

TASMANIA.

THE HOBART CORPORATION ACT, 1930.

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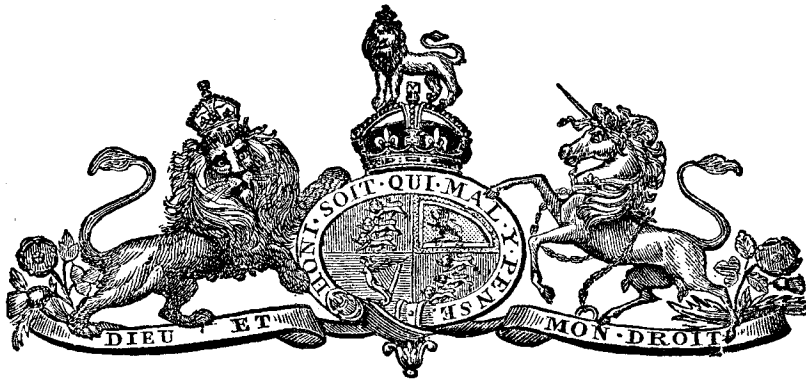
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1930.

ANNO VICESIMO PRIMO

GEORGII V. REGIS.

No. 64.

AN ACT to amend the Hobart Corporation Act, 1929. [12 January, 1931.]

A.D.
1930.

BE it 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:—

PART I.

PRELIMINARY.

1—(1) This Act may be cited as “The Hobart Corporation Act, 1930.” Short title.

(2) This Act and the Hobart Corporation Act, 1929, may be cited as “The Hobart Corporation Acts, 1929-1930.” 20 Geo. V. No. 44.

2 This Act is divided into parts and divisions, as follows:— Division of Act.

Part I.—Preliminary.

Part II.—Officers and their Accountability.

Part III.—Contracts.

Part IV.—Powers in Respect of Property.

Part V.—Acquisition of Land.

Part VI.—Streets.

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- Part XI.—Queenborough Cemetery.
- Part XII.—Miscellaneous Powers and Functions.
- Division (1).—Power to Borrow on Overdraft.
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- 3** The Acts set forth in Schedule (1) are hereby repealed to the extent specified in the third column of that schedule. Repeal. Schedule (1).
- 4** In this Act, unless the context otherwise determines— Interpretation.
- “Division” means a division of any Part of this Act:
- “Occupier” includes the owner of any unoccupied piece of land:
- “Owner,” used with reference to any property, means the person for the time being in the actual receipt of, or entitled to receive, or who, if such property, were let to a tenant, would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, executor, mortgagee in possession, or otherwise, and includes any person in possession of any land under any lease or other instrument conferring possession of such land for any term not less than ten years, without reserving any rent or reserving any annual rent or other periodical payment less than the annual rent that could reasonably be demanded for the use and occupation of such land; but shall not mean or include any mesne tenant:
- “Part” means Part of this Act:
- “Property” means and includes lands or buildings, and lands, buildings, hoardings, and tramways:
- “Schedule” means schedule to this Act:
- “Section” means section of this Act:
- “The Principal Act” means the Hobart Corporation Act, 1929. 20 Geo. V. No. 44.

PART II.

OFFICERS AND THEIR ACCOUNTABILITY.

- 5**—(1) The City Council may appoint and employ a Town Clerk, City Treasurer, City Engineer, Building Surveyor, and such engineers, surveyors, superintendents, collectors, and other officers as the Council thinks necessary and proper for the execution of the powers vested in the Council, and may remove any of such officers, and appoint others in the room of such as are so removed, or as may die, resign, or discontinue their Power to appoint officers.

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offices, and may, out of the Municipal Fund, pay such salaries and allowances to the said officers respectively as the Council thinks reasonable.

(2) Each of such officers shall perform such duties as may be from time to time assigned to him by the Council.

(3) Nothing herein contained shall prevent the same person from being appointed to hold more than one of such offices at the same time if the Council so thinks fit.

The City
Engineer.

6—(1) The Council may assign to the City Engineer the powers, duties, and obligations conferred or imposed upon the following officers, or any of them, namely:—

59 Vict. No. 45.

I. The Superintendent of Waterworks or the Engineer under the Hobart Light Act, 1896, and any by-law made thereunder:

3 Ed. VII. No.
37.

II. The Surveyor of the Local Authority of the City under the Public Health Act, 1903, and any by-law made thereunder:

5 Ed. VII. No.
30.

III. The Surveyor, or the Town Surveyor, or the City Surveyor under the Police Act, 1905, and any by-law made thereunder:

62 Vict. No. 47.
3 Geo. V. No.
12.

IV. The Engineer or the Engineer-in-Chief under the Metropolitan Drainage Act, 1898, and the Hobart Sewerage Act, 1912, respectively, and any by-law made thereunder.

(2) When any of the powers, duties, and obligations referred to in the last preceding subsection are assigned by the Council to the City Engineer, all such powers, duties, and obligations shall be conferred or imposed upon him as if the words "City Engineer" had been used in the respective Acts and by-laws referred to in such subsection in lieu of the several designations used therein and mentioned in such subsection; and in the performance of such powers, duties, and obligations he may for all purposes be styled and known as the "City Engineer" in lieu of such several designations as aforesaid.

Gratuity to
officer.

7 On the resignation or death of any officer appointed or employed by the Council, or on the cessation or abolition of the office of any such officer, the Council may, by resolution, grant and cause to be paid to such officer, or to such of his surviving relations as the Council may think fit, any gratuity which to the Council may seem fit.

Mayor may
suspend
officers.

8—(1) It shall be lawful for the Mayor to suspend from office at any time any officer or servant of the Council who may in his opinion be guilty of misconduct or neglect, and, if necessary, temporarily to appoint another officer or servant to fulfil the duties of the officer or servant so suspended, and to take

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security when necessary for the faithful discharge of the duties of such officer or servant during his temporary appointment. A.D. 1930.

(2) At the next meeting of the Council after such suspension the Mayor shall report the matter to the Council, and should the officer or servant so suspended be dismissed by the Council no salary or wages shall be due or paid to him from and after the date of his suspension.

(3) Every officer or servant so temporarily appointed by the Mayor shall hold office and receive remuneration (which shall in no case exceed that paid to the officer or servant so suspended) until the Council decides whether the person suspended shall be reinstated or dismissed, and, if he is dismissed, until a successor is appointed in his stead.

9 Every officer employed by the Council who exacts or accepts on account of anything done by virtue of his office, or in relation to the matters to be done under this or any other Act relating to the Corporation, any fee or reward whatsoever other than the salary or allowances allowed by the Council, or who is in anywise concerned or interested in any bargain or contract made by the Council, shall lose his office and be incapable of being afterwards employed by the Council, and shall forfeit the sum of Fifty Pounds; and any person may sue for such penalty by action of debt or on the case in the Supreme Court, and shall on recovery thereof be entitled to full costs of suit. Officer taking other than allowed fees to lose office and forfeit £50.

10 Before any person, whether Town Clerk, City Treasurer, Collector, or other officer, who is entrusted by the Council with the custody or control of moneys, securities, or muniments by virtue of his office, shall enter upon such office, the Council shall take sufficient security for the faithful execution thereof. Security from officers.

11 Every officer or person employed under the Corporation shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid and of the several matters for which such sums have been received or paid. Officers of the Corporation to keep books of account.

12—(1) Every collector or other officer appointed or employed by the Council to receive or collect money shall, within such time as the Council may from time to time determine, but in no case more than seven days after he has received any moneys belonging to the Corporation, pay over the same to the City Treasurer, and the receipt of such Treasurer for the moneys so paid shall be a sufficient discharge to such collector or other officer. Collectors, &c., to pay over moneys within seven days to the City Treasurer.

(2) Every such collector or officer shall, in such time and in such manner as the Council directs, deliver to the

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Council true and perfect accounts, in writing, under his hand, of all moneys received by him and of all moneys paid by him to the said City Treasurer, and also a list of the names of all persons who have neglected or refused to pay any money owing by them, with a statement of the moneys due from them respectively.

Officers to
account.

13—(1) Every collector and other officer appointed or employed by the Council shall, when required by the Council, make out and deliver to the Council, or to any person appointed by the Council for that purpose, a true and perfect account, in writing under his hand, of all moneys received by him on behalf of the Corporation.

(2) Such account shall state how, and to whom, and for what purpose, such moneys have been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such payments.

(3) Every such officer shall pay to the Council, or to any person appointed by the Council to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

Summary
recovery
against parties
failing to
account.

14—(1) If any such collector or other officer fails to render such accounts as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for five days after being thereunto required he fails to deliver up to the Council, or to any person appointed by the Council to receive the same, all books, papers, and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the Corporation, then, on complaint thereof being made to a justice, such justice shall summon such collector or officer to appear before two or more justices at a time and place to be set forth in such summons, to answer such charge.

(2) Upon the appearance of such collector or officer, or upon proof that such summons was personally served upon him or left at his last known place of abode, such justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such collector or officer.

(3) If it appears, either upon confession of such collector or officer, or upon evidence, or upon inspection of the account, that any moneys of the Corporation are in the hands of such collector or officer, or owing by him to the Corporation, such justices may order such collector or officer to pay the same, and if he fails to pay the amount it shall be lawful for such justices to grant a warrant to levy the same by distress, and in default of sufficient distress to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same is sooner paid.

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15 If any such collector or officer summoned as aforesaid refuses to make out such account in writing, or to produce and deliver to the justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power belonging to the Corporation, such justices may commit such offender to gaol, there to remain until he has delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the Corporation.

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Officers refusing to make out account and deliver up documents, &c., may be committed to prison.

16—(1) If any alderman, or other person acting on behalf of the Corporation, makes oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such collector or officer as aforesaid to abscond, the justice before whom the complaint is made may, instead of issuing his summons, issue his warrant for bringing such collector or officer before such two justices as aforesaid; but no person executing such warrant shall keep such collector or officer in custody longer than twenty-four hours without bringing him before some justice.

Where officer about to abscond, a warrant may be issued in the first instance.

(2) The justice before whom such collector or officer is brought may either discharge such collector or officer, if he thinks there is not sufficient ground for his detention, or order such collector or officer to be detained in custody so as to be brought before two justices at a time and place to be named in such order, unless such collector or officer gives bail to the satisfaction of such justice for his appearance before such justices to answer the complaint of the Corporation.

17 No such proceeding against or dealing with any such collector or officer as aforesaid shall deprive the Corporation of any remedy which it otherwise has against such collector or officer or any surety of such collector or officer.

Proceedings against officers not to discharge sureties.

PART III.

CONTRACTS.

18 The Council may, in the name and on behalf of the Corporation, enter into contracts for any of the purposes of this or any other Act, as follows; that is to say—

Mode in which Council may enter into contracts.

- I. Any contract which, if made between private persons, must be by deed shall be in writing, under the seal of the Corporation:

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- II. Any contract which, if made between private persons, must be in writing, signed by the parties thereto, shall be in writing, and signed by the Mayor on behalf of the Council:
- III. Any contract which, if made between private persons, may be made verbally without writing, may be made verbally without writing by the Mayor or the Town Clerk on behalf of the Council; but no verbal contract shall be made for any sum exceeding Fifty Pounds.

And all such contracts may be varied and discharged in the same manner respectively.

Contracts to be valid.

19—(1) All contracts made according to the provisions herein contained shall be effectual in law, and shall be binding on the Corporation and the Council, and all other parties thereto, their successors, heirs, executors, or administrators (as the case may be).

(2) In case of default in the execution of any such contract, either by the Council, on behalf of the Corporation, or by any other party thereto, such actions or suits may be maintained thereon, and damages and costs recovered by or against the Corporation or Council or the other parties failing in the performance thereof, as might have been maintained, and obtained, and recovered had the same contracts been made between private persons only.

Composition of breaches of contract, &c.

20 The Council may compound with any party who has entered into any contract with the Council, or by or against whom any action or other proceeding may be, or has been, brought against, or by or on behalf of, the Corporation, for any cause whatsoever, for such sums of money or other consideration or recompense as the Council thinks proper.

Power for Council to contract with other public bodies.

21 It shall be lawful for the Council, in the name and on behalf of the Corporation, to contract, upon such terms and conditions as the Council sees fit, with any other body corporate or public body, for or with respect to the doing, and the control and management, by either or both of the contracting parties, of any matter or thing which such contracting parties are, or either of them is, by law empowered to do, control, and manage, and to carry out every such contract according to the tenor thereof.

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PART IV.

POWERS IN RESPECT OF PROPERTY.

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22 All lands, tenements, hereditaments, and premises, and all other property of every description whatsoever, real or personal, purchased by, vested in, belonging to, or under the care, control, or management of the Corporation or Council, immediately before the commencement of this Act, shall be and remain vested in, belonging to, or under the care, control, and management of the Corporation or the Council, as the case may be.

Property to remain vested in Corporation or Council.

23 The Council may from time to time manage or improve any real or personal property heretofore or hereafter vested in or acquired by the Corporation in such manner as the Council thinks fit.

Power to manage or improve.

24 The Council may from time to time demise or let any real or personal property heretofore or hereafter vested in or acquired by the Corporation, for such periods and on such terms and conditions as the Council thinks fit: Provided always that nothing in this section contained shall authorise the demising or letting of any city recreation ground, except as provided in Part VIII.

Power to let.

25—(1) With regard to any house erected or acquired by the Council for occupation by any of the Council's employees and with regard to any house erected or acquired by the Council in pursuance of the Municipal Homes Act, 1919, together with the land upon which any such house may be erected, the Council may—

Power of Council over employees' homes and Municipal homes.

I. Manage and control every such house:

II. Sell, lease, or let any such house to any person.

(2) Every such sale, lease, or letting shall be upon such terms and subject to such conditions as may be determined by the Council.

13 Geo. V. No. 57.

26—(1) The provisions of Subsection (2) of this section shall not apply to any city recreation ground.

Powers in respect of properties owned by Council.

(2) Without limiting the general powers conferred upon the Council by this Act or by Statute, the Council may, in respect of any land purchased, acquired, or resumed by or vested in the Corporation or Council, do all or any of the following things, that is to say—

I. Demolish or repair any buildings or erections on such land, and sell or otherwise deal with the materials thereof:

II. Construct new buildings or erections thereon:

III. Close, alter, raise, lower, widen, extend, or divert any existing street thereon:

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- IV. Construct and open any new street thereon; and construct and maintain any tramways thereon:
- V. Construct or alter any bridges or culverts:
- VI. Alter the levels of such land and alter existing drains, and construct new drains and sewers thereon:
- VII. Construct and purchase waterworks, garbage destructors, gasworks, electric, or other power works:
- VIII. Generally alter, remodel, and improve such land and buildings in such manner as the Council thinks fit:
- IX. Construct, purchase, or provide municipal offices, pounds, abattoirs, market-places, market-houses, and places for weighing carts and their loadings:
- X. Provide and maintain pleasure grounds, libraries, museums, schools of art, places of public resort and recreation, washhouses, baths, and gymnasias, and all accessories and conveniences necessary for the same:
- XI. Open, construct, widen, improve, or extend streets, roads, tramways, or approaches to any property owned or occupied by the Corporation, whether within or without the city:
- XII. Sell the whole or any portion of such land, in one or more lots, by public auction or private contract, and on such terms and conditions as the Council thinks fit, including power to take such securities for the payment of any balance of purchase-money, or to allow such period for payment of the same, as the Council thinks fit:
- XIII. Lease the whole or any portion of such land, or any buildings thereon, for such periods, and on such terms and conditions, as the Council thinks fit:
- XIV. Use the whole or any portion of such land for any purposes which the Council thinks desirable in the interests of the city and its inhabitants.

PART V.

ACQUISITION OF LAND.

- Land defined. **27** In this Part, unless the context otherwise determines—
 “Land” includes land and any building, structure, or improvement thereon, and any easement, covenant, right, or privilege in, over, or affecting any land, and any estate or interest, legal or equitable, in any land.

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28—(1) The Council may, with the approval of the Governor, without further or other authority than this Act, purchase or resume all lands required for the opening of new public ways, or the widening, enlarging, or extending of public ways in the city, or for carrying out improvements in or remodelling any portion of the city, or for any purposes of this Act, or for any purposes which the Council thinks desirable in the interests of the city.

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Power to purchase or resume.

(2) The Council may, with the like approval and authority, purchase or resume all lands of which those required for such purposes form part.

(3) The expression "public ways" in this section shall include tramways.

29 The Council may defray from the municipal fund the expenses of obtaining plans, estimates, and reports as to the cost or desirability of such purchase, resumption, or construction.

Preliminary expenses.

Provided that, in the event of such lands being purchased or resumed, or such works constructed, any preliminary expenditure in connection therewith shall be charged to the said account to which the cost of such purchase, construction, or resumption is charged.

30 The Council may, by its officers or servants, enter upon any land in the city for the purpose of surveying or making valuations thereof.

Power to enter and survey.

31—(1) The Governor, at the request of the Council, may, by notification and description published in the Gazette, and in each daily newspaper published in Hobart, declare that any land of which the acquisition is authorised by this or any other Act, has been acquired under this Act for the purpose therein expressed.

Governor may issue notification.

(2) A plan of such land, showing, as far as can be ascertained, the separate parcels of same where the same is held by more than one owner, shall be deposited with the City Engineer, at the Town Hall, Hobart, which plan shall be open for public inspection.

32 Upon the publication of such notice and description the land therein described shall be vested in the Corporation for an estate in fee simple in possession, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way, or easements whatsoever.

Effect of notification.

33—(1) Immediately after the publication in the Gazette of a notification that any land has been acquired under this Act, the Council shall cause a copy of the notifica-

Notice to owners.

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Notice of
claim for
compensation.

tion, together with a plan of the land, to be served upon the owners of the land resident within Tasmania, or such of them as can with reasonable diligence be ascertained, either personally or by registered letter posted to their last known place of abode.

(2) If any owner is absent from Tasmania, or cannot, after diligent inquiry, be found, or if service by registered letter cannot be effected, a copy of the notification, together with a plan of the land, shall be left with the occupier of the land, or, if there is no occupier, shall be affixed upon some conspicuous part of the land.

(3) Every person claiming compensation in respect of any land so acquired, or work or other matter done under the authority of this Part, shall, within one hundred and twenty days from the publication of such notification, or within such further time as a judge of the Supreme Court, upon the application and at the cost of the claimant, may, either before or after the expiration of such one hundred and twenty days, appoint in that behalf, serve a notice, in writing, upon the Council, which notice shall set forth the nature of the estate, interest, or title of the claimant in such land, together with an abstract of title, and, if the claimant claims in respect of damage, the nature of the damage which the claimant has sustained, or will sustain, by reason of such acquisition, or work, or matter, together with full particulars of such damage; and such notice shall be in such form as may be prescribed.

Compensation.

34—(1) The owner of any land so resumed, or the person who but for the provisions of this Act would have been such owner, shall, upon asserting a claim and making out a title in respect of any land so acquired, be entitled to receive such compensation for such land as is agreed upon or afterwards ascertained under the provisions herein contained.

(2) Upon the publication of such notice as aforesaid, the estate and interest of any person entitled to any land so acquired, and whether to the legal or the equitable estate therein, shall be taken to have been converted into a claim for compensation in pursuance of the provisions hereinafter contained.

Lands Clauses
Act incor-
porated.
21 Vict. No.
11.

35 For the purpose of further facilitating and effectuating the purposes of this Act, the Lands Clauses Act, except as hereby varied, and except Sections Eight and Nine of that Act, is hereby incorporated with this Act, and shall be construed together herewith as one Act, and shall take effect with regard to all works and undertakings for the purposes of which the Corporation shall be authorised to take and use lands, and not otherwise; and for the purposes of this Act the following expressions in the said Act shall have the meanings hereby assigned to them, save where the context is inconsistent therewith; that is to say:—

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“The promoters of the undertaking” shall mean the Council: A.D. 1930.

“The Special Act” shall mean this Act.

36—(1) Notwithstanding anything in the Lands Clauses Act contained, in estimating the amount of compensation to be paid to any person for land taken for improving, widening, diverting, altering, or making any street, the arbitrators or umpire shall take into consideration the benefit that is likely to accrue to the person whose land is about to be so taken for such street, and the arbitrators or umpire, in awarding compensation to be paid for taking such land, shall make such deduction for such benefit as shall be deemed just.

In estimating compensation to be paid for land taken for a street, benefit to owner to be considered.

(2) In case it appears to the arbitrators or umpire that the benefit likely to accrue to the person through whose land such street is about to be taken is equal to or greater than the loss he will sustain by reason of the taking of his land for such street, the arbitrators or umpire may award that no compensation is to be paid, and thereupon the same rights shall accrue as if compensation had been awarded and duly paid.

PART VI.

STREETS.

Division (1).—*Preliminary.*

- 37** In this Part, unless the context otherwise determines—
- | | |
|--|--|
| <p>“Construction” means grading, forming, and metal-
ling, or otherwise constructing, the carriage-way,
making and kerbing the footways, making the
crossings for wheel traffic, and constructing the
water channels:</p> <p>“Fence” includes a wall or fence, or wall and fence,
or other similar structure, and includes also any
gate or gates or other opening:</p> <p>“Private street” means any thoroughfare, lane, or
passage, not less than twenty feet in width, on
any private property, which was not opened,
acknowledged, and used as a public thoroughfare
before the year one thousand eight hundred and
sixty-five, and any street hereafter laid out in
accordance with the provisions of this Part relat-
ing to private streets:</p> <p>“Street” extends to and includes any public and com-
mon highway, road, square, court, passage, alley,
thoroughfare, public way or place, and the foot-
ways within the city, any place of public resort,
and any avenue leading thereto.</p> | <p>Interpretation.
“Construc-
tion.”</p> <p>“Fence.”</p> <p>“Private
street.”</p> <p>“Street.”</p> |
|--|--|

Hobart Corporation.

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Powers to be
additional.
5 Ed. VII.
No. 30.

38 The powers and authorities conferred upon the Council by this Part, and the provisions herein contained, shall be in addition to the powers and authorities conferred by the Police Act, 1905, and of every other Act, and to the provisions therein contained.

Division (2).—*Public Streets.*

Council may
use engines on
streets.

39 It shall be lawful for the Council to use, upon any street within the city, locomotives or vehicles propelled by any motive power, for the purposes of constructing, improving, maintaining, or rolling the streets of the city.

Half the
expenses of
paving the
footways to be
borne by
owners of
lands abutting
thereon.

40—(1) Whenever the Council, at the request of the owner or owners of any land abutting on any street within the city, shall cause any footway therein to be made, formed, and paved with stone or cement, one-half the expense incurred thereby shall be repaid to the Council by the owners of the lands abutting on such street or on the portion thereof so made, formed, and paved.

(2) If such owner refuses or neglects to pay the same within one month after the same has been demanded, the same shall be recovered in the same way as any city rate is recoverable by law.

(3) Such footway shall afterwards be repaired and kept in repair by the Council.

Cart entrances
to be pro-
vided by
owner.

41—(1) It shall be lawful for the Council, by notice under the hand of the Town Clerk, to require the owner of any premises abutting on any public street within the city, and having or desiring to have a cart entrance thereto, to cause to be constructed across the gutter in front of such cart entrance a proper and sufficient crossing, to the satisfaction of the Council, within a reasonable time to be fixed by the notice.

(2) If the owner of such premises as aforesaid shall fail or neglect to construct the crossing specified in such notice, the Council may carry out the work at the owner's expense, and all expenses incurred by the Council in relation thereto may be recovered by the Council from the owner of such premises as aforesaid, together with all costs in respect thereof, in the same way as any city rate is now recoverable by law.

Power of
Council to
compel erec-
tion of suitable
fence along
street.

42—(1) If and whenever any lands which abut on any street within the city are not fenced in or enclosed to the satisfaction of the Council, or the fence or enclosure thereof is certified by the City Engineer to be—

(a) Insufficient; or

(b) Out of repair; or

(c) Unsuitable or objectionable, having regard to the neighbourhood—

Hobart Corporation.

it shall be lawful for the Council, by notice in writing under the hand of the Town Clerk, to require the owners of any such lands, at their own expense, to fence or enclose such lands, so far as the same abut on any such street, with a substantial fence or enclosure of such kind, description, dimensions, and materials, and in such manner as the Council may think proper, and shall specify in writing, and to maintain the same, or, as the case may be, to effect such fencing repairs and amendments as the Council may think proper and shall specify in writing.

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(2) If any wall or fence or other structure now erected upon any boundary line abutting on any street is taken down, removed, or destroyed, it shall be lawful for the Council to compel the owner thereof to erect upon such boundary line a fence or enclosure of such kind, description, dimensions, and material as the Council may think proper.

Renewal of existing walls and fences.

(3) If, after fourteen days' notice in writing, signed by the Town Clerk, requiring him so to do, the owner—

Council may act in case of owner's default.

- (a) Shall neglect or refuse to commence erecting any such fence or enclosure; or
- (b) When commenced, shall neglect or refuse to complete the same; or
- (c) When completed, shall neglect or refuse to repair and maintain the same; or
- (d) When necessary, shall neglect or refuse to re-erect the same—

then, and in any such case, the Council is hereby authorised to erect and put up all such fences or enclosures, and from time to time to repair and re-erect the same, as occasion shall require, at the cost and expense to the owner, by whom the same ought to have been done.

(4) All costs and expenses incurred by the Council in erecting or repairing or re-erecting any such fence or enclosure as aforesaid may be recovered in the same way as any city rate is now recoverable by law.

43 In addition to the powers of the Council to resume land contained in Part V., it shall be lawful for the Council, in such cases as it may deem necessary, without obtaining the approval of the Governor, and without further or other authority than this Act—

Rounding of street corners.

- I. To require the owner of any vacant allotment of land situate at the corner of any street within the city, before any buildings are erected thereon, to splay the corner of any such allotment to the extent of ten feet, measured along the alignment of each street frontage, and in no case less than ten feet, measured along the diagonal or chord of the curve, and the Council shall pay for the land required for splaying such corner an amount proportionate to

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the assessed unimproved value of the whole block from which it is taken, plus Twenty Pounds per centum:

- II. To require the owner, in the case of all future subdivisions of land within the city, to splay the corners of all streets in connection with any such subdivisions to the extent provided for in the last preceding subsection, free of any claim against the Council for compensation:
- III. To require the owner in cases where a building or buildings, at the corner of any such street as aforesaid, has been pulled down or demolished with a view to rebuilding on such corner, before any new building is commenced, to splay such corner as aforesaid; and the Council shall pay for the land required for splaying such corner an amount proportionate to the assessed unimproved value of the whole block from which it is taken, plus Twenty Pounds per centum.

Governor may issue notifications closing highways or parts thereof.

44—(1) The Governor may, at the request of the Council, by notification and description published in the Gazette and in one daily newspaper published in Hobart, declare that any common highway, or thoroughfare, or any part of a common highway or thoroughfare, within the city shall, after the date mentioned in such notice, thenceforth cease to be or form part of any such common highway or thoroughfare and shall be vested in the Corporation and be dealt with in such manner as the Council shall think proper.

(2) A plan of such common highway or thoroughfare, showing so much thereof as it is proposed to vest in the Corporation, shall be deposited with the City Engineer, at the Town Hall, Hobart, which plan shall be open for public inspection.

Before private company interferes with street plan to be deposited.

45—(1) If any company has, under any Act, whether public or private, the right, power, or authority to open, break up, or interfere with any street or the soil thereof for the purpose of placing and maintaining any rails, works, main pipes, posts, columns, electric wires, conductors, or other apparatus, such company shall, before commencing to open, break up, or interfere with any such street or soil thereof, give to the Council a notice in writing of its intention to break up the same not less than seven clear days before beginning the work, except in cases of emergency or defects in any rails, works, main pipes, posts, columns, electric wires, conductors, or other apparatus whatsoever, of any such company, and then so soon as it is possible after the beginning of the work, or after the necessity for the same shall have arisen.

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(2) The Council may, within five days after such notice has been deposited with it as aforesaid, require a plan showing the works proposed to be executed, and also showing the street or place proposed to be affected and the proposed method of dealing with any street or place. A.D. 1930.

(3) The company shall execute the works in accordance with the plan (if any) so required by the Council as aforesaid, with such modifications to the plans or works, as to the position thereof (if any) as the Council may have required to be made, and the execution of such works shall be under the superintendence of the Council, or of its engineer, or other officer.

(4) If any company shall in any respect fail to comply with the provisions of this section, it shall, for every such offence (without prejudice to any other remedy against it), be liable to a penalty not exceeding Twenty Pounds, and to a further penalty not exceeding Ten Pounds for each day during which the offence shall continue.

(5) The provisions of this section shall be in addition to the provisions of any other Act now in force, whether public or private. Provisions to be additional.

Division (3).—*Construction of Streets at Owners' Request.*

46 On the application of two-thirds in number of the owners of the land abutting on any street, whether the same is or is not a public highway at the time when this Act comes into operation, the Council may, if such street has not theretofore been well and sufficiently laid out and constructed, cause such street or parts thereof to be laid out and constructed in such manner as the Council thinks fit, and the expenses incurred by the Council in respect thereof (or such proportion thereof as the Council may determine) shall be repaid to the Council by all the owners abutting on such street, by contributions from such owners, either—

- I. Proportionately to the frontage of their respective lands on such street: or
- II. With such modification of such proportions as may appear to the Council to be just and equitable, having regard to the circumstances of each case, of which the Council shall be the sole judge: or
- III. In such proportion as may be agreed upon between the Council and such abutting owners.

And the Council may accept payment of such contributions as aforesaid at such times and in such manner as shall be agreed upon with such owners, and, in default of agreement, by forty quarterly instalments, in the manner provided in Division (4) of this Part.

Streets may be constructed on application of majority of owners at their expense.

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Division (4).—*Private Streets.*

Council may cause private streets to be constructed.

47 The Council may, within the city, cause any private street, or any portion thereof, to be constructed in such manner as the Council may from time to time determine; and the whole of the expense incurred by the Council in the construction of any such private street, or such proportion thereof as the Council may determine, shall be repaid, in the manner hereinafter mentioned, by the owner or owners of the land or lands fronting or abutting on any such private street, or any portion thereof, so constructed as aforesaid; and any such private street shall thereafter be maintained and kept in good repair by the Council out of any moneys at its disposal.

Cost of construction to be certified by Auditor-General.

48 When, and so often as the Council shall cause any private street or any portion thereof to be constructed as aforesaid, the City Engineer shall certify to the Auditor-General that such street, or any portion thereof, has been constructed to the satisfaction of the Council, and thereupon the Auditor-General shall certify under his hand the amount of money spent by the Council upon the construction of such street, and the amount so certified by the Auditor-General shall, for all purposes, be deemed to be the amount of money spent by the Council upon the construction of such private street, and shall be final and conclusive.

Cost of construction to be repaid by owners of adjoining lands by instalments.

49—(1) The amount of money so certified as aforesaid as spent by the Council in the construction of any private street, or such proportion thereof as the Council may determine, shall be payable to the Council by the owner or owners of the lands fronting or abutting on any such private street proportionately to the frontage of the land on such private street, or with such modifications as may be fixed under Paragraphs II. and III. of Section Forty-six.

(2) At the request of the owner of any such lands respectively, the Council shall accept payment of his proportion of the cost of construction of such private street by forty quarterly instalments, bearing interest on such portion as from time to time remains unpaid at such rate as the Council may determine.

(3) Such request shall be made in writing, signed by the owner, and lodged with the Council within one month from the time of such owner being notified in writing by the Council of the amount of his proportion of the said cost. The first quarterly instalment shall be payable immediately on the expiration of the said month.

(4) It shall be lawful for, but not obligatory upon, the Council to accept payment of the proportion of the said cost by instalments, in the manner set forth in the last preceding

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paragraph, in any case where the request shall not be lodged within the said period of one month. A.D. 1930.

(5) Notwithstanding anything contained in this section, any owner may at any time pay to the Council any of such quarterly instalments in advance, whereupon interest thereon will cease from the date of payment, and may also at any time pay the balance owing of his proportion of the cost as aforesaid, together with interest thereon to the date of such payment.

50—(1) Where in any case the owner of any land abutting on any private street constructed by the Council as hereinbefore provided is not resident in Tasmania or is unknown or cannot be found, the occupier or occupiers of such land, if more than one, shall be liable and compellable to pay such instalments, and every such occupier is hereby empowered to deduct from the rent payable by him to such owner for the use and occupation of such land the amount of any instalment or instalments so paid by or recovered from such occupier in respect of such land. Where owner cannot be found instalments may be recovered from occupier.

(2) If such land is unoccupied, the trustee or agent or receiver having the receipt of the rent of such land shall be liable and compellable to pay any such instalments to the extent of the rent of such land received by him during the year preceding the day on which such instalments are payable.

51 If the owner of any land refuses or neglects to pay the amount of any instalment within one month after the same has been demanded, the same shall be recoverable and recovered in the same manner and by the same process as any city rate is now recoverable by law, or as hereinafter provided. Moneys to be recoverable as city rates.

52—(1) All unpaid instalments and interest thereon shall be, and remain, a charge upon the land in respect of which such instalments and interest are due, and in priority to all mortgages, charges, liens, and encumbrances whatsoever, and shall so continue notwithstanding that such land may be sold and transferred, and may be recovered at any time from the then owner of the land, whether he be the owner at the time such instalment became payable or not, at the suit of the Corporation, in an action in any court of competent jurisdiction, as for a debt due by him. Unpaid instalments made a charge upon land.

(2) If the then owner be not the owner at the time such instalment became payable, he shall be entitled to recover from the person who was the owner of such land when the instalment became payable, the proportion of the instalment to which such person was liable as money paid to his use.

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Sinking fund
to be formed.

53 The Council shall cause the amount of all instalments paid as hereinbefore provided by the owners of lands abutting on such private streets as aforesaid to be paid into, and form part of, a fund, and the instalments so paid into such fund shall be available only for the purposes of repaying any moneys borrowed by the Council for the construction of such private streets as aforesaid.

Portion of
instalments
paid into
municipal
fund.

54 The Council shall cause the amount of interest paid on the instalments mentioned in the immediately preceding section to be paid into, and form part of, the municipal fund.

Instalments
may be paid
off at any
time.

55 It shall be lawful for the owner of any land abutting on any private street constructed by the Council to pay at any time the whole of the amount for which he is liable in respect of the construction of such street.

Order of
Council for
payment of
money, how
enforced.**56** Whenever—

I. Any order shall have been made by the Council, under the hand of the Mayor or Town Clerk, for the payment by any person of any sum of money due or payable by such person to the Council in respect of any expenditure, costs, charges, or expenses incurred under the authority of this Part; and

II. A copy of such order shall have been served on such person, or left at his usual or last known place of abode in Tasmania, or, if there shall be no such place of abode, shall have been affixed or left upon the house or land (if any) referred to in such order, and such order shall not have been satisfied within the time thereby limited—

any two justices, upon complaint thereof, and upon proof of such copy order having been served, left, or affixed as aforesaid, and of such order remaining unsatisfied, either wholly or in part, may order the amount payable in respect of such order, and all costs and expenses incurred by reason of the same not being satisfied, to be levied by distress and sale of the goods and chattels of the person mentioned in such order, and in default of such distress, or if no sufficient distress shall be found, may commit such person to the nearest gaol for any period not less than fourteen days nor more than three months.

Provided always that the amount payable in respect of any such order as aforesaid may be recoverable at the suit of the Corporation at any time within six years after the service of such order by action in any court of competent jurisdiction.

*Hobart Corporation.*Division (5).—*New Private Streets.*

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57 No new private street shall be surveyed, pegged off, shown upon a subdivision plan, laid out, opened, or used as a street in the city, nor shall any land be subdivided or disposed of on which it is proposed to open a new private street until a sketch showing the proposed new private street, the width and direction of the same, and a sketch showing the proposed drainage of such street has been submitted to the Council and the approval of the Council obtained thereto.

Plans of new streets to be submitted to the Council.

58 Every new private street shall be of the width of sixty feet at the least, whatever its length, and shall be constructed for use as a carriage-way.

Streets to be 60 feet in width and to be carriage-ways.

Provided that the Council may permit the construction of private streets, within such areas as may from time to time be defined by a resolution of the Council on the recommendation of the City Engineer and the Medical Officer of Health, of such width as the Council shall from time to time see fit.

Reduced width in certain cases.

59 If and when the approval of the Council has been given to the sketches mentioned in Section Fifty-seven, the person submitting the same shall forthwith have a proper survey made, and shall deposit the survey plan and a duplicate of the same with the Council, and shall also deposit with the Council, in duplicate, the proposed specifications for the construction of such new private street and the drainage of the same.

If approval given survey and specifications to be deposited in duplicate.

60—(1) Every new private street shall be constructed so as to comply with the following requirements:—

Manner of construction of carriage roads.

- I. The carriage-way shall be forty-two feet wide, except in the case of streets less than sixty feet wide, when the width of the carriage-way shall be as required by the Council:
- II. The surface of the carriage-way shall have a curve or fall from the crown to the channel at the sides thereof of not more than twelve inches, and not less than six inches:
- III. The whole of the carriage-way shall be covered with not less than six inches of rubble and six inches of good bluestone metal, broken to a two-inch ring-gauge:
- IV. The carriage-way shall be well and properly consolidated and rolled as required by the Council:
- v. The metal shall be properly blinded with at least two inches of good gravel or other material approved by the Council, and properly swept in, watered, and rolled:
- VI. Footways shall be constructed on each side of the carriage-way of a width of not less than nine feet,

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except in the case of streets less than sixty feet wide, when the width of the footway shall be as required by the Council, but shall not be less than five feet:

- VII. Each footway shall have a cross fall of one half-inch per foot to the channel:
- VIII. The surface of the footways shall be coated with asphalt not less than two inches thick, or good gravel not less than three inches thick if allowed by the Council, well laid and rolled smooth to the satisfaction of the Council:
- IX. Each footway shall have a stone or concrete kerbing, not less than six inches thick and twelve inches deep, laid solidly and parallel to the centre line of the street, and with the same gradient as the road, and so as to show six inches of a dressed face above the channel: Provided that the Council may, in the case of fairly level streets, permit or require the kerbing to vary and show from four to eight inches of a dressed face, to enable a necessary or advisable fall in the level of the gutter:
- X. A gutter of stone or cement concrete, eighteen inches to twenty-two inches in width as ordered by the Council, and six inches in thickness, shall be constructed along the kerbing of each footway at such levels as the Council shall require:
- XI. And such other requirements as the Council shall, either generally by by-law, or specifically in any particular case, determine.

(2) Every new private street shall be maintained by the owner for a period of three months after the completion thereof before the Council shall be called upon to take over the same as a public street.

Specifica-
tions to set
out require-
ments.

61 The specifications for the construction of a new private street shall set out all necessary requirements for the new private street in question.

Council to
approve or
alter proposed
specifications.

62 The Council shall, upon the receipt of such survey-plan and duplicate and proposed specifications in duplicate, consider the same and express its approval of the same, or make such necessary alterations as it shall see fit, and thereupon give notice to the person submitting the same of such approval or alteration, returning the survey-plan and one copy of the specifications.

If street
constructed in
accordance
with speci-
fications.

63 If such new private street be constructed within twelve months after the notice mentioned in the last preceding section, in accordance with such survey and specifications as approved

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or altered, and on the terms contained in the next succeeding section hereof, the Council shall, on the completion of such construction to the satisfaction of the City Engineer or other person appointed for the purpose, thereafter take over the said street and maintain the same as one of the streets of the city; provided such street is transferred to the Corporation or dedicated as a public highway to the satisfaction of the Council.

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64 Every such new private street shall be constructed either—

Corporation to construct or supervise.

- I. By the Corporation: or
- II. Under the supervision of the City Engineer and to his satisfaction.

65 The Council may, if asked to do so, quote a sum for such construction, and shall thereupon be taken to have agreed to construct such street for the sum so quoted: Provided that such sum is paid to the Council or security given for the payment of the same to the satisfaction of the Council within one calendar month from such quotation.

Corporation may quote price and construct.

66 If the new street is constructed under the supervision of the City Engineer, the following provisions shall apply—

Construction under supervision.

- I. All contracts and other papers in connection with the construction of the street shall be shown to the City Engineer whenever required, and he shall be at liberty to take extracts therefrom and make copies thereof:
- II. Full particulars of all arrangements made from time to time as to the construction shall be furnished to the City Engineer:
- III. All persons concerned in the construction shall obey the reasonable orders of the City Engineer:
- IV. The owner of the land on which the street is to be constructed shall pay to the Corporation a fee equal to five per cent. of the cost of construction.

67 No new private street shall be opened or used as a street in the city, nor shall any land be disposed of fronting on or adjoining the same, nor shall any building be erected fronting on the same, or the entrance to which building is, will, or should be over the same until—

Street not to be opened, nor land thereon sold, until street constructed or provision made for construction.

- I. The street shall have been constructed in accordance with the requirements of this Part, and the supervision fee, if any, paid to the Corporation: or
- II. The sum quoted by the Corporation has been paid, or security given for the payment of the same, in accordance with Section Seventy-five: or

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III. There has been paid or secured to the Corporation such sum as the Council shall deem sufficient to secure the proper construction of the street.

Corporation
not liable for
fencing.
8 Ed. VII. No.
40.

68 The Corporation shall not be liable under the Boundary Fences Act, 1908, or otherwise, to join in fencing or to contribute to the cost of any fencing because the Corporation is the owner of any street, highway, road, or right-of-way.

Division (6).—*Streets in Undeveloped Areas.*

Council may
construct
streets on
subdivisions.

69 Where, in the opinion of the Council, any proposed subdivision of land for building purposes is likely, within a reasonable time, to add materially to the rateable value of the city, it shall be lawful for the Council to enter into a contract with the owner of such land, whereby the Council shall agree to construct the necessary streets and other works connected therewith in such manner as the Council thinks fit, and the owner shall agree to repay to the Council the costs incurred by the Council by instalments of such amount, and extending over such period, together with interest upon the amount for the time being owing by the owner to the Council, at such rate as may be expressed in such agreement, and shall give to the Council such security for the repayment of such costs and interest as the Council may require, and such agreement shall contain such further terms, conditions, and provisions as to the Council may seem proper.

Provision for
future streets.

70—(1) The Council may, at any time by resolution, declare that any strip of land within the city not exceeding one hundred feet in width is or is likely to be required for the future construction of any street or streets, in order—

- I. To provide for the future development of, or afford access to, any part of the city: or
- II. To insure adequate and convenient means of communication between different parts of the city: or
- III. To serve as a main or principal thoroughfare in any part of the city.

(2) When any such resolution has been passed the Council may purchase or resume, in accordance with the provisions of Part V., any land which may be required for the purpose of such street or streets.

(3) After such land has been acquired and until it shall be required for the street construction, the Council may grant to the owner or occupier of any premises adjoining such land, or to any other person, a licence to occupy such land, at such rental and upon such terms and conditions as the Council may determine, but every such licence shall be terminable at any time upon three months' notice to the licensee.

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(4) When the Council shall determine that it is desirable that a street shall be constructed along and upon any strip of land purchased or resumed as aforesaid, such street shall be constructed in all respects as if it were a private street constructed by the Council, and all the provisions relating to private streets contained in this Part shall be applicable thereto, but so that two-thirds of the expense incurred by the Council in the construction of such street, or portion thereof, shall be repaid by the owner or owners of the lands fronting or abutting on such street, and the remaining one-third shall be paid by the Council. A.D. 1930.

(5) The Council may withhold its approval to any sketch or plan, submitted to it under Sections Fifty-seven and Fifty-nine respectively, which shows a proposed disposition of any land intended to be laid out or disposed of for building purposes, unless such proposed disposition conforms with and is convenient to the location of any land so purchased or resumed as aforesaid or any street constructed upon such land.

71 Notwithstanding anything to the contrary contained in any other Act, it shall be lawful for the Council to enter into a contract with the owners of any lands, houses, or buildings within the city who may desire to be supplied with water or to have the sewers extended for their benefit, whereby the Council shall agree to make the desired extensions and bear the capital cost thereof, and the said owners shall agree to pay interest at a rate not exceeding Ten Pounds per centum per annum upon such cost, in addition to all other rates and charges payable by such owners, with a proviso that the revenue derived by the Corporation from the rates and charges, or proportion of the rates and charges, payable in respect of the services rendered by such extensions shall be set off against the interest to be payable as aforesaid. Such interest shall be recoverable from the owner in any court having jurisdiction or in a summary manner. Power to make water and sewerage extensions.

Division (7).—*Penalties.*

72—(1) Every person who shall—

- I. Do, or cause to be done, any act or thing in contravention of any of the provisions of this Part: or
- II. Fail to comply with any of the provisions of this Act in the laying-out, construction, or opening of any new private street, or in connection with the sketches, plans, or specifications of the same—

shall be guilty of an offence under this Act, and shall, upon conviction, forfeit and pay a penalty not exceeding Fifty Pounds, and a penalty not exceeding Five Pounds for every day during which such offence shall be repeated or continued. Penalties.

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10 Geo. V. No.
55.

(2) Section Thirty-two of the Justices Procedure Act, 1919, and any other limitations of time now or hereafter in force, shall not apply to proceedings hereunder which may be taken at any time within twelve calendar months of the date of the commission of the offence.

(3) Each owner of any such land in respect of which an offence is committed shall be liable notwithstanding that such owner has ceased to be the owner of such land since the commission of the offence.

(4) Any person, on the payment of the sum of Five Shillings, shall be entitled to apply for and receive from the Town Clerk a certificate that all the provisions of this Act, in connection with the construction of any private street, have been complied with, which said certificate shall be conclusive evidence in any court of all the matters comprised in it.

PART VII.

HOBART RIVULETS.

Division (1).—*The Hobart Rivulet.*

Interpretation
Rivulet.

73 In this Part, unless the context otherwise determines—
“The Rivulet” means and includes so much of the Hobart Rivulet as is situate between McRobie’s Gully-road on the west and the tunnel outlet on the east, and includes any part of the said Rivulet:

Tunnel.

“The tunnel” means and includes the tunnel from Park-street to the outlet on the River Derwent, north of Macquarie Point, which said tunnel was constructed by the Corporation in co-operation with the Minister for Lands and Works and the Marine Board for Hobart, and in pursuance of the powers conferred by Section Seventeen of the Hobart Corporation Act, 1912.

3 Geo. V.
No. 34.Hobart Rivulet
vested in
Corporation.

74 Subject to all private rights and interests therein (if any) in existence at the commencement of this Act, the Rivulet, as defined in the last preceding section, together with—

- I. The bed and soil thereof:
- II. The water flowing over and upon the bed and soil thereof:
- III. The right of ingress and egress to and from the Rivulet for the purpose of inspecting and cleansing the same and repairing and making good the banks thereof—

shall remain and be vested in the Corporation for the use of the public for ever, and shall be under the supervision, control, and management of the Council.

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75 The channel of the Rivulet, as existing at the commencement of this Act, and as the same shall from time to time be widened, diverted, or altered by the Council under the provisions of this Act, shall be deemed and taken to be, and shall be, the Hobart Rivulet within the intent and meaning of this and all other Acts relating to the Rivulet as if the same were the original channel of the Rivulet, and shall remain and be vested in the Corporation.

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Channel as made by the Council to be the Hobart Rivulet.

Division (2).—*Powers of Council.*

76 The Council is hereby authorised and empowered to widen, divert, or alter the Rivulet, and to purchase and take, or compulsorily acquire, any land which may be required for the purpose of so widening, diverting, or altering the Rivulet.

Council authorised to purchase land to widen, &c., the Rivulet.

77 All land purchased, taken, and acquired by the Council for the purpose of widening, diverting, or altering the Rivulet shall, immediately upon the completion of the taking, purchase, and acquisition thereof, become vested in the Corporation.

Land purchased to vest in Corporation.

78 It shall be lawful for the Council and its servants and assistants, with all necessary means and appliances—

Land to be taken possession of, &c.

- I. To enter upon and take possession of any land which shall be vested in the Corporation for the purpose of widening, altering, or diverting the Rivulet:
- II. To take down and remove all buildings, erections, and things thereupon or thereover:
- III. To sell or otherwise deal with and appropriate such buildings, erections, and things, and the materials thereof, for the benefit of the municipal funds of the city: and
- IV. To dig up, excavate, and appropriate such land as and for the channel of the Rivulet.

79 If any person interested in any such land as aforesaid which shall be vested in the Corporation under the provisions of this Act, or any other person whatsoever, shall knowingly and wilfully obstruct the Council or its servants in entering upon or taking possession of such land, or in taking down or removing any such buildings, erections, or things thereupon, or in otherwise dealing with, applying, or appropriating such land or any such buildings, erections, or things thereupon as aforesaid, every such person shall, upon conviction thereof, be liable to a penalty not exceeding Fifty Pounds.

Penalty for obstructing Council in taking possession of land.

80 Upon any part of the Rivulet being so diverted or altered as aforesaid, it shall be lawful for the Council to grant, sell, alienate, assign, demise, assure, and convey for any estate, term, or interest any portion of the Rivulet which may have

If Rivulet thereby rendered useless may be sold,

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thereby ceased to be used as and for the channel of the Rivulet, and the proceeds or any moneys thereby arising shall be applied in aid of the municipal funds of the city.

Power to enter upon Rivulet to remove obstructions, &c.

81 The Council and its servants and assistants, with all necessary implements, means, and appliances, shall, without being deemed to be or being trespassers for so doing, at all times have power and authority to enter upon the bed and soil of the Rivulet as the same now is or hereafter may be when so widened, diverted, or altered as aforesaid, and to remove all obstructions thereon and encroachments thereupon or thereover, and also to construct such works therein as shall be necessary for facilitating the flow of water in the Rivulet.

Council authorised to have bed of Rivulet cleansed.

82—(1) The Council may take all necessary steps for cleansing the bed or channel of the Rivulet, and removing all obstructions therefrom, and repair and maintain the banks or walls of the Rivulet so as to secure an uninterrupted flow for the water which may flow or be in the Rivulet.

(2) The Council shall perform such works in such a manner, as far as is practicable, as to prevent injury to the health of the inhabitants of the city, and so as to prevent damage accruing to life or property from the overflowing of the waters of the Rivulet caused or aggravated by the presence in the bed of the Rivulet and upon the banks thereof of obstructions to such flow of water as aforesaid.

(3) For the like purposes the Council shall from time to time thereafter keep the bed of the Rivulet clear of such obstructions.

Division (3).—*Obligations Upon Abutting Owners.*

Expense of retaining walls to be borne by owners of lands abutting on Rivulet.

83—(1) Whenever the Council shall see fit so to do, it shall be at liberty to call upon the owners of lands abutting upon the Rivulet from time to time to erect, re-erect, or repair retaining walls of or with brick, stone, or other suitable material, so as to support and uphold the banks of the Rivulet, and of such height and thickness as the Council may deem necessary.

(2) If the owners of any land abutting upon the Rivulet neglect, during fourteen days after notice, in writing, for that purpose, signed by the Town Clerk, to commence to erect, re-erect, or repair, or shall neglect to complete within a reasonable time after such notice, along and upon the banks of the Rivulet, such retaining walls as aforesaid, in the manner required by the Council, the Council may cause such retaining walls to be so erected, re-erected, or repaired along and upon the banks of the Rivulet in such manner as the Council may deem necessary; and for the purposes of the erection or re-erec-

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tion of such retaining walls or repairing the same, the Council, its agents, servants, and workmen may enter upon any lands abutting on the Rivulet without making any compensation therefor, and the expense incurred by the Council in respect thereof shall be repaid by the owners of such lands by whom the same ought to have been done. A.D. 1930.

(3) If such owner refuses or neglects to pay such expense within one month after the same has been demanded, such expense shall be recoverable in the same way as any city rate is now recoverable by law.

(4) Such retaining walls shall afterwards be repaired and kept in repair by the owners of the abutting lands.

(5) Such retaining walls shall in every case be erected, re-erected, and repaired respectively under the supervision and to the satisfaction of the City Engineer.

84—(1) Any expense incurred by the Council in erecting, re-erecting, or repairing any such retaining wall as aforesaid, and remaining unpaid for the space of one month after the same has been demanded, shall be and remain a charge upon the land in respect of which the same is due, and continue so notwithstanding such land may be sold and transferred, and may be recovered at any time from the then owner of the land, whether he be the owner at the time the same became payable or not, at the suit of the Corporation in an action in any court of competent jurisdiction as for a debt due by him. Unpaid expenses made a charge upon land.

(2) If the then owner be not the owner at the time such expense became payable, he shall be entitled to recover from the person who was the owner of such land when the same became payable, the proportion of the same to which such person was liable as money paid to his use.

85—(1) It shall not be lawful for the owner of any land abutting on the Rivulet to erect any fence or retaining wall along that portion of his land which abuts on the Rivulet without the permission, in writing, of the City Engineer first obtained for any such purpose, unless such owner has received the notice hereinbefore mentioned. Owner must not erect wall without sanction of City Engineer.

(2) The Council may pull down and remove any fence or wall erected and abutting on the Rivulet which, in the opinion of the City Engineer, is erected in such a manner as to contravene the provisions or objects of this Act; and in any such case the Council may proceed to erect a retaining wall under the provisions of this Act.

86—(1) Any retaining wall to be erected under this Act may be erected either wholly on the bed of the Rivulet or wholly on the land of the abutting owner, or partly on the bed On what land wall may be built.

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of the Rivulet and partly on the land of such abutting owner, as the Council or the City Engineer may decide.

(2) No compensation shall in any case be payable to the said abutting owner for the land upon which the said retaining wall or any part thereof may be built.

Ruinous buildings and fences, &c., to be removed by the owner; after notice City Engineer may remove same.

87—(1) If any building, wall, fence, or other thing, erected, standing, or being upon any land abutting on the Rivulet is deemed by the City Engineer to be likely to fall into or obstruct the flow of water in the Rivulet, he shall, by notice, in writing, served personally upon the owner of such land, or posted to or left at his last known place of abode in Tasmania, require the owner of such land, within seven days after service of such notice, to remove such building, wall, fence, or thing, or otherwise to prevent the same from falling into or obstructing the flow of water in the Rivulet.

(2) If the owner of such land is not known or cannot be found, then the City Engineer shall serve a like notice in like manner upon the occupier of the said land.

(3) If, after the expiration of the said period of seven days, the requirements of such notice have not been complied with, then it shall be lawful for the City Engineer to enter into and upon the said land, with such workmen as may be necessary, and forthwith to remove such building, wall, fence, or thing, or otherwise to prevent the same from falling into or obstructing the flow of water in the said Rivulet.

(4) The necessary expenses incurred in and about the same may be recovered in the same way as any city rate is now recoverable by law; and where any sum of money is paid by any occupier, the same may be deducted from or set off against the rent then due, or thereafter to become due, to his landlord.

Removal of obstructions in Rivulet.

88—(1) When and so often as any building, wall, or fence, or any part thereof, shall fall into the Rivulet, or obstruct the flow of water in the same, such building, wall, or fence, and the materials thereof, shall forthwith, after notice requiring him so to do has been served upon him by the City Engineer, be removed by the owner thereof.

(2) If the owner shall not remove the same within three days after service of such notice upon him, the expense of removing the same by the City Engineer shall be defrayed by the owner of such building, wall, or fence; and if the same is not paid upon demand, the amount shall be recoverable in the same way as any city rate is recoverable by law.

(3) Where the owner of such building, wall, or fence is not known or cannot be found, then the occupier of the land whereon such building, wall, or fence was erected, built, or placed shall be liable to remove such obstruction, or to defray the cost of removing the same.

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89—(1) If and whenever any lands which adjoin or abut upon the Rivulet are not fenced along such Rivulet to the satisfaction of the Council, or the fence is certified by the City Engineer to be—

- I. Insufficient: or
- II. Out of repair: or
- III. Unsuitable to the locality—

it shall be lawful for the Council, by notice in writing under the hand of the Town Clerk, to require the owners of any such lands, at their own expense, to fence or enclose such lands, so far as they adjoin or abut upon the Rivulet, with a substantial fence of such kind, description, and materials, and in such manner, as the Council may think proper and shall specify in writing, and to maintain the same, or, as the case may be, to effect such fencing, repairs, and amendments as the Council may think proper and shall specify in writing.

(2) If, after thirty days' notice, in writing, signed by the Town Clerk, requiring them so to do, such owners neglect or refuse to commence erecting any such fence, and, when commenced, if they neglect or refuse to complete the same, or, when completed, afterwards to repair, or, when necessary, to re-erect the same within such time as the Council for any such purpose appoints, then, and in any such case, it shall be lawful for the Council, and it is hereby authorised, to erect and put up all such fences, and from time to time amend, repair, and re-erect the same as occasion shall require, at the cost and expense of the owner by whom the same ought to have been done; and all cost and expense incurred by the Council in erecting, or repairing, or re-erecting any such fence as aforesaid shall be recoverable in the same way as any city rate is recoverable by law.

90—(1) Every person, being the owner of an estate or interest less than an estate in fee simple in any land abutting upon the Rivulet, who shall have expended any sum of money in erecting, re-erecting, or repairing retaining walls or fences as hereinbefore provided, or who shall have repaid to the Council any expense incurred by the Council hereunder, or from whom such expense shall have been recovered as provided herein, or who shall have made any payment in fulfilment of any of the requirements of this Act, shall be entitled to contribution towards the sum of money paid, or the expenses repaid or recovered as aforesaid from all persons having any estate in remainder or reversion in the said land.

(2) The amount of such contribution may be recovered from the person liable to the contribution as if the same were money paid to the use of the person entitled thereto, and shall also be a charge upon the said land.

A.D. 1930.

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Expense of
fences to be
borne by abut-
ting owners.

Owner of
estate of less
than fee
simple may
recover con-
tribution from
persons having
estate in
remainder, &c.

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Proportion of contribution.

91 The amount of the contribution to be made pursuant to the preceding section shall be a sum which bears the same proportion to the sum of money paid, or the expenses repaid or recovered as aforesaid, as the case may be, as the value of the estate or interest owned by the contributor bears to the value of the fee simple in the said land.

Disputes as to amount of contribution.

92 Subject to the provisions of this Act, if any difference shall arise between persons as to the amount of the contribution to be made in accordance with the provisions of this Act, such difference shall be summarily decided by a judge of the Supreme Court sitting in Chambers.

Judges may make rules.

93 It shall be lawful for the judges of the said court to make such rules as they see fit for regulating the mode of deciding all such differences, and for prescribing the forms to be used in connection therewith.

Division (4).—*Additional Powers of Council.*

Power to build over the Hobart Rivulet.

To build over.

To erect walls, &c.

To erect a superstructure.

To purchase walls, &c.

94—(1) Subject to all private rights and interests therein (if any) in existence at the commencement of this Act, the Council is hereby authorised and empowered—

I. To build over and cover in the Rivulet or such part or parts thereof as the Council may deem desirable:

II. To erect and maintain in the bed of the Rivulet or on any lands vested in or acquired by the Corporation, or partly in the bed and partly on such lands, such walls, piers, columns, pillars, buttresses, abutments, and other erections as may be necessary for the support of the superstructure, buildings, or other works hereinafter referred to or contemplated by this section:

III. To erect and maintain over and across the Rivulet such superstructure and other works as may be deemed necessary by the Council:

IV. To purchase, take, or compulsorily acquire any land adjoining or abutting on the Rivulet upon which no wall or building is erected, and any land upon which any retaining wall may be erected and the retaining wall erected on such lastmentioned land:

Provided that such retaining wall does not, at the time of such purchase and taking, form part of any building erected thereon:

Upon such purchase and taking, the obligation to maintain, repair, and re-erect such retaining wall or walls imposed upon the owner thereof by this Act shall cease:

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- v. To acquire compulsorily any easement or right of any description now enjoyed or hereafter to be acquired by any person in, over, or in connection with the Rivulet, or now enjoyed or hereafter to be acquired by any person in respect to any lands, tenements, or hereditaments which front or abut upon the Rivulet: A.D. 1930.
Power to acquire easements.
- vi. To acquire, by agreement with the owner thereof, any wall which is re-erected or abuts on the Rivulet and which at the time of such acquisition forms part of any building, or the right to use any such wall for the purposes of this Act: To acquire rights.
- vii. To open, construct, and make over and upon the said superstructure, or any part thereof, such streets as the Council may deem desirable, and to permit the same to be used, either generally or upon such terms and conditions as may be prescribed: To make streets and roads.
- viii. To permit the said superstructure, or any part thereof, to be used by any person as a right-of-way, or as a means of ingress or egress, upon such terms and conditions as may be agreed upon between the Council and such person, or as may be prescribed: To permit rights-of-way.
- ix. To erect and maintain upon the said superstructure such buildings as may be determined upon by the Council: To erect buildings.
- x. To demise or let any part or parts of the superstructure, or any buildings erected thereon, to any person, in the same manner and under the same conditions as the Council is by this Act authorised and empowered to demise and let lands, tenements, and hereditaments vested in the Corporation: To demise or let.
- xi. To do all such other acts, matters, and things which the Council may deem necessary or desirable for more fully effectuating and carrying out the purposes and objects of this section. Further powers.

(2) Any land purchased or taken under this section, and any walls or erections thereon, shall be deemed thenceforth part of the Rivulet.

(3) Whenever the Council, in the exercise of any of the powers conferred upon it by this Act, erects, re-erects, constructs, or repairs any retaining wall or work to or in the Rivulet, it shall be lawful for the Council to attach, in such manner as it in its discretion thinks proper, and without making any compensation for so doing, such retaining wall or work to any wall or building erected or being upon any lands abutting on the Rivulet, or to such lands.

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Leasing
powers regard-
ing the
Hobart
Rivulet.
To let the
right to build.
To let the
right to erect
walls, &c.

To let the
right to erect
superstructure.

Corporation
may purchase
lands.

Lands to form
part of the
Rivulet.

Powers
regarding
Lower Collins-
street.

95—(1) Subject to all private rights and interests therein, if any, in existence at the commencement of this Act, the Council is hereby authorised and empowered—

- I. To let or demise to any person the right to build over and cover in the Rivulet, or such part or parts thereof as may be deemed desirable by the Council:
- II. To let or demise to any person the right to erect and maintain in the bed of the Rivulet or on any lands vested in or acquired by the Corporation, or partly in the bed and partly on such lands, such walls, piers, columns, pillars, buttresses, abutments, and other erections as may be necessary for the support of the superstructure, buildings, or other works hereinafter referred to or contemplated by this section, as may be approved by the Council:
- III. To let or demise to any person the right to erect and maintain over and across the Rivulet, or any part thereof, such superstructure, buildings, and other works as may be deemed desirable by the Council.

(2) Any lease granted by the Council under this section shall be for any term not exceeding fifty years, and for such rent, and subject to such covenants, conditions, and restrictions, and especially as to the description, class, foundation, and elevation of the walls, piers, columns, pillars, buttresses, abutments, superstructure, erections, buildings, and other works to be erected thereon by virtue of such lease, as the Council may deem advisable and for the benefit of the citizens; and the rights aforesaid may be let or demised by public auction, or by public tender, or, after having been offered by either of such means without having been accepted, then by private contract.

(3) The Corporation may purchase, take, and compulsorily acquire such lands, tenements, or hereditaments fronting or abutting upon the Rivulet as in the opinion of the Council may be conveniently or advantageously used, let, or demised, with any right to be exercised, let, or demised under this section.

(4) Any lands, tenements, or hereditaments purchased or taken under this section, and any erections thereon, shall be deemed thenceforth part of the Rivulet.

96 The Council is hereby authorised and empowered—

- I. To maintain, improve, or alter the tunnel:
- II. To build over and cover in the Rivulet or such portion thereof as the Council may deem desirable:
- III. To reconstruct and straighten Collins-street between Argyle-street and Campbell-street to such width

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and at such level as the Council may think proper and to construct and make such portion thereof as may be necessary over the Rivulet: A.D. 1930.

- IV. When the works mentioned in the last preceding subsection have been completed, to discontinue the use as a public thoroughfare of all those portions of Collins-street, situate between Argyle-street and Market-place, and between Market-place and Campbell-street, and being on the south-east side of Collins-street, which, in the opinion of the Council, shall no longer be required for the purposes of the street, and to close by public notice such portions of Collins-street as part of the public street, and to sell such portions to the respective owners of the properties adjoining such portions at such prices and upon such terms and conditions as may be mutually agreed upon by the Council and such owners, or as may be determined by the Council.

97 It shall be lawful for the Corporation to purchase, take, or compulsorily acquire the whole or any portions of the lands situate in the blocks described in Schedule (2) which have not been acquired by the Corporation prior to the commencement of this Act. Power to acquire additional lands. Schedule (2).

98—(1) The Corporation may, in respect of any land reclaimed from the bed of the Rivulet under the authority of Section Seventeen of the Hobart Corporation Act, 1912, and in respect of any land, the property of the Corporation, bordering on or in the vicinity of the land so reclaimed, and in respect of any land purchased, taken, or acquired by the Corporation under the provisions of this Part, do all or any of the following things— Corporation may deal with lands reclaimed, owned, or acquired. 3 Geo. V. No. 34.

- I. Demolish or repair any buildings or erections thereon, and sell or otherwise deal with the materials thereof:
- II. Construct new buildings or erections thereon:
- III. Close, alter, widen, improve, extend, or divert any existing street thereon:
- IV. Construct and open any new street thereon:
- V. Alter any existing sewers and drains, and construct new sewers and drains thereon:
- VI. Alter the levels of such land:
- VII. Set aside and utilise any portion or portions of such land for municipal purposes:
- VIII. Generally alter, remodel, and improve such lands and buildings in such manner as the Council may think fit:

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Proceeds of
sale to be paid
into sinking
funds.

IX. Sell the whole or any portion of such land in one or more lots by public auction or private contract, and on such terms and conditions (including power to take securities for any balance of purchase-money, or allow such period for payment of same), as the Council may think fit:

X. Lease the whole or any portion of such land for such periods, and on such terms and conditions, as the Council may think fit.

(2) The net proceeds of realisation of any land sold by the Corporation or the Council under the provisions herein contained, and of any investments or securities representing the same, shall be paid into any sinking fund constituted or established for the redemption of any loan or loans raised for the purchase, taking, or acquisition of such land, or the construction of any of the works aforesaid, and shall be applied in or towards the repayment of such loan or loans.

(3) The rents and proceeds of lands leased by the Corporation under the powers herein contained, and the interest upon any investments or securities representing the same shall, from time to time, be paid into and form part of the municipal fund of the city.

General
powers.

99 It shall be lawful for the Council—

- I. To enter upon, by its officers or servants, any of the lands referred to in this Part for the purpose of surveying or making valuations thereof:
- II. To do all such other acts, matters, and things as the Council may deem necessary or desirable for more fully effectuating and carrying out the purposes and objects of this Part.

Mode of
acquisition.

100 Any land, or any easement or right, which the Corporation or the Council is by this Part authorised or empowered to purchase, take, or compulsorily acquire, may be purchased taken, or acquired in the manner and subject to the terms and conditions mentioned in Part V.

Division (5).—*Other Rivulets.*Rivulets
within city
vested in
Corporation.
Schedule (3).

101 Subject to all private rights and interests therein, if any, in existence at the commencement of this Act, the several rivulets, or parts of rivulets, enumerated in Schedule (3) hereto, and such other rivulets, or parts of rivulets, as the Governor may, at the request of the Council, by proclamation published in the "Gazette," add to such schedule, all of which are in this Division of this Act referred to as "the said rivulets," together with—

- I. The respective beds and soil thereof:

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II. The water flowing over and upon the beds and soil of the said rivulets: and A.D. 1930.

III. The rights to ingress and egress to and from the said rivulets—

shall remain, and the same are hereby respectively declared to be, vested in the Corporation for the use of the public for ever.

102 The said rivulets shall be under the supervision, control, and management of the Council, and it shall be lawful for the Council to use the bed and soil of any of the said rivulets, the whole of which shall not be within any sewerage area declared under the provisions of the Hobart Sewerage Acts, 1898-1913, and the water flowing over and upon the same, as and for a sewer and for the cleansing of the city; and the said rivulets, and the beds and soil thereof, shall be, and be deemed and be taken to be, sewers of and for the city, under the control and management of the Council. Rivulets to be sewers.

103 The Council is hereby authorised and empowered to widen, divert, or alter any of the said rivulets, or any part or parts thereof, and to purchase, take, or compulsorily acquire, in accordance with the provisions of this Act, any land which may be required for the purpose of so widening, diverting, or altering any of the said rivulets, or any part or parts thereof. Council authorised to purchase land to widen rivulets.

104 All the powers, authorities, provisions, conditions, and obligations conferred or imposed upon the Corporation or the Council with respect to the Hobart Rivulet, and all the powers, provisions, conditions, and obligations conferred or imposed upon the owners of land abutting on the Hobart Rivulet by this Part, shall extend to, and the same are hereby conferred or imposed upon, the Corporation or the Council, as the case may be, with respect to the said rivulets, and upon the owners of land abutting upon the said rivulets, as if the provisions relating to the Hobart Rivulet were re-enacted herein with the substitution of the words "the said rivulets" for the words "the Hobart Rivulet" or "the Rivulet," wherever occurring in the said provisions. Provisions of this Part made applicable.

PART VIII.

CITY RECREATION GROUNDS.

105 The following areas of land shall remain and be vested in the Corporation as public recreation grounds, pleasure resorts, or public reserves, and shall be known as city recreation grounds; and each of such areas shall be known by the name herein respectively assigned to such area:— City recreation grounds.

I. Barrack Square Reserve—comprising the piece of land described in Schedule (4). Schedules (4) to (22).

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- II. The Beaumaris Zoo—comprising such portion of the Queen's Domain as the Council may determine to be necessary for the establishment and maintenance of a zoological garden:
- III. Clare Street Recreation Ground—comprising the piece of land described in Schedule (5):
- IV. Cornelian Bay Recreation Reserve—comprising the pieces of land described in Schedule (6):
- v. Fitzroy Gardens—comprising the piece of land described in Schedule (7):
- VI. Franklin Square—comprising the piece of land described in Schedule (8):
- VII. Lambert Park — comprising the piece of land described in Schedule (9):
- VIII. Long Point Recreation Ground—comprising the two pieces of land described in Schedule (10):
- IX. Mountain Park—comprising the pieces of land described in Schedule (11):
- X. New Town Bay Reclamation—comprising the piece of land described in Schedule (12):
- XI. New Town Recreation Ground—comprising the piece of land described in Schedule (13):
- XII. North Hobart Recreation Ground—comprising the piece of land described in Schedule (14):
- XIII. Prince's Park—comprising the piece of land described in Schedule (15):
- XIV. Queenborough Recreation Ground—comprising the piece of land described in Schedule (16):
- XV. Queen's Domain—comprising the two pieces of land described in Schedule (17):
- XVI. St. David's Park—comprising the piece of land described in Schedule (18):
- XVII. South Hobart Recreation Ground—comprising the piece of land described in Schedule (19):
- XVIII. Stoke Street Reserve—comprising the piece of land described in Schedule (20):
- XIX. University Park—comprising the piece of land described in Schedule (21):
- XX. West Hobart Recreation Ground—comprising the piece of land described in Schedule (22):
- XXI. Other Recreation Grounds—comprising such other areas of land within the city as are now or hereafter may be vested in, or conveyed or transferred to, or acquired or leased by, the Corporation as and for recreation grounds, pleasure resorts, or public reserves, and as the Council may declare to be city recreation grounds; and each of such areas shall be known by the name assigned thereto respectively by the Council.

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- 106** The city recreation grounds are vested in the Corporation solely for the health, pleasure, recreation, and amusement of His Majesty's subjects and people, and subject to the provisions of this Act and any by-laws made hereunder. A.D. 1930.
City recreation grounds vested in Corporation.
- 107** It shall not be lawful for the Corporation to alienate, charge, or in any way dispose of any city recreation ground, except by way of lease or licence pursuant to the provisions of this Act. Restriction upon alienation.
- 108** The provisions of the Public Recreation Grounds Act, 1888, shall not apply to city recreation grounds. Provisions of 52 Vict. No. 17 not to apply.
- 109** The city recreation grounds shall be controlled, managed, administered, and improved by the Council, subject, however, to any conditions and restrictions herein contained regarding city recreation grounds generally or to any specific city recreation ground. Council to control city recreation grounds.
- 110** The Council may exercise all or any of the following powers in regard to the city recreation grounds:— Powers of management.
- I. Lay out, enclose, clear, plant, and cultivate the same:
 - II. Construct and maintain streets, roads, avenues, foot-paths, and walks therein:
 - III. Drain, level, ornament, light, and otherwise improve the same:
 - IV. Build any lodge, stand, or other building thereon:
 - V. Prepare and make the same convenient and suitable for the purpose of any sport:
 - VI. Appropriate any portion for squares, gardens, or open places:
 - VII. Use or appropriate any portion for the purpose of widening or improving any existing streets or roads:
 - VIII. Provide seats, shelters, and other conveniences for the public:
 - IX. Erect, establish, maintain, carry on, and lease refreshment-rooms, and purchase, provide, and sell equipment, materials, supplies, and provisions, and do all things necessary in connection with such refreshment-rooms, and fix prices to be charged for refreshments supplied or services rendered:
 - X. Do any other thing which may be requisite for the improvement, management, and administration of the city recreation grounds or any of them or any part thereof:
 - XI. Employ such rangers, officers, and servants as may be requisite for the purposes aforesaid or any of them: and

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XII. Change the name assigned to any city recreation ground.

Power to lease city recreation grounds.

111—(1) Subject to the provisions hereinafter contained, the Council may, in its uncontrolled discretion, grant a lease or licences, for any purpose of recreation or amusement, of any portion or portions of any city recreation ground for any term not exceeding twenty-one years.

(2) Every such lease shall be granted for such purpose, upon such terms, and subject to such rents, conditions, covenants, provisions, and reservations as the Council may think fit.

(3) No lease shall be made for, or in consideration of, or accompanied with, any premium or foregift, nor shall it contain any covenant, condition, or agreement for renewal of lease or for purchase of the leased lands.

(4) The Council may accept any surrender of any lease or licence granted by it.

(5) Provided that—

I. The Council shall not grant any lease or licence in respect of any portion of the Barracks Square Reserve or of the Queen's Domain without the consent of the Minister for Lands and Works, nor of any portion of Franklin Square without the approval of the Governor first had and obtained:

II. The term for which the Council may grant any lease or licence of any portion of the undermentioned city recreation grounds shall not exceed the term herein respectively specified; that is to say—

The Barrack Square Reserve	One year
Franklin Square	Three days
North Hobart Recreation Ground	Five years
Queen's Domain	One year:

III. The provisions of this section shall not apply to the Mountain Park.

Leasing powers in regard to Mountain Park.

112 With the consent of the Governor, the Council may set apart for leasing areas of the Mountain Park, and may, with the like consent—

I. Demise and lease any such area, or any part thereof, for such consideration in money or otherwise, to such persons, for such period not exceeding ninety-nine years, subject to such rents and conditions, and in such manner and form, as the Council shall recommend and the Governor approve:

Provided that no such lease shall be granted except for residential purposes or for accommodation-houses, and the area comprised in any such lease shall not exceed two acres:

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Provided, however, that a lease of any portion of any such area not exceeding two acres may be granted, subject as aforesaid, to any person for a term not exceeding twenty-one years, to be used for such recreation purposes, or to be improved or beautified in such manner, as may be provided in the lease thereof: A.D. 1930.

- II. Grant grazing or other temporary licences to occupy or use any portion of the Mountain Park for such purposes, on such terms, and subject to such conditions as the Council may recommend and the Governor approve:
- III. Accept any surrender of any lease or licence so granted.

113 The Council may, in respect of any city recreation ground, issue licences for all or any of the purposes following; that is to say:— Power to issue certain licences.

- I. To cut and remove dead timber only:
- II. To win and remove stone or gravel for ballast or for metalling roads:
- III. To construct and use tramways for the removal of any such timber, ballast, or road materials.

114 No licence or permit shall be granted to any person for the sale of liquor within the boundaries of the Mountain Park. No licence to be granted for sale of liquor within the Mountain Park.

115 The Council, and its officers and employees authorised by the Council, may quarry, take, and remove stone from any stone quarry now in use and situate upon the Queen's Domain. City Council may quarry and use stone.

116—(1) It shall be lawful for the Council to fill up and raise above the level of high water, and so to reclaim, that portion of the New Town Bay which is described in Schedule (12). Power to reclaim portion of New Town Bay.

(2) The reclaimed land and such portions of the foreshore along the said bay as are shown in the plan referred to in the said Schedule (12) shall be vested by the Governor absolutely in the Corporation as a city recreation ground, and shall be granted by the Crown to the Corporation in fee simple free from all claims on the part of the Crown. Reclaimed land to be granted to Corporation.

(3) The reclaimed land and foreshore, when so granted as last aforesaid, shall be included within the boundaries of the City of Hobart as set forth in the Schedule (2) to the Hobart Corporation Act, 1929, and shall be and become a city recreation ground within the meaning and for the purposes of this Part. Reclaimed land to form part of city.

(4) The Council may reserve any part of the reclaimed land and foreshore for streets or public places, or for or in connection with the outlet of the New Town Rivulet, and may Reservations may be made

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lay out, set up, and maintain such streets, public places, outlet, and all public conveniences in connection therewith as the Council may deem proper.

Matters for which penalties imposed.

117—(1) No person shall, upon or within any city recreation ground—

- I. Interfere with or damage any such ground, or damage or injure any feature thereof: or
- II. Make any mark, writing, or sign on, or disfigure, buildings, fences, trees, rocks, or other surfaces: or
- III. Light any fire, except where and as permitted by the Council: or
- IV. Wilfully break or injure any fence, building, or erection: or
- V. Wilfully break, cut, injure, or remove any or any part of any wood, tree, shrub, fern, plant, stone, mineral, furniture, utensil, tool, or thing of any kind: or
- VI. Wilfully dig, cut, or injure the sod: or
- VII. Shoot at any bird or animal with any gun or other instrument: or
- VIII. Take or destroy any fish: or
- IX. Take, destroy, or injure any bird or animal, or the nest or egg of any bird.

Penalty: Twenty Pounds; daily penalty, Five Pounds.

(2) In addition to any penalty that may be imposed hereunder, any person may be ordered by the convicting magistrate or justices to pay the amount of damage actually done (the amount of such damage to be assessed by the convicting magistrate or justices).

Intent presumed.

(3) In every case where under the Subsection (1) hereof wilful intent must be shown, such intent shall be presumed until the contrary is proved.

Wilful removal of tree, shrub, &c.

(4) If within any city recreation ground, or on any road in its vicinity, any person is found in possession of any or any part of any wood, tree, shrub, fern, or plant, and, upon being thereunto required by any ranger or constable, fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed the same in breach of this section, unless he satisfies the magistrate or justices to the contrary.

Ranger may apprehend person committing offence.

118 Any ranger, or other duly authorised officer of the Council, or any constable may, without warrant, apprehend any person whom he finds actually committing within any city recreation ground any breach of this Act, or of any by-law made hereunder, and the person so apprehended shall be detained in custody or held to bail until he can be proceeded against for such breach.

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119 In any case where any actual or attempted breach of this Part, or of any by-law made hereunder, is or may be attended with danger, hindrance, or annoyance to the public or to any person lawfully in a city recreation ground, then, without affecting the liability of the person committing or about to commit such breach, any ranger, or other duly authorised officer of the Council, or any constable may, without further warrant or authority than this Act, summarily interfere to prevent such breach or to prevent or remove such danger, hindrance, or annoyance.

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Ranger may prevent breach of Act or by-law.

120—(1) When any person without right, title, or licence is in occupation of any part of any city recreation ground, the Council, or any person appointed by the Council, may make a complaint to a police magistrate or any two or more justices of the peace in petty sessions assembled to recover possession thereof.

Procedure against trespassers.

(2) If on the hearing the defendant does not appear, or appears but fails to establish in himself an absolute right and title to the possession, the magistrate or justices may order him to give up possession and to pay costs.

(3) If possession be not given pursuant to such order, the magistrate or justices may issue a warrant, addressed to all constables, commanding them to give possession to the Council.

(4) Such warrant may and shall be enforced in like manner, and with the like protection, as a warrant issued under the Recovery of Possession of Tenements Act, 1901, and the form of warrant set forth in the schedule to that Act may be altered for the purposes of this section.

1 Ed. VII.
No. 20.

121—(1) The Council may make by-laws in respect of the city recreation grounds, or any of them, not inconsistent with this Act for—

By-laws.

- I. The management, preservation, and disposition of such grounds:
- II. The government and control of all persons, horses, and vehicles using or frequenting the said grounds:
- III. Regulating the days and times of admission thereto or exclusion therefrom, and the terms and conditions of admission, with power to charge for admission thereto or to any part thereof on such occasions and for such purposes as the Council considers proper:
- IV. The preservation or protection of shrubs, trees, plants, flowers, herbage, and of animals and birds therein, and of all improvements thereon:
- v. The depasturing of cattle and sheep:
- VI. The removal of trespassers and persons causing annoyance or inconvenience:

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- VII. The exclusion of dogs or other animals, and their destruction if intruding:
 VIII. The preservation of order and the prevention of nuisances:
 IX. Prescribing the form of licences to be issued under this Part, the fees payable on such licences, and the conditions under which they shall be issued:
 X. Generally, for regulating the use and enjoyment of the city recreation grounds.

(2) Any such by-law as aforesaid may impose a penalty not exceeding Ten Pounds for the breach of any by-law so made, and a further daily penalty not exceeding Five Pounds for a continuing breach.

(3) The Council may, by any such by-law, authorise any ranger or constable, or any officer, servant, or person appointed by the Council, to remove or arrest any person offending against any by-law.

PART IX.

MARKETS.

Division (1).—*Establishment of Markets.*

Powers of Governor under 5 Will. IV. No. 9 vested in Council.

122 All powers and authorities which by the Act intituled "An Act for the Regulation of Markets" are vested in, or conferred upon, or made exercisable by, the Governor, and all other matters and things which by virtue of such Act affect or relate to the Governor, in respect of any market which now is, or hereafter may be, proclaimed as such within the city, are hereby conferred upon, and shall be exercisable by, and affect and relate to, the Council in as full and ample a manner, to all intents and purposes as though the Council was named in the said Act instead of the Governor.

Power of Council to provide markets.

123 In addition to the powers and authorities, by this or any other Act vested in the Council in respect of any market in the city, the Council shall have the power within the city—

- I. To provide market-places and construct market-houses and other conveniences for the purpose of holding markets:
- II. To provide houses and places for weighing carts:
- III. To make convenient approaches to such markets:
- IV. To provide all such matters and things as may be necessary for the convenient use of such markets.

Before market opened notice to be given.

124 Before any market is open for public use the Council shall give not less than ten days' public notice of the time when the same will be opened.

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125 After the market is opened for public use, every person, other than a licensed hawker, who shall sell, offer, or expose for sale in any place within the city, except in his own dwelling-place, shop, place of business, or any private property, or except in the market, or in yards or premises licensed by the Council under a market by-law, any articles or any cattle in respect of which tolls are by this Act authorised to be taken in the market, shall for every such offence be liable to a penalty not exceeding Forty Shillings.

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Sales elsewhere than in markets prohibited under a penalty not exceeding Forty Shillings.

126 Notwithstanding anything hereinbefore or in the aforesaid Act for the regulation of markets, any person may offer for sale at any place within the city any goods, merchandise, or articles therein mentioned or made subject to market regulations under this Act, if the goods, merchandise, or articles so offered for sale shall have been previously taken to a market provided by the Council, or shall have been previously submitted elsewhere to a clerk of any such market as aforesaid for examination, and if all tolls, dues, and sums of money, which would have been payable in respect of such goods, merchandise, or articles, if the same had been offered for sale in such market as aforesaid, shall have been fully paid.

Goods may be offered for sale elsewhere than in market if tolls, &c., be paid thereon. 5 Will. IV. No. 9.

127 All moneys received by the Council in respect of any market which now is or hereafter may be proclaimed within the city shall be applied by the Council to the erection and support of the market or markets in the city, and otherwise to defray the expenses occasioned thereby, and the surplus, if any, shall be applied in aid of the municipal fund of the city.

Appropriates moneys received in respect of markets.

Division (2).—*Market Tolls and Other Dues.*

128—(1) It shall be lawful for the Council to demand, receive, and have of and from every person who shall—

Market tolls, &c.

- I. Expose, or offer for sale, or sell in any market provided by the Council anything permitted by the Council to be sold or offered for sale therein: or
- II. Rent or use any stall or standing-place in such market: or
- III. Use any building, place, or machine provided by the Council for the weighing of carts: or
- IV. Use, for the sale of cattle, sheep, pigs, poultry, or other animals, any place provided by the Council for that purpose—

such sums of money as and for stallages, rents, tolls, and dues as are for the time being appointed by the Council in that behalf.

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(2) It shall also be lawful for the Council to demand, receive, and have of and from every itinerant vendor of such articles as shall from time to time be made subject to market regulations under this Act, such annual sum as the Council may, by by-law in that behalf, appoint to be paid as a licence for vending any such articles as aforesaid.

List of tolls, &c., to be set up and placed in conspicuous places.

129—(1) The Council or its lessee shall—

- I. Cause to be painted on boards, or to be printed and attached to boards, in large and legible characters, lists of the several stallages, rents, and tolls from time to time payable under this Act: and
- II. Cause to be conspicuously set up and continued in the market, and in each weighing-house provided by the Council, a board as aforesaid containing every list relating thereto.

(2) No stallage, rent, or toll shall be payable at any such place as aforesaid which is not specified on some board set up therein.

(3) Provided that, if any such list is destroyed, injured, or obliterated, the stallages, rents, and tolls shall continue to be payable during such time as is reasonably required for the restoration of such list, in the same manner as if such list had continued in the state required by this Act.

Stallages, &c., to be paid on demand to collectors, &c.

130 The several stallages, rents, tolls, dues, and sums payable to the Council under this Act in respect of any stall or standing-place in any market provided by the Council, or in respect of the use of any such market for any of the purposes aforesaid, shall be paid from time to time, on demand, to the collector or other person authorised by the Council to receive the same.

Letting of tolls.

131 It shall be lawful for the Council and either by public auction or private contract, to demise or let to farm, for any term not exceeding three years, and on such terms and conditions as the Council shall think proper, all or any of the stallages, rents, and tolls from time to time payable in respect of any market provided by the Council, and also to demise or let, for any term not exceeding twelve months, any stall or standing in such market.

Power to let markets.

132 It shall be lawful for the Council, and either by public auction or by private contract, to let any market belonging to the Corporation, or any portion of any such market, to any person or persons whom the Council may think fit, for any term not exceeding seven years, and upon such terms and conditions as the Council may deem proper.

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133 Nothing herein contained shall exempt any licensed hawker from paying the duties and tolls to be paid by virtue of this Act by all persons selling, offering, or exposing for sale any articles in the market; and every lease of any stall or standing in the market shall, as to the lessee thereof, be deemed within the city to be a hawker's licence.

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Licensed hawkers not exempted from paying tolls.

134 Every person who demands and takes a greater toll than that authorised to be taken under this part shall for every such offence be liable to a penalty not exceeding Forty Shillings.

Penalty on taking a greater toll than authorised.

135 If any person liable to pay any stallage, rent, toll, or dues, authorised by this Act to be taken does not pay the same when demanded, the Council or its lessee, or any person authorised by the Council or its lessee to collect the same, may levy the same by distress of all or any of the cattle or other articles in respect of which such stallage, rent, toll, or dues is or are payable, or of any other cattle or other articles in the market belonging to or under the charge of the person liable to pay such stallage, rent, toll, or dues, or the same may be recovered before any two justices, upon a complaint made and heard in accordance with the provisions of the Justices Procedure Act, 1919, or in any court having competent jurisdiction.

Recovery of tolls.

10 Geo. V. No. 55.

136 Any dispute concerning any such stallage, rent, toll, or dues may be determined by a justice in a summary way, who may make such order therein, and award such costs to either party, as to him may seem proper.

Disputes respecting tolls, how settled.

Division (3).—*By-laws.*

137—(1) The Council may make such market by-laws as it thinks fit for all or any of the following purposes; that is to say:—

By-laws relating to markets.

For prescribing what articles may be sold or offered for sale in any market under the control of the Council:

For regulating the market-place and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein or in the immediate approaches thereto:

For fixing the days and the hours during each day on which the market shall be held:

For licensing yards and premises for the sale of cattle within the city, and for fixing (subject to the limitation hereinbefore mentioned) the dues to be paid for such licences:

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For regulating the carriers resorting to the market, and fixing the rates for carrying articles carried therefrom within the limits of the city:

For regulating the use of the weighing-machines provided by the Council, and for preventing the use of false or defective weights, scales, or measures:

For preventing the sale, or exposure for sale, of unwholesome provisions in the market:

For regulating the amount, and the time and manner of payment, of all stallages, rents, tolls, and dues authorised by this Act to be charged under any of the preceding sections in this Part.

(2) The Council may impose a penalty not exceeding Ten Pounds for any breach of the above by-laws.

PART X.

SLAUGHTER OF ANIMALS AND SALE OF MEAT.

Division (1).—*Limits of Act.*

Limits within which this Part to apply.

138 The provisions hereinafter contained relating to the slaughter of animals and the sale of meat shall extend and apply to—

- I. The City of Hobart:
- II. The area comprising—
 - (a) The East Ward of the Municipality of Glenorchy;
 - (b) So much of the Central Ward of the Municipality of Glenorchy as is included within the north-western boundary of the East Ward, the River Derwent, the south-eastern boundary of the West Ward, and the north-eastern boundaries of thirty acres two roods and twenty-six perches granted to *W. Murray*, forty-one acres granted to *George Hull*, and one hundred acres granted to *Thomas Wells*—

all of which said area is herein referred to as “the said suburban area.”

For the purposes of this section the boundaries of the several wards hereinbefore mentioned shall be those defined by the proclamation dated the twentieth day of August, one thousand nine hundred and seven, under the hand of His Excellency Sir *Gerald Strickland*, and renamed by proclamation dated the eighteenth day of March, one thousand nine hundred and fifteen, under the hand of His Excellency Sir *William Grey Ellison-Macartney*.

See “Gazette,”
27th August,
1907.

See “Gazette,”
23rd March,
1915.

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139 In this Part, unless the context otherwise determines— A.D. 1930.

- “The Abattoir” means and includes the land described in Schedule (23), with the buildings and appurtenances erected thereon and belonging thereto: Interpretation. Schedule (23).
- “Animal” means and includes any bull, bullock, cow, steer, heifer, calf, ram, ewe, wether, lamb, boar, sow, and barrow and sucking pig:
- “Carcase” extends to and includes a part of the carcase of any animal:
- “Limits of this Act” means and includes the City of Hobart and the said suburban area.

Division (2).—*The Abattoir.*

140—(1) The Abattoir shall remain and be vested in the Corporation for the purposes of this Act. Abattoir vested in Corporation.

(2) The Corporation may purchase, acquire, or resume other lands adjoining or adjacent to the land described in Schedule (23), and such lands when purchased, acquired, or resumed may be declared by the Council to be and shall thereupon become part of the Abattoir for the purposes of this Part. Additional land may be acquired.

141 The following provisions shall apply to the area of land described in Schedule (23), and to any other areas of land which may be purchased or acquired by the Corporation for the purposes of the Abattoir, notwithstanding that such areas may be within the Municipality of Glenorchy:— Provisions relating to the Abattoir. Schedule (23).

- I. The City Council shall have the sole control, management, and ordering of such areas:
- II. If any by-laws or regulations made by the Municipal Council of Glenorchy are inconsistent with any by-laws or regulations made by the City Council, the latter shall prevail so far as they are applicable to or affect such areas:
- III. No rates, other than the road and lighting rates made and levied by the Municipal Council of Glenorchy, shall be payable by the City Council in respect of such areas:
- IV. For the purposes of the Public Health Act, 1903, such areas shall be deemed to form portion of the district of the Local Authority for the City of Hobart. 3 Ed. VII. No. 37.

142 The Council may fit up any buildings and appurtenances erected on and belonging to the Abattoir in such manner and with such materials as it thinks necessary for rendering Buildings on land may be fitted up.

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- A.D. 1930. — the same suitable and commodious for the purposes of an abattoir for the city, and may defray the expenses thereby incurred out of the Municipal Fund.
- Power to enlarge buildings, &c. **143** The Council may enlarge and extend the said buildings and appurtenances, and erect such additional buildings, and provide such other accommodation, equipment, appliances, conveniences, materials, and things on the said lands for the purposes of such Abattoir as the Council thinks necessary.
- Council may keep a boiling-down establishment. **144** The Council may keep and maintain an establishment or place at the Abattoir for the boiling-down of carcasses, which establishment or place shall be under the control and management of the Council; and carcasses may be boiled down at such establishment or place under such regulations as the Council appoints.
- Cool storage at Abattoir. **145** The Council, in connection with the Abattoir or otherwise, may erect, establish, equip, maintain, and conduct such buildings, apparatus, and equipment for cooling, chilling, and freezing, or for the storage of carcase meat, in such manner as to the Council may seem fit, with full power to regulate the conduct and management of the same and the fees and charges payable in connection therewith.
- Control of offal at Abattoir vested in Council. **146**—(1) The Council shall have the sole control, management, ordering, and carrying out of the slaughtering of all animals at the Abattoir, and the Council may establish, equip, maintain, and conduct such by-product plants for the treatment of offal produced at the Abattoir as to the Council may seem fit, with full power to regulate the conduct and management of the same.
- (2) The Council shall have power to let or make such contract or contracts as it thinks proper for the purpose of carrying out all or any of the objects of this section.
- (3) The carcasses, hides, and skins of all animals slaughtered at the Abattoir shall be the property of the owners of such animals.
- (4)—
- I. The lungs, third stomach or bible, contents of the stomach, and the blood of all large stock: and
 - II. The contents of the stomach, and the blood of pigs: and
 - III. The blood and paunches, and the contents of the paunches, of sheep, lambs, and goats—
- slaughtered at the Abattoir shall be the property of the Council without payment for same.

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(5) As to all the remaining viscera or offal of such animals as aforesaid, it shall be lawful for the Council to make by-laws— A.D. 1930.

- I. Prohibiting the whole or any part thereof from being removed from the Abattoir:
- II. Specifying what portions thereof may be taken by the owners of the carcasses of animals so slaughtered as aforesaid:
- III. Specifying what portions thereof the Council may retain upon payment, and empowering the Council to fix the prices to be paid by the Council for such viscera or offal so retained by it:
- IV. Generally, for any other purpose in connection with the control, management, ordering, or carrying on the Abattoir, and by-product plants, which the Council may think expedient to carry out or effectuate by by-laws.

147 Subject to any by-laws for the time being in force, and to any conditions that may be imposed by the Council, any person resident within the limits of this Act shall be entitled to have any animal slaughtered at the Abattoir. Right to have animals slaughtered.

148 The purchaser of any cattle, or, in the event of the same not being sold, the owner or person placing the same in the Abattoir, shall, within four hours of the close of the sale at which the same shall be offered for sale, remove the same from the selling-yard or pen to the keeping-yard or pen, and failing so to do shall be liable to a penalty not exceeding Five Pounds; and the inspector may, on default of the person liable, effect such removal himself. Removal of cattle from selling-yard.

149 The Council may establish and maintain yards within or outside the boundary of the Abattoir and adjoining thereto, or at any place within the City of Hobart and the area around the city within a distance of ten miles from any part of the boundary of the city, for the sale therein by auction or privately, and for inspection, of any animals, not being imported animals, put or placed therein, and to charge and impose fees for the use of such yards and for the inspection and sale of the animals exposed for sale therein. Council may establish sale-yards.

Division (3).—*Sale of Meat.*

150 No person, not being the holder of a butcher's licence to be issued as provided in this Act, shall sell, or cause to be sold, within the limits of this Act, the carcass of any animal or any meat. Only holder of licence may sell meat.

Penalty: Five Pounds.

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Licences to be granted by Mayor.

Duration thereof.

Schedule (24).

Fee for same.

151—(1) Every such butcher's licence—

- I. Shall be granted by the Mayor under his hand, and may be in the form contained in Schedule (24) :
- II. Shall, without reference to the time when the same is granted, be in force until the first day of January next ensuing the granting thereof and no longer.

(2) The Mayor is hereby authorised to charge and receive for every such licence such sum, not exceeding Five Pounds, as for the time being is in that behalf fixed by the Council.

Meat to be deemed to be sold for human food unless otherwise marked.

152 All meat sold, or offered or exposed for sale, shall be deemed to be sold, or offered or exposed for sale, as the food of man, unless the same is marked or otherwise sold, or offered or exposed for sale, in conformity with the by-law in force for the time being regulating the conditions upon which meat unfit for the food of man may be sold for other purposes than for the food of man.

Power to enter premises of persons licensed under this Act.

153—(1) It shall be lawful for the Mayor or any alderman, or for any health inspector, or the Inspector of Stock, or for any justice, or the superintendent or any sub-inspector of police, either alone or attended by any constable or other person, to enter and search the house or premises of any person holding a butcher's licence under this Act, at any hour by day or by night.

(2) If any person refuses to admit, or wilfully delays admitting, the Mayor or any such alderman, health inspector, Inspector of Stock, justice, superintendent, or sub-inspector of police, or other constable or person as aforesaid, he shall be liable to a penalty not exceeding Twenty-five Pounds.

Division (4).—*Inspection of Meat.*

Council to appoint Inspector of Stock and other officers.

154—(1) The Council may nominate, and appoint during pleasure, an Inspector of Stock and all proper and suitable officers and persons required to conduct and carry out the inspections prescribed by this Part, and to conduct, manage, and supervise the Abattoir.

(2) Such Inspector of Stock, officers, and persons shall perform such duties as may be from time to time assigned to them by the Council, and shall be paid such salaries and allowances as the Council thinks reasonable.

Animals to be yarded to enable Inspector to inspect.

155—(1) Every person who, in pursuance of this Act, or of any by-law made hereunder, gives any notice to the Inspector of Stock for the purpose of enabling such Inspector to inspect any animal, shall yard such animal in a yard of the Abattoir so as to enable such Inspector properly and effectually to inspect the same.

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(2) It shall be lawful for such Inspector, upon his inspecting any animal, to brand or otherwise mark such animal so as to enable him to recognise the same. A.D. 1930.

(3) If any person does not so yard any animal so as to enable the Inspector of Stock properly and effectually to inspect the same, or obstructs or refuses to permit the branding or otherwise marking any such animal by such Inspector, he shall forfeit a penalty not exceeding Twenty Pounds.

Inspector may brand animals on inspection.

156—(1) It shall be lawful for the Mayor or any alderman, or for the Officer of Health, any health inspector, or the Inspector of Stock, or for any justice, or the superintendent or any sub-inspector of police, either alone or attended by any constable or other person, to enter into any house, shop, or other place where the carcass of any sickly or diseased animal, or any putrid or unwholesome meat, is offered or exposed for sale as the food of man, and to seize, take away, and destroy such carcass or meat.

Unwholesome meat exposed for sale as human food may be seized and destroyed.

(2) If any person resists or obstructs any such person in entering into any such house, shop, or other place as aforesaid, or in seizing, taking away, or destroying any such carcass or meat, he shall be liable to a penalty not exceeding Twenty Pounds.

157—(1) If upon the inspection of any animal, or of the carcass of any animal, by any health inspector or by the Inspector of Stock, the same appears to such inspector to be unfit for the food of man, it shall be lawful for such inspector to seize, take away, and destroy such animal or carcass.

Inspector may seize and destroy animals or carcasses unfit for human food.

(2) If any person resists or obstructs such inspector in seizing, taking away, or destroying any such animal, or any such carcass of any animal, he shall be liable to a penalty not exceeding Twenty Pounds.

Provided that if any owner of any such animal or of any such carcass of any animal, or any person on behalf of such owner, objects to such animal or carcass being so seized and destroyed, the health inspector or the Inspector of Stock shall forthwith convey the same before some alderman or justice; and if such alderman or justice determines that such animal or carcass is unfit for the food of man, it shall be lawful for such alderman or justice to order the same to be immediately destroyed or otherwise disposed of by the health inspector or Inspector of Stock, in such a way as to prevent the same being exposed for sale or used for the food of man.

Proceedings in case owner objects to seizure.

Provided also that it shall in any case be lawful for any health inspector or the Inspector of Stock to permit the tallow or fat to be separated from any such carcass under his own immediate inspection, and subject to such restrictions as are for that purpose prescribed by the Council.

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Inspector may
seize animals
suspected to
be stolen.

158 If the Inspector of Stock has reasonable cause of suspicion that any animal he is inspecting has been stolen, such Inspector may seize and detain such animal; and he is hereby directed forthwith to report any such seizure, and the grounds thereof, to the Mayor or some justice residing in the city, who shall thereupon make such order in the matter as the justice of the case may require.

Carcases of
animals
brought into
Hobart for sale
to be inspected.

159 —(1) The unsalted carcase of any animal which is brought for sale within the limits of this Act, shall be inspected by an Inspector of Stock or other person appointed by the Council to inspect carcases of animals.

(2) Every person who in any manner whatsoever acts in contravention of this section shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Carcases to be
brought to
place
appointed and
inspected.

160 —(1) All unsalted carcases of animals brought for sale within the limits of this Act, shall be conveyed to the place appointed by the Council for inspecting the carcases of animals, as provided in this Act.

(2) There shall be paid to the inspector or person appointed as hereinbefore mentioned such fees as shall from time to time be fixed by the Council in respect of the inspection of the carcase of any animal intended for sale as human food, which said several sums of money shall be paid to such inspector or person forthwith.

(3) If the same is not paid forthwith on demand, such carcase shall be forfeited to the use of such inspector or person.

Division (5).—*By-laws and Fees.*

By-laws.

161—(1) It shall be lawful for the Council from time to time to make such by-laws as to the said Council seems meet—

- I. For the proper ordering, conduct, management, and cleansing of the Abattoir and of the shops and premises of persons holding butchers' licences under this Act:
- II. For regulating the slaughter of animals in the Abattoir, issuing licences to slaughter therein, fixing the fees payable for such licences and the duration thereof, and the conditions under and upon which the same shall be issued and held, and determining the privileges to be conferred thereby:
- III. For regulating the carriage of meat through the streets of the city, and the sale of meat:
- IV. For better preventing the sale of unwholesome meat as the food of man, and for regulating the conditions upon which meat unfit for the food of man may be sold for other purposes than for the food of man:

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- v. For the proper ordering, conduct, management, control, supervision, and cleansing of sale-yards authorised by this Act to be established by the Council, and the inspection of animals placed in or sold at such sale-yards: A.D. 1930.
- vi. For the fixing of the rates, charges, and fees to be taken and paid for the use of such sale-yards in respect of the inspection and sale of animals therein:
- vii. For regulating the time, place, and manner of landing live animals from vessels arriving in the Port of Hobart:
- viii. For regulating the time, place, and manner in which the carcasses of animals may be landed from vessels arriving at the Port of Hobart, and the disposal of such carcasses:
- ix. For regulating the time, place, and manner of shipping animals on board of vessels departing from the Port of Hobart:
- x. For fixing the hours when, and streets or other public places within the limits of this Act where, and other restrictions under which animals imported into this State, or brought within the limits of this Act, may be driven:
- xi. For fixing the places within the limits of this Act where, and the restrictions under which, animals may be sold by public auction:
- xii. And for any of the purposes of this Part which the Council may think it expedient to carry out or effectuate by by-laws.

(2) Any such by-law as aforesaid may impose a penalty not exceeding Twenty Pounds for the breach of any by-law so made, and a further daily penalty not exceeding Five Pounds for a continuing breach.

162 The provisions of any by-law made under this Act regulating the driving of animals within the limits of this Act shall not apply or extend to working bullocks in yoke or tame milch cows being driven to or from pasture.

By-law regulating driving of animals not to apply, &c.

163 The Council is hereby empowered, by public notice under the hand of the Mayor, to fix—

Council to fix fees for slaughtering and inspecting animals.

- I. The rates or sums to be paid for the slaughtering of animals at the Abattoir:
- II. The fees to be payable on the inspection of animals in pursuance of any notice given under the authority of this Act, or of any by-law made hereunder:
- III. The persons by whom, and mode in which, and time when, such rates, sums, and fees shall be paid.

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A.D. 1930. **164** If any person does not duly pay any such rates, sums, or fees as last aforesaid, he shall, over and above the amount of such rates, sums, or fees not so paid, be liable to a penalty not exceeding Five Pounds.

Penalty for not duly paying such fees.

Divison (6).—*Offences.*

Slaughtering only at Abattoir. **165** No person shall slaughter any animal within the limits of this Act, except in the Abattoir.

Penalty: Twenty Pounds for each animal so slaughtered.

Penalty for selling meat not slaughtered in Abattoir. **166** No person shall bring for sale, or sell, or offer or expose for sale within the limits of this Act, the unsalted carcase of any animal, except pigs, which has not been slaughtered in the Abattoir.

Penalty: Fifty Pounds.

Provided that nothing in this section shall extend to the landing of the carcasses of animals from vessels arriving in the Port of Hobart.

Animals not to be slaughtered for sale without notice, &c. **167** (1)—No person shall slaughter any animal for sale without giving sufficient notice of his intention so to do to the Inspector of Stock, to enable such Inspector to inspect such animal, and affording opportunity and permission to such Inspector to inspect such animal before the same is slaughtered.

Penalty: Twenty Pounds.

Name of owner, &c., of animals to be stated. (2) No person shall refuse or neglect to state to such Inspector, upon being by him requested so to do, the name and residence, as well of the owner of any such animal as of the person from whom he received the same.

Penalty: Twenty Pounds.

Animals not to be exported without notice. **168**—(1) No person shall ship on board of any vessel in the Port of Hobart any animal without giving sufficient notice of his intention so to do to the Inspector of Stock, to enable such Inspector to inspect such animal, and affording opportunity and permission to such Inspector to inspect such animal before the embarkation thereof.

Penalty: Fifty Pounds.

Name of owner, &c., of animals to be stated. (2) No person shall refuse or neglect to state to such Inspector, upon being by him requested so to do, the name and residence, as well of the owner of any such animal as of the person from whom he received the same.

Penalty: Fifty Pounds.

Penalty for selling imported carcasses as human food. **169**—(1) No person shall sell, or offer or expose for sale, as the food of man, any animal's carcase landed from any vessel arriving in the Port of Hobart between the thirty-first day of August and the thirtieth day of April.

Penalty: Fifty Pounds.

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(2) Nothing contained in this section shall extend to prevent the landing or sale of salted or cured meat, or of any animal's carcase which has been conveyed in any such vessel as aforesaid in a refrigerating chamber properly constructed and maintained for that purpose. A.D. 1930.

170 No person shall sell, or offer or expose for sale, as the food of man, the carcase of any sickly or diseased animal, or any putrid or unwholesome meat whatsoever. Penalty for selling unwholesome meat as human food.

Penalty: Fifty Pounds.

171 No person holding a butcher's licence under this Act shall put, place, or throw, or wrongfully permit or suffer to remain, any skin, offal, horn, or blood, or other part whatsoever of any animal, in or on any public street or place, or in or on his premises, or any other place whatsoever where the same occasions or is likely to occasion public annoyance. Penalty for allowing offal, &c., to remain on premises or public places.

Penalty: Twenty Pounds.

172—(1) Excepting as aforesaid, no person shall keep or maintain, within the limits of this Act, any establishment or place for the purpose of boiling-down animals, or in which animals are boiled down. Penalty for keeping a boiling-down establishment elsewhere than at Abattoir.

Daily penalty: Twenty Pounds.

(2) No person shall boil down, or do any act towards the boiling-down of, the carcase of any animal within the limits of this Act, excepting in such establishment or place as may be maintained by the Council as aforesaid.

Penalty: Fifty Pounds.

173 No carcase or portion of any carcase shall be removed from the place appointed for inspecting the same, or sold, until the same has been inspected as hereinbefore required; and if any person acts in contravention of this provision he shall be liable to a penalty not exceeding Five Pounds. Carcase not to be removed or sold until inspected.

174 No person shall keep any pig within the Abattoir, in any place or pen adjoining the scalding-house in such Abattoir, for a longer period than twenty-four hours. Provision as to keeping pigs.

Penalty: Five Pounds.

Division (7).—*Exceptions.*

175 Nothing in this Act contained shall extend to or affect any person who, not having been prohibited by the Council, slaughters, or causes to be slaughtered, within the said suburban area, any animal for consumption by himself, his family, servants, or workmen. Slaughter of animals for private consumption within the suburban area.

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—
Act not to affect persons slaughtering pigs for own use, or where humanity demands death of animal.

176 Nothing in this Act contained shall extend to or affect any person who slaughters any pig for the consumption of his family, servants, or workmen, or shall extend to or affect any person in respect of any animal slaughtered in any case where humanity enjoins its immediate death.

Provided that in every such case as last aforesaid the person slaughtering such animal shall, as soon as possible afterwards, give notice thereof to the Inspector of Stock, and shall, if required so to do, produce the ears and entire skin of such animal to such Inspector.

Persons may sell within the City of Hobart meat killed elsewhere.

177—(1) Notwithstanding anything to the contrary in this Act contained, it shall be lawful for any person to sell, within the limits of this Act, the unsalted carcase of any animal which has not been killed at the Abattoir: Provided—

- I. That every such person shall be the holder of a butcher's licence as is hereinbefore mentioned:
- II. That such carcase has been inspected by an inspector of stock or other person appointed for that purpose by the Council.

(2) Every person who in any manner whatsoever acts in contravention of this section shall for every such offence be liable to a penalty of not exceeding Twenty Pounds.

(3) Nothing herein contained shall authorise the slaughter for sale of any animal, within the limits of this Act, except in accordance with the provisions of this Act.

Licence not to be issued to non-resident unless he produces certificate from warden, &c.

178 Where any person, not being a resident within the city, shall apply for a butcher's licence as is hereinbefore mentioned for the purpose of selling meat under the provisions of this Act, it shall not be lawful to grant any such licence to him unless he shall produce to the person authorised to issue the same a certificate signed by the warden of the municipality in which such applicant resides, to the effect that he is a fit and proper person to hold any such licence for the purposes of this Act.

PART XI.

QUEENBOROUGH CEMETERY.

Queenborough Cemetery to remain vested in Corporation.

Schedule (25).

179—(1) The two pieces of land described in Schedule (25), and known as the Queenborough Cemetery, shall remain vested in the Corporation as a public cemetery.

(2) The said pieces of land may be used as a public cemetery until the sixteenth day of December, one thousand nine hundred and thirty-four.

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180—(1) The Council shall have in regard to such lands all the rights, powers, and authorities, including the power to make rules and regulations, conferred upon the trustees of public cemeteries by the Cemeteries Act, 1865, so far as the same are applicable to the Council, as if the members thereof were trustees appointed and gazetted as such under the last-mentioned Act.

A.D. 1930.

—
Council to have powers of trustees under 29 Vict. No. 7.

(2) The provisions herein contained relating to by-laws made under this Act shall be applicable to rules and regulations made by the Council under this Part and under the Cemeteries Act, 1865.

181 Any right of burial granted or acquired by any person in respect of any portion of the said lands, and in existence at the time of the acquisition of such lands by the Corporation, shall be continued as if such right had been granted to such person by the Corporation.

Burial rights continued.
See "Gazette," 3rd July, 1917, p. 1686.

182 It shall be lawful for the Council, from time to time, to lay out and construct through such lands any roadway or roadways that it may deem advisable, but so that such roadway or roadways shall not interfere with any right of burial granted to or acquired by any person in respect of any portion of the said lands.

Council may construct roads, &c.

183—(1) On and after the sixteenth day of December, one thousand nine hundred and thirty-four, the said cemetery shall be absolutely closed as a public cemetery, and thereafter it shall not be lawful to bury, or permit or suffer to be buried, any further corpses or coffins in such cemetery or any part thereof, and the provisions of Section One hundred and fourteen of the Public Health Act, 1903, shall not apply to the Queenborough Cemetery.

Queenborough Cemetery to be closed for burials.

3 Ed. VII. No. 37.

(2) Whosoever, after the sixteenth day of December, one thousand nine hundred and thirty-four, buries or causes to be buried, or permits or suffers to be buried, any corpse or coffin contrary to the provisions of this enactment, shall, for every such offence, forfeit and pay a penalty of not less than Five Pounds and not more than Fifty Pounds.

PART XII.

MISCELLANEOUS POWERS AND FUNCTIONS.

Division (1).—*Power to Borrow on Overdraft.*

184 It shall be lawful for the Council from time to time to obtain advances from its bankers, by overdraft of its current

Power to borrow on overdraft from banks.

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A.D. 1930.

account, upon the credit of the Corporation; but no such overdraft shall at any time exceed an amount equal to one-half of the prior year's revenue of the Corporation, and such advances, with interest thereon at current bank overdraft rate, shall stand charged on the whole of the revenues of the Corporation, but subject to any then existing charges thereon given pursuant to any statutory authority.

Division (2).—*Moneys Receivable on Deposit.*

Council may receive moneys on fixed deposit or at call.

185 It shall be lawful for the Council to receive moneys on deposit for fixed periods or at call, and to pay on all moneys so deposited interest at such rate as the Council may determine. Such moneys, and the interest payable thereon, shall, until repayment, remain charged upon the whole of the revenues of the Corporation, subject, however, to any then existing prior charges upon such revenues created under or by virtue of any statute: Provided that no such moneys received by the Council as aforesaid shall at any time exceed an amount equal to one-half of the previous year's revenue of the Corporation.

Power to make by-laws regarding deposits.

186—(1) It shall be lawful for the Council to make by-laws—

- I. For fixing the minimum and maximum amount of money which may be deposited by any one person or at any one time:
- II. For fixing the minimum and maximum time during which money, other than money at call, may be deposited:
- III. For fixing the notice to be given before any money deposited at call may be withdrawn:
- IV. For prescribing the forms to be used, and particulars to be given, by persons making such deposits, and the form of receipt to be given by the Council, and the books to be used and kept by the Council in connection with such deposits:
- V. And generally for all matters and forms which the Council may deem necessary, expedient, or convenient for carrying out or giving effect to the provisions of this Division, or for the conduct of any business relating to deposits made hereunder.

(2) Any such by-law may impose a penalty not exceeding Ten Pounds for the breach of any by-law so made, and a further daily penalty, not exceeding Five Pounds, for a continuing breach.

Hobart Corporation.

Division (3).—*Registration of Premises where Animals Kept.* A.D. 1930.

187 In this Division, unless the context otherwise determines— Interpretation.

“Horse” includes ass and mule:

“Pig” includes boar, sow, barrow, and sucking pig:

“Other animal” includes bull, bullock, cow, steer, heifer, calf, ram, ewe, wether, lamb, and goat.

188—(1) All premises used as a stable for horses within the city shall be registered as hereinafter provided before they are so used. Registration of stables.

(2) A registration shall remain in force from the day following the date thereof until the thirtieth day of June then next ensuing.

(3) The annual fee payable for registration shall be Five Shillings, or such lesser sum as may from time to time be fixed by the Council.

(4) The Council may make by-laws to provide for the registration of premises used as stables, including provision for the form of application, by whom the applications are to be made, the particulars, and other information to be furnished, the place where the applications are to be lodged, the form of certificate of registration or renewal to be issued to the applicant, the transfer and revocation of certificates, the inspection of premises used or intended to be used as a stable, and such other matters as the Council may deem necessary to carry out the object of this section.

(5) The Council may refuse to register or renew the registration of any premises which in the opinion of the Medical Officer of Health are unsuitable or unfit to be used as a stable, or are situate in any portion of the city where, in his opinion, it is undesirable that stables should be permitted to exist, and may revoke the registration of any premises which, in his opinion, may become unsuitable or unfit to be used as a stable, or which are kept in an insanitary, dirty, or neglected condition, or are situate in any such portion of the city as aforesaid.

(6) Any person who, in contravention of this Act, uses any premises as a stable for horses in respect of which no certificate of registration is subsisting, shall be liable to a penalty not exceeding Five Pounds, and to a further penalty not exceeding One Pound, for every day on which he uses such premises as a stable.

189—(1) If at any time the Council shall consider that any premises used or intended to be used as a stable are dilapidated Use of premises as stable may be prohibited.

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or unfit for use as a stable, the Council may, by order in writing, declare that such premises are unfit for use as a stable, and thereupon—

- I. The Council may, by notice, direct the owner of the premises to demolish and pull down the stable thereon, or to make within a period to be stated in such notice, such alterations as may in the opinion of the Council be necessary to render such premises fit for use as a stable:
- II. The Council may, by notice, direct the occupier of the premises to discontinue using the premises as a stable, from and after the date to be stated in such notice, until the discontinuance is annulled by a subsequent notice.

(2) Any person who, after the expiration of the time mentioned in Paragraph II. of Subsection (1) of this section, uses or permits any premises referred to in any such notice to be used as a stable shall be guilty of an offence against this Act, and shall, on conviction thereof, be liable to a penalty not exceeding Five Pounds, and to a further penalty not exceeding One Pound for every day on which such premises or any part thereof are used as a stable, in contravention of such order.

Registration of premises whereon pigs are kept.

190 All the provisions contained in the two preceding sections, with regard to the registration of premises to be used as a stable for horses within the city, shall apply, *mutatis mutandis*, to the registration of all premises wherein or whereon pigs are kept within the city.

Presumption of user of premises as stable or pigsty.

191 For the purposes of this and the last three preceding sections, the fact that any premises have been used as a stable or a pigsty, or that a stable or a pigsty exists or has existed, or that a horse or a pig is or has been on such premises, shall be conclusive evidence that the owner, the tenant, and the occupier have each used or permitted to be used such stable or pigsty as the case may be.

Registration of premises on which other animals are kept.

192—(1) The owner of any other animal in the city shall cause the premises on which the same is kept to be registered at the Town Hall, in a register to be kept for the purpose, and such registration shall remain in force from the date thereof until the thirtieth day of June then next ensuing.

(2) The Council may make such by-laws as it may deem necessary with regard to the licensing, registration, and control of all premises on which such animals are kept, and the fees to be paid in respect thereof.

*Hobart Corporation.*Division (4).—*Baths in Houses.*

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193 Every house erected after the commencement of this Act within an area which is, at the date of the commencement of this Act, declared a sewerage area, and every house erected within an area which is declared a sewerage area after the commencement of this Act, and is erected after such area is so declared a sewerage area, shall be provided with a bath connected with the sewerage system, in accordance with the provisions of the Hobart Sewerage Acts, 1898 to 1916, and the by-laws made thereunder.

Houses to be provided with baths.

Division (5).—*Children's Clinic.*

194 It shall be lawful for the Corporation to erect and equip a building, to be used as a children's clinic, on such portion of the vacant land, vested in the Council, and adjoining the Town Hall, in such position as the Council shall determine; the area to be occupied by such building not to exceed twelve perches; and the Corporation is hereby empowered to lease such building, when completed to the Child Welfare Association for a period not exceeding thirty-five years, at such rental and upon such terms and conditions as to the Council may seem fit.

Children's clinic.

Division (6).—*Sale of Electrical Apparatus.*

195 The Corporation may purchase, and may supply, sell, and let for hire, electric motors, apparatus, and things for cooking, heating, and ventilating, and for motive power, and may provide materials and do all work necessary and proper for the fixing and setting up the same, and for connecting the same with the supply mains, and for the alteration, repair, and removal thereof, and may supply a showroom for the exhibition of electric motors, fittings, appliances, and apparatus.

Corporation may supply electric motors, apparatus, &c.

Division (7).—*Registration of Dogs.*

196—(1) Notwithstanding anything contained in Section Twenty-eight of the Police Act, 1905, the sum payable in respect of any registration made within the city of any dog mentioned in such registration shall be such sum or sums of money as the Council may from time to time determine, and such sum or sums of money shall be in lieu of the sum of Five Shillings prescribed by the said section.

Fees payable on registration of dogs in Hobart. Section 28 of 5 Ed. VII. No. 30.

(2) The Council may from time to time make such by-laws as it may deem necessary with regard to the licensing, registration, and control of all dogs within the city. Such by-laws shall be in addition to the provisions contained in Part V. of the Police Act, 1905, and shall be made in the mode prescribed by this Act, and any such by-laws and any regulations made thereunder may be enforced by the imposition of similar penalties to those therein provided.

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Regulation of
hawkers and
itinerant
vendors.Division (8).—*Regulation of Hawkers.*

197 The control, management, and regulation of all hawkers and itinerant vendors of retail goods, wares, or merchandise within the city is hereby vested in the Council, and it shall be lawful for the Council to make by-laws—

- I. For the ordering, conduct, management, control, and supervision of all hawkers and itinerant vendors and their runners or assistants:
- II. For the licensing of, and prescribing the conditions under which licences may be issued to such hawkers and itinerant vendors, and for regulating the granting and the cancellation of such licences:
- III. For fixing the period for which licences shall remain in force, and the fees payable thereon from time to time:
- IV. For the registration, numbering, and inspection of all vehicles used by such hawkers or itinerant vendors:
- V. For prohibiting or restricting unlicensed persons from hawking goods, wares, or merchandise, within the city:
- VI. For compelling hawkers to carry scales:
- VII. For empowering constables to search hawker's packs, upon reasonable suspicion that stolen or prohibited property is therein, and for imposing penalties upon any person molesting or obstructing a constable in the making of any such search:
- VIII. For fixing minimum and maximum penalties for the breach of any of such by-laws:
- IX. And, generally, for all matters and forms which the Council may deem necessary, expedient, or convenient for carrying out or giving effect to the powers vested in it by this section.

Division (9).—*Erection of Hoardings.*Hoardings
not to be
erected with-
out consent of
Council.

198—(1) No person shall erect or continue, on any private or public property within the city, any advertisement hoarding without having first obtained a licence from the Council to do so. Such licence may contain such conditions with respect to the construction of the hoarding and the nature of the advertisements to be exhibited thereon, and the time during which such hoarding is to be permitted to continue on the property, as the Council may deem expedient.

(2) The Council may refuse to register or renew the registration of any hoarding which, in the opinion of the Council, has become dangerous, unsightly, or unsuitable to the locality in which it is erected, and may serve a notice on the owner or occupier of the land whereon such hoarding stands, requiring

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him to remove it within fourteen days after the service of such notice; and if the hoarding is not removed within the said period, the owner or occupier shall be liable to a penalty not exceeding Ten Pounds, and the Council may remove the same and recover the expense of such removal from such owner or occupier in a summary manner. A.D. 1930.

(3) The Council may make by-laws for the registration of hoardings, the nature of the construction thereof, the forms of application for licence, and the licence to be issued in respect thereof, the renewal, transfer, revocation, and inspection thereof, and such other matters as the Council may deem necessary to carry out the objects of this section.

(4) The operation of this section shall extend to hoardings erected on Crown land as well as to hoardings erected on private property.

Division (10).—*Noxious Trades.*

199 When any profession, occupation, manufacture, trade, calling, or business, now or hereafter to be established within the city, becomes and is of so offensive a nature as to create, cause, or be a public nuisance, the Council may contract and agree with the person or company carrying on, or causing to be carried on, such offensive profession, occupation, manufacture, trade, calling, or business for the discontinuance or removal of the same within such distance from the boundaries of the city as may be agreed upon in such contract; and the Council may give out of the municipal fund to such person or company such reasonable compensation by way of consideration for such contract as may be agreed upon between the contracting parties. Council may give compensation to persons removing offensive trades, &c.

200—(1) No proposition to make such contract and give such compensation, as mentioned in the last preceding section, shall be considered by the Council unless a notice setting forth the terms of the proposed contract and the amount of compensation proposed to be given has been published in the "Gazette," and also three times in some newspaper generally circulating in the neighbourhood not less than one month, nor more than two months, before such proposition is considered. Compensation to be given only upon notice under certain conditions.

(2) No resolution to make such contract and give such compensation shall be valid unless such resolution has been confirmed at a subsequent meeting of the Council, held not less than six weeks after the meeting of the Council at which such resolution is first agreed to, nor unless an ordinary biennial election of aldermen has taken place after the meeting at which such resolution was first agreed to, and before the meeting at which such resolution has been confirmed, nor unless at

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the lastmentioned meeting the resolution for confirmation is carried by a majority of the whole number of members of the Council.

(3) Nothing in this or the last preceding section contained shall in any way alter or affect the right of the Council to proceed against any such person or company under any law, now or hereafter in force, relating to the abatement of nuisances or the punishment of persons guilty of creating or causing nuisances.

Division (11).—*Petrol Pumps.*

Power of Council to grant permits to use portion of street for installation of petrol pumps.

Effect of permit.

20 Geo. V. No. 7.

201 It shall be lawful for the Council from time to time to issue a permit to the owner or occupier of any land within the city to use and occupy such portion of the street and footway on which such land has a frontage, as may be required, for the purposes hereinafter in this Division mentioned.

202 The permit, while in force, shall authorise the holder, subject to the provisions of the Inflammable Liquids Act, 1929, and subject to such conditions as the Council may impose—

I. To erect and maintain a petrol pump for the supply of inflammable liquid in and upon such street and footway, or either of them, as the Council may determine, and to sell and supply such liquid therefrom:

II. To make excavations and to lay down and maintain such apparatus, appliances, pipes, and conduits as may be necessary for the purposes aforesaid.

Conditions on which permit may be granted.

203—(1) Every such petrol pump shall be erected and maintained in such position only as the Council may approve, and no such approval shall be given where, in the opinion of the Council, the petrol pump would unduly obstruct the street or footway or the traffic therein.

(2) The Council may make such charges in respect of such permits as may be prescribed.

(3) The Council may refuse to issue a permit in any case where, in the opinion of the Council, it is desirable so to do.

(4) Any permit may be transferred, renewed, or cancelled in such cases and upon such conditions as may be prescribed.

Power to remove pumps. &c.

204—(1) If at any time any petrol pump is unused or, in the opinion of the Council, is or is likely to become a danger or obstruction to traffic, the Council may require the owner thereof to remove the same, and all apparatus, appliances, pipes, and conduits appertaining thereto or used in connection therewith.

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(2) If such owner as aforesaid fails to remove any such petrol pump or thing as aforesaid, as and when required by the Council, it shall be lawful for the Council to remove the same at the expense of such owner, and the Council may recover the cost of such removal from such owner in any court of competent jurisdiction as a debt due to the Corporation. A.D. 1930.

(3) For the purposes of this section, the term "owner" shall include the holder of the permit in respect of any petrol pump so required to be removed, or, if no such permit is in force, then the person who last held a permit in respect thereof.

(4) Where any petrol pump is removed, as provided by this section, the Council shall pay or allow to the holder of such permit as aforesaid, a proportionate part of the fee paid for such permit in respect of the unexpired portion, if any, of the term for which the same was granted or issued.

205—(1) The holder of any permit under this Division shall make good and repair, to the satisfaction of the Council, all damage to the surface of any street or footway, and to any pipes, gutters, channels, or other property of the Corporation. Duty of holder of permit.

Penalty: Ten Pounds.

(2) If such holder as aforesaid fails to make good any such damage as aforesaid, the Council may make good and repair the same at the expense of such holder, and may recover the cost of so doing from him in any court of competent jurisdiction as a debt due to the Corporation.

206 The Council shall not incur any liability by reason of the grant of any permit, or in respect of anything done or omitted to be done by the holder thereof, or of any injury, damage, or loss occasioned to any person in consequence of the grant of the permit. Council not to incur any liability.

Division (12).—*Transport.*

207 It shall be lawful for the Council to establish, acquire, maintain, and conduct such motor, omnibus, or other transport services, for the conveyance of passengers and goods, for hire, to, from, and in such places, and in such manner as to the Council may seem fit. Council may establish transport service.

Division (13).—*Unsightly Buildings.*

208 Whenever the Council shall be of opinion that any building or structure is unsightly, by reason of its appearance, or unsuitable to the locality in which such building or structure is situate, the Council may proceed as follows:— Buildings, &c., to be made sightly and suitable or be removed.

I. If the Council shall consider that such building or structure, or thing affixed to or forming part of such building or structure, can be made sightly or

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suitable as aforesaid, the Council may cause a notice to be served upon the owner of the land upon which such building or structure is erected, requiring such owner to make such alterations and improvements as the Council shall think fit, and such owner shall, within the time specified in such notice, make such alterations and improvements accordingly:

- ii. If the Council shall consider that such building or structure, or thing affixed to such building or structure, cannot be made sightly or suitable, as aforesaid, by any alteration or improvement, the Council may cause a notice, in writing, to be served upon the owner of the land upon which such building or structure is erected, requiring such owner to remove such building, structure, or thing, and such owner shall, within the time specified in such notice, remove such building, structure, or thing, in such manner as shall have been directed by the Council:
- iii. If any such owner as aforesaid, after service upon him of any notice under this section, fails, within the time specified in such notice, to comply with the requirements thereof, he shall incur a penalty, not exceeding Five Pounds, for every such offence, and also a further penalty, not exceeding Twenty Shillings a day for every day during which such failure or non-compliance shall continue, and it shall be lawful for the Council to cause all such acts and things as may be necessary to secure a compliance with the requirements contained in such notice to be done, and all the costs, charges, and expenses incurred by or on behalf of the Council thereby or incidental thereto, shall be repaid to the Council by such owner:
- iv. All penalties, and all costs, charges, and expenses imposed or made payable by this Part, may be recovered in a summary manner in the mode directed by the Justices Procedure Act, before a police magistrate or before any two justices:
- v. If the owner of any such building or structure as aforesaid is unknown, or cannot be found, the Council may give public notice of its intention as herein provided, and shall affix a copy of such notice to some conspicuous place on such building or structure, and if, at the end of one month after such public notice has been given, no owner shall be found, then the Council may proceed, as provided in Paragraph III. of this section, and may sell the

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material of any building, structure, or thing removed, and apply the proceeds towards payment of the expenses incurred thereby. A.D. 1930.

Division (14).—*Removal of Verandah Posts.*

209—(1) All columns of verandahs erected over any portion of any public street within the area described in Schedule (26) shall be completely removed, such removal to take place from both sides of the streets by which such area is bounded, as well as from both sides of the streets within such area. Removal of verandah posts. Schedule (26).

(2) All columns of verandahs erected over any portion of such part of the streets mentioned in Schedule (27), as are within the boundaries of the city, and as are not included within the area described in Schedule (26), shall be completely removed. Schedule (27).

210 If the owner of any verandah referred to in the last preceding section shall neglect or fail to comply with the provisions of such section, within one month from the commencement of this Act, it shall be lawful for the Council to order the Building Surveyor of the city to take such steps as he may consider necessary to pull down and remove the said columns, and the verandah erected thereon, or supported thereby, and the Building Surveyor shall thereupon comply with such order, and the Council may recover from the owner, in a summary manner, all costs and expenses incurred by the Building Surveyor in complying with the order. Council may remove posts if owner neglects or fails to do so.

Division (15).—*Works Beyond Boundaries of the City.*

211 The Council may combine with the municipal council of any city or municipality for the purpose of executing and maintaining any works that may be for the joint benefit of the City of Hobart and such other city or municipality, as the case may be, and may borrow money for the purpose of contributing to the cost of any such work, in the same manner and to the same amount as if such money was borrowed for the execution or maintenance of any work undertaken solely by the Council, and whether such work is within the boundaries of the City of Hobart or not. Council may combine for certain works.

212—(1) Whenever the Council is of opinion that any drain, sewer, watercourse, culvert, or bridge should be constructed upon or across the boundary line between the City of Hobart and any other municipality, or that any repairs or alteration, or other work should be done to any such drain, sewer, watercourse, culvert or bridge, or any road or street abutting on such boundary line, and that such drain, sewer, Repairs, &c., to roads, &c., uniting towns, &c.

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watercourse, culvert, or bridge, or such repairs, or alteration, or other work will be a benefit to the adjoining municipality as well as to the City of Hobart, it shall be lawful for the Council to give to the municipal council of the adjoining municipality notice in writing requiring the said lastmentioned municipal council to concur in constructing such drain, sewer, watercourse, culvert, or bridge, or in executing such repairs, or alteration or other works.

(2) If an agreement shall not be entered into for constructing such drain, sewer, watercourse, culvert, or bridge, or for executing such repairs, or alteration, or other work, within one month after service of such notice, the Council may construct such drain, sewer, watercourse, culvert, or bridge, or execute such repairs, alteration, or other work.

(3) It shall be lawful for the Minister for Lands and Works to decide, upon such evidence as he may deem sufficient, as to the manner in which the cost of constructing such drain, sewer, watercourse, culvert, or bridge, or executing such repairs, or alteration, or other work shall be borne, and the Treasurer of Tasmania is hereby empowered to pay to the Council, out of any moneys which the defaulting municipal council may at any time thereafter be entitled to receive out of any loan or other public fund, such portion, if any, as the Minister may certify, of the costs of constructing such drain, sewer, watercourse, culvert, or bridge, or executing such repairs, or alteration, or other works as aforesaid.

(4) In the event of the said defaulting municipal council not being entitled to receive any money out of any loan or other public fund, such portion of the said costs and charges, as the Minister certifies as aforesaid, shall be recoverable by the Council from the defaulting municipal council as money paid by the Council for the use of the defaulting municipal council.

PART XIII.

SEPARATE LOCAL RATE.

Council may
levy separate
local rate.

213 It shall be lawful for the Council to make and levy a separate local rate upon the annual value of the lands and buildings within any defined portion of the city for the purpose of defraying the cost, or the interest upon the cost, of any public work or improvement by which, in the judgment of the Council, special advantages may accrue to such defined portion.

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214 Every separate local rate shall be made, and be recoverable in the same manner, and shall be payable by the like persons within such defined portion, as any city rate under the Principal Act; but each separate local rate shall not exceed in any one year the sum of Eighteen Pence in the pound upon the annual value of the lands and buildings within such defined portion.

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Separate local rate, how recoverable.

215 The Council shall cause separate entries to be made in the books mentioned in Part VII. of the Principal Act, of all moneys received and disbursed in respect of every such separate local rate.

Separate entries to be made.

216—(1) Before making any such separate local rate the Council shall, by notice, define the portion of the city in respect of which such rate shall be payable.

Notice of separate local rate not to be given.

(2) Such notice shall be signed by the Mayor and not less than three aldermen, and shall specify the boundaries of such defined portion.

(3) Such notice shall be published by being inserted in four consecutive numbers of the "Gazette" and twice in a newspaper circulating in the city, and by being fixed in such conspicuous places within the defined portion as the Council thinks proper, for the period of not less than four weeks next before the time when such notice is to take effect.

217—(1) If a requisition in writing, signed by ten or more citizens, shall be presented to the Mayor, not less than seven days before the time when such notice is to take effect, requiring him to call a public meeting of the citizens who are owners or occupiers of lands and buildings within the portion of the city defined by such notice, to consider the question of making such separate local rate, the Mayor shall, within five days after the receipt by him of such requisition, convene a public meeting of such citizens as aforesaid.

Mayor to call meeting to consider question if required by citizens.

(2) The citizens present at such meeting may, by a majority of votes, alter, but not extend, the boundaries of the portion of the city in respect of which such separate local rate shall be payable, or may agree to the boundaries as specified by the Council in such notice as aforesaid.

(3) Any such rate made and levied by the Council shall, if any such public meeting is held as aforesaid, be made and levied only on the annual value of the lands and buildings within the portion of the city the boundaries of which have been agreed to at such meeting.

(4) Provided that, if it shall be decided at such meeting by a majority of the votes of the citizens present thereat that no separate local rate shall be made as aforesaid, it shall not be lawful for the Council to make and levy such rate.

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Not to affect
other rates.46 Vict. No.
14.

218 The making and levying of a separate local rate shall not in any way affect any other rate which may, under this Act or any law, be made and levied upon the lands and buildings in the defined portion; and no separate local rate shall be deemed to be a special rate within the meaning of the Local Bodies' Loans Amendment Act.

PART XIV.

NOTICES. LEGAL PROCEEDINGS, AND ENFORCEMENT
OF ACT.Division (1).—*General Provisions.*Service of
notices, &c.See also 20
Geo. V. No. 44,
s. 8 (3).Certain docu-
ments, how
authenticated.Summons for
rates without
fee.Proceedings in
estate of
insolvents, &c.Council may
order pro-
ceedings to be
taken.Proceedings in
petty sessions.

219 Any summons or notice, or any writ or other proceeding at law or in equity, requiring to be served upon the Corporation, may be served by being given personally to the Mayor or Town Clerk.

220 Every order, notice, or other such document requiring authentication by the Council, may be sufficiently authenticated, without the common seal of the Corporation, if signed by the Mayor or by the Town Clerk.

221 No fee shall be payable on any summons issued on the complaint of the Council to enforce payment of any rates.

222 If any person against whom the Corporation or the Council has any claim or demand take the benefit of any Act for the relief of insolvent debtors, the Town Clerk or City Treasurer, in all proceedings against the estate of such bankrupt, or under any sequestration or act of bankruptcy against such bankrupt, may represent the Corporation or the Council, and act in its behalf in all respects as if such claim or demand had been the claim or demand of the Town Clerk or City Treasurer.

223 The Mayor or Town Clerk may order, either generally or in any particular case, proceedings to be taken for the recovery of any penalties and for the punishment of any person offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the municipal fund.

224 In all proceedings in any court of petty sessions, or before any justice, the Town Clerk, or any other officer of the Council appointed by the Mayor, in writing under his hand, may represent the Corporation or the Council in all respects as though he had been the party concerned.

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225 The Town Clerk, or other officer appointed as last aforesaid, shall be reimbursed out of the municipal fund all damages, costs, charges, and expenses to which he may be put, or with which he may become chargeable, by reason of anything contained in either of the three last preceding sections.

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Reimbursement of officers.

226 No judge of the Supreme Court, justice of the peace, or other inhabitant discharging any judicial or civil functions whatever, shall be disabled from acting in the due discharge and execution of his respective duties by reason of his being a member of the Corporation; and it shall be lawful for the judges of the said court, or any of them, notwithstanding that they, or any of them, are members of the Corporation, to sit, determine, or otherwise adjudicate in the matters brought before them, or him, connected with the Corporation, as in any ordinary case of the like nature, and for any justice of the peace to act in such like manner, as if he were not directly or indirectly interested in the concerns of the Corporation.

Judge, &c., may adjudicate although a member of the Corporation.

227 All references made in this Part to the purposes or provisions of, or to the powers and authorities given by, or to any prohibitions or penalties imposed by, this Act, or any by-law made hereunder, shall be applicable to the purposes, provisions, powers, authorities, prohibitions, and penalties referred to in any other Act relating to the Corporation or any by-law made thereunder.

References in this Act extended to other Acts relating to Corporation.

Division (2).—*Notices.*

228—(1) Notices, demands, orders, or other documents under this Act which require authentication by the Council may be in writing or print, or partly in writing and partly in print.

Notices may be printed or written.

(2) Every notice, order, or demand shall be signed by, or bear the printed signature of, the Mayor or Town Clerk, or other authorised officer delivering or transmitting the same.

229 Any notice, demand, summons, complaint, order, or other document (all of which are, in this Division, hereafter included in the term "notice") under this Act required or authorised to be given to, or served upon, any person may, unless in any case otherwise prescribed, be so given or served—

Service of notice.

- I. By delivering the same to such person: or
- II. By leaving the same at his usual or last known place of abode: or
- III. By serving the same by post, addressed to such person at his usual or last known place of abode, or, if absent from Tasmania, and having an agent known to the Council, then to such agent.

Vide 6 Ed. VII. No. 12, s. 39.

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Notices may be served on occupier or left on premises.

Notices may in certain cases be advertised.

Notice may be addressed to "owner" or "occupier."

Continued operations of notices and orders.

Proof of appointment of Mayor, aldermen, Town Clerk, or other officers, or of presence of quorum of Council, dispensed with.

230 Any such notice, if addressed to the owner or occupier of premises, may be served by delivering the same, or a true copy thereof, to some person on the premises, or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises.

231 Where a notice under this Act is required to be given to a person whose name and address is unknown to the Council, and there is no agent of such person in Tasmania known to the Council, it may in lieu of service be advertised three times in some public daily newspaper generally circulating in the city, at intervals of not less than one week between any two publications.

232 Any notice by this Act required to be given to the owner or occupier of any premises may, if the name of the owner or occupier is not known to the Council, be addressed to him by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

233 All notices required under this Act to be served on any owner or occupier shall, if due service thereof has been once made on any owner or occupier, be binding on all persons claiming by, from, or under such owner or occupier to the same extent as if such order or notice had been served on such lastmentioned persons respectively.

Division (3).—*Evidence.*

234 In any prosecution or other legal proceeding under the provisions of this Act. or of any other Act relating to the Corporation or Council. instituted by or under the direction of the Council, no proof shall, until evidence is given to the contrary, be required—

- (a) Of the persons constituting the Council or the boundaries of the city;
- (b) Of any order to prosecute, or of the particular or general appointment of the Town Clerk or of any other officer of the Council;
- (c) Of the authority of any officer of the Council to prosecute;
- (d) Of the appointment of the Mayor or the Town Clerk;
- (e) Of the presence of a quorum of the Council at the making of any order or the doing of any act.

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235 If any officer of the Council or other person who has, in the manner directed by any Act, served any notice, order, or demand thereby required to be given by the Council, indorses upon a true copy of such notice, order, or demand a statutory declaration in the form or to the effect of Schedule (28), stating the place, the time, and the manner in which the same has been so served, such statutory declaration purporting to have been so made shall, until evidence is given to the contrary, be received by any justice or justices, and in all courts of law, as proof of the service of such notice, order, or demand.

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 Proof of service of notices, orders, or demands.
 Schedule (28).

236 All documents whatever purporting to be issued or written by or under the direction of the Council, and purporting to be signed by the Town Clerk, shall be received as evidence by any justice or justices and in all courts of law, and shall be deemed to be issued or written by or under the direction of Council without proof, unless the contrary is shown. The word "documents" in this section shall include all regulations, orders, directions, and notices.

Evidence of documents issued by the Council.

237 In any proceeding for levying and recovering any rate or interest thereon, or for taking possession of land for arrears of rates or interest thereon, or for enforcing any charge upon land, or in any proceeding consequent upon any of the foregoing, the rate records of the Council, and all entries purporting to be made therein in manner by law directed, by the production thereof alone, shall be *prima facie* evidence of such rate and of the contents of such records, without any evidence that the notices required, or other legal requirements, have been given or complied with.

Rate records to be evidence.

Division (4).—*Enforcement of Act.*

238 The Council shall, for the purposes of this Act, have power, by itself or by its officers, to enter, at all reasonable hours in the daytime, into and upon any building or land within the city, for the purpose of executing any work, or making any inspection, authorised to be executed or made by the Council under this Act, without being liable to any legal proceedings on account thereof.

Powers of entry by officers of Council

239—(1) Whenever default is made by the owner of any building or land in the execution of any work by this Act required to be executed by him, the occupier of such building or land may, with the approval of the Council, cause such work to be executed.

Occupier may act in certain cases on default of owner.

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May recover
from owner.

(2) In such case, and in any case in which any occupier is compelled to do any work or pay any money which ought primarily to be done or paid by the owner, the expense of such work, or the money so paid, shall be repaid to such occupier by the owner, and such occupier may deduct the amount of such expense, or the money so paid, out of the rent from time to time becoming due from him to such owner.

Tenant's
recourse to
owner when
no rent due
for overdue
expenses or
rate.

240 In any case in which any overdue expenses or rates (for which the owner is liable, as between himself and the tenant) have been demanded from a tenant, and he, not then owing any rent, has given notice of such demand to the owner of the property, such tenant, in case his goods are distrained or seized and sold for the satisfaction of such expenses or rate, shall be entitled to recover from such owner double the value of the goods so sold, with costs as between solicitor and client.

Expenses pay-
able by owner,
how recover-
able from him.

241 If any person made liable by this Act, or any by-law made hereunder, for the repayment to the Council of any expenses incurred by it, do not, as soon as the same becomes due and payable from him, repay all such expenses to the Council, the Council may recover the same, before two justices or in an action of debt in any court of competent jurisdiction.

May in certain
cases be
recovered from
occupier.

242 The Council may, by way of additional remedy, whether any such action or proceeding has been brought or taken against any owner or not, require the payment of all or any part of the expenses payable by any owner for the time being from the person who, then or at any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier, on demand, the same may be recovered from him before two justices or in an action of debt in any court of competent jurisdiction.

Occupier not
to be liable
beyond rent
due or to
become due
after notice.

243—(1) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which shall, at any time after such demand and notice not to pay the same to his landlord, have accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Council, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable.

(2) The burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall lie upon such occupier.

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(3) Nothing herein contained shall be taken to affect any contract made between any such owner and occupier respecting the payment of any such expenses as aforesaid. A.D. 1930.

244—(1) Where any expenses payable to the Council by the owner of any building or land amount to more than half the amount of the net annual value of such building or land, the Council may, if it thinks fit, at the request of such owner, allow time for the repayment of such expenses, and receive the same by such instalments as it, under the circumstances of the case, considers reasonable, but so that the same be repaid by annual instalments of not less than one-seventh part of the whole sum originally due, with interest on the principal money from time to time remaining unpaid after the rate of Six Pounds per centum per annum until payment. Payment of expenses by instalments in certain cases.

(2) All such sums remaining due, notwithstanding the Council has agreed to allow any time for the repayment thereof as aforesaid, shall from time to time, at the expiration of the several times so allowed for repayment thereof, be recoverable in like manner as such respective amounts would have been recoverable if no time had been allowed for repayment thereof.

(3) Every such instalment and interest shall remain, until paid, a charge upon the land notwithstanding any change of ownership.

245 No trustee, agent, or attorney for any owner of any building or land shall be liable to pay any sum of money recovered or penalty imposed, under the provisions of this Act, greater than the amount which is in the hands or under the control of such trustee, agent, or attorney belonging to the owner, in his own right, of such building or land at the time such sum is recovered or penalty imposed. Trustee, &c., not liable beyond amount of funds in hand.

246 If any trustee, agent, or attorney for any owner of any building or land makes default in the payment of any sum of money recovered or penalty imposed under the provisions of this Act, and such default continues for thirty days, the Council shall have the same powers of leasing or selling the building or land in respect of which the sum of money has been recovered or penalty imposed as provided by the Principal Act in respect of rates in arrear, and subject to the like notices. If trustee, &c., in default, Council to have power to lease or sell.

247—(1) Where any nuisance appears to be wholly or partially caused by the acts or defaults of two or more persons, the Council or other complainant may institute proceedings against any one of such persons, or may include all or any two or more of such persons in one proceeding; and any one Proceedings in cases of nuisances caused by two or more persons.

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or more of such persons may be ordered to abate the nuisance, so far as the same appears to the court having cognisance of the case to be caused by any acts or defaults on his or their part which, in the opinion of the court, contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to the court may appear fair and reasonable.

(2) Proceedings against several persons included in one complaint shall not abate by reason of the death of any of the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

(3) Nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would otherwise be entitled to contribution by law.

Occupier obstructing owner in carrying Act into effect.

248—(1) If the occupier of any building or land within the city prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any justice, upon proof thereof, may make an order, in writing, requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for carrying into effect the provisions of this Act.

(2) If, after the expiration of ten days from the date of such order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding Five Pounds.

(3) Every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Penalty for obstructing the Council or its officers.

249—(1) If any person—

- I. Wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Council or any member thereof, or any officer, agent, servant, workman, or assistant of the Council, in doing or performing any work, or in the exercise of any power or authority authorised or vested in the said Council, or any of the persons aforesaid, by this or any other Act relating to the Corporation: or
- II. Threatens, or assaults, or uses improper or abusive language to, or otherwise insults, any of the per-

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sons aforesaid, whilst in the performance or execution of his duty under this or any other Act relating to the Corporation—

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every such person shall, for any such offence (if not otherwise specially provided for), forfeit and pay a penalty not exceeding Twenty Pounds.

(2) No proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at law by any of the persons aforesaid for, or in respect of, any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any law or usage to the contrary notwithstanding.

250 If, on the request of the Council, or any collector of rates or other officer duly authorised by it as such, the occupier of any property, or any agent of the owner of such property, refuses, or wilfully omits to disclose, or wilfully misstates to the Council, or to the collector or other officer making such request, the name of the owner of such property, or of the person receiving or authorised to receive the rents of the same, such occupier or agent shall be liable to a penalty not exceeding Five Pounds.

Occupier or agent refusing to give name of owner liable to penalty.

251 If any person shall refuse or neglect, for the space of seven days, to comply with any order of the Council requiring such person to do any act which the Council is authorised by this Act to require such person to perform, the Council may cause such person to be summoned before any two justices of the peace; and such person shall, upon conviction of such refusal or neglect as aforesaid, be liable to a penalty not exceeding Forty Shillings, and to a further penalty of Five Shillings per day for every day during which such refusal or neglect continues.

Persons refusing to comply with order of Council may be dealt with summarily.

252 Where any act, matter, or thing is prohibited by this Act, the causing such act, matter, or thing to be done or committed shall be deemed to be equally prohibited, and shall be punishable accordingly.

Act to apply to causing prohibited matters.

253 If any officer or other person employed by the Council, or any member of the police force, finds any person committing a breach of any of the provisions of this Act, or of any by-law or regulation made hereunder, and such person refuses to state his name and place of abode when required by such officer, or other person, or member of the police force so to do, or, in the opinion of such officer, or other person, or member of the police force, states a false name or place of abode, such person may, without any other warrant than this Act, be apprehended by such officer, or other person, or mem-

Penalty in case of person found committing breach of Act, by-laws, &c., and refusing to state name, &c., or giving false name, &c.

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Duty of members of police force to report breaches of Act, by-laws, &c., to Town Clerk. **254** It shall be the duty of every member of the police force who finds any person committing a breach of any of the provisions of this Act, or of any by-law or regulation made hereunder, to demand from such person his name and place of abode, and to report forthwith the fact of such breach, and the name and place of abode of such person, to the Town Clerk.

Division (5).—*Legal Proceedings.*

Proceedings. **255** All proceedings in respect of offences committed against this Act, or any by-law made hereunder, shall be taken, heard, and determined, and all penalties and sums of money imposed or made payable under this Act, or any by-law made hereunder, may be enforced and recovered, in accordance with the provisions of the Justices Procedure Act, 1919.

10 Geo. V. No. 55.

Persons not to be imprisoned for more than three months. **256** No person, unless it be otherwise expressly provided, shall be imprisoned for non-payment of any penalty under this Act, or for want of sufficient distress, for a longer period than three months, to be computed from the day, if such offender has been arrested, on which he was actually arrested.

One conviction only, &c. **257** No person shall be liable to be punished under this Act, or under any by-law, and under any other Act, for the same offence.

Penalties to be paid to City Treasurer. **258** All penalties received by virtue of this or any other Act relating to the Corporation, or any by-law, shall, if not otherwise in any case specially directed, be paid to the City Treasurer, and form part of the municipal fund.

General penalty. **259** If any person commits any offence against this Act, or against any Act conferring any powers upon the Corporation now passed, or hereafter to be passed, or any by-laws heretofore made or hereafter to be made thereunder, for which no penalty is by any of the said Acts or by-laws provided, he shall be liable to a penalty not exceeding Ten Pounds, and in the case of a continuing offence, to an additional penalty not exceeding Two Pounds for every day on which the offence is continued after the first day.

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PART XV.

BY-LAWS.

260 It shall be lawful for the Council to make such by-laws as to the Council seems meet for all or any of the purposes following; that is to say:—

By-laws.

(a) Business:

- I. Regulating the proceedings of the Council:
- II. Conducting the election of the Mayor or aldermen, in any matter which may not be sufficiently provided for by law:
- III. Regulating the conduct of the officers and servants of the Corporation:
- IV. Providing for the due management of the affairs of the Corporation:

(b) Nuisances:

- V. Preventing and suppressing nuisances:
- VI. Preserving public decency:
- VII. Compelling owners or occupiers to keep their premises free from offensive or unwholesome matters:
- VIII. Providing for the emptying and cleansing of privies and cesspits:
- IX. Providing for the cleansing of stables, cow-sheds, pig-sties, fowl-houses, and other places where any animals may be kept:
- X. Preventing the storage or the keeping in any place of any animal or thing, in the opinion of the Council, offensive, injurious to health, or dangerous, within the city, or any part thereof specified in the by-law, or within a distance of any habitation specified in the by-law:
- XI. Causing vacant building lots to be enclosed where public safety is likely to be endangered:
- XII. Suppressing and restraining disorderly houses and houses of ill-fame and repute:
- XIII. Prohibiting every kind of fraudulent device and practice in relation to the sale of marketable commodities:
- XIV. Preventing the congregation of idle and disorderly persons in the streets and public places of the city:

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(c) Streets:

- XV. Preventing any injury or obstruction to public streets:
- XVI. Keeping the streets of the city clean and preventing persons throwing or depositing any dangerous or disagreeable substance thereon:
- XVII. Regulating sewerage and drainage:
- XVIII. Regulating the lighting of public streets or other public places with electricity or otherwise:
- XIX. Preventing dogs, fowls, geese, and other domestic animals from straying in the streets of the city:
- XX. Regulating the opening and construction of private streets in accordance with the provisions of this Act:
- XXI. Regulating the erection or construction of any verandah, portico, balcony, sign-board, hoarding, advertisement, post, step, gate, or similar construction, matter, or thing in, upon, across, or along any street, roadway, or footpath within the city:
- XXII. Preventing the placing of any verandah, portico, balcony, sign-board, hoarding, advertisement, post, step, gate, or similar construction, matter, or thing in, upon, across, or along any street, roadway, or footpath within the city without the consent of the Council, and for the removal thereof:

(d) Waters:

- XXIII. Regulating bathing in the waters in and adjoining the city:
- XXIV. Preventing or regulating the bathing or washing the person in any public water or near a public thoroughfare:
- XXV. Preventing the fouling or obstruction of any river, rivulet, or other stream of water flowing through any part of the city:

(e) Miscellaneous:

- XXVI. Regulating the construction, elevation, materials, and form of buildings in any specified part of the city:

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- XXVII. Preventing and extinguishing fires, and prohibiting the lighting of any fire within a dangerous distance of any fence or building: A.D. 1930.
- XXVIII. Regulating and controlling quarrying and blasting operations:
- XXIX. Providing for the destruction of noxious plants and weeds growing within the city:
- XXX. Preventing the disfigurement of public and private property within the city:
- XXXI. Regulating the sale of laths, shingles, and other split or sawn timber indigenous to Tasmania:
- XXXII. Regulating the use of engines of any description within the city:
- XXXIII. Controlling the carrying on and regulating the use of sawmills, sawbenches, and all other machinery or appliances for sawing, splitting, or cutting wood within the city:
- XXXIV. Controlling the establishment within the city of sawmills, sawbenches, and all other machinery or appliances for sawing, splitting, or cutting wood, not established prior to the thirtieth day of November, one thousand nine hundred and six:
- XXXV. Conducting, managing, controlling, and supervising any refuse destructor which may be erected by, or be the property of, the Corporation, and fixing the fees and charges to be paid for the services rendered in connection therewith:
- XXXVI. Regulating the proper management and control of the Hobart Rivulet and any other rivulets under the jurisdiction of the Council and for any of the purposes which the Council may think it expedient to carry out and effectuate in relation thereto:
- XXXVII. Managing, conducting, and controlling any transport service which may be established by the Council, levying and making of tolls and charges, regulating the travelling and conduct of officers, preventing the commission of any nuisance, and generally for the conduct of the service:
- XXXVIII. Regulating, controlling, or prohibiting the use of water in time of drought or other emergency:
- XXXIX. Imposing reasonable fees or charges for, or in respect of, any licences which may be granted under any Act or by-law.

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XL. Regulating all matters which, by this Act or any other Act relating to the Corporation, are required or permitted to be prescribed, or in reference to which the word "prescribed" or "prescribe" is used in any such Act, or as may be necessary or convenient to be prescribed for giving effect to any such Act:

XLI. For the good rule and government of the city generally; for more effectually regulating, observing, and carrying out all and every the powers and authorities by this Act, or by any other Act relating to the Corporation, given to the Corporation or Council; for the convenience, comfort, and safety of the inhabitants of the city; and for the prevention and suppression of nuisances therein.

How by-laws
may be
enforced.

261—(1) Any by-law made by the Council may impose a penalty for any breach thereof, and may also impose different penalties in case of successive breaches: but no such penalty shall exceed Ten Pounds, nor Five Pounds in case of a penalty for a continuing daily breach.

(2) A by-law may provide that, in addition to a penalty, any expense incurred by the Council in consequence of a breach of such by-law, or in the execution of work directed by the by-law to be executed by any person, and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

(3) A by-law may provide for the suspension or cancellation by the Council, or by the Mayor, of any licence upon a breach or successive breaches by the licensee of the provisions thereof.

(4) All offences against any by-law in force in the city shall be deemed to be an offence against this Act.

How by-laws
to be made.

262—(1) No by-law shall be passed unless a majority of the members of the Council be present.

6 Ed. VII.
No. 12.
7 Geo. V. No.
15.

(2) The provisions of Section Forty-four of the Interpretation Act, 1906, as re-enacted by Section Fourteen of the Interpretation Act, 1916, shall apply to all by-laws made by the Council under, or by virtue of, this or any other Act authorising or empowering the Council to make by-laws.

Powers to be
additional.

263—(1) The power to make by-laws conferred upon the Council by this Part shall be in addition to any other power to make by-laws conferred upon the Council by this Act, or by any other Act now or hereafter to be passed.

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(2) Whenever, by any Act, the Council is empowered to make by-laws for any special purpose, such by-laws shall, unless otherwise provided, be made in the manner provided by this Act. A.D. 1930.

264 In every by-law made by the Council under this or any other Act the words "public place" shall have the same meaning as they have under the Police Act, 1905. Meaning of "public place." 5 Ed. VII. No. 30.

265 Any by-law which the Council is authorised or empowered to make under or by virtue of this or any other Act, may leave any matter or thing to be determined, applied, dispensed with, prohibited, or regulated by the Council, from time to time, by resolution (to be published, whenever practicable, in one or more daily newspapers circulating in the city), either generally or for any classes of cases or in any particular case, and to provide a penalty not exceeding Five Pounds for any breach or contravention of such resolution, and a penalty not exceeding One Pound per day in the case of a continuing or daily breach or contravention of such resolution. Resolutions provided for.

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SCHEDULES.

(1)

REPEALS.

Section 3.

Date and Number of Act.	Title of Act.	Extent of Repeal.
14 Vict. No. 6	An Act for the Establishment of a new Market Place for the City of Hobart Town, and for other purposes connected therewith	The whole Act
24 Vict. No. 26	An Act to enable the Corporation of Hobart Town to Build a Town Hall and Public Buildings, to borrow money on the Credit of the Municipal Rates, and for other purposes	Sections 2 and 3
42 Vict. No. 33	The Hobart Town Police Provident Fund Act	The whole Act
44 Vict. No. 2	An Act to alter the Name of the City of Hobart Town	The whole Act
57 Vict. No. 11	The Hobart Corporation Act, 1893	The whole Act
58 Vict. No. 29	The Hobart Corporation Act, 1894	The whole Act
59 Vict. No. 46	The Hobart Corporation Act, 1895	The whole Act
62 Vict. No. 14	The Hobart Corporation Act, 1898	The whole Act
1 Ed. VII. No. 56	The Hobart Corporation Act, 1901	The whole Act
3 Ed. VII. No. 32	The Hobart Corporation Act, 1903	Section 2 Sections 4 to 7 inclusive Subsections (1), (2), (3), (12), and (13) of Section 8 Sections 9 and 10 Schedule (2)
5 Ed. VII. No. 45	The Hobart Corporation Act, 1905	The whole Act
6 Ed. VII. No. 11	The Mountain Park Act, 1906	The whole Act
6 Ed. VII. No. 42	The Hobart Corporation Act, 1906	The whole Act
7 Ed. VII. No. 19	The Hobart Corporation Act, 1907	The whole Act

*Hobart Corporation.*REPEALS—*continued.*

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Date and Number of Act.	Title of Act.	Extent of Repeal.
8 Ed. VII. No. 24	The Hobart Corporation Act, 1908	Section 6 Sections 9 to 15 inclusive
2 Geo. V. No. 28	The Hobart Corporation Indemnity Act, 1911	The whole Act
2 Geo. V. No. 62	The Hobart Corporation Act, 1911	The whole Act
3 Geo. V. No. 34	The Hobart Corporation Act, 1912	Preamble Subsections (1), (3), and (4) of Section 1 Sections 2 to 19 inclusive Section 21 Schedule
4 Geo. V. No. 24	The Hobart Corporation Act, 1913	Subsections (2) and (3) of Section 1 Sections 2 to 5 inclusive Subsection 2 of Section 9 Sections 10 to 12 inclusive Sections 14 to 16 inclusive Sections 21 to 34 inclusive Schedules (1) to (6) inclusive
4 Geo. V. No. 28	The Municipality of Queenborough Loan Act, 1913	Sections 5 to 21 inclusive Schedules (2) and (3)
5 Geo. V. No. 21	The Hobart Corporation Act, 1914	Subsection 2 of Section 1 Section 3 Sections 31 to 33 inclusive
7 Geo. V. No. 37	The Hobart Corporation Act, 1916	Preamble Subsection (2) of Section 1 Sections 2, 3, 5, 6, and 7 Subsections (1) and (2) of Section 4 Schedules (1) and (2)

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REPEALS—*continued.*

Date and Number of Act.	Title of Act.	Extent of Repeal.
8 Geo. V. No. 41	The Queen's Domain Vesting Act, 1917	The whole Act
9 Geo. V. No. 14	The Hobart Corporation Act, 1918	Section 7
9 Geo. V. No. 50	The Hobart Recreation Reserves Vesting Act, 1918	The whole Act
9 Geo. V. No. 59	The Hobart-Kingston Road Widening Act, 1918	The whole Act
10 Geo. V. No. 10	The Hobart Corporation Act, 1919	Subsections (2) and (3) of Section 1 Sections 2 to 6 inclusive Section 12 Schedule (1)
10 Geo. V. No. 43	The St. David's Burial Ground Vesting and Improvement Act, 1919	The whole Act
10 Geo. V. No. 64	The Hobart Corporation Act (No. 2), 1919	The whole Act
11 Geo. V. No. 68	The Hobart Corporation Act, 1920	The whole Act
12 Geo. V. No. 24	The Hobart Corporation Act, 1921	Subsection (2) of Section 1 Sections 3, 15, 20, and 21 Sections 23 to 28 inclusive Schedule
12 Geo. V. No. 25	The Hobart Corporation Act (No. 2), 1921	The whole Act
13 Geo. V. No. 12	The Hobart Corporation Act, 1922	The whole Act
13 Geo. V. No. 57	The Hobart Corporation Loans Act, 1923	Section 4
14 Geo. V. No. 54	The Franklin Square Vesting Act, 1924	The whole Act

*Hobart Corporation.*REPEALS—*continued.*

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Date and Number of Act.	Title of Act.	Extent of Repeal.
14 Geo. V. No. 55	The Hobart Corporation Act, 1924	Subsections (2) and (3) of Section 1 Section 2 Sections 11 to 19 inclusive Sections 21 to 23 inclusive Sections 26 to 29 inclusive Schedules (1), (2), and (3)
15 Geo. V. No. 55	The Hobart Corporation Act (No. 2), 1924	The whole Act
16 Geo. V. No. 32	The Hobart Corporation Act, 1925	The whole Act
16 Geo. V. No. 86	The Hobart Corporation Act, 1926	The whole Act
18 Geo. V. No. 87	The Hobart Corporation Act, 1927	The whole Act
20 Geo. V. No. 44	The Hobart Corporation Act, 1929	Subsections (2) and (3) of Section 1 Subsection (2) of Section 9. Sections 164 and 165 inclusive Sections 168 to 175 inclusive

(2)

Section 97

LANDS IN LOWER COLLINS STREET.

(a)

All that block bounded by Collins-street, Campbell-street, Sackville-street, and Park-street, but excluding therefrom any properties fronting on Campbell-street.

(b)

All that block bounded by Collins-street, Campbell-street, Macquarie-street, and the former bed of the Hobart Rivulet.

(c)

All that block bounded by Park-street, Macquarie-street, and the former bed of the Hobart Rivulet, but excluding therefrom any properties fronting on Macquarie-street.

(d)

All that block bounded by Campbell-street, the present bed of the Hobart Rivulet, and the Hobart Hospital.

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(3)

Section 101.

SMALL RIVULETS.

Park-street Rivulet.

Rivulet between Argyle-street and Park-street, approximately parallel with Cedric-street.

Rivulet from Providence Valley and Mellifont-street to Park-street Rivulet, and tributaries thereof.

Rivulet from Warwick-street, above Harrington-street, to Melville-street.

New Town:—

Tor Creek and its tributary.

Maypole Rivulet.

Jutland Creek.

Sandy Bay:—

Wellington Rivulet.

Ashfield Rivulet and tributaries thereof.

(4)

Section 105.

BARRACK SQUARE RESERVE.

0A. 2R. 15P.

All that piece of land situate in the City of Hobart containing 2 roods 15 perches, and bounded as follows:—On the north-west by 3 chains 3 links north-easterly along Davey-street commencing at the angle of that street with a roadway thence by a curved line of $28\frac{1}{2}$ links on the north-east by 1 chain 64 links south-easterly along Hampden-road on the south-east by 3 chains $43\frac{1}{2}$ links south-westerly along a hospital site and thence on the south-west by 1 chain $81\frac{1}{2}$ links north-westerly along the beforementioned roadway to the point of commencement—which said piece of land is delineated on Plan (2) annexed to the Hobart Recreation Reserves Vesting Act, 1918 (9 Geo. V. No. 50), and therein surrounded by red boundary-lines.

(5)

Section 105.

CLARE STREET RECREATION GROUND.

5A. 3R. 3P.

All that piece of land situate in the City of Hobart containing 5 acres 3 roods 3 perches or thereabouts, and bounded as follows, that is to say:—On the north-east by 3 chains $76\frac{1}{2}$ links south-easterly along Clare-street commencing at the angle of that street and Harding-street thence on the east by 8 chains $78\frac{8}{10}$ links southerly to Douglas-street thence on the south by 9 chains 29 links westerly along Douglas-street to Harding-street thence on the north-west by 11 chains 11 links north-easterly in two bearings along Harding-street thence again on the north-west by $17\frac{3}{10}$ links easterly across corner to Clare-street aforesaid the point of commencement.

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(6)

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CORNELIAN BAY RECREATION RESERVE.

Section 105.

1A. 1R. 20 8/10P.

All that piece of land containing 1 acre 1 rood 28 8/10 perches or thereabouts, situate in the City of Hobart, and being portion of lands vested in the Perpetual Trustees Executors and Agency Company of Tasmania Limited as the trustees of the will of Samuel Page, deceased, commencing at the intersection of the esplanade Cornelian Bay and the most north-easterly corner of Bell-street thence on the south along Bell-street westerly for a distance of 39 feet 10 inches thence proceeding in a north-easterly direction for a distance of 13 feet 2 inches thence continuing northerly in two bearings for a distance of 662 feet 5 inches thence north-westerly in eight bearings for a distance of 321 feet 1½ inches to the south boundary of roadway leading to the Cemetery thence on the north and in an easterly direction for a distance of 315 feet 4 inches along the south boundary of the abovementioned roadway to its junction with the esplanade thence on the east in four bearings southerly along the boundary of the esplanade for a distance of 893 feet 5 inches to the point of commencement.

AND ALSO—

45A.

All that piece of land situate in the City of Hobart containing 45 acres or thereabouts, and bounded as follows, that is to say:—Commencing at a south-east angle of the Hobart Public Cemetery on a roadway thence crossing that roadway to the north-east angle of Lot 23 purchased by Samuel Page by the south-east boundary of that lot by the east boundary of Lot 24 purchased by Thomas Daniel Chapman by the north-east boundary of Lot 25 purchased by Thomas Daniel Chapman thence for a distance of 4 chains along the roadway leading from Bell-street to the railway gates thence by a line to high-water mark on Cornelian Bay at a point thereon distant 18 chains and 50 links or thereabouts north-easterly from the north-east angle of Lot 23 aforesaid thence by high-water mark along Cornelian Bay along the River Derwent and along New Town Bay to a point distant 3 chains and 40 links or thereabouts north-easterly from the north-east angle of 109 acres and three-quarters of an acre granted to John Bell thence by a line to the west angle of the Hobart Public Cemetery and thence by the north-west the north-east and the south-east boundaries of that cemetery to the point of commencement.

(7)

FITZROY CRESCENT RESERVE.

Section 105.

8 ACRES.

All that piece of land situate in the City of Hobart, and granted to the Mayor, aldermen, and citizens of Hobart, containing 8 acres or thereabouts, and bounded as follows, that is to say:—On the north-west by 23 chains 10 links southerly in several bearings along Fitzroy-crescent commencing at the angle of that crescent and Digney-street thence on the south by 5 chains easterly along land formerly owned by Joseph Allport to the Wellington Rivulet thence on the east by 7 chains 60 links north-easterly along lastmentioned rivulet to Digney-street again on the east by 2 chains 88 links north-westerly along Digney-street again

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on the east by 13 chains 8 links northerly also along lastmentioned street thence on the north by 61 links westerly in a curved line to Fitzroy-crescent aforesaid the point of commencement.

(8)

Section 105.

FRANKLIN SQUARE.

1A. 2R. 36P.

All that piece of land situate in the City of Hobart containing 1 acre 2 roods 36 perches, and bounded as follows:—On the north-east by 3 chains 73½ links south-easterly along Elizabeth-street commencing at the angle of that street and Macquarie-street on the south-east by 59 links south-westerly along Davey-street again on the north-east by 32 8/10 links south-easterly along portion of Davey-street again on the south-east by 4 chains 14 3/10 links south-westerly along Davey-street on the south-west by 32 8/10 links north-westerly along other portion of Davey-street again on the south-east by 18 8/10 links south-westerly also along Davey-street again on the south-west by 3 chains 58 links north-westerly to Macquarie-street and thence on the north-west by 3 chains 95 links north-easterly along that street to the point of commencement—which said piece of land is delineated on a plan annexed to the Franklin Square Vesting Act, 1924 (14 Geo. V. No. 54), and therein surrounded by red boundary-lines.

(9)

Section 105.

LAMBERT PARK.

14 ACRES OR THEREABOUTS.

All that piece of land situate in the City of Hobart containing 14 acres or thereabouts and bounded as follows, that is to say :—On the north-east by 9 chains 67 links southerly along Lambert-avenue commencing at the angle of that avenue and a new roadway thence again on the north-east by 4 chains 24¾ links easterly across end of Lambert-avenue and along land owned by Webster to the north-west boundary of land owned by Mrs. John Lord thence on the south-east by 19 chains 68 links south-westerly along last mentioned boundary thence on the south-west and north-west by 31 chains 79·2 links northerly in several bearings along land owned by John Charles McGuinness and Hobart City Council to the point of commencement.

(10)

Section 105.

LONG POINT RECREATION GROUND.

2A. 1R. 32P.

All that piece of land situate in the Parish of Queenborough, County of Buckingham, in Tasmania, containing 2 acres 1 rood 32 perches or thereabouts, and bounded as follows:—Commencing at a point distant 969 feet 10 inches from the north-east junction of the Brown's River-road and a new road known as Long Point-road measured north-erly along the lastnamed road thence on the western boundary for a distance of 396 feet 2 inches in a northerly direction along the eastern side of the said Long Point-road to Beach-road thence on the north-

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eastern boundary in several bearings along the said Beach-road in a south-easterly direction for distances of 258 feet 7 inches 139 feet 3 inches 182 feet 10 inches and 9 feet 2 inches respectively thence on the southern boundary in one bearing for a distance of 387 feet 8 inches in a westerly direction to the point of commencement. A.D. 1930.

AND ALSO—

9A. 3R. 20 4/10P.

All that piece of land situate in the said Parish of Queenborough containing 9 acres 3 roods and 20 perches and 4/10 of a perch or thereabouts, and bounded as follows:—On the east by a straight line of 21 chains 12 links and 5/10 of a link commencing at a point on the Main-road from Hobart to Kingston and extending northerly along a public road to the River Derwent thence on the north by an irregular line of 6 chains 19 links and 9/10 of a link along the River Derwent aforesaid to land belonging to Thomas Heathorn thence on the west by a straight line of 5 chains 22 links extending southerly along the lastmentioned land to a public road again on the north by 64 links extending easterly along the lastmentioned road again on the west by a straight line of 13 chains 79 links and 6/10 of a link extending southerly along the lastmentioned road and thence on the south-west by a straight line of 4 chains 95 links and 4/10 of a link extending south-easterly along the lastmentioned road to the point of commencement.

(11)

Section 105.

MOUNTAIN PARK.

All that piece of land situate on the eastern face of Mount Wellington, and bounded as follows:—Commencing at the north-west angle of Lot 488 250 acres, purchased by Alfred Hall thence along the northern boundary of the said lot to its intersection with the Huon-road thence in a north-easterly direction along the Huon-road to the intersection of the western boundary of 47 acres 3 roods 10 perches purchased by E. J. Baynton thence in a northerly direction along the western boundary of the said land to its intersection with the Sandy Bay Rivulet thence in a north-westerly direction along the Sandy Bay Rivulet to the south-west corner of 2000 acres granted to Peter Degraes thence in a north-westerly direction along the south-western boundary of the said 2000 acres to its intersection with the boundary of 2660 acres granted to Joseph Allport and Thomas Young thence in a south-westerly direction along the said boundary of the said 2660 acres to the angle formed by the two boundary-lines adjacent to the Mount Wellington Trigonometrical Station thence in a south-westerly direction along the south-eastern boundary of the said 2660 acres for a distance of 27 chains thence by a straight line in a south-easterly direction to the "Rocking Stone" thence by a straight line in a south-easterly direction to the southern side of the shelter-shed at the "Springs" thence by a straight line in a south-easterly direction to a point intersecting the prolongation of the western boundary of Lot 488 250 acres purchased by Alfred Hall such point on the prolongation being 10 chains from the north-west corner of the said lot thence by a straight line in a southerly direction along this prolongation to the north-west corner of the said lot being the point of commencement—which said piece of land is portion of 3750 acres originally reserved in connection with the water-supply of the City of Hobart by the Governor in Council on the 25th September, 1871.

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AND ALSO—

Such other pieces of land adjoining or adjacent to the land lastly described, as may have been, or may hereafter be, purchased, acquired, or leased by, or vested in, the Corporation, and as the Council may by resolution declare to be portion of the Mountain Park.

Sections 105 and
116.

(12)

NEW TOWN BAY RECLAMATION.

11A. 1R. 15P.

All that piece of land on New Town Bay comprising an area of 11 acres 1 rood and 15 perches or thereabouts, and shown approximately on the plan annexed to the Hobart Corporation Act, 1922 (13 Geo. V. No. 12).

Section 105.

(13)

NEW TOWN RECREATION GROUND.

11A. 0R. 32 $\frac{3}{4}$ P.

All that piece of land situate in the City of Hobart containing 11 acres 0 rood 32 $\frac{3}{4}$ perches or thereabouts, and bounded as follows, that is to say:—On the south-east by 2 chains 56 $\frac{6}{10}$ links south-westerly along the north-west boundary of old police building on St. John's-avenue commencing at the north-east angle of lastmentioned boundary on Main-road Hobart to Launceston again on the south-east by 45 $\frac{4}{10}$ links south-easterly to St. John's-avenue thence again on the south-east by 9 chains 55 links south-westerly along St. John's-avenue to north-east boundary of Charitable Institution thence on the south-west by 8 chains 49 $\frac{1}{2}$ links north-westerly in several bearings along last-mentioned boundary to Creek-road thence on the north-west by 5 chains 98 $\frac{1}{10}$ links north-easterly in two bearings along Creek-road to boundary of part of Charitable Institution now leased to the Hobart City Council again on the north-west by 6 chains 70 $\frac{1}{2}$ links north-easterly in several bearings along lastmentioned land to Main-road aforesaid thence on the north-east by 9 chains 1 $\frac{1}{2}$ links south-easterly in three bearings along Main-road to the point of commencement.

Section 105.

(14)

NORTH HOBART RECREATION GROUND.

8A. 2R. 14P.

All that piece of land situate in the City of Hobart, containing 8 acres 2 roods 14 perches or thereabouts, and bounded as follows, that is to say:—On the south-east by 12 chains 72 $\frac{7}{10}$ links south-westerly along Ryde-street commencing at the angle of that street and Letitia-street thence on the south by 49 $\frac{6}{10}$ links westerly across

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corner to Argyle-street thence on the south-west by 6 chains 50 $\frac{3}{10}$ links north-westerly along Argyle-street thence on the north-west by 10 chains 12 $\frac{7}{10}$ links north-easterly in several bearings along land reserved for Blind Deaf and Dumb Institute again on the north-west by 1 chain 52 $\frac{1}{2}$ links north-westerly also along that reserve again along that reserve for 1 chain 56 $\frac{1}{10}$ links north-easterly to Letitia-street thence on the north-east by 8 chains 12 $\frac{9}{10}$ links south-easterly along Letitia-street aforesaid to Ryde-street the point of commencement. A.D. 1930.

(15)

Section 105.

PRINCE'S PARK.

(Lease of 99 years from 1st March, 1921.)

4A. 3R. 0P.

All that piece of land situate in the City of Hobart containing 4 acres 3 roods and bounded on the south-west by two chains 42 links and four-tenths of a link north-westerly along 0a. 1r. 28 $\frac{2}{10}$ p. Marine Board Signal Station Reserve commencing at the east angle thereof on Ordnance Place on the south-east by 1 chain 70 $\frac{1}{10}$ links south-westerly also along that reserve thence by a north-westerly line to and along 0r. 0r. 34 $\frac{3}{4}$ p. purchased by Margaret Bennison thence by a continued north-westerly line to the south boundary of 0a. 3r. 10p. granted to the principal officers of our ordnance by that boundary easterly to a north-west angle of 0r. 2r. 32 $\frac{1}{4}$ p. Marine Board Reserve thence on the south-east by 96 $\frac{1}{2}$ links south-westerly along that reserve on the north-east by 2 chains 84 $\frac{1}{10}$ links south-easterly also along that reserve on the north-west by 2 chains 80 $\frac{2}{10}$ links north-easterly also along that reserve to the Castray Esplanade and thence by that esplanade and Ordnance-place aforesaid to the point of commencement.

(16)

Section 105.

QUEENBOROUGH RECREATION GROUND.

10A. 2R. 32P.

All that piece of land situate in the City of Hobart containing 10 acres 2 roods 32 perches or thereabouts, and bounded as follows, that is to say:—On the north-east by 5 chains easterly along Main Road to Kingston commencing at the angle of that road and Mt. Nelson-road thence on the east by 8 chains 67 links south-westerly to the south-west corner of land owned by Harriet Miller again on the east by 1 chain 76 $\frac{2}{10}$ links easterly along lastmentioned land to the western boundary of land owned by J. C. McGuinness again on the east by 2 chains 16 $\frac{4}{10}$ links south-westerly and by 1 chain 11 $\frac{4}{10}$ links easterly along lastmentioned land to new roadway thence again on the east by 6 chains 84 $\frac{3}{10}$ links south-westerly along new road to a new road running through cemetery to Mt. Nelson-road thence on the south-west by 6 chains 55 links westerly along new road to Mt. Nelson-road thence on the west by 17 chains 45 links north-easterly along Mt. Nelson-road to Main Road to Kingston aforesaid the point of commencement.

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Section 105.

(17)

QUEEN'S DOMAIN.

476 ACRES OR THEREABOUTS.

All that piece of land situate in the City of Hobart containing 476 acres or thereabouts, and bounded as follows:—Commencing at the east angle of 2 acres 2 roods 11 perches leased to the Mayor Aldermen and Citizens of the City of Hobart for recreation purposes and bounded by the north-eastern boundary of that land to the east boundary of 4 acres 3 roods 1 $\frac{8}{10}$ perch vested in the University of Tasmania thence by a north-westerly line of 6 chains 29 links to a point distant 2 chains 25 links or thereabouts north-easterly from the north angle of the aforesaid 4 acres 3 roods 1 $\frac{8}{10}$ perch thence by a curved line of 2 chains 50 links or thereabouts to the north angle thereof thence by a north-easterly line to the east angle of Lot 14 purchased by Richard Walsh thence by the north-east and the north-west boundaries of Glebe Town to Park-street by that street north-westerly to the south angle of 0 acres 0 roods 35 $\frac{3}{4}$ perches of land purchased by the Co-operative State and Motor Transport Limited by the south-east and north-east boundaries of that land by the north-east and south-east boundaries of 4 acres 3 roods 2 perches purchased by Thomas Daniel Chapman by the south-east and east boundaries of 0 acres 3 roods 14 perches purchased by the Co-operative State and Motor Transport Limited by part of the south boundary of Lot 27 purchased by Thomas Daniel Chapman by the south-east boundaries of Lots 28 29 and 30 purchased by Samuel Moses to Belle Vue-parade thence by a south-easterly line in continuation of the south side of that parade for a distance of 1 chain 40 links or thereabouts thence by a straight line crossing the Main Line Railway at right angles to the lastmentioned line thence by the south-east boundary of the recreation reserve to the south-west shore of Cornelian Bay by that bay and by the River Derwent to the north angle of the Botanical Gardens Reserve by the north-west the south-west and part of the south-east boundaries of that reserve to the Government House grounds by the south-western and south-eastern boundaries of those grounds to the River Derwent aforesaid thence south-easterly by that river to the north angle of 2 acres or thereabouts known as the Domain Shipyards by the north-west and south-west boundaries of that area by the south-west boundary of 1 acre 1 rood 1 perch acquired by the Commonwealth thence by a south-westerly line crossing the railway-line at right angles to the lastmentioned line thence south-easterly along the railway reserve for a distance of 11 chains or thereabouts thence by a curved line of 11 chains or thereabouts to a point distant 3 $\frac{1}{2}$ chains or thereabouts from the north angle of 3 $\frac{1}{4}$ acres surrendered to the Crown by the Corporation thence by a westerly line of 7 chains 30 links or thereabouts to a point distant 5 $\frac{3}{4}$ chains or thereabouts north-easterly from the north angle of 1 acre 2 roods 27 perches purchased by C. E. Mackay now owned by the Gas Company thence by a north-westerly line of 6 chains 10 links or thereabouts to a point on the north-east boundary of the Main Line Railway Reserve distant 7 chains 40 links or thereabouts on the south angle of that reserve on Park-street thence by the north-eastern and north-western boundaries of the Main Line Railway Reserve for a distance of 7 chains 50 links or thereabouts and thence by a south-westerly line crossing Liverpool-street to the point of commencement *excepting thereout* the cricket-ground area of about 9 acres as now fenced the area used for the purposes of the Queen's Battery as now fenced the area occupied or used for wireless-station purposes as now fenced the area used for the purposes of a powder magazine and caretaker's cottage as now fenced and the area opposite Stoke-street used for police purposes as now fenced—and which piece of land

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above described is shown in the plan annexed to the Queen's Domain Vesting Act, 1917 (8 Geo. V. No. 41), and being therein surrounded by red boundary-lines, the said exceptions being also indicated. A.D. 1930.

AND ALSO—

1A. 1R. 13P.

All that piece of land situate in the City of Hobart containing 1 acre 1 rood and 13 perches, and bounded as follows:—On the north-west by 3 chains 31 links south-westerly along 1 acre 1 rood 1 perch acquired by the Commonwealth for a naval depot commencing at the east angle thereof on the River Derwent on the south-west by 5 chains $46\frac{1}{4}$ links south-easterly along 0 acres 1 rood 4 perches acquired by the Railway Department on the south-east by 1 chain $71\frac{1}{2}$ links north-easterly to the River Derwent aforesaid and thence by that river north-westerly to the point of commencement—which said piece of land is delineated on Plan (1) annexed to the Hobart Recreation Reserves Vesting Act, 1918 (9 Geo. V. No. 50), and therein surrounded by red boundary-lines.

(18)

Section 105.

ST. DAVID'S PARK.

5 ACRES OR THEREABOUTS.

All that piece of land situate in the City of Hobart containing 5 acres or thereabouts, and bounded as follows, that is to say:—On the south by 7 chains $87\frac{8}{10}$ links westerly along Harrington-street commencing at the south-westerly angle on Harrington-street thence on the south-west by 2 chains $21\frac{4}{10}$ links north-westerly in a curved line to Davey-street thence on the west by 4 chains $3\frac{7}{10}$ links northerly along Davey-street thence on the north by 72 links north-easterly in a curved line to Salamanca-place thence on the north-east by 3 chains 55 links easterly along Salamanca-place thence on the east by 3 chains 3 links southerly along boundary owned by Vacuum Oil Company Proprietary Limited again on the east by 3 chains $36\frac{1}{2}$ links easterly along the lastmentioned land to the north-west boundary of a grant to William Thomas Parramore again on the east by 5 chains $41\frac{9}{10}$ links southerly along the said land granted to the said William Thomas Parramore to Harrington-street aforesaid the point of commencement.

(19)

SOUTH HOBART RECREATION GROUND.

3A. 0R. 36P.

All that piece of land situate in the City of Hobart containing 3 acres and 36 perches or thereabouts, and bounded as follows:—On the north-east by 6 chains $25\frac{3}{4}$ links south-easterly along D'Arcy-street commencing at the angle of that street and Washington-street on the south-east by 6 chains $32\frac{1}{4}$ links south-westerly to Lower Wentworth-street on the south-west by 3 chains $76\frac{1}{2}$ links north-westerly along that street thence by a curved line whose chord is 70 links to Washington-street aforesaid and thence on the north-west by 6 chains 74 links north-easterly along that street to the point of commencement.

Hobart Corporation.

A.D. 1930.

(20)

Section 105.

STOKE STREET RESERVE.

2 ROODS.

All that piece of land situate in the City of Hobart containing 2 roods or thereabouts, and bounded as follows, that is to say:—On the south-west by 2 chains 64·7 links north-westerly along Main-road commencing at the angle of that road and Stoke-street thence on the north-west by 25 $\frac{7}{10}$ links north-easterly to Argyle-street thence on the north-east by 4 chains 31 links south-easterly along Argyle-street to Stoke-street thence on the south-east by 3 chains 10 links south-westerly along Stoke-street in several bearings to Main-road aforesaid the point of commencement.

(21)

Section 105.

UNIVERSITY RESERVE.

(Ninety-nine years lease from 1st July, 1916.)

All that piece of land situate in the City of Hobart containing 2 acres 2 roods 11 perches and bounded on the north-west by 5 chains 96 links or thereabouts north-easterly along 4a. 3r. 1 $\frac{8}{10}$ p. of land vested in the University of Tasmania commencing at the south angle thereof on Park-street on the north-east by 4 chains 51 links or thereabouts south-easterly along portion of the Queen's Domain now within the city boundaries to lower Liverpool-street on the south-east by 5 chains and 92 links or thereabouts south-westerly along that street to Park-street aforesaid and thence on the south-west by 4 chains and 75 links or thereabouts north-westerly along that street to the point of commencement.

(22)

Section 105.

WEST HOBART RECREATION GROUND.

8A. 0R. 6P.

All that piece of land situate in the City of Hobart containing 8 acres and 6 perches or thereabouts, and bounded as follows:—On the north-west by 7 chains 80 links north-easterly along Hamilton-street commencing at the angle of that street and Knocklofty-terrace on the north-east by 8 chains 60 $\frac{1}{2}$ links south-easterly along land granted to William Emanuel Baynton John Baynton and James Elisha Baynton on the east by a curved line of 6 chains 14 links southerly along Lansdowne-crescent on the south-east by 3 chains 5 links south-westerly along a school site on the south-west by 4 chains 31 links north-westerly also along that school site again on the south-east by 84 $\frac{1}{4}$ links by 59 links and 4 chains 1 $\frac{3}{4}$ link south-westerly also along that school site and thence again on the south-west by 3 chains 81 $\frac{1}{4}$ links north-easterly along Knocklofty-terrace aforesaid to the point of commencement.

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(23)

A.D. 1930.

THE ABATTOIR.

Section 139.

County of Buckingham.

Parish of Hobart.

21A. 1R. 19P.

All that area of land bounded on the south-west by 12 chains 2 links north-westerly along Crown land commencing at a point distant 14 chains north-easterly from the north-east angle of the Moonah Recreation Reserve on the road from Moonah to Risdon on the north-west by 9 chains 19 links north-easterly also along Crown land to the River Derwent by that river south-easterly to the road from Moonah aforesaid and thence on the south-east and south-west by 29 chains 78 links south-westerly and north-westerly in several bearings along that road to the point of commencement.

(24)

FORM OF BUTCHER'S LICENCE.

Section 151.

BUTCHER'S LICENCE.

Whereas under the Hobart Corporation Act, 1930, A.B., of _____, has applied to me, _____, Mayor of the City of Hobart, for a licence to sell meat within the limits of the said Act: And whereas I have received the fee payable in respect of the said licence: I, the said Mayor, do hereby grant to the said A.B. licence to sell meat within the limits aforesaid, pursuant to the said Act.

Dated this _____ day of _____, 19 _____,
_____, Mayor of the City of Hobart.

(25)

THE QUEENBOROUGH CEMETERY.

Section 179.

County of Buckingham.

Parish of Hobart.

12A. 0R. 24P.

1R. 15P.

All that piece of land situate in the City of Hobart containing by admeasurement 12 acres 24 perches more or less known as the Queenborough Cemetery and bounded on the north-west by a line of 24 chains 30 links bearing in a south-westerly direction along the Mount Nelson-road and along the land described in Certificate of Title Vol. CLXXXVII. Folio 11 commencing at a point along the Mount Nelson-road distant 16 chains from the Main-road from Hobart to Kingston on the south-west by a line of 5 chains bearing in a south-easterly direction along a location to Thomas Chaffey on the south-east by a line of 24 chains 30 links bearing in a north-easterly direction along a location to Thomas Chaffey and on the north-east by a line of 5 chains bearing in a north-westerly direction along the land described in the Schedule (2) hereto to the point of commencement. Excepting thereout 1 rood 15 perches of land resumed by the Crown for the Mount Nelson-road. The said

