

*Left to its operation P. G. Gayetto  
No 247*

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## COMMON LODGING-HOUSES' ORDINANCE, 1862.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION XVI., No. 105.

### ANALYSIS :

Preamble.

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AN ORDINANCE *for the well ordering of Common Lodging-Houses  
within the Province of Otago.*

**W**HEREAS it is expedient for the protection and welfare of a Preamble  
large class of the inhabitants of the Province of Otago as  
well as for the general health of the community that provision should  
be made for the well ordering of common Lodging-Houses :

BE IT THEREFORE ENACTED by the Superintendent of the said  
Province with the advice and consent of the Provincial Council  
thereof as follows :—

1. This Ordinance shall be termed and may be cited and referred Short title  
to as the "Common Lodging-Houses' Ordinance 1862."

Interpretation clause

2. The following words in this Ordinance shall for the purposes thereof have the following meanings :

The words "Common-Lodging House" shall mean any house tent or edifice not being a licensed public house in which any number of persons besides the occupying tenant thereof his or her family or domestics ordinarily sleep paying hire or reward for being allowed to do so.

The words "Local Authority" shall mean with respect to any place the Body or Person or Persons by this Ordinance authorised to execute with respect to that place the several provisions of this Ordinance.

The Ordinance to apply to Dunedin Port Chalmers and other places to which it may be extended

3. This Ordinance shall apply within and throughout the City of Dunedin and the Town of Port Chalmers respectively and within and throughout all other towns districts and places to which the Superintendent with the advice of the Executive Council may think fit to extend it upon notice of such extension being published in the *Provincial Government Gazette*.

Authorities to execute its provisions

4. This Ordinance shall be executed as follows :

Within and for all or any parts of or within the City of Dunedin and Town of Port Chalmers respectively by the Town Boards of the said City and Town respectively.

Within and for all or any parts of any other town district or place by such Body or Person or Persons as the Superintendent with the advice of the Executive Council may see fit to appoint.

Expenses incurred how to be borne

5. The expenses of and incidental to the execution of this Ordinance shall be borne and paid as follows to wit with respect to the City of Dunedin and the Town of Port Chalmers as part of the general expenses chargeable on the said city and town rates respectively and with respect to any other town district or place to which this Ordinance may be extended as part of the general expenses of police and as such charged upon and payable out of the monies from time to time applicable for those expenses.

By whom and where notice to Register is to be given. Form of Registration.

6. Within two months after the passing of this Ordinance and the appointment of any Local Authority not already existing as hereinbefore provided and from time to time thereafter as occasion may arise the occupying tenant or keeper of any Common Lodging-House already or hereafter existing within the jurisdiction of such Local Authority shall register such house by delivering at the proper office of such Local Authority notice in the form in the Schedule to this Ordinance annexed marked A and such notice subject to the provisions of this Ordinance shall be registered by such Local Authority on payment of a fee of Ten shillings.

7. Every Lodging-House keeper shall with such form for registration send in a certificate of character in the form in the Schedule to this Ordinance annexed marked B signed by six respectable inhabitant householders of the city town district or place in which such Lodging-House shall be situate and the Local Authority may refuse to register any Lodging-House the keeper of which shall fail to produce such certificate.

Certificates of character to be produced with the Form when filled up

8. In case any person shall object to his house being considered a Common Lodging-House under this Ordinance he may apply to the Local Authority and it shall be competent for such Local Authority to consider whether such House is a Common Lodging-House and whether the provisions of this Ordinance should be applied to it.

Objections to houses being Registered

9. The Local Authority shall keep a Register in which shall be entered the names and residences of the keepers of all Common Lodging-Houses within the jurisdiction of the Local Authority as to which such Local Authority shall deem fit to have this Ordinance applied and the situation of every such house and the number of Lodgers authorised according to this Ordinance to be received therein such Register to be compiled from the forms to be delivered as aforesaid or such other information as such Local Authority shall think fit to use.

Register to be kept

10. The Local Authority may from time to time make regulations respecting Common Lodging-Houses within his or their jurisdiction for fixing the number of Lodgers who may be received in such houses for promoting cleanliness and ventilation therein and with respect to the inspection thereof and the conditions and restrictions under which such inspection may be made for the well ordering of such houses for the separation of the sexes therein and for preventing facilities for the concealment and escape of criminals therein or therefrom: Provided that the regulations made under this Ordinance by the Local Authority shall not be in force until they shall have been confirmed by the Superintendent and that when so confirmed the Superintendent shall authorise the Commissioner of Police to cause the said regulations to be enforced and all necessary aid and assistance to be given to the Local Authority for the purpose of effecting the due observance of the said regulations and the conviction of offenders.

Regulations to be made respecting Lodging-Houses

11. The person keeping any such Common Lodging-House shall give access thereto when required by any Constable or by any person who shall produce the written instructions of the said Local Authority or of the Commissioner of Police in writing under their or his hand or seal as the case may be for the purpose of introducing or using therein any disinfecting process and the expenses incurred by the said Local Authority in so introducing or using any disinfecting process may be recovered by the Local Authority or the Commissioner of Police or person authorised as aforesaid in a summary manner before any two Justices of the Peace by distress and sale of

Means by which they may be disinfected

the goods and chattels of the person keeping the Lodging-House in which the same shall have been used or introduced.

Penalties for breach of Regulations

12. The Local Authority shall have the power of imposing by any such Regulations penalties on offenders against the same not exceeding the sum of Five pounds for each offence and in case of a continuing offence a further penalty of a sum not exceeding Forty Shillings for each day during which such offence shall be continued after written notice from such Local Authority or the Commissioner of Police or any Officer duly authorised by either of them of the offence having been committed: Provided that all such Regulations imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty and all such penalties may be recovered in a summary way by the Local Authority or the Commissioner of Police or any Officer duly authorised by either of them before any two Justices of the Peace and a copy of the Regulations purporting to be signed by the Superintendent and also signed by or sealed with the seal of the Local Authority shall be receivable as evidence of such Regulations and of the duly making and confirming thereof.

Contents of Register how to be proved

13. A copy of an entry made in any Register kept under this Ordinance certified by the person having the charge thereof to be a true copy shall be received by and before all Justices and on all occasions whatsoever as evidence and be sufficient proof of all things Registered according to the provisions of this Ordinance without the production of the Register or of any document act or thing on which the entry is founded and every person applying at a reasonable time shall be furnished *gratis* by the person having such charge with a certified copy of any such entry.

Lodging-House Keeper to report deaths to Coroner when they occur in the Lodging-House

14. Upon any death occurring in any Common Lodging-House the keeper or manager thereof shall within twelve hours after the same shall have taken place or become known give notice of every such death and the cause thereof and the circumstances attendant thereon to the nearest Coroner residing within five miles of such Lodging-House and if there shall be no Coroner residing within five miles of such Lodging-House then to the Local Authority within the jurisdiction wherein such house may be situated.

Notice of infectious diseases to be given by keeper

15. The keeper of a Common Lodging-House shall when any person therein is ill of fever or any infectious or contagious disease give immediate notice thereof to the Local Authority within the jurisdiction or some Officer of the Local Authority.

Provisions for preventing the spread of disease

16. When any person in a Common Lodging-House is ill of fever or any infectious or contagious disease the Local Authority may on the certificate of a medical officer that the disease is infectious or contagious and that the patient may be safely removed cause such person to be removed to an Hospital with the consent of the authorities thereof and may so far as such Local Authority may think requisite for preventing the spread of disease

cause any clothes or bedding used by such person to be disinfected or destroyed and may in their discretion award to the owners of the clothes and bedding so disinfected or destroyed reasonable compensation for the injury or destruction thereof the amount of such compensation being first certified in writing upon a list of such articles by such Local Authority or his or their Officer to be paid out of the rates and monies aforesaid respectively.

17. The keeper of a Common Lodging-House and every other person having or acting in the care or management thereof shall at all times when required by any Local Authority or his or their officer appointed as aforesaid or by any Justice of the Peace or any officer or Constable of Police give him free access to such house or any part thereof.

Access at all times to be given to Officer

18. The keeper of a Common Lodging-House shall thoroughly cleanse all the rooms passages stairs floors windows doors walls ceilings privies cesspools and drains thereof to the satisfaction of and so often as shall be required by or in accordance with any Regulation of the Local Authority and shall limewash the walls and ceilings thereof or so much of them as shall be required by such authority in the first week of the months of April and October in every year.

Keeper to use sanitary precautions

19. The keeper of a Common Lodging-House shall from time to time if required by any order of the Local Authority or the Commissioner of Police served on such keeper report to the Local Authority or to the Commissioner of Police as the case may be or to such person as the Local Authority or Commissioner of Police shall direct the name of every person who resorted to such house during the preceding day or night and for that purpose schedules shall be furnished to the person so ordered to report which schedules he shall fill up with the information required and transmit as therein shall be directed.

To make returns of lodgers

20. If the keeper of any Common Lodging-House or any other person having or acting in the care and management thereof shall omit to cause his house to be Registered as aforesaid or shall offend against any of the provisions of this Ordinance or any of the Regulations made in pursuance of this Ordinance or if any person shall have died in any Common Lodging-House or if any person in any Common Lodging-House shall have been confined to his bed for forty-eight hours by fever or any infectious or contagious disease without the keeper of such house having given notice thereof respectively as required by this Ordinance every person so offending shall for every such offence be liable to a penalty not exceeding Five Pounds and to a further penalty not exceeding Forty Shillings for every day during which the offence continues : Provided that this Ordinance shall not exempt any person from any penalty or liability to which he might be subject irrespective of this Ordinance.

Penalties

21. Where the keeper of any Common Lodging-House or any person having or acting in the care or management thereof is convicted of a third offence against any of the provisions of this

Keeper may be suspended

Ordinance the Justices before whom such third conviction takes place may if they think fit adjudge that he shall not at any time within a period not exceeding five years after such conviction as the Justices think fit keep or have or act in the care or management of a Common Lodging-House without the previous license in writing of the Local Authority which license the Local Authority may withhold or may grant on such terms and conditions as such Local Authority shall think fit.

Execution of the Ordinance

22. The Local Authorities all Justices of the Peace Constables and others shall respectively have full jurisdiction powers authorities and indemnities for executing the several provisions of this Ordinance.

How penalties to be recovered

23. All proceedings under this Ordinance shall be had and taken and all fines penalties and forfeitures shall be recovered in a summary way : Provided always that in no case shall any forfeiture penalty or fine imposed in pursuance of this Ordinance exceed for any one offence the sum of One hundred pounds.

Passed the Provincial Council this eleventh day of December one thousand eight hundred and sixty-two.

CHARLES SMITH,

*Clerk of Council.*

ALEX. RENNIE,

*Speaker.*

Assented to on behalf of the Governor at Dunedin this nineteenth day of December one thousand eight hundred and sixty-two.

J. L. C. RICHARDSON,

*Superintendent of the Province of Otago.*

SCHEDULE A.

FORM OF REGISTER OF COMMON LODGING-HOUSE.

Name of Proprietor, Keeper, or Manager	An accurate description of locality of Common Lodging-House.	Of what material House built, how many Rooms used as sleeping apartments, and what other accommodation in the house.	The Number of Lodgers intended to be accommodated.

SCHEDULE B.

We the undersigned being inhabitant householders within (*here state the city town district or place in which the Lodging-House applied to be registered is situated*) do certify that we know (*here state the name of the keeper or manager of the Common Lodging-House*) and believe him to be a fit and proper person to keep and have the management of a Common Lodging-House.

(Signed)

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