



ANNO DECIMO QUARTO

# VICTORIÆ REGINÆ.

## No. XLVI.

An Act to enable the Council of the City of Sydney to assess, collect, and levy certain City and Lighting Rates, for the year one thousand eight hundred and fifty-one. [Assented to, 2nd May, 1851.]

**W**HEREAS by a certain Act of the Governor and Legislative Council of the Colony of New South Wales, made and passed in the fourteenth year of the reign of Her present Majesty Queen Victoria, intituled, *“An Act to provide for the regulation of the Corporation of the City of Sydney,”* it was amongst other things enacted, that it should be lawful for the Council of the said City, and they were thereby authorized and required, from time to time, to order and direct such valuer or valuers as they might appoint, to make and enter in books to be provided for the purpose (a separate book being kept for each Ward in the form or to the effect of the Schedule to the said Act annexed, marked K, and such books to be called the Ward Assessment Books,) an assessment of every building, tenement, or other property, within the limits of the said City, according to its full, fair, and average value, clear of all outgoings; and that such Ward Assessment Books, when completed by such valuers respectively, should be by them delivered to the Town Clerk, who should, as soon as conveniently might be thereafter, cause a notice, in the form prescribed by the said Act, to be served on or left at the premises of every proprietor or occupier (as the case might be) of the building, tenement, or other property assessed: And whereas it is further enacted by the said Act, that it should be lawful for the said Council of the said City, and they are thereby authorized and required on or before the thirty-first day of December in every year, to estimate as correctly as may be what amount, in addition to the various sums at the credit of the said Council in the City fund, would be sufficient for the payment of the expenses to be incurred in carrying into effect the provisions of the said Act for the year immediately succeeding the year in which such estimate should be made; and in order to raise the amount so estimated, the said Council of the said City are, by the said Act authorized and required on the assessment so to be made as is set forth in the said Act, to cause such City and Lighting Rates to be raised as the said Council might see proper, such City Rate not to exceed one shilling and sixpence in the pound, and such Lighting Rates not to exceed sixpence in the pound in any year; and such City and Lighting Rates to be fixed and ordered by the said Council, on or before the thirty-first day of January, in every year, to be paid into the Office of the City Treasurer in two equal proportions, the first moiety thereof to be so paid on or before the

Preamble.

14 Vict. No. 41.

thirty.

*City Rates.—1851.*

thirty-first day of March, and the second moiety thereof on or before the thirtieth day of September in every year: And whereas the said Council of the said City did, in the month of December last, estimate as correctly as might be, what amount in addition to the various sums at the credit of the Corporation in the City Fund, would be sufficient for the payment of the expenses to be incurred in carrying into effect the provisions of the said Act for this present year, and did also on the thirty-first day of the said month of December last fix and order certain City and Lighting Rates to be levied in accordance with the provisions of the said Act, but sufficient time has not been afforded the said Council to cause a new assessment or valuation of the City property as yet to be made, in the manner and form by such Act prescribed, by reason whereof no such City or Lighting Rate can be raised during the said present year, and it is therefore necessary that such provisions as are herein contained, should be made to postpone the period for making and ordering, and to authorize the raising and levying of such City and Lighting Rates for the present year: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That in order to raise the amount of expenses incurred, or to be incurred, in carrying into effect the provisions of the said recited Act or this Act during the present year, it shall be lawful for the said Council and they are hereby authorized and required on the assessment or valuation of the City property, still to be made in accordance with the provisions of the said recited Act, to cause such City and Lighting Rates to be raised as the said Council may think necessary, such City Rate not to exceed one shilling and sixpence in the pound, and such Lighting Rate not to exceed sixpence in the pound; and such City and Lighting rates shall, on or before the thirty-first day of October next, be fixed and ordered by the said Council to be paid into the office of the City Treasurer, on or before the thirty-first day of December in this present year.

Council may levy City rate not exceeding one shilling and six-pence in the pound, and Lighting rate not exceeding six-pence in the pound.

Assessments, City, and Lighting Rates raised under the provisions of this Act to be as valid and binding as if raised under the provisions of 14 Vic., No. 41.

II. And be it enacted, That the assessments to be made under and by virtue of the provisions hereof, and the City and Lighting Rates which shall be ordered by the said Council to be raised under the provisions hereof, shall in all respects be as valid, binding, and conclusive, and shall and may be raised and levied in the same manner as the same would or might or could have been if the same respectively had been made, caused, or ordered to be raised within the period prescribed by, and under or by virtue of the provisions of the hereinbefore mentioned Act; and that all the provisions of the said hereinbefore mentioned Act, in reference to such assessments and valuations, and the estimate of the amount for the payment of the expenses to be incurred in carrying into effect the provisions of the hereinbefore mentioned Act during the present year, and the causing such City and Lighting Rates to be raised, in order to raise the amount so estimated, which would or might have applied and been in force in reference thereto, in case the said Council of the said City had done and caused to be done all the matters and things which in and by the hereinbefore mentioned Act were authorized, required, or directed to be done in reference thereto, during the said year of our Lord one thousand eight hundred and fifty, or this year, shall be in force in reference to and shall apply to the several matters and things hereby authorized, required, and directed to be done, so far as the same can apply thereto, in respect to all matters and things concerning which no special provision is hereby made.

Alteration of form of Warrant of Distress.

III. And whereas by the said hereinbefore mentioned Act, it is enacted, that the Warrant or Warrants of distress issued by virtue and in pursuance of the said Act might be directed to any Bailiff or person appointed by the Mayor of the said City in that behalf, and that such Warrant or Warrants should be in the words or to the effect of the form set out in the Schedule to the said Act annexed, marked P: And whereas it is desirable, that the said

*City Rates.—1851.*

said form should be varied and altered: Be it therefore enacted, That all and every Warrant or Warrants to be issued in pursuance of this Act, or of the said hereinbefore mentioned Act, shall be in the words or to the effect of the forms set out in the Schedules to this Act annexed, marked respectively A. and B.

IV. And be it further enacted, That all proceedings had and taken by virtue of all and every the Distress Warrants issued in pursuance of the said hereinbefore mentioned Act shall be valid and effectual; and that no action or suit, information, indictment, prosecution, or other proceeding whatsoever shall be commenced or prosecuted against the Council of the said City, or against any officer thereof, or against any bailiff appointed by virtue of the said Act, or against any person or persons acting in pursuance of the said Warrants, for or on account of any act, matter, or thing, done by virtue of or in pursuance of any such Warrants.

No action to lie for anything done in pursuance of warrants already issued.

*Passed the Legislative Council, this first day of May, one thousand eight hundred and fifty-one.*

CHARLES NICHOLSON.

WM. MACPHERSON, CLERK OF THE COUNCIL.

Speaker.

*In the name and on the behalf of Her Majesty I assent to this Act.*

CH<sup>S</sup>. A. FITZ ROY,

GOVERNOR.

*Govt. House, Sydney, 2nd May, 1851.*

SCHEDULE A.

WARRANT OF DISTRESS AGAINST TENANT ACTUALLY RATED AND OCCUPANT.

To and his Assistants.

Whereas the respective persons whose names appear in the Schedule hereunder written have been rated by the Council of the City of Sydney, in respect of the properties also appearing in the said Schedule, at the sums and for the purposes set down opposite to their respective names: And whereas the said several sums were and still are due and payable on account of such rates, and default having been made in the payment thereof to the City Treasurer, although demand has been made as is required by law.

These are therefore to authorize you forthwith to make distress of the goods and chattels in the first place upon those of the person or persons named in the said Schedule, if he, she, or they be then resident in the said premises and have any goods and chattels there, and in case of a change of possession then upon the goods and chattels of any person or persons who shall then be the occupier or occupiers thereof, or upon the goods and chattels of the person or persons in possession of the said premises so appearing in the said Schedule at the time of the executing of this Warrant; and if within the space of three days next after the making of either of such distress or distresses respectively the said several sums of money set opposite to their respective names, at which the person or persons was or were so rated as aforesaid, and the said several sums for costs also set opposite to their respective names, including your lawful charges for levy, inventory, sale, commission, and delivery of goods in each case, shall not be paid, that then you do sell the said goods and chattels of the person or persons so by you distrained, and out of the money arising by such sales respectively you retain the sums so set opposite to the name of each party or parties whose goods you shall have so sold, rendering to him or them the overplus, the charges of taking, keeping, and selling the said distress being first deducted; and that you certify to me, on or before the day of , what you shall have done by virtue of this Warrant.

SCHEDULE.

No. in Rate Book.	Names of Ratepayers.	Description of Property.	Situation of Property.	Rates.			Costs.	Total.
				City.	Lighting	Arrears.		
				Half-year ending	Half-year ending	City and Lighting		

Given under my hand, at the Town Hall, in the City of Sydney, this day of , A.D. 18 of

Mayor.

SCHEDULE

B

City Rates.—1851.

SCHEDULE OF COSTS.

	s. d.
For every warrant of distress . . . . .	1 0
For every levy . . . . .	0 6
For man in possession, each day, or part of a day . . . . .	3 0
For inventory, sale, commission, and delivery of goods, not exceeding one shilling in the pound on the net proceeds of the sale . . . . .	}

SCHEDULE B.

WARRANT OF DISTRESS AGAINST LANDLORD OR PROPRIETOR.

Schedule B.

To and his Assistants.

WHEREAS the person or persons appearing in the Rate Books as rated, whose name [or names] appears in the Schedule hereunder written, has been rated by the Council of the City of Sydney in respect of the property [or properties] also appearing in the said Schedule, at the sums and for the purposes set down opposite to his name [or names] : And whereas the said sum [or sums] is [or are] still due and payable on account of such rates, and default having been made in payment thereof by the said [the person so rated] to the City Treasurer, and the said premises being vacant for a period less than six months, and no sufficient distress being upon the said premises, and the said rate [or rates] having been demanded from [the landlord or proprietor], and still remains unpaid : These are to authorize you forthwith to make distress of the goods and chattels of the said the landlord [or proprietor], and if within the space of three days next after the making of such distress the said sum [or sums] together with the costs mentioned in the said Schedule respectively, including the taking and keeping the said distress, shall not be paid, that then you do sell the goods and chattels of the said [landlord or proprietor], so by you distrained, and out of the money arising by such sale you retain the said sum of £ , (total amount of rates and warrant) together with your lawful charges for levy, possession money, inventory, sale, commission, and delivery of goods, rendering to him [or them] the overplus, and that you certify to me on or before the day of what you shall have done by virtue of this Warrant.

SCHEDULE.

No. in Rate Book.	Names of Ratepayers.	Description of Property.	Situation of Property.	RATES.			Costs.	TOTAL.
				City	Lighting	Arrears.		
				Half-year ending	Half-year ending	Half-year ending		

Given under my hand, at the Town Hall, in the City of Sydney, this day of A.D. 18

Mayor.

SCHEDULE OF COSTS.

	s. d.
For every warrant of distress . . . . .	1 0
For every levy . . . . .	0 6
For man in possession each day or part of a day . . . . .	3 0
For inventory, sale, commission, and delivery of goods, not exceeding one shilling in the pound on the net proceeds of the sale.	}