

No. XVII.

An Act to impose an Assessment on Runs in the Unsettled and Intermediate Districts and to increase the Rent of Lands leased for Pastoral purposes within the Settled Districts of New South Wales. [11th November, 1858.]

ASSESSMENT ON
RUNS.
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WHEREAS by an Order of Her Majesty in Council dated the ninth day of March one thousand eight hundred and forty-seven provision was made for granting leases of Runs for Pastoral purposes within the Unsettled and Intermediate Districts according to certain Regulations in the said Order contained and it was by the said Order in Council declared and ordered that the rents to be paid as therein mentioned were to be reserved without abatement on account of the then existing or any future assessment of taxes or rates on sheep and cattle and were in no way to interfere with the right of the Colonial Legislature to impose from time to time such assessments as might be deemed advisable And whereas it is deemed advisable to impose an assessment accordingly and that the same shall be of a definite amount to which and to no other such Runs shall be liable during the continuance of any lease granted or promised under the said Order in Council And whereas it is also deemed expedient to increase as hereinafter mentioned the rents of lands leased for Pastoral purposes within the Settled Districts Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. In addition to the rent reserved by any lease granted or lawfully contracted to be granted or which may be hereafter granted under the said Order in Council of any Run situate beyond the Settled Districts there shall be charge upon and payable by the holder of such Run a yearly assessment in respect of the number of sheep or head of cattle which such run shall have been estimated by competent authority to be capable of carrying and such assessment shall be at the rate of seven pounds ten shillings for every one thousand sheep or their equivalent in cattle and such rate shall not be altered during the remainder of the term of the leases now promised or existing under the Orders in Council And until such estimate shall have been made such Run shall be liable to the like assessment to be computed by the same rule by which the rent of such Runs may be determined Provided that such assessment shall be diminished by one-third part in respect of any Run the right to which shall have been acquired by tender without public notice and by two-third parts in respect of any Run the right to which shall have been obtained under competition by tender after public notice.

Rateable assessment
according to stock or
acreage.

Assessment on Runs.

Remission of assessment in certain cases.

2. In respect of any Run the right to which shall have been acquired by tender two whole years assessment shall be remitted in favour of the lessee upon its being certified by the Commissioner of the District or otherwise to the satisfaction of the Governor that during three months of the first year of the term of his lease such lessee has *bonâ fide* occupied the Run and pastured thereon not less than one-fourth part of the amount of stock which the Run shall have been estimated as capable of carrying.

Assessment how to be paid and how enforced.

3. Every such yearly assessment shall be held to commence from the first day of January in each year and shall be paid in respect of the present year on or before the thirty-first day of December next and in respect of each succeeding year on or before the thirtieth day of September. And every such payment shall be made at the office of the Colonial Treasurer in Sydney. And in default of payment of any such assessment on or before the day so appointed for payment thereof the Colonial Treasurer shall issue a warrant under his hand to some fit person to be named therein and authorized thereby directing him and his assistants to levy the amount of assessment then due together with an additional sum equal to one-fifth part of such amount by way of penalty by distress of a sufficient part of the stock upon the lands held by the defaulter and the person so authorized and his assistants shall under such warrant distrain take and drive to the most convenient pound such and so many of the said stock as shall be sufficient when sold to pay such assessment and penalty and the costs and expenses of such distress and of the driving care and maintenance of such stock till sold and shall sell such stock at such pound as in the case of a sale for trespass and the proceeds of such sale shall be applied in payment of such assessment penalty costs and expenses and the surplus if any shall be paid to the owner or superintendent of the stock sold. Provided that in case the amount of the assessment penalty costs and expenses shall be tendered to the person charged with the execution of such warrant such person shall receive the said amount and give a receipt for the same and shall refrain from making or further proceeding under the said distress. Provided also that if no sufficient distress be found on any such Run notice thereof shall be published in the *Government Gazette* and unless the full amount due for assessment penalty and costs be paid within one month after the date of such publication such Run and all claim thereto shall become forfeited and the amount then still due may be recovered by suit at law by or in the name of the Colonial Treasurer.

Rent of renewed and new leases to be two pounds per section.

4. Upon the renewal of any lease or right to a lease for pastoral purposes already granted or lawfully contracted to be granted of any Crown Lands situated within the Settled Districts the rent to be reserved on such renewal shall be at the rate of two pounds for every section of six hundred and forty acres.

Minimum rent under new leases to be £1 per section.

5. As to all Crown Lands within the Settled Districts hereafter put up to public auction on lease for a year for pastoral purposes the minimum rent to be reserved thereon shall be at the rate of one pound for every section of six hundred and forty acres.

Short title.

6. This Act shall be styled and may be cited as the "Increased Assessment and Rent Act of 1858."