



SUPPLEMENT  
TO THE  
VICTORIA  
GOVERNMENT GAZETTE

OF TUESDAY, MAY 31, 1859.

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WEDNESDAY, JUNE 1.

[1859.

MUNICIPALITY OF BALLAARAT.

BYE-LAW No. 19.—A BYE-LAW TO REGULATE THE DRIVING OF CATTLE INTO OR THROUGH THE TOWNSHIP OF BALLAARAT.

WHEREAS by an Act of the Lieutenant Governor and Legislative Council of Victoria, 18th No. 15, intituled, *An Act for the establishment of Municipal Institutions in Victoria*, it is amongst other things enacted, that every municipal council shall have the power to make bye-laws for the general good rule and government of such municipal district: And whereas by a Proclamation of His Excellency the Governor of Victoria, dated the seventeenth day of December, in the year of our Lord One thousand eight hundred and fifty-five, the township of Ballaarat was duly established a municipal district under the provisions and within the meaning of the said Act: Be it therefore enacted and directed by the municipal council of the district of Ballaarat, That no cattle intended for sale, slaughter, or transmission, or when passing from one part of the country to another, shall be driven into or through the said township, except between the hours of Six (6) o'clock p.m. and Eight (8) o'clock a.m. in summer, which is meant to extend from the first day of October to the thirty-first day of March in each year, both inclusive, and between the hours of Five (5) o'clock p.m. and Nine (9) o'clock a.m. in winter, which is meant to extend from the first (1st) day of April to the thirty-first (31st) day of September, both days inclusive, in each year; and no cattle for the aforesaid purposes will be permitted to be driven through the said township at any hours on Sundays, unless such cattle shall be driven beyond or without that portion of the town bounded on the east by the Yarrowee Creek or river, on the south by Urquhart street, on the west by Drummond street, on the north by Webster street to the Yarrowee Creek aforesaid; and all persons offending against this bye-law shall, on conviction before two or more justices of the peace, pay a penalty not exceeding Twenty (20) pounds. (Nothing in this bye-law shall affect oxen in yoke.)

*The foregoing Bye-law, No. 19, made by the municipal council of Ballaarat, has been assented to by His Excellency the Governor, with the advice of the Executive Council.*

*Gazetted on the 1st day of June, 1859, pursuant to 18 Victoria No. 15, sec. 33.*

By His Excellency's Command,  
JOHN O'SHANASSY.

K.4553.

MUNICIPALITY OF EMERALD HILL.

BYE-LAW No. 21.—A BYE-LAW TO ESTABLISH A TOLL AT THE ENTRANCE TO THE THREE-CHAIN ROAD FROM THE BRIGHTON ROAD.

WHEREAS by an Act of the Lieutenant Governor and Legislative Council of Victoria, 18 Victoria No. 15, intituled, *An Act for the establishment of Municipal Institutions in Victoria*, it is amongst other things enacted, that it shall be competent for the council of any municipal district established under the provisions of the said Act, whenever it shall appear necessary, to establish tolls, rates, and dues upon any road, market, wharf, or jetty, within the jurisdiction and under the control of such council, and to erect toll-gates, toll-bars, and other works

necessary for the collection of such rates, tolls, or dues, and to make such bye-laws for the proper collection and management of such tolls, rates, or dues as to such council shall seem fit: And whereas by a Proclamation of His Excellency the Governor of Victoria, bearing date the 26th day of May, A.D. 1855, the district of Emerald Hill was duly established a municipal district under the provisions and within the meaning of the said Act: And whereas it appears necessary to the council of the said municipal district of Emerald Hill to establish tolls, rates, or dues upon the Three-chain road within the said district, and to erect toll-gates, toll-bars, and other works necessary for the collection of such rates, tolls, or dues: Be it therefore ordered and directed by the municipal council for the district of Emerald Hill, with the assent of His Excellency the Governor-in-Chief of the colony of Victoria, as required by the provisions of the said Act:—

1. That on and after the first day of July, 1859, a toll shall be established at that point on the Three-chain road fifty (50) links from the western side of the Brighton road, for the collection of tolls; and also that toll-gates, toll-bars, and all necessary works for the collection of tolls, shall be maintained or erected and maintained by the said council at such point upon such road being within the jurisdiction and under the control of the said council.

2. That the tolls specified in the schedule hereto annexed shall be the tolls payable to the said council in respect of any animal or vehicle passing through said toll-gates or bars, until such time as said council, with such assent as aforesaid, shall see fit to alter the same.

3. That any person who may fraudulently or forcibly pass or claim or attempt to pass said toll-gates or bars, or who may refuse payment; or evade or attempt to evade, or aid, assist, or abet any person in evading or attempting to evade payment of the tolls payable in respect of any animal or vehicle legally chargeable therewith, shall, on conviction thereof before two or more of Her Majesty's justices of the peace, forfeit and pay for every such offence a penalty or sum not exceeding Five pounds.

4. That the christian and surname of the toll collector, and a list of the tolls for the time being payable in respect of any animal or vehicle passing through said toll-gates or bars, shall be painted in black letters at least two inches in length on a board with a white ground, which shall be placed in a conspicuous situation in front of the toll-house or contiguous to said toll-gates or bars; and if such collector shall not place and keep such board as aforesaid during the time he shall be such collector, or shall in anywise hinder any person from reading the inscription on such board, or shall refuse to tell his christian and surname to any person who shall demand the same, or shall give a false name, or shall demand more than the legal toll, or upon the legal toll being paid or tendered shall detain any passenger or shall use any abusive language, he shall, upon conviction for every such offence, forfeit and pay a penalty or sum not exceeding Ten pounds.

5. That it shall be lawful for the said council from time to time, by public auction, or tender duly advertised for in the public newspapers, to let and farm out for any term not exceeding twelve months the tolls that may be authorised by said

council to be collected at such toll-gates or bars, or to employ such person or persons as may be requisite or necessary for the collection of said tolls as to said council shall seem best, and any such person so employed by said council shall be deemed and construed the toll collector within the meaning hereof.

6. Provided always, that nothing herein contained shall be taken or construed as authorising the said council to demand or enforce payment of any tolls or sums of money in respect thereof from any person in the service of Her Majesty, or who by any existing law or Act of Council is or may be legally exempt therefrom.

SCHEDULE HEREINBEFORE REFERRED TO.

	s.	d.
For every sheep, lamb, pig, or goat ... ..	0	0 1/4
„ ox, or head of neat cattle ... ..	0	1
„ horse, mare, ass, or mule ... ..	0	2
„ cart, dray, or other such vehicle with two wheels, drawn by one horse or other animal ... ..	0	6
„ ditto, if drawn by two horses or other animals ... ..	1	0
„ ditto, if drawn by three horses or other animals ... ..	1	6
„ ditto, if drawn by four horses or other animals ... ..	2	0
„ waggon, wain, or other such vehicle with four wheels, drawn by one or two horses or other animals ... ..	1	0
„ ditto, if drawn by three horses or other animals ... ..	1	6
„ ditto, if drawn by four horses or other animals ... ..	2	0
„ cart, dray, or waggon, drawn by two bullocks And threepence for every additional bullock drawing.	1	0
„ gig, chaise, or other such vehicle, with two wheels, and drawn by one horse or other animal ... ..	0	6
„ ditto, if drawn by two or more horses or other animals ... ..	1	0
„ coach, chariot, or other such carriage, with four wheels, and drawn one horse or other animal ... ..	0	9
„ ditto, if drawn by two horses or other animals ... ..	1	6
„ ditto, if drawn by more than two horses or other animals ... ..	2	0

Tolls payable one way only for going and returning on the same day.

The foregoing Bye-law, No. 21, made by the municipal council of Emerald Hill, has been assented to by His Excellency the Governor, with the advice of the Executive Council.

Gazetted on the 1st day of June, 1859, pursuant to 18 Victoria No. 15, sec. 33.

By His Excellency's Command,  
JOHN O'SHANASSY.

**MUNICIPALITY OF ST. KILDA.**  
BYE-LAW No. 21.—A BYE-LAW TO COMPEL THE INHABITANTS TO KEEP THEIR PREMISES FREE FROM OFFENDING AND UNWHOLESOME MATTER, AND TO PREVENT THE DEPOSITING OF GLASS, FILTH, RUBBISH, OR OTHER MATTER OF A SIMILAR NATURE, UPON THE STREETS, FOOTPATHS, RIGHTS-OF-WAY, PUBLIC PLACES AND UNENCLOSED LAND WITHIN THE MUNICIPAL DISTRICT OF ST. KILDA.

WHEREAS by an Act of the Lieutenant Governor and Legislative Council of Victoria, 18 Victoria No. 15, intitled, *An Act for the establishment of Municipal Institutions in Victoria*, the council of every municipality established pursuant to this Act is empowered to make bye-laws for the suppression of nuisances, the preservation of the public health, and the general good rule and government of such municipal district: Be it therefore ordered and directed by the municipal council of St. Kilda, That any person who shall, from and after the date of this bye-law receiving the assent of His Excellency the Governor, allow any animal, vegetable, or other matter, or any glass, filth, or rubbish whatever, to accumulate upon or in

front of their premises, or in the rights-of-way or lanes bordering or abutting thereon, shall, on conviction thereof before two or more justices of the peace, forfeit and pay for every such offence a sum or penalty not exceeding Twenty pounds.

It shall not be lawful for any person to deposit any animal or vegetable matter, or any glass, filth, rubbish, or other matter of a similar nature, upon the streets, footways, rights-of-way, public places or unenclosed land within this municipal district, and any person so offending shall, on conviction thereof before two or more justices of the peace, forfeit and pay for every such offence a sum not exceeding Twenty pounds.

**BYE-LAW No. 22.—A BYE-LAW TO PREVENT NUISANCES ARISING FROM SUFFERING CATTLE TO BE AT LARGE IN THE STREETS AND UNENCLOSED PLACES WITHIN THE MUNICIPAL DISTRICT OF ST. KILDA.**

WHEREAS by the Act of Council 18 Victoria No. 15, intitled, *An Act for the establishment of Municipal Institutions in Victoria*, it is enacted, that it shall be competent for the council of any district established under the provisions of the said Act to make bye-laws for the suppression of nuisances, the preservation of public health, and the general good rule and government of such municipal district: And whereas it is expedient to make a bye-law for the more certain prevention of nuisances occasioned from cattle being allowed to be at large in the streets and unenclosed places within this municipal district: Be it therefore ordered and directed, That from and after this bye-law receiving the assent of His Excellency the Governor-in-Chief it shall not be lawful for any person to suffer any kind of swine, or any horse, mule, ass, sheep, goat, or other cattle belonging to him or her, or under his or her charge, to be at large within the said municipal district, unless the same shall be in his or her occupation; and any person so offending shall, on conviction thereof before two or more justices of the peace, forfeit and pay for every such offence a sum or penalty not exceeding Ten pounds.

The foregoing Bye-laws, Nos. 21 and 22, made by the municipal council of St. Kilda, have been assented to by His Excellency the Governor, with the advice of the Executive Council.

Gazetted on the 1st day of June, 1859, pursuant to 18 Victoria No. 15, sec. 33.

By His Excellency's Command,  
JOHN O'SHANASSY.

**MUNICIPALITY OF NEWTOWN AND CHILWELL.**  
BYE-LAW No. 7.—FOR THE REGULATION OF NIGHTMEN.

WHEREAS by the Act 18 Victoria No. 15, intitled, *An Act for the establishment of Municipal Institutions in Victoria*, it is enacted, *inter alia*, that it shall be competent for the council of any municipal district to make bye-laws for the general good rule and government of such municipal district: And whereas the business of a nightman being of an offensive nature or trade, it has been considered expedient by the municipal council of Newtown and Chilwell to make a bye-law by which persons pursuing such offensive trade or business shall be subject to certain restrictions and provisions: Be it therefore enacted by the municipal council of Newtown and Chilwell, That from the date of the Governor's assent hereto, all nightmen pursuing such trade or business within the municipal district of Newtown and Chilwell shall only perform the same between the hours of 11 p.m. and 4 a.m., and during the time they shall be so occupied shall burn a red lamp in front of each cart or other vehicle so used in their said occupation. Any person acting as nightman or carrying on such trade within the municipal district of Newtown and Chilwell, and not complying with the provisions of this bye-law, shall for every such offence, upon conviction before two or more justices of the peace having jurisdiction within such municipal district, be liable to a penalty not exceeding Ten pounds.

The foregoing Bye-law, No. 7, made by the municipal council of Newtown and Chilwell, has been assented to by His Excellency the Governor, with the advice of the Executive Council.

Gazetted on the 1st day of June, 1859, pursuant to 18 Victoria No. 15, sec. 33.

By His Excellency's Command,  
JOHN O'SHANASSY.