

No. XIV.

SYDNEY BUILDING.

An Act further to amend an Act passed in the Eighth Year of the Reign of His late Majesty King William the Fourth intituled “ *An Act for regulating Buildings and Party-walls and for preventing mischiefs by Fire in the Town of Sydney.*” [3rd October, 1839.]

Preamble.

8 Wm. IV. No. 6.

2 Victoria No. 25.

To have force only within certain limits.

WHEREAS a certain Act was passed by the Governor and Council of New South Wales in the eighth year of the reign of His late Majesty King William the Fourth intituled “ *An Act for regulating Buildings and Party-walls and for preventing mischiefs by Fire in the Town of Sydney*” And whereas another Act was passed by the said Governor and Council in the second year of the reign of Her present Majesty Queen Victoria intituled “ *An Act to amend an Act intituled ‘An Act for regulating Buildings and Party-walls and for preventing mischiefs by Fire in the Town of Sydney’*” And whereas it is expedient further to amend the said first recited Act and to confine the operation of the same to certain parts of the Town of Sydney Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the first day of November next the said Act passed in the eighth year of the reign of His late Majesty King William the Fourth as amended by the Act passed in the second year of the reign of Her present Majesty Queen Victoria shall be in force and have effect only within that part of the town of Sydney which is comprised within the following boundary that is to say within a line drawn due north and south through the centre of the gateway of Fort Macquarie and extending from low-water mark in Sydney Cove to the boundary fence of the Government Domain thence westward and southward along the said boundary fence to the centre of the gateway in the same which is situate in rear of the Prisoners’ Barrack known by the name of Hyde Park Barrack thence along the centre of the road which passes from the said gateway in front of the Roman Catholic Church of St. Mary and in front of the Sydney College and along the prolongation of the same line to a point distant one hundred yards beyond the point where the centre line of the said road is crossed by the centre line of the road leading from Liverpool-street to the new gaol thence to a point in the centre of Elizabeth-street distant one hundred yards to the south of the point where the centre line of Elizabeth-street is crossed by the centre line of Liverpool-street thence southward along the centre of Elizabeth-street to the point where it is met by the centre line of Campbell-street thence along the centre line of Campbell-street and the prolongation thereof to the water of Darling Harbour and thence by the line of low-water mark to Fort Macquarie.

Mode of recovering fees &c.

2. And whereas by the said recited Act it is provided That before any building or wall within the limits of the said Act shall be begun to be built the master-workman or other person causing such building or wall to be built shall give notice thereof to the Surveyor or Supervisor of the District and such Surveyor or Supervisor shall for viewing such building or wall be paid after certain rates in said Act specified and whereas it is expedient and necessary that the mode of recovering the amount of said rates in case of non-payment thereof should be better defined and expressed Be it

Arrest on Mesne Process Abolition.

it therefore enacted That any Surveyor or Surveyors Supervisor or Supervisors duly appointed to carry into effect the provisions of the said recided Act shall and may recover any fees which now are or any fees forfeitures or penalties which may hereafter become due to him or them according to the several rates and sums therein mentioned for viewing any such building or wall or otherwise howsoever upon complaint on oath before one or more Justice or Justices of the Peace who is and are hereby authorized and required to hear and determine the same and such Justice or Justices is and are hereby empowered to summon any witness or witnesses to appear before him or them and to examine such witness or witnesses on oath touching such complaint and to make such order and adjudication therein as to such Justice or Justices shall seem meet and in case such adjudication shall be for payment of any of the said sums of money according to the rates as aforesaid respectively and in case the same together with the costs shall not be immediately paid such Justice or Justices shall and may issue forth his or their warrant to levy the same by distress and sale of the goods and chattels of the person so complained against and in default rendering the overplus (if any) to the said person after payment of the charges of such distress and sale Provided nevertheless that no fees shall be so recovered due or claimed to be due in respect of any buildings situate beyond and outside of the boundary hereinbefore described.

3. And be it enacted That all fines fees or forfeitures levied and received by any District Surveyor or Supervisor under the said Act passed in the eighth year of the reign of His late Majesty King William the Fourth or under the present Act be paid to the Colonial Treasurer for the public uses of the said Colony and in support of the government thereof to be appropriated by any Law or Ordinance to be passed by the Governor with the advice of the Legislative Council.

Fees &c. received by Surveyor to be paid to the Colonial Treasurer and to be appropriated by any Law or Ordinance to be passed by the Governor with the advice of the Legislative Council.