



ANNO TRICESIMO QUINTO ET TRICESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1872.

Private Act.

An Act for making and maintaining a Market in East-terrace, City of Adelaide, to be called the East-End Market, and for other purposes.

[Assented to, 15th August, 1872.]

WHEREAS Richard Vaughan, of Adelaide, has for some years Preamble. past established a market for the sale of butcher's meat, poultry, game, fish, butter, cheese, milk, fruit, vegetables, and other animal and vegetable products, and other marketable commodities, and has erected and provided, and maintained the same, and houses, shops, and stalls connected therewith, and has provided places for the refreshment of persons attending the said market called or known by the name of "The East-End Market," and such market has proved highly advantageous to the citizens of Adelaide: And whereas it is desirable to increase the accommodation afforded by the said market: And whereas plans describing the situation of the said market, and the lands and houses authorized to be taken compulsorily under this Act for that purpose, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and the occupiers of those lands, have been deposited with the Clerk of the House of Assembly, and with the Town Clerk of the Corporation of the City of Adelaide, and which are in this Act referred to as the deposited plans and books of reference—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows—

1. This Act may be cited for all purposes as "The East-End Short title. Market Act, 1872."

a

2. The

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General Acts herein
named incorporated.

2. "The Lands Clauses Consolidation Act," "An Act to amend the Lands Clauses Consolidation Act," and "The Markets Clauses Act, 1870-71," except clauses 21 and 22, are incorporated with and form part of this Act: Provided that the penalties recoverable under or by virtue of the 13th clause of "The Markets Clauses Act, 1870-71," and this clause, shall be paid to the Corporation of the City of Adelaide as part of the revenue of the said Corporation; and provided that this clause shall not in any way affect "The Municipal Corporations Act, 1861," so far as regards the recovery and disposal of penalties thereunder.

Publican within
market to open before
6 o'clock a.m. on
market days.

3. Notwithstanding the 74th section of the "Licensed Victuallers Act, 1869," it shall be lawful for any person holding a publican's or wine licence, for a house erected within or upon any land within the prescribed limits of the said market, as hereinafter set forth, to admit *bonâ fide* dealers and others using the said market at and after the hour of two o'clock in the morning of market days.

Interpretation of
terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the context or subject repugnant to such construction; the expression "the undertaking" means the market by this Act authorized; the expression "undertakers" shall mean the person or persons who shall be named in the memorial hereinafter mentioned until the said undertaking shall have been sold or disposed of to the Corporation of the City of Adelaide, or to some Company registered under the Companies Act, 1864, and thereafter shall mean the said Corporation or Company as the case may be.

Memorial containing
names of undertakers
to be registered in
Supreme Court.

5. The first undertakers shall be the said Richard Vaughan and such person or persons as shall be associated with him in the said undertaking; and a memorial of the names and residences of the undertakers for the time being, in the form or to the effect for that purpose set forth in the Schedule hereto marked B, signed by the said undertakers, shall respectively be recorded in the Supreme Court before or immediately after the market shall be opened; and when and so often as any person shall cease to be an undertaker, or a new undertaker shall be appointed, a like memorial of such person having ceased to be an undertaker signed by him, his agent, executor, administrator, or by the continuing undertakers; and on the appointment of a new undertaker a memorial signed by him shall be in like manner registered, and a certified copy of such memorial shall be evidence of the facts therein stated in all Courts of Law.

Power to construct
market.

6. Subject to the provisions in this Act contained, the undertakers may, upon the site shown on the deposited plans, construct a market, market houses, and market places, with all necessary shops, buildings, works, and conveniences connected therewith or incident thereto, and may enter upon, take, and use such of the

lands

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lands and buildings delineated on those plans and described in the deposited book of reference as may be necessary for that purpose, and which shall be called or known by the name or style of "The East-End Market."

7. The powers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Powers for compulsory purchases limited.

8. The market shall be completed within five years from the passing of this Act; and, on the expiration of that period the powers by this Act granted for constructing the market, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that the undertakers may within the said period open the said market upon such portion or portions of the land acquired by them when completed and fit for public use, and from time to time within such period to add to the said market, and thereupon demand and receive tolls, rents, and stallages in respect of the portion or portions of the market so from time to time completed, not exceeding the tolls, rents, and stallages by this Act authorized.

Period for completion of market.

9. A certificate under the hand of any two Justices resident within the City of Adelaide, and not being themselves pecuniarily interested in such market, shall be conclusive evidence that the market is fit for public use; and any such Justices shall sign such certificate on personal inspection that the market place is fit for the use of the persons resorting thereto.

Certificate of two Justices to be evidence that the market is fit for public use.

10. The undertakers may, for the purposes of this Act, acquire by agreement any easement, liberty, privilege, power, or authority in or over the lands described on the deposited plans; and the provisions of "The Lands Clauses Consolidation Act," and "An Act to amend the Lands Clauses Consolidation Act," with respect to lands and rent charges, as far as the same are applicable in this behalf, shall extend to such easements, liberties, privileges, powers, and authority.

Company may acquire easements.

11. The undertakers may purchase and acquire, but by agreement only, any additional quantity of land near to or adjoining the market which they may think fit, so that the whole land held by them shall not exceed four acres.

Land by agreement.

12. The undertakers may, in addition to the said market, market houses, and market places, erect dwelling houses and shops on the frontage or other portion of the land acquired by them under the powers of this Act, and may let to any corporation or persons, upon such conditions and for such rents as shall be mutually agreed upon between them and the undertakers, the whole or any of the said dwelling houses and shops, or any part of any such dwelling house, by the year, or for any term of years; and any lessee or

Power to erect dwelling-houses and shops.

tenant

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tenant may, but not without the consent of the company, assign his lease or the benefit of his tenancy for the unexpired residue thereof.

Power to sell or mortgage.

13. The undertakers may, upon such terms as they think fit, sell and dispose of, either absolutely or by way of mortgage, all or any of the said land, and may convey, assign, and assure the same unto the purchaser or respective purchasers thereof.

Power to undertakers to sell land.

14. The receipts of the undertakers for any purchase moneys, rents, or profits, or other money payable by virtue of this Act, shall be sufficient and effectual discharges for the money in such receipts expressed or acknowledged to be received; and the persons to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or nonapplication of the money in such receipts expressed or acknowledged to be received.

Corporation may purchase market.

15. Notwithstanding anything in this Act contained, it shall be lawful for the Corporation of the City of Adelaide, at any time within twelve months from the passing of this Act, to purchase and acquire the said undertaking, and the interest of the said Richard Vaughan or other the person or persons, undertakers or undertaker in whom the said East-End Market shall be then vested, and to purchase and acquire in fee simple all lands constituting part of the undertaking from the person or persons, company or companies then beneficially interested therein; and the persons aforesaid are hereby required to sell unto the said Corporation such part or parts of the said lands as they the vendor or respective vendors may then be beneficially interested in; and the purchase-money owing or payable to him or them shall be fixed by mutual agreement, or in manner pointed out by the provisions of "The Lands Clauses Consolidation Act," and "An Act to amend the Lands Clauses Consolidation Act," and shall be paid on the execution of such conveyances or assurances as aforesaid; and any person who shall be injuriously affected by the said purchase shall in like manner be entitled to compensation.

Saving of right of occupiers of 3, 3A, 3B, in deposited plan.

16. Notwithstanding the 13th section of the Markets Clauses Act, 1870-71, it shall be lawful for the occupier or occupiers of the piece of land marked "3," "3A," "3B," in the deposited plan, until the purchase thereof by the undertakers, as herein provided, to sell, or expose for sale, any articles in respect of which tolls are by this Act authorized to be taken in the market, but in all other respects the occupier or occupiers of the said piece of land shall be subject and liable to the provisions of this Act in respect of the sale of such articles.

Market precincts.

17. For the purposes mentioned in the 13th Section of the Markets Clauses Act, 1870-71, the prescribed limits of the said market shall be as follows:—It commences at the eastern boundary of East-terrace, at a point there ninety feet south of Rundle-street, and

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and thence runs north to the northern boundary of North-terrace, and thence runs west for a distance of two hundred and seventy-six feet six inches, thence south across North-terrace, and along to the western boundary of Town Acre 31, and continues running southerly fifty-five feet along the western boundary of Town Acre 32, then runs west one hundred and five feet, and then runs south thirty-five feet, then runs west one hundred and eight feet three inches, then runs north along the western boundary of Town Acre 33 ninety feet, then runs west two hundred and eleven feet to the eastern boundary of Town Acre 35, then runs south along the eastern boundary of Town Acre 35 two hundred and ten feet, and is thence continued in a straight line to the south side of Rundle-street, and thence runs east along the said south side of Rundle-street five hundred and fifty-five feet, then runs south on part of Town Acre 93 eighty feet, and then runs east to the first-mentioned point.

18. The days prescribed for holding markets shall be Tuesdays, Thursdays, and Saturdays in each week, but whenever Christmas Day shall happen to fall on one of the said days, then the day previous shall be a market day.

Market days.

19. From and after the commencement of this Act, the undertakers may, from time to time, demand and take from any person occupying and using any shop, stall, stand, bench, or ground space in the market, such tolls, rents, and stallages as the undertakers from time to time appoint, not exceeding those specified in the Schedule A to this Act annexed.

Power to levy general market tolls, as in Schedule A.

20. The undertakers from time to time may demand and take for the weighing or measuring of any article sold or bought for sale by weight or measure in the market, from any persons having any such article weighed or measured at the weighing houses or places provided by the undertakers, any tolls not exceeding those specified in the Schedule A to this Act annexed.

Weighing and measuring tolls, as in Schedule A.

21. The several tolls, rents, and stallages payable with respect to the occupation of any shop, stall, bench, compartment, or space of ground in the market shall be paid, not only by the original taker or occupier thereof, for a part of a day or other time, but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

Tolls and rents to be payable by successive occupiers of shops.

22. The tolls, rents, and stallages authorized to be received by the undertakers may be demanded and taken by the servants of the undertakers.

Receipt of tolls by officers.

23. The undertakers may from time to time demise and let any stalls, stands, benches, ground spaces, and other conveniences to any person for any period, upon such terms and conditions as may be mutually agreed on; and any lessee or tenant may, but not without the

Leases of market stalls, &c., and assignment of leases.

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the consent of the undertakers, assign his lease, or the benefit of his tenancy, for the unexpired residue thereof.

Expenses of Act.

24. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the undertakers.

Return of caution money.

25. The sum which has in pursuance of the Standing Orders of the House of Assembly been deposited in the Public Treasury shall be returned to the said Richard Vaughan when and so soon as he shall produce a certificate, under the hands of two Justices resident in Adelaide, that the market is fit for public use.

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

JAMES FERGUSSON, Governor.

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SCHEDULES REFERRED TO.

SCHEDULE A.

GENERAL MARKET TOLLS.

Shops.

From the occupier of every enclosed shop, whether for the sale of butcher's meat, game, poultry, fish, vegetables, fruit, china, glass, earthenware, baskets, hardware, or other commodities, articles, or things, according to the size and dimensions of such shop, namely, for each lineal foot of the frontage thereof—

	£	s.	d.
If let by the year, any yearly sum not exceeding	7	10	0
If let by the half-year, any half-yearly sum not exceeding	3	5	0
If let by the quarter, any quarterly sum not exceeding	1	12	6
If let by the week, any weekly sum not exceeding	0	3	0
If otherwise taken or occupied, for each market day or other day in the week any daily sum not exceeding	0	1	0

Butcher's Stalls.

From the occupier of every butcher's stall, according to the size and dimensions of the same, namely, for each lineal foot of the frontage thereof—

	£	s.	d.
If let by the year, any yearly sum not exceeding	2	0	0
By the half-year, any half-yearly sum not exceeding	1	0	0
By the quarter, any quarterly sum not exceeding	0	13	0
By the week, any weekly sum not exceeding	0	1	6
If otherwise taken or occupied, for each market day or other day in the week any daily sum not exceeding	0	0	6

Vegetable and other Stalls.

From the occupier of every stall raised above the ground for the sale of vegetables, fruit, fish, game, poultry, china, glass, earthenware, baskets, hardware or other commodities, articles, or things, according to the size and dimensions of such stall, namely, for each lineal foot of frontage thereof—

	£	s.	d.
If taken by the year, any yearly sum not exceeding	1	10	0
If let by the half-year, any half-yearly sum not exceeding	0	15	0
By the quarter, any quarterly sum not exceeding	0	7	6
By the week, any weekly sum not exceeding	0	1	0
If otherwise taken, for every market day or other day in the week any daily sum not exceeding	0	0	4

Stands or Benches.

From the occupier of every stand or bench, according to the size and dimensions of the same, namely, for each superficial square foot or fractional part of a superficial square foot thereof:—

	£	s.	d.
If taken by the year, any yearly sum not exceeding	1	0	0
If taken by the half-year, any half-yearly sum not exceeding	0	10	0
By the quarter, any quarterly sum not exceeding	0	5	0
By the week, any weekly sum not exceeding	0	0	6
If otherwise taken, for each market day, or any other day in the week, any daily sum not exceeding	0	0	2

Ground

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	£	s.	d.
For every dray, or cart, or other conveyance of two wheels, if drawn by single horse, for each market morning.. ..	0	1	0
If drawn by two horses	0	1	3
For every additional horse	0	0	3
For every conveyance of four wheels, if drawn by two horses	0	1	6
For every additional horse	0	0	3
For every barrow or hand truck, &c.	0	0	6

Weighing and Measuring Tolls.

	£	s.	d.
For weighing every piece of meat or thing weighing not more than 20lbs. avoirdupois	0	0	1
For weighing every piece of meat or thing weighing more than 20lbs. and not exceeding 112lbs.	0	0	2
And so on in proportion for any greater quantity than 112lbs. in weight.			
For measuring every quantity of goods and things sold by measure, not exceeding one bushel.. .. .	0	0	1
For measuring every quantity more than one bushel, and not exceeding two bushels	0	0	2
And for every bushel beyond two bushels	0	0	0½
For every load of wood, or hay, or other articles per load for weighing	0	0	6

SCHEDULE B.

Memorial of the names of the undertakers of the East-End Market, pursuant to "The East-End Market Act, 1872."

A. B. of [state residence and occupation]

Signature.

or,

A. B. has ceased to be an undertaker,

Dated, &c.

Signature.