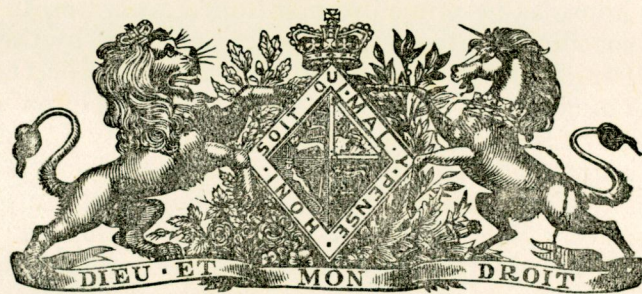


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 2 May, 1876.* }

STEPHEN W. JONES,  
*Clerk of Legislative Assembly.*

## New South Wales.



ANNO TRICESIMO NONO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to make more effectual provision for Paving certain Streets of the City of Newcastle and for the Licensing and Regulation of Public Vehicles within the said City.

**W**HEREAS it is expedient to make more effectual provision for Preamble.  
Paving the Streets of the City of Newcastle and for the Licensing and Regulation of Public Vehicles within the said City and its vicinity Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

### PART I.

#### *As to Paving and Regulating Footways.*

- 10      1. It shall be the duty of the Municipal Council of Newcastle to cause a notice in the form or to the effect in the Schedule hereto annexed marked A signed by the Council Clerk and dated the day of its service to be left at each house in the streets of the said City described in the Schedule hereto annexed marked C along the foot-  
15 way adjoining which the kerbing is now permanently laid requiring such
- Notice to be served requiring footways to be paved by owners.

*Newcastle Paving and Public Vehicles Regulation.*

such footway to be paved with such materials and in such manner as may be therein mentioned in every case where such footway shall not be so paved and to cause the like notice to be left at each house in the said streets along the footway adjoining which the kerbing shall here-  
 5 after be permanently laid in every case where such footway shall not be so paved after such kerbing shall be so laid and such notices shall in the case of every occupied house be left with some inmate thereof and in the case of every unoccupied house be nailed or posted up on some conspicuous part thereof and copies of all such notices shall be  
 10 kept in the office of said Municipal Council or of the Council Clerk and be open to the inspection of every citizen of the said city free of charge at all times after service thereof as aforesaid.

2. If the owner of any house at which such notice as aforesaid  
 shall have been duly and lawfully left shall not within three calendar  
 15 months thereafter comply with such notice by paving the footway adjoining the said house as hereinbefore mentioned according to some uniform plan and specification to be previously prepared by the surveyor of the said Municipal Council and kept in the office of the said Council or of the Council Clerk aforesaid open to the inspection of any  
 20 citizen of the said city free of charge it shall be the duty of the said Municipal Council forthwith to cause such paving to be done and to keep an exact account of the expense thereof in a book to be open also to the inspection of every citizen of the said city free of charge.

If paving not done Council to do it.

3. It shall be the duty of the said Municipal Council within  
 25 thirty days after any such paving shall have been completed by them adjoining any house to cause an account of the cost thereof to be left at such house in the same manner in which the said notices are hereinbefore directed to be left and if the owner of such house shall not within fourteen days after such account shall have been so left pay to  
 30 the Council Clerk aforesaid at his office the amount of such account it shall be lawful for such Municipal Council by warrant under the hand of the Mayor and in the form or to the effect in the Schedule hereto annexed marked B to distrain upon the goods found in such house for the said amount and dispose of the same in like manner as  
 35 is now prescribed by law with respect to rates distrained for by order of the said Municipal Council and if such goods shall belong to any tenant and not to the owner of such house such tenant shall be at liberty to deduct the amount which he may pay on such distress being made from any rents due or to be paid to his immediate landlord or be  
 40 at liberty to sue his immediate landlord or the owner of such house for any damage he may sustain by non-payment by such owner of the cost of making such pavement as aforesaid and the like rights of deduction and suit is hereby given to every intermediate tenant against his immediate landlord or the said owner provided that no  
 45 such tenant shall be entitled to commence any action against his immediate landlord or the said owner unless he shall as soon as practicable after the receipt of the same hand over to such landlord or owner respectively the notice and account hereinbefore mentioned.

Account of expense of paving to be kept.

If amount thereof be not paid distress warrant to issue.

4. Every footway that shall not hereafter be paved according to  
 50 the uniform plan and specification to be prepared as aforesaid by the surveyor of the said Municipal Council shall be deemed to be unpaved for the purposes of the Act.

Footway not paved according to plan to be deemed unpaved.

5. When and so often as any pavement of any footway shall  
 require any repairs it shall be the duty of the said Municipal Council  
 55 forthwith to take the like steps and they shall exercise the same powers and use the same form of notice and warrants as are hereinbefore directed and given to them with respect to paving in the first instance and the tenants shall have the like remedy against their immediate landlord or owner as aforesaid.

Same steps to be taken with respect to repaving pavement as to paving in the first instance.

*Newcastle Paving and Public Vehicles Regulation.*

6. In the construction of this Act the word "owner" shall be held to mean any one having the immediate beneficial interest in any house land or hereditaments. Interpretation clause.

7. When any distress shall be made for any sum of money to be levied under the authority of this Act the distress itself shall not be deemed unlawful nor shall the party making the same be deemed a trespasser *ab initio* on account of any subsequent irregularity which shall be afterwards done by the party distraining but the person aggrieved by such irregularity shall and may recover full satisfaction for the special damage in an action on the case. Persons making distress irregularly not to be deemed trespassers *ab initio*.

8. The costs of levying or making any distress under this Act should be those set forth in the Schedule hereto annexed marked D and no other. Costs of distress.

## PART II.

15 *As to Regulating and Licensing Public Vehicles.*

9. It shall be lawful for the said Municipal Council from time to time to make by-laws regulating the mode of licensing and controlling public vehicles and the drivers and conductors thereof within the Municipal district of the said City of Newcastle Provided that no license fee whatsoever under this Act shall exceed the respective sums specified in the Schedule hereto annexed marked E And provided further that such by-laws shall have the force of law when confirmed by the Governor with the advice of the Executive Council and published in the *Gazette* but not sooner or otherwise All by-laws and all alterations and repeals thereof made hereunder shall within fourteen days of the confirmation thereof by the Governor with the advice aforesaid be laid before both Houses of Parliament if then in Session and if not then within the first fourteen days of the next ensuing Session thereof. Powers &c. of Council.

10. The production of the *Gazette* with any such by-laws as aforesaid contained therein shall in any suit or proceeding whatsoever be sufficient evidence of every such by-law having been duly made confirmed and published as aforesaid. Gazette to be evidence of by-laws.

11. It shall be lawful for the said Municipal Council in such by-laws to fix and appoint the hours within which owners drivers and conductors respectively shall exercise their calling—the ages at which drivers and conductors may be employed—the badges (if any) clothing or uniform to be worn by such drivers and conductors respectively—the number description equipment furniture and gear of such vehicles—the number of persons to be carried in the same—the size and dimensions of stage carriages omnibuses and cars—the number and position of public stands—the amount to be paid for fares for time or distance for the use of such vehicles—the safe custody of any property which may be accidentally or otherwise left in such vehicles Also to prescribe the punishment of any misconduct of the drivers and conductors and other persons attending to or managing such vehicles respectively whether by demanding or receiving more than the authorized fares or otherwise or for not performing stated journeys in the appointed time and to regulate all other matters and things connected with the good government and regulation of vehicles plying for hire as hereinbefore mentioned. Further powers of Council.

12. The said Municipal Council are further empowered in and by such by-laws to fix the amount of fines and penalties to be imposed on the owners drivers and conductors of public vehicles plying for hire for demanding or receiving more than the authorized fare or otherwise May fix penalties for breach of by-laws &c.

*Newcastle Paving and Public Vehicles Regulation.*

otherwise and for persons hiring such vehicles for fraudulently evading the payment of such fares or for the breach of any other by-law which the said Municipal Council may make in respect to such vehicles the owners drivers conductors and managers thereof Provided always that  
5 no such penalty shall exceed for any one offence the sum of ten pounds.

13. All fines penalties and forfeitures incurred under this Act or under any by-laws made hereunder may be recovered in a summary manner before any two Justices according to the provisions of the Act  
10 fourteenth Victoria number forty-three and the Acts therein adopted or any Act amending the same and shall be paid to the Council Clerk aforesaid or Treasurer of the Council if there be such an officer.

14. All fines penalties and forfeitures recovered or received under this Act and under any by-laws made hereunder and also all  
15 sums of money received for licensing public vehicles and all other income from whatever source arising shall be paid to the Council Clerk aforesaid who shall keep separate accounts of the moneys so received and the said moneys so received as aforesaid shall be applied by the  
20 said Municipal Council in payment of any expenses which may necessarily be incurred in carrying into effect the provisions of this Act and for the improvement and benefit of the said city.

15. Whenever in this Act the term "public vehicles" is used the same shall be held to mean any stage carriage or omnibus—as defined by any by-law under this Act—hackney carriage coach car  
25 cabriolet or other vehicle plying for hire within the said city and every wain waggon cart van or dray plying for hire within the said city and the distance from the corporate limits thereof aforesaid and drawn by one or more horses or other animals.

16. The sections and parts of the "Municipalities Act of 1867" to the extent set forth in the Schedule hereto annexed marked F are hereby repealed Provided always that all licenses granted under any of  
30 the said repealed enactments and all lawful proceedings acts matters and things done or commenced thereunder and all offences against the same or any by-laws or regulations made thereunder and all penalties  
35 fines and forfeitures incurred before the passing of this Act shall be respectively as valid and effectual and be prosecuted and recovered in pursuance of the provisions of the said enactment as if this Act had not been passed.

17. This Act shall come into force on the first day of January Anno Domini one thousand eight hundred and seventy-seven and  
40 may be cited as the "Newcastle Paving and Public Vehicles Regulation Act."

*Newcastle Paving and Public Vehicles Regulation.*

THE SCHEDULES REFERRED TO.

PART I.

SCHEDULE A.

Section 1.

*Notice.*

5 To the owner of the house at which this notice has been left being No.  
in street and (if occupied) now occupied by

You are hereby required within three calendar months from the date hereof to pave the footway adjoining the abovementioned house according to the plan and specifications now in the office of the Council Clerk or Town Surveyor and open to your inspection  
10 and with the material herein mentioned that is to say with  
and you are further to take notice that unless you cause the said paving to be laid down within the time above specified the same will be executed by the Municipal Council of Newcastle and the cost thereof will be levied in pursuance of the provisions in that behalf of the "Newcastle Paving and Public Vehicles Regulation Act."

15 Dated this day of A.D. 187  
(Signed) A.B. Council Clerk.

SCHEDULE B.

Section 3.

*Warrant to Distrain.*

To

20 WHEREAS on the day of last a notice was duly left at the house  
No. in street in the City of Newcastle (*and if occupied*) then in the  
occupation of requiring the owner thereof within three calendar months from  
the date of the said notice to pave the footway adjoining the said house according to the  
plan then in the office of the Council Clerk (or Council's Surveyor) And whereas the  
25 said owner did not comply with the said notice and the Municipal Council of the said city  
caused the said paving to be done And whereas the expense of the said paving amounts  
to And whereas an amount of the said expense was duly left at the said house on  
the day of and the amount thereof has not yet been paid into the hands  
of the said Council Clerk These are therefore to require and authorize you forthwith to  
30 levy the said sum of together with the costs of these presents by distress and sale  
of the goods found by you in the said house and you are commanded to certify to me on  
the day of what you shall do by virtue of this warrant.

Given under my hand at Newcastle this day of A.D. 18  
(Signed) A.B. Mayor.

SCHEDULE C.

Section 1.

35 All that portion of the City of Newcastle known as (here specify those streets or portions of streets which it may be thought desirable to render subject to the provisions of the Act).

SCHEDULE D.

Section 8.

40	For every warrant of distress	...	...	...	...	...	...	...	s.	d.
	For every levy	...	...	...	...	...	...	...	2	0
	For man in possession each day or part of a day	...	...	...	...	...	...	...	1	0
	For inventory sale commission and delivery of goods not exceeding 1s. in the £	...	...	...	...	...	...	...	5	0
	on the nett proceeds of sale.									

*Newcastle Paving and Public Vehicles Regulation.*

PART II.

SCHEDULE E.

Section 9.

*Licenses.*

5	Proprietors of	On and after	On and after	On and after	On and after
		1st January in each year.	1st April in each year.	1st July in each year.	1st October in each year.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
	Omnibuses ... .. each	6 0 0	4 10 0	3 0 0	1 10 0
	Omnibus cars ... .. "	5 0 0	3 15 0	2 10 0	1 5 0
	Cars ... .. "	4 0 0	3 0 0	2 0 0	1 0 0
10	Hackney carriages ... .. "	3 0 0	2 5 0	1 10 0	0 15 0
	Cabs ... .. "	2 0 0	.....	1 0 0	0 15 0
	Drays carts and vans ... .. "	2 0 0	.....	1 0 0	.....
	Drivers ... .. Yearly	.....	0 10 0	.....	.....
	Conductors ... .. "	.....	0 15 0	.....	.....

SCHEDULE F.

Section 16.

15	Number of Act.	Title of Act.	Extent of Repeal.
6	Wm. IV. No. 2	An Act for regulating Stage Carriages in New South Wales.	The whole Act so far as it is applicable to stage carriages the licensed terminations of which are within the Municipal District of Newcastle.
20	31 Vic. No. 12 ...	An Act to establish Municipalities.	Section 129 so far as it relates to or affects the Municipal Council of Newcastle and section 153 so far as it provides for the making by the said Council of by-laws for paving the streets and for the regulating and licensing public carriers and carters and vehicles plying for hire within the Municipality of Newcastle.
25			

NEWCASTLE PAVING AND PUBLIC VEHICLES REGULATION BILL.

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*SCHEDULE of the Amendments referred to in Message of 25th May, 1876.*

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Page 5. Schedule C, line 35. *Omit* Schedule C (as printed) *insert* new Schedule C.

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,  
Sydney, 2 May, 1876. }

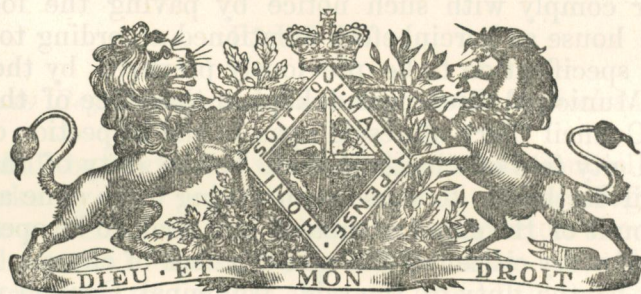
STEPHEN W. JONES,  
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,  
Sydney, 25th May, 1876. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO TRICESIMO NONO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to make more effectual provision for Paving certain Streets of the City of Newcastle and for the Licensing and Regulation of Public Vehicles within the said City.

**W**HEREAS it is expedient to make more effectual provision for Paving the Streets of the City of Newcastle and for the Licensing and Regulation of Public Vehicles within the said City and its vicinity Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

### PART I.

#### *As to Paving and Regulating Footways.*

10 1. It shall be the duty of the Municipal Council of Newcastle to cause a notice in the form or to the effect in the Schedule hereto annexed marked A signed by the Council Clerk and dated the day of its service to be left at each house in the streets of the said City described in the Schedule hereto annexed marked C along the foot-  
15 way adjoining which the kerbing is now permanently laid requiring such

Notice to be served requiring footways to be paved by owners.

322—A

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Newcastle Paving and Public Vehicles Regulation.*

such footway to be paved with such materials and in such manner as may be therein mentioned in every case where such footway shall not be so paved and to cause the like notice to be left at each house in the said streets along the footway adjoining which the kerbing shall here-  
 5 after be permanently laid in every case where such footway shall not be so paved after such kerbing shall be so laid and such notices shall in the case of every occupied house be left with some inmate thereof and in the case of every unoccupied house be nailed or posted up on some conspicuous part thereof and copies of all such notices shall be  
 10 kept in the office of said Municipal Council or of the Council Clerk and be open to the inspection of every citizen of the said city free of charge at all times after service thereof as aforesaid.

2. If the owner of any house at which such notice as aforesaid shall have been duly and lawfully left shall not within three calendar  
 15 months thereafter comply with such notice by paving the footway adjoining the said house as hereinbefore mentioned according to some uniform plan and specification to be previously prepared by the surveyor of the said Municipal Council and kept in the office of the said Council or of the Council Clerk aforesaid open to the inspection of any  
 20 citizen of the said city free of charge it shall be the duty of the said Municipal Council forthwith to cause such paving to be done and to keep an exact account of the expense thereof in a book to be open also to the inspection of every citizen of the said city free of charge.

If paving not done  
Council to do it.

3. It shall be the duty of the said Municipal Council within  
 25 thirty days after any such paving shall have been completed by them adjoining any house to cause an account of the cost thereof to be left at such house in the same manner in which the said notices are hereinbefore directed to be left and if the owner of such house shall not within fourteen days after such account shall have been so left pay to  
 30 the Council Clerk aforesaid at his office the amount of such account it shall be lawful for such Municipal Council by warrant under the hand of the Mayor and in the form or to the effect in the Schedule hereto annexed marked B to distrain upon the goods found in such  
 35 house for the said amount and dispose of the same in like manner as is now prescribed by law with respect to rates distrained for by order of the said Municipal Council and if such goods shall belong to any tenant and not to the owner of such house such tenant shall be at  
 40 liberty to deduct the amount which he may pay on such distress being made from any rents due or to be paid to his immediate landlord or be at liberty to sue his immediate landlord or the owner of such house for any damage he may sustain by non-payment by such owner of the cost of making such pavement as aforesaid and the like rights of deduction and suit is hereby given to every intermediate tenant  
 45 such tenant shall be entitled to commence any action against his immediate landlord or the said owner unless he shall as soon as practicable after the receipt of the same hand over to such landlord or owner respectively the notice and account hereinbefore mentioned.

Account of expense  
of paving to be kept.

If amount thereof be  
not paid distress  
warrant to issue.

4. Every footway that shall not hereafter be paved according to  
 50 the uniform plan and specification to be prepared as aforesaid by the surveyor of the said Municipal Council shall be deemed to be unpaved for the purposes of the Act.

Footway not paved  
according to plan to  
be deemed unpaved.

5. When and so often as any pavement of any footway shall  
 55 require any repairs it shall be the duty of the said Municipal Council forthwith to take the like steps and they shall exercise the same powers and use the same form of notice and warrants as are hereinbefore directed and given to them with respect to paving in the first instance and the tenants shall have the like remedy against their immediate landlord or owner as aforesaid.

Same steps to be  
taken with respect to  
repaving pavement  
as to paving in the  
first instance.

*Newcastle Paving and Public Vehicles Regulation.*

6. In the construction of this Act the word "owner" shall be held to mean any one having the immediate beneficial interest in any house land or hereditaments. Interpretation clause.

7. When any distress shall be made for any sum of money to be levied under the authority of this Act the distress itself shall not be deemed unlawful nor shall the party making the same be deemed a trespasser *ab initio* on account of any subsequent irregularity which shall be afterwards done by the party distraining but the person aggrieved by such irregularity shall and may recover full satisfaction for the special damage in an action on the case. Persons making distress irregularly not to be deemed trespassers *ab initio*.

8. The costs of levying or making any distress under this Act should be those set forth in the Schedule hereto annexed marked D and no other. Costs of distress.

## PART II.

15 *As to Regulating and Licensing Public Vehicles.*

9. It shall be lawful for the said Municipal Council from time to time to make by-laws regulating the mode of licensing and controlling public vehicles and the drivers and conductors thereof within the Municipal district of the said City of Newcastle Provided that no license fee whatsoever under this Act shall exceed the respective sums specified in the Schedule hereto annexed marked E And provided further that such by-laws shall have the force of law when confirmed by the Governor with the advice of the Executive Council and published in the *Gazette* but not sooner or otherwise All by-laws and all alterations and repeals thereof made hereunder shall within fourteen days of the confirmation thereof by the Governor with the advice aforesaid be laid before both Houses of Parliament if then in Session and if not then within the first fourteen days of the next ensuing Session thereof. Powers &c. of Council.

10. The production of the *Gazette* with any such by-laws as aforesaid contained therein shall in any suit or proceeding whatsoever be sufficient evidence of every such by-law having been duly made confirmed and published as aforesaid. Gazette to be evidence of by-laws.

11. It shall be lawful for the said Municipal Council in such by-laws to fix and appoint the hours within which owners drivers and conductors respectively shall exercise their calling—the ages at which drivers and conductors may be employed—the badges (if any) clothing or uniform to be worn by such drivers and conductors respectively—the number description equipment furniture and gear of such vehicles—the number of persons to be carried in the same—the size and dimensions of stage carriages omnibuses and cars—the number and position of public stands—the amount to be paid for fares for time or distance for the use of such vehicles—the safe custody of any property which may be accidentally or otherwise left in such vehicles Also to prescribe the punishment of any misconduct of the drivers and conductors and other persons attending to or managing such vehicles respectively whether by demanding or receiving more than the authorized fares or otherwise or for not performing stated journeys in the appointed time and to regulate all other matters and things connected with the good government and regulation of vehicles plying for hire as hereinbefore mentioned. Further powers of Council.

12. The said Municipal Council are further empowered in and by such by-laws to fix the amount of fines and penalties to be imposed on the owners drivers and conductors of public vehicles plying for hire for demanding or receiving more than the authorized fare or otherwise May fix penalties for breach of by-laws &c.

*Newcastle Paving and Public Vehicles Regulation.*

otherwise and for persons hiring such vehicles for fraudulently evading the payment of such fares or for the breach of any other by-law which the said Municipal Council may make in respect to such vehicles the owners drivers conductors and managers thereof Provided always that  
5 no such penalty shall exceed for any one offence the sum of ten pounds.

13. All fines penalties and forfeitures incurred under this Act Recovery of penalties &c. or under any by-laws made hereunder may be recovered in a summary manner before any two Justices according to the provisions of the Act  
10 fourteenth Victoria number forty-three and the Acts therein adopted or any Act amending the same and shall be paid to the Council Clerk aforesaid or Treasurer of the Council if there be such an officer.

14. All fines penalties and forfeitures recovered or received Appropriation of such penalties. under this Act and under any by-laws made hereunder and also all  
15 sums of money received for licensing public vehicles and all other income from whatever source arising shall be paid to the Council Clerk aforesaid who shall keep separate accounts of the moneys so received and the said moneys so received as aforesaid shall be applied by the  
20 said Municipal Council in payment of any expenses which may necessarily be incurred in carrying into effect the provisions of this Act and for the improvement and benefit of the said city.

15. Whenever in this Act the term "public vehicles" is used Interpretation clause. the same shall be held to mean any stage carriage or omnibus—as defined by any by-law under this Act—hackney carriage coach car  
25 cabriolet or other vehicle plying for hire within the said city and every wain waggon cart van or dray plying for hire within the said city and the distance from the corporate limits thereof aforesaid and drawn by one or more horses or other animals.

16. The sections and parts of the "Municipalities Act of 1867" Repeal clause.  
30 to the extent set forth in the Schedule hereto annexed marked F are hereby repealed Provided always that all licenses granted under any of Proviso. the said repealed enactments and all lawful proceedings acts matters and things done or commenced thereunder and all offences against the same or any by-laws or regulations made thereunder and all penalties  
35 fines and forfeitures incurred before the passing of this Act shall be respectively as valid and effectual and be prosecuted and recovered in pursuance of the provisions of the said enactment as if this Act had not been passed.

17. This Act shall come into force on the first day of January Short title and commencement of Act.  
40 Anno Domini one thousand eight hundred and seventy-seven and may be cited as the "Newcastle Paving and Public Vehicles Regulation Act."

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*Newcastle Paving and Public Vehicles Regulation.*


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## THE SCHEDULES REFERRED TO.

## PART I.

## SCHEDULE A.

Section 1.

*Notice.*

5 To the owner of the house at which this notice has been left being No.  
 in street and (if occupied) now occupied by  
 You are hereby required within three calendar months from the date hereof to  
 pave the footway adjoining the abovementioned house according to the plan and specifica-  
 tions now in the office of the Council Clerk or Town Surveyor and open to your inspection  
 10 and with the material herein mentioned that is to say with  
 and you are further to take notice that unless you cause the said paving to be laid down  
 within the time above specified the same will be executed by the Municipal Council of  
 Newcastle and the cost thereof will be levied in pursuance of the provisions in that behalf  
 of the "Newcastle Paving and Public Vehicles Regulation Act."

15 Dated this day of A.D. 187  
 (Signed) A.B. Council Clerk.

## SCHEDULE B.

Section 3.

*Warrant to Distrain.*

To

20 WHEREAS on the day of last a notice was duly left at the house  
 No. in street in the City of Newcastle (*and if occupied*) then in the  
 occupation of requiring the owner thereof within three calendar months from  
 the date of the said notice to pave the footway adjoining the said house according to the  
 plan then in the office of the Council Clerk (or Council's Surveyor) And whereas the  
 25 said owner did not comply with the said notice and the Municipal Council of the said city  
 caused the said paving to be done And whereas the expense of the said paving amounts  
 to And whereas an amount of the said expense was duly left at the said house on  
 the day of and the amount thereof has not yet been paid into the hands  
 of the said Council Clerk These are therefore to require and authorize you forthwith to  
 30 levy the said sum of together with the costs of these presents by distress and sale  
 of the goods found by you in the said house and you are commanded to certify to me on  
 the day of what you shall do by virtue of this warrant.

Given under my hand at Newcastle this day of A.D. 18  
 (Signed) A.B. Mayor.

## SCHEDULE C.

Section 1.

~~All that portion of the City of Newcastle known as (here specify those streets or  
 portions of streets which it may be thought desirable to render subject to the provisions of  
 the Act).~~

All that portion of the City of Newcastle known as Zaara Telford Pacific  
 40 Watt Bolton Scott Newcomen Wolfe Perkin Hunter King Brown Church Pit  
 Sidney Barker Ordnance Darby Blane Auckland Lower Church Laman Steel  
 Union Brooks Railway Bruce Bull Dawson Melville Parry Tooke Kenrick  
 Dumaresque Kemp Patrick Macquarie High Corlette Tyrrell M'Cormack Market  
 Charlton and Council Streets Parnell-place Stevenson-place The Terrace Reid's-  
 45 lane and the Market approaches.

## SCHEDULE D.

Section 8.

	s.	d.
For every warrant of distress ... ..	2	0
For every levy ... ..	1	0
For man in possession each day or part of a day ... ..	5	0
50 For inventory sale commission and delivery of goods not exceeding 1s. in the £ on the nett proceeds of sale.		

*Newcastle Paving and Public Vehicles Regulation.*

PART II.

SCHEDULE E.

Section 9.

*Licenses.*

5	Proprietors of	On and after	On and after	On and after	On and after
		1st January in each year.	1st April in each year.	1st July in each year.	1st October in each year.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
	Omnibuses ... .. each	6 0 0	4 10 0	3 0 0	1 10 0
	Omnibus cars ... .. "	5 0 0	3 15 0	2 10 0	1 5 0
	Cars ... .. "	4 0 0	3 0 0	2 0 0	1 0 0
10	Hackney carriages ... .. "	3 0 0	2 5 0	1 10 0	0 15 0
	Cabs ... .. "	2 0 0	.....	1 0 0	0 15 0
	Drays carts and vans ... .. "	2 0 0	.....	1 0 0	.....
	Drivers ... .. Yearly	.....	0 10 0	.....	.....
	Conductors ... .. "	.....	0 15 0	.....	.....

SCHEDULE F.

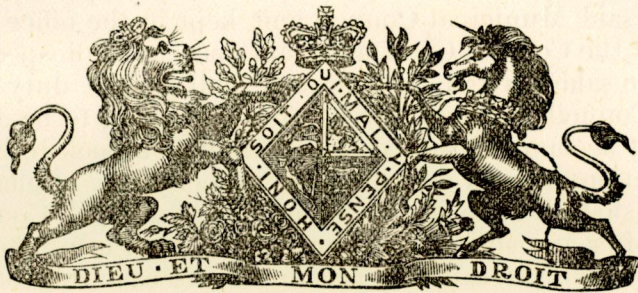
Section 16.

15	Number of Act.	Title of Act.	Extent of Repeal.
6	Wm. IV. No. 2	An Act for regulating Stage Carriages in New South Wales.	The whole Act so far as it is applicable to stage carriages the licensed terminations of which are within the Municipal District of Newcastle.
20	31 Vic. No. 12 ...	An Act to establish Municipalities.	Section 129 so far as it relates to or affects the Municipal Council of Newcastle and section 153 so far as it provides for the making by the said Council of by-laws for paving the streets and for the regulating and licensing public carriers and carters and vehicles plying for hire within the Municipality of Newcastle.
25			

[6d.]

Sydney : Thomas Richards, Government Printer.—1876

# New South Wales.



ANNO TRICESIMO NONO

## VICTORIÆ REGINÆ.

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### No. XXXVI.

An Act to make more effectual provision for Paving certain Streets of the City of Newcastle and for the Licensing and Regulation of Public Vehicles within the said City. [Assented to, 13th June, 1876.]

**W**HEREAS it is expedient to make more effectual provision for Preamble.  
Paving the Streets of the City of Newcastle and for the Licensing and Regulation of Public Vehicles within the said City and its vicinity Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

#### PART I.

##### *As to Paving and Regulating Footways.*

1. It shall be the duty of the Municipal Council of Newcastle to cause a notice in the form or to the effect in the Schedule hereto annexed marked A signed by the Council Clerk and dated the day of its service to be left at each house in the streets of the said City described in the Schedule hereto annexed marked C along the footway adjoining which the kerbing is now permanently laid requiring such

Notice to be served requiring footways to be paved by owners.

A

such

*Newcastle Paving and Public Vehicles Regulation.*

such footway to be paved with such materials and in such manner as may be therein mentioned in every case where such footway shall not be so paved and to cause the like notice to be left at each house in the said streets along the footway adjoining which the kerbing shall hereafter be permanently laid in every case where such footway shall not be so paved after such kerbing shall be so laid and such notices shall in the case of every occupied house be left with some inmate thereof and in the case of every unoccupied house be nailed or posted up on some conspicuous part thereof and copies of all such notices shall be kept in the office of said Municipal Council or of the Council Clerk and be open to the inspection of every citizen of the said city free of charge at all times after service thereof as aforesaid.

If paving n  
Council to

2. If the owner of any house at which such notice as aforesaid shall have been duly and lawfully left shall not within three calendar months thereafter comply with such notice by paving the footway adjoining the said house as hereinbefore mentioned according to some uniform plan and specification to be previously prepared by the surveyor of the said Municipal Council and kept in the office of the said Council or of the Council Clerk aforesaid open to the inspection of any citizen of the said city free of charge it shall be the duty of the said Municipal Council forthwith to cause such paving to be done and to keep an exact account of the expense thereof in a book to be open also to the inspection of every citizen of the said city free of charge.

Account of expense  
of paving to be kept.

3. It shall be the duty of the said Municipal Council within thirty days after any such paving shall have been completed by them adjoining any house to cause an account of the cost thereof to be left at such house in the same manner in which the said notices are hereinbefore directed to be left and if the owner of such house shall not within fourteen days after such account shall have been so left pay to the Council Clerk aforesaid at his office the amount of such account it shall be lawful for such Municipal Council by warrant under the hand of the Mayor and in the form or to the effect in the Schedule hereto annexed marked B to distrain upon the goods found in such house for the said amount and dispose of the same in like manner as is now prescribed by law with respect to rates distrained for by order of the said Municipal Council and if such goods shall belong to any tenant and not to the owner of such house such tenant shall be at liberty to deduct the amount which he may pay on such distress being made from any rents due or to be paid to his immediate landlord or be at liberty to sue his immediate landlord or the owner of such house for any damage he may sustain by non-payment by such owner of the cost of making such pavement as aforesaid and the like rights of deduction and suit is hereby given to every intermediate tenant against his immediate landlord or the said owner provided that no such tenant shall be entitled to commence any action against his immediate landlord or the said owner unless he shall as soon as practicable after the receipt of the same hand over to such landlord or owner respectively the notice and account hereinbefore mentioned.

If amount thereof be  
not paid distress  
warrant to issue.

4. Every footway that shall not hereafter be paved according to the uniform plan and specification to be prepared as aforesaid by the surveyor of the said Municipal Council shall be deemed to be unpaved for the purposes of the Act.

Footway not paved  
according to plan to  
be deemed unpaved.

5. When and so often as any pavement of any footway shall require any repairs it shall be the duty of the said Municipal Council forthwith to take the like steps and they shall exercise the same powers and use the same form of notice and warrants as are hereinbefore directed and given to them with respect to paving in the first instance and the tenants shall have the like remedy against their immediate landlord or owner as aforesaid.

Same steps to be  
taken with respect to  
repaving pavement  
as to paving in the  
first instance.



*Newcastle Paving and Public Vehicles Regulation.*

6. In the construction of this Act the word "owner" shall be held to mean any one having the immediate beneficial interest in any house land or hereditaments. Interpretation clause.

7. When any distress shall be made for any sum of money to be levied under the authority of this Act the distress itself shall not be deemed unlawful nor shall the party making the same be deemed a trespasser *ab initio* on account of any subsequent irregularity which shall be afterwards done by the party distraining but the person aggrieved by such irregularity shall and may recover full satisfaction for the special damage in an action on the case. Persons making distress irregularly not to be deemed trespassers *ab initio*.

8. The costs of levying or making any distress under this Act should be those set forth in the Schedule hereto annexed marked D and no other. Costs of distress.

## PART II.

*As to Regulating and Licensing Public Vehicles.*

9. It shall be lawful for the said Municipal Council from time to time to make by-laws regulating the mode of licensing and controlling public vehicles and the drivers and conductors thereof within the Municipal district of the said City of Newcastle Provided that no license fee whatsoever under this Act shall exceed the respective sums specified in the Schedule hereto annexed marked E And provided further that such by-laws shall have the force of law when confirmed by the Governor with the advice of the Executive Council and published in the *Gazette* but not sooner or otherwise All by-laws and all alterations and repeals thereof made hereunder shall within fourteen days of the confirmation thereof by the Governor with the advice aforesaid be laid before both Houses of Parliament if then in Session and if not then within the first fourteen days of the next ensuing Session thereof. Powers &c. of Council.

10. The production of the *Gazette* with any such by-laws as aforesaid contained therein shall in any suit or proceeding whatsoever be sufficient evidence of every such by-law having been duly made confirmed and published as aforesaid. Gazette to be evidence of by-laws.

11. It shall be lawful for the said Municipal Council in such by-laws to fix and appoint the hours within which owners drivers and conductors respectively shall exercise their calling—the ages at which drivers and conductors may be employed—the badges (if any) clothing or uniform to be worn by such drivers and conductors respectively—the number description equipment furniture and gear of such vehicles—the number of persons to be carried in the same—the size and dimensions of stage carriages omnibuses and cars—the number and position of public stands—the amount to be paid for fares for time or distance for the use of such vehicles—the safe custody of any property which may be accidentally or otherwise left in such vehicles Also to prescribe the punishment of any misconduct of the drivers and conductors and other persons attending to or managing such vehicles respectively whether by demanding or receiving more than the authorized fares or otherwise or for not performing stated journeys in the appointed time and to regulate all other matters and things connected with the good government and regulation of vehicles plying for hire as hereinbefore mentioned. Further powers of Council.

12. The said Municipal Council are further empowered in and by such by-laws to fix the amount of fines and penalties to be imposed on the owners drivers and conductors of public vehicles plying for hire for demanding or receiving more than the authorized fare or otherwise May fix penalties for breach of by-laws &c.

*Newcastle Paving and Public Vehicles Regulation.*

otherwise and for persons hiring such vehicles for fraudulently evading the payment of such fares or for the breach of any other by-law which the said Municipal Council may make in respect to such vehicles the owners drivers conductors and managers thereof Provided always that no such penalty shall exceed for any one offence the sum of ten pounds.

Recovery of penalties &c.

13. All fines penalties and forfeitures incurred under this Act or under any by-laws made hereunder may be recovered in a summary manner before any two Justices according to the provisions of the Act fourteenth Victoria number forty-three and the Acts therein adopted or any Act amending the same and shall be paid to the Council Clerk aforesaid or Treasurer of the Council if there be such an officer.

Appropriation of such penalties.

14. All fines penalties and forfeitures recovered or received under this Act and under any by-laws made hereunder and also all sums of money received for licensing public vehicles and all other income from whatever source arising shall be paid to the Council Clerk aforesaid who shall keep separate accounts of the moneys so received and the said moneys so received as aforesaid shall be applied by the said Municipal Council in payment of any expenses which may necessarily be incurred in carrying into effect the provisions of this Act and for the improvement and benefit of the said city.

Interpretation clause.

15. Whenever in this Act the term "public vehicles" is used the same shall be held to mean any stage carriage or omnibus—as defined by any by-law under this Act—hackney carriage coach car cabriolet or other vehicle plying for hire within the said city and every wain waggon cart van or dray plying for hire within the said city and the distance from the corporate limits thereof aforesaid and drawn by one or more horses or other animals.

Repeal clause.

16. The sections and parts of the "Municipalities Act of 1867" to the extent set forth in the Schedule hereto annexed marked F are hereby repealed Provided always that all licenses granted under any of the said repealed enactments and all lawful proceedings acts matters and things done or commenced thereunder and all offences against the same or any by-laws or regulations made thereunder and all penalties fines and forfeitures incurred before the passing of this Act shall be respectively as valid and effectual and be prosecuted and recovered in pursuance of the provisions of the said enactment as if this Act had not been passed.

Proviso.

Short title and commencement of Act.

17. This Act shall come into force on the first day of January Anno Domini one thousand eight hundred and seventy-seven and may be cited as the "Newcastle Paving and Public Vehicles Regulation Act."

*Newcastle Paving and Public Vehicles Regulation.*

THE SCHEDULES REFERRED TO.

PART I.

SCHEDULE A.

Section 1.

*Notice.*

To the owner of the house at which this notice has been left being No. \_\_\_\_\_ in \_\_\_\_\_ street and (if occupied) now occupied by \_\_\_\_\_ You are hereby required within three calendar months from the date hereof to pave the footway adjoining the abovementioned house according to the plan and specifications now in the office of the Council Clerk or Town Surveyor and open to your inspection and with the material herein mentioned that is to say with \_\_\_\_\_ and you are further to take notice that unless you cause the said paving to be laid down within the time above specified the same will be executed by the Municipal Council of Newcastle and the cost thereof will be levied in pursuance of the provisions in that behalf of the "Newcastle Paving and Public Vehicles Regulation Act."

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 187 \_\_\_\_\_  
(Signed) A.B. Council Clerk.

SCHEDULE B.

Section 3.

*Warrant to Distrain.*

To

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_ last a notice was duly left at the house No. \_\_\_\_\_ in \_\_\_\_\_ street in the City of Newcastle (and if occupied) then in the occupation of \_\_\_\_\_ requiring the owner thereof within three calendar months from the date of the said notice to pave the footway adjoining the said house according to the plan then in the office of the Council Clerk (or Council's Surveyor) And whereas the said owner did not comply with the said notice and the Municipal Council of the said city caused the said paving to be done And whereas the expense of the said paving amounts to \_\_\_\_\_ And whereas an amount of the said expense was duly left at the said house on the \_\_\_\_\_ day of \_\_\_\_\_ and the amount thereof has not yet been paid into the hands of the said Council Clerk These are therefore to require and authorize you forthwith to levy the said sum of \_\_\_\_\_ together with the costs of these presents by distress and sale of the goods found by you in the said house and you are commanded to certify to me on the \_\_\_\_\_ day of \_\_\_\_\_ what you shall do by virtue of this warrant.

Given under my hand at Newcastle this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_  
(Signed) A.B. Mayor.

SCHEDULE C.

Section 1.

All that portion of the City of Newcastle known as Zaara Telford Pacific Watt Bolton Scott Newcomen Wolfe Perkin Hunter King Brown Church Pit Sidney Barker Ordnance Darby Blane Auckland Lower Church Laman Steel Union Brooks Railway Bruce Bull Dawson Melville Parry Tooke Kenrick Dumaresque Kemp Patrick Macquarie High Corlette Tyrrell M'Cormack Market Charlton and Council Streets Parnell-place Stevenson-place The Terrace Reid's-lane and the Market approaches.

SCHEDULE D.

Section 8.

									s.	d.
For every warrant of distress	...	...	...	...	..	...	...	...	2	0
For every levy	...	...	...	...	...	...	...	...	1	0
For man in possession each day or part of a day	...	...	...	...	...	...	...	...	5	0
For inventory sale commission and delivery of goods not exceeding 1s. in the £ on the nett proceeds of sale.										

*Newcastle Paving and Public Vehicles Regulation.*

PART II.

Section 9.

SCHEDULE E.

*Licenses.*

Proprietors of	On and after 1st January in each year.	On and after 1st April in each year.	On and after 1st July in each year.	On and after 1st October in each year.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Omnibuses ... .. each	6 0 0	4 10 0	3 0 0	1 10 0
Omnibus cars ... .. "	5 0 0	3 15 0	2 10 0	1 5 0
Cars ... .. "	4 0 0	3 0 0	2 0 0	1 0 0
Hackney carriages ... .. "	3 0 0	2 5 0	1 10 0	0 15 0
Cabs ... .. "	2 0 0	.....	1 0 0	0 15 0
Drays carts and vans ... .. "	2 0 0	.....	1 0 0	.....
Drivers ... .. "	Yearly	0 10 0	.....	.....
Conductors ... .. "	"	0 15 0	.....	.....

Section 16.

SCHEDULE F.

Number of Act.	Title of Act.	Extent of Repeal.
6 Wm. IV. No. 2	An Act for regulating Stage Carriages in New South Wales.	The whole Act so far as it is applicable to stage carriages the licensed terminations of which are within the Municipal District of Newcastle.
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By Authority : THOMAS RICHARDS, Government Printer, Sydney, 1876.

[Gd.]