



ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

# VICTORIÆ REGINÆ.

A.D. 1877.

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No. 79.

*An Act further to amend "The Municipal Corporations Act, 1861," and "The Municipal Corporations Act, 1862," and for other purposes.*

[Assented to, 21st December, 1877.]

**W**HEREAS it is desirable to amend the law relating to Municipal Corporations—Be it therefore Enacted by the Governor 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, 1877." Title.

2. Sections 73, 74, and 100 of "The Municipal Corporations Act, 1861," and section 11 of "The Municipal Corporations Act, 1862," shall be and the same are hereby repealed. Repeal.

3. The Governor may by Proclamation direct that the following provisions, or such of them as he may think applicable, shall extend to and be in force in any city or corporate town. Proclamation.

4. On the first day of December in every year, one Auditor only shall retire from office; but this provision shall not apply to any corporation hereafter proclaimed until one year from the date of the Proclamation thereof. Election and retirement of Auditors.

5. The Auditor so to retire shall be he who shall have been the longest in office without re-election; but in cases where the period Retirement from office of Auditors, how regulated.

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in office shall be equal, the Auditors shall retire by ballot; and every Auditor elected to supply any extraordinary vacancy shall for the purposes of retirement only be deemed to have been elected when his immediate predecessor in office was elected, and shall retire accordingly: Provided always that any Auditor so retiring shall be capable of being forthwith re-elected if then duly qualified.

Auditors at time of election to be resident in Province of South Australia.

6. No person shall be eligible for election as Auditor unless he shall be then resident in this Province, and his office shall be declared and become vacant if such Auditor shall be absent from the Colony at any time for three consecutive months.

Disqualification for holding office of Auditor.

7. If any person holding the office of Auditor shall leave this Province and shall be absent therefrom at the time appointed for the balancing the Corporation accounts, or if any person elected as Auditor shall, after notice delivered at his last known place of abode, refuse, neglect, or fail to be present, and shall not, in the event of illness, send a medical certificate of his inability to attend at the time and place appointed for the swearing in of the Mayor, Councillors, and Auditors, or if such person being present shall refuse, neglect, or fail then and there to take the oath of allegiance, and make and subscribe to the declaration of office, then and in every or any such case such person shall thereupon immediately cease to hold the office of Auditor, and shall be liable to the same fine as if he had refused to accept the said office; and the Council thereupon shall forthwith declare such office to be vacant by advertisement in one or more of the daily newspapers, and the said office shall thereupon become vacant.

Proceedings at nominations.

8. On the day of nomination for the election of Councillors and Auditors, the Mayor, or, if he shall be unable to attend, a Councillor shall attend at noon, at the place fixed for such nomination, at which time and place he shall cause one or more nominations for each candidate lodged with the Town Clerk to be publicly opened and read aloud; if there shall be such number of candidates as are required to be elected and no more, he shall declare such candidates to be duly elected; but in the event of there being more than the necessary number of candidates nominated, he shall adjourn all public proceedings to the first day of December following, and shall cause such adjournment and the object of such adjournment, and the names of the candidates nominated, to be published daily until the polling-day, and on such day the election shall be by ballot, according to the law then in force regulating elections by ballot for Corporations; but in case of any election occurring in consequence of any extraordinary vacancy, such nomination shall take place within one week from the occurrence of such vacancy, and the public proceedings thereat shall be adjourned to the day of election.

Bazaars may be licensed.

9. It shall and may be lawful for the Council from time to time to grant annual licences to any suitable premises within their corporate

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porate limits as a bazaar or repository for the sale therein of horses, horned cattle, carriages, and other vehicles, or any of them respectively, as the Council may deem proper.

10. The Council may from time to time grant annual licences to any premises within the Corporation limits which they upon examination may deem suitable for the purpose of salerooms for the storage and sale of raw or green hides or skins, and may fix, charge, and take such annual fees for the licence of the premises as they may think fit.

Hide and skin marts may be licensed.

11. No person shall, within the limits of any municipality, store, keep, or have any raw or green hides or skins, except in premises specially licensed as aforesaid for that purpose; and any person offending against this provision shall, on conviction, forfeit and pay for each offence a sum not being less than One Pound and not exceeding Ten Pounds: Provided that nothing herein contained shall apply to tanneries where raw or green hides or skins are used for manufacturing purposes solely.

Premises not to be used for the storage or sale therein of hides or skins unless licensed.

Penalty.

Proviso.

12. The Council may from time to time make such by-laws and regulations as they may think fit for the regulation, supervision, government, and control of the premises licensed as bazaars or repositories for the sale of horses, horned cattle, carriages, and other vehicles, or any of them, as salerooms for raw or green hides or skins, and may impose such reasonable penalties as they shall think fit, not exceeding Ten Pounds, for each breach of such by-law or regulation, and may from time to time alter or repeal all or any of such by-laws or regulations, and make others in lieu thereof.

The Council may make by-laws to regulate bazaars and hide and skin salerooms.

13. Nothing in this Act contained shall prevent the Council setting apart any building, or erecting any building or premises specially for the purpose of a hide and skin market.

Corporations may establish hide and skin markets.

14. Until public abattoirs shall have been duly proclaimed by the Council, the Council shall twice in every year, that is to say, on the first day of May and on the first day of November, constitute an open Court for hearing and determining on the advisability or otherwise of issuing licences or renewing licences already issued to any person to keep a slaughterhouse for slaughtering small cattle or pigs at any place within the municipality; and any person to whom a licence shall be issued shall be liable to all the rules, penalties, and disabilities, and shall do and perform all things which by an Ordinance passed in the fourth year of the reign of Her present Majesty, intituled "An Act to regulate the Slaughtering and prevent the Stealing of Cattle," or any Act amending the same, any persons thereunder are required to do, and to which they are subject and liable; and after the passing of this Act it shall not be lawful for any person to slaughter, kill, or dress any cattle whatever, great or small, within any municipality, except at some slaughterhouse established or to be established, or licensed by the Council; and the fees for

Court for licensing slaughterhouses for small cattle.

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for slaughtering and for such licences may from time to time be varied or altered as the Council may deem necessary.

Rules and regulations to be observed as by the Schedule.

Proviso.

15. The rules and regulations contained in the Schedule to this Act shall be observed at the slaughterhouses established, or to be established, or being under the control or licensed by the Council: Provided that it shall be lawful for any Council to make, publish, alter, modify, amend, or repeal such rules and regulations, or any of them, as to such Council from time to time shall seem meet, subject, however, to the conditions contained in section one hundred and forty-seven of "The Municipal Corporations Act, 1861," or any Municipal Corporations Act in force for the time being.

Stands for licensed vehicles.

16. The Council shall have power from time to time to appoint and fix places in the public streets of the municipality to be used as public stands for licensed vehicles plying for hire, and from time to time to alter, vary, or cancel and remove stands so appointed, notwithstanding any such stands may have been or may be declared, included, or named in any by-law of the Corporation, and the Council may appoint other stands as to them may seem necessary, and may direct, order, fix, and regulate the number and class of licensed vehicles to be allowed at any one time to ply for hire on any of such stands as to them may seem expedient.

Temporary stands may be appointed.

17. The Council or any Committee of the Council may authorize the Mayor for the time being, as circumstances may arise, to appoint temporary stands in any of the public streets, and to cancel such temporary stands as may to him seem expedient.

Council may order land abutting on public street, not enclosed, to be fenced.

18. Where any land which shall adjoin or abut upon any public street within the municipality shall not be fenced in or enclosed to the satisfaction of the Council, the Council may from time to time, by writing under the hand of the Mayor or Town Clerk, order that such land, so far as the same shall adjoin or abut upon any street, be enclosed with a substantial wooden fence of posts and rails, having two or more rails in each panel within such time as to the Council may appear expedient; and the owner of the said land, after due service on him of such order, shall, in such manner, and within such time as shall be expressed therein, at his costs, charges, and expenses, well and sufficiently fence, or otherwise enclose, in manner aforesaid, to the satisfaction of the Council, so much of the said land as shall abut upon any such street, court, or alley.

Council to cause streets to be formed, made, paved, and drained.

19. It shall be lawful for the Council from time to time to cause all or any streets now existing within their jurisdiction, not being less than twenty feet in width, or any part thereof respectively, to be formed, made, paved, and drained, or repaired, when and as often, and in such form and manner, and with such materials as such Council may think fit, and to cause the ground or soil thereof to be raised or lowered, and the course of the channels in, into, or through the

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the same to be turned or altered in such manner as they think proper.

20. The fee-simple of every private road dedicated to the public, street, court, alley, thoroughfare, or cul-de-sac, which shall have heretofore been, or shall hereafter be formed, made, levelled, paved, or drained by the Corporation, shall become, and be lawfully vested in such Corporation, and such forming, making, levelling, paving, or draining by the Corporation, shall be sufficient evidence that every road, street, court, alley, thoroughfare, or cul-de-sac, is a street within the meaning of "The Municipal Corporations Act, 1861."

Making private street by the Council vests the fee-simple of such roadway in the Corporation.

21. "Public place" or "place of resort" shall mean, include, and apply to every road, street, lane, footway, court, alley, thoroughfare, and cul-de-sac, which the public are allowed to use within the limits of any municipality which may now or hereafter be established, proclaimed, or defined, notwithstanding such roads, streets, lanes, footways, courts, alleys, thoroughfares, and cul-de-sacs, may be formed on private property.

Interpretation clause.

22. The Council may from time to time, in the manner prescribed for making by-laws under the Municipal Corporations Acts in force for the time being, make, alter, and repeal such by-laws as they may think fit, for all or any of the following purposes, relating to park lands or any other places of public recreation for the time being vested in the Corporation or under their care, control, and management, that is to say—

Power to make by-laws.

- i. For appointing and regulating keepers or servants employed therein :
- ii. For regulating the time at which any such place of recreation shall be opened and closed :
- iii. For regulating the conduct of persons frequenting any such place of recreation :
- iv. For regulating the days on which and the bounds or limits (as to any such place of recreation) within which games and gymnastics shall be permitted, or for otherwise regulating or prohibiting such games and gymnastics :
- v. For preventing or regulating the admission of vehicles, horses, asses, mules, and cattle :
- vi. For regulating shooting over, on, or in such places of recreation :
- vii. For regulating matches, or training for racing with horses, dogs, or otherwise :
- viii. For enabling Corporation servants, police constables, or special constables, removing persons who shall be guilty of any breach of any by-laws made by the Corporation.

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Incorporation.

23. "The Municipal Corporations Act, 1861," and "The Municipal Corporations Act, 1862," and "The Municipal Corporations Amendment Act, 1873," shall be incorporated and read herewith as forming one Act, except in so far as the said Acts or any of them are or is inconsistent with this Act, or shall have been heretofore repealed or amended.

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

WM. F. DRUMMOND JERVOIS, Governor.

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## THE SCHEDULE REFERRED TO.

*First, as to Great Cattle.*

1. Cattle brought for slaughter shall be slaughtered during the hours which intervene between sunrise and sunset on any working day throughout the year; and on Saturdays during the summer months, viz., from 1st November to 31st March, may be slaughtered after sunset up to 10 o'clock at night. Slaughtering will only be permitted on Sundays during the summer months before mentioned, and then after sunset.

2. Every butcher or other person having need or requiring to slaughter cattle on Sundays shall give notice thereof to the Inspector of the Slaughterhouse before 5 o'clock in the afternoon of the same day; and the slaughterhouse will only be opened on those Sundays of which notice shall be given to the Inspector as aforesaid.

3. All cattle sent to the slaughterhouse for the purpose of slaughtering shall, after being slaughtered, be skinned, dressed, and washed clean before being taken away.

4. Every butcher or other person shall pay to the Inspector the amount of fees due for the number of cattle slaughtered for or by him during each week, or on each day if demanded.

5. If any bull, cow, ox, heifer, steer, or calf, shall be left in any pen or yard adjoining or appurtenant to the slaughterhouse for any longer time than thirty-six hours without food, the Inspector of the Slaughterhouse shall feed the same, and charge the cost thereof to the owner or person putting in any such animal; and if left in any pen or yard or appurtenance as aforesaid for any longer time than four days, either with or without food, the said Inspector is hereby directed and required immediately to impound the same unless permission for any longer period shall first have been obtained from the Council.

6. Any person or persons breaking or infringing these rules and regulations, or any or either of them, and in respect whereof a penalty may not be already provided, shall be fined a sum not exceeding Five Pounds for each such offence.

7. The Inspector of Slaughterhouses shall carefully enter into books provided for that purpose the number of cattle daily slaughtered, with the brands and all other necessary particulars, and report thereon every Monday to the Council, and failing in either case to do so shall be fined as last aforesaid.

As to slaughtering on Sundays.

Cattle slaughtered to be properly skinned, &c.

Fees to be paid.

Cattle left in any pen or yard.

Penalty when not otherwise provided.

Inspector to keep brands, &c.

*Second, as to Small Cattle.*

1. The building to be licensed for the slaughtering of calves under twelve months old, sheep, goats, and swine, shall not be less than eight feet by ten feet, or of an area less than eighty feet, and walls eight feet high, and shall be built of brick, stone, or concrete, and of the thickness of nine inches at least, with roof of incombustible material; the floor of the building shall be of such material and in such form as is directed by regulations of the Local Board of Health.

2. The building to be licensed as aforesaid shall, where practicable, be at least fifty feet from any public way, and ten feet at least from any building other than the buildings forming part of the same premises; the Council, in granting the licence, to decide as to the practicability or otherwise of the said distances.

3. Licences may be issued for the year commencing 1st June in each year, or for the half-years commencing 1st June and 1st December in each year, in the discretion of the Council; the fee for such licence not to be less than £5, nor to exceed £10, payable in each case in advance.

4. No person shall have or be entitled to apply for a licence to keep a slaughterhouse in the city otherwise than upon the terms of these conditions.

5. Every slaughterhouse shall be well ventilated in the roof, or as near thereto as possible.

6. Pits for the reception of blood shall in no case be allowed to be made or continued in the floor of any slaughterhouse.

7. The inside walls and ceiling of every slaughterhouse shall be lime-whitened at least once in every month during the year; and every slaughterhouse shall be provided with a good and constant supply of pure water.

Building to be licensed.

Distance from public way, &c.

Licences.

Licence only to be granted on these conditions.

Ventilation of building

Walls to be lime-whitened.

8. The

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Licensed slaughterhouses  
be frequently inspected.

8. The Inspectors of Slaughterhouses and Nuisances of the said Council shall frequently inspect the said licensed slaughterhouses, and cause these regulations to be strictly observed; and shall have full power, without any further authority other than the appointment to such office by the said Council, to inspect the licensed premises at all hours of the day and night in the execution of the duties of their office.

9. Any person obstructing any Corporation officer in the performance of his duty will render himself liable to forfeiture of his licence by the Council.

Penalty.

10. Every licensed person neglecting to carry out these regulations, and each of them, shall, for the first offence, be fined a sum not less than One Pound and not exceeding Five Pounds; second, Two Pounds and not exceeding Ten Pounds; third, Ten Pounds.

Licence may be with-  
drawn.

11. The Council may at any time, upon information proved before any Justice of the Peace of a violation of any of these conditions, deprive a licensed person of his licence for such a time as the Council may deem sufficient; and any person so deprived found slaughtering, or causing or suffering to be slaughtered, any animal aforesaid shall be dealt with as unlicensed.

As to slaughterhouses  
already erected.

12. The Council shall have the power, in respect to any private slaughterhouses erected at the time of passing these regulations and sought to be licensed, to dispense with such or so much of these conditions as may be thought advisable; but nevertheless that the slaughterhouse shall be so constructed as to prevent a nuisance to the neighborhood in which it is situated.

Removal of garbage.

13. Every occupier of a slaughterhouse shall provide and keep a sufficient number of tubs, boxes, or vessels, with tight and close-fitting covers thereto, constructed to the satisfaction of the Local Board of Health or their authorized officer, for the purpose of receiving and conveying away all manure, garbage, and filth, and shall in all cases, immediately after the killing and dressing of any cattle in such slaughterhouse, cause all such manure, garbage, and filth to be placed in such tubs, boxes, and vessels; and such tubs, boxes, and vessels, together with their contents, shall be removed to such place, at such interval of time, with such precautions, and within such hours, as may be from time to time fixed by the Local Board; and all the blood arising from the slaughtering of cattle shall be put into separate tubs or vessels with close-fitting covers, and shall be carried away from the slaughterhouse without delay, and shall not be permitted to flow in the channel or sewer, or open street: Provided always, that no blood shall be put into the same tubs or vessels in which the manure, garbage, or other filth are put.

Cleansing of utensils.

14. All the tubs and vessels which are used for the removal of any manure, filth, and garbage, and all the tubs and vessels which are used for the removal of blood from any slaughterhouse, shall, immediately after being used for such removal, be thoroughly emptied, cleansed, and purified, and the floor of such slaughterhouse shall then be also effectually scoured and cleansed; and the whole shall generally be kept in such a condition that neither within the slaughterhouse nor without it shall there be any offensive smell arising therefrom.

Removal of skins, &c.

15. Every occupier of such slaughterhouse shall remove or cause to be removed from such slaughterhouse the hides and skins of any cattle that shall be slaughtered therein within two days next after such cattle shall have been slaughtered.

No privy to be near.

16. No occupier of any slaughterhouse shall build or permit an access or opening to any privy or cesspool from such slaughterhouse to be made, or, if now made, to remain; nor shall any such occupier permit or suffer any pigs or other animals to be kept in any slaughterhouse except for the purpose of being fasted previous to being killed.

Repairs.

17. Every occupier of a slaughterhouse shall, on the request of the Local Board, or of their authorized officer in that behalf, forthwith cause all repairs in or concerning such slaughterhouse which such occupier shall be required by such request as aforesaid to perform, to be executed to the satisfaction of the said Board, or of their authorized officer, as the case may be.

Inspectors to have access  
to premises.

18. All members and all authorized officers of the Local Board shall have free access to any and every slaughterhouse within the Municipality, whether licensed or not, and to every part thereof at the time when they shall demand admission for the purpose of inspecting and examining into the condition thereof, with regard to the cleanliness, ventilation, and management thereof.