



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1873.

No. 23.

An Act further to Amend "The Municipal Corporations Act, 1861."

[Assented to, 18th December, 1873.]

WHEREAS it is desirable to amend the law relating to Municipal Corporations—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as "The Municipal Corporations Amendment Act, 1873." Title.

2. The Council of any Municipal Corporation, in addition to the by-laws heretofore authorized to be made, may, from time to time, in manner prescribed by the said "The Municipal Corporations Act, 1861," make, alter, amend, or vary any by-law or by-laws for any of the purposes named in the Schedule A to this Act annexed, and by any such by-law may inflict any penalty not exceeding Ten Pounds; and the mere production of a printed copy purporting to be a copy of any by-law made by any Council under the said "The Municipal Corporations Act" or this Act, or any amending Act, purporting to be signed by the Town Clerk shall, without any other proof, be sufficient evidence of the existence and of the due making, allowance, and publication of such by-law, unless the contrary shall be proved. Councils may make by-laws and appoint fines.
S. 146 of 1861 Act
By-laws, how proved.

3. So much of Schedule K of "The Municipal Corporations Act, 1861," as relates to passenger and other vehicles and to hackney carriages, shall extend to all hackney carriages, cabriolets, Certain by-laws to extend to all licensed vehicles.
public

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public conveyances, coaches, omnibuses, spring carts, and other vehicles of the like nature, waggons, drays, carts, and other vehicles for the carrying of goods and merchandise, plying, kept, or let for hire within any town or city; and also waggons, drays, carts, and other vehicles used in hawking firewood or water.

Acts of Corporation
to be acts of Council.

4. All acts, by-laws, deeds, papers, writings, and documents to which the Common Seal of the Corporation shall be attached, and purporting to be signed by the Mayor and countersigned by the Town Clerk, shall be received as sufficient evidence of the due execution by the Council and the Corporation of all such acts, deeds, papers, writings, and documents, unless the contrary thereof be shown; and notwithstanding anything in "The Municipal Corporations Act, 1861," sections 9 and 63, contained, any lease or demise made by or in the name of "The Corporation of the City of Adelaide," and to which the said seal shall be attached, and which shall be signed and countersigned as aforesaid, shall be a good and valid demise, in pursuance of the said sections respectively, and shall not be required to be made or executed by or in the name of the Council.

Appeals against
assessment.

5. Clauses 160, 161, and 162 of "The Municipal Corporations Act, 1861," are hereby repealed, and, subject to the provisions hereinafter mentioned, any person may within ten days after the publication of the notice of assessment, appeal against any assessment made by virtue of clause 152 in the said Act, on any of the following grounds, that is to say:—That he is not the owner or occupier of the whole or any or some particular part of the rateable property for which his name appears as owner or occupier; that the rateable property for which he appears to be the owner or occupier is assessed beyond its full and fair annual value; that any rateable property, or the owner or occupier of any rateable property within the Municipality is omitted from the assessment; that any rateable property is assessed below its full and fair annual value; that any property included in the assessment is not rateable.

Appeals, how and
where heard.

6. Appeals as aforesaid may be either to the Council, or directly to the nearest Local Court of Full Jurisdiction, and there may be a further appeal, as hereinafter provided, from the decision of the Council on any such appeal to such Local Court, and the decision of such Local Court shall be final whether the appeal be to such Local Court direct, or after a previous appeal to the Council.

Time for appealing.

7. Appeals to the Council or to the Local Court direct, shall be made within ten days of the publication of the notice of assessment, and shall be commenced by notice in the form in the Schedule C to this Act. If the appeal be to the Council the notice shall be given to the Town Clerk; if the appeal be to the Local Court, the notice shall be given to the Clerk of the Local Court and also to the Town Clerk, and notice shall also be served on the person whose name it is proposed to insert in the assessment, or whose property it is alleged

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alleged is omitted, or assessed below its full and fair annual value, six days before the day of hearing.

8. Appeals made to the Local Court direct shall be heard at the sittings of the Local Court of Full Jurisdiction next after sixteen days from the publication of the notice of assessment. Appeals made to the Council shall be heard within twenty-one days of the publication of such notice; and notice of the day appointed by the Council for the hearing of such appeals shall be inserted by advertisement in some convenient public newspaper (if any), and shall also be conspicuously posted on the door of the place of the Council meeting six days before the day of hearing.

Time of hearing
appeals.

9. On the hearing of all such appeals the Town Clerk shall produce the assessment book containing the assessment appealed against, and upon examining the parties and witnesses without oath by the Council and on oath by the Local Court, at the day of hearing, or at some adjournment thereof, may make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment book by the Town Clerk or the Clerk of the Local Court.

Town Clerk to pro-
duce books.

See 60 d '77

10. In addition to the appeals above provided for, any person may appeal from any decision of the Council given or made on the hearing of any such appeal as aforesaid, within ten days from the giving or making of such decision, to the nearest Local Court of Full Jurisdiction, and such appeal shall be commenced by notice in the form in the Schedule D to this Act, or as near thereto as circumstances will permit; which notice shall be served on the Town Clerk and the Clerk of the Local Court, and such appeal shall come on for hearing at the sittings of the Local Court next after seven days from the giving of such last-mentioned notice; and such Local Court may, at the day of hearing or some adjournment thereof, make such order as the Court may think fit, for the payment of costs by or to the Council, to or by the appellant, or by or to any respondent other than the Council to or by the appellant.

Appeals from decision
of the Council.

11. The City of Adelaide, from and after the thirtieth day of November, one thousand eight hundred and seventy-four, shall have two additional Wards, viz., Young Ward and MacDonnell Ward; and the boundaries of the said two additional Wards, as well as of the four original Wards, shall, from and after the said thirtieth day of November, one thousand eight hundred and seventy-four, be as the same are respectively defined in Schedule B to this Act annexed. On the first day of December, one thousand eight hundred and seventy-four, elections shall be held in Hindmarsh Ward, Gawler Ward, Grey Ward, and Robe Ward, in manner provided by "The Municipal Corporations Act, 1861," being No. 16 of 1861, and "An Act to amend 'The Municipal Corporations Act, 1861'" being No. 21 of 1862, and on the first day of December, one thousand eight hundred and seventy-four, the citizens for Young Ward and MacDonnell

Increasing Wards in
City of Adelaide.

Election and retire-
ment of Councillors.

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MacDonnell Ward shall respectively elect in manner aforesaid, for each such Ward, two Councillors, and the Council of the said City shall, at its first meeting after such election, proceed to determine by lot who shall be the first retiring Councillor for each of the said new Wards, and the Councillor so determined shall be the retiring Councillor on the first day of December then next following, and after the said first day of December one thousand eight hundred and seventy-four, elections for Councillors shall be held pursuant to the said last-mentioned Acts.

Loan for market purposes.

12. The Council of the said City may, as provided by Section 181 of "The Municipal Corporations Act, 1861," borrow any sum or sums of money, not being in the aggregate greater than Twenty-five Thousand Pounds, for the purpose of acquiring land for markets, or for the purpose of constructing or purchasing markets, or for such other purposes in connexion with markets within the said City which the Council thereof may deem desirable, on the credit of the rents, tolls, dues, and fees payable in respect of such markets.

Power to borrow.

13. The Council of the said City may borrow any sum not exceeding Forty Thousand Pounds, and secure the repayment of the same respectively on the terms and in manner provided in clause 181 of "The Municipal Corporations Act, 1861," as if the sum of Forty Thousand Pounds had been therein inserted instead of Twenty Thousand Pounds.

Power to hold lands.

14. The Council of the said City may purchase and hold land without the limits of the said City for the better effectuating any purpose for which the Council may purchase and hold land within the City.

Apportionment of rates.

15. If a tenant shall pay rates for a period prior to, or extending beyond, his term, he shall be entitled to recover from his landlord the amount so paid.

Incorporation.

16. This Act and "The Municipal Corporations Act, 1861," except so far as the same is altered by this Act, shall be incorporated and construed together accordingly.

Commencement of Act.

17. This Act shall commence and take effect from and after the first day of March, one thousand eight hundred and seventy-four.

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

A. MUSGRAVE, Governor.

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SCHEDULES REFERRED TO.

A

- For the licensing and government of nightmen and their laborers, and for the regulating, numbering, and licensing of the night-carts used or to be used by them. Nightmen to be licensed.
- For regulating, numbering, and licensing the description of vehicle or vessel to be used for the removal of nightsoil, or ammoniacal liquor, or other offensive liquors or substances. Night-carts and vessels to be regulated.
- For the punishment of any contractor, or other person, who shall deposit, or cause to be deposited, any rubbish or materials on the surface of any street or roadway, or who shall excavate and leave open any excavation without having a sufficient and continuous light burning thereon from sunset to sunrise. Building materials in street to be lighted.
- For regulating and providing for the destruction of dogs unregistered, or dogs without collars, by shooting or otherwise between the hours of eight o'clock p.m. and six o'clock a.m. Unregistered dogs to be destroyed.
- For preventing the burning of rags, clippings or parings of leather, or other offensive substances. Burning offensive substances.
- For the punishment of persons throwing orange peel or other vegetable substances, or any offensive or noxious substance, on the footpaths. Orange peel on footpaths.
- For the punishment of persons falsely representing themselves to be officers of the Corporation. Personating Corporation officers.
- For regulating, in certain particulars, the quality of butchers' meat offered for sale, and for preventing the sale of objectionable butchers' meat or butchers' meat unfit for human food. Butchers' meat.
- For preventing unyoked cattle or unbroken horses being driven through the streets within certain hours. Unyoked cattle and unbroken horses in streets.
- For preventing the sale of hay, straw, coals, firewood, and bark within the limits of any Municipal Corporation, except by a weight-note from some licensed weigh-bridge within the Corporation bounds. Hay, straw, coals, firewood to be weighed.
- For regulating or preventing the selling, or exposing for sale, goods, wares, or merchandise on the park lands, public reserves, or squares. Goods, &c., not to be sold on Park Lands, &c.
- For regulating the routes, within the limits of any Municipal Corporation, to be observed by licensed omnibuses or passenger vehicles plying as omnibuses. Routes of vehicles.
- For requiring all licensed vehicles, of whatever sort, to have the number of their licence conspicuously painted on and in the vehicle and on the outside lamps. Number of licence painted on vehicle, &c.
- For requiring and regulating the carrying of a lighted lamp inside licensed passenger vehicles whilst plying for hire after sunset. Lamps to be lighted.
- For preventing licensed drivers or others loitering with licensed vehicles in the streets, or plying for hire in the streets except on a stand. Loitering in streets.

For

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Children not to act as drivers or conductors.	For preventing any person, not being of the full age of seventeen years, acting as driver, and of the full age of twelve years acting as conductor, of any licensed vehicle.
Drivers not to be away from vehicles.	For preventing licensed drivers from being or standing away from the vehicle and horses in their charge whilst on the stand, or for regulating the distance at which such drivers may be allowed to be away from their vehicles whilst on the stand.
Number of licensed vehicles to be limited.	For limiting the number of vehicles or carriages from time to time to be licensed by any Council.
Drivers and conductors to be licensed.	For regulating and licensing drivers and conductors of licensed vehicles, and for fixing and receiving a licence fee therefrom, and for making regulations for the granting and refusal of licences.
Number of passengers to be painted on vehicle.	For enforcing the painting inside and outside of all licensed passenger vehicles the number of passengers the vehicle is licensed to carry outside and inside, also rate of fares for time or distance.
Nursing of vehicles.	For preventing what is called the nursing or shepherding of passenger vehicles by other passenger vehicles, and for preventing the owner or driver of one passenger vehicle from wilfully preceding or following another passenger vehicle.
Touting.	For preventing persons standing on the footways or roadways of any town or city and touting for passengers for any licensed vehicles.
Regulating speed round corners.	For regulating the speed or pace at which persons shall ride or drive round the corners or across the intersections of any street or streets, or across any bridge, or along any particular part or parts of any town or city.
Regulating traffic.	For regulating the traffic at times of public interest, amusement, or excitement, in and along all or any of the foot and carriage ways of any town or city.
Speed at which waggons, carts, &c., may travel.	For preventing the drawing any waggon, cart, or other carriage not having springs, or the driving any animal attached thereto, at any faster rate, speed, or pace than a common walk.
To prevent goods remaining in streets.	For preventing any goods or merchandise, coal, or firewood from remaining in any street for a longer period than necessary for the housing or removing the same.
Cleansing of footpaths and shaking of carpets, &c.	For regulating the cleansing of footpaths in front of buildings before eight o'clock in the morning, and to prevent the shaking of carpets, rugs, or door-mats in the street after that hour.
Animals or vehicles may be seized.	For preventing animals or vehicles being left in the street, or obstructing any portion of the street, and for the seizure by the Corporation officers or police constables of any such animals or vehicle.
Inflammable substances not to be stacked in open air.	For preventing the placing, stacking, or storing of empty cases, paper shavings, crates packed with straw, or any dangerous or inflammable substances in the open air.
Persons may be arrested for not giving name.	For the arrest by Corporation officers or police constables of persons offending against the Corporation Acts, or the by-laws made in pursuance thereto, upon refusal of the offender to give his true name and address.
Houses of ill-fame.	For preventing any person acting as the proprietor, occupier, or having the chief control or management of any bawdy-house, brothel, or house of ill-fame, and for preventing any person from knowingly letting any house for the purpose of being used as a bawdy-house, brothel, or house of ill-fame, and for punishing any person who knowingly and wilfully continues as a tenant any person who shall keep any bawdy-house, brothel, or house of ill-fame.

B

Boundaries of the Wards of the City.

Hindmarsh Ward.—That portion of the City of Adelaide south of the River Torrens, bounded by a line drawn through the centre of Wakefield-street, and produced both ways until it intersects, towards the west, a line drawn through the centre of King William-street and Victoria-square, and towards the east, the exterior boundary of the Park Lands; then, from the first-mentioned intersection, in a right line northwards, through the centre of Victoria-square, King William-street, and the City

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City Bridge Road, until it reaches the centre of the River Torrens; thence eastward, along the centre of the said river, until intersected by the eastern exterior boundary of the city; thence southward, along the said eastern exterior boundary as far as the point formed by the intersection of a line through Wakefield-street produced.

Gawler Ward.—That portion of the City of Adelaide south of the River Torrens, bounded by a line drawn through the centre of Grote-street, commencing at the south-west angle of Hindmarsh Ward, and produced through the centre of the Hilton Road until it intersects, towards the west, the exterior boundary of the Park Lands; thence following the said boundary northward until it reaches the centre of the River Torrens; thence continued eastward, along the centre of the said river, until it reaches the north-west angle of Hindmarsh Ward; thence southward, through the centre of the City Bridge Road, King William-street, and Victoria-square, to the point of commencement.

Grey Ward.—That portion of the City of Adelaide south of the River Torrens, bounded on the north by the southern boundary of Gawler Ward; on the east, by the western boundary of Young Ward; on the south, by the exterior boundary of the city, commencing from the point at the south-west angle of Young Ward, and running west to its intersection with the western exterior boundary of the city; thence north, along the western boundary, to the south-west angle of Gawler Ward.

Young Ward.—That portion of the City of Adelaide south of the River Torrens, bounded on the north by the southern boundary of Hindmarsh Ward; on the west, by a right line drawn from the south-west angle of Hindmarsh Ward, running south through the centre of Victoria-square and King William-street and continued across the Park Lands until it intersects the southern exterior boundary of the city; thence eastward, along the southern boundary, until it intersects the eastern exterior boundary; thence northwards, along the eastern boundary, to the south-east angle of Hindmarsh Ward.

Robe Ward.—That portion of the City of Adelaide north of the River Torrens, commencing at a point formed by the intersection of the Victoria Road with the centre of the River Torrens, and running northwards, along the western boundary of MacDonnell Ward, to the intersection of the centre of Prospect Road with the northern exterior boundary of the city; thence westward, following the said boundary to its intersection with the western exterior boundary of the city; thence southwards, along the said western boundary, to its intersection with the centre of the River Torrens; thence eastward, along the centre of the River Torrens, to the point of commencement.

MacDonnell Ward.—That portion of the City of Adelaide north of the River Torrens, commencing at a point formed by the intersection of the Victoria Road with the centre of the River Torrens; thence northwards, along the centre of the Victoria Road eastward of Montefiore Hill, to the intersection of the centre of Pennington-terrace with the centre of the eastern roadway of Palmer-place; thence along the centre of the eastern roadway of Palmer-place to its intersection with the centre of the roadway of Brougham-place, opposite Acre 741; thence eastwards, along the centre of the roadway of Brougham-place to its intersection with the centre of the roadway of O'Connell-street; thence northward, along the centre of O'Connell-street and Prospect Road, to the northern exterior boundary of the city; thence eastward, following the said boundary to its intersection with the eastern exterior boundary of the city; thence southward, along the said eastern boundary to its intersection with the centre of the River Torrens; thence westward, along the centre of the River Torrens, to the point of commencement.

C

Notice of Appeal from Assessment.

Adelaide,

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Sir—You are requested to take notice that I appeal to the [*here state to the Council or the Local Court, as the case may be*] against the assessment of my property street, Acre No. , Assessment No. Ward, on the following grounds :—[*here set forth grounds of appeal.*]

I am, Sir, your obedient servant,

To the [*Town Clerk, Adelaide, or to the Town Clerk and Clerk of Local Court, as the case may be.*]

D

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D

Notice of Appeal from the Decision of the Council.

To the Town Clerk at
of the Local Court of

Adelaide,
and Mr.

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the Clerk

Take notice that it is my intention to appeal to the Local Court of Full Jurisdiction at _____ from the decision of the Council on my appeal thereto against my assessment, and I appeal to such Local Court against such decision and such assessment on the following grounds:—[*here set forth grounds of appeal.*]

I am, Sir, your obedient servant,