

CHAPTER 161.

NEW AMSTERDAM TOWN COUNCIL.

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BY-LAWS

By-laws,
18th Oct.,
1918.

*made by the Mayor and Town Council under section 2 of Ordinance
No. 8 of 1918, and approved by the Governor and Court of Policy
on the 18th October, 1918, and Continued in Force by section 214
of the Present New Amsterdam Town Council Ordinance.*

GENERAL.

1. Notices, orders and any other documents required or authorised to be served under any by-laws may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; they may also be served by registered post, and if so served shall be deemed to have been served at the time when the letter containing the same would be

delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order or other document was properly addressed and put into the post. Any notice required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

FINES, ETC.

2. All fines, penalties and forfeitures recovered under and by virtue of any by-law shall be appropriated as follows, that is to say:—one-third shall be paid to the complainant (not being an officer or servant of the Council) and the remaining two-thirds to the town clerk in aid of the town funds.

BY-LAWS

IN RELATION TO BUILDINGS TO BE ERECTED, DANGEROUS BUILDINGS, PROTECTION OF BUILDINGS FROM FIRE, CESS-POOLS, KOKERS, TUNNELS, BRIDGES, ETC.

DEFINITIONS.

1. In and for the purpose of these by-laws, the following words and expressions shall have the meanings hereinafter assigned to them, that is to say:—

"builder" means the person who is employed to build or to execute any work on a building or structure; or where no such person is employed, the owner of the building or structure;

"owner" means the person who actually owns or who receives the rent from any premises, or his authorised agent;

"building of the warehouse class" means a warehouse, factory, manufactory, rice-mill, distillery, garage, petrol magazine, foundry, smithy and every other building not being either a domestic or public building;

"dwelling house" means a building used or constructed or adapted to be used wholly or principally for human habitation;

"domestic building" means a dwelling-house or an office building or other out-building appurtenant to a dwelling-

house, whether attached thereto or not, or a shop or any other building not being a public building or of a warehouse class;

“habitable room” means a room constructed or adapted to be inhabited;

“inhabited”: the expression “inhabited” applied to a room means a room in which some person passes the night, or which is used as a living room, including a room with regard to which (until the contrary is proved) there is a presumption that some person passes the night or that it is used as a living room;

“public buildings” means a building used or constructed or adapted to be used either ordinarily or occasionally as a church or chapel or other place of public worship, or as a hospital, college, school (not being merely a dwelling-house so used), theatre, public hall, public concert room, public ball-room, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto by tickets or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any public purpose;

“continuing offence”: where the beginning or execution of any work is an offence in respect whereof the offender is liable under these by-laws to a penalty, the existence of the work during its continuance in such form and state as to be in contravention of these by-laws, shall be deemed to be a continuing offence.

For the purpose of these by-laws each of the following operations, namely:—

- (a) the erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to within ten feet of the surface of the ground adjoining the lowest storey of the building and of any frame building so far pulled down or burnt down as to leave only the frame work of the lowest storey;
- (b) the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;
- (c) the re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;

(d) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building but so far as regards the addition only; and

(e) the roofing or covering over of an open space between walls or buildings,

shall be deemed to be the erection of a new building;

“topmost storey” means the uppermost storey of a building whether constructed wholly or partially in the roof or not, and whether used or constructed or adapted for human habitation or not;

“medical officer of health,” “town superintendent” and “town clerk” mean respectively every person who shall be lawfully performing the duties of the office of medical officer of health of New Amsterdam, town superintendent of New Amsterdam, or of town clerk of New Amsterdam, whether permanently appointed or not;

“cess-pool” means any pit, tank or other receptacle intended to contain excretal matter;

“earth closet” includes any place for the reception and deodorisation of excretal matter constructed to the satisfaction of the Council.

CONDITIONS PRECEDENT AND SUBSEQUENT.

2. Every builder intending or proposing to erect a new building or to make any alterations in or additions to or to execute any work in regard to any building which alterations or work will cause such building to come within the meaning of the term “new building” as used in these by-laws,

(1) shall give notice to the Council in writing of such intention or proposition;

(2) shall specify in such notice the date on which he proposes to begin such process of erection, alteration or other work;

(3) shall deposit with such notice an outline ground and elevation plan showing the position, form and dimensions of such proposed erection, addition or other work, and at the same time a description of the same setting forth the

purposes for which it is intended and the exact dimensions of the several parts, and stating the materials to be used; and

(4) shall furnish such other plans as the town superintendent shall require in writing.

3. Every builder who shall have made any proposal as aforesaid, and in that regard shall have obtained the permission of the Council who may withhold or refuse the same on terms of and for the reasons given in by-law 55 hereof,

(1) shall be bound at all times during the process of erection, alteration or addition or of execution of any other work as aforesaid, to afford to the town superintendent free access to every part of the building or work for the purpose of inspection;

(2) and shall within fourteen days after the completion of such erection, alteration or addition or the execution of any other work as aforesaid, give to the Council notice in writing of such completion or execution and shall at all reasonable times within a period of one month after such notice shall have been given, afford the town superintendent free access to every part of the building for the purpose of inspection.

4. For the purpose of the last preceding by-law service upon the town clerk shall be deemed to be service upon the Council.

5. If any builder engaged in the erection or alteration of or addition to any such building or in the execution of any other work, shall begin or do any work to the buildings or other structural work, in contravention of any of these by-laws, the town superintendent, when it is discovered that an offence has been committed, shall give to such builder or may affix to some conspicuous part of such building or other work, a notice in writing requiring such builder within seven days from the service of such notice to cause so much of such work as may have been begun or done in contravention of these by-laws to be removed, altered or pulled down as the case may require.

6. If any such builder shall feel aggrieved by such notice, he may within the said seven days, appeal to the Council against such decision. If no such appeal is made, or on the hearing of such appeal the Council decide against the appellant, the

Council shall proceed to obtain the order of a magistrate (who is hereby authorised to grant the same) requiring the builder to comply with the requirements of such notice; or may themselves remove, alter or pull down as the case may require, such building or so much of such work as may have been begun or done in contravention of these by-laws, and the expenses incurred by the Council in removing, altering or pulling down such building or such work, shall be recoverable by summary execution against the proprietor or the representative of the proprietor and for such expenses, the lot, with the buildings thereon, shall be liable and executable.

7. It shall not be lawful to let or occupy or suffer to be occupied (except by caretakers not exceeding two in number) any new building or any building in course of construction at the date of the commencement of these by-laws unless the town superintendent shall have certified in writing that such building complies in every respect with the provisions of this part of these by-laws. In the event of the town superintendent withholding such certificate, such builder shall have a right to appeal to the Council by giving notice of appeal to the town clerk, such notice to be accompanied by a deposit not exceeding twenty-five dollars as may be fixed by the Mayor.

8. The owner as well as the builder shall each be liable for any act, matter or thing done or omitted to be done in contravention of any of the provisions of these by-laws or of any regulation in force relating to new buildings. Provided that this enactment shall not prejudice any remedy of an owner or other person against the builder.

9. All notices served by the Council or the town superintendent on the builder shall be as valid and binding against the owner by whom such builder is employed as if such notice had been served on such owner.

ERECTION, CONSTRUCTION AND VENTILATION.

10. Every builder who shall erect a new building, or shall make any alteration in or addition to, or shall execute any work in regard to any building which alterations, additions or work shall cause such building to come within the meaning of the term "new building" as used in these by-laws, shall erect

such buildings or make such alterations or additions or shall execute such work in accordance with the regulations in these by-laws contained.

11. No part of any new building shall project beyond the boundary line of the street.

12. The last preceding by-law shall not apply to sunshades specially sanctioned by the Council, or to the extent of that permission, or to the eaves of the main roof of such building which shall, if properly supplied with gutters to carry off the rain water and including such gutters, be allowed to project not more than eighteen inches beyond the said line; provided always that such eaves be not less than twenty-five feet above the level of the adjoining street.

13. Every new building shall be so erected that it shall stand not less than three feet within the side or back boundary line of the lot or portion of a divided lot on which it shall be situate and not within fifteen feet from the centre of the draining trenches of the street known as the strand, or the public middle road known as High Street, or Savannah Road: provided always that where two or more contiguous lots are occupied by the same person, the Council may waive the enforcement of this provision with regard to the distance or distances from the boundary line or lines between such contiguous lots.

14. Every new building shall be so erected that there shall be a clear space of not less than eight feet between it and any other building on the lot or portion of a divided lot on which such new building shall stand and such distance shall be measured by a line drawn from and at a right angle to the external face of the outer wall of such new building to and connecting with the nearest part of such other building.

15. No new building shall by itself, or in conjunction with any other building or erection standing on the lot or portion of a divided lot on which such new building is placed, cover more than two-thirds of the whole superficial area of such lot or portion of a lot; provided that, with the sanction of the town superintendent a vat or tank for the storage of rain water may be erected on the remaining one-third of such lot or portion of a divided lot and provided also as respect lots adjoining the streets known as the Strand and High street, and under like sanction, a larger part than two-thirds of such superficial area

may form the site for buildings intended to be and which shall be used exclusively for business purposes and not as dwelling-houses.

16. The ground floor of every new building shall be raised above the ground not less than twenty-four inches, unless the ground floor shall be made of concrete or other impervious material. The height is to be measured from the highest part of the surface of the lot or portion of a divided lot on which the building is placed to the level of the upper surface of such ground floor.

17. The height of every storey in any new building, other than the topmost storey thereof, shall be not less than ten feet, and measurement shall be made from the level of the upper surface of the floor of the storey to the level of the under surface of the storey next above.

18. The height of the topmost storey in every new building shall be not less than eight feet from the level of the upper surface of the floor of the storey to the under side of the plate.

19. Where any new building has one storey only the height of that storey shall be not less than eight feet from the level of the upper surface of the floor to the under side of the plate.

20. Every room in such a building to be used by any person or persons as a room to sleep in shall be of not less than one thousand cubic feet capacity for each person sleeping therein.

21. The ground floor of every new building used or intended to be used for the manufacture or for the storage, for the purpose of sale, of any articles intended for the food of man, or any articles intended for the food of animals, shall be constructed of cement concrete not less than three inches in thickness or of such other impervious material as the town superintendent may approve.

22. Every person who shall erect a new building shall provide in connection with such building good and sufficient surface water drains of brick, stoneware, masonry or concrete or other approved material located, constructed and graded to the satisfaction of the town superintendent, delivering into the side channel of an adjacent street or into such other stream or channel as the Council may direct, and all yards, open spaces and passages appurtenant to or used in connection with a new building shall be drained in similar manner.

23. The owner of every building in connection with which there is any yard or open space shall, whenever in the opinion of the Council it is necessary, for the prevention or remedy of insanitary conditions, that all or part of such yard or space should be paved, forthwith cause the same to be properly paved with good cement concrete or with any approved material, and also sloped to a properly constructed channel so as effectively to carry off all rain and wash water therefrom, and shall at all times keep and maintain such pavement in good order and repair.

24. Every habitable room in such new building shall have one fixed jalousie at the least opening directly into the external air, and the total area of such jalousie or, if there be more than one, of the several jalousies, shall be equal at least to one-tenth of the floor area of such room.

25. Where ranges of rooms are built for human habitation, each room being intended for a separate dwelling-house, each such room shall have a floor area of not less than one hundred and fifty square feet and the height of not less than eight feet. Every such range of rooms shall have an open space of not less than six inches in width under the eaves throughout the whole length of the range.

GUTTERS AND PIPES TO ROOFS AND BUILDINGS.

26. Every such new building shall be provided with guttering and down pipes sufficient to carry off all the rain water from the roof thereof into the vats or tanks provided to receive the same, and pipes shall also be provided sufficient to carry off the surplus water from such vats or tanks and all other waste water whatever connected with such buildings, including kitchen waste, into the drains of the lot or portion of a divided lot on which such building is placed.

27. The owner of any lot and/or buildings, or of the building alone in the town adjoining any public street, road or thoroughfare shall cause the roof of the buildings, and all sunshades and other coverings and projections to be supplied with sufficient gutters and pipes to be kept in good order and repair so as to prevent water therefrom dropping upon or running into or over such public street, road or thoroughfare or injuring any public dam or parapet in the town.

28. The owner of any such lot and buildings shall be bound so to construct and grade all gutters attached to such buildings

to the approval and satisfaction of the town superintendent: it shall be imperative on the owners of all such gutters which at present are not constructed and graded to have the said gutters so attended to as aforesaid within three months from the confirmation of these by-laws. The owner of any such lot and/or buildings failing to comply with the provisions of this and the last preceding by-law shall be liable to a penalty not exceeding one hundred dollars.

29. Every person who shall neglect to comply within fourteen days with a notice from the town superintendent to have the said gutters cleaned, shall be guilty of an offence under these by-laws, and shall be liable to a penalty not exceeding ten dollars and a further penalty not exceeding one dollar for each day's default; provided that the amount shall not exceed one hundred dollars.

PUBLIC BUILDINGS.

30. Every person who shall erect a public building shall cause the same to be erected and maintained with such precautions for the safety of the public as having regard to the special purpose for which such building is intended to be used shall be prescribed or approved by the Council.

31. The town superintendent and any other person authorised in that behalf by the Council, may at all reasonable times during the construction and after the completion of any public building, and at all times during which any building shall be used as a public building, enter and inspect the same for the purpose of ascertaining whether such building is in conformity with the provisions of these by-laws or any regulations made by the Council with regard to public buildings.

32. No public building shall be used as such unless and until the Council, by notice in writing addressed to the owner thereof, shall have declared their approval of the construction thereof and of its suitability for the purpose for which it is proposed to be used.

33. After the Council shall have declared their approval, no work affecting or likely to affect such building, shall be done to, in or on such building without the approval of the Council.

34. Where it is proposed to convert or alter any building erected for a purpose other than a public purpose, into a public building, such conversion or alteration shall be carried out,

and such building shall be constructed, in such manner as shall be approved by the town superintendent, and the provisions of this Part of these by-laws and of any regulations made by the Council applicable to public buildings shall apply to such alteration or construction, as if it were the construction of a public building.

35. Whenever it appears to the Council that any place in the town used as a public building is not so constructed or maintained as to afford necessary protection to all persons who may resort thereto, the Council may by notice in writing require the owner of such place, within a reasonable time to be specified in such notice, to make alterations therein or thereto as shall be approved by the Council.

36. In case such owner fails to comply with the requirements of such notice within the prescribed time, he shall be guilty of an offence against these by-laws.

37. The Council may in lieu of such notice or concurrently therewith, or at any time thereafter and without prejudice to the recovery of penalties for the non-compliances therewith, by notice in writing served upon the owner of such place, require such owner on or before a date to be specified in such notice by statement in writing under his hand addressed to the Council to show cause why such building should not cease to be used as a public building, or require such person, on such date and at such time and place as shall be specified in such notice, to attend personally or by an agent duly authorised in writing in that behalf before the Council, and show sufficient cause why such building should not cease to be used as a public building.

38. If such owner fails to show sufficient cause why such building should not cease to be used as a public building, the Council may by order addressed to the owner thereof, prohibit the use of such place as a public building.

39. Every person who, after a prohibition notice issued by the Council under this by-law, uses or allows or suffers such building to be used as a public building shall be guilty of an offence against these by-laws.

REMOVAL OF BUILDINGS.

40. (1) It shall not be lawful for any person to pull down or to remove any building from the site on which it stands unless he shall, not more than fourteen days and not less than two days,

before the removal, have given to the town superintendent notice in writing of his intention to pull down or remove such building.

(2) Any person who shall pull down or remove any building from its site and any owner of any building who shall cause, permit or suffer any building to be removed from such site without having first given the aforesaid notice, shall be guilty of an offence, and shall be liable on conviction thereof to a penalty not exceeding twenty-four dollars.

(3) Every building pulled down or removed in contravention of this by-law shall be deemed to have been pulled down or removed by the owner thereof.

PROTECTION OF BUILDINGS FROM FIRE.

41. It shall not be lawful to cover the roof of any building within the town with thatch or leaves, on pain of such roof being pulled down by order of the Council, in addition to the owner or occupier being liable to the penalty hereafter mentioned.

42. The roof of every building in the town to be hereafter erected on any lot or abutting on either side of the street called the Strand, must be covered with tiles, slates or metal; and any gutters and spouts which may hereafter be attached to any such building must be of tin or other metal.

43. Any existing building within the limits so defined as aforesaid must be covered in accordance with this section within one year from the commencement of these by-laws; and the Council may cause any such building within the said limits not so covered within the said period of one year to be covered in accordance with this enactment and proper gutters and spouts to be attached thereto at the expense of the owner, and may recover the cost thereof by summary execution.

44. Every dwelling house within the town shall be provided with a kitchen having a separate roof from that of the main building in which there shall be an open fire-place with a brick chimney or a stove and pipe: Provided that any existing kitchen under the same roof as the main building shall be allowed to remain, if it otherwise complies with the requirements of these by-laws.

45. Every chimney shall be of sufficient height not to endanger the neighbourhood or to annoy it with smoke.

46. In case any brick oven be required the same shall be connected with and ventilated by a brick chimney.

47. The portion of the floor of every kitchen on which any fire-place or stove is placed and the space on all sides for two feet beyond shall be covered with concrete, stone, tiles, brick or solid earth and if such kitchen is attached to the dwelling house or to any other such building the outer sides and end of such kitchen shall be of stone, tiles, metal or some other incombustible material or lined therewith.

48. Any of the foregoing provisions with respect to kitchens as contained in by-laws 44 to 47, both inclusive, shall not be construed as applicable to each separate room in any tenement range.

49. Any person acting contrary to the provisions of by-laws 41 to 47, both inclusive, shall be liable to a penalty not exceeding one hundred dollars, to be recovered by the town clerk in aid of the town funds.

50. It shall not be lawful to use or kindle fire in any coal-pot or other holder of fire within any dwelling house in any lot in the town except in a kitchen or in coal-pots or other holders of fire used for laundry purposes placed at a distance of not less than six feet from any building on said lot, or if such coal-pot or holder of fire is used within a building for like purposes the same shall be placed on a box in a receptacle containing water constructed to the satisfaction of the town superintendent.

Any person acting in contravention of this by-law shall be liable to a penalty not exceeding ten dollars.

51. All chimneys attached to kitchens belonging to dwelling-houses in the town shall be kept in good repair and well and properly cleaned and the town superintendent or any officer of the Council shall be at liberty at any time to enter upon the premises and inspect them; and the owner or occupier of any such dwelling-house neglecting to comply herewith shall be liable to a penalty not exceeding twenty-four dollars for every such neglect.

52. In case of fire originating from any chimney attached to any building in the town, the owner or occupier of such building shall be liable to a penalty not exceeding one hundred dollars.

53. It shall not be lawful, upon pain of a penalty not exceeding one hundred dollars, for any person to erect, put in operation, or carry on, any building of the warehouse class, as defined in by-law 1, within the limits of the town or within one hundred

yards of the boundaries thereof save and except such as may have already been established or may hereafter from time to time be permitted by the Council.

54. The application for permission to the Council of any person desiring to erect such building or establishment must be accompanied by proof that the intention so to apply has been advertised in three consecutive issues of a newspaper circulating in the town.

55. The Council may refuse to grant such permission whenever they shall deem such refusal to be necessary or desirable in the interests of the public, and they may suspend, for such time as they shall think fit, or revoke any permission granted by them upon breach by the permittee of any of the terms and conditions subject to which the permission was granted or for any other reason which in their opinion renders such suspension, or revocation necessary or desirable in the interests of the public.

Any person deeming himself aggrieved by the withholding, suspension or revocation of any permission to erect any building may appeal to a magistrate, within twenty-one days after due intimation, from such withholding, suspension or revocation: Provided that the person so aggrieved shall give four clear days' written notice of such appeal and the grounds thereof to the Council; and the magistrate shall have power to make such order as he sees fit and to award costs to the successful party.

56. It shall be lawful for the town superintendent to make at any time an inspection of any cooperage, foundry, smithy or bake-house within the town, and if, in his opinion, any alteration or addition is necessary to the fireplace at or in such cooperage, foundry, smithy or bake-house, he shall report the same to the Council, and if the Council think fit to order any alteration or addition to be made to the fireplace at or in such cooperage, foundry, smithy or bake-house so as to make it conformable to these regulations, such alteration or addition shall be completed within the period of six weeks from notice given by or on behalf of the Council to both the occupier and proprietor: and in case such order of the Council remains uncomplished, the proprietor as aforesaid shall be liable to a penalty not exceeding one hundred dollars during every succeeding month after the period of which the first penalty was incurred: Provided that the amount does not exceed one hundred dollars. Such penalty may be recovered by the town clerk in aid of the town funds.

57. Every boat-building establishment in the town shall be provided with a stove for steaming planks and with a brick place for melting tar or rosin, all to the satisfaction of the Council.

58. It shall not be lawful to use the process of bending planks by the immediate action of fire in any part of the town except on an open mud-flat and at a spot distant at least twenty yards from any building or erection capable of taking fire.

59. The owner or person in charge of any such establishment who shall in any way fail to comply with this by-law shall be guilty of an offence, and be liable to a penalty not exceeding one hundred dollars, and such owner or person in charge shall be bound further, if so directed by the Council, to discontinue the working of such establishment or the use of any process prohibited as aforesaid.

60. Every building of the warehouse class or manufactory of a dangerous description within the limits of the town or within one hundred yards of and beyond those limits shall be swept and cleared of shavings or other combustible matter every day on the cessation of work, and the owner or person in charge of any such establishment who shall fail to comply herewith shall be liable to a penalty not exceeding twenty-four dollars for each neglect to be recovered on the complaint of any person whatever.

61. The chimneys of all such establishments shall be swept once in every month under a like penalty recoverable as aforesaid.

BUILDINGS DANGEROUS OR UNFIT FOR HUMAN HABITATION.

62. If any building or anything affixed thereon is deemed by the town superintendent to be in a ruinous state and dangerous to persons residing therein, or to passers by, or to the occupiers of neighbouring buildings, he shall, if he thinks fit, immediately cause a proper board or fence to be put up for the protection of passers by, and shall cause notice in writing to be served on the owner of such building, requiring him forthwith to take down, secure or repair such building, as the case may require.

63. If such owner do not begin to repair, take down or secure such building or other thing within three days after such notice has been served and complete such repairs, or take down or

secure such premises as speedily as the nature of the case will admit, the town superintendent may make complaint thereof before a magistrate, and it shall be lawful for such magistrate to order the owner or in his default the occupier (if any) of such building or other thing, to take down, rebuild, repair, or otherwise secure that part thereof as appears to the magistrate to be in a dangerous state within a time to be fixed by him.

64. In case the same be not taken down, repaired, rebuilt or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Council shall, with all convenient speed, cause all or so much of such building or other thing, as shall be in a ruinous condition and dangerous as aforesaid to be taken down, repaired, rebuilt or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such board or fence and of taking down, repairing, rebuilding or securing such building or other thing, shall be recovered by the Council by summary execution, and the said property shall be executable for the expenses and costs.

65. Where the buildings on the area have been destroyed by fire or where the town superintendent shall certify to the Council that any of the buildings or anything affixed thereon on any area are in a ruinous state or dangerous to persons residing therein or to passers by or to occupiers of neighbouring buildings or cause or increase any danger of fire, no building or extension, repair or alteration of any building shall be erected or made in such area without the consent of the Council; and any person contravening this by-law shall be liable to a penalty not exceeding fifty dollars, and a further penalty not exceeding five dollars for every day during which such building or alteration continues to exist: Provided that the amount does not exceed one hundred dollars.

66. In any case where it is certified to the Council by the medical officer of health or by the town superintendent, that any building or part of a building is unfit for human habitation, the Council may give to the owner or occupier, or leave at his place of abode, notice under the hand of the town clerk requiring such owner or occupier, to attend at the meeting of the Council or of the committee appointed by the Council for that purpose which shall be held next after the expiration of seven days from date of such notice, to show cause why an order should not be made by the Council declaring that such building is unfit for human habitation, and directing that the same shall not after a date to be specified in such order be so inhabited.

67. If such owner or occupier shall not attend at such meeting pursuant to such notice, or attending shall fail to satisfy the Council or such committee that such building is fit to be inhabited, the Council may make such order as hereinbefore mentioned and may cause a copy of the same to be affixed to some conspicuous part of such building.

68. Any person who shall after the date so specified in such an order inhabit such building, or any part of such building, or knowingly suffer or permit the same to be inhabited, shall be liable for every offence to a penalty for every day during which the same is inhabited: Provided always that if at any time after the making of such order the Council shall be satisfied that such building or part of a building has become or been rendered fit for human habitation, they may revoke their order and the same shall thenceforth cease to operate.

69. From and after the commencement of these by-laws, no spirit shops, buildings of the warehouse class, business premises, public buildings, tenement rooms, ranges, cow-pens, or other building used for a similar purpose, shall be erected, nor shall any premises be converted to be used for such a purpose as above within that part of the town known as Queenstown, except with the permission of the Council.

70. Every person who shall offend against the foregoing by-laws shall be liable for every such offence to a penalty not exceeding fifty dollars, and in the case of a continuing offence to a further penalty not exceeding one dollar for each day after written notice of the offence from the medical officer of health, town superintendent or town clerk.

71. In case of any demand or complaint under these by-laws to which two or more proprietors or occupiers of premises may be jointly answerable, it shall be sufficient to proceed against the other or others of them; but nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would be entitled by law to contribution.

CESS-POOLS.

72. Every cess-pool made, constructed or renewed after the commencement of these by-laws shall be made, constructed or renewed in accordance with the regulations under this heading.

73. No cess-pool shall be made or constructed or be on any site or in any position which site or position shall not have been approved by the town superintendent.

74. The sides and the bottom shall be lined with brick, concrete, iron or hardwood, to the satisfaction of the town superintendent.

75. No single cess-pool shall be of more than four hundred gallons capacity.

76. No cess-pool shall be made, constructed or be at a less distance than eight feet from any building used or intended for human habitation or for the purposes of any work by any persons, or from any tank or vat or other receptacle used or intended for the storage of drinking water.

77. Every cess-pool shall be so made, constructed or renewed as readily to be emptied and cleansed without carriage and conveyance of the contents thereof through any building used or intended for human habitation, or for purposes aforesaid, and that the contents aforesaid may not flow or overflow into any drain or trench whatever, or upon the surface of the adjoining land.

78. Every owner of any premises on which any cess-pool is situate shall be bound to keep such cess-pool in good order and repair, and shall be bound also to prevent the flow or overflow therefrom of any part of its contents, and also the occurrence of any nuisance from such cesspool.

79. Every earth-closet or privy and every compartment thereof shall be washed and cleansed at least once in every month. This duty shall devolve upon the occupier, and for the purposes of this by-law in the case of tenement yards the owner shall be deemed to be the occupier.

80. It shall not be lawful for any person to use any water-closet, earth-closet or privy as a wash-house or bathroom.

81. Every person who shall commit a breach of any of the provisions of these by-laws relating to cess-pools shall be liable to a penalty not exceeding twenty-four dollars for each such breach, and in the case of a continuing breach, after written notice from the Council, to a further penalty not exceeding ten dollars for each day of continuation thereof: Provided that the amount does not exceed one hundred dollars.

82. In the case of a breach of any of the provisions of by-laws 72 to 78, both inclusive, the owner of the premises on which such breach occurs shall be liable.

CULVERTS, KOKERS, TUNNELS AND BRIDGES.

83. From and after the commencement of these by-laws, it shall not be lawful for any person to build or place or cause to be built or placed any culvert, koker, tunnel or bridge in or upon any public canal, trench or drain of the town without first obtaining the permission of the Council, who shall have full power and authority to direct in what manner such culvert, koker, or tunnel or bridge shall be built or placed.

84. If any such culvert, koker or bridge is built or placed or commenced to be built or placed without such permission or contrary to the manner directed by the Council. the Council may forthwith destroy the same, and the person by whose order the same may have been so built or placed shall be liable to a penalty not exceeding ninety-six dollars, to be recovered by the town clerk, in aid of the town funds.

85. Any existing culvert, koker, tunnel or bridge in or upon any public canal, trench or drain of the town which at the commencement of these by-laws obstructs the free drainage of the town shall be removed or altered so as not to obstruct such drainage by the proprietor of the lot with or to which the same is connected or attached within a time to be fixed by the town superintendent by a notice in writing to be served by him upon such proprietor or the representative of such proprietor.

86. If such culvert, koker, tunnel or bridge is not removed or altered within such a period the Council may remove or alter the same and may recover the costs of such removal or alteration by summary execution against the lot with which such culvert, koker, tunnel or bridge is connected or attached, and the proprietor of such lot in addition shall be liable to a penalty not exceeding ninety-six dollars, to be recovered by the town clerk, in aid of the town funds.

87. Any person who without the express sanction of the town superintendent opens any of the public draining sluices or kokers of the town shall be liable to a penalty not exceeding one hundred dollars; and any police or other constable may take into custody without warrant and forthwith convey before the magistrate any person who within his view commits a breach of this by-law.

BOATS.

88. (1) No boat or craft of any description shall be permitted to ground in any of the public draining canals or trenches of the town, or to obstruct the drainage thereof, or to remain in any of the public canals of the town except for the purpose of loading or unloading and then only for the space of six hours at any one time, except by special permission from the town superintendent.

(2) Every person who contravenes this by-law shall be liable to a penalty not exceeding twenty-four dollars, and it shall be lawful for any member of the police force or town constable to seize, remove and detain any such boat or other craft until such penalty has been paid, together with all costs of removal.

89. (1) No boat or craft of any description shall be hauled on any of the public stellings, dams, streets, thoroughfares or parapets of the town either for the purpose of being repaired or for any other purpose.

(2) Every person who contravenes this by-law shall be liable to a penalty not exceeding twenty-four dollars; and it shall be lawful for any member of the police force or town constable to seize, remove and detain any such boat or other craft until such penalty has been paid, together with all costs of removal.

(3) If any boat or craft seized under this or the last preceding by-law is not claimed or released within ten days after public advertisement of such seizure, the same shall be publicly sold by the town superintendent, and the proceeds paid in aid of the town funds; but the owner shall be entitled, at any time within twelve months thereafter, to claim and receive from the Council the balance of such proceeds remaining after deducting therefrom the amount of such penalty together with all costs and expenses.

90. (1) No boat or craft of any description shall be permitted to be alongside of any of the public stellings of the town except for the purpose of loading and unloading, and then only for the space of twenty-four hours, at any one time, unless bad weather or other accidental circumstances prevent such loading or unloading being effected in such space of time, in which case permission for extension of time must be requested from the town superintendent who is hereby authorised to grant the same at his discretion.

(2) Every person who contravenes this by-law shall be liable to a penalty not exceeding twenty-four dollars, to be recovered by the town clerk, in aid of the town funds.

TIMBER, ETC.

91. (1) No timber, bricks, shell, firewood or other article shall be laid or placed except for the purpose of loading, and then only for the space of twenty-four hours except by special permission of the town superintendent, in or upon any of the public canals, or any of the public stellings, dams, streets, thoroughfares or parapet of the town.

(2) Every person who contravenes this by-law shall be liable to a penalty not exceeding twenty-four dollars; and it shall be lawful for any member of the police force or town constable to seize, remove, and detain such timber, bricks, shell, firewood or other article until such penalty has been paid, together with all costs of removal.

(3) If any such timber, bricks, shell, firewood or other article seized is or are not claimed or relased within ten days after public advertisement of such nature, the same shall be sold in like manner as is provided in by-law 89 (3) with like liberty to the owner to claim the balance of the proceeds thereof within twelve months thereafter.

PENALTY.

92. Any person who shall offend against any of the foregoing by-laws for which no penalty is specified shall be liable for every such offence to a penalty not exceeding ten dollars, and in the case of a continuing offence to a further penalty not exceeding one dollar for each day after written notice of the offence from the town superintendent or the town clerk: Provided that the amount does not exceed one hundred dollars.

BY-LAWS

RELATING TO THE DIVISION, BOUNDARY, FENCING AND NUMBERING OF LOTS, STREET TRAFFIC, MAKING OF FOOTPATHS, OBSTRUCTION OF DRAINS, PLACING OF SIGNBOARDS, PROHIBITION AGAINST BILL POSTING, ETC.

DIVISION OF LOTS.

1. From and after the commencement of these by-laws it shall not be lawful to divide lots of land in the town along their facade in less proportions than half lots.

2. Every person who subdivides any lot contrary to this by-law shall be liable to a penalty of one hundred dollars to be recovered at the suit of the town clerk in aid of the town funds; and every such subdivision shall be void.

FENCING OF LOTS.

3. Boundary palings shall be erected between all lots or portions of divided lots owned by separate persons, and all owners of lots or portions of divided lots shall be bound to erect such palings within twelve months after the commencement of these by-laws.

4. The cost of erecting boundary palings shall be borne jointly by the adjoining owners. Any dispute as to the description of such palings shall be settled by the town superintendent.

5. No paling or fencing on a lot shall be more than eight feet from the ground.

6. The owner of a lot or any portion thereof shall erect palings on any part of such lot or portion thereof which faces a public street or abuts upon a public drain; but before commencing the erection of such palings he shall give notice to the town superintendent of his intention to do so. Such palings shall be erected to the satisfaction of the town superintendent. If any owner of a lot or any portion thereof feels aggrieved by the decision of the town superintendent as to the proper erection of his palings, such owner shall have the right of appeal to the Council upon depositing the sum of one dollar which shall be forfeited in case of failure of the appeal.

7. Every person acting contrary to the provisions of the foregoing by-laws relating to palings or the fencing of lots or failing to comply with any requirement contained therein, shall be liable to a penalty not exceeding ten dollars and a further penalty not exceeding one dollar for each day's default: Provided that the amount does not exceed one hundred dollars.

NAMING OF STREETS AND NUMBERING OF LOTS.

8. The Council shall cause to be painted in such conspicuous places thereon as they may think proper the numbers of all the streets and thoroughfares of the town, and shall renew the said names or numbers from time to time whenever necessary.

Every person who destroys, pulls down or defaces any number plate or any street name plate put up by the Council, or who puts up any number plate different from the number plate or street name plate put up by the Council, shall for each such offence be liable to a penalty not exceeding ten dollars.

PRESERVATION OF PAVEMENTS.

9. No person shall break up or open the pavement, surface or soil of any street in the town for laying wires or erecting posts, hoardings or barricades, or for any other purpose whatsoever, without the previous consent of the Council and every person offending against this enactment shall be liable to a penalty not exceeding twenty-four dollars, and any wires, posts, poles, hoardings or barricades so laid or erected without such consent as aforesaid, may be removed by the Council at the cost of the person so offending.

Any damage done by the breaking up of the pavement, surface or soil of any street shall be made good by the person interested in such operation or may, at the option of the Council, be made good by them at the expense of such person, and such expense may be recovered in a court of competent jurisdiction by action in the name of the town clerk.

ENCROACHMENTS.

10. If any person shall encroach upon any street or part thereof

(a) by building thereon, on any part thereof, any house or structure,

(b) by erecting, planting or digging thereon any fence, hedge, ditch, arch, bridge or drain,

(c) in any other manner whatever,

every such person shall be guilty of an offence under these by-laws, and shall be liable for every such offence to a penalty not exceeding one hundred dollars.

11. It shall be lawful for the Council to remove every such obstruction or to cause such building or other structure, hedge, ditch, arch, bridge or drain or other encroachment to be removed, taken down or filled up or opened at the cost of the person so offending.

12. The Council may, by written notice to the owner (or his representative) of any land adjoining any street, require such owner within a time to be specified in such notice, to cause such land to be properly fenced to their satisfaction, and, where the fence or any such land is allowed to be, or to remain out of repair, to require such fence to be repaired to their satisfaction.

Any owner or the representative of any owner who makes default in complying with the requirements of any notice served upon him under this section shall be liable to a penalty not

exceeding fifty dollars, and to a further penalty not exceeding one dollar for every day that the default continues after written notice thereof from the Council : Provided that the amount does not exceed one hundred dollars.

PRUNING OF TREES.

13. The Council shall have full power and authority to require the proprietor of any tree hanging over any public street, road, or thoroughfare in the town, in such a manner as to injure such street, road or thoroughfare or the drainage thereof, or to endanger the safety of the inhabitants, to cause the same to be pruned, in such manner and within such time as they may direct by notice in writing to be served by the town superintendent upon such proprietor.

If such proprietor fails to comply with the requirements of such notice, it shall be lawful for the Council to enter, by their officers and servants, upon any private premises or land in the town wherein such tree may be growing and to cause the same to be pruned in accordance with such notice, and the expense of such pruning may be recovered by the town clerk before a magistrate.

PRIVATE STREETS.

14. It shall be lawful for the Council, if they think fit, on the application of the owner or owners of any lands adjoining any street not repairable by the Council, to agree with such owner or owners to take over such street and to declare the same a street repairable by the Council upon such terms and conditions as the Council shall think fit.

15. Where on an application made under the preceding section the Council require any works to be executed by the owner as a condition of their taking over any street not maintainable by them, the Council may agree with such owner or owners to undertake themselves the execution of such works upon such terms and conditions as may be agreed upon between the Council and such owner; and the expenses incurred by the Council in the execution thereof shall be a debt due to the Council from the owner for the time being of the lands and premises abutting on such street, and until repayment shall be a charge on such land and premises, recoverable, if needs be, in the manner provided in the New Amsterdam Town Council Ordinance for the recovery of town taxes.

16. Where any street within the town (not being a street repairable by the Council) or any part of such street is not laid out, levelled, paved, metalled, drained, channelled and made good to the satisfaction of the Council, the Council may, by notice addressed to the respective owners of the premises fronting, adjoining or abutting on such street or part thereof as may require to be levelled, paved, metalled, drained, channelled or made good, require them to level, pave, metal, drain, channel or make good the same within a time to be specified in such notice, on pain of a penalty not exceeding fifty dollars.

CONTROL OF STREET TRAFFIC : PRECAUTIONS.

17. It shall be lawful for the town superintendent from time to time to order that during the execution of works and repairs in any street or bridge or any part thereof respectively the traffic on any such street or bridge or part thereof shall be closed to traffic during such time as the town superintendent may deem requisite for the public safety or for the proper and efficient performance of such works or repairs; and notice of such order shall be publicly posted in or near the street or bridge to which such order refers.

Any person who shall pass over, or be upon any street or bridge or any part thereof in contravention of such notice shall be guilty of an offence and shall on conviction thereof be liable to a penalty not exceeding ten dollars.

18. The Council shall, during the construction or repairs of any of the streets, thoroughfares, bridges, trenches, or drains of the town, take proper precautions for guarding against accident, and shall cause such bars or chains to be affixed across or in any of the streets, thoroughfares, or bridges to prevent the passage of vehicles and while such works are being carried on, as to them may seem proper; and the town council shall also cause any such works, during the construction or repair thereof by them, to be lighted and guarded during the night, so as to prevent accidents.

Every person who takes down, alters or removes any such bar or chain, or extinguishes any such light, without the authority or consent of the town superintendent shall be liable to a penalty not exceeding one hundred dollars.

19. When any building material, rubbish or other thing is laid or any hole is made in any of the streets, thoroughfares or bridges of the town the town superintendent shall cause a

sufficient light to be fixed in a proper place upon or near the same and shall continue such light every night, from sunset to sunrise while such material, rubbish or other thing or such hole remains and shall cause such material, rubbish or other thing and such hole to be sufficiently fenced and enclosed until such material, rubbish or other thing is removed or such hole is filled up or otherwise made secure.

20. If the town superintendent fails so to light, fence or enclose such material, rubbish or other thing or such hole, he shall, in addition to the payment of any damages which may be recovered by any person injured, be liable to a penalty not exceeding twenty-four dollars, and to a further penalty not exceeding ten dollars for every day during which such default continues: Provided that the amount does not exceed one hundred dollars.

21. If any bridge, building, or hole or any other place near any street or thoroughfare of the town is, for want of sufficient repair, protection, or enclosure, dangerous to passengers on such street or thoroughfare, the Council shall cause the same to be repaired, protected or enclosed so as to prevent danger therefrom and the expenses of such repair, protection or enclosure shall be repaid to the Council by the proprietor of the premises so repaired, protected or enclosed.

22. Every person intending to build or take down any building within the limits of the town, or cause the same to be done, or to alter or repair the outward part of any such building or to cause the same to be done, in any case where any street or thoroughfare is likely to be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, obtain permission for that purpose from the Council and shall cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street or thoroughfare, with a convenient platform and handrail, if there is room enough, to serve as a footway for passengers, outside of such hoarding or fence, and shall continue such hoarding or fence, with such platform and handrail as aforesaid, standing and in good condition to the satisfaction of the Council, during such time as the public safety or convenience requires, and shall, in any case in which it is necessary in order to prevent accidents, cause the same to be sufficiently lighted during the night.

23. Every person who—

(a) fails to put up such hoarding or fence, or such platform with such handrail as aforesaid, or to continue the same

respectively standing and in good condition as aforesaid during the time aforesaid; or

(b) does not, while such hoarding or fence or such platform is standing, keep the same sufficiently lighted in the night; or

(c) does not remove the same when directed to do so by the Council within a reasonable time after being so directed, shall in addition to the payment of any damages which may be recovered by any person injured,

be liable to a penalty not exceeding twenty-four dollars, and to a further penalty not exceeding ten dollars for every day during which such default continues: Provided that the amount does not exceed one hundred dollars.

MISCELLANEOUS OFFENCES.

24. It shall not be lawful for any person to place or leave either by day or night any cart, carriage or other vehicle on any public street, place or thoroughfare of the town or on any dam, road, slope or parapet thereof.

Every person who contravenes this section shall be liable to a penalty not exceeding twenty-four dollars; and any such cart, carriage or other vehicle may be forthwith removed, at the expense of the owner, by any member of the police force or town constable, and detained until such penalty and expenses have been paid.

25. Every person who without the sanction of the Council—

(a) digs or removes any earth, burnt brick or road metal from any of the streets, dams, parapets, trenches, drains or public places of the town; or

(b) opens any of the draining sluices or kokers of the town, shall be liable to a penalty not exceeding fifty dollars.

Any member of the police force or town constable may take into custody without warrant and convey before the magistrate any person who, within his view, does such act.

FOOTWAYS.

26. It shall be lawful for the owner of any premises to pave the footway of any street on which such premises shall abut with such materials and in such manner as the town superintendent may approve. Before commencing such paving such owner shall give notice in writing to the town superintendent of

his intention to pave such footway, specifying in such notice the extent of the footway proposed to be paved, and the day on which it is proposed to commence the work, not being less than ten days from the date of such notice.

27. The Council, in order to secure a regular line and satisfactory width and level for the footpaths in any street, may, after notice to the owner of the premises fronting, adjoining or abutting on such street, alter the line of the footpaths, cut down, reduce or level such footpath and carry out such other operations as may be necessary or desirable for the improvement of the footpath; provided always that when any such operations shall necessitate the removal of any wall or other structure on the premises of any such owner or cause any damage thereto, the Council shall make good and repair all damages caused by such operations.

28. It shall not be lawful for any person to carry on the head on any footway or pavement any tray of fish, greasy articles, bundles of wood or other articles liable to incommode other persons.

29. No person shall throw or leave in any street or public place or on any footway in the town, any orange peel, mango skin or seed, banana skin or any other slippery or dangerous substance likely to cause injury or damage to passengers or animals.

30. No person shall throw, place or leave on any street or public place, or any footway in the town, any broken bottle or any broken glass or crockery or any other sharp substance (not being road material) in such a position as to be likely to cause injury or damage to passengers or animals.

31. It shall not be lawful for any person to lead, ride or drive any horse or other animal or any cycle, or to draw or drive any cart or carriage or other vehicle (except a child's perambulator) upon any footway of any street of the town, or to fasten any horse or other animal so that it stands across or upon any footway.

32. No person shall carry or convey along or through any street or public place the undressed carcass of any animal, or any offensive offal, unless the same be properly covered.

OBSTRUCTION OF DRAINS.

33. If any person shall impede the free flow of water in, or dam or fill up or otherwise obstruct

(a) any ditch, inter-lot drain, or drain in or adjoining any street, or

(b) any ditch, inter-lot drain, drain or watercourse from any street which shall be connected with any ditch, drain or watercourse being in or upon any land, or

(c) any ditch, drain or watercourse on any land into or through which the water of any ditch, inter-lot drain, or watercourse mentioned in (b) shall flow, or

(d) any ditch, drain or watercourse under any street,

every such person shall be guilty of an offence under these by-laws and shall forfeit and pay for every such offence any sum not exceeding fifty dollars.

SIGNBOARDS.

34. It shall not be lawful for any person to retain, erect, fix or hang to, on, or along any building, any signboard, flagstaff, or other matter or thing, except at a height of not less than ten feet from such footway and in alignment with the building and so that the same do not project from such wall more than twelve inches over any footway measured at right angles to the face of such wall.

35. It shall not be lawful for any person to hang or allow to project over any footway any blind, shade or awning at a less height than ten feet from any footway.

36. It shall not be lawful for any person to use any blind, shade or awning as an advertisement, or advertise or suffer or allow to be advertised any matter or thing thereon except the name of the person or firm in occupation of the building to which it is attached.

37. It shall not be lawful for any person to fix, hang or expose any merchandise so that the same projects or hangs over any part of any footway or street.

38. If any signboard, matter or thing is erected or retained contrary to the provisions of these by-laws, it shall be lawful for the Council to cause the same to be removed and taken away after giving six hours' notice in writing to the occupier of the premises of the Council's intention so to do, and the expenses

of and incidental to such removal shall be recovered in a summary manner as a fine in addition to the penalty incurred for breach of the provisions hereof.

39. In the foregoing by-laws the following words and expressions shall have the meanings hereinafter respectively assigned to them that is to say:

“ signboard ” means any sign, board, frame, or other contrivance or thing employed wholly or in part for the purpose of advertisement or announcement.

“ footway ” means any pathway other than a street.

“ street ” means the space between the side-drains of any roadway and shall include such side drains, any highway and any public bridges, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

40. Any person offending against any of the provisions of by-laws 29 to 36 (both inclusive) of these by-laws, shall for every such offence be liable to a penalty not exceeding twenty-four dollars, and to a further penalty not exceeding five dollars, for every day during which he shall continue such offence after service on him by the Council in writing requiring him to remove any signboard, matter or thing erected or retained contrary to the provisions of these by-laws: Provided that the amount does not exceed one hundred dollars.

PROHIBITION AGAINST BILL-POSTING.

41. (1) Every person who without the consent of the Council affixes or places or causes to be affixed or placed any poster, bill, advertisement or other paper or thing against or upon any building, wall, pavement, street, alleyway, bridge, drain, parapet, tree, post, fence, paling, bank, pillar, or any other property or part of the town owned by or under the control of the Council, or writes upon, soils, defaces, or marks any such building, wall, pavement, street, alleyway, bridge, drain, parapet, tree, post, fence, paling, bank, pillar, or other property of and part of the town with chalk or paint, or in any other way or with any other material, shall, on being convicted thereof, be liable to a penalty not exceeding twenty-five dollars

(2) Any person who is found committing any offence against this by-law may be taken into custody without warrant by any police or other constable or may be apprehended by any officer or servant of the Council and shall in the latter case be delivered as soon as possible into the custody of some police or other constable to be dealt with according to law.

42. Any person who shall offend against any of the foregoing by-laws for which no penalty is specified, shall be liable for every such offence to a penalty not exceeding ten dollars, and in case of a continuing offence to a further penalty not exceeding one dollar for each day after written notice from the town superintendent or the town clerk; Provided that the amount does not exceed one hundred dollars.

BY-LAWS
FOR SCAVENGING AND CLEANSING.

1. In the construction of these by-laws the expression "house refuse" means dust and sweepings of dwelling-houses, rooms, and business premises, waste-paper, broken glass and crockery, and includes kitchen refuse, yard refuse and flower garden refuse when contained in the prescribed refuse receptacles, but does not include the branches of trees, manure, building materials or waste product of any trade or manufacture, or broken glass and crockery from business premises in larger quantities than would be produced from a dwelling-house in the ordinary course of living therein.

2. The occupiers of all dwelling-houses, rooms, stores, warehouses, or other premises within the limits of the town shall, not later than 8 o'clock in the morning of every day (Sundays and public holidays excepted), have the yards, enclosures and entrances thereof (including the pavement in front of the entrances) and, whenever they form part of the occupied property, the pavements in front of and around the said property swept and cleansed. They shall also place within the gateway of such premises in a conveniently accessible position a movable receptacle in which shall be placed all house refuse of such premises for the purpose of removal by the Council through its servants; and where such premises are not occupied it shall be the duty of the owner to have the pavements daily swept and cleansed, and the rubbish removed or deposited as aforesaid for removal.

3. The covered receptacle to be provided by the occupier of every premises shall be movable, be of metal or metal lined or be made of such other material as may be prescribed by the Council, and of a capacity not exceeding, in the case of dwelling-houses, three cubic feet and in the case of business premises and hotels, twelve cubic feet. Every such receptacle shall be provided with a well-fitting cover made of material to be prescribed by the Council, shall at all times be kept in good repair, and shall be kept covered when in use.

4. Where in any business premises or hotel the receptacle provided exceeds three cubic feet in capacity, the occupier of the premises shall provide the necessary assistance to the scavengers for emptying the contents of such receptacles into the scavenging carts.

5. In all cases where two or more persons occupy the same premises, or where any houses or premises are let out in rooms where there is a common yard, basement, or entrance, the owner and all the occupiers thereof using such yard, basement or entrance shall be liable for their cleanliness and for depositing the house refuse in a movable receptacle as aforesaid, and shall also be liable for any offence against these by-laws. If one receptacle is insufficient for depositing all the house refuse as many as may be found necessary shall be provided, or in the alternative one receptacle not in any case of more than twelve cubic feet capacity may be substituted, provided the conditions of by-law 4 are complied with.

6. The occupiers of all houses, stores, warehouses, or other premises within the limits of the town shall keep their drains free from any obstruction and in the case of tenement yards the owners thereof.

7. In the case of buildings, yards and places of a public character, such as churches, chapels, schools and other places of a similar nature whether in use or not, the persons in charge of such buildings, yards or other places, shall be deemed to be the occupiers.

8. In all cases where by these by-laws the occupiers of premises are bound to perform any act, if there shall be no occupier or if there is a difficulty in ascertaining who is the occupier, the owner of such premises shall be liable.

9. The occupiers of houses or other premises who fail to remove branches or trunks of trees, or the waste products of any trade or manufacture, from the premises, after forty-eight hours' notice to remove the same shall have been served on such occupier by any officer of the Council, shall be guilty of an offence punishable on summary conviction.

10. Where in these by-laws any duty is cast on the owner or occupier of any premises, the occupier shall be deemed primarily liable.

11. Every person transgressing any of the provisions of these by-laws, and found guilty of any breach of the same shall on summary conviction be liable to a penalty not exceeding ten dollars for the first offence, and not exceeding twenty-five dollars for a second or subsequent offence, and in the case of a continuing offence to a further penalty not exceeding two dollars for each day after the expiration of the time allowed by written notice of the offence from the Council: Provided that the amount does not exceed one hundred dollars.

SPECIAL BY-LAWS FOR PITT STREET

By-laws,
30th Nov.,
1923.

passed by the Mayor and Town Council and approved by the Governor and Court of Policy on the 30th November, 1923, and continued in force by section 214 of the present New Amsterdam Town Council Ordinance.

1. In the application of by-law 13 of the by-laws in relation to buildings approved by the Governor and Court of Policy on the 18th October, 1918, the words "six feet" shall be deemed to be substituted for "three feet" for Pitt Street.

2. The whole of the basement storey of any front buildings to be erected, renewed or rebuilt, after the passing of these by-laws, along the northern and southern front quarters of Pitt Street, shall be floored with concrete. The height of such basement storey from floor to floor, in the case of buildings of one storey, shall not be less than twelve feet.

3. The roofs of all new buildings or erections shall be covered with slates, tiles or metal, such buildings as have escaped the late fire in Pitt Street and are covered with shingles shall be allowed to remain so for the space of twelve months from the confirmation of these by-laws when it shall be imperative on the proprietors of such buildings or erections, unless the said period of twelve months is extended by the Council, to have the roofs of the said buildings or erections covered with slates, tiles or metal. The floors of all the buildings hereinbefore mentioned shall be constructed of concrete in terms aforesaid.

4. The by-laws in relation to buildings approved by the Governor and Court of Policy on the 18th October, 1918, and now in force shall apply and be read together with these by-laws.

5. It shall not be lawful for any person to erect a new building or alter or add to any building or execute any structural work unless and until such person shall lay over plans and designs of such buildings or of alterations or additions, as the case may be, for the approval of the Council, such approval to be obtained in writing from them.

6. Every person who shall offend against any of these by-laws shall be liable for every such offence to a penalty of twenty-four dollars, and in the case of a continuing offence to a further penalty of ten dollars for each day after written notice of the offence has been served by the town superintendent: Provided nevertheless that the magistrate before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if he think fit, adjudge the payment of any sum less than the full amount of the penalty imposed by this by-law, and provided also that in no case shall the penalty for a continuing offence exceed one hundred dollars.

MOSQUITO PREVENTION.

BY-LAWS

made by the Mayor and Town Council under section 179 of the Local Government Ordinance, 1907, confirmed by the Governor and Court of Policy on the 1st February, 1915, and continued in force by section 214 of the present New Amsterdam Town Council Ordinance.

By-laws
1st Feb.,
1915.

1. These by-laws may be cited as the New Amsterdam Mosquito Prevention by-laws.

2. All vats, tanks, or other vessels, shall be screened with mosquito-proof wire netting or other suitable material so as to prevent the entrance into or exit of mosquitoes from such vats or tanks or other vessels.

3. The inlet and overflow pipes into such vats, tanks or other vessels shall be placed in such positions or screened in such a manner as to prevent the entrance into or exit from the same of mosquitoes.

4. All buckets or other vessels containing water for fire extinguishing or other purposes shall be emptied and cleaned at least once a week.

5. The work of screening the vats, tanks, and all such other vessels shall be done by the owners of the properties on which they are situated, and all vats, tanks, or other vessels shall be screened within three months from the date of the coming into force of these by-laws.

6. Any person contravening any of these by-laws shall be guilty of an offence, and, on summary conviction, be liable to a penalty not exceeding ten dollars.

NEW AMSTERDAM MARKET BY-LAWS.

ARRANGEMENT OF BY-LAWS.

BY-LAW.

1. Short title.
2. Interpretation.
3. Market to be held in places appointed.
4. Landing place for fish, etc.
5. Penalty.
6. Accounting by clerk of market.
7. Prohibition of officer of the market being interested in things sold in the market.
- 8-12. Hours of opening and closing.
13. Market tolls.
14. Fees payable on barrel or bag brought into market.
15. Fees payable by huckster on plantain, etc.
16. Goods brought to the market.
- 17-18. Seizure and destruction of unwholesome meat, etc.
19. Appointment of inspectors.
20. Powers of inspectors.
21. Penalty for obstructing inspector.
- 22-24. Inspection of weights and measures.
25. Allotment of places in the market.
26. Numbering of stalls.
27. Rent.
28. Payment of rent by stall-holder
29. Removal of property.
- 30-35. Obligations of tenant.
- 36-38. Restriction as to article to be sold by stall-holder.
39. Animal for sale to be slaughtered.
40. Slaughter-house fees.
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- 43-44. Examination of animals taken to the slaughter-house.
45. Keeping of register of animals.
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- 48-49. Licensing, etc., of persons employed in slaughter-house.
50. Sale of meat.
51. Seizure of meat.

BY-LAW.

- 52. Conveyance and examination of meat for sale.
- 53. Special provision as to sale of mutton.
- 54. Dress of vendor of meat.
- 55. Cleaning of shambles.
- 56. Imposing of short weight or bad meat.
- 57. Prohibition of smoking, etc., in the market.
- 58-60. Removal of obstruction.
- 61. Limitation of quantity of salted provisions.
- 62. Kindling of fire.
- 63. Prohibition of horse, etc., entering the market.
- 64. Dogs.
- 65. Payment of rent, etc.
- 66. Liability of marketable articles.
- 67. Expulsion from the market.
- 68. Prohibition of sale of meat without licence outside the market.
- 69-70. Tolls at public stellings.
- 71-74. Licensing of hawker.
- 75. Obstructing streets.
- 76. Appropriation of fines.
- 77. General penalty.

MARKETS.
BY-LAWS

made by the Mayor and Town Council under section 76 of Ordinance No. 10 of 1916, approved by the Governor in Council on the 2nd November, 1917, and continued in force by section 214 of the present New Amsterdam Town Council Ordinance.

By-laws
2nd Nov.,
1917.

1. These by-laws may be cited as the New Amsterdam Market By-laws. Short title.

2. In these by-laws, the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:— Interpreta-
tion.

“ clerk of the market ” means the person appointed by the Council to keep and be in charge of any market, and includes the deputy of such clerk and the officer of the Council for the time being in charge of any market or slaughter house;

“ market ” means and includes any market or slaughter-house appointed or established by the Council for the sale of marketable commodities, and includes all buildings, works, sheds, covered and open spaces and grounds comprised within the place so appointed or established. The stelling and

landing place on the river frontage of the market on mud lot 14, Smythtown, New Amsterdam, and the whole line of such river frontage shall be deemed to be part of such market;

“slaughter-house” means and includes any slaughter-house appointed or established by the Council, and the premises used therewith;

“fresh meat” means meat of any cattle, sheep, goat, pig, or turtle, slaughtered for sale, and includes imported fresh meat;

“marketable commodities” means fresh and salted meat, fish, shrimps, ground provisions, vegetables, fruit, and sweetmeats;

“stall” includes counter, bench, stand, or other erection and any space set apart for the reception of any article for sale;

“fees” includes tolls, rates, dues, rents, and other imposts in relation to any market or slaughter-house;

“hawking” means the carrying of any marketable commodity in a cart or tray or other receptacle from house to house or about the streets within the town for sale.

Market
to be
held in
places
appointed.

3. It shall not be lawful to hold any market for the sale of fresh meat, fresh fish and other marketable commodities in any place in the town not being a market within the meaning of these by-laws.

Landing
place for
fish, etc.

4. It shall not be lawful to land fresh fish, turtle or shrimps at any place save and except at the market on mud lot 14, Smythtown:

Provided that all fresh fish, turtle or shrimps landed at the Government or Sproston's steamer stelling or at any private stelling or premises for any purpose other than for personal use or private consumption, shall be taken to the market to be there disposed of.

Penalty.

5. Every person who commits a breach of any of the foregoing by-laws, shall be liable to a penalty not exceeding fifty dollars.

Accounting
by clerk of
market.

6. The clerk of the market shall keep a correct account of all fees, dues and revenues accruing to the market and shall pay over all such fees, dues and revenues day by day to the town clerk, and shall, on or before the fifth day of every month, deliver to the town clerk a just and true account of the same, in writing, for the preceding month.

7. It shall not be lawful for the clerk of the market or for any market constable or other officer or servant employed by the Council, to be in any manner interested in the sale of any bull, ox, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog, or pig to be slaughtered for sale in the market; nor shall the clerk of the market, or market constable, or other officer or servant employed as aforesaid receive, directly or indirectly, any emolument of any kind or description from the market or from the sale of anything therein, save and except the remuneration allowed to him by the Council, upon pain, on proof, of his having any such interest or deriving any such emolument other than the said remuneration, of being deprived of his office and of forfeiting any salary that may be due to him at the time.

Prohibition of officer of the market being interested in things sold in the market.

8. The market shall be opened at half-past five o'clock in the morning, and be kept open until half-past five o'clock in the afternoon, from Monday to Friday, both inclusive; and on Saturday it shall be opened at half-past five o'clock in the morning and be kept open until nine o'clock in the evening.

Hours of opening and closing.

9. The market shall be opened on Sundays from five to eight o'clock in the morning for the delivery from the butchers' stalls of fresh meat only, and for the sale of bread, vegetables, fish, fruit, ice and drugs; and on public holidays the market shall be opened from five to nine o'clock in the morning.

10. Each opening and closing shall be notified by the ringing of a bell; within twenty minutes after the bell shall have rung for the closing of the market, all persons shall quit the same.

11. And any person other than the servants of the Council in the lawful execution of their duty, failing to comply with this by-law, shall be guilty of an offence, and be liable on conviction to a penalty not less than ten dollars nor exceeding twenty dollars. Any police, town or other constable may lawfully arrest any offender against this by-law, and take him before the magistrate.

12. Any unauthorised persons found in the market during prohibited hours may be arrested without any warrant by any police, town or other constable, and shall, in addition to any punishment to which he may be subject in respect of any other offence, be liable to a penalty not exceeding twenty dollars.

13. Every person who, not being a tenant or occupier of any shop, stand, or counter therein, resorts to the market for the

Market tolls.

purpose of selling poultry, vegetables, fruits, fish, turtle, or other articles of any description, shall pay at the gate of the market, before he is permitted to expose any article whatever for sale, such fees and tolls as may from time to time be fixed by the Council.

A town constable may search any package brought into the market for the purpose of seeing that the proper fee is paid on any goods therein.

Fees payable on barrel or bag brought into market.

14. Every person who brings any barrel or bag of any commodity to the market for sale shall pay, on entrance, the sum of eight cents for each such barrel or bag which shall be allowed to remain in the market for one week thereafter. At the expiration of such week, a further fee of four cents for each barrel or bag shall be charged and, in default of payment thereof, any such barrel or bag and the commodity therein may be seized and sold by the clerk of the market, and the proceeds thereof, after deducting the market fees shall be handed to the owner.

Fees payable by huckster on plantain, etc.

15. Every huckster shall pay the fees fixed from time to time by the Council in respect of such commodities as may be exposed by him for sale in the market, and in default of payment of such fees, he shall be liable to a penalty not exceeding one dollar, and such commodities shall be seized and sold by the clerk of the market, and in default of payment of such fees, he shall be liable to a penalty not exceeding one dollar, and such commodities shall be seized and sold by the clerk of the market, and the proceeds thereof, after deduction therefrom of the market fees and penalty, shall be handed to such huckster who may be expelled from the market.

Goods brought to the market.

16. All provisions or other articles brought in any corial, boat, punt, or vessel to the market stelling shall be liable to pay the same fees as if the articles were entered by the gate, and shall be under the same restrictions.

Seizure and destruction of unwholesome meat, etc.

17. All meat, fish, whether fresh or salted, poultry, vegetables, fruit, and other articles offered for sale in the market which, in the opinion of the clerk of the market, is or are of a bad or unwholesome quality shall be by him seized and destroyed.

18. (1) It shall not be lawful to bring any uncooked fresh meat or fish into the town except by vessel coming directly from some place outside the Colony.

(2) Any person who shall commit a breach of this by-law shall be liable to a penalty not exceeding one hundred dollars. No

prosecution under this by-law shall be instituted without the consent in writing first had and obtained of the Mayor of New Amsterdam.

19. The Council may appoint such and so many fit and proper persons to be inspectors of meat, fish, shrimps, and other articles of food, with such salaries or other allowances as the Council may think fit; and such inspectors shall hold office during the pleasure of the Council.

Appoint-
ment of
inspectors.

20. Any inspector so appointed may at any time or times between the hours of six in the morning and eight in the evening with his assistants, inspect and examine any animal carcass, meat, poultry, game, fish, vegetables or marketable commodities exposed for sale or deposited in any market or in any place in the town, for the purpose of sale or deposited in any place in the town, and intended for the food of man, the proof that the same was not exposed or deposited in any such market or place, or in any cold stores, for any such purpose, or was not intended for the food of man, resting with the party charged. And if any such animal, carcass, things, commodities or any of them appear to such inspector to be diseased or unsound or unwholesome or unfit for the food of man, he may seize and carry away the same himself or by his assistants in order to have the same dealt with by a justice of the peace.

Powers of
inspectors.

21. Any person who in any manner prevents any inspector or his assistants from entering any premises or place for the purpose of making such inspection and examination as is authorised under these by-laws, or who refuses to give such inspector or his assistants the means of access to such premises or place for the purpose of making such inspection or examination, or who obstructs or impedes any such inspector or his assistants when carrying into execution his duties under these by-laws, shall be liable to a penalty not exceeding twenty-five dollars for each such offence.

Penalty
for
obstructing
inspector.

22. The clerk of the market and any inspector of weights and measures and any district commissioner may at all times inspect and examine the beams, scales, weights and measures at every shop, stand or counter in the market, and take care that such beams, scales, weights and measures are correct, true and legal.

Inspection
of weights
and
measures.

23. Every person who is found in the possession of any beam, scale, weight or measure which is not correct, true and legal,

shall be liable, for the first offence, to a penalty not exceeding twenty dollars, and for the second or any subsequent offence, to a penalty not exceeding forty dollars.

24. Every beam, scale, weight or measure which is not correct, true and legal shall be forfeited and broken up, and the material of which it is composed shall be sold, and the proceeds of such sale shall be applied in aid of the revenues of the market.

Allotment
of places
in the
market.

25. (1) It shall not be lawful for any person to occupy any place in the market other than such place as may be allotted to him by the clerk of the market or some other duly authorised person.

(2) Every person who contravenes this by-law shall be liable to a penalty not exceeding one dollar, and may be expelled from the market.

Numbering
of stalls.

26. The clerk of the market shall cause all the shops, stalls, stands and counters in the market to be numbered in plain and legible characters and registered in a book kept by him for that purpose. In such book he shall also register the names of every tenant or occupier of such shops, stalls, stands and counters, the date when each tenancy commenced, the amount of the rent, the date when such tenancy or occupancy ceased, and the cause of its ceasing. When any stall becomes vacant the clerk of the market may let the same to any approved person at such rent as shall from time to time be fixed by the Council.

Rent.

27. It shall be lawful for the clerk of the market to demand and take from every person occupying or using any stall, stand, table, shed or place in any public market or bringing into any such market any marketable commodities or any other article or thing which the Council may permit to be sold therein, or using any weighing machine kept in any such market, such stallages, rents, tolls and charges as the Council shall from time to time appoint and fix by resolution. A list of the fees from time to time payable shall be exhibited in such parts of the market as the Council shall direct.

Payment
of rent by
stallholder.

28. The rent of each shop, stall, stand, or counter in the market shall be by the day, week, or month, as may from time to time be fixed by the Council, and the rent shall, in all cases, be payable in advance, on pain, in default thereof, of the tenant or occupier being ejected therefrom by the clerk of the market,

and such shop, stall, stand or counter, being let to some other person. If any tenant or occupier of any such shop, stall, stand or counter, is in default of payment, the clerk of the market may enter such shop, stall, stand or counter, and seize and sell therefrom goods sufficient to meet such rent and may eject such tenant or occupier from such shop, stall, stand, or counter; and if he fails to do so, the clerk of the market shall himself be liable and responsible for such rent.

29. If any tenant of a stall, on giving up possession or being ejected shall not forthwith remove all property belonging to him therein, the same shall be removed by the clerk of the market and sold at the expiration of seven days from the date of such removal unless claimed within that period, and all expenses incurred reimbursed to the clerk of the market: Provided that any perishable article may be sold at once.

Removal
of
property.

30. (1) The tenant of a stall shall, on the day of taking possession, place and keep exposed to the public view in such part of the front of his stall as the clerk of the market shall point out, his name in such plain and legible characters, and in such manner and form as the clerk of the market shall direct.

Obligations
of tenant.

(2) No tenant shall be allowed to open or use any such stall until he has complied with this by-law.

31. Every tenant or occupier of a shop, stall, stand, or counter in the market shall be bound at all times to keep the same, including the front, rear and sides thereof perfectly clean and free from all offal, filth and dirt of every kind.

32. If such tenant or occupier refuses or neglects to do so, the clerk of the market shall cause his shop, stall, stand, or counter to be cleaned and freed from all offal, filth or dirt, and such tenant or occupier shall be bound to reimburse and repay to the clerk of the market all expenses thereby incurred, and shall over and above such expenses, be liable to a penalty not exceeding two dollars for every such removal or neglect.

33. It shall be the duty of the clerk of the market to see that all shops, stalls, stands, and counters in the market and all the drains thereof are properly cleaned every day before the closing of the market, on pain, if this duty is neglected, of being deprived of his office and of forfeiting any pay that may be due to him at the time.

34. The tenant or occupier of every shop in the market shall be bound to see that all the windows and doors of his shop are properly shut and fastened before leaving the market, and if any such window or door is found open after the closing of the market, such tenant or occupier shall be liable to a penalty not exceeding two dollars.

35. Except with the permission of the clerk of the market, no person shall be allowed to affix any poster, advertisement, advertising matter, or any printed matter whatever on any part of the market or market compound.

Restriction
as to
article to be
sold by
stall-holder.

36. (1) It shall not be lawful for any tenant or occupier of any stall, stand or counter in the market, except by special permission of the Council, to sell or offer for sale thereat anything other than vegetables and fruit, the produce of the Colony, bread, cake, ginger-beer, sugar-cakes, or refreshments of any kind, and from abroad yams, potatoes, and onions, nor shall any tenant or occupier of any such stand or counter sell or offer for sale thereat spirits, wine or malt liquor. And no cooked food shall be sold in the market except at such stands or stalls as shall be specially provided for the purpose.

(2) Every person who contravenes this by-law shall be liable to a penalty not exceeding five dollars, and may also be expelled from the market.

37. Any person who is found throwing any skin or stalk of any mango, orange, plantain, banana or cocorite or any offal of any kind whatever in or around the market may be arrested by any member of the police force or town or other constable, and taken to the police station and charged before the magistrate, and shall be liable to a penalty not exceeding five dollars.

38. No person shall sell any article in any market except at some stall rented or occupied by him; nor shall any sale at auction or public outcry in any market be allowed, except a sale at auction for which the Mayor has given special permission. Every person committing a breach of this by-law may be summarily ejected by, or by direction of, the clerk of the market, and shall be liable in addition to a penalty not exceeding twenty-four dollars.

Animal
for sale
to be
slaughtered.

39. (1) It shall not be lawful for any person to kill or slaughter for the purpose of sale any bull, cow, ox, steer, heifer, calf, sheep, lamb, goat, kid, hog, pig or turtle within the precincts of the town, except at and within the slaughter house appropriated for that purpose.

(2) Every person who contravenes this by-law shall be liable to a penalty of not less than ten dollars and not exceeding fifty dollars.

40. All fees and tolls as may from time to time be fixed by the Council, accruing to the slaughter-house, shall be paid in at the town clerk's office.

Slaughter-house fees.

41. The gates of the slaughter-house shall be opened every morning at half-past five o'clock, and closed and locked every evening at six o'clock, except on Saturdays when they may be opened at four o'clock in the morning, and on Sundays when they shall be kept closed.

Hours of opening and closing the slaughter-house.

42. Every person who refuses or neglects to quit the slaughter-house when the same is about to be closed, shall be liable to a penalty not exceeding five dollars.

43. (1) It shall not be lawful for any person to take any animal of the kind mentioned in by-law 39 into the slaughter-house until the same has been examined and approved by the clerk of the market or by some person duly authorised to act for him.

Examination of animals taken to the slaughter-house.

(2) Every person who contravenes this by-law shall be liable to a penalty of not less than five dollars and not exceeding twenty dollars.

44. All cattle taken to the cattle-pen shall be tied to the sides of the pen, and any damage done by any animal which is not fastened shall be chargeable to the owner thereof.

45. The clerk of the market shall keep a register of all animals admitted, or for which application may be made for admission into the slaughter-house, specifying their kinds, colours, and marks, the names and places of abode of the persons bringing or leading the same, and the names and places of abode of the persons to whom they belong at the time of such admission or application.

Keeping of register of animals.

46. (1) It shall not be lawful to slaughter any bull, cow, ox or heifer in the slaughter-house until the animal has been therein for twelve hours: Provided that in case of accident to any such animal so brought in, the clerk of the market may order that such animal shall be immediately slaughtered.

Time of keeping animal before slaughtering.

(2) Every person who contravenes this by-law shall be liable to a penalty not exceeding twenty-four dollars.

47. It shall not be lawful to keep any animal longer than twenty-four hours in the slaughter-house without charging for every additional twenty-four hours or part thereof, half of the fee chargeable under by-law 40. Nor shall any animal so brought in be removed alive except by special permission of the clerk of the market.

Licensing,
etc., of
persons
employed
in slaughter-
house.

48. (1) It shall not be lawful for any unauthorised person to enter the slaughter-house for the purpose of slaughtering nor shall it be lawful for him to slaughter therein unless licensed by the clerk of the market.

(2) Every person who enters or is found in the slaughter-house without being licensed shall be liable to a penalty not exceeding five dollars.

49. The clerk of the market may revoke, for misconduct, any licence issued by him.

Sale of
meat.

50. It shall not be lawful for any beef, veal, mutton, lamb, pork, turtle, fresh fish, or other commodities to be sold or offered for sale in the market, except at such shops, stalls, stands, or counters as may be set apart and appropriated for that purpose nor shall any commodities other than the above named be sold at such shops, stalls, stands, or counters on pain of the forfeiture of all such meat, fish or other commodities as may be sold or offered for sale contrary to this section; and every person who commits a breach of this by-law shall be liable to a penalty not exceeding five dollars.

Seizure
of meat.

51. Any meat found in the market other than of an animal slaughtered in the slaughter-house shall be seized by the clerk of the market, and the disposal of such seizure shall be in his discretion. The person introducing such meat shall be liable on conviction to a penalty not exceeding ten dollars; and the holder of the shop or stall in which such meat is found shall be deemed to be the person introducing the same into the market.

Conveyance
and
examination
of meat
for sale.

52. (1) It shall not be lawful for any butcher or other person to convey from the slaughter-house or from any market any meat unless the same is properly covered to the satisfaction of the clerk of the market, or before half-past five o'clock in the morning, nor shall any such meat be exposed for sale until it has been inspected and approved of by the clerk of the market.

(2) Every person who contravenes this by-law shall be liable to a penalty of not less than two dollars, and not exceeding ten dollars.

53. All mutton exposed for sale in the market, the feet and tail of the carcass of which have been cut off, shall be considered and taken to be goat mutton, and shall be sold as such. Every person who sells or offers for sale any such mutton as sheep mutton shall be liable to a penalty of not less than two dollars and not exceeding ten dollars.

Special provision as to sale of mutton.

54. (1) Every person who sells meat in the market shall, whilst so doing, be cleanly dressed, and shall wear an apron, and shall be provided with a clean dress or table or shambles.

Dress of vendor of meat.

(2) Every person who contravenes this by-law shall be liable to a penalty of not less than two dollars and not exceeding ten dollars.

55. (1) Every person who sells meat, turtle or fish in the market shall, as soon as he has finished the sale thereof or as soon as the bell for the closing of the market has rung, scrape and wash down the table, shambles, chopping block or slab, and thoroughly clean the scales and weights which have been used by him.

Cleaning of shambles.

(2) Every person who contravenes this by-law shall be liable to a penalty of not less than two dollars and not exceeding ten dollars.

56. If any person selling meat in the market imposes or attempts to impose short weight or bad meat upon any person, he shall be liable, for the first offence, to a penalty of not less than ten dollars, and not exceeding fifty dollars, and for the second or any subsequent offence to a penalty of fifty dollars, and may in addition thereto be expelled from the market.

Imposing of short weight or bad meat.

57. (1) It shall not be lawful for any person to spit or smoke in the market, or to sit on any of the tables, shambles or stalls of the market, or to sharpen on the steps, stalls or walls thereof, any hatchet, cutlass, knife, or other instrument.

Prohibition of smoking, etc., in the market.

(2) Every person who contravenes this by-law shall be liable to a penalty of not less than one dollar and not exceeding five dollars.

58. It shall be lawful for the clerk of the market to remove all obstructions to and all persons obstructing any of the paths or passages to the market, and, in case any such obstruction is made by any goods, wares or merchandise, or anything whatsoever, to seize and keep possession of the same until a penalty imposed by the clerk of the market, not exceeding five dollars, and the expenses of the removal, have been paid.

Removal of obstruction.

59. Any person who resists the removal of any obstruction may be expelled from the market.

60. Every person who assaults or obstructs any person authorised to collect fees, or to inspect or seize any marketable commodity, or to remove any obstruction, or to extinguish any fire, or to inspect any part, portion or tenancy within the market, or to remove any disorderly person, or to perform any other duty under these by-laws in the execution of such duty shall be liable to a penalty not exceeding twenty-four dollars.

Limitation
of quantity
of salted
provisions.

61. At any shop, stall, booth, stand, or counter appropriated to the sale of salted provisions there shall not be permitted a greater quantity than will, in the opinion of the clerk of the market, be sufficient for immediate sale.

Kindling
of fire.

62. Every person who kindles or uses fire in any coalpot or holder of fire in any shop, stall or shed, or in any part of the market, other than the public kitchen thereof, shall be liable to a penalty not exceeding five dollars for the first offence, and not exceeding twenty-four dollars for the second or subsequent offence.

Prohibition
of horse,
etc.,
entering
the market.

63. (1) No person shall be allowed to enter the market with any horse, mule, donkey, cattle or cart, nor with any wheelbarrow, automobile, bicycle or other cycle.

(2) Every person who contravenes this by-law shall be liable to a penalty not exceeding five dollars.

Dogs.

64. (1) All dogs found within the market or slaughter house if not claimed, and a penalty of one dollar paid to the clerk of the market within twenty-four hours, may be destroyed.

(2) Any mangy or diseased dog found in the market may be destroyed by order of the clerk of the market.

Payment
of rent,
etc.

65. All and every market rent, hire, toll, fee, fine, penalty and due leviable and made payable under and by virtue of the New Amsterdam Town Council Ordinance shall be demanded and received by the clerk of the market, and his receipt shall be a sufficient acquittance and discharge for the same.

Liability of
marketable
articles.

66. For ensuring punctual payment of every toll, fee, fine, penalty and due, every marketable article of every kind whatsoever in the possession, care, custody, and control of an offender, or of any person in his employment, at the time of the committing of any offence, shall over and above the personal

liability of the offender, be liable for the payment of every such toll, fee, fine, penalty or due, and may be seized and kept by the clerk of the market until one hour previous to the time for closing the market, at which time the clerk of the market may sell such article for recovering the toll, fee, fine, penalty, or due, and shall restore any surplus to the offender and recover from him any deficiency.

67. Every tenant or occupier of any shop, stall, stand, or counter in the market, and every other person who persists in acting in any way contrary to the regulations for the government of the market or any of them, shall, over and above any liability in respect of any penalty or otherwise which he may incur, be liable to be expelled from the market by order of the Council.

Expulsion
from the
market.

68. It shall not be lawful for any beef, veal, mutton, lamb, pork, fresh fish, shrimps or turtle to be sold or delivered or offered or exposed for sale in any part of the town except in a market appointed or established by the Council, at such stalls, shambles, and counters as may be set apart and appropriated for that purpose. If any such thing as aforesaid is sold or delivered or offered or exposed for sale in contravention of this by-law, the same shall be liable to be seized and sold by the clerk of the market for the benefit of the town funds, and the person who sells, delivers or offers for sale the same shall be liable to a penalty of five dollars.

Prohibition
of sale
of meat
without
licence
outside
the
market.

69. Every person who lands at or ships from any public stelling or the market any bricks, shells, staves, posts, shingles, corn, firewood, coal or any other article of whatever kind, shall pay to the clerk of the market such tolls and charges as the Council shall from time to time appoint and fix by resolution.

Tolls at
public
stellings.

70. (1) In respect of any of the above-named articles it shall not be lawful for any person to land at or ship from any stelling or place on the river frontage within the limits of the boundaries of the town, not being private property and not being a public stelling.

(2) Every person who contravenes this by-law shall be liable to a penalty not exceeding twenty-four dollars.

71. It shall not be lawful for any person to hawk, huckster or sell, expose or offer for sale any marketable commodities, cereals or grains within the precincts of the town, except in a shop, store or premises occupied by him and duly licensed, unless such person has obtained a licence to do so from the Council.

Licensing
of
hawker.

72. Any of the above-mentioned articles so illegally exposed for sale may forthwith be seized and removed from such prohibited place at the expense of such persons aforesaid by any town or other constable.

73. For such licence referred to in by-law 71 hereof there shall be payable to the clerk of market the sum of one dollar in advance for every six months (in June and December in each year) over and above the market fees. But no licence shall be required of any person who sells, on his premises, the produce of his land.

74. Every person who sells, exposes or offers for sale any of the above-mentioned articles without having first obtained such licence shall be liable, in addition to the payment of the licence, to a penalty of not less than two dollars and not exceeding five dollars.

Obstructing
streets.

75. It shall not be lawful, upon a penalty of five dollars, for any vendor, while selling, exposing or offering for sale any article whatever to sit on any of the roads, streets, road slopes or dams of the town, or to rest his goods thereon for a longer time than is necessary to effect a sale.

Appropriation
of fines.

76. All fines, penalties and forfeitures recovered under or by virtue of any of these by-laws, shall be appropriated as follows, that is to say, one-third shall be paid to the complainant, not being an officer or servant of the Council, and the remaining two-thirds to the town clerk in aid of the town funds.

General
penalty.

77. Any person committing a breach of or an offence against these by-laws for which no penalty is specified shall be liable on summary conviction to a penalty not exceeding five dollars.

PREVENTION OF TUBERCULOSIS IN FACTORIES, WORKSHOPS AND BAKERIES.

BY-LAWS

By-laws,
Gaz. 23rd
June, 1917.
3rd May,
1921.

approved by the Governor on the 10th January, 1914, and published as Notice No. 676 of 1917 in the Gazette of the 23rd June, 1917, and amended on the 3rd May, 1921.

BAKERIES AND PROVISION SHOPS.

1. A bakery is any place in which are baked bread, biscuits, cake or confectionery with a view to making profit.

A provision shop is any place in which food and foodstuffs are stored, prepared or sold.

2. It shall not be lawful for any person to carry on the business of a bakery or provision shop unless the bakery or provision shop is registered at the office of the Local Authority.

3. Every owner or representative of the owner of a bakery or provision shop shall cause his bakery or provision shop to be kept in a cleanly state and free from any effluvia arising from any drain, water-closet, earth-closet, privy, urinal or other nuisance.

4. It shall not be lawful for any owner or the representative of any owner of a bakery or provision shop to permit a water-closet, earth-closet, privy, urinal or ashpit to be within or communicate directly with his bakery or provision shop.

5. It shall not be lawful for any owner or the representative of any owner of a bakery or provision shop to allow his bakery or provision shop to be so overcrowded while work is being carried on therein as to be dangerous or injurious to the health of the persons employed therein.

6. Every owner (or his representative) of a bakery or provision shop shall cause all the inside walls of the rooms and all the ceilings and tops of such rooms in his bakery or provision shop to be lime-washed once every twelve months; to date from the period when it was last washed.

7. It shall not be lawful for any owner (or his representative) to allow a place on the same level with the bakery or provision shop forming part of the same building to be used as a sleeping place unless it is constructed as follows, that is to say, unless it is effectually separated from the bakery or provision shop by a partition extending from the floor to the ceiling, and unless there be an external window of at least nine superficial feet area of which at least $4\frac{1}{2}$ superficial feet are made to open.

8. The penalty for a breach of the above by-laws is a fine not exceeding fifty dollars.

9. The owner of any bakery or provision shop shall take effectual steps to ensure that all articles of food intended, exposed or offered for sale for human consumption are at all times properly protected (in cupboards, bins, boxes, barrels or

By-laws,
3rd May,
1921.

other containers by means of suitable covers or hinged lids or doors) from the contamination of dust, flies or of anything whatsoever not conducive to the health of man:

Provided that articles of food, including fruits and vegetables that have to be peeled, pared or cooked before consumption, need not be so covered.

By-laws,
3rd May,
1921.

10. It shall not be lawful for the owner of a bakery or a provision shop or the person employed so to do, to sell and deliver to any purchaser any bread, cakes, pastry, confectionery or any other article intended for the food of man which is usually wrapped, held or contained in paper, unless the same is wrapped, held or contained in clean and unused paper. And no paper with printed or written matter on it shall be considered clean paper within the meaning of this by-law. It shall not be lawful for the same paper to be used more than once for such purpose.

The onus of proof in any prosecution for the breach of this by-law that such paper has been only once used shall be on the seller.

By-laws,
3rd May,
1921.

11. Any person who is found guilty of any breach of the last two preceding by-laws shall be liable to a penalty not exceeding twenty-five dollars.

STREET SELLERS.

BY-LAWS

By-laws,
Gaz. 23rd
June, 1917.
3rd May,
1921.

approved by the Governor on the 10th January, 1914, and published as Notice No. 676 of 1917 in the Gazette of the 23rd June, 1917, and amended on the 3rd May, 1921.

1. It shall not be lawful for any person to sell foodstuffs or provisions on the streets, roads, public places or public markets unless duly licensed at the office of the town clerk.

2. Licences shall only be issued to those applicants who present a certificate of good health from a medical practitioner who shall have performed his examination within the previous three months.

3. Licences shall be renewed annually within the month of January.

4. Every tray, box, basket or other receptacle used for the purpose of keeping, delivering, selling, offering for sale outside of any building or on any street or public place any foodstuffs, bread, cakes, pastry or other confectionery, shall be provided by the owner of such tray, box, basket or other receptacle, with an efficient cover of wood, metal or other suitable material to protect such foodstuffs, bread, cakes, pastry or other confectionery from the contamination of flies, dust or of any matter or thing whatsoever not conducive to the health of man; and it shall not be lawful for any person to sell, offer or expose for sale, outside of any building or on any street, roadway, footway or public place, any such foodstuffs, bread, cakes, pastry or other confectionery in any tray, box, basket or other receptacle, unless the same be protected from contamination as aforesaid, by means of such cover.

By-laws,
3rd May,
1921.

Every tray, box, basket or other receptacle, and every such cover shall at all times be kept by the owner, and every person having charge of the same, in a clean and wholesome condition.

All articles of food exposed in the manner set forth in the by-laws shall be kept at a height of not less than two feet from the sidewalk, pavement, ground or place on which they are exposed for sale.

5. It shall not be lawful for any person selling or hawking any foodstuffs, bread, cakes, pastry, confectionery or other article intended for the food of man, to sell and deliver to any purchaser unless the same is wrapped in clean and unused paper, and no paper with printed or written matter on it shall be considered clean paper within the meaning of this by-law. It shall not be lawful for the same piece of paper to be used more than once for such purpose.

By-laws,
3rd May,
1921.

The onus of proof in any prosecution for the breach of this by-law that such paper has been only once used shall be on the seller.

6. It shall be lawful for any officer of the Local Authority or any police or other constable to inspect at all reasonable times for the purposes of these by-laws any such tray, box, basket or other receptacle wherein any foodstuffs are kept or exposed for sale.

By-laws,
3rd May,
1921.

7. Any person who is found guilty of any breach of these by-laws shall be liable to a penalty not exceeding twenty-five dollars.

By-laws,
Gaz. of
23rd June,
1917, and
3rd May,
1921.

WATER SUPPLY.**BY-LAWS**

By-laws,
8th Nov.,
1918.

made by the Mayor and Town Council under Ordinance No. 8 of 1918, approved by the Governor and Court of Policy on the 8th November, 1918, and continued in force by section 214 of the present New Amsterdam Town Council Ordinance.

1. These by-laws may be cited as the "New Amsterdam (Water Supply)" by-laws.

2. In these by-laws, unless the context otherwise requires,

"owner" means the person in possession of or in receipt either of the whole or any part of the rents or profits of any land or tenement whether in his own right or as a trustee or personal representative of any other person, or in the occupation of such land or tenement other than as a tenant from year to year; the term "owner" also means and includes the person in whose name any lot or lots and buildings is or are appraised for town taxes in the books of the town clerk;

"waterworks" means the waterworks on the ketting between Plantations Lochaber and Vryheid vested in the Council at the coming into operation of these by-laws, and all waterworks which may hereafter be constructed under any of the powers of any ordinance, and in addition means any meter, pipe, reservoir, canal, trench, pond or stream from, through, to or along or by which water is conducted or flows to or from the waterworks;

"stand-pipe" means any fountain, stand-pipe, dipper, valve, tap or appliance used or intended to be used for or in connection with the supply of water to the public from the waterworks and erected by the Council or which belongs to or is vested in the Council;

"service" means and includes all meters, pipes, valves, cisterns, cocks, fittings and other appliances by or through which water flows or is intended to flow from the waterworks, or which are or may be used for the purpose of supplying any tenement or premises with water from the waterworks, and which service is the property of the owner of such tenement or premises so far as it lies within such tenement or premises;

"premises" includes messuages, buildings, lands, easements and hereditaments of any tenure;

“ water for domestic purpose or domestic use ” includes water from the waterworks used for drinking, cooking, washing, for water closets, but does not include water for watering stock or for washing carriages, nor water used for any trade, manufacture or business or for fountains or any ornamental purposes:

Provided that the washing of clothes and household linen where no machinery is used shall not be deemed a trade or business within the meaning of this definition.

For the purposes of this definition “ stock ” shall mean and be limited to horses, mules, donkeys, bulls and cows exceeding two years of age; and carriage shall mean vehicles, whether with two or four wheels and motor cars.

WATER FITTINGS.

3. The Council, whenever it shall think necessary, or upon the application of any owner of any premises supplied or about to be supplied with water from the Council, shall furnish and from time to time renew, repair or alter such meters, pipes, valves, ferules, taps, cocks, apparatus, fittings and appliances in connection with such supply as are required or permitted to be used by any Ordinance or by-law for the time being in force, and shall provide all materials and do all work necessary or proper in that behalf. The cost of all materials and things furnished by the Council, with five *per centum* in addition, and the cost of all labour finished by the Council, shall be paid in advance to the town clerk, when the work will be done by the manager of the waterworks. In case of failure of full payment, the balance of the debt in connection with the supply of materials and labour furnished shall be a debt due to the Council by the owner of such premises, and until repayment shall be a charge on such premises.

SUPPLY OF WATER.

4. The Council, on the written application of the owner of any premises in the town, shall furnish such premises by means of a service pipe with a supply of water for domestic purposes or domestic use upon payment of the cost of laying such service pipe:

Provided that the part of the service between the waterworks and the outer boundary or paling of such tenement or premises shall be laid, maintained and kept in repair at the cost of the Council, and the part within such boundary or paling shall be laid, maintained and kept in repair at the cost of the owner:

Provided further that the Council shall not be compelled to lay a water service in any tenement or premises which by reason of situation or of distance from the waterworks or from any other cause, would entail more expenditure than the average cost of laying a service between the waterworks and the outer boundary or palings of tenements or premises in the town:

Provided further that the Council, by arrangement with the owner of any tenement or premises in which it shall not be compelled to lay a service, may, on such terms and conditions as to cost and other matters, or at such enhanced rate as it may think fit, lay a service therein.

5. All water supplied by the Council to any premises within the town shall, except where otherwise expressly stated, be deemed to be supplied for domestic purposes or domestic use only.

6. The Council may, on the written application of the owner of any premises within the town supplied with water by it, permit such water to be used for other than domestic purposes or domestic use upon such conditions as it may think fit.

7. The occupier of any premises supplied with water from the waterworks who uses or suffers or allows to be used any such water for other than domestic purposes or domestic use without having previously obtained the permission of the Council to do so, shall be liable to a penalty not exceeding twenty-four dollars, and to a further penalty not exceeding five dollars for every day that he shall continue so to use such water after notice of the offence from the Council:

Provided the amount does not exceed one hundred dollars.

8. It shall be lawful for the Council to supply water beyond the limits of the town on such terms and conditions as to cost, terms of payment and other matters as it may think fit.

CHARGES FOR WATER SUPPLY.

9. The following charges shall be payable to the Council for the delivery of water from the waterworks to any part of the town through which mains have been laid:—

For domestic purposes or domestic use—	
First tap	\$4 00
For each additional tap	1 00
For puncheon of 100 gallons	50

The Council shall be at liberty to increase the foregoing charges upon due notice being given.

10. Special charges for steamers, boilers, liquor stores, retail spirit shops, soda water and other factories, wharves and provision stores or shops, livery stables, byres, bakeries, gardens, fountains, garages and water motors and for other purposes other than domestic purposes, shall be considered by the Council on the merits of each case.

11. The charge for the supply of water shall be paid in advance and may be paid half-yearly in January and in July.

12. If the charge for the supply of water be not paid by 31st January, or 31st July, the supply will be shut off and will be re-opened only on the payment of the charges due, and one dollar to cover the cost of shutting and re-opening.

GOVERNMENT CONTRIBUTION.

13. It shall be lawful for the Governor by his warrant to direct the Financial Secretary to pay, and the Financial Secretary shall accordingly pay to the Council such sums as may from time to time be agreed upon by the Council and any officer in the public service whom the Governor may appoint for the purpose, in respect of water supplied to any public institution or department.

WASTE OF WATER.

14. Any occupier of any premises supplied with water who causes, permits, allows or suffers any waste of water on such premises (not due to a defective service of which the occupier shall have given due notice to the Council) shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding twenty-four dollars.

15. Whenever there is waste of water in any premises supplied with water, the Council may, without prejudice to any other remedy which it may have against any other person liable for such waste of water, cut off and discontinue such supply:

Provided that such cutting off and discontinuance shall not take place until notice shall have been given by the Council.

16. Every such notice shall be in writing and shall be signed by the manager of the waterworks and shall be deemed to be duly given by being affixed on some part of the premises in respect of which the water supply is to be cut off and discontinued.

17. For the purposes of these by-laws there shall be deemed a "waste of water" in any of the following cases:—

(a) When water is flowing from a tap or cock into a bath or a vessel or utensil which is at the same time overflowing.

(b) When water is flowing from a tap or cock into a vessel or utensil which is at the same time being emptied of its contents.

(c) When water is flowing from a tap or cock into a vessel or utensil which has a defective outlet, plug or which is not watertight.

(d) When water is flowing from a tap or cock without being received into some vessel or utensil, and without being used for some domestic purpose.

OFFENCES OTHER THAN WASTE.

18. Every person who—

(1) bathes in any part of the waterworks;

(2) drives, or permits or suffers any animal to be driven or to enter into the waterworks;

(3) washes in or throws into, or causes or suffers any animal to be washed in or thrown into the waterworks;

(4) washes in or throws into the waterworks any dead animal or any part of any dead animal;

(5) puts or throws or causes or suffers to be put or thrown into the waterworks any rubbish, dirt, filth or any foul, offensive or noisome matter whether solid or liquid;

(6) washes or cleanses or suffers or causes to be washed or cleansed in the waterworks any cloth, wool, leather or skin of any animal or any clothes;

(7) does or commits any other thing or act whatsoever whereby any water flowing to or from the waterworks is fouled or polluted, or the flow thereof impeded;

(8) wilfully or negligently injures or damages or causes to be injured or damaged any of the works constructed under any Ordinance for the time being in force,

shall be guilty of an offence against these by-laws, and on conviction thereof shall for every such offence forfeit and pay a penalty not exceeding twenty-four dollars, and a further penalty not exceeding five dollars for each day after the first that the offence is continued:

Provided the amount does not exceed one hundred dollars.

19. Every occupier of premises supplied with water who shall suffer any stopcock, pipe or other work to be out of repair without giving notice to the Council so that the water supplied to him shall be wasted, shall forfeit, for every such offence, a sum not exceeding twenty-four dollars.

20. The owner or occupier of any premises supplied with water from the waterworks who shall use such water or permit or suffer the same to be used for the purposes of any other premises or who shall supply or dispose of such water to any other person shall be guilty of an offence and shall upon conviction thereof be liable to a penalty not exceeding one hundred dollars.

21. Every person, who not having agreed to be supplied with water by the Council, shall take away water from any waterworks belonging to the Council, other than such as may have been provided for the gratuitous use of the public, shall be guilty of an offence and be liable on conviction to a penalty not exceeding ten dollars.

22. Every person who shall wilfully or carelessly break, injure or open any meter, main, lock, cock, valve, pipe, work or engine belonging to the Council, or shall flush or draw off the water from the waterworks, or shall do any other wilful act whereby such water shall be wasted shall be guilty of an offence and be liable on conviction to a penalty not exceeding fifty dollars.

23. If any person, not having from the Council a supply of water for other than domestic purpose, uses any water supplied to him for any other than domestic purposes, or having a supply of water for any other than domestic purposes, uses for any purpose other than those for which he is entitled to use the same, any water supplied to him by the Council, he shall be guilty of an offence and be liable on conviction to a penalty not exceeding ten dollars.

24. (1) It shall not be lawful for the owner or occupier of any premises supplied with water by the Council or any other person to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the Council or to a communication or service pipe belonging to or used by such owner, occupier or other person or to make any alteration in any such communication or service pipe or in any apparatus connected therewith without the consent in every such case of the Council.

(2) If any person act in any respect in contravention of this by-law he shall for any such offence be liable to a penalty not exceeding twenty-four dollars, without prejudice to the right of the Council to recover damages from him in respect of any injury done to its property, and without prejudice to the right to recover from him the value of any water wasted, misused or unduly consumed.

25. (1) No person or persons except those resident within the town in any tenement or premises duly supplied with water may take or use water from the waterworks.

(2) Any person acting in contravention of this by-law shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding twenty-four dollars.

ENTRY AND INSPECTION.

26. The manager of the waterworks, any member of the Council and any other person authorised by the manager of the waterworks or the Mayor may enter into any premises supplied with water from the waterworks in order to examine the service therein and see if there is any waste of such water from any cause whatever.

27. If any person lawfully claiming admission to any premises in pursuance of this by-law is refused admission into such tenement or premises or otherwise prevented from making such examination, the person so refusing admission to any premises or otherwise preventing the examination of the service shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding twenty-four dollars.

BURIAL GROUNDS.

REGULATIONS

Regs. 32
of 1952.

made by the Central Board of Health under sections 12 (c), 65 (d) and 157 of the Public Health Ordinance, and approved by the Governor in Council on the 11th November, 1952.

These regulations will be found under Chapter 145 (*supra*). Regulations 10, 19 and 20 and paragraphs (b) and (c) of sub-regulation (2) of regulation 21 apply to the Town of New Amsterdam, by virtue of regulation 22 (2).

SALE OF MILK.

BY-LAWS

made by the Mayor and Town Council under section 280 of the Local Government Ordinance, 1907, confirmed by the Governor and Court of Policy on the 1st February, 1915, and continued in force by section 214 of the present New Amsterdam Town Council Ordinance.

By-laws,
1st Feb.,
1915.

1. These by-laws may be cited as the New Amsterdam (Sale of Milk) by-laws.

2. In these by-laws:—

“dairy” means a place where milk is kept for sale, and includes every room where such milk is stored;

“cattle-byre” means a place where milking cows are kept;

“cattle-pen” means a place where milking cows are kept at night only;

“cow-keeper” means the person in whose name any cattle-byre or cattle-pen is registered;

“dairyman” means the person in whose name any dairy is registered;

“inspecting officer” includes the municipal meat inspector, the town superintendent, the sanitary inspectors, and such other person or persons as the Local Authority may from time to time appoint;

“licensee” includes every person licensed to sell or offer milk for sale in the town of New Amsterdam.

I. REGISTRATION AND LICENCES.

3. It shall not be lawful for any person to keep a dairy, cattle-byre or cattle-pen unless registered at the office of the town clerk. Such registration shall specify the position of such dairy, cattle-byre or cattle-pen and the maximum number of cows to be kept in such byre or pen. A registration fee of twenty-four cents shall be paid by each of such persons (which fee shall be applied in aid of the town funds.)

4. It shall not be lawful for any dairyman or any person to offer or carry milk for sale, unless a licence is issued for so doing by the town clerk. A licence fee of twenty-four cents shall be paid for such licence (which fee shall be applied in aid of the town funds).

5. Every registration and every licence shall expire on the 31st December of the year in which such registration takes place or such licence is issued.

6. The town clerk shall keep and from time to time revise and correct the register of all dairies, cattle-byres, cattle-pens, cow-keepers, dairymen and licensees.

7. Licences shall be issued under the following conditions:—

(a) In the case of milk to be obtained within the town, the applicant shall—

(i) state the name of the cow-keeper, the situation of the cattle-byre or cattle-pen, the number and description of the cows kept, and the names of the milkers employed;

(ii) furnish a certificate from the town superintendent, municipal meat inspector or other qualified person appointed by the Local Authority that each cow is to the best of his knowledge and belief free from tuberculosis or other dangerous disease and is otherwise fit to supply milk for human consumption;

(iii) furnish a certificate from a registered medical practitioner that every person employed in milking is to the best of his knowledge and belief free from any infectious or contagious disease and is fit to be so employed;

(iv) furnish a certificate from an inspecting officer that every cattle-byre or cattle-pen is constructed in accordance with these by-laws.

(b) In the case of milk to be obtained from beyond the boundaries of the town, the applicant shall—

(i) state the name of the cow-keeper, the situation of the cattle-byre or cattle-pen;

(ii) furnish a certificate from a registered medical practitioner that every person employed in milking is apparently free from any infectious or contagious disease and is fit to be so employed;

(iii) furnish a certificate from any person appointed by the Governor for such purpose, that every cattle-byre or cattle-pen, as the case may be, is constructed in accordance with these by-laws:

Provided always that if any dairy, cattle-byre, or cattle-pen cow-keeper or dairyman is duly registered by any Local Authority, and the applicant produces to the town clerk a certificate signed by the secretary of the Local Government Board to that effect, the other certificates mentioned in part (b) hereof will not be required.

8. The town clerk shall endorse on each licence the name of the cow-keeper, and the situation of the cattle-byre or cattle-pen from which the milk is to be obtained.

9. If any licensee desires at any time to obtain milk from other sources he shall make application and submit the particulars aforementioned to the town clerk who, if satisfied, shall endorse this licence accordingly.

10. Every licensee shall, whenever he ceases to take milk from any source which has been approved, immediately notify the town clerk who shall endorse his licence accordingly.

11. It shall not be lawful for any licensee to obtain milk from any other source except that endorsed on his licence.

12. Every person carrying or offering milk for sale, except in a dairy, shall wear a badge to be provided by the town clerk. The charge for each badge shall be twelve cents:

Provided, however, that if a person carrying or offering milk for sale is duly licensed by any Local Authority and wears the badge issued to him by the said Local Authority such badge if still in force shall be deemed to meet the requirements of this by-law.

13. Every holder of a badge issued for the year mentioned thereon shall wear the same on his left arm when engaged in the carrying of or offering milk for sale, and any person to whom a badge shall be issued who permits the same to be used by a person not named in such licence, and the person so using such badge, shall be guilty of an offence under these by-laws, and liable to arrest by any constable.

14. It shall not be lawful for any person to carry or offer milk for sale without having taken out a licence and badge, or without wearing such badge, or to wear a badge, not issued as aforesaid, or to wear a badge belonging to or taken out in the name of another person, or to unlawfully make or imitate a badge.

15. Every dairyman and every person licensed to carry or offer milk for sale shall attach to each vessel containing milk for sale, a metal tablet to be provided by the town clerk, bearing the number of his licence corresponding with the register aforesaid. The charge for each metal tablet shall be eight cents:

Provided, however, that if a person licensed to carry or offer milk for sale has attached to his milk vessels metal tablets issued to him by any Local Authority such tablets if still in force shall be deemed to meet the requirements of this by-law.

16. The town clerk shall refuse to make any registration or to issue any licence until satisfied that the provisions of these by-laws have been complied with.

17. No licence shall be granted or renewed when, in the opinion of the Council, any well-founded complaint of nuisance to the neighbourhood, arising from any cattle-byre or cattle-pen has been made or when a proper amount of cleanliness has not been observed.

18. The town clerk may on good grounds at any time cancel any licence issued by him under these by-laws or strike out the name of any person previously permitted to supply milk to a licensed dealer.

19. All persons delivering milk from a dairy or on behalf of a registered cow-keeper shall carry a written authorisation from the dairyman or cow-keeper.

II. CATTLE-BYRES AND CATTLE-PENS.

20. Every cattle-byre shall, for every cow, heifer, ox, steer or other animal kept therein, contain not less than 40 square superficial feet floor area, and 300 cubic feet capacity of air space, or less than two square feet ventilating space in window, jalousie, lattice or other opening to the external air.

21. Every cattle-pen shall, for every cow, heifer, ox, steer, or other animal kept therein contain not less than 40 square or superficial feet floor area.

22. Every cattle-byre or cattle-pen shall be floored with concrete, tiles, bricks laid in concrete or asphalt, so graded towards the "grip" or channel gutter at the back that no liquid matter can remain on the floor. The "grip" or channel shall be formed with a proper uniform fall, discharging into the yard drain or sub-main drain of the district. The walls, if any, shall be made of impervious material other than wood for a height of 4 feet from the floor. The walls, if any, and drains shall be adequately and regularly flushed with water, and cleansed. Every cattle-byre or cattle-pen shall be provided with a properly constructed and water-tight roof.

23. Every cattle-byre or cattle-pen shall be provided with a proper receptacle or dungstead for the reception of dung or other refuse. Every such receptacle or dungstead shall not be less than ten feet distant from the cattle-byre or cattle-pen and shall be maintained to the satisfaction of the inspecting officer. The dung shall be cleaned up as often as may be necessary, and removed from inside the cattle-byre or cattle-pen at least once daily.

24. Every cow-keeper shall cause each cattle-byre or cattle-pen to be kept thoroughly clean and disinfected with lime-wash containing five per cent. of crude carbolic acid and to the satisfaction of the inspecting officer. Such disinfection shall be done at least once every three months.

25. The inspecting officer shall report to the Local Authority any cattle-byres or cattle-pens which he may find during the course of his inspections are not in conformity with these by-laws.

III. ANIMALS.

26. All cows shall be inspected and examined at intervals of not longer than six months (free of cost to the owners of the animals) by an inspecting officer. Notice of the intention of the inspecting officer to inspect such cows shall be given by him twenty-four hours beforehand, so that they may be kept penned for his inspection at a time appointed.

27. The inspecting officer is empowered to test all cows with tuberculin, the cost thereof to be borne by the Council.

28. No cow-keeper shall cause or suffer any cow to be added to or substituted for another in his stock without having the same previously inspected and examined by the inspecting officer.

29. No cow-keeper shall cause or suffer any cow in his possession to remain in a filthy condition, so as to expose the milk to infection or contamination.

30. If at any time disease exists among the cattle in a registered cattle-byre or cattle-pen, or in other place, the cow-keeper shall immediately notify the Local Authority of the existence of such disease. The inspecting officer shall cause the immediate removal of such diseased animal, which shall be kept isolated. All milk from such diseased animal and from such cattle-byre or cattle-pen shall be destroyed or otherwise disposed of to the satisfaction of the inspecting officer, until the cattle-byre or cattle-pen is adequately disinfected.

IV. MILKERS AND ATTENDANTS.

31. A cow-keeper or dairyman shall not—

(a) himself, milk cows or handle vessels used for containing milk for sale, or in any other way take part or assist in the conduct of such trade or business, or cause or suffer any other person to do the same, unless he or such other person has been certified as fit by the municipal meat inspector or a registered medical practitioner;

(b) himself, if suffering from any contagious or infectious disease, milk cows, or handle vessels used for containing milk for sale, or in any way take part or assist in the conduct of such trade or business, or cause or suffer any other person, notwithstanding that such person has been duly certified as aforesaid, who at any time appears to be suffering from any contagious or infectious disease, to do the same;

(c) himself milk, or cause or suffer any other person to milk any cow until its udder and the hands of such milker have been cleansed and the utensils thoroughly cleaned and scalded.

V. DAIRIES.

32. A dairyman shall not—

(a) permit any water-closet, earth-closet, privy, cesspool or urinal to be situate within, communicate directly with, or ventilate into any dairy;

(b) use any dairy, or permit the same to be used as a sleeping apartment, or for any purpose incompatible with the

proper preservation of the cleanliness of such dairy, and of the milk vessels and milk therein, or in any manner likely to cause contamination of the milk therein;

(c) convey or carry, or permit to be conveyed or carried, through any dairy, any excremental or offensive matter or any soiled bed or body clothing;

(d) wash, or permit any other person to wash, any bed or body clothing, or permit the same to be hung up to dry in any dairy.

(e) carry on within any dairy, any trade or business of such a nature as would tend to contaminate the milk;

(f) keep milk for sale or storage in any place where it would be liable to become infected or contaminated by gases or effluvia arising from any sewer, drain, cesspit or closet, or by any offensive effluvia from putrid or offensive substances, or by impure air, or by any offensive or deleterious gases or substances;

(g) permit milk to be stored or carried in lead vessels.

33. Every dairyman shall cause the walls, floors, counters and shelves of his dairy and all milk vessels used therein to be kept thoroughly clean to the satisfaction of the inspecting officer, and shall also have the said milk vessels cleansed and scalded daily.

VI. GENERAL.

34. The Local Authority and their officers shall, at all times, have the right of inspecting dairies, cattle-byres and cattle-pens, for the purpose of seeing that the provisions of these bye-laws are complied with, and all persons refusing admission to such Authority or officer, or in any way obstructing or impeding such officer in the execution of his duty shall be guilty of an offence under these by-laws.

35. Any person found guilty on summary conviction of any breach of these by-laws shall be liable to a penalty not exceeding ten dollars for the first offence and not exceeding fifty dollars for a second or subsequent offence.

36. Any person giving false information and thereby obtaining a licence for the sale of milk under these by-laws shall be guilty of an offence and on summary conviction be liable to a penalty not exceeding fifty dollars.

CERTIFICATE UNDER BY-LAW 7 (a) (ii).

I hereby certify that I have inspected the following cow or cows of
 residing at..... and that in my opinion.....
 free from tuberculosis or other dangerous disease, and..... otherwise
 fit to supply milk for human consumption.

Marks for identification.

Colour.

Horns.

Brand.

Other marks.

Date.....

CERTIFICATE UNDER BY-LAW 7 (a) (iii), AND 7 (b) (ii).

I hereby certify that I have examined..... residing at.....and
 that ^{he}/_{she} is to the best of my knowledge and belief free from any infectious or
 contagious disease, and is fit to be employed in milking cows.

Date.....

CERTIFICATE UNDER BY-LAW 7 (a) (iv) AND 7 (b) (iii).

I hereby certify that I have inspected the cattle-byre or cattle-pen of.....
 at and that it is constructed in accordance with
 these by-laws..... to holdcows.

Date.....

THE POUND.**NOTICE**

under section 171 (1).

The Pound is situated at Mud Lot No. 1, Queenstown.
