.

Qualification in case of certain Walls.

4. If any External or Party Wall, measured from centre to centre, is not more than Twenty-five feet distant from any other External or Party Wall to which it is tied by the beams of any floor or floors, other than the ground floor, or the floor of any Story formed in the roof, the length of such Wall is not to be taken into consideration, and the thickness of the Wall will be found in the second vertical Column in the above Table.

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5. If any Story exceeds in height Sixteen times the thickness prescribed for the Walls of such Story in the above Table, the thickness of each external and party Wall throughout such Story shall be increased to One-sixteenth part of the height of the Story; but any such additional thickness may be confined to piers properly distributed, of which the collective width amount to One-fourth part of the length of the Wall. A.D. 1886.
Condition in respect of Stories exceeding a certain height.
6. No Story enclosed with Walls less than Thirteen inches in thickness shall be more than Fifteen feet in height. Restriction in case of certain Stories.
7. All Partition Walls supporting joists shall be not less thickness than Four and a half inches, if built of brick, or studs Four inches wide and Two inches thick, lathed and plastered; but if carried up Two stories or more, than the lowest story shall be brick-work, Eight and a half inches thick, or studs Five inches wide and Two inches thick, lathed and plastered. Partition Walls.
8. All Buildings, excepting Public Buildings, and such Buildings as are hereinafter defined to be Buildings of the Warehouse class, shall, as respects the thickness of their Walls, be subject to the Rules given for Dwelling-houses. Rule as to Buildings not being Public Buildings or Buildings of the Warehouse class.

PART II.

RULES FOR THE WALLS OF BUILDINGS OF THE WAREHOUSE CLASS.

1. The Warehouse class shall comprise all Warehouses, Manufactories, Breweries, and Distilleries. Definition of Warehouse class.
2. The External and Party Walls of Buildings of the Warehouse class shall at the base be made of the thickness shown in the following Table, calculated for Walls up to One hundred feet in height, and supposed to be built of bricks not less than Eight and a half inches in length. Thickness at Base.

3.—TABLE.

I.	II.	III.	IV.
Height up to 100 feet.	Length up to 55 feet. Base, 26 Inches.	Length up to 70 feet. Base, 30 Inches.	Length unlimited. Base, 34 Inches.
Height up to 90 feet.	Length up to 60 feet. Base, 26 Inches.	Length up to 70 feet. Base, 30 Inches.	Length unlimited. Base, 34 inches.
Height up to 80 feet.	Length up to 45 feet. Base, 21½ Inches.	Length up to 60 feet. Base, 26 Inches.	Length unlimited. Base, 30 Inches.
Height up to 70 feet.	Length up to 30 feet. Base, 17½ Inches.	Length up to 45 feet. Base, 21½ Inches.	Length unlimited. Base, 26 Inches.
Height up to 60 feet.	Length up to 35 feet. Base, 17½ Inches.	Length up to 50 feet. Base, 21½ Inches.	Length unlimited. Base, 26 Inches.
Height up to 50 feet.	Length up to 40 feet. Base, 17½ Inches.	Length up to 70 feet. Base, 21½ Inches.	Length unlimited. Base, 26 Inches.
Height up to 40 feet.	Length up to 30 feet. Base, 13 Inches.	Length up to 60 feet. Base, 17½ Inches.	Length unlimited. Base, 21½ Inches.
Height up to 30 feet.	Length up to 45 feet. Base, 13 Inches.	Length unlimited. Base, 13 Inches.	
Height up to 25 feet.	Length unlimited. Base, 17½ Inches.		

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Explanation of Table.

Thickness at top of Walls through intermediate space.

Condition in respect of Stories exceeding a certain height.

Thickness of Walls built of materials other than such bricks as aforesaid.

Cross Walls.

Extra thickness of certain Stone Walls.

4. The above Table is to be used in the same manner as the Table previously given for the Walls of Dwelling-houses, and is subject to the same Qualifications and Conditions respecting Walls not more than Twenty-five feet distant from each other.

5. The thickness of the Walls of Buildings of the Warehouse class at the top, and for Sixteen feet below the top, shall be at least Thirteen inches; and the intermediate parts of the Wall between the base and such Sixteen feet below the top shall be built solid throughout the space between straight lines drawn on each side of the wall, and joining the thickness at the base to the thickness at Sixteen feet below the top, as above determined; nevertheless in Walls not exceeding Thirty feet in height the walls of the topmost story may be Eight inches and a half thick.

6. If in any story of a Building of the Warehouse class the thickness of the Wall, as determined by the Rules hereinbefore given, is less than One-fourteenth part of the height of such story, the thickness of the Wall shall be increased to One-fourteenth part of the height of the story; but any such additional thickness may be confined to piers properly distributed, of which the collective widths amount to One-fourth part of the length of the Wall.

7. The thickness of any Wall of a Building of the Warehouse class, if built of materials other than such bricks as aforesaid, shall be deemed to be sufficient if made of the thickness required by the above Tables, or of such less thickness as may be approved by the Council, with this exception, that in the case of Walls built of stone in which the beds of the masonry are not laid horizontally, no diminution shall be allowed in the thickness required by the foregoing rules for such last-mentioned Walls.

MISCELLANEOUS.

1. The thickness of a Partition Wall shall be Two-thirds of the thickness hereinbefore required for an external or Party Wall of the same dimensions, and belonging to the same class of buildings, but never less than Eight and a half inches, and no Wall sub-dividing any building shall be deemed to be a Partition Wall unless it is carried up Two-thirds of the height of the external or Party Walls, and unless the recesses and openings therein do not exceed one-half of the vertical surface of the Wall in each story.

2. The thickness of every Stone Wall in which the beds of the masonry are not laid on its natural bed shall be One-third greater than the thickness prescribed in the Rules aforesaid.

3. Buildings to which the preceding Rules are inapplicable require the special sanction of the Council.

(3.)

Within one hundred and fifty-feet of the centre line of *Davey-street*, and extending from its intersection with *Elizabeth-street* to the southerly City boundary.

Within one hundred and fifty feet of the centre lines of *Fitzroy Place* and *Garden Crescent*, and extending their entire length.

Within one hundred and fifty feet of the centre line of *Elizabeth-street*, and extending from its intersection with *Brisbane-street* to the north-west City boundary.