

*Title — The Sydney Corporation Act of 1851
See 18 Vic. No. 30, 5 13.*

No. XLI.

An Act to provide for the Regulation of the Corporation of the City of Sydney. [2nd October, 1850.]

SYDNEY
CORPORATION.

CONTINUANCE OF THE CORPORATE BODY RIGHTS AND PRIVILEGES &C.

WHEREAS an Act was passed by the Governor and Legislative Council of New South Wales in the sixth year of the reign of Her present Majesty intituled “*An Act to declare the Town of Sydney to be a City and to incorporate the Inhabitants thereof*” And whereas a certain other Act was also passed by the said Governor and Council in the seventh year of the reign of Her said Majesty intituled “*An Act for the more easy and effectual recovery of Rates in the City of Sydney*” And whereas a certain other Act was also passed by the said Governor and Council in the eighth year of the reign of Her said Majesty intituled “*An Act to amend an Act intituled ‘An Act to declare the Town of Sydney to be a City and to incorporate the Inhabitants thereof’ and for other purposes*” And whereas a certain other Act was also passed by the said Governor and Council in the eleventh year of the reign of Her said Majesty intituled “*An Act for removing doubts as to the Election of Mayor and Aldermen and for other purposes therein mentioned*” And whereas it is expedient to repeal the said several recited Acts (except as hereinafter mentioned) and to make other provisions in lieu thereof Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act the said recited Acts shall be and the same are hereby repealed except so far as the said first recited Act declares the Town of Sydney to be a City incorporates the inhabitants thereof and defines the boundaries of the said City and the wards thereof and except so far as such Acts or any of them repeal the Acts thereby repealed and except as hereinafter excepted.

2. And be it enacted That after the passing of this Act the body corporate and politic now styled the “Mayor Aldermen Councillors and Citizens of the City of Sydney” shall continue to be styled and bear the name of the “Mayor Aldermen Councillors and Citizens of the City of Sydney” and under that name shall have perpetual succession and shall be capable in law to sue and be sued and to implead and be impleaded in all Courts of Law and Equity and other places in all manner of actions causes and matters whatsoever and to accept take purchase and hold goods and chattels lands and tenements real and personal movable and immovable estates and to grant sell alienate assign demise and convey the same and to do and suffer all acts as a body corporate under and subject to the provisions and regulations of this Act and shall and may have a common seal and in all cases of legal proceedings service of notice thereof upon either the Mayor

Preamble.

6 Vic. No. 2

7 Vic. No. 11

8 Vic. No. 14

and 11 Vic. No. 36

repealed with certain exceptions.

Corporation to continue to be styled “Mayor Aldermen Councillors and Citizens of the City of Sydney.”

Sydney Corporation.

Continuance of corporate body &c.

Provision for the continuance of the present Corporation.

Powers rights privileges and immunities.

Property of Council shall still be vested in Corporation.

Debts liabilities mortgages and agreements still to be in force.

Actions not to abate.

Fines penalties and rates still to be recoverable.

Qualification of Citizens.

Occupancy £20 annual value six months residence.

Mayor or Town Clerk for the time being shall be deemed and taken as good and sufficient service upon the corporate body.

3. And be it enacted That nothing in this Act contained shall be held or construed to abolish the corporate body created by the said first recited Act or to abrogate or repeal any acts matters or things made or done or commenced to be made or done under the authority thereof but that the same shall continue in as full force and effect as if this Act had not been passed and the Mayor Aldermen Councillors Auditors and Assessors and all corporate officers shall hold the offices ~~to which they were~~ respectively elected or appointed under the said first recited Act during the period for which they were respectively elected or appointed except in so far as such period may be abridged or extended under the provisions of this Act and possess the same powers rights privileges and immunities and be subject to the same provisions regulations and restrictions and to the performance of the same duties as they respectively possessed or were subject to before the passing of this Act except in so far as the same may be specially restricted or enlarged or otherwise altered under and by virtue of this Act.

4. And be it enacted That all the lands tenements buildings hereditaments and real estate chattels real and personal estate and property whatsoever and all powers rights remedies and capacities in respect of the same which shall at the passing of this Act be vested in or held in trust for the corporate body established under or by virtue of the said first recited Act shall continue to be vested in or held in trust for the said corporate body after the passing of this Act and all moneys then due and owing by or to or on account of the said corporate body shall still be recoverable by or from the said body and all contracts agreements mortgages bonds covenants and securities then made or entered into with or in favor of or by or for the said corporate body or any person on their behalf shall take effect and may be proceeded on and enforced by against and with reference to the said corporate body as fully in all respects as if this Act had not been passed.

5. And be it enacted That no action suit prosecution or other proceeding whatsoever commenced or carried on previously to the passing of this Act either by or against the corporate body established by the first recited Act shall abate or be discontinued or prejudicially affected by virtue of the enactments herein contained but shall continue and take effect both in favor of and against the said corporate body and all decrees and orders made and all fines and penalties imposed and incurred respectively and all rates made or so much thereof as shall not have been levied and paid before the passing of this Act shall be enforced levied recovered and proceeded for in such and the like manner as if this Act had not been passed except in so far as the levying recovering and enforcing payment of the same may be specially altered under and by virtue of this Act.

QUALIFICATION OF CITIZENS.

6. And be it enacted That every male person of full age who on the last day of July in any year after the passing of this Act shall have occupied any house warehouse counting-house shop office or chamber used as an office within the said City of the clear annual value of twenty pounds sterling money at the least during the whole six calendar months preceding such date and also during the time of such occupation as aforesaid shall have been an inhabitant householder within the said City or within seven miles thereof shall if duly enrolled on the Citizen Roll in that year according to the provisions hereinafter

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hereinafter contained be a Citizen of the said City and member of the body corporate of the Mayor Aldermen Councillors and Citizens of the same and shall be entitled to vote in the election of Mayor Aldermen Councillors Assessors and Auditors under the provisions hereof and no person whose name is not enrolled in such Citizen Roll for the time being shall have any voice or be entitled to vote in any such election. Provided always that no person shall be so enrolled in any year unless if rated he shall have paid on or before the last day of July as aforesaid all such rates as shall have become payable by him in respect of the said premises except such as shall become payable within six calendar months next before the said last day of July. Provided also that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same Ward but may be different premises in the same Ward or in different Wards within the City. Provided likewise that no person being an alien unless naturalized according to law shall be so enrolled in any year and that no person shall be so enrolled in any year who within twelve calendar months before shall have received eleemosynary relief in or from any benevolent society or other charitable institution. Provided also that in every case under this Act the distance of seven miles aforesaid shall be computed by the nearest public road or way by land or water from the nearest part of the boundary of the City.

*Qualification of Citizens.**Enrolment on Citizen Roll.**Payment of rates.**Aliens and others not qualified.*

7. And be it enacted That where any premises as aforesaid in the said City shall jointly be occupied by more persons than one as owners or tenants each of such joint occupiers shall be entitled to be enrolled as a Citizen thereof and to vote as aforesaid in respect of the premises so jointly occupied by them provided that the value of such premises to be ascertained and determined as hereinafter mentioned shall be of an amount which when divided by the number of such occupiers shall give for each occupier a sum not less than the sum which would entitle such person to be enrolled and to vote as aforesaid if he were a separate occupier but not otherwise.

In certain cases where persons occupy premises jointly each person to be entitled to be enrolled a Citizen.

8. And be it enacted That where any house warehouse counting-house shop office or chamber used as an office as aforesaid in the said City shall come to any person by descent marriage marriage-settlement or devise such person shall be entitled to reckon the occupancy thereof by the person from or by whom such house warehouse counting-house chamber shop or office shall have so come to him as his own occupancy conjointly with the time during which he shall have since occupied the same and shall be entitled to be enrolled a Citizen and to vote as aforesaid in respect of such successive occupancy provided he shall be otherwise qualified as herein provided.

In case of titles by descent &c. how the occupancy is to be reckoned.

9. And be it enacted That every person whose name is enrolled as a Citizen on the Citizen Roll of the City of Sydney which shall be in force at the passing of this Act shall be entitled to vote in the election of Mayor Aldermen Councillors Auditors and Assessors under this Act until the revision and completion of the first Citizen Roll under and by virtue of this Act and that after the revision and completion of the first Citizen Roll under this Act every person whose name shall be enrolled therein or in any subsequent Citizen Roll for the time being shall be entitled to vote in the election of Mayor Aldermen Councillors Auditors and Assessors under this Act.

*What Citizens entitled to vote at the first and subsequent elections under this Act.***CITIZEN LISTS.***Citizen Lists.*

10. And be it enacted That on or before the thirty-first day of July in every year after the passing of this Act a person or persons to be called Collector or Collectors shall be appointed by the Mayor of the said City for each Ward of the same and such Collector or Collectors shall

Collectors to be appointed by 31st July to make out lists of all persons entitled to be enrolled Citizens and deliver

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Citizen Lists.
same to Town Clerk
by 10th August.
Schedule A.

Lists to be perused
from 10th to 31st
August

and to be affixed on
public buildings
from 20th to 31st
August.

Claims and objec-
tions to be lodged
with Town Clerk by
31st August.

Schedule B.

Schedule C.

Schedule D.

Schedule E.

Lists to be perused
and published from
5th to 15th Sep-
tember.

Alderman and
Assessors to revise
lists at Revision
Courts to be held
from 16th September
to 5th October after
three days' notice.

shall on or before the tenth day of August in every year make out sign and deliver to the Town Clerk of the said City an alphabetical list to be called the Citizen List according to the form in the Schedule to this Act annexed marked A of all persons who shall be entitled to be enrolled in the Citizen Roll for that year according to the provisions of this Act in respect of property within such Ward and each Collector shall keep a true copy of the list so delivered by him to be perused by any person without payment of any fee at all reasonable hours between the tenth and thirty-first days of August in every year and the Town Clerk shall within a reasonable time cause copies to be printed of all such lists delivered to him and shall deliver a copy of any such list to any person requiring the same on payment of a reasonable price for each copy and shall cause a copy of the Citizen List of each Ward to be fixed on some public and conspicuous building within the Ward on every day from the twentieth to the thirty-first days of August inclusively in every year.

11. And be it enacted That any person whose name shall have been omitted in any such Citizen List and who shall claim to have his name inserted therein shall on or before the thirty-first day of August in every year give notice thereof to the Town Clerk in writing according to the form in the Schedule to this Act annexed marked B or to the like effect and every person whose name shall have been inserted in any Citizen List or who shall have duly claimed and shall be entitled to have his name inscribed in such list may object to any other person as not being entitled to have his name retained in the Citizen List and any person so objecting shall on or before the thirty-first day of August in every year give to the Town Clerk and also to the person objected to or leave at the premises for which he shall appear to be rated in the Citizen List notice thereof in writing according to the form in the Schedule to this Act annexed marked C or to the like effect and the Town Clerk shall include the names of all persons so claiming to be inserted on the Citizen List in a list according to the form in the Schedule to this Act annexed marked D and shall include the names of all persons so objected to as not entitled to be retained on the Citizen List in a list according to the form in the Schedule to this Act annexed marked E and shall cause copies of such several lists to be fixed on the outer doors or walls of some public or conspicuous buildings respectively within each Ward on every day from the fifth to the fifteenth day of September inclusively in every year and the Town Clerk shall likewise keep a list of the names of all persons so claiming as aforesaid and also a list of the names of all persons so objected to as aforesaid to be perused by any person without payment of any fee at all reasonable hours from the said fifth to the said fifteenth day of September in every year and shall deliver a copy of each of such lists to any person requiring the same on payment of a sum not exceeding one shilling for each copy.

12. And be it enacted That an Alderman and two Assessors to be respectively chosen as hereinafter mentioned in every year by the Citizens of the said City shall respectively hold an open Court within each Ward of the said City for the purpose of revising the said Citizen Lists such revisions to take place at such time as the said Alderman may appoint between the sixteenth day of September and the fifth day of October inclusively in each and every year he having first given three clear days' notice of the holding of such Court by advertising the same in the *New South Wales Government Gazette* and in one daily or other newspaper circulating in the said City of Sydney and the Town Clerk or person acting as such shall at the opening of the Court produce the said lists and a copy of the lists of the persons so claiming and of the persons

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persons so objected to made out in manner aforesaid and the Collectors of such Citizen Lists appointed under this Act shall attend the Court and shall answer upon oath all such questions as the Court may put to them or any of them touching any matters necessary for revising the Citizen Lists and the said Alderman shall insert in such lists the name of every person who shall be proved to the satisfaction of the Court to be entitled to be inserted therein according to the provisions of this Act and shall retain on the said lists the names of all persons to whom no objection shall have been duly made and shall also retain on the said lists the name of every person who shall have been objected to by any person unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection and when the name of any person inserted in any of the said lists shall have been duly objected to and the person objecting shall appear by himself or by some one in his behalf in support of such objection the Court shall require proof of the qualification of the person so objected to and in case the qualification of such person shall not be proved to the satisfaction of the Court the said Alderman shall expunge the name of every such person from the said lists and shall also expunge therefrom the name of every person who shall be proved to the Court to be dead and shall correct any mistake or supply any omission which shall be proved to the Court to have been made in any of the said lists in respect of the name or place of abode of any person who shall be included therein or in respect of the local description of his property Provided always that no person's name shall be inserted by the said Alderman in any such lists or shall be expunged therefrom except in the case of death unless notice shall have been given as is hereinbefore required in each of the said cases.

Citizen Lists.

Alderman may retain insert and expunge names.

Mistakes may be corrected and omissions supplied.

13. And be it enacted That every Alderman holding any Court under this Act for the revision of the said lists shall have power to adjourn the same from time to time provided that no such adjourned Court shall be held beyond the said fifth day of October in any year and the said Alderman shall have power to require any person having the custody of any book containing any rate made for the said City during that or the preceding year to produce the said book and allow the same to be inspected at any Court to be held for the revision of the Citizen Lists and the said Alderman shall have power to administer an oath or oaths as well to the Town Clerk and to the Collectors as to all persons claiming to be inserted in or making objection to the omission or insertion of any name in any of the said lists and to all persons objected to in any such lists and to all persons claiming to have any mistake in any of such lists corrected and to all witnesses who may be tendered or examined on either side by which oath the person under examination shall be required to state the truth the whole truth and nothing but the truth relating to the matter in hand and the said Alderman and Assessors by the decision of the three or any two of them shall upon the hearing in open Court determine upon the validity of such claims and objections and the said Alderman shall in open Court write his initials against the names struck out or inserted and against any part of the said lists in which any mistake shall have been corrected and shall sign his name to every page of the several lists so settled.

Power to the Alderman to adjourn any Court to 5th October.

Oath may be administered to Town Clerk and others.

Aldermen shall initial alterations and sign lists.

14. And be it enacted That every person authorized by law to make an affirmation instead of taking an oath shall make such affirmation in every case in which by this Act an oath is required to be taken and if any person taking any oath required by this Act or making any affirmation instead of taking such oath or making any declaration shall wilfully swear or affirm or declare falsely such person shall be deemed

Affirmation may be substituted for oath.

Punishment for swearing affirming or declaring falsely.

*Sydney Corporation.**Citizen Lists.*

Revised lists to be delivered to the Town Clerk.

Roll books to be completed by 15th October in every year.

How long to be in force.

Copies of the Citizen Roll to be written or printed for distribution.

deemed guilty of perjury or of a misdemeanor as the case may be and shall be punished accordingly.

15. And be it enacted That the Citizen List of each Ward so revised and signed as last aforesaid shall be delivered by the said Alderman to the Town Clerk who shall keep the same and shall cause each of the said Citizen Lists to be fairly and truly copied into an alphabetical list in books to be by him provided for that purpose the Citizen List of each Ward being kept separate with every name therein numbered beginning the numbers from the first name and continuing them in a regular series to the last name and shall cause such books to be completed on or before the fifteenth day of October in each and every year and shall deliver such books together with the lists at the expiration of his office to the person succeeding him in such office and every such book in which the said Citizen Lists shall have been copied shall be the Citizen Roll of the Citizens of the City entitled to vote in each and every year after the passing of this Act in the choice of the Mayor Aldermen Councillors Assessors and Auditors of the said City as hereinafter mentioned at any election which may take place in the said City between the first day of November in the year wherein such Citizen Roll shall have been made and the first day of November in each and every succeeding year.

16. And be it enacted That the Town Clerk shall cause copies of the Citizen Roll in every year so revised as aforesaid to be written or printed and shall deliver one copy of each list to the Alderman of each Ward and further copies to all persons applying for the same on payment of a reasonable price for each copy and the amount received for such copies and for copies of the Collectors' lists and of the list of claims and objections as aforesaid shall be paid over to the City Treasurer and shall be applied in aid of the City Fund hereinafter mentioned.

Qualification of Councillors &c.

Property qualification £1,000 or rated on annual value of £100.

Persons not qualified.

QUALIFICATION OF COUNCILLORS &C.

17. And be it enacted That no person being in Holy Orders or being a regular Minister of any religious congregation shall be qualified to be elected or to be a Councillor Alderman Auditor or Assessor under this Act nor shall any person be qualified to be elected or to be a Councillor or an Alderman of the said City who shall not then be enrolled on the Citizen Roll nor unless he shall be seised or possessed of real or personal estate or both to the amount of one thousand pounds either in his own right or in that of his wife or be rated upon the annual value of not less than one hundred pounds nor during such time as he shall hold office or place of profit other than that of Mayor in the gift or disposal of the Council of the said City nor during such time as he shall have directly or indirectly by himself or his partner any share or interest in any contract or employment with by or on behalf of such Council Provided that no person shall be disqualified from being a Councillor Alderman or Assessor as aforesaid by reason of his being a proprietor or shareholder of any Company which shall contract with the Council of the said City for lighting or for supplying with water or insuring against fire any part of the said City Provided also that no person who may under the provisions of this Act have been elected Assessor for any Ward shall whilst he continue to be such be elected a Councillor for the same or any other Ward or Auditor of the City neither shall any Judge or Chairman of any Court of Justice nor any Ministerial Law Officer of the Crown be capable of being elected an Alderman Councillor Auditor or Assessor under this Act.

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ELECTIONS.

Elections.

18. And be it enacted That in every year at the times and in the manner hereinafter mentioned there shall be elected the number hereinafter mentioned of fit and proper persons who shall be called Councillors of the said City and one fit and proper person who shall be called the Mayor of the said City and once in every three years at the time and in the manner hereinafter directed the number hereinafter mentioned of fit and proper persons who shall be called Aldermen of the said City and the Mayor Aldermen and Councillors for the time being shall be and be called the Council of the said City and that in the election of Mayor Aldermen and Councillors under this Act the persons elected shall be they for whom there shall appear to be a majority of votes in the whole of the Wards collectively.

Councillors Aldermen and Mayor to be elected as hereinafter mentioned

by a majority of votes in the whole of the Wards collectively.

19. And be it enacted That upon the first day of November next and on the first day of November in each and every succeeding year six Councillors of the said City shall go out of office and those who shall go out of office shall be the Councillors who have been for the longest time in office without re-election whether elected under the said first recited Act or this Act Provided always that any Councillor so going out of office shall be capable of being forthwith re-elected if then qualified as herein provided.

Six Councillors to go out of office on 1st November annually.

Retiring Councillors may be re-elected.

20. And be it enacted That on the first day of November next and on the first day of November in every succeeding year or in the event of a poll being demanded as hereinafter mentioned on the fourth day of November in every year the Citizens so enrolled as aforesaid on the Citizen Roll of the said City for the time being shall openly assemble and shall elect in the manner hereinafter mentioned from the persons qualified to be Councillors six Councillors of the said City to supply the places of those Councillors who may then retire by rotation.

Six Councillors to be elected on 1st or 4th November in every year to supply vacancies.

21. And be it enacted That on the first day of December in the year one thousand eight hundred and fifty-one and on the first day of December in every succeeding third year three Aldermen of the said City shall go out of office and those who shall so go out of office shall always be the Aldermen who have been for the longest time in office without re-election under the provisions of the said first recited Act or this Act.

Three Aldermen to go out of office on 1st December 1851 and on 1st December every third year.

22. And be it enacted That on the said first day of December in the year one thousand eight hundred and fifty-one and on the first day of December in every succeeding third year or in the event of a poll being demanded as hereinafter mentioned on the fourth day of December one thousand eight hundred and fifty-one and on the fourth day of December in every succeeding third year the Citizens so enrolled on the said Citizen Roll as aforesaid for the time being shall openly assemble and elect in manner hereinafter mentioned from the persons qualified to be Councillors of the said City such number of Aldermen of the said City as shall be needed to supply the places of those who shall then go out of office as herein mentioned Provided always that nothing herein contained shall be deemed to prevent the election of any Councillor for the time being as an Alderman of the said City or any Alderman who may go out of office from being forthwith re-elected if he be duly qualified as herein provided.

Aldermen to be chosen on 1st or 4th December 1851 and every succeeding third year from Citizens or Councillors.

Retiring Aldermen may be re-elected.

23. And be it enacted That of the Aldermen so elected one shall be appointed to each vacant Ward provided that the Alderman residing in any Ward shall be the Alderman of the same but if two Aldermen reside in the same Ward the Alderman elected by the greatest number of votes shall be Alderman thereof and in the event of an equality of votes in favor of two or more Aldermen resident in the same Ward then the said Council shall decide by resolution which of the persons

Aldermen to be appointed to Wards.

*Sydney Corporation.**Elections.*

Nomination of
candidates for Coun-
cillors and Aldermen.

Mayor to preside at
Town Hall after
three days' notice.

Result how declared.

Mayor to be elected
by the Citizens from
the Council on 15th
December

to enter on office on
1st January.

Extraordinary
vacancy of Mayor.

Provision for present
Mayor continuing in
office to 1st January
next.

Election to be held
before Alderman and
Assessors in each
Ward from 9 a.m. to
4 p.m.

so resident in the Ward shall be Alderman of the same and if there be no Alderman resident in any Ward the said Council shall appoint the Alderman to such Ward.

24. And be it enacted That from and after the passing of this Act all elections of Councillors and Aldermen shall be conducted in manner following that is to say the Mayor of the said City shall preside at a meeting of the Citizens to be holden at noon on the day fixed for the election of such officers respectively by this Act at the Town Hall or some public place within the said City of which at least three clear days' notice shall be given by advertisement in the *New South Wales Government Gazette* and one daily or other newspaper circulating in the said City and shall declare the purpose for which such meeting is held and if there be at such meeting no more candidates proposed than the number of Councillors or Aldermen respectively required to supply the places of those who then retire by rotation the Mayor or presiding officer shall declare such candidates to be duly elected and in the event of there being more candidates for either of such offices than the number then to be elected the Mayor or other presiding officer shall call for a shew of hands separately in favor of each candidate and shall after such shew of hands declare the persons on whom the election has fallen who shall be elected to the respective offices accordingly unless a poll be demanded by one or more of the candidates or by not less than six Citizens on his or their behalf and on such demand being made for a poll the polling shall commence at the different polling places in the various Wards in the manner hereinafter directed on the day next but two following the said day of nomination.

25. And be it enacted That on the fifteenth day of December next and on the fifteenth day of December in every succeeding year the Citizens so enrolled as aforesaid on the Citizen Roll for the time being shall openly assemble in the several Wards of the said City and elect in the manner hereinafter mentioned one fit and proper person out of the Aldermen and Councillors to be Mayor of the said City and the person so elected shall enter on office on the first day of January next following and shall continue in such office for one whole year or until a successor shall be appointed and shall enter on office Provided always that in case an extraordinary vacancy shall be occasioned in the office of Mayor during any year by reason of death resignation or otherwise such vacancy shall not cause a dissolution of the corporate body but the Town Clerk shall within fourteen days from the occurrence of such vacancy appoint a day and give public notice thereof in the *New South Wales Government Gazette* and in one daily or other newspaper circulating in the said City for the election of another fit and proper person to be Mayor of the said City and the Citizens entitled to vote as aforesaid shall on the day so appointed openly assemble in the various Wards and elect from the Aldermen and Councillors another fit and proper person to be Mayor of the said City and the person so elected shall hold such office during the remainder of the year or until a successor shall be appointed and shall enter on office Provided also that the person holding the office of Mayor of the said City at the passing of this Act shall continue to hold such office until the first day of January next or until a successor shall be appointed and shall enter on office under the provisions of this Act anything in the said first recited Act or in any other Act of the Governor and Legislative Council of New South Wales to the contrary notwithstanding.

26. And be it enacted That every election of Mayor and in the event of a poll being demanded as aforesaid every election of Aldermen and Councillors according to the provisions of this Act shall be held before the Alderman and Assessors for the time being of each

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each Ward and the voting at every such election shall commence at nine o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day and shall be conducted in manner following that is to say every Citizen entitled to vote in the election of Mayor Aldermen and Councillors may vote for one person as Mayor and for any number of persons not exceeding the number of Aldermen and Councillors then to be chosen by delivering to the Aldermen and Assessors or other presiding officer as hereinafter mentioned a voting paper containing the Christian names and surnames of the persons for whom he votes as Mayor Aldermen and Councillors respectively such papers respectively being previously signed with the name of the Citizen voting and with the name of the street lane or other place in which the property for which he appears to be rated on the Citizen Roll for the time being is situated.

Elections.

Mode of voting.

Form of voting papers.

27. And be it enacted That at every election the Mayor if it shall appear to him expedient for taking the poll at such election may cause a booth to be erected or a room to be hired and used as such booth in one place within each Ward and shall appoint a Clerk or Clerks to take the poll at each of the said booths or rooms and no person shall be admitted to vote at any such election except at the booth or room allotted for the Ward wherein the house warehouse counting-house shop or office occupied by him or to which he is entitled as described in the said Citizen Roll may be and public notice of the situation of the different booths or rooms shall be given two days at least before the commencement of the poll by the Mayor or in case of an extraordinary vacancy in the office of Mayor by the Town Clerk as hereinbefore mentioned Provided always that no election shall be holden under this Act in any church chapel or other place of public worship.

Booths to be erected or rooms hired for taking a poll if expedient.

Two days' notice of poll to be given.

28. And be it enacted That no inquiry shall be permitted at any election as to the right of any person to vote as a Citizen except only as follows that is to say that the Alderman or other presiding officer may of his own accord or shall if required on behalf of any candidate or by any two Citizens entitled to vote put to any voter at the time of his delivering his voting paper and not afterwards the following questions or any of them and no other *First*—Are you the person whose name is signed as A. B. to the voting paper now delivered in by you? *Second*—Are you the person whose name appears as A. B. in the Citizen Roll now in force for the City of Sydney being registered therein for property described to be situated (here specify the street or place described in the Citizen Roll)? *Third*—Have you already voted at the present election? And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same and if any person shall wilfully make a false answer to any of the questions aforesaid he shall be deemed guilty of a misdemeanor and may be indicted and punished accordingly and the said Alderman or other presiding officer may of his own accord or shall if required on behalf of any candidate or his agent or by any two Citizens entitled to vote at the time aforesaid administer an oath or in case of a Quaker or Moravian an affirmation to any voter in the following form that is to say—

No inquiry of a voter except as to three points.

Punishment for false answer.

“You do swear (or being a Quaker or Moravian do affirm) that
 “you are the same person whose name appears as A. B. on
 “the Citizen Roll now in force for the City of Sydney—
 “So help you God”

Oath to be administered or affirmation to be made if required as to identity.

And no elector shall hereafter at any such election be required to take an oath or affirmation except as aforesaid either in proof of his residence age or qualification or right to vote any law or statute to the contrary notwithstanding and no person claiming to vote at any such election shall be excluded from voting thereat except by reason of its appearing

No other oath or affirmation as to qualification.

*Sydney Corporation.**Elections.*

to the said Alderman or other presiding officer upon putting such questions as aforesaid or any of them that the person so claiming to vote is not the same person whose name appears on such Citizen Roll as aforesaid or that he has previously voted at the same election or except by reason of such person refusing to take the said oath or make the said affirmation or to take or make the following oath or affirmation against bribery—

Form of oath or affirmation against bribery.

“ I A. B. do swear ” (or being one of the people called Quakers I A. B. do solemnly affirm) “ That I have not received or
“ had by myself or any person whatsoever in trust for me
“ or for my use and benefit directly or indirectly any sum
“ or sums of money office place of emolument gift or
“ reward or any promise or security for any money office
“ employment or gift in order to give my vote at this
“ election—So help me God.”

Result of election how and when to be declared.

29. And be it enacted That the Alderman for each Ward shall immediately at the close of the poll collect and seal up all the voting papers which shall have been taken at the polling places whereat he presided and shall with the least possible delay deliver the same or cause the same to be delivered to the Mayor of the said City who shall examine the voting papers so delivered in as aforesaid for the purpose of ascertaining which of the several persons voted for as aforesaid are elected Mayor Aldermen and Councillors and so many of such persons so voted for as Mayor Aldermen and Councillors respectively being equal to the number of persons then to be chosen as Mayor Aldermen and Councillors as shall have the greatest number of votes in the whole of the Wards collectively shall be the Mayor Aldermen and Councillors respectively and in case of an equality in the number of votes for any two or more persons either as Mayor Aldermen or Councillors the said Mayor shall if necessary in order to prevent any excess in the number of persons elected decide by lot which of such persons shall be elected Mayor Aldermen and Councillors respectively and the said Mayor shall cause the voting papers to be delivered to the Town Clerk who shall keep the same in his office during six calendar months at the least after every such election and the Town Clerk shall permit any Citizen to inspect the voting papers of any year on payment of one shilling for every search and the Mayor shall publish a list of the persons so elected not later than two of the clock in the afternoon of the day next but two following the day of such election Provided always that in the event of an extraordinary vacancy in the office of Mayor the Town Clerk shall perform the duties which in this section are required to be performed by the Mayor.

Voting papers to be kept six months by Town Clerk and may be inspected by Citizens.

In extraordinary vacancy in the office of Mayor Town Clerk to act.

Voting paper not to be rejected for mere want of form.

Mayor to continue Member of Council to 1st November after Mayoralty.

The Mayor to be a Justice of the Peace for the City.

Precedence of Mayor,

30. And be it enacted That the Mayor for the time being in examining the voting papers as aforesaid shall reject none from mere want of form provided that the name and designation of the party signing the paper and the names of the parties contained in it be intelligibly expressed and in a manner to be commonly understood.

31. And be it enacted That the Mayor shall during the continuance of his office continue to be a Member of the said Council Provided always that if he be an Alderman he may continue during his Mayoralty to preside at elections within the Ward for which he shall be appointed Alderman as aforesaid and provided also that he shall continue a Councillor of the said City until the first day of November after he shall cease to be Mayor.

32. And be it enacted That the Mayor for the time being duly elected under the provisions of this Act shall be *ex officio* a Justice of the Peace in and for the said City and after having been duly sworn as a Justice it shall and may be lawful for him to act as such within the limits of the same during his continuance in office and such Mayor shall

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shall during the period of his Mayoralty have precedence in all Municipal proceedings and in all Magisterial Courts within the said City except in the Courts of General Quarter Sessions and next after the Members of the Legislative Council on all other occasions and at all other places within the said City.

Elections.

33. And be it enacted That on the fifteenth day of November in every year the Citizens of each Ward shall elect from persons qualified to be Councillors two Citizens who shall be and be called the Assessors of such Ward and every such Assessor shall continue in office one year or until a successor be elected and the election of such Assessors respectively shall be in the form and manner hereinbefore provided for the election of Mayor so far as the same shall be applicable Provided that no Citizen shall be eligible to be or be elected or qualified to act as Assessor as aforesaid who shall be of the Council or shall be the Town Clerk or the Treasurer of the Corporation.

Election of Assessors on 15th November.

Mode of election.

34. And be it enacted That on the fifteenth day of November in every year the Citizens of the said City so entitled to vote as aforesaid shall elect two fit and proper persons qualified to be but not actually being of the Council to be the Auditors of the said City and the Auditors so elected shall enter on office on the first day of January next following and shall hold office for one whole year or until successors be elected and shall enter on office Provided always that the retiring Auditors and Assessors shall be capable of being re-elected if still duly qualified.

Election of Auditors on 15th November

to enter on office on 1st January.

Retiring Auditors and Assessors may be re-elected.

35. And be it enacted That in the election of Auditors the Citizens entitled to vote shall proceed as hereinbefore directed for the election of Mayor so far as the same shall be applicable and the persons so elected Auditors shall be those for whom there shall appear to be a majority of votes in the whole of the Wards collectively and the Mayor shall declare the result of every election of Auditors and Assessors within two days after the holding thereof.

Mode of election of Auditors.

Result of election when and by whom to be declared.

36. And be it enacted That no election of Mayor Aldermen Councillors Assessors or Auditors under the provisions of this Act shall be liable to be questioned by reason only of any defect in the title or any want of title of the persons by or before whom such election shall have been held Provided such persons have been appointed to act or have been actually acting at such election.

Election not to be void for want of title in the person before whom the same shall be held.

37. And be it enacted That every Citizen shall be entitled to vote in the election of the Mayor Aldermen Councillors Auditors and Assessors to be chosen as aforesaid within that Ward in which the property for which he shall be enrolled on the Citizen Roll shall appear to be situated and if he shall be so enrolled in respect to distinct premises in two or more Wards he shall be entitled to vote in such one of the said Wards as he shall select but not more than one Provided always that every Alderman shall be entitled to vote in the Ward in which he presides.

Ward in which Citizens are to vote.

Aldermen may vote in Ward where they preside.

38. And be it enacted That if any extraordinary vacancy shall be occasioned in the office of Alderman Councillor Auditor or Assessor the Citizens entitled to vote shall upon a day to be fixed by the Mayor such day not to be later than fourteen days from the occurrence of such vacancy and of which the Mayor shall give due notice by advertisement in the *New South Wales Government Gazette* and in one daily or other newspaper circulating in the said City elect from the persons qualified to be Councillors another Citizen to supply such vacancy and such election shall be held and the voting and other proceedings shall be conducted in the same manner and subject to the same provisions respectively as are hereinbefore enacted with respect to the election of Aldermen Councillors Auditors and Assessors as aforesaid and every person so elected shall hold such office until the

Extraordinary vacancies of Aldermen Councillors Auditors or Assessors to be filled up within 14 days.

time

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Extraordinary vacancies of Councillors not to be filled up until number of Council be less than 24.

No advantage to be taken of invalidity of elections in actions.

Proceedings in case nomination or elections are not made within the time appointed under this Act.

What shall be deemed acts of bribery or corruption at elections.

time at which the person in place of whom he was chosen would regularly have gone out of office and he shall then go out of office but shall be capable of immediate re-election if then qualified as herein provided. Provided always that after the full number of Councillors to be regularly elected in any year shall have declared their acceptance of office no new election of Councillors shall be made by reason of such extraordinary vacancy until the period fixed for the ordinary elections by this Act unless the number of the whole Council Mayor and Aldermen included remaining after such vacancy shall be less than twenty-four in which case the extraordinary vacancies shall be filled up within the time and in the manner hereinbefore described.

39. And be it enacted That no advantage shall be taken of the invalidity of any election which may take place under this Act in any action or suit which may be brought by or against the said Council but such action shall be tried on its merits as if no such objection existed.

40. And be it enacted That in case no election shall be made of the Mayor or of any of the Aldermen Councillors Assessors or Auditors of the said City upon the day or within the time appointed by this Act for any nomination or election in consequence of any riotous proceedings or otherwise or such election being made shall afterwards become void whether such omission or avoidance shall happen through the default of the officer or officers who ought to preside at such election or by any accident or other means whatsoever or if the Citizen Roll shall not be completed by the time herein provided or if the full number of Aldermen and Councillors shall not be elected according to the true intent and meaning of this Act the Council shall not thereby be deemed or be taken to be dissolved nor shall the Citizens so entitled to vote as aforesaid be disabled from electing such Mayor Aldermen Councillors Assessors or Auditors for the future but in any case where no such nomination or election shall be made as aforesaid the nomination or election for any such Aldermen and Councillors and the election for any such Mayor Assessors or Auditors may be had held and proceeded with upon the day next after the day on which such nomination or election ought to have been made unless such day shall happen to be on a Sunday and then upon the Monday following and if the said last mentioned day shall elapse without such nomination or election having been made then the same shall take place on such other day as the Mayor for the time being of the said City shall appoint and he shall cause notice to be given thereof by advertising the same in the *New South Wales Government Gazette* and in one daily or other newspaper circulating in the said City and every act necessary to be done in order to and for the completing such nomination or election shall and may be then done and the same shall be as effectual and valid for all purposes as if the nomination or election had been made on the proper day appointed for that purpose.

41. And for the prevention of bribery or corruption at any election Be it enacted That from and after the passing of this Act all and each of the following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate whether committed by such candidate or by any agent authorized to act for him that is to say—the giving of money or any other article whatsoever cockades included to any elector with a view to influence his vote or the holding out to him any promise or expectation of profit advancement or enrichment in any shape in order to influence his vote or making use of any threat to any voter or otherwise intimidating him in any manner with a view to influence his vote the treating of any voter or the supplying him with meat drink lodging or horse or carriage hire or conveyance by steam or otherwise whilst at such election or whilst

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whilst engaged in coming to or going from such election the payment to any elector of any sum of money for acting or joining in any procession during such election or before or after the same the keeping open or allowing to be kept open any public-house shop booth or tent or place of entertainment whether liquor or refreshment of any kind be distributed at such place of entertainment or not the giving of any dinner supper breakfast or other entertainment at any place whatsoever by a candidate to any number of persons with a view of influencing their votes.

Elections.

42. And be it enacted That any person so offending in any one of the cases mentioned in the last section shall for every such offence forfeit the sum of two hundred pounds of lawful money of Great Britain to be recovered with full costs of suit by any one who shall sue for the same by action of debt bill plaint or information in the Supreme Court of the said Colony and any person offending in any one of the cases aforesaid being lawfully convicted thereof shall for the space of seven years thereafter be disabled to vote in any election to be held under the provisions of this Act or in any municipal election whatsoever in any part of the said Colony of New South Wales and its Dependencies and also shall for the same number of years be as incapable of holding exercising or enjoying any office or franchise which he then shall be or at any time thereafter may become entitled to as a Citizen as if such person were naturally dead.

Penalty on persons guilty of acts of bribery or corruption.

How to be recovered.

Disability to vote or exercise any franchise for 7 years.

43. And be it enacted That the acts of all authorized agents of a candidate or member shall in matters connected with elections be held to be the acts of their principal provided that it shall be proved that such acts were committed with his knowledge power or consent.

Principals bound by acts of their agents.

44. And be it enacted That if any of the above mentioned acts hereby declared to be acts of bribery and corruption shall be committed by any person not the authorized agent of any candidate or member the person so committing or having committed them shall be deemed guilty of a misdemeanor and may be indicted for such act or acts as for a misdemeanor and punished with fine and imprisonment at the discretion of the Court or Judge before whom the case is tried.

Acts of bribery by persons not being the authorized agents of candidates punishable as a misdemeanor.

45. And be it enacted That if any person who shall have or claim to have any right to vote in any election of Mayor Alderman Councillor Assessor or Auditor under this Act shall after the passing of this Act ask or take any money or other reward by way of gift loan or other device or agree or contract for any money gift office employment or other reward whatsoever to give or to forbear to give his vote in any such election or if any person by himself or by any person employed by him shall by any gift or reward or by any promise agreement or security for any gift or reward corrupt or procure or offer to corrupt or procure any person to give or to forbear to give his vote in any such election such person so offending in any of the cases aforesaid shall for every such offence forfeit the sum of fifty pounds of lawful money of Great Britain to be recovered with full costs of suit by any one who shall sue for the same by action of debt bill plaint or information in the Supreme Court of the said Colony and any person offending in any of the cases aforesaid being lawfully convicted thereof shall for ever thereafter except as hereinafter provided be disabled to vote in any election to be held under the provisions of this Act or in any municipal election whatsoever in any part of the said Colony of New South Wales and its Dependencies and also shall for ever be as incapable of holding exercising or enjoying any office or franchise which he then shall be or at any time thereafter may become entitled to as a Citizen as if such person were naturally dead.

Penalty on persons receiving or offering reward for voting or forbearing to vote.

How to be recovered.

Loss of franchise.

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- Persons exempt from penalties in certain cases.

46. And be it enacted That if any person offending in any of the cases last aforesaid shall within the space of six calendar months next after such election as aforesaid discover any other person offending in any of the cases aforesaid so that such other person be thereon convicted such person so discovering and not having been before that time convicted of any such offence shall be indemnified and discharged from all penalties and disabilities which he then shall have incurred by any such offence.

Prosecution must commence within one year.

47. Provided always and be it enacted That no person shall be made liable to any incapacity disability forfeiture or penalty by this Act imposed in any of the cases aforesaid unless prosecution be commenced within one year after such incapacity disability forfeiture or penalty shall be incurred anything herein contained to the contrary notwithstanding.

Punishment for voting twice or personating voters.

48. And be it enacted That every person who shall poll a second time or offer to poll a second time at the same election or who shall personate or offer to personate any other person for the purpose of polling at such election shall be guilty of a misdemeanor and upon being thereof convicted shall be fined and imprisoned for any term not more than two years at the discretion of the Court or Judge who shall try such person.

Mayor Aldermen Councillors Auditors and Assessors not to act until they make declaration of acceptance of office.

49. And be it enacted That no person elected a Mayor Alderman Councillor Auditor or Assessor under the provisions of this Act shall be capable of acting as such until he shall have taken the oath of allegiance to Her Majesty Her Heirs and Successors and have made and subscribed the declaration hereinafter mentioned before any one of such Councillors (who is hereby authorized and required to administer the said oath and declaration) such declaration being in the words or to the effect following that is to say—

Form of declaration in respect of estate.

“I A. B. having been elected Mayor [*or Alderman Councillor Auditor or Assessor*] for the City of Sydney do hereby declare “that I take the said office upon myself and will duly and “faithfully fulfil the duties thereof according to the best of “my judgment and ability [*and in case of the party being “qualified by estate say*] and I do hereby declare that I am “seised or possessed of real or personal estate [*or both as “the case may be*] in my own right or in that of my wife “to the amount of one thousand pounds [*as the case may “require*] over and above what will satisfy my debts and “that I have not fraudulently or collusively obtained the “same in order to qualify me for the office to which I have “been elected”

Declaration shall be made once a year if required by two Councillors.

And that every person who shall have made and signed the foregoing declaration in respect of estate shall once in every year if required in writing so to do by any two Members of the Council make and subscribe a declaration that he is qualified to the same amount in real or personal estate or both as the case may then be as the amount mentioned in the declaration originally made and subscribed by him.

Every Citizen elected to the office of Mayor Alderman Councillor Auditor or Assessor shall accept the office or pay a fine to the City Fund.

50. And be it enacted That every person duly qualified who shall be duly elected to the office of Mayor Alderman Councillor Auditor or Assessor under the provisions of this Act shall accept such office to which he shall have been elected or shall in lieu thereof pay to the corporate body of the said City a fine of not less than twenty-five nor more than fifty pounds in the case of Alderman Councillor Auditor or Assessor and a fine of not less than fifty nor more than one hundred pounds in the case of Mayor as the Council of the said City by a resolution to be made in every such case shall determine and such fine if not duly paid shall be levied under the warrant of any Justice having jurisdiction within the said City (who is hereby required

on

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on the application of the Council to issue the same) by distress and sale of the goods and chattels of the person so refusing to accept office together with the reasonable costs and expenses of such distress and sale and every such person so elected shall accept such office by taking the oath of allegiance and making and subscribing the declaration hereinbefore mentioned within five days after notice of his election to be served at his usual place of abode otherwise such person shall be liable to pay the same fine as for his non-acceptance of such office and such office shall thereupon be deemed to be vacant and shall be filled up by a fresh election to be made in the manner hereinbefore mentioned. Provided always that no person disabled by lunacy or imbecility of mind or by deafness blindness or other permanent infirmity of body shall be liable to such fine as aforesaid. Provided also that every person so elected to any such office who shall be above the age of sixty-five years or who shall have already served such office (or paid the fine for not accepting such office) within the five years next before the day on which he shall be so re-elected shall be exempted from accepting the same office if he shall claim such exemption within five days after notice of his election. Provided further that nothing in this Act contained shall extend to compel the acceptance of any office or duty whatever by any person holding any Civil employment under the Government of this Colony or being a Military Naval Marine Commissariat or Ordnance Officer on full pay either in Her Majesty's Service or in that of the Honorable East India Company.

Elections.

Exemptions from fine and acceptance of office.

51. And be it enacted That no Member or Officer of the Legislative Council shall be liable to serve in any office in or under the Corporation or Council of the Corporation of the said City of Sydney or any other incorporated City Town or District in New South Wales nor shall any Member or Officer of the said Legislative Council who may have been or shall be elected or appointed to any such office be liable to any fine or penalty for neglecting or refusing to serve such office anything in this Act contained to the contrary in anywise notwithstanding.

Members and Officers of the Legislative Council to be exempt from filling offices in or under the Corporation.

52. And be it enacted That every person elected into any corporate office under and by virtue of the first recited Act or this Act may at any time resign such office and the resignation shall be held to be complete from the date of its being received by the Town Clerk or person acting as such. Provided nevertheless that the person so resigning shall be liable to the same penalties as he would have been liable to pay for non-acceptance of the same office to be recovered in like manner as hereinbefore directed unless he shall become entitled to claim exemption from payment of any such fine or from accepting or serving such office under any provision herein contained.

Provision for resigning office.

Penalty same as for non-acceptance.

53. Provided always and be it enacted That if any person holding the office of Mayor Alderman Councillor Auditor or Assessor of the said City shall have his estate placed under sequestration as insolvent under or take the benefit of any Act now or hereafter in force for the relief of insolvent debtors or shall compound by deed or otherwise with his creditors or being Mayor shall be absent from the said City for more than two calendar months or being an Alderman Councillor Auditor or Assessor shall be absent from the said City for more than six calendar months at one and the same time (unless in case of illness) then and in every such case such person shall immediately become disqualified and shall cease to hold such office respectively and in the case of such absence shall be liable to the same fine to be recovered in the same manner as if he had refused to accept the said office and the Council thereupon shall forthwith declare the said office to be vacant and shall specify the same by a notice in writing under the hands of three or more of them countersigned by the Town Clerk

Any Mayor Alderman Councillor Auditor or Assessor if he shall be declared bankrupt or insolvent or absent himself from the City for more than a certain time shall lose his office.

Same fine for absence as for non-acceptance.

such

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On release from
creditors or return to
Sydney persons may
be re-elected.

such notice to be affixed on some public place within the City and the said office shall thereupon become vacant but every person so becoming disqualified and ceasing to hold office on account of his estate being placed under sequestration or of his applying to take the benefit of any Act for the relief of insolvent debtors or having compounded with his creditors as aforesaid shall on obtaining his certificate or on payment of his debts in full or obtaining a release from his creditors be capable (if otherwise qualified) of being re-elected to such office and every person becoming disqualified to hold such office on account of absence as aforesaid shall on his return to the said City be capable of being re-elected to such office provided he shall then be otherwise qualified.

Penalty on persons
not qualified &c.
acting as Mayor
Alderman Councillor
Auditor or Assessor.

54. And be it enacted That if any person shall act as Mayor or Alderman Councillor Auditor or Assessor for the said City without having made the declaration hereinbefore required in that behalf or without being duly qualified at the time of making such declaration or after he shall cease to be qualified according to the provisions of this Act or after he shall have become disqualified to hold any such office he shall for every such offence forfeit the sum of fifty pounds such sum to be recovered together with full costs of suit by any person who shall sue for the same within three calendar months after the commission of such offence by action of debt or on the case in the Supreme Court of New South Wales and every person so sued by reason of not being so qualified in respect of estate or property shall prove that he was at the time of so acting qualified as aforesaid or otherwise shall pay the said penalty without any further evidence being given on the part of the plaintiff than that he acted as the Mayor or as Alderman Councillor Auditor or Assessor under this Act as the case may be Provided always that it shall be lawful for any defendant by a Judge's order to be obtained within fourteen days after he shall have been served with process in any such action to require the plaintiff to give security for costs and in such case all further proceedings in the said cause shall be stayed until the plaintiff shall give security to the satisfaction of the proper officer of the Court for the cost of such action in case a verdict shall pass for the defendant or the plaintiff shall become nonsuited or discontinue such action or if upon demurrer or otherwise judgment shall be given against the plaintiff and the defendant shall in either of such cases recover his full costs as between attorney and client Provided also that no such action shall be brought except by a Citizen of the said City nor unless the Citizen bringing the same shall within fourteen days after the commission of the offence have served a notice in writing personally upon the party committing such offence of his intention to bring such action and in case the plaintiff in any such action shall obtain a verdict the money so to be recovered shall after payment of the costs and expenses attending the recovery thereof be paid and apportioned as follows that is to say one moiety thereof to the person so suing and the other moiety thereof in aid of the City Fund.

How to be recovered.

Plaintiff to give
security for costs.

Actions must be
brought by Citizens.

Appropriation of
penalties.

Informalities in
election of Mayor or
Councillors not to in-
validate proceedings.

55. And be it enacted That all proceedings of the said Council or of a Committee of the said Council or of any person acting as Mayor Alderman Councillor Auditor or Assessor shall notwithstanding it be afterwards discovered that there was some defect in the election of any such Mayor Alderman Councillor Auditor or Assessor or person acting as such or that they or any of them were disqualified be as valid as if every such person had been duly elected and qualified to be Mayor Alderman Councillor Auditor or Assessor respectively.

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OFFICERS.

Officers.

56. And be it enacted That the Council of the said City shall and may from time to time appoint employ and continue in office respectively a Town Clerk a Treasurer a Surveyor or Surveyors of the said City and such Collectors workmen and other officers and servants as in their discretion they may deem necessary and proper for the execution of the powers and duties vested in the said Council by virtue of this Act or by virtue of any other Act of the said Governor and Council and assign and allow salaries wages and remuneration to such officers and servants and from time to time remove or dismiss such servants and officers respectively and in case of a vacancy in any such office or employment as aforesaid by death resignation removal or otherwise the said Council may appoint another fit and proper person in the place of the person so making such vacancy.

Power to appoint
Town Clerk and
other officers

to remove and dis-
miss them

and to appoint
successors.

57. And be it enacted That it shall be lawful for the Mayor and he is hereby authorized to suspend from office at any time any officer or servant of the said Council who may in his opinion be guilty of misconduct or neglect and if necessary temporarily to appoint another officer or servant to fulfil the duties of the officer or servant so suspended and to take security where necessary for the faithful discharge of the duties of such officer or servant during his temporary appointment Provided always that at the next meeting of the Council after such suspension the Mayor shall report the matter to the said Council and should the officer or servant so suspended be dismissed by the said Council no salary or wages shall be due or paid to such officer or servant from and after the date of his suspension and every officer or servant so temporarily appointed by the Mayor shall hold office and receive remuneration (which shall in no case exceed that paid to the officer or servant so suspended) only until the Council shall decide whether such officer or servant shall be reinstated or dismissed and a successor be appointed in his stead as the case may be.

Mayor empowered to
suspend officers and
make temporary
appointments.

If the officer sus-
pended be dismissed
no wages due during
suspension.

58. And be it enacted That whenever in consequence of death absence or any lawful impediment it shall not be possible for any Alderman or Assessor or Town Clerk or any other officer or person to perform any particular matter or thing which by this Act he is directed to perform it shall and may be lawful for the Mayor for the time being to appoint any other Alderman Assessor or person to perform the same and if by reason of death absence or any lawful impediment the Mayor shall be prevented from performing any matter or thing which he may by the provisions of this Act be required to perform the Council may either perform the same or by the majority of their voices appoint some other person to perform it.

If by death or
otherwise any officer
is prevented from
doing any matter
required under this
Act Mayor to appoint
a person in his stead.

If Mayor prevented
from acting Council
may act or appoint
a person to do so.

59. And be it enacted That it shall and may be lawful for the said Council to order the payment to the Mayor and Town Clerk and to every such other officer to be employed as aforesaid of such allowance or salary as to the said Council shall seem reasonable and proper Provided that the salary of the Mayor if any be fixed within ten days after his acceptance of office and that such salary be in lieu of all fees perquisites and other emoluments.

Power to make
allowance to Mayor
and pay salaries to
officers.

60. And be it enacted That before any officer or servant not already appointed shall enter upon any office or employment under the said Council by reason whereof he will or may be intrusted with the custody or control of money the said Council shall require and take from him such security for the faithful execution of such office or employment and for duly accounting for all moneys which may be intrusted to him by reason thereof as such Council may think sufficient and every such officer or servant employed in the collection of moneys under the authority of this Act shall within seven days after he

Officers &c. intrusted
with money to give
security for duly
accounting for the
same

and pay over moneys
he

Sydney Corporation.

Officers. he shall have received any moneys unless the said Council shall appoint a shorter time for that purpose and then within such time as the said Council shall appoint pay over the same to the City Treasurer and shall as and when the said Council may direct deliver a list signed by him containing the names of all persons who have neglected or refused to pay any sums respectively due by them and every officer and servant of the said Council as well during his continuance in office or employment as upon his resignation dismissal or ceasing to hold his office or employment shall respectively when and in such manner as he shall be required by the said Council make out and deliver a true and perfect account in writing signed by him of all moneys received by him for the purposes of this Act distinguishing how and to whom and for what purpose such moneys have been disposed of and

within seven days to
Treasurer

and deliver vouchers. shall together with such account deliver the vouchers or receipts for all payments made by him and pay over to the said City Treasurer all moneys owing by him upon the balance of accounts and if any such officer or servant fail to render such account or to produce and deliver up such of the said vouchers and receipts as may be in his possession or power or to pay over any such moneys as aforesaid or if for the space of five days after being thereunto required he fail to deliver up to the said Council all books papers writings property effects matters and things in his possession or power belonging to the said Council then and in every such case a Justice of the said City shall on complaint being made to him in that behalf summon the party charged to appear and answer the complaint before two Justices of the said City at a time and place to be specified in the summons and upon the appearance of the party charged or upon proof that the summons was personally served upon him or left at his last known place of abode if it appear to the last mentioned Justices that he has failed to render any such account or to produce and deliver up any such vouchers or receipts or any such books papers writings property effects matters or things as aforesaid and that he still fails or refuses so to do it shall be lawful for them by warrant under their hands to commit the offender to gaol there to remain without bail until he shall have rendered such account and produced and delivered up all such vouchers receipts books papers writings property effects matters and things in respect of which the charge was made and if it appear that the party charged has failed to pay over any such moneys as aforesaid and that he still fails or refuses so to do it shall be lawful for the last mentioned Justices by a like warrant to cause the same to be levied by distress and sale of his goods and chattels and in default of any sufficient distress to commit him to gaol there to remain without bail for a period of three months unless such moneys be sooner paid Provided always that if the complainant by deposition on oath shew to the satisfaction of any Justice that there is probable cause for believing that the party charged intends to abscond it shall be lawful for such Justice without previous summons by warrant under his hand and seal to cause him to be forthwith apprehended and in such case the said party shall within twenty-four hours after apprehension be brought before the same or some other Justice who may order that he be discharged from custody if such Justice think there is no sufficient ground for detention or that he be further detained until he be brought before two Justices at a time and place to be named in the order unless bail to the satisfaction of the Justice be given for the appearance of the party before such two Justices Provided also that no such proceeding shall be construed to relieve or discharge any surety of the offender from any liability whatsoever.

Proceedings in case
of refusal

or on proof of inten-
tion to abscond.

No proceedings
against an officer
shall relieve his
surety.

Charters deeds muni-
ments and records
to be kept by Town
Clerk.

61. And be it enacted That the charters deeds muniments and records of the Corporation or relating to the property thereof shall be kept

Sydney Corporation.

kept in such place as the Council from time to time shall direct and the Town Clerk for the time being shall have the charge and custody thereof and be responsible for the same.

Officers.

62. And be it enacted That the Mayor of the said City for the time being shall on every occasion of emergency when delay would be injurious have full power and authority and is hereby empowered to exercise all and every or any function power or authority of any Committee of the said Council in regulating or stopping the supply of water or altering or repairing the streets of the said City or do any other act matter or thing for the benefit and advantage of the said City without first obtaining the consent or authority of the said City Council Provided always that all such proceedings of the Mayor shall be reported by him to the Council at its first meeting after he shall have exercised any authority hereby given.

Power to Mayor to regulate or stop supply of water &c. and act in cases of emergency.

Proceedings to be reported to Council.

PROPERTY FOR CHARITABLE PURPOSES—BORROWING MONEY.

Property for charities —borrowing money.

63. And be it enacted That it shall be lawful for the said Council in their corporate capacity to accept and have vested in them the use of and interest in any property real or personal conveyed made over devised or bequeathed to them in their said corporate capacity in trust for any charitable purposes for which any such property real or personal may be so conveyed made over devised or bequeathed and it shall also be lawful for the said Council to act as trustees in the administration of any such property to such charitable purposes.

Council may accept property for charitable purposes.

64. And be it enacted That it shall and may be lawful for the said Council to borrow on the credit of the said Corporation and of the rates revenues or other property thereof real or personal or any of them or any part thereof respectively by mortgage or otherwise any sum or sums of money provided that the sum or sums so borrowed do not exceed the aggregate amount of the revenue of the said Corporation for the period of five years Provided always that no sum or sums of money be so borrowed which would if added to the previous debt or debts of the Corporation make the aggregate of their debt or debts to exceed the amount of five years' revenue of the Corporation immediately preceding the date of any such loan Provided further that no sum or sums of money be borrowed by mortgage or otherwise on any aid of money given by the Government towards defraying any portion of the expenses of the said Corporation.

Council may borrow money but not to exceed the aggregate of five years' revenue on credit of corporate property

but not on any money aid from Government.

65. And be it enacted That in every such mortgage deed the consideration shall be truly stated and the same deed shall be under the common seal of the said Mayor Aldermen Councillors and Citizens and all mortgages of rates may be in the form in the Schedule to this Act annexed marked (F) or to the like effect.

Form of mortgage.

66. And be it enacted That a register of all mortgages shall be kept by the Town Clerk of the said City and within fourteen days after the date of any mortgage an entry shall be made thereof at full length in such register and every register may be perused at all seasonable times by any Citizen or by any person interested in any such mortgage without fee or reward.

Register of mortgages to be kept and to be open for inspection.

67. And be it enacted That any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed wherein the consideration shall be truly stated and every transfer of mortgages of rates may be according to the form in the Schedule (G) to this Act annexed or to the like effect.

Transfer of mortgages.

Schedule G.

68. And be it enacted That within thirty days after the date of every such transfer it shall be produced to the Town Clerk of the said City and thereupon such Clerk shall cause an entry thereof to be made

Register of transfers to be kept.

made

Sydney Corporation.

*Property for charities
—borrowing money.*

*Interest of borrowed
money to be paid
half-yearly unless
otherwise provided.*

*Moneys borrowed on
security of rates to
be paid off in a
limited time by
means of a sinking
fund*

*to be invested in
Government securi-
ties.*

Water.

*Council to hold con-
struct and maintain
waterworks*

*but to have no juris-
diction over harbour.*

*Council empowered
to make the water-
works.*

made in the same manner as in the case of the original mortgage and for such entry the Clerk may demand a sum not exceeding five shillings and after every such entry every such transfer shall entitle the transferee his executors administrators or assigns to the full benefit of the original mortgage and the principal and interest thereby secured and such transferee may in like manner assign or transfer the same again *toties quoties* and it shall not be in the power of any person except the person to whom the same shall have been last transferred his executors administrators or assigns to make void release or discharge the mortgage so transferred or any money thereby secured.

69. And be it enacted That unless otherwise provided by any mortgage the interest of the money borrowed thereupon shall be paid half-yearly by the City Treasurer to the several parties entitled thereto.

70. And be it enacted That in order to discharge the principal money borrowed as aforesaid on security the said Council shall every year appropriate and set apart out of the City revenues such a sum or sums of money annually as the said Council shall in that behalf direct as a sinking fund to be applied in paying off the respective principal moneys so borrowed and shall from time to time cause such sinking fund to be invested in Government securities and to be increased by accumulation in the way of compound interest or otherwise until the same respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable or some part thereof which the Council shall think fit ought then to be paid off at which time the same shall be so applied in paying off the same and not otherwise.

WATER.

71. And whereas it will greatly contribute to the health comfort and convenience of the inhabitants of the said City and also be a great accommodation to shipping in the Harbour of Sydney that an abundant supply of fresh water be provided therein Be it enacted That it shall be lawful for the said Council to hold construct and maintain such waterworks as may be necessary for such purposes and such as may at any time be constructed and erected according to the provisions hereinafter contained Provided however that nothing herein contained shall be construed to give to the said Council any jurisdiction or authority over the Harbour of Sydney in other matters.

72. And be it enacted That it shall be lawful for the said Council by their officers their deputies agents workmen and assistants to make construct erect maintain lay down and keep waterworks reservoirs cisterns tanks cuts aqueducts conduits engines waste gates stop gates stop locks sluices banks bridges pumps pipes tunnels works machinery and conveniences in and through the said City and from time to time to regulate and conduct continue cleanse open widen enlarge alter amend and use or discontinue the same and make and maintain other works as such Council shall think fit and proper and to bore dig trench and remove earth stone gravel and any other matter or thing which may be dug or met with in and for the making and perfecting repairing and maintaining of any such waterworks as aforesaid or which may obstruct the making perfecting repairing or maintaining of the same and for effecting the purposes aforesaid the said Council and their officers deputies agents workmen and assistants are hereby empowered to go enter and pass in upon over under and through all or any of the rivers brooks streams and waters highways roads waste lands streets

Sydney Corporation.

streets lanes alleys and passages in the said City or its vicinity and also to construct erect do and perform all other matters and things which shall be deemed necessary and convenient for making completing improving and continuing such waterworks and for bring a sufficient supply of water for the said City and through all the streets lanes roads alleys passages courts and public places in such City and for conveying and distributing such water to the respective houses factories hospitals prisons warehouses workshops offices and all other buildings and premises within the same Provided that the said Council their officers workmen and assistants shall do as little damage as may be in the execution of the several powers to them hereby granted and shall make full satisfaction to the owners or occupiers of and all persons interested in any lands tenements or other hereditaments which shall be taken used removed or injured for all damage by them sustained in or by the execution of any of the powers hereby granted.

Water.

Satisfaction for damage.

73. And be it enacted That the rate to be charged by the said Council for the supply of water shall be fixed and regulated by the Council of the said City Provided always that in case the owner or occupier of any house or premises shall be dissatisfied with such rate it shall not be compulsory on such owner or occupier to be supplied with water by the Corporation Provided also that the charge for supplying water shall not exceed in any year the rate of five shillings for each room any such house shall contain kitchens and wash-houses being for this purpose rated as rooms but for public-houses inns sugar-houses manufactories or other establishments requiring a large consumption of water and including stables and gardens the Council shall be at liberty to make such arrangement with the parties as may be mutually settled between them Provided further that the rate for supplying water to the shipping frequenting Port Jackson shall not exceed the rate limited by an Act of the said Governor and Legislative Council passed in the fourth year of the reign of Her present Majesty Queen Victoria intituled "*An Act to amend an Act intituled 'An Act for the better preservation of the Ports Harbours Havens Roadsteads Channels Navigable Creeks and Rivers in New South Wales and the better regulation of Shipping in the same.'*"

Rates for water how to be fixed

not to exceed 5s. a room except for manufactories &c.

Rate for shipping not to exceed limit fixed by 4 Vic. No. 4.

74. Provided always and be it enacted That nothing herein contained shall be deemed to authorize the said Council to make any charge for water supplied to any house or other establishment belonging to or occupied on behalf of Her Majesty nor to any ships or vessels belonging to or in the service of Her said Majesty except any actual expense which may be incurred by the said Council in supplying the water in every such case but that every such house establishment ship or vessel as aforesaid shall be entitled to obtain such supply of water as may be directed by order of His Excellency the Governor.

Establishments and vessels belonging to Her Majesty to receive supplies of water free of expense

except actual outlay.

75. And be it enacted That any person who shall injure any public fountain pump cock or water-pipe cistern or public watercourse or any part thereof respectively shall pay the costs of repairing the same and if the injury be wilfully done shall forfeit any sum not exceeding twenty pounds and any person who shall have in his possession any private key for the purpose of opening any public cock or who shall in any manner clandestinely or unlawfully appropriate to his own use any water from any fountain pipe or cistern belonging to the said Council shall forfeit any sum not exceeding twenty pounds and any person who shall open or leave open any cock of any public fountain or pump so that the water shall or may run to waste shall forfeit any sum not exceeding two pounds and any person who shall wash any clothes or other materials at any public fountain or pump shall

Penalty for injuring public fountains &c.

or having private key

or allowing water to run to waste

or washing clothes &c.

Sydney Corporation.

Water.
or watering horses
&c. thereat.

shall forfeit and pay any sum not exceeding one pound and any person who shall lead or cause to be led or taken any horses cattle sheep or other animal to any public fountain or pump now erected or hereafter to be erected by the said Council for the purpose of watering or cleansing the said horses cattle sheep or other animals at such public fountains or pumps shall for every such offence forfeit and pay any sum not exceeding five pounds.

Penalties on persons
for bathing in or
causing water in
reservoirs to be
fouled.

76. And be it enacted That whosoever shall bathe in any stream reservoir conduit aqueduct or other waterworks belonging to or under the management or control of the City Council or in any reservoir conduit aqueduct or other waterworks constructed continued or maintained under this Act in any place or shall wash cleanse throw or cause to enter therein any animal rubbish filth stuff or thing of any kind whatsoever or shall cause or permit or suffer to run or be brought therein the water of any sink sewer drain engine or boiler or other filthy unwholesome or improper water or shall do anything whatsoever whereby any water belonging to the said City Council or under their management or control or whereby any water of or contained in any such reservoir conduit aqueduct or other waterworks so constructed continued or maintained in any such ward or place as aforesaid shall be fouled shall for every such offence forfeit a sum not exceeding five pounds and a further sum of twenty shillings for each day whilst the offence is continued after written notice in that behalf from some officer of the said Council.

Council on petition
from two-thirds of
the inhabitants of any
street empowered to
water the same at the
expense of the in-
habitants of such
street.

77. And be it enacted That if at any time two-thirds of the inhabitants along any street road place or square shall petition the said Council to water such street road place or square it shall be lawful for the said Council and they are hereby authorized and required to hire and employ the necessary number of men and water carts for the purpose and to impose upon the inhabitants of such street road place or square a rate sufficient to cover the expense of the same in addition to the general City and lighting rates and the said Council shall for the purpose of collecting raising and levying the rates necessary for this purpose proceed in the same manner and have the same powers remedies and privileges as for collecting raising and levying the City and lighting rates imposed under and by virtue of this Act.

Lighting.

LIGHTING.

Lamps to be set up
and lighted with gas
oil or otherwise.

78. And be it enacted That it shall be lawful for the said Council and the said Council is hereby empowered from time to time to purchase and provide such and so many lamps of such sorts and sizes and such and so many lamp irons and lamp posts and other posts and rails as they shall judge necessary and to direct the same to be put or fixed upon or against the walls rails or palisadoes of any houses or buildings or upon or against any other walls or places or to be put up and erected in such other manner within all or any of the streets highways market places and other public ways or places within the limits of the said City as they shall think proper and to cause the same to be taken down altered or renewed when and as often as they shall think fit and to cause the said lamps to be lighted with gas or oil or otherwise for such number of hours in every twenty-four hours and during such times and seasons of the year as the said Council shall deem necessary and proper for lighting all or any of the streets market places or other public ways or places within the said City.

Penalty for wilfully
breaking lamps &c.

79. And be it enacted That if any person shall wilfully take away or wilfully break throw down or otherwise destroy or damage any lamp which shall be erected by or by order of the said Council or by any person or persons at his or their own expense for the purpose of

Sydney Corporation.

of lighting any of the streets market places or other public ways or places within such City or any post iron cover or other furniture thereof or shall wilfully extinguish the light of any such lamp it shall be lawful for any Justice of the Peace having jurisdiction within the limits of the said City and he is hereby required upon complaint made to him of any such offence to issue a warrant for apprehending the party accused and it shall be lawful for any person who shall see such offence committed to apprehend and also for any person to assist in apprehending the offender and by authority of this Act without any other warrant to deliver him into the custody of a constable in order to be secured and conveyed before some Justice having jurisdiction as aforesaid and such Justice shall proceed to examine upon oath any witness or witnesses who shall appear or be produced to give evidence touching such offence and if the party accused shall be convicted of such offence either by his own confession or on evidence on oath as aforesaid then and in every such case he shall for such offence and if more than one for each several offence forfeit and pay a sum not less than one nor more than five pounds and shall besides make full satisfaction to be ascertained by such Justice for the damage which shall have been done thereby and in case such offender shall not upon conviction forthwith pay such penalty and also make such satisfaction as aforesaid such Justice is hereby required and empowered to commit such offender to any gaol or house of correction there to be kept to hard labor (if such Justice shall so order) for any time not exceeding six calendar months unless such penalty shall be sooner paid and satisfaction made.

Lighting.

How enforced.

80. And be it enacted That if any person shall carelessly or negligently break destroy or damage any lamp which shall be set up by order of the said Council or by any person or persons at his or their own expense or any post iron cover or any furniture thereof respectively and shall not upon demand make satisfaction for the damage so done then and in every such case it shall be lawful for any Justice of the Peace having jurisdiction as aforesaid and he is hereby required upon complaint thereof made to him on oath to summon before him the party complained of and upon hearing the parties on both sides or on the non-appearance of the party complained of (oath having been made that the party complained of had been served with such summons or that the same had been left at his usual place of abode) to examine into the matter of such complaint and to award and order such sum of money (by way of satisfaction) to be paid by the party complained of to the complaining party as to such Justice shall appear just and reasonable and in case the sum so awarded shall not be paid forthwith the same together with the expenses attending the recovery thereof shall be levied and recovered by distress and sale of the offender's goods and chattels with the reasonable charges of such distress and sale and for want of sufficient distress such offender may be committed to gaol for any term not exceeding one calendar month unless full satisfaction be sooner made.

Satisfaction to be made for negligently breaking lamps &c.

How recovered.

81. And be it enacted That it shall be lawful for the said Council from time to time to contract with any Gas-light Company now or hereafter to be established or with any one or more persons or with any Corporation for lighting the streets highways market places and other public ways and places within the limits of the said City with gas oil or otherwise from year to year or for any number of years and upon such terms and conditions in all respects as the said Council shall from time to time think proper and to provide and fit up lamps lamp posts lamp irons and all other works necessary for such purposes within the same.

Power to contract for lighting.

Sydney Corporation.

*Streets Sewers
Drains.*

STREETS SEWERS DRAINS.

The formation and
repair of streets to be
under direction of
Council and their
Surveyors.

82. And be it enacted That the formation repair and ordering of all public roads lanes streets highways and passages and other public ways or places within the said City shall be wholly under the management and direction of the said Council and the same shall be performed and carried on under the superintendence of the Surveyor or Surveyors to be by them from time to time appointed as herein mentioned.

Powers given to
Surveyors duly
appointed by the
Council.

83. And be it enacted That the Surveyor or Surveyors so to be appointed by the said Council shall have and enjoy all the powers privileges and immunities which were granted to the Town Surveyor of Sydney by an Act passed in the fourth year of the reign of His late Majesty King William the Fourth intituled "*An Act for regulating the Police in the Town and Port of Sydney and for removing and preventing Nuisances and Obstructions therein*" and by another Act passed in the fifth year of the reign of His said late Majesty intituled "*An Act for better regulating the alignment of Streets in the Town of Sydney*" and also all such powers privileges or immunities as are given to any Surveyor or Supervisor duly appointed under the provisions of an Act passed in the eighth year of the reign of His said late Majesty intituled "*An Act for regulating Buildings and Party Walls and for preventing mischiefs by Fire in the Town of Sydney*" and that the Council of the said City shall have the same powers authorities and duties with respect to the appointment of a City Surveyor or Surveyors—the setting out of carriage and foot ways in the said City—the regulation of footways in the said City and the alignment and regulation of the streets thereof and all other powers authorities and duties as regards the streets of the said City as are given to the Surveyor General of the said Colony for the time being by the said three last mentioned Acts or any of them or any other Acts of the said Governor and Legislative Council and that the penalties imposed by the said Acts or any of them upon any persons convicted of any breach or neglect of the said regulations shall be enforced and recovered by the said Council or by the City Surveyor or Surveyors appointed by the said Council in like manner as they could have been enforced and recovered by the Surveyor General or the Town Surveyor or Surveyors appointed by him under the provisions of the said Acts or any of them if the same had continued in full force.

4 Wm. IV. No. 7.

5 Wm. IV. No. 20.

8 Wm. IV. No. 6.

Powers of Surveyor
General as to align-
ment of streets &c.
transferred to
Council.

Penalties how
recovered.

Council to keep
streets in repair

and pavements

sewers and gutters

84. And be it enacted That it shall be lawful for the said Council and such Council is hereby authorized empowered and required from time to time when and as often and in such manner as it shall think proper and necessary to order and cause the several streets roads ways (as well carriage as foot ways) foot-crossings passages and places in the said City which now are or hereafter shall be declared to be and are or shall be adopted as public or common highways and thoroughfares and each and every of them respectively to be altered widened diverted turned or extended paved flagged macadamised or otherwise constructed improved repaired or amended supported and kept in good order and condition with such materials as the said Council shall think proper and also from time to time to cause the pavements flagging or other materials of such public or common highways and thoroughfares to be taken up and relaid or renewed and the ground and soil thereof to be raised lowered or altered in such manner and with such materials as the said Council shall deem proper and direct and also from time to time to cause proper and convenient sewers gutters drains and watercourses to be made along or under the said several

Sydney Corporation.

several streets roads lanes highways passages or other public places for carrying off water mud or other filth from the same and to cause grates to be placed on or over any of the said sewers gutters drains or watercourses and to remove renew alter or vary the situations of the grates now placed or hereafter to be placed on or over the same in such manner as the Council shall think proper Provided however that nothing herein contained shall be deemed to authorize the said Council to open alter widen divert turn or extend any street within the said City until such opening alteration widening diversion turning or extension shall have been previously notified and confirmed by order of the Governor with the advice of the Executive Council under the provisions of the Act of the said Governor and Legislative Council passed in the fourth year of the reign of His said late Majesty King William the Fourth intituled "*An Act for making altering and improving the Roads throughout the Colony of New South Wales and for opening and improving the Streets in the Towns thereof.*"

Streets Sewers Drains.

but no street to be opened or widened &c. until confirmed by Executive Council under the Act

4 Wm. IV. No. 11.

85. And be it enacted That it shall be lawful for the Surveyor of the said Council during such time as any of the said streets roads lanes highways passages or public places within the said City shall be under repair or during the making or repairing of any sewers or drains therein to take proper precaution for guarding against accident by shoring up and protecting the adjoining houses and to cause so many bars posts rails and chains or other obstructions to be fixed set up and placed across or along any of the streets lanes highways passages or other public places within the said City to prevent the passing of carriages carts drays horses and cattle whilst such works and repairs are in progress as to the said Surveyor may seem proper and during the construction or repair thereof by them to cause the same to be lighted and guarded during the night so as to prevent accidents and if any person or persons shall throw down break remove damage or injure any of the said bars posts rails chains or other obstructions or shall extinguish any such light without the authority or consent of the said Council or the City Surveyor every person so offending shall for every such offence forfeit and pay a sum not exceeding forty shillings to be recovered together with costs and the expense of repairing the injury done in manner hereinbefore prescribed in other cases.

Power to place bars across the streets &c. under repair

and to light and guard the same during the night.

Penalty for offending how to be recovered.

86. And be it enacted That it shall be lawful for the said Council from time to time to erect and set up in such parts of the said streets lanes highways passages and other public places as they may think necessary any posts pillars stones rails bars chains or any other permanent or temporary fence or fences for the purpose of preserving any of the footways within the said City clear from annoyance by horses cows swine or other animals and for the purpose of keeping off carriages carts drays and other vehicles from any of the said footways and for the prevention of accidents and also to paint repair and replace any posts pillars stones rails bars chains or other fence work from time to time whenever it shall appear to be requisite and also from time to time to order and cause the removal of all or any posts rails pales and fences which are or shall be in any of the said streets roads lanes highways passages or public places and which the Council shall deem to be an useless obstruction to the free passage along the same.

Power to set up posts for guarding footways

and to paint and repair the same

and to cause their removal when deemed an obstruction.

87. And be it enacted That it shall and may be lawful for the said Council to cause such and so many common sewers drains and watercourses public wells and pumps of such materials dimensions and forms as they may think fit and necessary to be constructed and made or continued in along or across any of the streets lanes roads highways passages or other public places within the said City and also to adopt any of the common sewers drains or watercourses wells or pumps

Power to make common sewers drains &c.

*Sydney Corporation.**Streets Sewers Drains.*and to alter and
cleanse the sameand to enter upon
lands for this pur-
pose after 14 days'
noticebut not on courts
yards gardens &c.recompense for in-
juries how assessed.Penalty for damaging
materials or sewersand satisfaction how
recoveredNo placards to be
affixed on any wall
of the said City under
a penalty except on
places appointed by
the Council

or on house or build-

pumps which now are or hereafter shall be made within the same and to cause the same to be altered enlarged repaired or cleansed as the said Council may deem proper and to enter upon and conduct through and make upon any private lands (whether the same shall have been or shall be acquired by the owner or owners occupier or occupiers thereof by grant or purchase from the Crown or from any private individual or individuals or in any other manner whatsoever) all or any such sewers drains watercourses wells or pumps as may be deemed necessary having first given fourteen days' notice of their intention so to enter upon such lands to the owner or owners occupier or occupiers thereof and in case it shall be found necessary to enter upon any such private lands as aforesaid for the purpose of altering or completing any of the aforesaid sewers drains or watercourses wells or pumps which now are or hereafter may be within the said City it shall be lawful for such Council to enter upon such lands and alter or continue such sewers drains or watercourses wells or pumps having first given fourteen days' notice in manner aforesaid Provided however that such lands be not in either of the cases last mentioned occupied as courts yards or gardens or by dwelling-houses or as approaches to any dwelling-house And provided further that if the owners or occupiers of any lands or grounds into or through or upon which any sewer drain or watercourse wells or pumps shall be made altered and continued as aforesaid shall be injured thereby and such owners or occupiers shall refuse to treat or cannot agree with the said Council as to the recompense to be paid for such injury such owners or occupiers may apply to the next Court of General Quarter Sessions of the Peace for the District of Sydney and the Justices there assembled shall have power to impanel a Jury then attending to assess the recompense which ought to be paid to such owners or occupiers for such injury as aforesaid and thereupon the said Justices shall order the sum assessed by such Jury to be paid to such owners and occupiers accordingly and such judgment shall be final to all intents and purposes and the said Justices may award costs to either party at their discretion.

88. And be it enacted That if any person shall wilfully or maliciously or by negligence break up injure destroy or otherwise damage any of the flagging or pavement or the footways or carriage-ways of the said streets roads lanes public passages or places or any of the sewers or gratings or any of the posts pales and rails or fences or any of the works done by such Council in pursuance of this Act every person so offending shall for each and every such offence if there shall be more than one forfeit and pay a sum not exceeding ten pounds and shall also make full satisfaction for the injury done thereby and in default thereof the same shall be levied by distress and sale of the offender's goods and chattels in manner aforesaid and in case of the insufficiency of such distress such offender shall be imprisoned in any gaol or house of correction for any term not exceeding six calendar months unless such penalty shall be sooner paid and satisfaction made.

89. And be it enacted That from and after the passing of this Act it shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall house or building within the said City except on such places as may be appointed by the said Council for the purpose nor to deface any such wall house or building by chalk or paint or in any other manner and any person who shall be guilty of any such offence shall forfeit and pay on conviction any sum not exceeding forty shillings and it shall be lawful for any constable or other person to apprehend and convey any person so offending before any Justice of the Peace of the said City to be dealt with according to law Provided always that nothing in this enactment contained shall

prevent

Sydney Corporation.

prevent any person from pasting or affixing any placard or other paper on any house or building owned or occupied by such person or on any fence or wall connected therewith. Streets Sewers Drains.
ing of owner or occupier.

90. And be it enacted That from and after the passing of this Act no street or alley shall be formed within the limits of the said City unless such street be of the width of forty feet at least and such alley of the width of twenty feet at least from front to front in every part thereof respectively the width of such streets and alleys respectively to be ascertained by measuring at right angles to the course thereof from front to front of the buildings on each side of such street or alley and every such alley shall have two entrances thereto each being at the least of the full width of the alley and one at the least open from the ground upwards and any person offending against the provisions hereof either as respects the width or entrances of such streets or alleys respectively shall be deemed guilty of a nuisance and being thereof lawfully convicted shall be liable to fine and imprisonment at the discretion of the Court or Judge before whom any such offender may be convicted and shall be compelled by due course of law to abate such nuisance Provided always that all alleys or passages now in existence of less than eight feet in width shall be properly secured at their entrances at the expense of the adjoining proprietors by posts with cross top rails or turnstiles to secure them from the intrusion of horses and cattle. As to width of streets and alleys
how measured.
Penalty on offenders how recovered.

91. And be it enacted That from and after the passing of this Act it shall not be lawful for any person to blast or cause to be blasted any stone or rock within the limits of the said City without the permission of the said Council or of the City Surveyor and any person offending in this respect shall on conviction forfeit and pay any sum not exceeding five pounds. No rock or stone to be blasted within the limits of the said City without permission under a penalty.

92. And be it enacted That when any person or persons shall hereafter form or cause to be formed any lane street alley or public thoroughfare within the said City of Sydney in or upon any property belonging to and being the private property of any such person or persons every such person or persons shall cause such lane street alley or public thoroughfare to be properly formed and made before the Council of the said City shall be called upon to pave repair or cleanse any such lane street alley or public thoroughfare Provided always that if any such person or persons who shall form or cause to be formed any such lane street alley or public thoroughfare within the said City shall not form and make such lane street alley or public thoroughfare within three calendar months after a notice signed by the Town Clerk in the form or to the effect in the Schedule hereunto annexed marked H shall have been left at any of the buildings tenements or other property of such persons respectively it shall be lawful for the said Council and they are hereby authorized and required forthwith to cause such lane street alley or public thoroughfare to be formed and made and to keep an exact account of the expense thereof in a book to be open to the inspection of any Citizen at all reasonable hours free of charge. All lanes streets alleys or thoroughfares to be properly formed before the Council shall be called upon to pave or cleanse the same.
Schedule H.

93. And be it enacted That it shall be the duty of the said Council within one calendar month after such lane street alley or public thoroughfare shall have been formed and made by the said Council as aforesaid to apportion the expense thereof among the respective proprietors of the adjoining property according to the annual or assessed value of such property and to cause an account of the proportionate amount of the cost so ascertained to be left at the buildings tenements or other property of such proprietors respectively and if the respective proprietors of such property shall not within fourteen days after such account shall have been so left pay to the City Expense of forming such street lane &c. to be apportioned among the respective proprietors.
Proceedings in case of non-payment.

Sydney Corporation.

Streets Sewers Drains. City Treasurer the amount of such account the said Council shall for the purpose of raising and collecting the same proceed in the same manner and have the same powers remedies and privileges as for collecting and raising the City and other rates under this Act
Relief by tenant against landlord. Provided always that if any goods distrained on for such accounts shall belong to any tenant and not to the proprietor of any such property such tenant shall be at liberty to deduct the amount which he may pay on such distress being made from any rent due or to become due to such proprietor or be at liberty to sue him for any damage he may sustain thereby.

City Surveyor to cause a hoard or fence to be put up in front of ruinous or dangerous buildings and notice to be given to proprietor to take down or secure such building. 94. And be it enacted That if any building or wall or any thing affixed thereon within the limits of the said City be deemed by any Surveyor of the said City of Sydney duly appointed by the Council of the said City of Sydney in that behalf to be in a ruinous state or dangerous to passengers or to the occupiers of the neighbouring buildings such Surveyor shall immediately cause a proper hoard or fence to be put up for the protection of passengers and shall cause notice in writing to be given to the owner of such building or wall if he be known and resident within the limits of the said City by leaving the same at his usual place of abode and shall also cause such notice to be put on the door or other conspicuous part of the said premises or otherwise to be given to the occupier thereof if any by leaving the same on the premises requiring such owner or occupier forthwith to take down secure or repair such building wall or other thing as the case shall require and if such owner or occupier do not begin to repair take down or secure such building wall or other thing within the space of three days after any such notice has been so given or put up as aforesaid and complete such repairs or taking down or securing as speedily as the nature of the case will admit the said Surveyor may make complaint thereof before any two Justices of the Peace in and for the said City and it shall be lawful for such Justices to order the owner or in his default the occupier (if any) of such building wall or other thing to take down rebuild repair or otherwise secure to the satisfaction of such Surveyor the same or such part thereof as appears to them to be in a ruinous or dangerous state within a time to be fixed by such Justices and 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 of the said City shall with all convenient speed cause all or so much of such building wall or other thing as shall be in a ruinous condition or 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 such fence and of taking down repairing rebuilding or securing such building wall or other thing shall be paid by the owner or occupier thereof and if on demand of the expenses aforesaid such owner or occupier shall neglect or refuse to pay the same then such expenses may be levied by distress and sale of his or her goods and chattels and any Justice of the Peace in and for the said City of Sydney may issue his warrant accordingly.

The expenses to be levied by distress and sale.

Corporation may sell the materials of ruinous buildings pulled down restoring to the owner overplus arising from the sale.

95. And be it enacted That if any such house or building as aforesaid or any part of the same be pulled down by virtue of the powers aforesaid the said Council may sell the materials thereof or so much of the same as shall be pulled down and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building and the said Council shall render any overplus arising from such sale to the owner of such house or building on demand nevertheless the said Council although they may sell such materials for the purposes aforesaid shall have the same remedies for compelling the payment of so much and such part of the said expenses as may remain

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remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the payment of the whole of the said expenses. *Streets Sewers Drains.*

96. And be it enacted That if any building or hole or any other place near any street be for want of sufficient repairs protection or inclosure dangerous to the passengers along such street the said Council or some person to be appointed by them in that behalf shall cause the same to be repaired protected or inclosed so as to prevent danger therefrom and the expenses of such repair protection or inclosure shall be repaid to the Council of the said City by the owner of the premises so repaired protected or inclosed and shall be recoverable from him with damages and full costs of suit by action of debt in any Court of competent jurisdiction. *Dangerous places to be repaired or inclosed by Council.*
at the expense of owner.
How recovered.

97. And be it enacted That in no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary length of time under a penalty not exceeding five pounds to be paid for every such offence by the person who shall cause such materials or other things to be laid or such hole to be made and a further penalty not exceeding forty shillings for every day during which such offence is continued after the conviction of such offence and in any such case the question as to what is an unnecessary length of time shall be determined by the Justice of the Peace by whom the same shall be heard. *Penalty for continuing deposits of building materials or excavations an unreasonable time.*
to be determined by Justice.

98. And be it enacted That when any building materials rubbish or other things are laid or any hole made in any of the streets the person causing such materials or other things to be so laid or such hole to be made whether by order of the said City Council or not shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same and shall continue such light every night from sunsetting to sunrising while such materials or hole remain and such person shall at his own expense cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed or the hole filled up or otherwise made secure and every such person who shall fail so to light such fence or to inclose such materials or other things or such hole shall for every such offence be liable to a penalty not exceeding five pounds and a further penalty not exceeding forty shillings for every day while such default is continued. *Lights to be placed near deposits of building materials or excavations under a penalty.*

99. And be it enacted That every person intending to build or take down any building within the limits of the said City or to cause the same to be so done or to alter or repair the outward part of any such building or to cause the same to be done where any street or footway will be obstructed or rendered inconvenient by means of such work shall before beginning the same cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and handrail if there be room enough to leave as a footway for passengers outside of such hoard or fence and shall continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the City Surveyor during such time as the public safety or convenience requires and shall in all cases in which it is necessary in order to prevent accidents cause the same to be sufficiently lighted during the night and every such person who shall fail to put up such fence or hoard or platform with such handrail as aforesaid or to continue the same respectively standing and in good condition as aforesaid during the period of such building or taking down or who shall not while the said hoard or fence is standing keep the same sufficiently lighted in the night or who shall not remove the same when directed by the City Surveyor within a reasonable time afterwards *Hoards or fences to be set up during repairs.*
and to be kept lighted during the night
penalty for neglect.

Sydney Corporation.

Streets Sewers Drains. afterwards shall for every such offence be liable to a penalty not exceeding forty shillings for every day such default is continued.

Encroachment upon the footway

deemed a nuisance.

Offender guilty of a misdemeanor.

Encroachment may be pulled down and materials sold.

Not to apply to existing buildings walls or fences.

Penalty for pulling down or defacing any board containing By-laws.

100. And be it enacted That from and after the passing of this Act no house shop warehouse or other building and no fence wall or other erection shall be erected or commenced to be erected or allowed to project or encroach in or upon the footway of any street or part of a street within the said City of Sydney which street or part of a street is now or shall be hereafter proclaimed or set out according to law as a public way street or thoroughfare in the said City or dedicated to the use of the public and if any such house shop warehouse or other building or any fence wall or other erection be erected or commenced to be erected or built in or upon the footway or beyond the building line of any such street or part of a street as aforesaid every such building house shop warehouse fence wall or other erection shall be deemed and declared a nuisance and any person who shall build erect or put up or cause or procure the same to be built erected or put up shall be deemed guilty of a misdemeanor and being thereof lawfully convicted shall be liable to be fined and imprisoned at the discretion of the Court or Judge before whom any such offender may be convicted and it shall and may be lawful for the Council of the said City after any such conviction as aforesaid and they are hereby empowered to cause such building house shop warehouse fence wall or other erection to be pulled down and the materials thereof to be sold by public auction and from the proceeds thereof to reimburse and pay themselves for any expense that may or shall have been incurred by them in pulling down such building house shop warehouse fence wall or other erection and if after such sale there be any surplus to hand over and pay the same to the owner of such building house shop warehouse fence wall or other erection if claimed within two years or if not claimed within such period then the same shall go to and be considered as part of the City Fund Provided always that nothing in this enactment contained shall apply to any house shop warehouse or other building or to any fence wall or other erection at present erected or built within the said City.

101. And be it enacted That from and after the passing of this Act any person who shall pull down destroy or deface any board or printed or written paper containing any By-laws of the said Council or any Citizen List Roll or other printed or written paper affixed against or upon any building wall fence or pale (which the said Council are hereby authorized to affix on any place or public building within the said City) shall be liable to a penalty of not more than forty shillings for every such offence and any person so offending may be apprehended and conveyed before a Justice of the Peace of the said City to be dealt with according to law.

Sanitary.

SANITARY.

Council to cause the streets and drains to be cleansed and dirt ashes &c. to be removed from the houses.

Occupier may keep soil and ashes made on his own premises for manure if not a nuisance.

102. And be it enacted That the said Council shall cause all the streets together with the foot pavements and surface drains from time to time to be properly swept and cleansed and all dust and filth of every sort found thereon to be collected and removed and shall cause all the dust ashes and rubbish to be carried away from the houses and tenements in the said City at convenient hours and times and shall cause the privies and cesspools within the said City to be from time to time emptied and cleansed in a sufficient and proper manner Provided always that the occupier of any house or tenement within the limits of the said City may keep and remove any such soil ashes or rubbish as shall be made on his own premises and as shall be kept for manure so that the same be not a nuisance to the inhabitants residing near

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near such premises and that the same be removed at such times and in such manner as shall be approved of by the said Council.

Sanitary.

103. And be it enacted That the said Council if they think fit so to do may cause any number of movable or fixed dust boxes or other conveniences wherein dust and ashes may be deposited until removed and carried away to be provided and placed in such of the streets of the said City as they shall judge necessary and may require the occupiers of houses or tenements within such streets to cause all their dust and ashes to be deposited daily in the said dust boxes or other conveniences and every person who after such dust boxes or conveniences shall have been so provided shall deposit or cause or permit to be deposited any ashes or dust in any part of any street within the said City except in some of the said dust boxes or other conveniences and every person who shall lay or cause to be laid any dirt dung or other filth in any part of any such street except in such dust boxes shall for every such offence forfeit and pay a sum not exceeding ten shillings.

Dust boxes to be erected by the Council.

Penalty for depositing dust or ashes except in dust boxes.

104. And be it enacted That the said Council may from time to time provide places convenient for the deposit of the night soil dung ashes and other filth and rubbish to be collected under the authority of this Act and for stabling and keeping all horses cattle implements and other things required for the purposes of this Act and for any of such purposes the said Council may purchase or hire any lands or buildings by them considered necessary or they may cause any new building to be made for the purpose upon any land which shall be purchased or hired by them under the provisions of this Act either within or without the boundaries of the said City.

Council may provide lands &c. for deposit of soil and materials and for building stabling &c.

105. And be it enacted That the dust and filth which the said Council shall cause to be collected from the streets privies sewers and cesspools and all the dust ashes and rubbish which the said Council shall cause to be collected and carried away from the houses or elsewhere within the limits of the said City shall be the property of the said Council and they shall have the power to sell and dispose of the same as they think proper and the moneys arising from the sale thereof shall be applied in aid of the City Fund.

Dust &c. collected to be vested in the Council

and may be sold.

106. And be it enacted That the said Council may appoint and employ a sufficient number of Scavengers or contract with any person or persons for sweeping cleansing and watering the streets and for removing all dust ashes rubbish and filth therefrom and from the houses and tenements therein and for emptying privies and cesspools in the manner by this Act directed and such Scavengers shall on such days and at such hours and in such manner as the said Council may from time to time appoint sufficiently execute all such works and duties as they may have respectively contracted or been employed to perform and every such Contractor who shall fail to sweep and properly cleanse or water or who shall fail to clean out and empty any privy cesspool or sewer which he may have contracted to clean out and empty at the time and in the manner prescribed by the said Council or to collect or remove any dirt ashes or rubbish which he may have contracted to remove at the time and in the manner prescribed by the said Council for that purpose or who shall lay any of such soil dust ashes rubbish or filth in any other place than such as are appointed by the said Council for that purpose shall for every such offence be liable to a penalty not exceeding five pounds.

The Council to appoint or contract with Scavengers.

Penalty on Scavengers for neglect of duty.

107. And be it enacted That every occupier of any building or land within the limits of the said City and every other person who shall refuse to permit the said Scavengers to remove such dirt ashes or rubbish as by this Act they are authorized to do or who shall

Penalty for obstructing Scavengers.

*Sydney Corporation.**Sanitary.*

Penalty on persons
other than Scaven-
gers removing night
soil &c.

Council may cause
public conveniences
to be erected.

Penalty for convey-
ing offensive matters
at improper times.

In default of finding
actual offender driver
to be liable.

obstruct the said Scavengers in the performance of their duty shall for every such offence be liable to a penalty not exceeding five pounds.

108. And be it enacted That every person other than the person employed by the said Council or by some person contracting with them for that purpose who shall collect or carry away any night soil dust ashes rubbish or filth by this Act directed to be removed by persons employed by the said Council from any streets or public place within the limits of the said City shall be liable to a penalty not exceeding forty shillings for such offence.

109. And be it enacted That the said Council may erect such public urinals and conveniences within the limits of the said City and in such situations as they think fit and may defray the expense thereof and of keeping the same in good order and may make compensation for any injury occasioned to any person by the erection thereof out of the moneys to be levied under this Act.

110. And be it enacted That the said Council may from time to time fix the hours within which only it shall be lawful to empty privies or remove offensive matter within the limits of the said City and when the said Council have fixed such hours and given public notice thereof every person who within the limits of the said City shall empty or begin to empty any privy or remove along any thoroughfare within the said limits any offensive matter at any time except within the hours so fixed and also every person who at any time shall use for any such purpose any cart or carriage not having a covering proper for preventing the escape of the contents of such cart or of the stench thereof or who shall wilfully slop or spill any such offensive matter in the removal thereof or who shall not carefully sweep and clean every place in which any such offensive matter has been placed or unavoidably slopped or spilled shall be liable to a penalty not exceeding ten pounds and in default of the apprehension of the actual offender the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

Markets.

Council to have the
same power and
authority for the
regulation of Markets
as Commissioners
elected in pursuance
of 3 Vic. No. 19.

MARKETS.

111. And be it enacted That the Council of the said City shall have the same powers authorities duties and immunities in respect to Markets as are given to the Commissioners to be elected and appointed under and by virtue of an Act of the Governor and Legislative Council passed in the third year of the reign of Her present Majesty intituled "*An Act to authorize the establishment of Markets in certain Towns in the Colony of New South Wales and for the appointment of Commissioners to manage the same*" whether the said Act shall already have been in force or not within the said City prior to its incorporation.

By-laws.

Council to have
power to make By-
laws.

BY-LAWS.

112. And be it enacted That it shall be lawful for the said Council to make publish alter modify amend or repeal such By-laws and Regulations as to them shall seem meet for regulating their proceedings and the conduct of their officers and servants and for conducting the election of Mayor Aldermen Councillors or other corporate officers in any matters which may not be sufficiently provided for by this Act and which may not be inconsistent therewith and for the good rule and government of the said City and for the prevention and suppression of all nuisances whatever and for regulating the quality and the place and manner of selling butchers' meat for regulating bathing in the waters adjoining the City for the suppression and restraint of disorderly houses and houses of ill fame and repute for prohibiting
forestalling

Sydney Corporation.

forestalling and regrating and every kind of fraudulent device and practice in relation to the sale of marketable commodities for compelling the owners or occupiers of cellars tallow chandlers' shops soap factories and tanneries and the owners of privies sewers slaughter-houses and other houses or places which may be in an unwholesome or offensive state or be likely to become so to cleanse the same from time to time and in such manner as the said Council may think necessary and proper with a view to promote the health and comfort of the inhabitants of the said City and for the regulation and government of carters porters and drivers and for the conduct of the proprietors and drivers of hackney carriages and for regulating slaughter-houses subject to the provisions of an Act of the Governor and Legislative Council of New South Wales passed in the fifth year of the reign of His late Majesty King William the Fourth intituled "*An Act for regulating the slaughtering of Cattle*" and of a certain other Act of the said Governor and Council passed in the thirteenth year of the reign of Her present Majesty intituled "*An Act to amend the Law relating to the licensing of Slaughter-houses within the City and Suburbs of Sydney and for the prevention of other Nuisances within the same*" for suppressing and restraining noisome and offensive trades billiard tables gaming tables and gambling of every description for preventing obstructions and incumbrances in and upon the streets wharves and waters of the said City for regulating the flagging paving and repairing of the streets and roads and for keeping the same clear from dirt and also to appoint by such By-laws such fines as they shall deem necessary for the prevention and suppression of such offences and for enforcing such Regulations Provided that no fine so to be appointed shall exceed the sum of ten pounds Provided also that no such By-law shall be of any force until the expiration of forty days after the same or a copy thereof sealed with the seal of the Corporation shall have been sent to the Governor for the time being of the said Colony nor until a copy of such By-law shall have been affixed to the outer door of the Town Hall or in some other public place within the City nor until a copy of the same shall have been published in the *New South Wales Government Gazette* for at least one week and if at any time within the said period of forty days the Governor of the said Colony shall disallow such By-law or any part thereof such By-law or the part thereof so disallowed shall not come into operation Provided likewise that in the case of any such By-laws it shall be lawful for the said Governor at any time within such forty days as aforesaid to enlarge as he shall think fit the period within which any such By-laws shall remain inoperative and no such By-law shall come into force until after the expiration of such enlarged period Provided further that no By-law to be passed by the said Council shall be repugnant to this Act or to the general spirit and intendment of the laws in force within the Colony of New South Wales and that no penalty imposed by an Act passed in the fourth year of the reign of His late Majesty King William the Fourth intituled "*An Act for regulating the Police in the Town and Port of Sydney and for removing and preventing Nuisances and Obstructions therein*" shall be increased so as to make the whole penalty amount to more than ten pounds.

By-laws.

5 Wm. IV. No. 1.

13 Vic. No. 42.

By-laws not in force until forty days after a copy is sent to the Governor.

Governor may extend the number of days.

By-laws not to be repugnant to the laws of the Colony and no penalty under the Act 4 Wm. IV. No. 7 to be increased to more than £10.

113. And be it enacted That the By-laws and Regulations made by the said Council established by the said first recited Act or such of them as are now in force except so far as the same are inconsistent with the provisions of this Act shall continue and remain in full force until the same shall be repealed altered modified or varied by any By-laws or Regulations passed under and by virtue of this Act.

Present By-laws if not inconsistent with this Act to continue in force until repealed or altered by new By-laws.

*Sydney Corporation.**By-laws.*

Grower or producer
bringing produce to
pay six-pence only
for each load exclu-
sive of stall dues.

114. And be it enacted That from and after the first day of January next it shall not be lawful for the said Council by any By-laws then in force or which may thereafter be passed to impose on any grower or producer of any agricultural or garden produce or his servant bringing such produce to any market within the said City or hawking selling or offering the same for sale in any street ward or place within the limits of the said City any license fees tolls or dues beyond three-pence for each barrow-load and six-pence for each cart-load of such produce so brought to any such market or hawked within the said City to be paid to the Clerk of the said market for the use of the said Council exclusive of dues for stall or standing room or for weighing when such produce is sold within any such market.

License fees for
hawking within the
City and exemptions.

115. And be it enacted That from and after the first day of January next any person shall be at liberty to sell or offer for sale in any part of the said City any fish water fuel or milk free of all license fees or other charges and any person shall be at liberty to sell or offer for sale from a hand basket within any part of the said City free of all license fees or other charges any of the articles hereinafter mentioned and any person shall be at liberty to sell or offer for sale from a wheelbarrow on payment of three-pence per day and from a cart or other vehicle on payment of six-pence per day to the Clerk of the said market for the use of the said Council in any street ward or place within the said City any fruit butter cheese eggs poultry game potatoes or other esculent roots vegetables or garden produce of any description anything in the By-laws now in force or hereafter to be passed to the contrary notwithstanding.

No license fees to be
charged from makers
of goods &c.

116. And be it enacted That from and after the first day of January next the maker of any articles or goods and the printer or publisher of any newspaper magazine or other literary production and the children apprentices agents or servants of such maker printer or publisher shall be at liberty to sell or offer for sale their respective productions free of all license fees or other charges in any street ward or place within the limits of the said City.

No license fees or
charges to be im-
posed on persons
selling on their own
premises.

117. And be it enacted That from and after the first day of January next it shall not be lawful for the said Council to impose any license fees or other charges on any person for selling or offering for sale in the house shop private wharf or premises occupied by such person any of the agricultural or garden produce goods or other articles hereinbefore enumerated or any horses cattle sheep goats swine or live stock of any description anything in the By-laws of the said Council now in force or hereafter to be passed to the contrary notwithstanding.

Prescribing limit as
to dues tolls and
charges at the
Sydney Markets.

118. And be it enacted That from and after the first day of January next it shall not be lawful for the said Council by any By-laws now in force or hereafter to be passed to impose any higher fees on produce brought to the said markets or any higher rents or tolls for occupying stalls or standing places for selling horses cattle or live stock or for weighing articles at the weigh bridge than the dues rents or tolls specified and set forth in the Schedule to this Act annexed marked I.

Schedule I.

Breaches of By-laws
punishable on sum-
mary convictions.

119. And be it enacted That all the provisions herein contained relative to offences against this Act punishable upon summary convictions shall be taken to apply to all offences committed in breach of any By-law or Regulation made by virtue of the said first recited Act or this Act.

By-laws enforced by
penalties

120. And be it enacted That it shall be competent for the Council of the said City to fix by any By-law such penalty or penalties whether fixed or variable as to them shall seem meet for the enforcement of the provisions thereof Provided always that no fine appointed

not to exceed £10

by

Sydney Corporation.

by any such By-law shall exceed ten pounds and that no By-law heretofore made by the said Council established by the said first recited Act shall be invalid or inoperative on account of any variable fine or penalty prescribed thereby but shall in regard to such variable fine or penalty be taken to have been and be as valid and operative as if such By-law had been made and passed after this Act shall have come into operation.

By-laws.

and may be fixed or variable.

121. And be it enacted That a copy of any By-laws passed or to be passed under and by virtue of the said first recited Act or this Act under the common seal of the Mayor Aldermen Councillors and Citizens of the said City with a declaration thereon signed by the Mayor of the City for the time being and countersigned by the Town Clerk or person holding the situation of Town Clerk when the By-law came into force that the same had been sent sealed with the said seal to the Governor for the time being of the said Colony and that all the other requirements of the ninety-second section of the said first recited Act or of the one hundred and twelfth section of this Act as the case may be have been complied with shall be received as evidence of the existence of any such By-law and of the sending and publishing thereof in all Courts of Law and Equity and before all Justices in Sessions or otherwise.

Evidence of By-laws.

COUNCIL MEETINGS RESOLUTIONS &c.

*Council Meetings
Resolutions &c.*

122. And be it enacted That all acts whatsoever authorized or required by virtue of this Act to be done by the said Council of the said City and all questions of adjournment or others that may come before such Council may be done and decided by the majority of the Members of the Council who shall be present at any meeting held in pursuance of this Act the whole number present at such meetings not being less than one-third part of the number of the whole Council and at all such meetings the Mayor if present shall preside and the Mayor or in the absence of the Mayor such Alderman as the Members of the Council then assembled shall choose to be Chairman of that meeting or if there be no Alderman present such Councillor as may be chosen to preside shall have a casting vote in all cases of equality of votes but shall not in any case have a second vote and Minutes of the proceedings of all such meetings shall be drawn up and fairly transcribed into a book to be kept for that purpose and shall be read by the Town Clerk or person acting as such at the meeting or adjourned meeting immediately succeeding and shall be signed by the Mayor Alderman or Councillor presiding at the meeting when the Minutes are so read Provided always that previous to any meeting of the Council held by virtue of this Act a notice of the time and place of such intended meeting shall be given two clear days at least before such meeting by fixing such notice on the outer door of the Town Hall or the building for the time being used as such or on some other public place within the said City and such notice shall be signed by the Mayor who shall have power to call a meeting of the Council as often as he shall think proper and in case the Mayor shall refuse to call any such meeting after a requisition for that purpose signed by at least eight Members of the said Council shall have been presented to him it shall be lawful for the said eight Members to call a meeting of the said Council by giving such notice as hereinbefore required in that behalf such notice to be signed by the said Members instead of the Mayor the said Members stating therein the business proposed to be transacted at such meeting and in every case a summons to attend the Council specifying the business proposed to be transacted at such meeting signed by the Town Clerk shall be left at the usual place of abode of every Member

All acts of the Council done by a majority of the Councillors present being one-third part of the whole to be deemed acts of the whole Council.

Who to preside.

Chairman to have a casting but not a second vote.

Minutes to be kept.

Two days' notice of meetings to be given

to be called by Mayor

if Mayor refuse to call a meeting eight Members may do so.

Summons specifying business to be sent by Town Clerk.

*Sydney Corporation.**Council Meetings
Resolutions &c.**Quarterly meetings.*

No Resolution of the Council to be revoked at a subsequent meeting unless under certain circumstances.

Power to take extracts from Minutes &c.

Committees.

Council may appoint Committees

whose acts must be reported to Council.

Committee not to consist of more than seven.

Unless quorum of Committee be present no business to be done.

Who shall preside.

Chairman to have a casting but not a second vote.

Member of the Council or at the premises in respect of which he is enrolled a Citizen or sent to him by post two clear days at least before such meeting and no business shall be transacted at such meeting other than is specified in such notice. Provided always that there shall be four quarterly meetings in every year at which the Council shall meet for the transaction of general business and the said quarterly meetings shall be holden at noon on the ninth days of the months of February May August and November respectively or any such quarterly meeting may be holden on any other day within three days next following any of the days so respectively appointed as the Council at any quarterly meeting next preceding the same shall determine.

123. And be it enacted That no Resolution at any meeting of the said Council shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration be given to the Town Clerk ten days and by the Town Clerk to the Mayor and each of the Aldermen and Councillors seven days at least before holding the meeting nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the Members present at such subsequent meeting if the number of Members present at such subsequent meeting be not greater than the number present when such Resolution was come to or by a majority if the number of Members present at such subsequent meeting be greater than the number present at such former meeting.

124. And be it enacted That from and after the passing of this Act any Citizen shall be at liberty at all seasonable times on payment of the sum of one shilling to make any copy of or take any extract from the book required to be kept for the purpose of entering the Minutes of Council and also to make any copy or take any extract from any Order in Council for the payment of any money and it shall also be lawful for the Mayor or any Alderman or Councillor of the said City at all seasonable times to make any copy of or take any extract from the books of account of receipt and expenditure and other books of account required by this Act to be kept.

COMMITTEES.

125. And be it enacted That it shall be lawful for the said Council to appoint out of their own body from time to time such and so many Committees either of a general or a special nature and consisting of such number of persons as they may think fit for any purposes which in the discretion of such Council would be better regulated and arranged by means of such Committees and to fix the quorum of any such Committees and to continue alter or discontinue such Committees. Provided always that the acts of every such Committee shall be submitted to the Council for their approval and that no such Committee shall consist of more than seven Members including the Chairman.

126. And be it enacted That every Committee so appointed may meet and adjourn from time to time as they may think proper for carrying into effect the purposes of their appointment but no business shall be transacted at any meeting of the Committee unless the quorum of Members if any be fixed by the said Council and if no quorum be fixed unless three Members be present and at all meetings of the Committee the Mayor if present shall preside and in his absence such Alderman and in the absence of the Alderman such Councillor as the Members present shall appoint shall be Chairman and all questions shall be determined by a majority of the votes of the Members present and in case of an equal division of votes the Chairman shall have a casting vote but shall not have a second vote as a Member of the Committee.

Sydney Corporation.

CITY FUND.

City Fund.

127. And be it enacted That the rents and profits of all lands houses market dues tolls and other hereditaments which shall belong to and be vested in the Corporation of the said City and the interest dividends and annual proceeds of all moneys dues chattels and valuable securities belonging or payable to the Corporation and all rates levied under this Act shall be paid to the said Treasurer and all the moneys which the said Treasurer shall so receive shall be carried to an account to be called the "City Fund" and such Fund shall be applied towards the payment of the allowance if any be made to the Mayor and of the respective salaries of the Town Clerk Treasurer Surveyor and Collectors and of any other officer or servant whom the Council shall appoint and also towards the payment of the expenses incurred from time to time in preparing and printing Citizen Lists and Notices and in other matters attending such elections as are herein mentioned and towards the expense of purchasing or erecting and maintaining the corporate and other buildings which may belong to the said Corporation and towards the payment of all other expenses not herein otherwise provided for which shall be necessarily incurred in carrying into effect the provisions of this Act.

Rents and profits of all corporate property and all fines and rates received to be carried to the account of the City Fund

and to be applied to pay salaries and all expenses under this Act.

ASSESSMENT AND RATES.

Assessment and Rates.

128. And be it enacted That it shall be lawful for the said Council and they are hereby authorized and required from time to time to order and direct such valuer or valuers as they may 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 this Act annexed marked K and such books being 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 annual value clear of all outgoing and such Ward Assessment Books when completed by such valuers respectively shall be by them delivered to the Town Clerk who shall as soon as conveniently may be thereafter cause a notice to be served on or left at the premises of every proprietor or occupier (as the case may be) of the building tenement or other property assessed and such notice shall be in the form or to the effect of the Schedule to this Act annexed marked L and shall contain the name of the person whose property is assessed the net annual value of such property and the amount at which the same is assessed Provided always that if any person shall think himself aggrieved by any such assessment it shall be lawful for him to appeal against such assessment to the Justices of the Peace at the next Court of Quarter Sessions held within the said City unless such Quarter Sessions shall be held within fourteen days from the delivery of such notices respectively and in that case at the then next following Court of Quarter Sessions and such Justices shall have power to hear and determine the same and to award relief in the premises as the justice of the case may require and the decision of such Justices shall be final and conclusive as regards the matter of such appeal Provided also that the person so appealing as aforesaid shall give notice in writing to the Town Clerk of such his intention of appealing against the said assessment seven days before the holding of the Court of Quarter Sessions at which such appeal may be heard and determined.

Assessment of City property to be made by valuers and notice thereof to be given to proprietors or occupiers. Schedule K.

Schedule L.

Power of appeal to Quarter Sessions against assessment

after seven days' notice of appeal to Town Clerk.

129. And be it enacted That no such valuer so to be appointed by the said Council as aforesaid shall be capable of acting as such until he shall have made and subscribed a declaration before any Justice of the Peace for the said City who is hereby authorized to take the

Valuers to make declaration before entering on duties.

Sydney Corporation.

Assessment and Rates. the same and such declaration shall be in words or to the effect following that is to say—

Form of declaration.

“I A. B. having been appointed a valuer for the City of Sydney do hereby declare that I take such office upon myself and that I will diligently faithfully and impartially perform the duties thereof to the best of my judgment skill and ability and without favor or affection prejudice or malice to any person whomsoever.”

Assessment books to be confirmed by the Council after appeals disposed of by Quarter Sessions.

130. And be it enacted That if no notice of appeal be lodged with the Town Clerk within the time hereinbefore prescribed or in case of any appeals being so lodged then after the same shall be determined by the said Court of Quarter Sessions and the necessary alterations if any made in the Ward Assessment Books such books shall be confirmed by the said Council and signed by the Town Clerk and shall thereupon be and be called the Assessment Books of the said City until a new assessment be made and new Assessment Books completed and confirmed by the said Council in the manner and form herein prescribed subject nevertheless to such powers of alteration and amendment as are hereinafter given to the said Council.

No appeals against assessments to be entertained by City Council but appeals may be made to Quarter Sessions once in every year.

131. And be it declared and enacted That no appeals against the assessments so made shall be at any time entertained by the said Council Provided always that at the last Court of Quarter Sessions which shall be held in the said City in every year any person who may feel himself aggrieved by the assessment on his property and who shall have given seven days' notice to the Town Clerk as aforesaid of his intention so to do may in addition to the privilege of appeal hereinbefore given appeal to the said Court of Quarter Sessions against the said assessment and such appeals shall be heard and determined finally by such Court and the necessary alterations in the said Assessment Books shall be made by the said Council in the manner hereinbefore prescribed.

City Surveyor on or before 31st December in every year to make a return of buildings pulled down or become ruinous and a return of new buildings.

132. And be it enacted That the City Surveyor shall on or before the thirty-first day of December in every year lodge with the Town Clerk a return of all buildings pulled down or become ruinous within each Ward of the said City from the date when the last Assessment Books were confirmed or from the first day of January as the case may be to the said thirty-first day of December in every year the assessments on which buildings shall be forthwith erased from the said Assessment Books and a return of all buildings or tenements erected or altered in each Ward of the said City within the same period containing an assessment of the same according to their full fair and average annual value clear of all outgoings and notice of such assessment shall be given to the parties interested in the form and manner required in the case of an original assessment and such parties on giving seven days' notice to the Town Clerk as aforesaid shall have the like power of appeal to the Court of Quarter Sessions as is hereinbefore prescribed for appeals against the original assessments and after the appeals are so determined the assessments shall be entered in books to be called Supplemental Ward Assessment Books confirmed by the said Council and signed by the Town Clerk in the manner hereinbefore prescribed and shall thereafter be considered as much a portion of the original Ward Assessment Books of the said City and shall be as valid and effectual in law to all intents and purposes as if they had been inserted in the said Ward Assessment Books before the same were originally confirmed by the said Council.

The like power of appeal against these as against original assessments.

Supplemental Assessment Books.

Rate Book to be made and filed with Treasurer.

Schedule M.

133. And be it enacted That from the Assessment Books of the said City so confirmed as aforesaid the Town Clerk shall cause to be made for each Ward of the said City a book in the form prescribed in the Schedule annexed to this Act marked M containing an account of

Sydney Corporation.

of the situation of each property assessed the name of the person rated the amount of City Lighting and other rates for which he may be so rated and the amount of such rates paid and in arrear at any time which books shall be respectively signed by the Town Clerk and shall be known as the Rate Books of the said City and shall within three months after the confirmation by the said Council of the said Assessment Books as aforesaid be filed by the Town Clerk in the office of the City Treasurer and shall be altered or new Rate Books filed in the said office within one month after the confirmation of any addition to or alteration of the said Assessment Books in consequence of the erection of new buildings or otherwise and every Citizen of the said City shall have access thereto at all convenient times and be permitted to inspect the same without fee or reward and if the Town Clerk shall neglect to file such books or alter the same when necessary within the time aforesaid or if the said City Treasurer shall refuse to allow any such Citizen to inspect the same as aforesaid then and in every such case such Town Clerk or Treasurer shall forfeit and pay on conviction any sum not exceeding five pounds to be recovered and applied as is hereinafter directed.

Assessment and Rates.

Citizens to have access to Rate Books without fee.

Penalty on Town Clerk or Treasurer for neglect.

134. And be it enacted That the Rate Books so filed with the City Treasurer and all entries duly made therein shall be received in all Courts in the said Colony as evidence of the facts therein set out.

Rate Books to be received as evidence.

135. And be it enacted That notwithstanding anything hereinbefore contained to the contrary it shall be lawful for the said Council from time to time upon the complaint of any person liable to the payment of any rate under this Act or any other Act of the said Governor and Council to remit or excuse the payment thereof or any part thereof on account of the poverty of the person rated.

Council may remit rates on account of poverty.

136. And be it enacted That it shall be lawful for the said Council and they are hereby 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 will be sufficient for the payment of the expenses to be incurred in carrying into effect the provisions of this Act for the year immediately succeeding the year in which such estimate shall be made and in order to raise the amount so estimated the said Council are hereby authorized and required on the assessment so made as aforesaid to cause such City and Lighting rates to be raised as the said Council may 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 shall on or before the thirty-first day of January in every year be fixed and ordered by the said Council to be paid into the office of the City Treasurer in two equal proportions the first moiety thereof to be paid into such office on or before the thirty-first day of March and the second moiety thereof on or before the thirtieth day of September in every year.

Estimates to be prepared by Council on or before the 31st day of December in every year.

City rate not more than one shilling and sixpence in the pound and Lighting rate not more than sixpence in the pound to be ordered by 31st January.

when and where payable.

137. And be it enacted That if any person shall neglect or refuse to pay into the office of the City Treasurer as aforesaid the amount of any City Lighting or other rates to which he may be liable as the occupier or owner of any building tenement or other property under the provisions of this Act or any other Act of the said Governor and Council for the space of fourteen days after a notice in writing in the form or to the effect of the Schedule to this Act annexed marked N signed by the City Treasurer shall have been left at the building tenement or other property in respect of which such rate or rates shall have been made or at the usual place of abode of the person so liable as aforesaid and which notice shall demand payment to be made to the City Treasurer of the rate or rates so due at such time as shall be therein

Proceedings when persons neglect or refuse to pay City Lighting or other rates.

Schedule N

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<i>Assessment and Rates.</i>	therein expressed and after public notice of the ordering of such rates and the time and place of paying the same shall have been given by the Town Clerk in the <i>New South Wales Government Gazette</i> and one daily or other newspaper circulating in the said City then and in such case it shall be incumbent on the Mayor and he is hereby authorized and required to issue a warrant or warrants of distress in the form and manner hereinafter described against all persons indiscriminately who may be defaulters in the payment of any such rate or rates and it shall be lawful for such officer as the Mayor may appoint for the purpose and such assistants able to read and write as he may take with him on being authorized by such warrant or warrants under the hand of the Mayor to enter into any part of the building tenement or other property in respect of which such rate or rates shall have been made as aforesaid and to distrain the goods therein or thereon and to remain in such building tenement or other property in charge thereof and if the sum for which such distress shall have been so taken shall not be paid on or before the expiration of three days together with the costs of such distress it shall between the hours of twelve of the clock at noon and two of the clock in the afternoon on the next day thereafter be lawful for such officer so appointed as aforesaid to cause the goods so distrained on or a sufficient part thereof to be sold by public auction either on the premises or at such other place in the City of Sydney as such officer may think proper to remove them to for such purpose and the surplus if any that may remain after deducting the amount of the sum distrained for with costs as aforesaid to pay over on demand to the owner of the goods so sold Provided always that in no case shall the costs of making such distress exceed the costs specified in the Schedule to this Act annexed marked O and that where the building tenement or other property shall have been in fact untenanted or occupied by servants solely for the care of the same for the whole of the period in respect of which the rate is demanded such owner shall be wholly exempt.
Mayor may order distress warrants.	
Costs of distress.	
Schedule O. Tenements unoccupied six months exempt.	
What persons primarily liable to rates.	138. And be it enacted That except as herein provided the person primarily liable to the payment of rates under the said first recited Act or this Act or under any other Act of the said Governor and Council in respect of any building tenement or other property assessed shall be the occupier thereof or person in possession at the time when such rates shall be demanded or (in case of a change of such possession in the meantime) the person occupying the premises when the warrant of distress shall be executed and in case the premises shall be vacant for a period less than six months and there shall not be sufficient distress found therein then the proprietor or landlord shall be liable for the amount and such amount after demand shall have been made thereof shall be recoverable by distress and sale of the goods and chattels of such proprietor or landlord if any be found on the tenant's premises or in the City of Sydney or by action of debt in any Court of competent jurisdiction Provided that in all cases where any tenant shall be called on to pay and shall pay accordingly either a greater amount of rates than he shall in fact owe for rent or an amount of rates extending over any period of time during which he shall not have been in possession as tenant he shall be entitled either to deduct the amount of excess so paid from the accruing or future rent or to recover the same from the party liable to pay the same (after demand) by an action as for money paid in an ordinary case in any Court of competent jurisdiction.
When insufficient distress on premises proprietor liable	
relief by tenant against landlord.	
One warrant of distress may be issued against any number of persons.	139. And be it enacted That for the purpose of saving expense and simplifying the levying or collecting of any rate sum or sums of money imposed or due to the said Council under the provisions of the said first recited Act or this Act or under any other Act of the said Governor

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Governor and Council it shall be lawful for the Mayor and he is hereby authorized and required to make and issue one or more warrant or warrants of distress against any number of persons neglecting or refusing to pay the same. *Assessment and Rates.*

140. And be it enacted That the warrant or warrants of distress as aforesaid may be directed to any bailiff or person appointed by the Mayor of the said City in that behalf and such warrant or warrants shall be in the words or to the effect of the form set out in the Schedule to this Act annexed marked P. Warrant may be directed to any person appointed by the Mayor.
Form of warrant. Schedule P.

141. Provided however and be it enacted That nothing in this Act contained shall empower the said Council to levy any rate whatever on any lands or buildings the property of Her Majesty and used for a public or literary purpose within the said City nor on any building hired by the Government for any public purpose nor on any hospital benevolent asylum or building used exclusively for charitable purposes nor on any church or chapel or other building used exclusively for public worship nor on any building used as a school provided it be inhabited only by the master or mistress of the school or his or her family and the school be one receiving aid from the Government or otherwise of a public character. Buildings the property of Her Majesty or used for public purposes church chapel or public school exempt from rates.

142. And for the purpose of removing doubts as to the liability of persons to be rated for Lighting and the powers of the said Council to collect such rates be it declared and enacted That from and after the passing of this Act every building tenement or other property liable for City rates shall be equally liable for Lighting rates that no ratepayer shall be entitled to dispute payment of or shall be entitled to appeal against the Lighting rates imposed by this Act by reason of any inequality or incorrectness in the apportionment of the said Lighting rates or the number and situation of gas oil or other lamps between and among the several Wards of the said City that the said Council shall for the purpose of collecting raising and levying the Lighting rates necessary for the purposes of this Act proceed in the same manner and have the same powers remedies and privileges as for collecting raising and levying the City rates under and by virtue of this Act and also that the Lighting rates imposed and collected under and by virtue of the said first recited Act shall be as valid and effectual in law to all intents and purposes as if the same had been imposed and collected under and by virtue of this Act. Provisions for removing doubts as to the liability of persons to be rated for Lighting and the powers of the Council to levy Lighting rates.
Lighting rates imposed and collected under first Act as effectual as under this Act.

Provided Publicans exempt from Lighting rates.

143. And be it enacted That if any action of trespass replevin or other action shall be brought against the said Council or against any person or persons for the taking of any distress making of any sale or doing any other act matter or thing by authority of this present Act the defendant or defendants in any such action shall and may either plead not guilty or otherwise may plead specially or make avowry cognizance or justification for the taking of the said distress making of sale or other act matter or thing done by virtue of this Act alleging in such plea avowry cognizance or justification that the said distress sale trespass or other act matter or thing whereof the plaintiff or plaintiffs complained was done by authority of this Act and according to the tenor purport and effect of this Act without expressing any other matter or circumstance contained in this present Act to which plea avowry cognizance or justification the plaintiff or plaintiffs shall be admitted to reply that the defendant or defendants did take the said distress make the said sale commit the said trespass

or

*Sydney Corporation.**Assessment and Rates.**Form of avowry.
Schedule Q.*

No Member of the Council shall act as a Justice of the Peace in any appeals against rates.

Payment of Moneys.

Treasurer to pay no money but by order of the Council.

Accounts.

Accounts of receipts and disbursements to be kept by Treasurer

to be audited in June and December

to be open for public inspection

and to be published in January.

Actions Penalties Distress.

Proceedings of Quo Warranto against Mayor &c. to be commenced within six months.

Penalties on Mayor Aldermen Auditors Assessors Collectors and Town Clerk for neglecting to comply with the provisions of this Act.

or did any other act matter or thing complained of in his or their declaration of the defendant's or defendants' own wrong without any such cause as alleged by the said defendant whereupon the issue in every such action shall be joined and the said avowry cognizance or justification may be in the form or to the purport or effect in the Schedule to this Act annexed marked Q.

144. And be it enacted That no Member of the said Council who may be a Justice of the Peace shall be at liberty to act and sit as such in any matter of appeal against any assessment or rate.

PAYMENT OF MONEYS.

145. And be it enacted That the City Treasurer shall pay no money on account of the Mayor Aldermen Councillors and Citizens save only in all or any of the cases provided for by this Act or upon the order in writing of the Council signed by three or more Members thereof and countersigned by the Town Clerk.

ACCOUNTS.

146. And be it enacted That the City Treasurer shall in books to be kept for that purpose enter true accounts of all sums of money received and paid and of the several matters for which such sums shall have been received or paid and such books shall at all times be open to the inspection of the Mayor or any of the Councillors and all the accounts with all vouchers and papers relating thereto shall in the months of June and December in every year be submitted to the Auditors hereinbefore provided to be elected and to such Member of the Council as the Mayor shall name for the purpose of being examined and audited from the first day of January to the thirtieth day of June and from the first day of July to the thirty-first day of December inclusively in every year and if the said accounts shall be found to be correct the Auditors and the Member of Council appointed by the Mayor as aforesaid shall sign the same and after such accounts shall have been so examined and audited in the month of December in every year the City Treasurer shall make out in writing and shall cause to be printed a full Abstract of his accounts for the year and a copy thereof shall be open to the inspection of all the ratepayers of such City and copies thereof shall be delivered to all ratepayers of such City applying for the same on payment of one shilling for each copy and a copy of the said Abstract shall in the month of January in every year be published in the said *New South Wales Government Gazette* and in one daily or other newspaper circulating in the said City.

ACTIONS PENALTIES DISTRESS.

147. And be it enacted That from and after the passing of this Act every application to the Supreme Court of New South Wales for the purpose of calling upon any person to shew by what warrant he claims to exercise the office of Mayor Alderman Councillor Assessor or Auditor shall be made before the end of six calendar months after the election or the time when the person against whom such application shall be directed shall have become disqualified and not at any subsequent time.

148. And be it enacted That if the Mayor or any Alderman Auditor or Assessor of the said City shall neglect or refuse to revise such Citizen List or to conduct or declare such election as aforesaid or audit the City accounts at the times and in the manner herein provided every such Mayor Alderman Auditor or Assessor respectively shall for every such offence forfeit and pay the sum of one hundred pounds and if any Collector appointed under the provisions of the said

first

Sydney Corporation.

first recited Act or of this Act shall neglect or refuse to make out sign and deliver such list as aforesaid or if the Town Clerk shall neglect or refuse to receive print and publish such lists as aforesaid or if any such Collector or Town Clerk shall refuse to allow any such list to be perused by any person having right thereunto every such Collector and Town Clerk respectively for every such offence shall forfeit and pay the sum of fifty pounds and the said penalties hereby in such case imposed shall be recovered with full costs of suit by any person who shall sue for the same within three calendar months after the commission of such offence by action of debt or on the case in the Supreme Court of New South Wales and the money so recovered shall after payment of the costs and expenses attending the recovery thereof be paid and apportioned as follows that is to say one moiety thereof to the person so suing and the other moiety thereof in aid of the City Fund hereinbefore mentioned.

*Actions Penalties
Distress.*

Recovery and
apportionment of
penalties.

149. And be it enacted That all penalties fines and forfeitures inflicted or imposed under the provisions of this Act or of the said first recited Act or by or under any rule order or By-law made in pursuance thereof respectively may in case of non-payment be recovered in a summary way by the order and adjudication of any one Justice of the Peace having jurisdiction within the City on complaint made to him on the oath or affirmation of any person or persons so complaining or on the confession of the parties offending (which oath affirmation or confession such Justice is hereby authorized and required to administer and receive) and in default of immediate payment of any such penalty fine or forfeiture the same shall be levied by distress and sale of the offender's goods and chattels by warrant under the hand of such Justice and shall be paid over to the City Treasurer in aid of the City Fund rendering the overplus (if any) on demand to the party or parties whose goods and chattels shall be so distrained and sold the reasonable charge of such distress and sale being first deducted and in case such penalties fines and forfeitures shall not be forthwith paid it shall be lawful for such Justice and he is hereby authorized and required to order such offender or offenders to be detained and kept in safe custody until return can conveniently be made to such warrant of distress unless such offender or offenders shall give sufficient security to the satisfaction of such Justice for his or her or their appearance before such Justices of the Peace or before some other Justice of the Peace for such jurisdiction on such day or days as shall be appointed for the return of such warrant of distress (such day or days not being more than ten days from the taking of any such security which security the said Justice is hereby empowered to take by way of recognizance or otherwise) but if upon the return of such warrant it shall appear that no sufficient distress can be had whereupon to levy the said penalty or penalties and such costs as aforesaid and the same shall not be forthwith paid or in case it shall appear to the satisfaction of any such Justice upon confession of the offender or offenders or otherwise that he she or they hath or have not sufficient goods and chattels whereupon such penalties forfeitures costs and expenses can be levied if a warrant of distress were issued such Justice shall not be required to issue such warrant of distress and thereupon it shall be lawful for such Justice and he is hereby authorized and required by warrant under his hand to commit such offender or offenders to any common gaol or house of correction there to remain for any time not exceeding three calendar months unless such penalty or forfeiture shall be sooner paid and satisfied together with all the costs and charges attending such proceedings to be ascertained by such Justice or unless such offender or offenders shall otherwise be discharged in due course of law.

Penalties under this
Act and under By-
laws to be recovered
in a summary way

by distress and sale
and paid to City
Treasurer.

If no sufficient
distress be found
offender may be
imprisoned.

*Sydney Corporation.**Actions Penalties
Distress.*

Distress not unlawful
for want of form.

150. And be it enacted That where any distress shall be made for any money to be levied under this Act or under the first recited Act or under any By-law made in pursuance thereof respectively the distress itself shall not be deemed unlawful nor the party or parties making the same be deemed a trespasser or trespassers on account of any defect or want of form in the summons conviction warrant of distress or other proceeding relating thereto nor shall the party or parties distraining be deemed a trespasser *ab initio* on account of any irregularity which shall be afterwards committed by the party or parties distraining but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage in an action on the case.

Officers and others
may secure offenders
without any other
warrant than this
Act.

151. And be it enacted That it shall be lawful for any officer of the said Council or for any other person or persons to seize and detain any person or persons who shall commit any offence or offences against this Act or the said first recited Act or against any By-law made in pursuance thereof respectively and to convey him her or them before any one or more Justice or Justices of the Peace having jurisdiction within the said City without any other warrant or authority than this Act for so doing and such Justice or Justices is and are hereby respectively empowered and directed to proceed immediately to the conviction or acquittal of such offender or offenders.

Offenders to be dealt
with summarily
under 5 Wm. IV.
No. 22

152. And be it enacted That all proceedings in respect to offences committed against the provisions of this Act or of the said first recited Act or of any By-law authorized as aforesaid which are hereby directed to be had before any one or more Justice or Justices of the Peace shall be heard and determined in a summary way according to the provisions of an Act passed by the Governor and Legislative Council of the said Colony in the fifth year of the reign of His late Majesty King William the Fourth intituled "*An Act to regulate summary proceedings before Justices of the Peace*" or according to the law in force for the time being regulating summary proceedings before Justices of the Peace except only where some other special course of proceeding may be directed by this Act and all proceedings under or by virtue of this Act for the recovery of any penalty shall be good valid and effectual to all intents and purposes although a formal information in writing shall not have been exhibited Provided however that in case of non-payment of any penalty under this Act above the amount of five pounds and no sufficient distress can be found it shall and may be lawful for the convicting Justice or Justices by his or their warrant or warrants to commit any person convicted in any such penalty to any of Her Majesty's gaols for any term not less than one nor more than three calendar months to be computed from the day on which such offender shall have been actually arrested and not from the date of such warrant and for the purpose of ascertaining the date of such arrest the constable or other person who shall make the same is hereby required to indorse on the back of such warrant the date of such arrest under a penalty of five pounds which shall and may be recovered before any one or more Justice or Justices of the Peace Provided also that in case of any constable neglecting so to indorse the said warrant as aforesaid the same shall not vitiate any arrest but in such case the time of imprisonment shall be computed from the date of such warrant.

except where other-
wise directed by this
Act

and in cases of
penalty above £5
for want of sufficient
distress may be
imprisoned.

Penalty on constable
neglecting to indorse
warrant.

Informer to be a
competent witness.

Proceedings must be
commenced within
three months.

153. And be it enacted That in all prosecutions for penalties under this Act and upon every complaint to be heard and determined as aforesaid the informer shall be considered and is hereby declared to be a competent witness Provided always that no person shall be convicted of any offence contrary to the provisions of this Act in a
summary

Sydney Corporation.

summary way before any Justice or Justices of the Peace after the expiration of three calendar months from the time when such offence shall have been committed.

*Actions Penalties
Distress.*

154. And be it enacted That if any person shall be summoned as a witness to give evidence before any Justice or Justices of the Peace touching any of the matters aforesaid either on the part of the prosecution or of the person or persons accused and shall neglect or refuse to appear at the time and place to be for that purpose appointed without a reasonable excuse for such neglect or refusal to be allowed by such Justice or Justices or appearing shall refuse to be examined according to law and give evidence before the Justice or Justices before whom such prosecution shall be depending then every such person shall forfeit for every such offence a sum not less than two pounds nor more than twenty pounds to be recovered in a summary way before any two Justices of the Peace.

Penalty on witness
not attending or re-
fusing to give evi-
dence.

How recovered.

155. And be it enacted That any person who shall think himself or herself aggrieved by any fine or penalty above the sum of five pounds imposed under the authority of this Act or of the said first recited Act may appeal against the same to the Court of Quarter Sessions according to the provisions of the law which shall be in force for the time being for the general regulation of appeals of such or the like nature.

Appeal allowed in
cases above £5.

156. And be it enacted That all informations and convictions under this Act or the said first recited Act shall be according to the provisions of the Act before mentioned passed in the fifth year of the reign of His said late Majesty King William the Fourth intituled "*An Act to regulate summary proceedings before Justices of the Peace*" or according to the law in force for the time being regulating summary proceedings before Justices of the Peace and that no conviction under this Act nor any adjudication made on appeal therefrom shall be quashed for want of form or be removed by *certiorari* or otherwise into the Supreme Court and no warrant of commitment shall be held void by reason of any defect therein And provided also that no objection shall be taken or allowed to any warrant information complaint or conviction made or preferred under or by virtue of this Act or the said first recited Act for any alleged defect in substance or in form or for any variance between it and the evidence adduced on the part of the complainant but if any such variance or defect shall appear to the Justice or Justices present at and acting in the hearing of the case it shall be lawful for such Justice or Justices upon such terms as he or they shall think fit to cause the said proceedings to be amended and to adjourn the hearing of the case to some future day if necessary Provided always that this enactment shall not invalidate any information or conviction laid or drawn in any other form which may be specially suited to the case.

Informations and
convictions to be
according to the Act
5 Wm. IV. No. 22.

Proceedings not to
be quashed for want
of form nor removed
by *certiorari*.

Warrant not to be
objected to for want
of form.

Proceedings may be
amended by Justice.

157. And be it enacted That no action at law shall lie against any Justice of the Peace Constable or other Peace Officer for or on account of any matter or thing whatsoever done or to be done commanded by him in the execution of his duty or office under this Act or the said first recited Act against any party or parties offending or suspected to be offending against the provisions of this Act or any By-law made in pursuance thereof respectively unless there be direct proof of corruption or malice and unless such action be commenced within three calendar months after the cause of action or complaint shall have accrued and if any person shall be sued for any matter or thing which he has so done or shall have done in the execution of his duty under this Act or the said first recited Act he may plead the general issue and give the special matter in evidence.

No actions to lie
against Justices
and others for things
done under this Act
except on proof of
corruption or malice.

and unless com-
menced within three
months after offence.

*Sydney Corporation.**Acts not repealed.*

ACTS NOT REPEALED.

6 Vic. No. 18 to
continue in full force
within the City of
Sydney.

158. And whereas an Act was passed by the said Governor and Council in the sixth year of the reign of Her said Majesty intituled "*An Act to remove doubts in respect to the exercise of certain powers by the Councils of the City of Sydney and the Town of Melbourne and to declare the competency of Witnesses and the jurisdiction of Magistrates in certain cases within the same*" And whereas it is expedient to declare that nothing in this Act contained shall be deemed or construed either expressly or by implication to repeal any of the provisions contained in the said last mentioned Act so far as they relate to the said City of Sydney Be it therefore enacted That notwithstanding the enactments herein contained the provisions of the said last mentioned Act shall so far as the same relate to the said City of Sydney continue in full force and apply to the said corporate body and to the Citizens of the said City and that the powers and capacities of the Judges Justices and others mentioned in the said Act shall not be in any manner prejudiced or affected by this Act.

Certain Acts not
repealed further than
specially directed by
this Act.

4 Wm. IV. No. 7.

5 Wm. IV. No. 1.

5 Wm. IV. No. 29.

5 Wm. IV. No. 6.

4 Vic. No 17.

11 Vic. No. 21.

13 Vic. No. 42.

159. And be it declared and enacted That nothing herein contained shall be construed to repeal alter or amend in any greater degree than may be specially directed or authorized in this Act any of the provisions or enactments of the following Acts passed by the Governor and Council of New South Wales to wit an Act passed in the fourth year of the reign of His late Majesty King William the Fourth intituled "*An Act for regulating the Police in the Town and Port of Sydney and for removing and preventing Nuisances and Obstructions therein*" an Act passed in the fifth year of the reign of His said late Majesty intituled "*An Act for regulating the slaughtering of Cattle*" an Act passed in the fifth year of the reign of His said late Majesty intituled "*An Act for better regulating the alignment of Streets in the Town of Sydney*" an Act passed in the eighth year of the reign of His said late Majesty intituled "*An Act for regulating Buildings and Party Walls and for preventing mischiefs by Fire in the Town of Sydney*" and an Act passed in the fourth year of the reign of Her present Majesty Queen Victoria intituled "*An Act for the further and better regulation and government of Seamen within the Colony of New South Wales and its Dependencies and for establishing a Water Police*" and an Act passed in the eleventh year of the reign of Her present Majesty intituled "*An Act to enable the Council of the City of Sydney to make By-laws for the licensing and regulating Hackney Carriages within the City of Sydney and its vicinity and the conduct of the Owners and Drivers thereof*" and also an Act passed in the thirteenth year of the reign of Her present Majesty intituled "*An Act to amend the Law relating to the licensing of Slaughter-houses within the City and Suburbs of Sydney and for the prevention of other Nuisances within the same.*"

This Act not to pre-
judice or affect the
provisions of the
Electoral Act 6 Vic.
No. 16 with reference
to Members or Offi-
cers of the Corpora-
tion.

160. And whereas by the Act passed by the said Governor and Council in the sixth year of the reign of Her present Majesty intituled "*An Act for the division of the Colony of New South Wales into Electoral Districts and for the Election of Members to serve in the Legislative Council*" certain powers are vested in and certain duties are required to be performed by the Mayor of the said City of Sydney and Deputies and Collectors to be appointed by him the Town Clerk for the said City and the Aldermen and Assessors of each Ward thereof Be it therefore enacted and declared That nothing in this Act contained shall be deemed or construed either expressly or by implication to prejudice or affect the enactments contained in the said last mentioned Act or any of them and that the same powers duties and privileges shall be and continue to be vested in and to be performed and

Sydney Corporation.

and enjoyed by the Mayor for the time being of the said City and by the Deputies and Collectors to be appointed by him and the Town Clerk Aldermen and Assessors and other officers and persons elected and appointed respectively under and by virtue of this Act as would have been vested in and been performed and enjoyed by the Mayor for the time being of the said City and the Deputies and Collectors appointed by him and the Mayor Town Clerk Aldermen and Assessors and other officers and persons elected and appointed respectively in and by the said first recited Act if this Act had not been passed and that in case the said Mayor or the Deputies and Collectors to be respectively appointed by him or the Town Clerk Aldermen Assessors or other officers or persons shall neglect or refuse to perform any of the duties so imposed upon them respectively they shall be respectively liable to forfeit and pay the respective penalties imposed by the sixty-first section of the said Act passed in the said sixth year of the reign of Her said Majesty intituled "*An Act to provide for the division of the Colony of New South Wales into Electoral Districts and for the Election of Members to serve in the Legislative Council.*"

Acts not repealed.

PERAMBULATION.

Perambulation.

161. And be it enacted That within the period of two years next after the passing of this Act and within the period of six calendar months after the expiration of every successive period of three years thereafter a circuit of perambulation of the metes and bounds of the said City and of the several Wards into which the same is divided shall be made by the Mayor accompanied by the Town Clerk of the said City and the Town Clerk shall at the time of making such perambulation inquire whether the name or names whereby the same metes and bounds or any part thereof are or is described have or has been changed and by what name or description the same are or is then commonly known and distinguished and if any change in the description thereof shall have taken place shall note the same in a book to be kept by him for that purpose to be called the "Boundary Book" of the said City and the Mayor is hereby required in the event of any of the boundary mark or marks of the said City or any Ward thereof being destroyed obliterated or defaced to cause the same to be renewed or repaired at the expense of the body corporate within three calendar months next after such perambulation as aforesaid.

Mayor and Town Clerk to perambulate boundaries once in three years.

Boundary Book.

Mayor to renew boundary marks defaced.

162. And be it enacted That every Mayor or Town Clerk who shall neglect to perform the duties hereinbefore prescribed shall for every such offence forfeit and pay the sum of twenty pounds to be recovered with full costs of suit by any person who shall sue for the same within three calendar months after the commission of such offence by action of debt in the Supreme Court of New South Wales and the money so recovered after paying the expenses of the recovery thereof shall be paid and apportioned as follows (that is to say) one moiety thereof to the person so suing and the other moiety thereof in aid of the City Fund hereinafter mentioned.

Penalty on Mayor or Town Clerk for neglect.

How recovered

and appropriated.

163. And be it enacted That the boundary marks of the said City and of the several Wards thereof set up by the Mayor of the said City under the provisions of the first recited Act shall be and be known as the boundary marks of the said City and of the several Wards thereof respectively until the same be altered under the provisions of this Act.

Confirmation of the present boundary marks.

164. And be it enacted That every person who shall wilfully or maliciously pull down deface obliterate injure conceal or destroy any of the boundary marks of the said City shall for every such offence forfeit and pay in addition to the value of such boundary mark or

Penalty for defacing or injuring boundary marks.

marks

*Sydney Corporation.**Preamble.*

marks as aforesaid any sum not exceeding forty shillings to be recovered according to the provisions of this Act relative to offences against the same punishable upon summary conviction.

Rights of Majesty.

RIGHTS OF MAJESTY.

Act not to affect the rights of Her Majesty.

165. Provided always and be it declared and enacted That nothing in this Act contained shall be deemed to affect or to interfere with any right title or interest of Her Majesty Her Heirs and Successors or in any way to limit the Royal Prerogative.

Interpretation.

INTERPRETATION.

Doubts as to situation of houses with respect to Wards to be determined by the Council.

166. And be it enacted That whenever any doubt shall arise whether any house or other building be within one or any other Ward of the said City it shall be competent for the Council of the said City to decide such doubt and such decision shall be final.

Misnomer or misdescription not to abridge operation of this Act.

167. And be it enacted That no misnomer or inaccurate description contained in this Act shall in anywise prevent or abridge the operation of this Act with respect to the subject of such description provided the same shall be designated so as to be understood.

Anything directed to be done on a holiday to be done on the day following.

168. And be it enacted That whenever any matter or thing shall by this Act be directed to be performed on a certain day and that day happen to be Sunday Good Friday or Christmas Day the said matter or thing shall be performed on the next succeeding day.

Interpretation clause.

169. And be it enacted That wherever in this Act the word "Governor" is used the same shall be held to mean the Governor or person administering the Government of the said Colony for the time being and that in the construction of this Act the following words and expressions shall have the meanings hereby assigned to them unless such meanings be repugnant to or inconsistent with the context (that is to say) words importing the singular number shall include the plural number and words importing the plural number shall include the singular number words importing the masculine gender shall include females as well as males the word "month" shall mean calendar month and the word "Justice" shall mean any Justice of the Peace acting for the City of Sydney.

Meaning of terms.

SCHEDULES REFERRED TO.

A.

See Section 10.

Form of Citizen List.

LIST of Citizens in

Ward in the City of Sydney.

Christian Name and Surname of each person at full length.	Nature of the Qualification.	Street lane or other place in this Ward where the property affording the Qualification is situated.
Ashton John	Shop	No. 23 Clarence-street
Carter James	Counting-house	No. 10 George-street
Dealtry William	Ditto	Ditto
Evelyn John	Dwelling-house	No. 20 Elizabeth-street

(Signed)

A. B. Collector of

Ward.

B.

*Sydney Corporation.***B.***Notice of Claim.*

See Section 11.

To the Town Clerk of the City of Sydney.

I hereby give you notice that I claim to have my name inserted in the Citizen List of the City of Sydney in virtue [of the house warehouse counting-house chamber shop or office as the case may be] which I occupy at

Dated at this day of
in the year 18 .

(Signed) JOHN ASHTON of [place of abode].

C.*Notice of Objection.*

See Section 11.

To the Town Clerk of the City of Sydney and to the person objected to.

I hereby give you notice that I object to the name of Thomas Bates of
[describe the person objected to as described in the Citizen List]
being retained on the Citizen List of the City of Sydney.

Dated this

(Signed) JOHN ASHTON of [here state the dwelling-house or property for which he is included in the Citizen List or for which he is entitled to be so included].

D.*List of Claimants.*

See Section 11.

THE following persons claim to have their names inserted in the Citizen List of the City of Sydney.

Christian Name and Surname of each Claimant.	Nature of the Property in respect to which he prefers his claim.	Place where the Property is situated.
Alton Frederick	Dwelling-house	No. 17 King-street.
Baker Joseph	Ditto	Elizabeth-street.
Chisholm Charles	Counting-house	George-street.

(Signed) A. B.
Town Clerk.

Dated at Sydney this day of

E.*List of persons objected to.*

See Section 11.

THE following persons have been objected to as not being entitled to have their names retained on the Citizen List of the City of Sydney.

Christian Name and Surname of each person objected to.	Nature of the Property for which his name is on the Citizen List.	Place where the Property is situated.
Amwell Charles	Counting House	No. Clarence-street.
Barton William.. .. .	Dwelling house	No. Cumberland-street.
Curtis John	Shop	No. 2 Pitt-street.

(Signed) A. B.
Town Clerk.

Dated at Sydney this day of

F.

Sydney Corporation.

F.

See Section 65.

Form of Mortgage of Rates and Corporate Revenue.

No.

By virtue of an Act of the Governor and Legislative Council of New South Wales 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*" the Mayor Aldermen Councillors and Citizens of the City of Sydney incorporated by such Act in consideration of the sum of pounds sterling lent and paid to the said Corporation by A. B. of for the purposes of the said Act do grant and assign unto the said A. B. his executors administrators and assigns all the moneys arising and to arise from the rate [*here describe the rates or other property proposed to be mortgaged*] to hold to the said A. B. his executors administrators and assigns from the day of the date hereof until the said sum of pounds with interest at the rate of pounds per centum per annum for the same shall be fully paid and satisfied and it is hereby declared that the said principal sum shall be repaid on the day of and that in the meantime the interest thereof shall be paid on the day of and the day of in every year Given under the Common Seal of the Mayor Aldermen Councillors and Citizens of the City of Sydney at Sydney this day of one thousand eight hundred and

A. B.
Mayor.

G.

See Section 67.

Form of Transfer of Mortgage.

I A. B. in consideration of the sum of pounds sterling paid to me by C. D. of do hereby transfer to the said C. D. his executors administrators and assigns a certain mortgage No. bearing date the day of and made by the Mayor Aldermen Councillors and Citizens of the City of Sydney for securing the sum of pounds and interest (*or if such transfer be by indorsement on the mortgage insert instead of the words after "assigns" the within security*) and all my property right and interest in and to the money thereby secured and in and to the moneys thereby assigned In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and

A. B. (L.S.)

H.

See Section 92.

Form of Notice to the Owners of the houses buildings tenements and other property in the street lane or thoroughfare required to be formed and made by the Council of the City of Sydney.

You and the other owners of houses and other property in are hereby required within months from the service of this notice to form and make such street lane or thoroughfare (*as the case may be*) to the satisfaction of the City Surveyor and you are hereby to take notice that unless you cause such street lane or thoroughfare to be so formed and made within the time above specified the same will be executed by the Council of the said City and the cost thereof will be levied on you and each of you respectively in proportion to the annual or assessed value of your property in the said street lane or thoroughfare in pursuance of the provisions of the Act of Council 14 Victoria No. 41.

Dated the day of A.D. 18 .
(Signed) A. B.
Town Clerk.

Sydney Corporation.

I.

SCHEDULE showing the limit of Dues to be charged on Produce brought to the George-street See Section 118.
and the Hay and Cattle Markets and the Tolls or Rent for occupying Stalls or
Standings therein.

GEORGE-STREET MARKET.

					Not exceeding	
TOLLS AND DUES.					s.	d.
In the north-east Shed A for every load of any size					0	6
In the remaining three Sheds B C and D for every load if drawn by one horse					0	6
or other animal					0	6
If drawn by two horses or other animals					0	9
If drawn by three or more horses or other animals.. .. .					1	0
STALL DUES.						
For each Stall in the north-east Shed A per day					0	6
" " the north-west Shed B per week					3	0
" " the south-east Shed C per week					2	0
" " the south-west Shed D per week					3	0

HAY CORN AND CATTLE MARKET.

TOLLS AND DUES.						
For every horse mare gelding foal ass or mule					1	0
Every head of neat cattle					0	6
Every sheep lamb pig or goat					0	1
Every load of hay if drawn by one horse or other animal					0	6
Do. do. two or more horses or other animals					1	0
Every load of straw do. one horse or other animal					0	3
Do. do. two or more horses or other animals					0	6
Every load of wheat barley fodder &c. if drawn by one horse or other animal..					0	6
Do. do. do. two or more horses or other						
animals					1	0
For every weight and measure adjusted					0	3
Every article weighed per cwt.. .. .					0	1
Articles weighed on weigh bridge per load					1	0
if above a ton weight					1	6

K.

Form of Assessment Book.

See Section 128.

An Assessment of the Gross and Net Annual Value of all Property liable to be rated
in Ward in the City of Sydney.

No.	Situation.	Name of Person rated.	Name of Owner or Landlord of Property rated.	Description of Property.	Gross Annual Value in Pounds.	Net Value fixed by Valuers.	Net Value fixed by City Council.

(Signed)

{ A. B. }
{ C. D. } Valuers.

L.

*Sydney Corporation.***L.**

See Section 128.

(Form of Notice of Assessment.)

CITY OF SYDNEY.

Ward

No.

Town Clerk's Office
Sydney

185 .

To

NOTICE is hereby given that by virtue of the Act of the Governor and Legislative Council 14 Victoria No. 41 the Council of the City of Sydney have ordered and directed you to be assessed in respect of the undermentioned property at the sum hereunder set forth—

Person rated.	Property assessed.	Net value of Property clear of outgoings.
		£

Notice is also hereby given that if you be dissatisfied with the above assessment you may appeal against the same to the Justices of the Peace at the next Court of Quarter Sessions held in and for the City of Sydney unless the same be held within fourteen days from the date of serving this notice and in that case to the Court of Quarter Sessions then next following on lodging at the Town Clerk's Office a notice in writing of your intention to appeal seven days at least before the holding of such Court whose decisions on all cases of appeal shall be final and if no notice of appeal against the above assessment be lodged at the said office within the period above prescribed such assessment will be finally confirmed by the said Council.

A. B.
Town Clerk.

Date of service

185 .

M.

See Section 133.

Form of Rate Book.

No.	Situation.	Person rated.	Period for which Rate is ordered. Half-year ending	Assessed Annual Value in Pounds.	CITY RATE.			Date of Payment.	LIGHTING RATE.			Date of Payment.
					Amount in the Pound.	Amount.			Amount in the Pound.	Amount.		
						£	s.			d.	£	

Sydney Corporation.

N.

(Form of Notice of Rates.)

See Section 137.

CITY OF SYDNEY.

Ward

No.

*Town Hall York-street
Sydney*

185 .

To

NOTICE is hereby given that by virtue of the Act of the Governor and Legislative Council 14 Victoria No. 41 the Council of the City of Sydney have ordered and directed you to be assessed and rated in respect of the undermentioned property at the sums and for the purposes hereunder set forth—

Person rated.	Property assessed.	Net value clear of outgoings.	Nature of Rates.	In the Pound.	Amount of Rates.
			City Rate half-year ending		
			Lighting Rate half-year ending		
				£	

You are hereby required to pay the amount of the said rates into the Office of the City Treasurer within fourteen days from the date of service of this notice And if the same be not paid into such Office within the period above prescribed a warrant will be forthwith issued by the Mayor for the recovery of the same with costs.

A. B.

City Treasurer.

Date of Service

185 .

N.B.—You are requested to bring this notice with you when you come to pay.

*City Treasurer's Office
Sydney*

185 .

Received the amount of rates above mentioned.

City Treasurer.

O.

Schedule of Costs.

See Section 137.

	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.		

P.

(Form of Warrant of Distress against a number of Defaulters.)

See Section 140.

To

and his Assistants.

WHEREAS the persons whose names are mentioned and set forth in the Schedule hereunder written have been rated by the Council of the City of Sydney at the sums and for the purposes set down opposite to their respective names in the said Schedule And whereas the said several sums were due and payable on account of such rates by such persons respectively on the day of And whereas default has been made in the payment of the said several sums to the Treasurer of the said City and the said sums are still due and owing although due notice demanding payment of the same was left at the buildings

Trespasses on Crown Lands.

said goods and chattels were done by them the defendant (*or by them the defendant and the said A. B.*) by authority of a certain Act of the Governor and Legislative Council of New South Wales 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*" and according to the tenor purport and effect of the said Act And this the defendant (*or defendants*) is (*or are*) ready to verify &c.

[*To be signed by Counsel.*]
