

TASMANIA.



1858.

ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ,

The whole Act except sections 66 & 67 repealed by 29 O. No 10

No. 13.

67 repealed by

29 O. No 10

AN ACT to provide for paving, draining, cleansing, lighting, and improving the Town of *Launceston*, and for promoting the Health, Safety, and Comfort of the Inhabitants thereof.

[29 October, 1858.]

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 :—

General Powers vested in Municipal Council.

General Powers.

1 The paving, draining, cleansing, lighting, and all other matters in this Act contained relating to the good order of the Town of *Launceston*, and the health and comfort of the Burgesses, shall be under the order, control, and management of the Municipal Council; and such Council shall have power and authority, and is hereby empowered, authorised, and required, to make such regulations, to take such measures, to execute such works, to make such contracts, and to do and perform, and to cause to be done and performed, all such acts, matters, and things as may be necessary for effectuating the several purposes of this Act.

General power to Municipal Council to do all things necessary for effectuating the purposes of this Act.

Town Surveyor.

Town Surveyor.

2 The Municipal Council is hereby empowered to appoint a person, duly qualified, to act as Surveyor of the paving, drainage, and other

Power to appoint Town Surveyor.

Town Surveyor.

works authorised by this or any other Act relating to the improvement of the Town, who shall be a Corporate Officer and be called "The Town Surveyor," and to fix the salary to be paid to such Town Surveyor, and to pay such salary out of the Municipal Fund of the Town; and as often as the office of Town Surveyor becomes vacant by death, resignation, removal, or otherwise, to appoint another person so duly qualified to supply such vacancy; and every Town Surveyor shall be removable by the Municipal Council.

Town Surveyor appointed by Council to have powers of Surveyor under 2nd Vict. No. 22.

3 Upon the appointment of a Town Surveyor by the Municipal Council, by virtue of this Act, Section 3 of the Act of Council of the 2nd *Victoria*, No. 22, so far as the same affects or relates to the Town of *Launceston*, shall be repealed; and the person for the time being so appointed Town Surveyor by the Municipal Council shall be deemed to be, and shall be, the Surveyor of the said Town within the intent and meaning of the said lastly recited Act, and for all and singular the purposes therein contained.

Health Officer.

Power to appoint an Officer of Health.

Health Officer.

4 The Municipal Council may, if it thinks fit, appoint, subject to the approval of the Governor, a legally qualified Medical Practitioner of competent skill and experience who shall be styled "The Officer of Health," whose duty it shall be to ascertain the existence of diseases within the Town, especially epidemics and contagious diseases; and to point out any nuisances or other local causes likely to cause and continue such diseases or otherwise injure the health of the inhabitants, and the best means for checking or preventing the spread of such diseases within the Town; and also the best means for the ventilation of churches, chapels, schools, registered lodging-houses, and other public buildings within the Town; and from time to time, as required by the Council, to report to the Council upon the matters aforesaid, and to perform any other duties of a like nature which may be required of him by the Council; and the Council shall fix the salary to be paid to such officer, and shall pay such salary out of the Municipal Fund; and the Council may discontinue such office or remove any such Officer of Health.

Formation, &c., of Streets.

Formation, &c. of streets to be under control of Municipal Council.

Formation, Repair, and Maintenance of Streets.

5 The construction, formation, repair, maintenance, and ordering of all streets, pavements, and other public places within the Town shall be wholly under the management and direction of the Municipal Council, and the same shall be performed and carried on under the superintendence of the Town Surveyor.

Streets may be opened, &c. for purposes of the Act.

6 When and as often as it may be necessary for any of the purposes in this Act contained, it shall be lawful for the Municipal Council to cause to be dug up, opened, and excavated any street or public place within the Town, and to stop the thoroughfare thereof.

Council to keep streets in repair.

7 It shall be lawful for the Municipal Council, from time to time, when and as often and in such manner as such Council thinks proper and necessary, to order and cause the several streets and public places within the Town to be altered, widened, diverted, turned, or extended, paved, flagged, macadamised, or otherwise constructed, improved, repaired or amended, supported, and kept in good order and condition,

Formation, &c.
of Streets.

with such materials as the Municipal Council thinks proper ; and also, from time to time, to cause the pavements, flagging, or other materials of such streets to be taken up and relaid or renewed, and the ground and soil thereof to be raised, lowered, or altered in such manner and with such materials as the Municipal Council deems proper or directs ; and also, from time to time, to cause proper and convenient sewers, gutters, drains, and water-courses to be made along or under such streets for carrying off water, mud, or other filth from the same, and to cause grates to be placed over any such sewer, gutter, drain or water-course, and to remove, renew, alter or vary the situation of any such grate now placed, or hereafter to be placed, in such manner as the Municipal Council thinks proper.

8 It shall be lawful for the Municipal Council, from time to time, to erect and set up in any street within the Town such posts, stones, or fences as the Council may deem necessary for the purpose of preserving any footway clear from accident or annoyance by vehicles or animals ; and also, from time to time, to cause the removal of all or any posts, stones, or fences in any such street which the Municipal Council may deem to be obstructions to the free passage along the same.

Power to set up
posts to guard
footways.

9 If any street not being a public highway at the time of the commencement of this Act is then or thereafter paved, flagged, or otherwise made good to the satisfaction of the Municipal Council, then, on the application of the greater part in value of the occupiers of the lands and buildings in such street, the said Council shall by writing under the Common Seal declare the same to be a public highway ; and thereupon the said street shall become a public highway, and shall thereafter be repaired by the said Council out of the Rates levied under this Act ; and such Declaration shall be entered among the Proceedings of the said Council ; and Notice of such Declaration shall be published in the *Gazette*, and shall also be put up in some conspicuous place in or near such street.

Future streets
may be declared
highways.

10 If any street, whether the same is or is not a public highway at the time when this Act takes effect, has not theretofore been well and sufficiently made, formed, paved or flagged, or otherwise made good, the Municipal Council may, on the application of Two-thirds in number of the owners of the lands abutting on such street, cause such street, or the parts thereof not so made, formed, paved or flagged, or otherwise made good, to be made, formed, paved and flagged, and otherwise made good, in such manner as the said Council thinks fit ; and the expenses incurred by the Council in respect thereof shall be repaid to the Council by the owners of the lands abutting on such street, by contributions from such owners proportionate to the annual value, as shown by the Assessment Roll in force for the time being, of their respective lands ; and in default of payment of his contribution by any owner of such lands on demand, the same may be levied by distress and sale of his goods and chattels, in the same manner as any Rate may be recovered under *The Launceston Corporation Act* ; and thereafter such street shall be repaired by the Council out of the Rates levied under this Act ; and if such street is not a public highway, the same shall thereupon be declared by the Municipal Council to be a public highway in the manner hereinbefore provided.

Streets may be
repaired at expense
of owners of
adjoining lands
on application of
the majority.

11 Where any such expenses payable to the Municipal Council by Municipal Council

*Formation, &c
of Streets.*

may allow time
for repayment of
expenses by
owners.

any owner of any such lands amount to more than half the amount of the annual value of such lands, as shown by the Assessment Roll, the Municipal Council may, if it thinks fit, at the request of any such owner, allow time for the repayment of such expenses, and receive the same by such instalments, and upon such terms as to interest or otherwise, as the Council, under the circumstances of the case, considers reasonable; but all such sums remaining due, and the interest, if any, shall, notwithstanding the Council has agreed to allow any time for the repayment of such sums as aforesaid, 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 such time had been allowed for repayment thereof.

Penalty for
wilfully injuring
streets, &c.

Or taking up
pavement, &c.
without permis-
sion.

12 If any person wilfully or maliciously, or by negligence, breaks up, injures, destroys, or otherwise damages the flagging or pavement or the footway or carriage-way of any street within the Town, or wilfully or negligently breaks, injures, destroys, chokes up, or otherwise damages any sewer or drain, or any grating, or any post, stone, or fence for preserving any footway from annoyance as aforesaid, or any other work of the Municipal Council, or any materials used or provided by the Council for any work, or without the permission in writing of the Mayor or Town Surveyor takes or breaks up or lays down the soil of, or any pavement, curbstone, or other material in or upon, any such street, or without such permission makes any drain leading into any such street, or puts or places, or causes to be put or placed, any pipe, or makes any drain, leading into any such sewer or drain or other work of the Council, or without such permission erects any hoard or scaffolding for building or otherwise in or upon, or makes any excavation, vault, or cellar in or beneath, any such street, such person in any case so offending shall for any such offence forfeit and pay a penalty not exceeding Ten Pounds, and shall also make full satisfaction, to be ascertained by the convicting Justice, for the injury done thereby.

Mayor or Town
Surveyor to grant
permission for
such purposes.

13 It shall be lawful for the Mayor or Town Surveyor to grant permission in writing to any person to take or break up or lay down the soil of, or any pavement, curb-stone, or other material in or upon, any such street, or to make any drain, leading into any such street, or to put or place any pipe, or make any drain, leading into any such sewer, or drain or other work of the Municipal Council, or to erect any hoard or scaffolding for building or otherwise in or upon, or to make any excavation, vault, or cellar in or beneath, any such street, under such regulations and subject to such rights and restrictions, and for such consideration, pecuniary or otherwise, as to the Municipal Council seems fit; and all sums received for any such purpose as aforesaid shall be applied in aid of the Municipal Fund: Provided, that no such permission shall give or confer, or be deemed or taken to give or confer, any right, title, or interest to the soil or freehold of any part of any such street; and that every such permission shall be revocable by the Municipal Council as and when it sees occasion.

New Streets.

Intention to lay
out new street to
be notified to
Council.

Levels of new

New Streets.

14 Every person who intends to make or lay out any new street shall give Notice thereof to the Municipal Council, in order that the level of such street may be fixed by the Council.

15 The level of every new street shall be fixed under the direction of

the Municipal Council, and the level so fixed shall be kept thereafter by every person erecting any house or other building in such street.

New Streets.

streets to be fixed by Council. If Council fails to fix level, parties may proceed without.

16 If the Municipal Council does not fix the level within Six weeks from the time of the delivery of such Notice as aforesaid, the person giving such Notice may proceed to lay out the street at any level as if such level had been fixed by the Council, and in such case every change of the level which the Council afterwards deems requisite, and the works consequent thereon, shall be made by the Council, and the expense thereof, and any damage which any person sustains in consequence of such alteration, shall be defrayed by the Council.

17 Every person who makes or lays out any such new street as aforesaid without causing such Notice to be given to the Municipal Council as aforesaid, shall be liable to defray all the expenses consequent upon any change of the level of the said street deemed requisite by the Council; and every person who in building any house or other building in any such new street does not keep the level fixed by the Council shall be liable to defray all the expenses consequent upon any change of the level of that part of the street on which such house or building abuts which the said Council deems requisite.

Persons laying out streets without notice liable to expense of alterations.

18 It shall not be lawful to make or lay out any new street within the Town unless the same, being a carriage-road, is at least Fifty feet wide, or not being a carriage-road is at least Twenty feet wide.

As to width of new streets.

Improving Streets.

Improving Streets.

19 The Municipal Council is hereby authorised and empowered to purchase and take any lands which may be required for the purpose of widening, enlarging, diverting, or otherwise altering or improving any of the streets; and, for the purpose of facilitating the purchase and taking of such lands, *The Lands Clauses Act* shall be incorporated with and form part of this Act; and the Municipal Council shall be deemed to be the promoters of the undertaking within the meaning of the said Act for the purposes of such incorporation.

Council may purchase lands for improving streets.

20 The Municipal Council may allow, upon such terms as it thinks fit, any building within the Town to be set forward for improving the line of the street in which such building or any building adjacent thereto is situate.

Houses may be set forward to improve street.

21 When any house or building, or the fence thereof, any part of which projects beyond the regular line of the street, or beyond the front of the house or building or of the fence of the house or building, on either side thereof, has been taken down in order to be rebuilt, altered, or renewed, the Municipal Council may require the same to be set backwards to or towards the line of the street, or to the line of the adjoining houses or buildings, or of the fences thereof, in such manner as the Council directs for the improvement of such street: Provided always, that the Council shall make full compensation to the owner of any such house or building for any damage he may thereby sustain.

Projecting houses, &c. when taken down to be set back.

22 The Municipal Council may give notice to the occupier of any house or building to remove or alter any porch, shed, projecting window, step-cellar, cellar-door, window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, or fence, or any other obstruction

Future projections of houses, &c. may be removed.

*Improving
Streets.*

or projection erected or placed after the commencement of this Act against or in front of any house or building within the Town, and which is an obstruction to the safe and convenient passage along any street; and such occupier shall within Fourteen days after the service of such notice upon him remove such obstruction or alter the same in such manner as may be directed by the Council, and in default thereof shall be liable to a penalty not exceeding Ten Pounds; and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default: Provided always, that, except in the case in which such obstructions or projections were made or put up by the occupier, such occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

Existing projec-
tions may be re-
moved on making
compensation.

23 If any such obstruction or projection was erected or placed against or in front of any house or building in any such street before the commencement of this Act, the Municipal Council may cause the same to be removed or altered as the Council thinks fit: Provided, that notice of such intended removal or alteration shall be given to the occupier of the house or building against or in front of which such obstruction or projection may be, Thirty days before such alteration or removal is begun; and if such obstruction or projection has been lawfully made, the Council shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Doors in future to
be made to open
inwards.

24 All doors, gates, and bars put up after the commencement of this Act, and which open upon any street, shall be hung or placed so as not to open outwards, except when the Municipal Council allows such doors, gates, or bars to be otherwise hung or placed; and if, except as aforesaid, any such door, gate, or bar is hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall within Eight days after notice from the Council to that effect cause the same to be altered so as not to open outwards; and in case he neglects so to do, the Council may make such alteration, and the expenses of such alteration shall be paid to the Council by such occupier, and such occupier shall in addition be liable to a penalty not exceeding Ten Pounds.

Existing doors
may be altered.

25 If any such door, gate, or bar was before the commencement of this Act hung so as to open outwards upon any street, the Municipal Council may alter the same so as no part thereof when open shall project over any public way.

Coverings for
cellar doors to be
provided by
occupier.

26 When any opening is made in any pavement or foot-path within the Town as an entrance into any vault or cellar, a door or covering shall be provided by the occupier of such vault or cellar, of iron or such other materials, and in such manner as the Municipal Council directs, and such door or covering shall, from time to time, be kept in good repair by the occupier of such vault or cellar; and if such occupier does not within a reasonable time provide such door or covering, or if he provides any such door or covering contrary to the directions of the Council, or if he does not keep the same when provided in good repair, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Waterspouts to be
affixed to houses,
&c.

27 The occupier of every house or building in, adjoining, or near to any street shall, within Seven days next after service of an order of the

Municipal Council for that purpose, signed by the Town Clerk, put up, and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot or trough on the adjoining house or building, or with a pipe or trunk to be fixed to the front or side of such house or building from the roof to the ground, to carry the water from the roof thereof in such manner that the water from such house or building, or any portico or projection therefrom, shall not fall upon the persons passing along the street, or drip or flow upon or over the foot-path; and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty not exceeding Five Pounds for every day that he so makes default.

*Improving
Streets.*
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28 If the occupier of any land, yard, house, or building permits or suffers any water to flow therefrom, or any drainage therefrom, upon or over the footway in any street, he shall for every day he permits or suffers such water so to flow, or such drainage, forfeit a penalty not exceeding Five Pounds.

Water not to be allowed to drain over footways.

Naming Streets and numbering Houses.

29 It shall be lawful for the Municipal Council, from time to time, to cause the houses and buildings within the Town to be marked with numbers in such manner as the Council thinks fit; and to cause to be put up or painted on some conspicuous part of some house, building, or place at or near any end, corner, or entrance of any street the name by which such street is to be known; and if any person obstructs the marking any such number, or the putting up or painting any such name, or destroys, pulls down, or defaces any such number or name, or puts up or paints any number or name different from the number or name put up or painted by the Municipal Council, every such person so offending shall for every such offence forfeit a penalty not exceeding Forty Shillings.

*Naming Streets,
&c.*
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Houses to be numbered and streets named.

30 The owner or occupier of every house or building within the Town shall, from time to time, mark such house or building with such number and in such place as the Municipal Council approves of, and shall renew such number as often as the same becomes obliterated or defaced; and if any such owner or occupier fails within One week after notice, signed by the Town Clerk, for that purpose given by the Municipal Council, to mark such house or building with such number and in such place as is approved of by the Council, or to renew such number when obliterated or defaced as aforesaid, he shall for every such offence forfeit a penalty not exceeding Forty Shillings.

Numbers of houses to be painted and renewed by owners and occupiers.

Precautions during Repairs.

31 The Municipal Council shall, during the construction or repair of any of the streets vested in them, or of any sewer or drain, take such proper precautions for guarding against accident, by shoring-up and protecting the adjoining houses, and causing bars or chains to be fixed across or in any of the streets to prevent the passage of carriages and horses while such works are carried on, as to the Council may seem proper; and the Council shall cause any sewer or drain or other work, during the construction or repair thereof by the Council, to be lighted and guarded during the night, so as to prevent accidents; and every

Repairs.
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Bars to be erected across streets while repairs or alterations are making, and lights placed at night.

Repairs.

person who, without the authority or consent of the Council, takes down, alters, or removes any such bar or chain, or extinguishes any such light, shall for every such offence be liable to a penalty not exceeding Five Pounds.

Hoads to be
set up during
repairs.

32 Every person intending to build or take down any building within the Town, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be so done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall before beginning the same cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street, with a convenient platform and handrail, if there is room enough, to serve as a footway for passengers, outside of such hoard or fence, and shall continue such hoard or fence, with such platform and handrail as aforesaid, standing and in good condition, to the satisfaction of the Town Surveyor, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night; and every such person who fails to put up such fence or hoard, or platform with such handrail as aforesaid, or to continue the same respectively standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who does not remove the same when directed by the Town Surveyor within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Forty Shillings for every day while such default is continued.

Penalty for not
lighting deposits
of building
materials or
excavations.

33 When any building materials, rubbish, or other things are laid, or any hole made, in any of the streets, whether the same is done by order of the Municipal Council or not, the person causing such materials or other things to be so laid, or such hole to be made, shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and enclosed until such materials or other things are removed, or the hole filled up or otherwise made secure; and every such person who fails so to light, fence, or enclose such materials or other things, or such hole, shall for every such offence be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Forty Shillings for every day while such default is continued.

Penalty for con-
tinuing deposits of
building materials
or excavations an
unreasonable time.

34 In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty not exceeding Five Pounds to be paid for every such offence by the person who causes such materials or other things to be laid or such hole to be made, and a further penalty not exceeding Forty Shillings for every day during which such offence is continued after the conviction for such offence; and in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid, or causing such hole to be made.

Dangerous places
to be repaired or
enclosed.

35 If any building or hole or any other place near any street is, for want of sufficient repair, protection, or enclosure, dangerous to

the passengers along such street, the Municipal Council shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure shall be repaid to the Council by the owner of the premises so repaired, protected, or enclosed.

Repairs.

Cleansing.

Cleansing.

36 The Municipal Council shall, as often as it sees occasion so to do, cause the streets to be watered, and shall appoint and employ a sufficient number of scavengers, or shall contract with any company or person for sweeping, cleansing, and watering the streets, and for removing all dust, ashes, and filth therefrom, and from the houses and buildings within the Town; and such scavengers and contractors shall, on such days and at such hours and in such manner as the Council, from time to time, appoints, sufficiently execute all such duties and works as they have respectively been employed or contracted to perform; and every such contractor who fails to sweep and properly cleanse or water any street which he has contracted to sweep, cleanse, or water, or to collect or remove any dust, ashes, rubbish, or filth which he has contracted to collect or remove at the time and in the manner prescribed by the Council for that purpose, or who deposits any of such dust, ashes, rubbish, or filth in any other place than such as is appointed by the Council for that purpose, shall for every such offence be liable to a penalty not exceeding Five Pounds.

Council to cause streets to be watered, and to appoint scavengers.

37 Every person other than the person employed by the Municipal Council, or by some person contracting with the said Council for that purpose, who collects or carries away any dust, ashes, rubbish, or filth from any street or public place within the Town, shall be liable to a penalty of Forty Shillings for every such offence.

Penalty on persons other than scavengers removing dirt.

38 The Municipal Council, if it thinks fit so to do, may cause any number of movable or fixed dust-boxes, or other conveniences wherein dust and ashes may be deposited until removed and carried away, to be provided and placed in such of the streets as the Council may judge necessary, and may require the occupiers of houses or buildings within such streets to cause all their dust and ashes to be deposited daily in the said dust-boxes or other conveniences; and every person who, after such dust-boxes or other conveniences have been so provided, deposits or causes or permits to be deposited any ashes or dust in any part of any street except in some of the said dust-boxes or other conveniences, and every person who lays or causes to be laid any dirt, dung, or other filth on any part of any street, shall for every such offence forfeit and pay a penalty not exceeding One Pound.

Council may cause dust-boxes to be provided.

39 The Municipal Council may erect such public urinals within the Town, and in such situations as the Council thinks fit, and may defray the expense thereof, and of keeping the same in good order, and may make compensation for any injury occasioned to any person by the erection thereof out of the monies to be levied under this Act.

Council may cause public conveniences to be erected.

40 The Municipal Council may, from time to time, provide places convenient for the deposit of the night soil, dung, ashes, and other filth and rubbish to be collected under the authority of this Act, and for stabling and keeping all horses, carts, implements, and other things

Council may provide lands, &c. for deposit of soil and materials.

Cleansing.

required for the purposes of this Act ; and for any of such purposes the Council may purchase or hire any lands or buildings by the said Council considered necessary, or may cause any new building to be erected upon any land which is purchased or hired by the said Council under the provisions of this Act.

Penalty for conveying offensive matter at improper times.

41 The Municipal Council may from time to time fix the hours within which only it shall be lawful to empty privies or remove offensive matter within the Town ; and when the Council has fixed such hours, and given public notice thereof, every person who within the Town empties or begins to empty any privy, or removes along any street any offensive matter, at any time except within the hours so fixed, and also every person who at any time, whether such hours have been fixed by the Council or not, uses for any such purpose any cart or carriage not having a covering proper for preventing the escape of the contents of such cart, or of the stench thereof, or who wilfully slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed, or unavoidably sloped or spilled, shall be liable to a penalty not exceeding Forty Shillings ; and in default of the apprehension of the actual offender the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

Nuisances.

Power to require owners of houses to provide privies and ashpits for same.

42 The Municipal Council shall require the owner of every building within the Town to which no sufficient privy and ashpit with proper door and coverings is attached, to provide, where it appears to the Council that there is room enough for the purpose, such privy and ashpit in such situation, not disturbing any building then already erected, as the Municipal Council may deem necessary for the use of the inmates and occupiers of such building ; and every such privy and ashpit shall be constructed to the satisfaction of the Municipal Council so as effectually to prevent the escape of the contents thereof : Provided always, that where a privy and ashpit are used in common by the inmates and occupiers of Two or more such buildings, the Municipal Council may, if it thinks fit, dispense with the provision of the privy and ashpit for each such building.

Prevention of Nuisances.

Penalty for neglecting to provide privy, &c.

43 The owner of any such building shall provide the same with a privy with such door and covering to the same, and with such ashpit as aforesaid, to the satisfaction of the Municipal Council, within One month next after notice in writing signed by the Town Clerk for that purpose given by the Council to such owner or to the occupier of such building ; and in default thereof the Council shall cause such privy and ashpit to be provided, so nevertheless that the cost of executing such work shall not without the written consent of the owner of such building exceed One year's value of such building as ascertained and determined by the Assessment Roll for the time being in force for the Town ; and the expense incurred by the Council in providing any building with any such privy or ashpit shall be recoverable from the owner of such building.

Drains, privies, and cesspools to be kept in good order by owners.

44 All branch drains as well within as without the lands or buildings to which they belong, and all privies, ashpits, and cesspools within the Town, shall be under the survey and control of the Municipal Council,

and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner or occupier of any land or buildings to which any such drain, privy, ashpit, or cesspool belongs neglects, during Fourteen days after notice in writing for that purpose, signed by the Town Clerk, to alter, repair, and to put the same into good order in the manner required by the Municipal Council, the Council may cause such drain, privy, ashpit, or cesspool to be altered, repaired, covered, and put in good order; and the expense incurred by the Council in respect thereof shall be repaid by the owners by whom the same ought to have been done.

Nuisances.

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If owners neglect, Council may cause the same to be done, and charge the owners with the expense.

45 No person shall suffer any waste or stagnant water to remain in any cellar or other place within any building belonging to or occupied by him within the Town so as to be a nuisance; and every person who so suffers any such water to remain for Forty-eight hours after receiving notice from the Town Clerk to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom to the annoyance of the occupier of any adjoining property, shall for every such offence be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding One Pound for every day during which such nuisance continues; and the Council may drain and cleanse out any stagnant pools, ditches, or ponds of water within the Town, and abate any such nuisance as aforesaid, and for that purpose may enter by their officers and workmen into and upon any building or land within the Town at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the person committing such offence or occupying the building or land whence such annoyance proceeds, and if there is no occupier by the owner of such building or land.

Stagnant water and other annoyances to be removed.

46 If the dung or soil of any stable, cow-house, or pigsty, or any other collection of refuse matter, elsewhere than in any farm-yard, is at any time allowed to accumulate within the Town for more than Thirty days, or for more than Seven days after a quantity exceeding One ton has been collected in any place not allowed by the Municipal Council, such dung, soil, or refuse, if not removed within Forty-eight hours after notice from the Town Surveyor or the Town Inspector for that purpose, shall become the property of the Corporation; and the Council, or any person with whom the Council may have at that time any subsisting contract for the removal of refuse, may remove and sell and dispose of the same, and the expenses of removal shall be paid by the occupier of such place, or if there is no occupier, then by the owner.

Regulations to prevent accumulations of manure, &c.

47 If at any time the Officer of Health or any legally qualified Medical Practitioner residing within the Town certifies under his hand to the Municipal Council that any accumulation of dung, soil, or filth, or other noxious or offensive matter, within the Town ought to be removed as being injurious to the health of the inhabitants, the Town Clerk shall forthwith give notice to the owner or reputed owner of such dung, soil, or filth, or to the occupier of the land where the same are, to remove the same within Twenty-four hours after such notice; and in case of failure to comply with such notice, the said dung, soil, or filth shall thereupon become the property of the Corporation; and the said Council, or any person with whom the said Council may have at that time any

On certificate of the Officer of Health, &c. filth to be removed.

Nuisances.

subsisting contract for the removal of refuse, may remove and sell and dispose of the same, and the expense of such removal shall be paid by such occupier, or if there is no occupier, then by the owner.

Houses to be whitewashed and purified on certificate of the Officer of Health, &c.

48 If at any time the Officer of Health, or any legally qualified Medical Practitioner residing within the Town, certifies under his hand to the Municipal Council that any house or building or any part thereof within the Town is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any house or building or any part thereof would tend to prevent or check infectious or contagious disease therein, or that any drain, privy, or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the Council shall, by written notice signed by the Town Clerk, order the occupier of such house or building or part thereof to whitewash, cleanse, and purify the same, and the occupier of the premises on which such drain, privy, or cesspool is situated to amend the condition thereof, in such manner and within such time as the Council deems reasonable; and if any such occupier does not comply with such order, he shall be liable to a penalty not exceeding Five Pounds for every day's neglect thereof, and in such case the Council may cause such house or building or part thereof to be whitewashed, cleansed, and purified, or the condition of such drain, privy, or cesspool to be amended, and may recover the expense thereof from such occupier.

Power to enter premises for the purpose of inspecting same.

49 It shall be lawful for any Alderman, or the Town Surveyor, or the Officer of Health, to enter into and upon any lands or buildings within the Town, in the day-time, for the purpose of inspecting the drainage and cleansing of the said lands and buildings; and upon any such inspection as aforesaid being had, it shall be lawful for the Municipal Council, by notice in writing to be given by the Town Clerk to the occupier, or if there is no occupier to the owner of such lands or buildings, to require such occupier or owner to cause all cesspools, sinks, privies, drains, ash-pits, or other receptacles of filth or dirt to be emptied, and all filth, dirt, and offensive matters to be removed from such lands or buildings; and in case such occupier or owner does not within Forty-eight hours after such notice as aforesaid, at his expense, cause all such cesspools, sinks, privies, drains, ash-pits, or other receptacles of filth or dirt to be emptied, and all filth, dirt, and offensive matters to be removed from such lands or buildings, such occupier or owner shall forfeit and pay a penalty of Five Pounds for every day that such cesspools, sinks, privies, drains, ash-pits, or other receptacles of filth or dirt remain unemptied, or such filth, dirt, or offensive matters remain in or upon such lands or buildings after such notice as aforesaid; and also in case of failure to comply with any such notice the said Council may cause all such cesspools, sinks, privies, drains, ash-pits, or other receptacles of filth or dirt to be emptied, and all filth, dirt, and offensive matters to be removed from such lands or buildings, and the soil or other offensive matter so emptied out or removed shall thereupon become the property of the Corporation, and the said Council may sell and dispose of the same; and the expense of emptying out or removing such soil or other offensive matter shall be paid by such occupier or owner as the case may be; and service of any such notice under this Section may be made by delivering the same to the occupier, or owner, as the case may be, of such lands or buildings, or to any servant of such occupier or owner, or by affixing the same upon some conspicuous part of such lands or buildings.

Occupiers and owners to cleanse premises upon notice given to that effect.

In case of neglect Council may cause the same to be done and charge expenses.

50 The Town Surveyor may inspect any drain, privy, ashpit, or cesspool within the Town, and for that purpose may at all reasonable times in the day time, after Twenty-four hours' notice in writing to the occupier, or if there is no occupier to the owner of the premises to which such drain, privy, ashpit, or cesspool is attached, enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened where he thinks fit, doing as little damage as may be; and if such drain, privy, ashpit, or cesspool is found to be in proper order and condition, he shall cause the ground to be closed and made good as soon as may be; and the expenses of opening, closing, and making good such drain, privy, ashpit, or cesspool shall in that case be defrayed by the Municipal Council.

Nuisances.

As to the inspection of drains, privies, and cesspools.

51 Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed to be, a nuisance at Common Law, nor to exempt any person guilty of nuisance at Common Law from prosecution or action in respect thereof, according to the forms of proceeding at Common Law, nor from the consequences upon being convicted thereof.

Act not to affect nuisances at common law.

Sewers.

Sewers.

52 It shall be lawful for the Municipal Council to cause such and so many public sewers and drains as the Council may think fit and necessary to be made in any street within the Town; and also to adopt any common sewer or drain which now is or hereafter may be within the Town; and also to cause any such sewer or drain to be enlarged, repaired, cleansed, or altered, as the Council may deem proper.

Power to make common sewers.

53 It shall be lawful for the Municipal Council or for the Town Surveyor, with all necessary labourers and assistants, and implements, when and so often as it may be deemed necessary, to enter upon and to make, alter, or continue upon any private lands within the Town all or any such sewers and drains as may be deemed necessary: Provided, that Fourteen days' notice in writing signed by the Town Clerk of the intention so to enter upon any such lands shall be first given to the owner and occupier thereof.

Council may make sewers through private property.

54 All sewers and drains within the Town shall be provided with proper traps or other coverings or means of ventilation so as to prevent stench; the sewers and drains belonging to the Corporation by the Municipal Council, and those belonging to other persons by those persons.

All sewers, &c. to be covered with traps.

Lighting.

Lighting.

55 The Municipal Council is hereby empowered, from time to time, to purchase and provide so many lamps, lamp-irons, and lamp-posts as may be judged necessary for lighting the Town, and to cause the same to be put or fixed upon or against any wall, rail, or palisade of any building, or upon or against any other wall or place, or to be put up or erected in such other manner in any street within the Town as the Municipal Council thinks proper, and to cause the same to be taken down, altered, or renewed when and as often as the said Council thinks fit, and to cause the said lamps to be kept lighted with gas, oil, or otherwise for such number of hours in every Twenty-four hours, and during such times and seasons of the year, as the said Council deems necessary and proper.

Lamps to be set up and lighted.

56 Whoever wilfully takes away, breaks, throws down, or otherwise destroys or damages any lamp which is erected by or by order of the

Penalty for wilfully breaking lamps.

Lighting.

Offenders may be apprehended without Warrant.

Municipal Council, or by any person at his own expense, for the purpose of lighting any street within the Town, or any post, iron, cover, or other furniture of any such lamp, or wilfully extinguishes the light of any such lamp, shall for every such offence forfeit a penalty not exceeding Five Pounds, and shall besides make full satisfaction, to be ascertained by the convicting Justice, for the damage done; and it shall be lawful for any person who sees any such offence committed to apprehend, and also for any person to assist in apprehending, the offender without any Warrant, and to deliver him into the custody of some Constable, in order that such offender may be secured and taken before some Justice.

Satisfaction to be made for negligently breaking lamps.

57 Whoever carelessly or negligently breaks, throws down, destroys, to damages any such lamp, or any post, iron, cover, or other furniture of any such lamp, and does not upon demand make satisfaction for the damage so done, shall pay such sum of money by way of satisfaction as to the Justice before whom the complaint is heard appears just and reasonable.

Power to contract for lighting the Town.

58 It shall be lawful for the Municipal Council, from time to time, to contract with any Gas-light Company now or hereafter established, or with any person or body Corporate for lighting the Town with gas, oil, or otherwise from year to year, or for any number of years, upon such terms and conditions in all respects as the said Council thinks proper, and for providing and fitting up lamps, lamp posts, lamp irons, and all other works necessary for such purpose.

Fire.

Penalty for chimney being on fire.

59 Whensoever any chimney within the Town takes fire, the occupier of the building to which such chimney belongs shall be deemed to be an offender against this Act, and shall for any such offence forfeit and pay a penalty not exceeding Five Pounds, unless it is proved to the satisfaction of the Justice hearing the complaint that such chimney has been swept within Three months immediately preceding such fire taking place.

*Precautions against Fire.**Gunpowder.*

Gunpowder not to be sold by candle-light, nor more than 25 lbs. kept without a Licence.

60 No gunpowder shall be sold within the Town by candle or other artificial light under a penalty not exceeding Ten Pounds for each offence; and if any person has at any time on any premises within the Town more than Twenty-five pounds weight of gunpowder, without the permission of the Municipal Council as hereinafter mentioned, he shall for every such offence forfeit and pay a penalty of not less than Five Pounds nor more than Fifty Pounds.

Precautions against Accidents with Gunpowder.

Mode of obtaining such Licence, and fee for same.

61 Any person desirous of obtaining permission under this Act to have more than Twenty-five pounds weight of gunpowder on any premises within the Town shall make application in writing for that purpose to the Municipal Council; and, if the Council approves thereof, the Mayor shall, upon payment of the sum of Two Pounds, forthwith issue to such person a Licence authorising such person to have on the premises mentioned in such Licence such a quantity of gunpowder not exceeding Five hundred pounds weight as may be specified in such Licence, for any period not exceeding One year from the date of such Licence.

Magazines to be erected on the premises of licensed persons.

62 The person applying for any such Licence shall before the issuing thereof have or cause to be built on such premises a magazine constructed of such material and in such manner as the Municipal

Council may approve of; and if any such person having obtained such Licence has upon such premises more than Twenty-five pounds weight of gunpowder otherwise than in such magazine, he shall forfeit and pay a penalty of Five Pounds for every pound weight of gunpowder over Twenty-five pounds weight so found on such premises otherwise than in such magazine.

Gunpowder.
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63 If any person has in any such Magazine a greater quantity of gunpowder than is specified in his Licence, he shall for every such offence forfeit and pay a penalty not exceeding Twenty Pounds.

Penalty for having more than allowed quantity of gunpowder in magazine.

64 It shall be lawful for the Town Surveyor or the Town Inspector or any Constable having reasonable grounds to suspect any person of having gunpowder on any premises within the Town contrary to the provisions of this Act, under the written direction of the Mayor, to enter in and upon and search such premises, and to seize and detain any gunpowder found on such premises for the purpose of being produced on the hearing of any information or complaint against any person under this Act; and if admittance to the Town Surveyor or the Town Inspector or such Constable is in any case refused, or wilfully delayed, the person so offending shall forfeit and pay a penalty of not less than Five Pounds nor more than Fifty Pounds.

Power to enter premises to search for gunpowder.

65 Nothing hereinbefore contained shall apply to any quantity of gunpowder provided for military or constabulary purposes.

Excepts gunpowder provided for the Military.

Markets.

See 276. A. 15.

Markets.
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66 All powers and authorities by the Act of Council of the 5th *William* the 4th, No. 9, vested in, conferred upon, and made exercisable by the Governor, and all other matters and things which by virtue of the said lastly recited Act affect or relate to the Governor, shall, in respect of any Market which by virtue of Section 1 of the said lastly recited Act now is, or hereafter may be, proclaimed as such within the Town of *Launceston*, be transferred to, exercisable by, and conferred upon, and affect and relate to, the Municipal Council of the said Town in as full and ample a manner, to all intents and purposes, as though "The Municipal Council of the Town of *Launceston*" was named in such lastly recited Act instead of the Governor.

Powers of Governor under 5 W. 4, No. 9, vested in Municipal Council of *Launceston*.

67 All such monies as are under this Act received by the Municipal Council of the Town of *Launceston* by virtue of the said lastly recited Act in respect of any Market, which now is or hereafter may be proclaimed within the said Town, shall be applied by the said Municipal Council to the erection and support of the Market or Markets in the said Town and otherwise to defray the expenses occasioned thereby, and the surplus, if any, in aid of the Municipal Fund of the said Town.

Appropriates moneys received in *Launceston* by virtue of 5 W. 4, No. 9.

Property of Corporation.

68 All lamps, lamp-posts, and other works for lighting the Town; drains, sewers, cesspools, and other works for draining and cleansing the Town, and the materials thereof; and all pavement, stone, metal, or other material for paving the Town; and all tools and implements of what nature and kind soever; books, stationery, office furniture, houses, offices, land and rights appertaining to land, purchased or acquired or used by the Corporation of the Town under and for the purposes of this Act, shall be deemed and taken to be, and shall be, the property of the Corporation.

Property of Corporation.
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Lamps, &c. the property of the Corporation.

Rates.

Municipal Council to rate property at yearly or other periods.

Annual rate not to exceed 1s. 6d. in the £1.

Town Hall.

Power to erect Town Hall.

Bye-laws.

Bye-laws.

Power to levy Rates.

69 It shall be lawful for the Municipal Council at yearly, half-yearly, or such other periods as to the said Council may seem necessary, to make and levy Rates to be paid for paving, draining, cleansing, and lighting the Town, and the several other purposes in this Act contained; and such Rates when received shall form part of the Municipal Fund: Provided, that it shall be lawful for the Municipal Council to make and levy separate Rates for paving, draining, cleansing, or lighting the Town, or for any such other purpose as aforesaid, or one general Rate for all or any of such purposes: Provided also, that such Rates so to be made and levied shall not in any case collectively or separately exceed the sum of One Shilling and Sixpence in the Pound in any One year upon the assessed annual value of the lands and buildings within the Town.

Town Hall.

70 It shall be lawful for the Municipal Council to provide a Town Hall, and for that purpose to erect all necessary buildings on any land which may be granted by the Crown to the Corporation for the purposes of a Town Hall; and towards the providing of such Town Hall it shall be lawful for the Municipal Council to appropriate from the Municipal Fund any sum not exceeding Six thousand Pounds, or the said Council may borrow any sum of money not exceeding Six thousand Pounds by mortgage of any Municipal Rates, other than the Police Rate, for the purpose of providing such Town Hall, or may defray the cost of providing such Town Hall partly from the Municipal Fund and partly by borrowing money as aforesaid as the said Council thinks fit: Provided, that the whole sum to be expended in providing such Town Hall shall not exceed Six thousand Pounds; and that, in order to discharge the principal money, if any, borrowed as aforesaid on security of any such Rates, the said Council shall in every year pay off not less than One-twentieth part of such principal sum so borrowed: Provided also, that the enactment contained in this Section shall take effect on the First day of *January*, 1859, and not before.

Bye-laws.

71 It shall be lawful for the Municipal Council to make, publish, alter, modify, amend, or repeal such Bye-laws as to the Council seems meet for compelling the owners or occupiers of cellars, tallow-chandlers' shops, soap factories and tanneries, and the owners of privies, sewers, houses and places which may be in an unwholesome or offensive state, or be likely to become so, to cleanse the same from time to time, and in such manner as the Council may think necessary and proper, with the view to promote the health and comfort of the inhabitants of the Town,—for suppressing trading on *Sundays*,—for suppressing and restraining noisome and offensive occupations and trades,—for regulating the safe custody and sale of gunpowder within the Town,—for preventing obstructions and incumbrances in and upon the streets of and waters adjoining the Town,—and for regulating the flagging, paving, and repairing the streets, and keeping the same clean from dirt; and also to appoint by such Bye-laws such penalties, not exceeding Ten Pounds in any case, as the said Council deems necessary for the prevention and suppression of such offences, nuisances, and annoyances, and for enforcing such Bye-laws.

*Construction.**Construction.*

72 In the construction and for the purposes of this Act, and of all proceedings under and by virtue thereof, the words hereinafter mentioned shall be interpreted as follows:—

Interpretation.

“Street” shall extend to and include any public and common highway, road, square, court, passage, alley, thoroughfare, public way or place, and the footways within the Town: “Street.”

“Owner” used with reference to any lands or buildings shall mean the person for the time being entitled to receive, or who, if such lands or buildings were let to a tenant, would be entitled to receive the rents and profits from the occupier thereof. “Owner.”

*Crown Rights saved.**Crown Rights saved.*

73 Nothing in this Act contained shall affect or apply to any right, title, or interest of Her Majesty, Her Heirs and Successors, or in any way limit the Royal Prerogative. Act not to affect rights of the Crown.

*Commencement of Act.**Commencement of Act.*

74 This Act shall commence and take effect on the First day of November, 1858. Commencement of Act.

*Title of Act.**Title of Act.*

75 In referring to this Act it shall be sufficient to use the expression *The Launceston Improvement Act.* Short title.

