

SYDNEY  
CORPORATION.

## Act No. 35, 1902.

### An Act to consolidate the Statutes relating to the Corporation of the City of Sydney. [20th August, 1902.]

**B**E it enacted by the King'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:—

Short title and  
division.

1. This Act may be cited as the "Sydney Corporation Act, 1902," and is divided into Parts, as follows:—

PART I.—*Repeal and interpretation—ss. 2-4.*

PART II.—*Corporate powers and city boundaries—ss. 5-8.*

PART III.—*The qualification of citizens—s. 9.*

PART IV.—*Lists and rolls of citizens—ss. 10-17.*

PART V.—*The election and retirement of mayor and aldermen—ss. 18-57.*

PART VI.—*Appointment of officers—ss. 58-65.*

PART VII.—*Council meetings—ss. 66-73.*

PART VIII.—*The regulation of public ways—ss. 74-109.*

PART IX.—*General rates—ss. 110-131.*

PART X.—*Injuries to lights or fountains, &c.—ss. 132-134.*

PART XI.—*Markets, parks, sale-yards, &c.—ss. 135-150.*

PART XII.—*Street-watering rates—ss. 151, 152.*

PART XIII.—*Nuisances and public health—ss. 153-189.*

PART XIV.—*Revenue and loans—ss. 190-196.*

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PART XV.—*Resumption of land*—ss. 197–199.

PART XVI.—*By-laws*—ss. 200, 201.

PART XVII.—*Miscellaneous provisions and procedure*—ss. 202–217.

PART I.

*Repeal and interpretation.*

2. (1) The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

Repeal.  
First Schedule.

(2) All regulations and by-laws made under the authority of any Act hereby repealed, and being in force at the commencement of this Act, shall be deemed to have been made under the authority of this Act.

(3) The provisions of this Act shall not have any operation so far as the same are inconsistent with the Metropolitan Traffic Act, 1900, or the Acts relating to the Metropolitan Board of Water and Sewerage, or the Act fifty-third Victoria number fourteen.

3. In this Act the following words within inverted commas shall, unless the context otherwise indicates, have the meanings and include the persons, animals, and things set against them respectively,—

Interpretation of terms.  
43 Vic. No. 3, s. 3.  
No. 33, 1900, s. 3.

“ Building ”—Any house, dwelling, office, shop, store, warehouse, manufactory, counting-house, stable, coach-house, theatre, or other building or erection whatsoever, with the appurtenances thereto belonging.

“ Building-line ”—A line inside of and in all its parts corresponding with the outer line of the curbing as now or hereafter lawfully defined, and at the authorised distance therefrom, as shown upon the plan approved by the council of any street, such building-line being so measured irrespective of the width of the carriage-way.

“ By-law ”—Any by-law or regulation duly made or deemed to have been duly made under the authority of this Act.

“ Cattle ”—Horses, sheep, lambs, oxen, bulls, cows, calves, pigs, and goats.

“ Cesspit ”—Any pan or other receptacle for night-soil.

“ Citizen ”—Every person whose name is included in the roll of citizens.

“ City ”—The city of Sydney.

“ Civic office ”—The office of mayor, alderman, town clerk, treasurer, health officer, engineer, surveyor, or inspector of nuisances for the city.

“ Corporation ”

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- “Corporation”—The mayor, aldermen, and citizens of the city.
- “Justice”—A justice of the peace.
- “Landlord”—The owner or person at the time receiving rent from the tenant of any premises.
- “Newspaper”—Newspaper published in the city.
- “Owner”—The landlord or person at the time receiving the rent for any premises, whether on his own account or otherwise, or who claims to be the owner.
- “Premises”—Any land, whether a building be erected thereon or not.
- “Public way”—Any road, highway, street, square, lane, court, alley, or other public thoroughfare or place, whether the same be in actual use or not.
- “Rate”—Any rate made payable under the provisions of this Act.
- “Rolls”—The lists of citizens for the several wards duly certified as hereinafter provided.
- “Tenant”—Any person occupying any premises not being employed and paid as a bona fide servant of the owner thereof.
- “Town clerk”—The town clerk or other person legally authorised to act as such for the time being.
- “Wards”—The twelve wards into which the city is divided.

Powers of corporation  
to continue.  
43 Vic. No. 3, s. 4.

4. (1) Every action, suit, prosecution, or other proceeding whatsoever instituted before the commencement of this Act by or against the corporation or the municipal council of Sydney may be continued without any alteration of any pleading, legal process, or record; and all decrees, injunctions, and orders duly made, and all fines and penalties lawfully imposed and incurred, and all rates duly made, or so much thereof as shall not have been levied and recovered, may be enforced, levied, and recovered by and in the name of the corporation or the municipal council of Sydney in like manner as they could have been enforced, levied, and recovered if this Act had not been passed.

(2) All real and personal property of what description soever now belonging to or vested in the municipal council of Sydney shall continue to belong to and vest in the said municipal council subject to the provisions hereinafter contained.

(3) All contracts, appointments, and engagements made by the said municipal council, together with all rights and liabilities existing at the commencement of this Act shall be and continue to be as binding on and as enforceable in favour of the said municipal council as if this Act had not been passed.

(4)

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(4) Any person duly elected or appointed to any office under the provisions of any enactment hereby repealed, and holding such office at the commencement of this Act, shall continue in office hereunder in the same manner in all respects as if this Act had been in force at the date of his election or appointment and he had been elected or appointed hereunder.

PART II.

*Corporate powers and city boundaries.*

5. The municipal council of the city, hereinafter called "the council," shall consist of the mayor and aldermen, who are from time to time in office in accordance with the provisions of this Act.

Constitution of the council.  
No. 30, 1900, s. 15.

6. The mayor, aldermen, and citizens of the city of Sydney shall continue to be a corporation under the style and title of "The Municipal Council of Sydney," and under that name—

Municipal council to continue to be a corporation.  
43 Vic. No. 3, s. 4.

- (a) shall have perpetual succession and a common seal;
- (b) may sue and be sued in all courts;
- (c) may purchase and hold real and personal property of any description whatsoever to the use and for the purposes only of the said corporation;
- (d) may grant, alienate, and convey, sell, assign, or demise for any term not exceeding twenty-one years any real or personal estate; and
- (e) generally may exercise, subject to the provisions of this Act, all powers incident to a body corporate.

7. The boundaries of the city of Sydney shall continue to be those described in the Second Schedule hereto, being the boundaries described in Schedule B to the Sydney Corporation Act of 1879, and shall include in addition thereto so much of the land described in the Eighteenth and Nineteenth Schedules hereto as is not included in the parcel of land described in the said Second Schedule.

Boundaries of city.  
Second, Eighteenth, and Nineteenth Schedules.  
*Ibid.* s. 5.  
No. 58, 1900, s. 6.

8. The city shall be divided into twelve wards, as hereunder described—

Wards of city.  
No. 30, 1900, s. 3.

- (a) so much of Sydney-King electoral district as is bounded on the south by the northern side of King-street and the continuation thereof to the boundary of Sydney-Fitzroy electoral district, and such area shall be known as Bourke Ward;
- (b) so much of Sydney-King electoral district as is bounded on the north by the southern side of King-street and the continuation thereof to the boundary of Sydney-Fitzroy electoral district, and such area shall be known as Macquarie Ward;

(c)

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- (c) so much of each of the Sydney-Fitzroy, Sydney-Belmore, Sydney-Cook, Sydney-Phillip, Sydney-Lang, and Sydney-Gipps electoral districts (described in Gazette number six hundred and eighty-eight, of the fifth day of October, one thousand eight hundred and ninety-three) as is included within the boundaries of the city, which areas shall be known respectively as Fitzroy, Belmore, Cook, Phillip, Lang, and Gipps Wards; and
- (d) so much of each of the Sydney-Bligh, Sydney-Flinders, Sydney-Denison, and Sydney-Pyrmont electoral districts (described in the Gazette aforesaid) as is included within the boundaries of the city, together with so much of the city as is outside of and adjoining each of the said electoral districts and is not included within any other Sydney electoral district described as aforesaid, which areas shall be known respectively as Bligh, Flinders, Denison, and Pyrmont Wards.

## PART III.

*Qualifications of citizens.*

Qualifications of  
citizens.  
No. 30, 1900, s. 5.

9. (1) The following persons, if of the age of twenty-one years or upwards, shall be entitled to be placed on the citizen's roll for any year for any ward:—

- (a) Any person, male or female, being a natural-born or naturalised British subject, who, on the first day of September of that year, is severally the owner of a freehold interest in possession of any property in that ward assessed at a yearly value of five pounds or upwards or of a leasehold interest in any property in that ward of a yearly value of twenty-five pounds or upwards; and

One of the persons who are on the said day jointly the owners or leaseholders as aforesaid of any property assessed as aforesaid; and in such case the joint owner or leaseholder who is entitled to be placed on the roll shall be determined by a majority of such joint owners or leaseholders evidenced by agreement signed by such majority, and handed to the collector of the roll for the ward, and delivered by him with the list to the chamber magistrate of the Central Police Court, or, failing such agreement, according to the alphabetical order of the surnames of such joint owners or leaseholders. In the case of properties owned by public companies,

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companies, or bodies corporate, or trustees, the directors of such companies, or bodies corporate, or the trustees, shall have power to nominate their manager or secretary, or one of their own number, as the person to be placed on the roll in respect of such property; or, failing such nomination, the manager or secretary of any such company, or the trustee whose name first appears in the instrument creating such trust shall be so enrolled.

- (b) Any person, male or female, being a natural-born or naturalised British subject, who has been continuously during the six months next preceding the first day of September in that year in joint or several occupation of any house, warehouse, counting-house, shop, or other building, including any room or part of a house separately occupied in that ward of a yearly value of ten pounds or upwards.

And where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not, for the purposes of this section, be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

But any such house, warehouse, counting-house, shop, building, room or part of a house need not be throughout the six months constituting the period of qualification under this subsection the same property, provided it is in the same ward. In the case of properties occupied by public companies or bodies corporate, or trustees, the directors of such companies or bodies corporate, or the trustees, shall have power to nominate their manager or secretary, or one of their own number, as the person to be placed on the roll in respect of such property; or, failing such nomination, the manager or secretary of any such company, or the trustee whose name first appears in the instrument creating such trust shall be so enrolled.

- (c) Any person, male or female, being a natural-born British subject or naturalised person, who as a lodger has continuously during the six months next preceding the first day of September in that year, occupied jointly or severally any lodgings in the same dwelling-house in the said ward, of a clear yearly value of ten pounds or upwards.

(2) For the purposes of this section the word "female" shall include married women.

(3) Provided that in the case of a joint occupation under subsection (b), or a joint occupation as a lodger under subsection (c), as aforesaid, only one of such joint occupiers or joint lodgers shall be entitled to be placed on the roll, unless the premises jointly occupied under

Provision for joint occupiers or lodgers.

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under subsection (b) are of the yearly value of twenty pounds or upwards, or unless such lodgings are of the clear yearly value of twenty pounds or upwards, in which cases such number of the said occupiers or lodgers as, when divided into the said yearly value, gives a quotient of ten pounds, with a remainder of less than ten pounds, shall be entitled to be placed on the citizens' roll.

The joint occupiers or lodgers who shall be so entitled shall be determined by a majority of the occupiers or lodgers, evidenced by agreement signed by such majority, and handed to the collector of the roll for the ward, and delivered by him with the list to the chamber magistrate of the central police court, or failing such agreement, according to the alphabetical order of the surnames of the occupiers or lodgers.

Where citizen has more than one qualification under subsection (a).

(4) Provided also that any person having a qualification mentioned in subsection (a) shall not be entitled to have his name placed on the roll for any ward in virtue of any other qualification under subsection (b) or subsection (c) which he may possess; but he shall be entitled to have his name placed on the roll for every ward in which he is qualified under the said subsection (a) by virtue of his ownership or lesseeship of property in that ward.

Under subsections (b) or (c).

(5) Provided, further, that any person having more than one qualification under subsection (b) or subsection (c), or under both those subsections, shall be only entitled to have his name placed on the roll for one ward; and he may by notice in writing given to the chamber magistrate of the central police court choose the roll on which his name shall be placed, and if he does not make such choice before the expiration of the time prescribed for making out the lists of citizens, the chamber magistrate aforesaid shall make such choice.

## PART IV.

*Lists and rolls of citizens.*

Appointment of collectors.  
No. 30, 1900, s. 6.

Third Schedule.

10. (1) On or before the first day of September in every year the stipendiary magistrates, and the acting and deputy stipendiary magistrates, of the metropolitan police district, or any three of such magistrates, shall appoint members of the police force as collectors for each ward, and every such collector shall, before entering on his duties, make and subscribe a declaration before a justice in the form of the Third Schedule, which declaration shall be kept as a record in the central police court.

(2) Such magistrates or any three of them shall also appoint clerks of the revision courts to be held for that year under this Act.

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**11.** (1) The collectors appointed for each ward shall, in the month of September in every year, make out a list arranged in the alphabetical order of the surnames of the persons who on inquiry such collectors consider are entitled to have their names placed on the roll for such ward, and shall deliver such list to the chamber magistrate of the central police court.

Collectors to make out list. No. 30, 1900, s. 8.

(2) The said chamber magistrate shall forthwith on receipt of any such list cause it to be printed, and shall supply copies at a reasonable price to any person requiring the same, and shall cause a copy to be affixed on every court of petty sessions in the city, and at some convenient place in each ward where there may be no court of petty sessions.

(3) The town clerk shall procure a copy of such list and cause it to be posted at the Town Hall.

**12.** (1) The said list shall contain the names and qualifications of all persons qualified to vote, alphabetically arranged according to the form in the Fourth Schedule, and shall be signed by the chamber magistrate, and exhibited at the places provided for under the last preceding section from the first to the fifteenth day of October in each year.

Lists exhibited. Ibid. s. 9. Fourth Schedule.

(2) Twice at least during such time the town clerk shall cause notice to be published in two newspapers of such lists being so open to inspection.

**13.** (1) At any time after the list for any ward has been made out, and before the fifteenth day of October in any year, any person whose name is not on such list may by notice in writing given by him or by some person on his behalf to the chamber magistrate of the central police court make claim in the form of the Fifth Schedule to have his name inserted in such list; and during the said period any person may by notice in writing given by him as aforesaid in the form of the Sixth Schedule object to the name of any person being retained on such list.

Notices of claims and objections. Ibid. s. 10. Schedule. Fifth Schedule. Sixth Schedule.

(2) As soon as possible after the said fifteenth day of October, the said chamber magistrate shall cause to be arranged in the alphabetical order of their surnames and printed in a paper the names of the persons so claiming, and shall cause to be arranged as aforesaid and printed in another paper the names of the persons so objected to, and shall supply copies at a reasonable price to any person requiring the same, and shall cause copies of such papers to be affixed on every court of petty sessions in the city and at such places in each ward where the lists have been affixed, and shall keep them so affixed until the roll for the ward has been prepared.

**14.** (1) Between the fifteenth day of October and the fifteenth day of November revision courts for revising the lists for the wards of the city shall be held at such places within the city as the stipendiary magistrates

Revision courts to be held. Ibid. s. 11.



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magistrates and deputy and acting stipendiary magistrates of the metropolitan police court or any three of them may prescribe by notification in the Gazette and one or more newspapers; and a copy of such notification shall be affixed on every court of petty sessions in the city and at such places in each ward where the lists have been affixed.

(2) Each revision court shall be an open court, and shall be constituted by one or more of such magistrates.

Procedure at revision courts.  
No. 30, 1900, s. 12.

**15.** (1) The chamber magistrate of the central police court shall at the opening of any such revision court produce the list for the ward and copies of the papers containing the names of the persons claiming to be inserted in the list and of the persons objected to.

Correction of list.

- (2) The magistrate presiding at any such revision court—
- (a) shall remove from the list the name of every person proved to be dead, whether objection has or has not been made under this Act;
  - (b) shall remove from the list the name of every person objected to in pursuance of this Act on the appearance of the person so objecting, or his agent or advocate, and on proof that the person whose name is on the list has not the qualification entitling him to be placed on the roll for the ward;
  - (c) shall insert in the list the name of every person claiming in pursuance of this Act, on proof that he has the qualification aforesaid; and
  - (d) shall correct all errors and supply all omissions in such list as to the names, descriptions, and qualifications under this Act of any persons.

Initialling alterations.

(3) The magistrate so presiding shall, in open court, write his initials against any addition to or alteration of the list made as aforesaid.

Roll to be certified.  
*Ibid.* s. 13.

**16.** The magistrate presiding as aforesaid shall cause a fair copy to be made of the list as altered or added to in the revision court, and after certifying to the correctness of the same, shall forward it to the town clerk, and such copy shall be the roll for the ward until a new roll is prepared, and shall be prima facie evidence that the roll has been duly made and of the correctness of the contents thereof.

Power of revision court to examine evidence.  
*Ibid.* s. 14.

**17.** (1) A revision court shall have power to hear, receive, and examine evidence, and by summons under the hand of the revision clerk to require all such persons as it thinks fit to appear personally before it, at a time and place to be named in such summons, and to produce to the court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination; and any person so required who, without sufficient excuse, neglects or refuses to comply with such summons, or, having appeared before the said court, refuses without such excuse to take an oath or affirmation,

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affirmation, or having taken such oath or affirmation, to answer the questions put to him, may be dealt with in all respects as a person refusing or neglecting to appear or to take an oath or affirmation, or to give evidence before a court of petty sessions.

(2) If it appear to a revision court that any person has made or attempted to sustain any groundless, frivolous, or vexatious claim or objection, such court may order the payment by such person of any sum not exceeding ten pounds as costs to be paid to any other person in resisting such claim or objection. Any sum so ordered to be paid may, if not paid within the time specified in the order, be recovered before any court of petty sessions in the city by the person named in the order as being entitled thereto.

(3) A revision court may adjourn from time to time, and if one hour after the time appointed for the holding of the court the magistrate is not present the revision clerk may adjourn such court to another hour or day: Provided that no such court shall be adjourned for more than three days at a time until the revision of the list then before it is completed.

## PART V.

*The election and retirement of mayor and aldermen.*

18. (1) On the first day of December, one thousand nine hundred and two, and on the first day of December in every second year thereafter, there shall be an election of aldermen of the city; and on such election being held, the aldermen then in office shall retire, but may at such election be re-elected, if otherwise qualified.

(2) Any male person on the roll for any ward of the city shall be qualified to be elected as alderman.

19. On the ninth day of December in every year the aldermen shall assemble at the Town Hall for the purpose of electing one of their own number to be mayor of the city for the forthcoming year. The mayor shall enter into office on the first day of January next following his election, and shall hold office until the thirty-first day of December following, and shall be eligible for re-election if still qualified.

20. The mayor may receive from the city fund such allowance for his services as the council may from time to time determine.

21. There shall be two aldermen for each ward, who shall be elected by the persons on the roll for such ward.

22. (1) No candidate at any election shall expend, either by himself or his agent, more than fifty pounds in connection with such election, and the details of such expenditure verified by statutory declaration shall be furnished to the town clerk within seven days after the holding of an election.

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(2) Any candidate who spends more than the said fifty pounds in connection with any such election, or fails to furnish the details of his expenditure within the time limited in the last preceding section, shall be liable to a penalty of twenty pounds, to be recovered in a summary manner in any court of competent jurisdiction, and if elected such election shall be void.

Persons disqualified.  
43 Vic. No. 3, ss.  
13, 42.

**23.** (1) The following persons shall be disqualified from being elected to hold the office of alderman, or, if in office, shall also be deemed to have ceased to hold such office, that is to say,—

- (a) a Supreme Court Judge ;
- (b) a District Court Judge ;
- (c) every person holding any place of profit under the Crown or the council ;
- (d) every military or naval officer in full pay in any force other than the volunteer force ;
- (e) every person of unsound mind ;
- (f) every uncertificated bankrupt or insolvent ; and
- (g) every person who has compounded with his creditors.

(2) Every person who has compounded with his creditors shall cease to be disqualified at the expiration of three years from the date of the composition.

(3) Every bankrupt or insolvent shall cease to be disqualified at the expiration of three years from his becoming bankrupt or insolvent provided he has obtained his certificate.

(4) Every citizen holding the office of mayor or alderman who is declared bankrupt or insolvent or compounds with his creditors shall thereupon cease to hold his office, and be disqualified from election to any civic office until he has obtained his certificate or paid his debts in full, or obtained a release from his creditors.

Civic officers  
contracting liable to  
penalty.  
*Ibid.* s. 14.

**24.** Any person who, while holding any civic office under this Act, continues to be or becomes directly or indirectly, by means of partnership with any other person, or otherwise howsoever knowingly engaged or interested in any contract, agreement, or employment, with or on behalf of the council, except as a shareholder, but not being a director in any joint stock company, shall be liable to a penalty not exceeding one hundred pounds nor less than fifty pounds, and shall be for three years thereafter disqualified from holding any civic office.

Members of Council and  
Assembly exempt.  
*Ibid.* s. 15.

**25.** Members of the Legislative Council and Legislative Assembly respectively may claim exemption from serving in any civic office.

Returning officer.  
No. 30, 1900, s. 21.

**26.** (1) The returning officer for the election of aldermen shall be the town clerk or such other citizen as the Governor may appoint in that behalf by notification in the Gazette and one or more newspapers.

(2) The returning officer shall appoint in writing under his hand presiding officers to conduct such elections within the respective wards, and if any such officer is prevented from attending by unavoidable accident, a substitute with like powers may be appointed in the same manner.

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**27.** (1) On and after the tenth day, and until noon of the fifth day next before any election of aldermen, any two citizens qualified to vote in any ward may by writing nominate to the returning officer, for election in that ward, any other citizen or two citizens if two aldermen are to be elected and no more, but no such nomination shall be received and no proceedings in respect of the same shall be taken unless it be accompanied by a consent to such nomination signed by each person nominated.

Nomination of aldermen.  
43 Vic. No. 3, s. 17.  
No. 30, 1900, s. 21.

(2) On the two days next before the election, and on the day of election, there shall be published under the hand of the returning officer in two newspapers, the names and residences of all citizens so nominated, specifying their wards and the names and residences of two at least of their nominators.

**28.** If, at any election of aldermen, no greater number of persons in any ward are nominated for election than the number then to be elected, the returning officer shall declare, in manner hereinafter provided, each person nominated to be duly elected.

Election when no opposition  
43 Vic. No. 3, s. 18.

**29.** Every person nominated may appoint a scrutineer on his behalf at the election for which such person may be nominated, and such scrutineer before so acting shall subscribe and make a declaration in the form in the Seventh Schedule hereto.

Scrutineers.  
*Ibid.* s. 19.  
Seventh Schedule.

**30.** (1) For every election of aldermen the returning officer shall cause booths to be erected or rooms to be provided at one or more polling-place or polling-places in and for each ward as he may deem necessary, and shall cause such booths or rooms to be so divided and arranged as to carry into effect the provisions of this Act with inner compartments opening only into the room in which the ballot-box is placed, and supplied with writing materials so that the voters may fill up their ballot-papers in secrecy.

Polling booths.  
*Ibid.* s. 21.

(2) Every person wilfully intruding into any compartment shall be deemed guilty of a misdemeanour, and may be forthwith given into custody by the presiding officer and dealt with accordingly.

**31.** (1) The returning officer shall also cause to be furnished for the use of each polling-place printed copies of the roll, and a sufficient number of ballot-papers, according to the form in the Eighth Schedule hereto, together with a ballot-box with a secure lock and with an aperture for the reception of the ballot-papers, and shall appoint a poll-clerk.

Ballot-boxes, &c., supplied.  
*Ibid.* s. 22.  
Eighth Schedule.

(2) A public notice of the situation of each polling-place shall be published by the returning officer in any two daily newspapers published two days before the day of election.

**32.** There shall be one key only to each ballot-box, which the returning officer shall always keep, and the boxes shall be locked before the election and unlocked after the election.

Key of ballot-boxes.  
*Ibid.* s. 23.

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Hours of voting.  
No. 30, 1900, s. 22.

**33.** The voting shall at every election commence at eight o'clock in the morning, and shall finally close at six o'clock in the afternoon of the same day, unless adjourned as hereinafter provided.

Mode of voting.  
43 Vic. No. 3, s. 25.  
No. 30, 1900, s. 23.

**34.** (1) Each citizen shall enter unattended, unless in case of necessity, into the booth or room in which the ballot-box is kept, and thereupon the presiding officer or poll-clerk, having marked off the name of such citizen on a copy of the roll specially provided for that purpose (which shall be prima facie evidence of the identity of such voter with the person whose name shall be so marked off on the roll and of the fact of his having voted at such election), shall give him a ballot-paper according to the form in the Eighth Schedule hereto, for each vote to which he is entitled.

Eighth Schedule.

(2) Such citizen shall take such ballot-papers into an inner compartment and there without delay cancel them by striking through the name of every candidate except such as he intends to vote for, and shall then fold up each ballot-paper so as to conceal the names, and immediately put it into the ballot-box, and thereupon he shall at once quit such booth or room and shall not re-enter the same during the election.

(3) No two voters shall be in the same inner compartment at the same time.

(4) Every voter shall vote for the full number of aldermen to be elected for the ward and no more, otherwise the vote shall be rejected as informal.

Presiding officer how to vote.  
43 Vic. No. 3, s. 26.

**35.** Any presiding officer, scrutineer, or poll-clerk may vote in any ward other than that in which he acts, by immediately before the examination of the contents of the several ballot-boxes, depositing his ballot-paper in the ballot-box for such ward.

Blind or illiterate citizens.  
*Ibid.* s. 27.

**36.** In case any citizen desirous of voting is blind, or cannot read, the presiding officer shall openly in the ballot-room strike through the names of all persons nominated upon such ballot-paper except such as the citizen shall declare his intention to vote for, and shall thereupon exhibit the same to the scrutineers.

Disposal of ballot-boxes.  
*Ibid.* s. 28.

**37.** At the close of the poll the ballot-boxes shall be sealed up or otherwise secured by the several presiding officers in the presence of such scrutineers as choose to attend, so as to prevent any ballot-papers being taken therefrom or inserted therein, and shall forthwith be conveyed by the presiding officers to the Town Hall, and be delivered to the returning officer.

Declaration of the election.  
*Ibid.* s. 29.  
No. 30, 1900, s. 21.

**38.** (1) Immediately after such delivery to the returning officer of the said boxes, the whole of the ballot-papers shall be examined, and the votes counted by the returning officer and such other presiding officers and scrutineers as may attend, and the result of the election shall be thereby ascertained, and shall be reported to the mayor by the returning officer.

(2)

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(2) The mayor shall, on the second day after the election, declare in the Gazette which shall then be published expressly for the purpose, and in two newspapers, the names of the aldermen so elected for the several wards, and the town clerk shall send by post a separate notice in writing of his election to every such alderman, addressed to his usual place of abode.

39. (1) All such ballot-papers, together with the polling lists used thereat, shall be sealed up and deposited by the town clerk with the records of the council, and the sealed packets containing the same shall be endorsed as being the papers connected with the election to which they relate. Disposal of ballot-papers. 43 Vic. No. 3, s. 30.

(2) In case any question arises touching the election, such papers, upon production thereof, with a certificate thereon under the hand of the town clerk that the same were so in his custody, shall be received as conclusive evidence of such being the original papers in any legal proceedings.

(3) After three months such packets with their contents may be destroyed.

40. (1) Any person having a qualification mentioned in subsection (a) of section nine as an owner of property shall, before voting at any election, make and subscribe a declaration before the presiding officer, stating that he is the beneficial owner or manager or trustee for the beneficial owner of the property for which his name is placed upon the roll. No inquiry at elections. Ibid. s. 31. No. 30, 1900, s. 5 (5), (6).

(2) Before any person claiming to vote under subsections (b) or (c) of the said section shall be permitted to vote, he shall make and subscribe before the presiding officer a declaration in the form contained in the Ninth Schedule to this Act. Ninth Schedule.

(3) No question shall be put to any person applying to vote at any election other than the following, "Are you the person named as \_\_\_\_\_ number \_\_\_\_\_ in the citizens roll for ward?" the name and corresponding number being at the time mentioned to him.

(4) Every person wilfully making a false answer to such question, or wilfully making a false declaration under this section, shall be deemed guilty of a misdemeanour.

(5) No person shall be allowed to vote unless he makes such declaration, and (if asked) answers such question satisfactorily.

(6) Provided always that no person shall be excluded from voting at an election unless it appears to the presiding officer that the person claiming to vote is not the person whose name appears on the roll, or that he has previously voted at the same election within the same ward, or otherwise contrary to this Act.

41. When any extraordinary vacancy occurs in the office of alderman the citizens entitled to vote shall, upon a day to be fixed by the Extraordinary vacancy of aldermen. 43 Vic. No. 3, s. 34.

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the mayor not exceeding fourteen days after the occurrence of such vacancy, of which day he shall give notice in the Gazette and in one newspaper, elect another citizen to supply such vacancy who shall thereupon hold such office for the residue of the regular term of office of his predecessor, but he shall then be eligible for re-election if still qualified.

Adjournment of election on account of interruptions.  
43 Vic. No. 3, s. 35.

**42.** Where the proceedings at any election of aldermen are interrupted or obstructed by any riot or open violence the poll may be adjourned to the following or such other day and hour as the presiding officer shall determine and declare, and if necessary shall be in like manner further adjourned until all interruption or obstruction has ceased, when the poll shall be resumed.

Adjournment for other causes.  
*Ibid.* s. 36.

**43.** If from any other cause any election of an alderman shall not take place on the day appointed for the same it shall stand adjourned until the same day of the following week, of which three days' previous notice shall be given by the returning officer in the Gazette and in one or more newspapers, and the alderman going out of office shall continue in office until after such adjourned election.

Returning officer to vote in case of equality.  
*Ibid.* s. 37.

**44.** In the event of the number of votes being equal for any two or more candidates the returning officer shall have a casting vote and give the same in writing and thereupon declare which of such candidates is duly elected.

Election not void for defects.  
*Ibid.* s. 38.

**45.** No election under this Act shall be questioned by reason of any defect in the right or title to act or any want of right or title to act on the part of any returning or presiding officer if he has really acted at such election, nor by reason of any formal defect in any declaration or other instrument or in any publication under this Act. Nor shall any of the proceedings of the council afterwards be rendered invalid thereby, and no advantage shall be taken of any such defect respecting any such election in any action brought in any court of justice.

Void or lapsed elections.  
*Ibid.* s. 39.

**46.** In case no election of the mayor or of any alderman takes place upon the day provided for such election, or if in case of any such election being held, the same is afterwards declared void, whether through the default of any officer concerned in such election, or by any accident or other means whatsoever, the corporation or council shall not thereby be deemed to be dissolved or to be disabled from taking any necessary steps for the election of a mayor or alderman for the future, but in any such case the election to any such civic office shall be held as in the case of an extraordinary vacancy, and every act necessary to be done for completing such election shall be as valid as if the election were held upon the day or within the time originally appointed for that purpose.

Extraordinary elections conducted as in ordinary elections.  
*Ibid.* s. 40.

**47.** Subject to the provisions of this Act, every election upon any extraordinary vacancy in any civic office shall be held and carried out in all respects in the same way as an ordinary election for the same office.

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48. Every mayor and alderman shall previously to acting as such take the oath of allegiance to His Majesty, and make and subscribe the following declaration of office and transmit the same to the town clerk :—

Oath of allegiance  
and declaration of  
office.  
43 Vic. No. 3, s. 41.

I, \_\_\_\_\_, having been elected mayor (or alderman) of the city of Sydney, do hereby declare that I will duly and faithfully fulfil the duties of the office according to the best of my judgment and ability.

And the neglect to make such declaration within fourteen days after notice of his election shall be deemed a refusal to accept office.

49. Every citizen holding the office of mayor or alderman who is absent from his official duties or the meetings of the council (unless for illness certified by a duly qualified medical practitioner) for more than three consecutive months, not having obtained leave of absence from the council, shall thereupon cease to hold his office.

Absence from council  
meetings.  
*Ibid.* s. 42.

50. (1) An extraordinary vacancy in the office of a mayor or alderman shall be held to occur upon any of such persons ceasing to hold office before the expiration of the period for which he has been elected or is entitled to hold office.

What to constitute  
an extraordinary  
vacancy.  
*Ibid.* s. 43.

(2) Whenever, in consequence of absence from illness or otherwise, it is not possible for any alderman, or town clerk, or any other officer or person to perform any duty which by this Act he is directed to perform the mayor may appoint any other alderman or person to perform the same for the time being.

(3) If in like manner the mayor is prevented from performing any duty imposed on him by this Act the aldermen shall by the majority of their votes appoint one of themselves to perform it.

51. (1) The provisions of sections one hundred and nine to one hundred and fourteen inclusive, and of section one hundred and sixteen of the Parliamentary Electorates and Elections Act, 1902, shall *mutatis mutandis* apply to all elections held under this Act.

Bribery and  
intimidation.  
No. 30, 1900, s. 24.

(2) The commission of any of the acts mentioned in the said sections shall render void the election of the person committing such act, either by himself or by an agent, and when committed with his knowledge and consent shall disqualify him from holding or acting in any municipal office during the period of two years next following such commission.

52. No action or suit shall be maintainable by any publican or any owner or keeper of any shop, booth, tent, or other place of entertainment against any candidate or any agent of any such candidate for any liquor, food, or refreshment of any kind, whether for man or beast, supplied upon the credit of any such candidate or agent as aforesaid during the progress of any such election under this Act.

What actions not  
maintainable against  
candidates, &c.  
43 Vic. No. 3, s. 46.



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Penalty for offering  
or taking reward for  
voting or abstaining  
from voting.

43 Vic. No. 3, s. 47.

**53.** If any person having or claiming any right to vote in any election of mayor or alderman under this Act asks or takes any money or other reward by way of gift, loan, or other device, or agrees or contracts 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, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupts, or procures, or offers to corrupt or procure any person to give or withhold his vote in any such election, such person shall, for every such offence, be liable to a penalty of fifty pounds.

Second voting  
and personation.  
*Ibid.* s. 48.

**54.** Any person who votes or attempts to vote a second time in the same ward at the same election for any alderman, or who votes or attempts to vote in or for any ward, in respect of which he is not qualified, or who personates or attempts to personate any other person for the purpose of voting at any such election, shall be guilty of a misdemeanour, and be punished accordingly.

Mayor ex officio a  
justice, &c.  
*Ibid.* s. 49.

**55.** The mayor shall, during his mayoralty, be ex officio a justice of the peace for the State, and shall preside at all municipal proceedings and all magisterial courts within the city, except those of Quarter Sessions, and shall have precedence in the city and in all other places on all occasions next after members of the Legislative Assembly.

Disputed elections  
or exercise of office.  
*Ibid.* s. 50.

**56.** (1) If it appears upon affidavit that any person declared to be elected mayor or an alderman, has been unduly elected, or that any person has been elected to, or holds, or exercises such office of mayor or alderman, and is incapable, under the provisions hereof, of being or continuing such mayor or alderman, the Supreme Court, or any Judge thereof, may grant a rule or order calling upon such person to show cause to the Court why he should not be ousted of the said office.

(2) Upon the return of such rule or order, if it appears to the Court that such person so elected, or holding, or exercising such office respectively, was unduly elected, or was, at the time of his election, or while holding or exercising such office, incapable under the provisions hereof of being or continuing such mayor or alderman, as the case may be, the Court may make such rule or order absolute, or may discharge such rule or order, and in either case with or without the payment of costs to or by either party, as the Court deems meet.

(3) The person against whom any rule is made absolute as aforesaid shall be deemed thereby to be ousted of such office accordingly.

(4) No such rule or order shall in any case be granted if, at the time of the application for such rule or order, more than one month has elapsed after the election, or after the time of the disqualification of the person against whom such application is made.

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57. All acts and proceedings of the council, or of any person holding the office of mayor or alderman, and acting as such shall, notwithstanding it is afterwards discovered that there was some defect in the election of any such person, or that he was disqualified, or had not duly made such declaration as aforesaid, be as valid and effectual as if such person had been duly elected or qualified, or had duly made such declaration.

Proceedings of mayor, &c., not invalid for defect in appointment.  
43 Vic. No. 3, s. 226

## PART VI.

*Appointment of officers.*

58. (1) The council may nominate any person or persons for the position of inspector of nuisances or sanitary inspector of the city, and the Governor may appoint any person so nominated at such salary as he thinks fit.

Inspector of nuisances.  
No. 30, 1900, s. 29.

(2) On such appointment being so made one half of such salary shall be payable out of the Consolidated Revenue Fund and one half out of the city fund.

59. (1) The council shall appoint a town clerk, a city treasurer, a health officer (being a duly qualified medical practitioner), a city engineer, and a city surveyor, and such other officers and servants as may be necessary, and shall, either at the time of their appointment or from time to time, by special resolution of the council in that behalf, or by any by-laws, assign to them respectively such duties, salaries, wages, or other remuneration as the council may deem right.

Appointment of officers.  
43 Vic. No. 3, s. 51.

(2) Every such officer or servant who, by virtue of his office or employment, may receive or have in his hands or under his control any moneys the property of the corporation or council shall give security sufficient in the opinion of the council for the duly accounting for any such moneys, and until he shall have given such security shall not enter upon the discharge of his duties nor be entitled to receive any salary.

60. The town clerk shall have the charge and custody, in the Town Hall or such other place in Sydney as the council shall direct, of the common seal and of all charters, grants, deeds, muniments, and records of the corporation or council or relating to the property thereof as well as all rolls, ballot-papers, ballot-boxes, and all books, letters, and documents not relating to accounts.

Custody of seal and muniments.  
*Ibid.* s. 52.

61. (1) The mayor may suspend any officer or servant of the council guilty in his opinion of misconduct or neglect, and may appoint a substitute, taking from him if deemed necessary security for the faithful discharge of his duties :

Suspension of officers and servants.  
*Ibid.* s. 53.

Provided

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Provided that the mayor shall report the matter to the council at their next meeting, and that such substitute shall hold office and receive remuneration not exceeding that of the person suspended and only until the council decide whether such person shall be reinstated or dismissed.

(2) If the council confirm such suspension or dismiss the officer or servant he shall not be entitled to any salary or wages after the day of suspension.

Collectors, &c., to  
pay over moneys.  
43 Vic. No. 3, s. 54.

**62.** (1) Every collector or other officer appointed or employed by the council to collect money shall, within three days after he has received any moneys belonging to the corporation, pay over the same to the city treasurer, whose receipt shall be a sufficient discharge for the same.

(2) Every such collector or officer shall, within such time and in such manner as the council may by any by-law or otherwise direct, deliver to the council true and perfect accounts and statements in writing under his hand of all moneys received by him.

Penalty on  
defaulters, &c.  
*Ibid.* s. 55.

**63.** If any such collector or other officer fail to render such accounts or statements as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay any moneys of the corporation that may be in his hands when thereunto required, or if for three days after being thereunto required he fails to deliver up to the council or to any person appointed by the council to receive the same, all books, papers and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the corporation or council, then on complaint thereof being made to any justice he shall summon such officer to appear before him or any other justice, at a time and place to be set forth in such summons, to answer such charge, and upon the appearance of such officer, or upon proof that such summons was personally served upon him or left at his last known place of abode, such justice may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer or upon inspection of the accounts or other evidence, that any moneys of the corporation are in the hands of such officer, or owing by him to the corporation, such justice may order such officer to pay the same, and if he fail to pay the amount such orders, warrants, and proceedings may be made, issued, and taken as are authorised under any statute in force for the time being under which justices have summary jurisdiction for enforcing the payment or punishing the party offending for non-payment of money ordered to be paid and not paid. And any officer employed by the council who shall wilfully destroy any documents of or belonging to the council shall be deemed guilty of a misdemeanour.

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**64.** If any person duly authorised by the council to act on behalf of the corporation makes oath before any justice that he truly believes, upon grounds to be stated in his deposition, that it is the intention of any such officer as aforesaid to abscond, such justice may, instead of a summons, issue his warrant for bringing such officer before such or any other justice, but no person executing such warrant shall keep such officer in custody longer than twenty-four hours without bringing him before some justice, who may either discharge such officer if he think there is no sufficient ground for his detention, or order him to be detained in custody so as to be brought before him or some other justice again at a time and place to be named in such order, unless such officer give bail to the satisfaction of such justice for his appearance at the time and place appointed to answer the complaint of the corporation.

Remedy against  
absconders.  
43 Vic. No. 3, s. 56.

**65.** No such proceedings or other dealing with any such officer as aforesaid shall prejudice or affect any remedy which the corporation may otherwise have by any existing law against such officer or his surety.

Not to affect other  
remedies.  
*Ibid.* s. 57.

## PART VII.

*Council meetings.*

**66.** Quarterly meetings of the council shall be held at noon on the ninth day of March, June, September, and December in every year.

Quarterly meetings  
of council.  
*Ibid.* s. 58.

**67.** Notice of the time and place of every intended meeting of the council shall be signed by the town clerk, and shall be left at or sent by post to the usual or last known place of abode or business of every member of the council in time for reaching him twenty-four hours at least before the intended meeting, and such notice shall state the business to be transacted at the meeting, and no other shall be entertained.

Notice of meeting.  
*Ibid.* s. 59.

**68.** (1) The mayor may call meetings of the council when he thinks fit, and for such purpose shall direct the proper notices to be sent by the town clerk.

Special meetings.  
*Ibid.* s. 60.

(2) The mayor shall, on receiving a requisition in writing in that behalf, signed by at least five aldermen, stating the objects for which they require a special meeting, call the same, and if the mayor refuses or delays for seven days to call such meeting, the aldermen making such requisition may call such meeting, and may by writing under their hands direct the town clerk to send the requisite notices for the same.

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## Quorum.

43 Vic. No. 3, s. 61.

69. The quorum of members of council for transacting business shall be nine, and if that number be not assembled within fifteen minutes after the hour fixed the meeting shall lapse, but if the mayor be present he shall have the power of adjourning such meeting till any other day named by him.

## Chairman.

*Ibid.* s. 62.

70. The mayor, if present, shall preside at all meetings of the council, or of any committee of which he is a member, and in his absence the aldermen present shall elect one of their number to be chairman for the occasion, and in case of an equality of votes for the election of a chairman, the chairman shall be chosen by lot.

## Decision of questions.

*Ibid.* s. 63.

71. All questions of whatever kind at any meeting shall be decided by a majority of the votes of members present; but in case of an equality of votes, the chairman shall have a casting vote.

## Committees.

*Ibid.* s. 64.

72. (1) The council may appoint from their own body any committee of any number not less than eight for any purpose which would, in the opinion of the council, be better effected by such committee, with such powers as the council shall appoint, and may fix the quorum of such committee, in default of which five shall be a quorum.

(2) So far as may be consistent with any provision of this Act, and any by-law in that behalf for the time being in force, every such committee may meet and adjourn at pleasure.

(3) The acts of every such committee shall be submitted to the council for approval, and if not confirmed shall have no validity.

## Minutes.

*Ibid.* s. 65.

73. Minutes of every meeting of the council shall be fairly transcribed into a book to be kept for that purpose, and shall be read at the next succeeding council meeting, and if approved as correct shall be signed by the chairman of that meeting as being read and confirmed.

## PART VIII.

*The regulation of public ways.*

## Public ways vested in council.

*Ibid.* ss. 67, 72.

74. (1) All public ways in the city of Sydney now or hereafter formed shall be vested in, and under the control, management, and direction of the council, who shall have full power to alter, widen, level, divert, extend, construct, improve, maintain, repair, and order such public ways and the footpaths thereof, and to carry off any water, mud, or filth therefrom by means of sewers, channels, or drains, or otherwise, subject to the provisions of this Act, and any by-laws made by the council in that behalf.

(2)

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(2) No public way shall be opened, altered, widened, diverted, or extended, or the width of the footpath thereof fixed or altered until the approval thereto of the Governor has been obtained and notice of such approval has been published in the Gazette.

75. (1) For the purpose of opening, altering, widening, diverting, extending, or closing any public way or a portion of a public way in the city, the council may—

- (a) purchase any land ;
- (b) exchange any portion of a public way vested in the council for land required by the council for any of the aforesaid purposes ;
- (c) sell any land forming part of a way which is not required for any such purpose ;

and every portion of land acquired under this section shall be vested in the council as a public way under and subject to the provisions of this Act.

(2) No purchase, sale, or exchange of land under this section shall be valid until the same has been sanctioned by the Governor, and notified in the Gazette.

76. (1) No street, lane, or alley shall be formed within the city unless such street be of the width of sixty-six feet at least, and such lane or alley of the width of twenty feet at least in every part thereof respectively, the width of such streets, lanes, and alleys respectively to be ascertained by measuring at right angles to the course thereof from the building line on each side of such street, lane, or alley.

(2) Every such lane or alley shall have one or more entrances thereto of the same width as the lane, and one of such entrances at the least shall be uncovered.

(3) Every such street, lane, or alley shall be formed in all respects, according to any regulations in that behalf in any by-laws duly made under the authority of this Act.

77. (1) Every person who hereafter proposes to lay out upon his own premises within the city a public way shall before so doing deposit with the town clerk plans and sections signed by the owner, showing the direction, width, and levels of any such proposed public way ; and no person shall lay out or form the same until he shall have received a notice from the town clerk signifying the approval thereof of the council, which shall be held to be a dedication of the same to the public.

(2) Every such person shall cause any such intended public way to be formed and ballasted to the approved level in accordance with any special notice in that behalf from the town clerk, and in the absence of any such notice, according to any by-law duly made in that behalf, before the council shall be required to take over the management, control, and direction of such public way.

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Or by council in his default.  
43 Vic. No. 3, s. 71.

**78.** (1) If any person intending to lay out or form any such public way fail to do so for three months after the sending or service of any notice from the town clerk, requiring him so to form such public way as required by any such notice, or any by-law duly made in that behalf, the council may cause such public way to be properly formed, and shall keep an exact account of the expense thereof in a book open to the inspection of any citizen free of charge.

Cost recoverable from owner.

(2) Within one month after such public way has been formed and completed by them, the council shall cause an account of the cost thereof to be served upon the owner who caused the same to be so laid out, or his agent.

(3) If within fourteen days after such account has been so served the amount is not paid to the city treasurer, the council shall have the like remedies for recovering the same as in the case of any city rate.

Dedication of public ways.  
*Ibid.* s. 72.

**79.** (1) Every such public way shall, when formed and completed, be held to be for ever dedicated to the public use.

(2) Every such public way formed, either at the public expense or otherwise, prior to the fourth day of July, one thousand eight hundred and seventy-nine, and all public ways formed or to be formed thereafter shall be held to have been and to be from the time of the formation and completion of the same for ever dedicated to the public use.

Resumption of portion of public way in certain cases.  
*Ibid.*

**80.** The Governor may by notice in the Gazette permit any owner of any land formed into a public way and so dedicated to the public use to resume the possession for any purpose of so much of the said way as is more than twelve feet from the curb-stone or exterior edge of the footway fixed according to the provisions of this or any other Act in that behalf, subject to such terms, conditions, and provisions as are prescribed in such notice.

Lanes under twenty feet wide may be taken over.  
56 Vic. No. 20, s. 1.

**81.** Notwithstanding anything to the contrary contained in this Act, the council may, with the approval of the Governor, approve, accept, and take over any lane in the city formed and made prior to the fourth day of July, one thousand eight hundred and seventy-nine, which is under the width of twenty feet, and when dedicated to the public use and so taken over such lane shall be deemed to be a public way within the meaning of this Act.

Paving of footways, &c.  
55 Vic. No. 22, s. 1.

**82.** The council may pave, amend, and repair all such footways, gateways, crossings, and other entrances from the street to any premises in the city as now or hereafter may require to be paved, amended, or repaired with such materials as they may deem expedient.

The construction of Boundary-street.  
No. 58, 1900, ss. 3, 4, 5, 7.  
Eighteenth and Nineteenth Schedules.

**83.** (1) The council shall, before the first day of December, one thousand nine hundred and two, construct and open upon the land described in the Nineteenth Schedule a public way, to be known as Boundary-street, at least sixty-six feet wide, and giving frontage to the

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the land described in the Eighteenth Schedule; and if default is made by the said council in constructing and opening the said street, the Governor may cause the said street to be constructed and opened of the width of sixty-six feet at the expense of the said council.

(2) The said street, when constructed and opened, shall be a public way within the meaning of this Act, and a street within the meaning of the Metropolitan Water and Sewerage Act of 1880.

(3) The council may sell, grant, alienate, and convey, or may demise for any term not exceeding twenty-one years any portion of the land described in the Nineteenth Schedule, not being land on which Boundary-street is by this section directed to be constructed, or on which such street is then constructed.

Power of council to sell or demise land not used for street.

(4) For the purpose of maintaining, altering, repairing, and constructing any works of the Crown or of the Metropolitan Board of Water Supply and Sewerage on or under the land on which Boundary-street is to be constructed, the Crown and the constructing authority for such works and the said board shall, until the abovenamed street is opened, have the same powers, and in the exercise of such powers shall be subject to the same liabilities, as if the said land were a street.

Power to construct and maintain public works as if such land were a street.

(5) Nothing in this section shall authorise the resumption of any part of the land described in the Nineteenth Schedule, by or on behalf of the Crown or the said board, without paying compensation for the same to the said council.

Savings.

84. (1) If any building, or wall, or anything affixed thereon within the city be deemed by the city surveyor (who may for that purpose enter upon the premises and examine the same) to be in a ruinous or dangerous state, he shall immediately cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing, signed by him, to be served upon the owner of such building or wall, if he be known and resident within the city by leaving the same at his usual place of abode or business, and shall also cause such notice to be put on the door or other conspicuous part of the premises, or otherwise to be served upon the tenant thereof (if any) by leaving the same on the premises, requiring such owner or tenant to take down, secure, or repair such building, wall, or other thing as the case may be, within a reasonable time to be named in such notice.

Dangerous buildings to be taken down or repaired at owner's expense.

43 Vic. No. 3, s. 78.

(2) If such owner or tenant does not commence within seven days after service thereof, and complete the work therein required to be done within thirty days to the satisfaction of the said surveyor, the said surveyor shall, if so directed by the council, cause all, or so much of such required works as he may deem necessary, to be done, and all the expenses thereof shall be paid by the owner or tenant.

(3) If, after a written demand of such expenses by the town clerk, such owner or tenant neglects or refuses for one month to pay the same, the council shall have authority to enforce payment thereof as in the case of the city rate.

By council.

(4)



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(4) If the tenant is compelled to pay such expenses he may recover the amount against the owner in an action for money paid to his use.

And the materials may be sold for expenses.  
43 Vic. No. 3, s. 79.

**85.** (1) If any such building or wall, or any part thereof, be pulled down by virtue of the powers aforesaid, the city surveyor or building surveyor may, under the direction of the council, sell the materials thereof, or so much of the same as is pulled down, and apply the proceeds of such sale in or towards payment of the expenses incurred in respect of such house or building, and shall pay any surplus arising from such sale to the owner of such building or wall on demand.

(2) The council shall have the same remedies for compelling payment of so much of the said expenses as may remain due after application of such proceeds as for compelling payment of the whole amount.

Rubbish, &c., not to be laid in public way.  
*Ibid.* s. 80.

**86.** (1) If any person not being authorised by the council deposits any building materials, rubbish, or other thing on, or makes any excavation in any part of a public way without the written authority of the city surveyor, such person shall be liable to a penalty not exceeding five pounds for every day during the continuance of the same until he has obtained such authority.

(2) Such penalties may be recovered either under a separate information for each day, or under one information for the sum of the several penalties so incurred.

Dangerous places to be repaired or enclosed.  
*Ibid.* s. 81.

**87.** (1) If any building, excavation, or place near any public way is dangerous to the passengers along such way for want of sufficient repairs, protection, enclosure, or otherwise, and if the tenant of the premises on which such building, excavation, or place is situate, if the same is occupied, and if not occupied, then if the owner thereof does not, within seven days after service of a notice from the city surveyor requiring him to do so, repair or protect the same as required in such notice, and to the satisfaction of the city surveyor, then such surveyor shall cause the same to be repaired or protected in such way as he deems sufficient and proper.

(2) The expenses of such repair, protection, or enclosure shall be repaid to the council by the tenant or owner, as the case may be, of the premises so repaired, protected, or enclosed, and if not so repaid may be recovered in the same way as any city rate.

Penalty for omission to remove obstructions, &c.  
*Ibid.* s. 82.

**88.** (1) When any building materials, rubbish, or other things are laid on, or any excavation made in any public way within the city, the person laying or making the same, whether by order of the council or not, shall cause a sufficient light to be fixed upon or near the same, and shall continue such light every night from sunset to sunrise while such materials or excavation remain, and shall cause such materials or other things, and such excavation, to be sufficiently fenced and enclosed in such manner as the city surveyor may direct in writing.

(2)

*Sydney Corporation.*

(2) Every person offending against this enactment shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding ten shillings for every day while such default is continued, besides being liable in any civil action for any injury sustained by any one by reason of such default or negligence.

89. The person who, under the last preceding section, shall be liable to any penalty or to any damages in any civil action at the suit of any person shall be the person who, by himself or his servants, has placed any such building materials, rubbish, or other things, or has made such excavation, and not the employer who by contract or otherwise has employed him to do any work for the purposes of which any such building materials, rubbish, or other things, or any such excavation have been placed or made.

*Who so liable.*

*43 Vic. No. 3, s. 83.*

90. (1) Every person intending to build or take down or alter or repair the outward part of any building in any public way of the city whereby any street or footway may be obstructed or rendered inconvenient to passengers shall before beginning the same obtain a hoarding license from the city surveyor, who may if he shall see fit grant the same for a fee of two shillings and sixpence.

*Hoards and fences.*

*Ibid. s. 84.*

(2) Such person shall thereupon cause a sufficient hoard or fence to be put up in order to separate the building where such works are being carried on from the public way with a well protected footway for passengers outside of such hoard or fence, and shall continue the same in good condition to the satisfaction of the city surveyor so long as the public safety or convenience requires, and shall to prevent accidents cause the same to be sufficiently lighted during the night, and shall remove the same when directed in writing by the city surveyor within a reasonable time.

(3) Every person guilty of any default herein shall be liable to a penalty not exceeding ten shillings for every day such default is continued besides being liable to damages in any civil action at the suit of any person on account of any such negligence.

(4) The liability imposed by this section shall be held to be incurred by the person actually doing by himself or his servants or workmen any such work as herein mentioned and not by the person employing him by contract or otherwise to do the work.

91. (1) No person shall commence to erect, rebuild, extend, add to, or in any way alter any building in any public way until he has served a notice on the city surveyor stating his intention so to do and at the same time describing the situation of the intended building with full and exact particulars of the intended work; and

*No erection, &c., except on notice to council.*

*Ibid. s. 85.*

(a) has received the sanction of the said surveyor to such erection, rebuilding, extension, addition, or alteration; or

(b) seven days have expired without such person having received any notice from the said surveyor that he does not sanction such work.

(2)

*Sydney Corporation.*

(2) Every building erected, rebuilt, extended, added to, or altered against the provisions of this section shall be deemed an encroachment, and shall be subject to the provisions hereinafter contained relating to encroachments.

No curbing on private land without consent.  
43 Vic. No. 3, s. 86.

92. No curbing shall be laid down upon land in the city not hitherto forming part of some public way or belonging to the Crown or the corporation without consent of the owner of such land unless so laid down under the authority of the Police Offences Act, 1901.

Hoards not to be erected without surveyor's license.  
4 Wm. IV No. 7, s. 35.

93. (1) No person shall erect, place, set up, or build in any street or public place within the city, any hoard or scaffolding, or place or erect, by way of enclosure, any posts, bars, rails, boards, or other things for the purpose of making mortar, or of depositing, sifting, screening, or slacking any brick, stone, lime, sand, or any other materials for building or repairing any house or other tenement or erection, or for other works, or for any other purpose, without a license first had and obtained under the hand of the city surveyor.

Fee.  
What is to be specified in license.

(2) The city surveyor shall for every such license receive from the person applying therefor the sum of two shillings and sixpence, and shall in such license specify the length of time for which the same, when so erected and set up, may be continued, and give such other directions respecting the same as he may think necessary.

Erecting without license.

(3) If any person places, sets up, erects, or builds, or causes or permits to be erected, placed, set up, or built any such hoard, scaffolding, posts, bars, rails, boards, or other thing for the purposes aforesaid, or for any other purpose without such license, or erects, sets up, or builds, or causes or permits the same to be erected, set up, or built, in any other manner, or to be continued for any longer time than is allowed or expressed in such license, such person or the person by whom he is employed shall forfeit and pay the sum of ten shillings for every day that the same has been and is set up and continued.

Penalty.

Surveyor may cause hoard to be removed.

(4) The city surveyor may also cause the same to be pulled down and removed, and the same and all the materials thereof to be kept and detained until such person pays to the city surveyor, or to the person in whose custody the same are, all the penalties incurred by such person, together with the charges of pulling down, removing, and keeping the same, to be ascertained and determined by the city surveyor.

Proceedings thereupon.

(5) If the same are not claimed and the said penalties and charges aforesaid are not paid within the space of five days next after the pulling down and removing thereof the city surveyor may order or cause the same to be appraised and sold, and the money arising therefrom, after deducting the said penalties and charges, shall be paid to such person on demand.

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**94.** (1) Every tenant of any building or premises if the same be occupied, and if not occupied then the owner of such building or premises having any steps, entrance, area, garden, or other open space adjoining any public way or footway thereof, beneath the level of the curb-stone or exterior edge of such public way or footway, shall sufficiently protect and guard the same by rails, fences, or other enclosures so as to prevent danger to street passengers.

Open spaces and steps adjoining the ways to be enclosed under penalty.  
43 Vic. No. 3, s. 87.

(2) For every day during which the same are not so sufficiently protected and guarded, after written requisition to that effect has been made by the city surveyor, the owner or tenant of such building or premises as the case may be shall be liable to a penalty not exceeding two pounds.

**95.** (1) Before the footpath in any new public way in the city is laid down the city surveyor shall submit to the council a plan of the same, setting forth the proposed breadth of the carriage-way and footpath.

Building line to be defined by notice in the Gazette.  
Ibid. s. 83.

(2) The council may thereupon, by notice in the Gazette and one or more newspapers, fix and declare the distance from the curb-stone or exterior edge of the footpath in any such public way within which it shall not be lawful to erect any building so that such distance shall not in any case exceed twelve feet, unless with the consent in writing of the owner of the premises, and a line drawn at such distance shall for all purposes be the building line of such way.

(3) Before such notice in the Gazette is published, the council shall by a preliminary notice in the Gazette, and also in one newspaper at the least, call upon all persons interested in such public way to set forth in writing, addressed and transmitted to the town clerk within one month from the first publication of such last-mentioned notice, any objection to the adoption of such plan, and also any claim for compensation for any loss or damage which they may sustain by the adoption thereof.

(4) If such claim be well founded, the amount thereof shall be paid by the council after being first settled by arbitration as hereinafter enacted if both parties agree to submit such claim to arbitration.

**96.** (1) Whenever any question arises in any proceeding at law or in equity touching any actual building line in Sydney it shall be held conclusively that every curb-stone as laid down before the fourth day of July, one thousand eight hundred and seventy-nine, and then subsisting, was lawfully laid down.

How questions as to building line to be determined.  
Ibid. s. 83.

(2) Every notice given in the Gazette under the last preceding section of this Act, or under section eighty-eight of the Sydney Corporation Act of 1879, may be proved as conclusive and binding on all parties by production of the Gazette,

*Sydney Corporation.*

(3) All plans of public ways in the city framed under any Act heretofore in force, or under the last preceding section of this Act, shall also be conclusive evidence of their contents on production thereof by any clerk or officer in the Department of Lands or of the city surveyor, as the case may be.

Every encroachment to be reported by the city surveyor to the council.

43 Vic. No. 3, s. 90.

**97.** Whenever it is represented by the city surveyor, or by any citizen, to the town clerk for the information of the council, that any building whatever is or has been erected within the distance of twelve feet from the curb-stone or exterior edge of any footpath in any public way in the city, the council shall forthwith direct the city surveyor or building surveyor to enter upon the premises where such building is erected, or otherwise ascertain by admeasurement whether the building complained of is within such distance aforesaid, and thereupon such surveyor shall forthwith report to the council the exact amount of encroachments by means of such building upon the said footpath or roadway.

Council thereupon to require the owner to remove such encroachment.

*Ibid.* s. 91.

**98.** Upon receipt of such surveyor's report, the council shall, without unnecessary delay, take the same into consideration, and upon being satisfied that such building so complained of as an encroachment upon any such footpath is within the said distance, the council shall forthwith cause a notice to be served personally upon the owner or tenant of the premises whereon the said building is either wholly or partially erected, requiring the owner of the said premises, within a time to be stated in such notice, to take down or otherwise remove every portion of such building as is erected within the distance aforesaid.

Tenant receiving notice to deliver same to owner of building under a penalty.

*Ibid.* s. 92.

**99.** If such notice is served personally upon the tenant of such premises he shall forthwith deliver the same personally to the owner thereof, or his agent, under a penalty of twenty pounds.

Arbitrators to fix the loss, &c., to be incurred by the owner.

*Ibid.* s. 93.

**100.** After the delivery of such notice to such owner or his agent as aforesaid the owner or agent (as the case may be) may thereupon require the council, by notice in writing to be served upon the town clerk, to forthwith enter into an agreement for arbitration to refer the question as to the loss, damage, actual or prospective, or expense which may presumably be incurred by the owner by reason of his compliance with the terms of the said notice, and also to decide upon all differences which may arise between the council and himself on account of such compliance by him as aforesaid, which agreement shall provide that each party shall appoint an arbitrator with power for such arbitrators to appoint an umpire.

Owner may sue the council for the amount awarded to him.

*Ibid.* s. 94.

**101.** (1) Whenever any such award is duly made and is not lawfully set aside, the owner in whose favour such award may be made shall be entitled, after the expiration of the time therein limited in that behalf and the performance of the conditions stipulated by the terms of the said award, to demand and recover by an action brought upon the said award against the said council whatever sum has been awarded to be paid to such owner. (2)

*Sydney Corporation.*

(2) The council shall not be compelled to pay more than one moiety of the said sum until the encroachment complained of has been removed.

**102.** If the owner of any such building neglects or refuses to enter into such arbitration agreement for one month after the receipt by him of the notice before mentioned, and a written demand be made by the council to execute such agreement, and served upon him or his agent, the council may appoint a sole arbitrator, who shall have all the authority vested in a sole arbitrator under the Arbitration Act, 1902.

If owner refuses to enter into such agreement for arbitration council may appoint a sole arbitrator.  
43 Vic. No. 3, s. 95.

**103.** (1) If the owner of any such building neglects or refuses, after receiving the notice before mentioned, to comply with the terms thereof for four months after the delivery of the same to such owner or his agent, the council may direct the city surveyor or building surveyor to take down and remove the said building or so much thereof as causes the encroachment complained of, and the city surveyor or building surveyor with his workmen or any contractor employed by either of them for the purpose is hereby authorised thereupon to enter upon the premises and take down and remove the said building or the encroaching portion thereof.

Upon neglect of owner the city surveyor, &c., may remove such building.  
*Ibid.* s. 96.

(2) The council may defray all the expenses incurred or occasioned thereby and deduct the amount thereof from any sum which may be awarded to the owner of the said building as aforesaid, and pay the balance (if any) to the said owner.

**104.** If the owner, landlord, or tenant of any such building or any other person wilfully obstructs the city surveyor or building surveyor, or any workman acting under the authority of either of them in the execution of the work hereinbefore authorised to be done by them respectively, he shall be liable for every such offence to a penalty not exceeding twenty pounds.

Owner, &c., obstructing city surveyor, &c., liable to a penalty.  
*Ibid.* s. 97.

**105.** For the purpose of doing any work upon or under any public way, or whenever any public necessity may arise, the mayor may prevent any traffic through or along the same, or may take any measures for the protection of the public from accidents.

Mayor may stop street traffic.  
*Ibid.* s. 98.

**106.** Every person who blasts, or causes to be blasted, any stone or rock within the city without having a written license under the hand of the city surveyor shall, for every such offence, be liable to a penalty not exceeding ten pounds nor less than one pound.

Penalty for blasting without license.  
*Ibid.* s. 99.

**107.** (1) Every person intending to erect or rebuild any building within the city shall, fourteen days at the least before beginning to dig or lay out the foundation, cause a written notice to be entered by himself, his architect, surveyor, or attorney, in a register to be kept at the office of the city surveyor for that purpose, of his intention so to build or rebuild, together with the intended level of the cellar or lowest floor, and the situation and construction of the intended

Notice as to level of intended building.  
*Ibid.* s. 100.

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intended privies, cesspits, and drains in connection with such building, and the city surveyor shall, without fee, signify his approval or disapproval of the same within seven days after such notice.

(2) In default of such notice, or if any such intended works as aforesaid be proceeded with without such approval, or before such last-mentioned seven days shall have elapsed, the offender shall be liable to a penalty not exceeding twenty-five pounds, and the council may cause such works to be altered or otherwise dealt with as they may deem necessary.

(3) The expenses so incurred shall be repaid by, and may be recovered from the offender together with the penalty aforesaid, in a summary way before any two justices.

Cellars or openings  
in footway not  
permitted.  
43 Vic. No. 3, s. 101.

**108.** (1) It shall not be lawful for any person to construct any room, cellar, or passage, in, upon, or beneath the surface of the footway of any street or public place within the city.

(2) Any person offending against the provisions of this section shall be liable, on conviction before any two justices, to a penalty of not less than ten pounds nor more than fifty pounds, and such justices shall further order the said offender to remove the said works and to restore the place affected thereby to the satisfaction of the city surveyor within a period not exceeding fourteen days, to be then fixed by the said justices, and in default to pay a penalty of ten pounds for every day or part of a day during which the said order shall remain uncomplished with after such fixed time.

City surveyor to  
enter upon premises.  
*Ibid.* s. 102.

**109.** (1) For the purpose of fully carrying out the provisions of the last preceding section, the city surveyor, under the direction in writing of the mayor, may enter upon any premises for the purpose of ascertaining the existence of any such forbidden work, or whether any such order of the said justices has been complied with, and afterwards with workmen to enter and carry out the removal of the said works and the restoration of the said place, if such offender fails to comply with the order of the said justices within the time so fixed.

(2) All expenses in connection therewith may be recovered from the said offender in a summary way before any two justices at the suit of the city treasurer, in addition to any penalty incurred under the last preceding section.

## PART IX.

*General rates.*

Assessment of lands,  
houses, &c.  
*Ibid.* ss. 103, 117.  
Eleventh Schedule.

**110.** (1) The council shall from time to time direct valuers appointed by them to enter in a ward assessment book for each ward in the form or to the effect of the form in the Eleventh Schedule hereto, an assessment of all ratable property of whatsoever kind within the city, whether occupied or unoccupied. (?)

*Sydney Corporation.*

(2) Such assessment shall be made according to the fair average annual value of such property, with a deduction therefrom for outgoings not in any case exceeding ten per centum upon such annual value, and such books when completed shall be by such valuers delivered to the town clerk. “Ratable property.”

(3) If any building is omitted from such assessment by any valuer, the council may enter an assessment for such building, which entry shall be as binding and have the same effect as if it had been originally made by such valuer.

(4) Every building, whether vested in or occupied by the Crown or not, and all lands, whether occupied or not, within the city, save as hereinafter mentioned, shall be deemed to be “ratable property” within the meaning of this Act.

(5) No land vested in trustees for purposes of public recreation, health, or enjoyment, and no hospital, benevolent asylum, or other building used solely for charitable purposes, and no building used solely for public worship, or any school under the Public Instruction Act of 1880 shall be liable to be assessed or rated in respect of any rate under this Act.

(6) In assessing the average annual value of unoccupied land for the purpose of this section, such value shall be deemed to be a sum not exceeding six per centum per annum on the estimated capital value of such land.

111. Every such valuer shall, previously to acting in any such valuation, make and subscribe before the mayor, or any justice, a declaration that he will make all valuations, and otherwise perform the duties of his office faithfully and without favour. Declaration of valuer.  
43 Vic. No. 3, s. 104.

112. The town clerk shall, as soon as practicable, but before the expiration of thirty days after the delivery to him of such books, cause notices of the amount of such assessment in the form or to the effect of the form in the Twelfth Schedule hereto to be served upon the respective premises whether occupied or not. Notice of assessment.  
*Ibid.* s. 105.  
Twelfth Schedule.

113. Any occupier or owner of such premises may, within fourteen days after the expiration of such thirty days as aforesaid, appeal against such assessment, and shall for such purpose deliver at the office of the town clerk a notice in writing of his intention to appeal, stating the grounds of such appeal. Appeal from assessment.  
*Ibid.* s. 106.

114. (1) Such appeal shall be heard at a special sitting of the Metropolitan District Court to be holden not earlier than fourteen nor later than thirty days after the last day upon which notice of appeals may be lodged as hereinbefore provided, and notice of the time and place where such Court will be holden shall be published in the Gazette and in one or more newspapers at least seven clear days before the holding thereof. Hearing of such appeal.  
*Ibid.* s. 107.  
43 Vic. No. 27,  
ss. 2, 3.



*Sydney Corporation.*

(2) After hearing the appellant, or his agent duly authorised in writing in that behalf, the Judge may confirm or alter the assessment, but the same shall not be reduced in amount by reason of the premises so assessed having decreased in value subsequently to the making of the assessment appealed against.

(3) The determination of the Judge on the hearing of every such appeal shall be final and conclusive as to the amount of such assessment.

(4) Any person feeling dissatisfied with the determination of the Judge as to the principle of such assessment, may appeal to the Supreme Court, provided that he lodges a written notice of his appeal within fourteen days after such determination.

(5) The Supreme Court may make such order in the matter of the appeal as seems just, which order, if directed to the registrar of the District Court shall be carried out by him.

(6) The provisions of the District Courts Act, 1901, except so far as the right of appeal is thereby made to depend on the amount claimed, and the general rules thereunder in force for the time being relating to appeals to the Supreme Court, shall, subject to the provisions of this Act, govern and regulate all appeals permitted to the Supreme Court by this section.

No appeal unless  
notice—Costs.  
43 Vic. No. 3, s. 108.

**115.** (1) No appeal to the District Court shall be entertained unless such notice has been given as aforesaid.

(2) If, on the hearing of any such appeal, the Judge is of opinion that the same is frivolous and vexatious, he may award such costs not exceeding two pounds, as he may think fit, against the appellant, which may be recovered by the town clerk in the same way as costs in any action in the District Court.

Annual right of  
appeal.  
45 Vic. No. 20, s. 1.

**116.** (1) In addition to the foregoing right of appeal against any assessment, any occupier or owner may appeal against the assessment for the time being on his property to the first Court holden in every year at the Metropolitan District Court, provided that he gives the town clerk fourteen days' notice in writing before the sitting of such Court of his intention to appeal.

(2) Such appeals shall be heard and determined according to the provisions relating to appeals hereinbefore contained, and the necessary alterations in the assessment books shall be made as herein provided.

Confirmation of  
assessment books.  
43 Vic. No. 3, s. 109.

**117.** (1) After the expiration of the fourteen days so prescribed by the one hundred and thirteenth section of this Act, without any notice of appeal, or upon the decision of any appeal and the necessary alterations (if any) being made in the ward assessment books, the same shall be confirmed by the council and signed by the town clerk, and shall thereupon be the assessment books of the city for the purpose of all city rates until a new assessment be made and new assessment books be completed and confirmed in manner aforesaid. (2)

*Sydney Corporation.*

(2) Such assessment books, after being so confirmed and signed, may from time to time be altered by omitting therefrom all buildings pulled down, or which have become ruinous within any ward of the city, and by inserting in the said book all buildings newly erected or altered or omitted in any former assessment book in any such ward with an assessment of such buildings according to their like annual value.

(3) The information for such alteration shall be prepared by the city surveyor and delivered before the thirty-first day of December in every year to the town clerk, who shall give notice of every such assessment to the occupier or owner, as the case may be, as in the case of an original assessment.

(4) Such party shall have a like power of appeal as is hereinbefore provided, and on the decision of such appeal (if any), or at the expiry of the time allowed for such appeal, all alterations in the ward assessment books, when confirmed by the council and signed by the town clerk, shall be deemed portions of the original ward assessment books of the city, and be as valid in law as if originally parts thereof.

**118.** Any occupier of property who, on the request of any valuer as aforesaid, or of the town clerk, or of any collector of rates (who are hereby authorised to make such inquiries), refuses or wilfully omits to disclose, or wilfully misstates to such valuer, town clerk, or collector the name of the owner of such property, or of the person receiving or authorised to receive the rents of the same, or anything required for or calculated to affect any such assessment as aforesaid shall, for every such offence, be liable to a penalty not exceeding five pounds.

Penalty on occupier for misstatement.  
43 Vic. No. 3, s. 110.

**119.** The assessment books so made and signed by the town clerk as aforesaid, and all entries made therein, upon production thereof by the town clerk or city treasurer, or any civic officer authorised in that behalf by the council shall, without any other evidence that the requirements of this Act have been complied with, be received in all Courts as prima facie evidence of the facts therein contained.

Assessment books evidence.  
*Ibid.* s. 111.

**120.** (1) The council shall, on the assessment so made as aforesaid, cause such rate to be raised as to them may seem proper for the general expenditure of the city (exclusive of lighting), not exceeding two shillings in the pound upon the assessment aforesaid, which rate shall be designated the "city rate."

Limit of rates, and how raised.  
*Ibid.* s. 112.

(2) All such rates shall, on or before the thirty-first day of March in every year, be fixed and ordered by the council, to be paid into the office of the city treasurer by such instalments and on such days as may be fixed by the council.

**121.** (1) Rate books of the city in the form or to the effect of the Thirteenth Schedule hereto signed by the town clerk shall, within three months after the completion of such assessment, be filed by him in

Rate books.  
*Ibid.* s. 113.  
Thirteenth Schedule.

*Sydney Corporation.*

in the office of the city treasurer, and shall be altered or a new rate book filed within two months after the confirmation or any alteration or addition as aforesaid.

(2) Every citizen shall have access to such rate books during office hours, and be permitted to inspect the same upon payment of a fee of one shilling.

(3) Every such rate book so signed, and all entries therein, shall be received in all courts as prima facie evidence of all matters therein set out.

Notice of rate to be  
gazetted.  
43 Vic. No. 3, s. 114.

**122.** (1) Upon the making of any rate a notice signed by the mayor and town clerk specifying—

- (a) the amount in the pound of the rate;
- (b) the purpose and period for which the same is made; and
- (c) the days on which the same is payable

shall be published in the Gazette and in each of the daily newspapers.

(2) Upon any such notice being so published, the rate therein mentioned shall be payable and paid at the times specified in such notice by the respective persons liable to pay the same for and in respect of all assessed buildings within the city according to the annual value of such buildings as ascertained and determined by the assessment books then in force for the city.

(3) It shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the rate or the sums which according to such rate such persons are liable to pay or any other particulars than are hereinbefore in that behalf mentioned.

Liability for payment  
of rate.  
*Ibid.* s. 115.

**123.** (1) The rate so made payable shall, in the case of the premises in respect of which the same is payable being occupied, be paid to the city treasurer by the tenant of such premises at the time or respective times at which such rate is made payable or demanded, and in the case of such premises being vacant, then by such person who at the time or respective times at which such rate is made payable is the owner of such premises.

(2) The city treasurer shall give a receipt for such rate in the form in the Fourteenth Schedule hereto.

(3) If the council fail to recover any such rate in respect of occupied premises from the tenant of the same, they may levy and recover the rate from the owner of such premises.

Fourteenth  
Schedule.

Repayment by  
landlord to tenant.  
*Ibid.* s. 116.

**124.** (1) In any case where a tenant has been so required to pay either a greater amount of rates than he owes for rent, or for a period of time during which he has not been in occupation of the premises, he shall be entitled to deduct the amount in excess from any rent then due or accruing, or to recover the same from his landlord (after he has been asked and has neglected to repay such excess) in an action as for money paid to his use in any Court of competent jurisdiction.

(2)

*Sydney Corporation.*

(2) Nothing herein contained shall prevent or interfere with any private agreement between landlord and tenant with respect to the ultimate liability of either to pay any specified rate.

**125.** (1) In case any person liable to pay any rate neglects or refuses to pay the amount thereof to the city treasurer for fourteen days after a notice in the form or to the effect of the Fifteenth Schedule hereto that such rate is due has been left at the premises liable for such rate, or after he has by any such notice been called upon and required to pay such rate, the mayor may by warrant under his hand distrain the goods and chattels (if any) of such person on the property assessed or elsewhere in the city, and cause such goods and chattels when distrained to be sold, and out of the moneys to arise thereby may pay all costs, charges, and expenses attendant upon such distress and sale, and shall then pay the amount of the rate for which such distress and sale are made, and pay over any surplus to the person so distrained upon.

Distress for rates.  
43 Vic. No. 3, s. 118.  
Fifteenth Schedule.

(2) In every case in which a warrant of distress has been delivered to a collector or bailiff for levy, the same shall be levied for such rate, costs, and expenses, unless the whole of such costs and expenses are paid as well as such rate.

(3) In the event of any such distress not realising sufficient to pay such rate, costs, charges, and expenses, the mayor may from time to time make further and other distress in like manner until the whole amount of the same has been fully paid.

(4) Such costs shall be according to the scale in the Sixteenth Schedule hereto.

Sixteenth Schedule.

**126.** (1) The warrant of distress for the recovery of any rate may be in the form or to the effect of the Seventeenth Schedule hereto.

Warrant of distress.  
*Ibid.* s. 119.  
Seventeenth  
Schedule.

(2) In all cases where a distress may lawfully be made, every police constable shall, upon being so required by any bailiff distraining for rates, aid in making a distress or sale pursuant to such warrant, and for refusing so to do shall be liable to a penalty not exceeding five pounds.

(3) To save expense and simplify the collection of rates the mayor may include any number of persons in one such warrant, and may direct any warrant for distraining for rates under any of the provisions of this Act to any bailiff or person appointed by him in that behalf.

(4) All such distresses and sales subsequent thereupon shall be conducted and carried out as nearly as practicable in accordance with the provisions of Part V of the Landlord and Tenant Act of 1899.

**127.** No distress made under the authority of this Act shall be deemed unlawful, nor shall the person making the same be deemed a trespasser on account of any defect or want of form in the warrant of distress,

Distress not void for  
want of form.  
*Ibid.* s. 12).

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distress, or in any other proceeding relating thereto, nor shall the person distraining be deemed a trespasser ab initio on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Special rates may be made.  
43 Vic. No. 3, s. 121.

**128.** (1) Whenever it appears to the council that any work which they are authorised to execute is for the special benefit of any particular locality in the city, the council may, for defraying the expenses incurred in executing such work, pass a special resolution which shall distinctly define such locality, and exhibit such work on a map annexed thereto, and upon the same being approved by the Governor the council may make and levy a special rate equally on all ratable property situated within such locality.

(2) No such rate made in any one year shall exceed the amount of sixpence in the pound of the annual value of such property.

(3) No such special resolution shall be passed unless a petition signed by not less than two-thirds of the ratepayers in such locality shall have been presented to the council praying that a separate rate may be made and levied, and stating for what period it is desired that such separate rate shall be made and levied.

Rates to be made for particular period.

(4) Every rate made under this section may be made for and in respect of such period as is named in the special resolution, but not exceeding the period mentioned in such petition.

(5) The provisions of this section shall not prevent the council from making or levying during any such period another special rate in a different locality if so empowered by this or any other Act.

Old assessment to be acted on until new assessment.  
*Ibid.* s. 122.

**129.** Until an assessment for the purpose of rating is made under this Act, the assessment books of the council in force at the time of this Act coming into operation shall be the assessment books on and under which rates may be levied, enforced, and recovered.

All rates recoverable as city rates.  
*Ibid.* s. 123.

**130.** The provisions hereinbefore contained as to levying and recovering city rates shall be applicable in every respect to the levying and recovering every other rate made and imposed under the authority of this Act.

Purchaser of ratable property to give notice.  
No. 30, 1900, s. 4.

**131.** Every purchaser of ratable property situate within the city shall, within ninety days after the completion of his purchase, give or cause to be given written notice thereof to the council stating his name and address, and on failure to comply with the requirements of this section shall be liable to a penalty not exceeding ten pounds.

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## PART X.

*Injuries to lights or fountains, &c.*

132. (1) If any person wilfully takes away, breaks, throws down, or otherwise destroys or damages any lamp in the city erected by the council or at the private expense of any person, or any appendage thereof, or wilfully extinguish any such lamp, any justice may issue a warrant for apprehending the party accused.

Penalty for wilfully  
injuring lights, &c.  
43 Vic. No. 3, s. 124.

(2) Any person seeing such offence committed may apprehend or assist in apprehending the offender, and may, without warrant, deliver him into the custody of a constable to be conveyed before some justice.

(3) Every person convicted of any such offence shall for every such offence be liable to a penalty of not less than ten shillings nor more than forty shillings, and shall besides make full satisfaction to be assessed by such justice for the damage so done.

133. Every person carelessly or negligently breaking, destroying, or damaging any lamp set up as aforesaid or any appendage thereof, and not upon demand making satisfaction, shall be liable to pay such sum of money to the complaining party as any justice may order.

Damages for careless  
injury.  
*Ibid.* s. 125.

134. Any person who injures 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 such injury be wilfully done, such person shall be also liable to a penalty not exceeding five pounds. Any person who shall in any manner clandestinely or unlawfully appropriate to his own use any water from any fountain, pipe, or cistern supplied in any manner by the council, shall be also liable to a penalty not exceeding twenty pounds, and such amount may be recovered before any two justices in a summary way. And any person who opens or leaves open any cock, or any public fountain or pump, so that the water shall or may run to waste, shall be liable to a penalty not exceeding five pounds. And any person who shall wash any clothes or other materials at any public fountain or pump shall be liable to a penalty not exceeding one pound. And any person who shall lead or cause to be led or taken any cattle or other animals to any public fountain or pump now erected or hereafter to be erected for the purpose of watering or cleansing, and shall therein water or cleanse the said cattle or other animals shall, for every such offence, be liable to a penalty not exceeding two pounds: Provided always that it shall be lawful to water any animal at any fountain specially appropriated for that purpose.

Penalties for  
injuring public  
fountains, &c.  
*Ibid.* s. 152.

Proviso.

## PART XI.

*Markets, parks, sale-yards, &c.*

43 Vic. No. 3, s. 127.

**135.** The council may pull down and re-erect any building which is lawfully vested in them or do anything thereto necessary or proper so that no private rights are thereby infringed.

New markets.  
*Ibid.* s. 126.

**136.** The council may establish any public market in the city for the sale of fruit, vegetables, fish, produce, or general merchandise. And upon such establishment being notified in the Gazette and in each of the daily newspapers, any such market shall be subject to all the laws affecting markets in the city.

Hawking licenses.  
*Ibid.* s. 216.

**137.** The council may grant licenses to persons for hawking and selling in the city any poultry, fish, vegetables, garden produce, and such other articles as may be provided in any by-law in that behalf.

Power to lay out  
parks.  
*Ibid.* ss. 127, 144.

**138.** (1) The council may erect such drinking fountains as they deem proper in the city, and shall have all necessary and proper powers for the purpose of laying out any park, garden, shrubbery, or property belonging to the council.

Aid of police may be  
called in.  
18 Vic. No. 33, s. 6.  
43 Vic. No. 3, s. 128.

(2) The council or any ranger or other officer appointed by them may call in the aid of the police for the removal by force of any person found committing a breach of any by-law made under the provisions of subsection (v) of section two hundred of this Act, or of any person who by disorderly or insulting conduct in the immediate neighbourhood of any park, garden, or other place causes annoyance or inconvenience to the persons then present or going to or coming from the same.

Power to erect  
buildings on Prince  
Alfred Park.  
*Ibid.* s. 129.

**139.** (1) The council may erect and maintain upon the land known as Prince Alfred Park suitable buildings for the purpose of holding annual and other exhibitions and for like purposes of public recreation or instruction as they may deem desirable.

(2) The amounts borrowed under the authority of the Act intituled, "An Act to authorise the erection and maintenance of certain buildings in Prince Alfred Park by the municipal council of the city of Sydney," together with any other amounts borrowed and expended upon such buildings, shall be transferred to the city fund, but with the like security and with the same rights and remedies in favour of the holders of debentures and all other persons as if the Act forty-third Victoria number three had not been repealed

Power to enclose  
land and let buildings.  
*Ibid.* s. 130.

**140.** (1) The council may enclose such portion of the said park as they may think fit, and let the land so enclosed together with such buildings thereon erected for any continuous period or periods during the year not exceeding in the whole four months.

(2)

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(2) Any public right-of-way or other easement attaching to such land so enclosed shall, during such period only as aforesaid in each year, be deemed to be in abeyance.

(3) Such portion or the whole of the said park may continue to be enclosed for a further period of two months with the consent of the Governor.

141. The council may grant leases of any premises or any part thereof held by or belonging to the corporation for any period not exceeding twenty-one years upon the best terms which may be obtained for the same, provided that they be let by competition either by public auction or tender. Power to grant leases. 43 Vic. No. 3, s. 131.

142. (1) The metropolitan sale-yards established by the council under the provisions of the Acts hereby repealed, and of the Act forty-fifth Victoria number eighteen, shall be the only market or place within the city or within fourteen miles from the boundaries thereof for the sale of cattle, except as provided in section one hundred and forty-eight hereof. Ibid. s. 133.

(2) If any person sells or offers for sale, except as hereinafter mentioned, any cattle in any other place in the city or within fourteen miles from the boundaries thereof he shall, on conviction before two justices, be liable to a penalty of ten shillings for every head of such cattle so sold or offered for sale.

(3) Nothing herein contained shall apply to cattle arriving in Sydney by sea or to sheep so arriving in numbers not exceeding fifty in any one shipment.

(4) The provisions of this section shall not apply to private sales of cattle not exceeding six animals at one place or in one lot.

143. The council may, with the consent of the Governor and not otherwise, sell and dispose of and exchange any lands and any estate or interest therein purchased, acquired, or held by them for the purposes of the said metropolitan sale-yards. Ibid. s. 132. 44 Vic. No. 10, s. 3.

144. If any person has in his possession any cattle upon any premises within the city he shall forfeit and pay any sum not exceeding five pounds for each and every head of cattle so found in his possession. Penalty not exceeding five pounds for every head of cattle kept contrary to the provision of this Act. 43 Vic. No. 3, s. 134.

145. (1) The provisions relating to cattle hereinbefore contained shall not apply to— Persons not liable. Ibid. s. 135.

- (a) any sale of cattle when the said cattle are not within the district; or
- (b) any wharfinger or common carrier receiving cattle; or
- (c) any milkman or person keeping milch cows or working bullocks; or
- (d) any person keeping any cattle for the purpose of exhibiting the same; or
- (e)



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- (e) any auctioneer or other person keeping cattle for sale ; or  
 (f) any person having in his possession cattle imported from places beyond New South Wales ; or  
 (g) any person keeping horses ; or  
 (h) any person keeping cattle on premises licensed for the purpose.

(2) In all such cases the burden of proving exemption from liability shall lie upon the person charged with a breach of such provisions.

Power to search premises.  
 43 Vic. No. 3, s. 136.

**146.** The inspector of nuisances at all times, and any other officer of the council, when authorised in writing in that behalf by the mayor of Sydney, shall have power to search any premises on which he has reason to suspect that any cattle are kept contrary to the provisions of this Act, and any person obstructing or molesting such inspector or other officer so authorised when endeavouring to search such premises shall forfeit and pay a sum not exceeding ten pounds.

Cattle sale-yards fund, &c.  
*Ibid.* s. 137.

**147.** (1) The proceeds arising from the fees on the sale of cattle at such yards, and all other profits accruing therefrom, received by the council shall, after payment of the current expenses incident to the maintenance of such premises be paid over to the city fund.

Sale and slaughter of pigs, calves, and sheep.  
*Ibid.* s. 138.

**148.** The council may erect, maintain, or license sale-yards within the city, or fourteen miles therefrom, for the sale of calves, lambs, pigs, milch cows, and horses, and notwithstanding anything to the contrary contained in the Act fourteenth Victoria number thirty-six, or any other Act, may license places within the said city or limits for the slaughter of pigs, calves, and sheep, and frame regulations for the management thereof.

Power to charge fees for cattle yarded for sale.  
*Ibid.* s. 139.

**149.** When any sale-yards are established, and by-laws in respect to such yards are made and published, the council may take and demand in respect of any cattle intended for slaughter, yarded, or brought for sale by auction to any sale-yards or premises in the city, or within the distance of fourteen miles therefrom, as hereinbefore provided, the fees or charges specified and set forth in by-laws to be made in that behalf, such fees and charges not to exceed the scale prescribed in the Tenth Schedule hereto.

Tenth Schedule.

Power to lease tolls of markets.  
*Ibid.* s. 140.

**150.** The council may let or farm out by auction any tolls and dues payable and receivable at any market, and may also so let or farm out by auction any market or stall or shop therein for any period not exceeding three years by auction or tender.

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PART XII.

*Street-watering rates.*

**151.** (1) Upon receiving a petition signed by two-thirds of the Watering streets.  
ratepayers in any public way in the city, or in any part of such public 43 Vic. No. 3, s. 149.  
way, the council shall cause the same to be watered, or they may in  
their discretion cause any public way to be watered.

(2) The council may impose upon the tenants or owners  
of buildings in such public way a uniform rate sufficient to cover the  
expense of watering such public way.

(3) Such rate shall be assessed upon and according to the  
amount for which such buildings are assessed for the purposes of the  
city rate in addition to every other rate hereby authorised and made  
payable.

(4) Every such rate may be made, levied, enforced, and  
recovered in like manner as any city rate.

**152.** In every case in which there is on one side of any public Only half rate where  
way any public park or reserve one-half only of such watering rate public park.  
shall be assessed upon and be payable in respect of the buildings on Ibid. s. 150.  
the side of such way opposite such park or reserve.

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PART XIII.

*Nuisances and public health.*

**153.** (1) The city health officer shall be a duly qualified medical Health officer.  
practitioner, and upon the appearance of any epidemic, endemic, or Ibid. s. 163.  
contagious disease, or any indications thereof within the city or the  
suburbs, or of any peculiar circumstances or occurrences likely to  
affect the sanitary condition of the city, he shall immediately report  
the same to the council, and shall describe or otherwise point out the  
types and stages of any such disease and the existence of any nuisance  
or other local cause tending to produce, aggravate, or continue any  
such disease, or otherwise injure or endanger the public health, and  
so as to supply the council with the best and most prompt advice as to  
the means of preventing the spread of any such disease and of  
promoting the health of the inhabitants of the city.

(2) The other general duties of the city health officer may  
be regulated and fixed by by-laws under this Act.

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Report of health  
officer.  
43 Vic. No. 3, s. 164.

**154.** (1) The city health officer shall, at the first meeting of the council in each month, and at any other time when required by the council, or when he may deem it right, make to the council a full report as to the sanitary condition of the city, with special reference to the foregoing, and any other particulars required by such by-laws.

(2) In order to enable him to make such report and rightly to perform his other duties, he shall have power at all seasonable times, with the aid, if necessary, of the inspector of nuisances, or any other officers or servants of the council, or of any officer of the police, upon the order of the mayor signed by the town clerk, to enter any public school, manufactory, benevolent or charitable institution, common lodging-house, or burial-ground, or other premises in the city, in or about which anything is suspected to exist prejudicial to the health of the inhabitants or neighbourhood.

Power of council to  
enter land, &c., to  
carry out advice of  
health officer.  
*Ibid.* s. 165.

**155.** The council may enter, use, and occupy any premises in the city, and carry into effect any works or operations which they may deem necessary or proper for carrying into effect any such advice as aforesaid of such officer, and any suggestion or recommendation of such officer for preventing or suppressing disease, or securing the health of the inhabitants of the city.

Cleansing of streets.  
*Ibid.* s. 166.

**156.** (1) The council shall cause all public ways in the city to be properly swept and cleansed, and all filth and refuse matter to be collected and removed therefrom, and also from all premises, and shall also cause all privies and cesspits within the city to be emptied and cleansed at convenient times.

(2) The tenant of any such premises may remove any refuse matter on his own premises to any other place, but only for manure, so that the same be not a nuisance to any neighbour and be removed at such times and in such manner as are approved by the council, either by any special leave or under any by-law in that behalf.

(3) All filth and refuse matter collected by the council from privies, sewers, cesspits, and public ways, or from any premises in the city shall be the property of the council who may sell and dispose of the same and pay the proceeds to the city fund.

Deposit of night-soil  
and refuse.  
*Ibid.* s. 167.

**157.** (1) The council may provide fit places within or without the boundaries of the city for the deposit of night-soil and other filth and refuse so collected and not sold, and may purchase or rent any land suitable for such purpose, whether the same be within the boundaries of the city or otherwise.

(2) It shall be the duty of the council, within two days after the deposit of any such night-soil, filth, or refuse, to cause the same to be deodorised or to be so otherwise treated as to prevent any offensive smell or other nuisance from being caused by any such deposit.

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(3) No such night-soil, filth, or refuse shall in any case be deposited within the boundaries of any municipality now or hereafter to be established, unless with the consent of the council of such municipality in writing and under the corporate seal thereof.

**158.** The council may, subject to the restrictions in the last preceding section, grant licenses to such persons as they may deem fit to carry away and deposit at such places any night-soil, filth, or refuse from earth-closets or other places, not being the cesspits of privies or water-closets. Licenses to remove night-soil. 43 Vic. No. 3, s. 168.

**159.** Every person not employed or licensed by the council so to do who shall collect or carry away any night-soil, filth, or refuse as aforesaid from any place within the city shall be liable for every such offence to a penalty not exceeding forty shillings. Penalty for removal of night-soil. Ibid. s. 169.

**160.** (1) No owner or tenant or agent of any premises within the city shall empty or cause to be emptied any cesspit which may be included in his premises without the sanction in writing of the council or inspector of nuisances. Owners or occupants of premises not permitted to empty their own cesspits. Ibid. s. 171.

(2) Such sanction shall not be given unless the officers of the council are from any cause at the time unable to empty such cesspit with the proper night-carts and appliances appointed to be used by them whether supplied by a contractor or by the council.

(3) Any such owner or tenant so offending shall be liable to a penalty not exceeding ten pounds.

**161.** The council shall cause its own servants or contractors, under the direction of the inspector of nuisances or other officers appointed in that behalf, to empty all cesspits within the city once in every six months or oftener if necessary in the opinion of the inspector of nuisances; and the council shall cause such implements and appliances to be used, and shall take all such other measures in the performance of the work as shall be deemed best adapted for the suppression of offensive smells or of other nuisances. The council to cause cesspits to be emptied. Ibid. s. 172.

**162.** If at any time the cesspit in any premises overflows or bursts, or ceases to be water-tight, or if from any other cause its contents are liable to escape, or the effluvium arising therefrom becomes excessive, or any other nuisance in connection therewith occurs, the tenant or the owner of the premises or his agent (in case the premises are not occupied by any other person than the owner's bona fide servant) shall within twenty-four hours give notice thereof to the inspector of nuisances, otherwise such tenant, or owner, or agent, as the case may be, shall be liable to a penalty not exceeding ten pounds. The tenant, &c., of premises to give notice of any nuisance occurring in connection with the cesspit or shall be liable to a penalty of £10. Ibid. s. 173.

**163.** (1) No person shall construct in any manner, whether above or below the surface of the ground, on any premises in the city, a gutter or drain which communicates with a street sewer or gutter in any manner so that the contents of any cesspit, whether in the

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case of an overflow or otherwise, may be discharged into such street sewer or gutter, without the express written sanction of the city engineer or city surveyor being first obtained.

Penalty.

(2) Whoever offends against this enactment shall be liable to a penalty not exceeding twenty pounds and a further penalty not exceeding two pounds for every day during which the offence is continued after notice in writing in that behalf has been given to the owner, his agent or tenant, or other person, as the case may be, by the inspector of nuisances.

Any drain, &c., now or hereafter constructed contrary to this Act may be filled up, &c.  
43 Vic. No. 3, s. 175.

**164.** The council may fill up, remove, alter, or otherwise deal with any gutter, drain, closet, cesspit, or well, which shall be deemed by the said council to be—

- (a) injurious to health; or
- (b) opposed to decency by exposure or otherwise; or
- (c) an obstruction to the emptying or cleansing of cesspits; or
- (d) constructed or placed contrary to the provisions of this Act or of any by-laws made under its authority.

One week's written notice to be first served on the owner, his agent or tenant.  
*Ibid.* s. 176.

**165.** Before commencing any such works or operations, the inspector of nuisances shall give at least one week's notice in writing to the owner, his agent, or occupant of the premises, requiring him to perform the work therein specified, and notifying that in default of his compliance therewith during the time which may be allowed by any by-law made for the purpose of dealing with such cases, the council will cause such specified work to be done at his expense.

All reasonable expenses incurred by Council to be repaid by owners, &c.  
*Ibid.* s. 177.

**166.** All reasonable expenses incurred by the council in carrying into effect any of the provisions of this Act for the prevention of nuisances upon or in respect of any premises shall be repaid to the council by the owner, his agent or tenant, within one week after a written demand of the amount made by the council has been served upon him, otherwise the same may be recovered by the council by summary proceedings in the manner hereinafter set forth.

The tenant may recover from the owner any sums paid to the Council under the authority of this Act.  
*Ibid.* s. 178.

**167.** (1) If the tenant of the premises is not also the owner and has not himself caused the matter complained of and specified in the aforesaid notice, and forthwith after the delivery of such notice serves the same on the owner or agent of the premises, and if such owner or agent does not within three days after the service of such notice perform the work so required to be done, such tenant thereupon may comply with the terms of the said notice.

(2) After defraying the necessary expense occasioned thereby, he may deduct the amount from any rent then due by him or accruing, or at his option sue for and recover the same with costs of suit from the owner or his agent as for money paid at his request.

No person to form a cesspit in any spot unauthorised.  
*Ibid.* s. 179.

**168.** (1) No person shall place any closet or make or place any cesspit in any unauthorised spot upon his premises or construct the latter of any unauthorised materials or dimensions; and any person so offending shall be liable to a penalty not exceeding twenty pounds.

(2)

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(2) If the closet is removed or the cesspit filled up, as the case may be, by the council (which they are hereby authorised to do), the person offending as above mentioned shall also be liable to pay all the expenses incurred thereby, which may be recovered by the council by summary proceedings in the manner hereinafter set forth.

**169.** The council on determining to provide a depôt for the reception of night-soil, filth or refuse, may incur all needful expenditure in enclosing or otherwise preparing such depôt and providing all proper plant and appliances for dealing with the night-soil, filth or refuse therein, whether by burying the same in the ground or otherwise, and also for making and repairing any roads leading to the depôt.

Council may incur expenditure for preparing depôt, &c. 43 Vic. No. 3, s. 180.

**170.** Whenever the inspector of nuisances has reasonable grounds for believing that there exists on any premises in the city a foul closet, whether occasioned by the blocking-up of water-closet pans, or of their discharge pipes, or the surcharge of cesspits, or of earth-closet pans, or insufficient closet accommodation, or any concealed drain connected with the closet, or any other nuisance, such inspector may demand admission on the premises from the owner, his agent or occupant, or other person in charge of the said premises to inspect the same, and thereupon enter at any time (except on Sunday) between the hours of ten o'clock in the morning and four o'clock in the afternoon.

Power of entry on premises for inspector of nuisance, &c. *Ibid.* s. 181.

**171.** (1) Such inspector on discovering the existence of any such nuisance as above mentioned or any other of a like kind may thereupon give notice in writing to the owner, his agent, or tenant to remove the same forthwith or within a time to be therein stated, according to the exigency of the case, and to purify the locality by cleansing and by the application of disinfectants or otherwise.

Inspector of nuisances may give notice to owner or occupant to remove any nuisance. *Ibid.* s. 182.

(2) If the owner, his agent, or tenant has not complied with such notice before the expiration of the time limited he shall be liable to a penalty not exceeding twenty pounds and also to pay any reasonable expenses incurred by the council in removing the said nuisance (which the council is hereby empowered to do), which expenses may be sued for and recovered in a summary way as hereinafter provided.

**172.** If the owner, his agent, or the occupant of any premises refuses permission for the inspector of nuisances or other proper officer to enter as before mentioned or prevents his entry upon the premises, such owner, agent, or occupant shall be liable to a penalty not exceeding five pounds.

Owner, &c., refusing admittance to inspector of nuisances liable to a penalty. *Ibid.* s. 183.

**173.** If the occupant of any premises prevents the owner or his agent from obeying or carrying into effect the provisions of this Act, any justice to whom application is made on affidavit, made before him in this behalf, shall by order in writing require such occupant to desist from such prevention or to permit the execution of the work required to

Occupant of premises obstructing owner liable to a penalty. *Ibid.* s. 184.

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to be executed, provided that such work appears to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act, and if within three days after the service of such order the occupant against whom it is made do not comply therewith, he shall be liable to a penalty not exceeding five pounds for every day afterwards during the continuance of such non-compliance, and such penalties may be recovered either under a separate information for each day or under one information for the sum of the several penalties so incurred.

Persons obstructing officers in execution of this Act liable to a penalty.  
43 Vic. No. 3, s. 185.

**174.** Whoever refuses to obey an order of a justice as hereinbefore provided for the admission of the inspector of nuisances or other officer or person authorised to carry into effect any operations or measures under the authority of this Act or their respective workmen or labourers upon any premises, or who wilfully obstructs any person acting under the authority or employed in the execution of this Act shall be liable for every such offence to a penalty not exceeding ten pounds.

The subjects of by-laws against nuisances.  
*Ibid.* s. 186.

**175.** The council may make by-laws for the purpose of carrying into effect the provisions of this Part of the Act, and particularly in respect of any of the subjects following, (namely)—

- (a) regulating the construction in all respects and the dimensions and situations of cesspits and closets to be hereafter made;
- (b) prescribing the extent of closet accommodation to be supplied for dwelling-houses, factories, or any other place of business;
- (c) providing for such alterations as may be requisite in the opinion of the council in that behalf for preserving public health or decency in the case of existing cesspits and closets;
- (d) to appoint a place with the approval of the Governor, either within or without the city, as a depôt for the deposit of night-soil, filth, or refuse;
- (e) the method to be employed in the removal of night-soil from cesspits, and also whether by contract or otherwise;
- (f) the manner of its disposal, whether by burying in the earth or otherwise;
- (g) if sold or given away for making all necessary conditions and stipulations for the proper transit of night-soil and its ultimate disposition;
- (h) to regulate the height above the surface of the ground and the depth beneath of all cesspits in accordance with the nature of the ground and the probable number of persons for whom they are intended;
- (i) to appoint the days and hours for the inspection of premises or for doing any work authorised by this Act;

(j)

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(j) and generally for carrying into effect the intentions and objects of this Part of the Act ;  
 and every by-law made in accordance with the provisions of this Part of the Act may state some maximum and minimum penalty for any neglect or breach thereof: Provided that no such penalty shall exceed twenty pounds.

By-laws may state maximum and minimum penalty.

**176.** Nothing in this Part contained shall be construed to impair any power of abating nuisances at common law or to affect any other provisions in this Act contained, except as by this Part is expressly declared or necessarily inferred.

This Part of the Act not to affect common law remedy.  
 43 Vic. No. 3, s. 187.

**177.** (1) The city surveyor or building surveyor shall require the owner or his agent of every premises within the city to which no sufficient privy and ashpit with proper door and coverings is attached to provide the same where practicable in such situation (not disturbing any building unless the same be a privy then already erected) as they may deem necessary.

Proper privies to be provided.  
*Ibid.* s. 188.

(2) Every such privy and ashpit shall be constructed to the satisfaction of the city surveyor or building surveyor so as effectually to prevent the escape of the contents thereof or any effluvium arising therefrom.

**178.** Where a privy and ashpit are used in common by the persons occupying or using two or more buildings, the council may dispense with the provision of a privy and ashpit for each such building.

When used in common.  
*Ibid.* s. 189.

**179.** (1) The owner or agent of any such building, upon being required so to do, shall provide such building with such privy and ashpit as aforesaid to the satisfaction of the city surveyor or building surveyor within one month next after notice in writing for that purpose given by the town clerk to him or to the occupier of such building, if occupied, and if the same be not occupied and the owner is not known or cannot be found, then after the posting of such notice on the building.

Penalties for not providing such privy, &c.  
*Ibid.* s. 190.

(2) In default thereof the council shall cause such privy and ashpit to be erected and provided, and the expense thereof may be raised, levied, recovered, and enforced in the same way as the city rate.

**180.** (1) The city or building surveyor, city health officer, or inspector of nuisances may inspect any premises within the city to ascertain if there be thereon a privy, ashpit, or cesspit as required by this Act and any by-law thereunder, and may also inspect any privy, ashpit, or cesspit upon any premises within the city, and for any such purpose may at all reasonable times in the daytime enter upon any lands and buildings with such assistants and workmen as may be necessary and cause the ground to be opened where thought fit, doing as little damage as may be.

Power of inspection.  
*Ibid.* s. 191.

(2) If any such privy, ashpit, or cesspit on such premises be found to be in proper order and condition, the city or building surveyor

surveyor



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surveyor shall cause the ground to be closed and made good without unnecessary delay, and the expense occasioned thereby shall in that case be defrayed by the council.

Dust-boxes.  
43 Vic. No. 3, s. 192.

**181.** (1) The council may make provision by means of boxes or otherwise, and may also provide by any by-law in that behalf for the deposit, until removed by the council under any by-law under this Act, of any dust and ashes collected on any premises within the city.

(2) Any person who does not so deposit the dust and ashes collected on his premises and in every respect otherwise comply with any such by-law shall for every day for which he is guilty of such offence be liable to a penalty not exceeding two pounds.

Purifying unhealthy dwellings.  
*Ibid.* s. 193.

**182.** (1) If, upon the certificate of the city health officer or any other duly qualified medical practitioner, it appears to the council that any building within the city is in a condition dangerous to health, and that the whitewashing, cleansing, or purifying thereof or any part thereof might check or prevent infectious or contagious disease, the town clerk shall give notice in writing to the owner, his agent, or tenant of such building to whitewash, cleanse, or purify the same as the case may require within a reasonable time and in the manner specified in the notice.

(2) In default of compliance with such notice within such time the mayor may cause the required work to be done, and for such purpose any person duly authorised under the hand of the mayor may enter such building without other warrant and do such work.

(3) Repayment of the expenses may be recovered in a summary way before any justice against the tenant or owner, or his agent, of such building, who shall also be liable to a penalty not exceeding ten shillings for every day of such default.

Penalty for default.

Penalty for non-removal of offensive matter.  
*Ibid.* s. 194.

**183.** (1) If the tenant of any building or premises in the city which is under lease, whether he is or is not then in actual occupation, or if the owner or the agent of any building or premises in the city which is or are not under lease suffers any stagnant water, muck, filth, or other offensive matter to remain in any part thereof for forty-eight hours after written notice served on him from the town clerk, city surveyor, city health officer, or inspector of nuisances to remove the same, or allows any such matter to flow or soak from any building or cesspit, the council shall forthwith remove or abate such nuisance and do what is necessary to prevent a recurrence thereof, and may for such purpose enter any building or premises and do all things necessary for such purpose.

(2) Repayment of the expense thereof may be recovered against the tenant or owner or agent of such building or premises, as the case may be, and he shall also be liable to a penalty for every such offence not exceeding two pounds, and to a further penalty of one pound for every day during which such nuisance shall continue.

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**184.** The council may erect such public water-closets, privies, urinals, and like conveniences within the 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 out of the city fund for any injury occasioned to any person by the erection thereof.

Providing of public water-closets.  
43 Vic. No. 3, s. 195.

**185.** The council may abate and remove any nuisance within the city unless, after two days' notice in writing under the hand of the town clerk, the same be abated and removed by the owner or his agent, or by the tenant of the premises wherein such nuisance shall exist or have arisen, and may also, after like notice, cleanse, or keep cleansed, or compel to be cleansed and kept cleansed by such owner, his agent, or tenant, every such nuisance, and may recover against such owner, agent, or tenant the whole expense incurred by the council in and about such abatement, removal, and cleansing.

Abating of nuisances.  
*Ibid.* s. 196.

**186.** (1) No person shall sell, expose, or have for sale, or keep on his premises any meat or any other article intended, but unfit, for human food, or sell, expose, or have for sale any adulterated butter, meal, bread, or other article of food, or any adulterated milk, knowing either of them to be adulterated.

Sale of adulterated or bad food forbidden.  
*Ibid.* s. 197.

(2) Any person offending against this enactment shall, for every such offence be liable to a penalty not exceeding twenty pounds, and shall also be liable to a further penalty not exceeding five pounds for every day during which any such forbidden article is kept on the premises of such person.

**187.** No person shall keep, or have in his possession, or retain in any building, shop, or other place, any dead animal, carcass, meat, poultry, or fish unfit for human food, and every person offending against this enactment shall, for every such offence, be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day on or during which he so keeps or retains any such forbidden thing.

No person to keep meat, &c., unfit for food.  
*Ibid.* s. 198.

**188.** The inspector of nuisances or city health officer may at all reasonable times, accompanied or not by any assistants, enter any building, shop, or place used for the sale of meat, poultry, or fish for the purpose of seeing that this enactment is complied with, and may seize any dead animal, carcass, meat, poultry, or fish found therein or thereon which in his opinion is unfit for human food, and upon any proceeding in that behalf in a summary way, any justice may, besides inflicting the penalty or penalties above mentioned, order such animal, carcass, meat, poultry, or fish to be destroyed.

Inspector of nuisances, &c., may enter premises.  
*Ibid.* s. 199.

**189.** (1) Every person who shall paste or otherwise affix any placard or other paper upon any building, wall, post, or fence within the city, except on places appointed by the council for the purpose, or who shall deface any wall, building, or any part of the pavement or curbing by chalk or paint or in any other manner, or shall write any indecent

Penalty for defacing wall.  
*Ibid.* s. 200.

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indecent word or make any indecent drawing thereon shall be liable to a penalty not exceeding forty shillings; and any constable or other person may apprehend and convey any one so offending before any justice to be dealt with according to law.

(2) Nothing herein contained shall prevent any person from pasting or affixing any placard or other paper on any building owned or occupied or rented by himself or on any fence, post, or wall connected therewith.

## PART XIV.

*Revenue and loans.*

Accounts.

43 Vic. No. 3, s. 217.

190. (1) The rents, profits, and proceeds of all land, dues, tolls, and other property vested in or belonging to the corporation or the council, and all city and lighting rates levied under this Act and all other city revenues shall by the city treasurer be carried to a fund called the "city fund."

*Ibid.* s. 215.

No. 30, 1900, s. 25.

(2) All sums paid to the Colonial Treasurer in respect of any general or district licenses of auctioneers under certificates granted by any court of petty sessions held within the city under the Auctioneers' Licensing Act, 1898, and any Act amending or consolidating the same shall in every year, as soon as practicable after the registration of such licenses in the Treasury, be paid over to the council and form part of the city fund.

(3) The allowance (if any) to the mayor and aldermen, and the salaries or other emoluments of the town clerk and other civic officers and servants appointed by the council, and the expenses incurred in or in connection with the preparing, revising, and printing of all lists, rolls, and notices, and all other matters connected with elections, and towards purchasing or erecting and maintaining the corporate and other buildings belonging to the corporation, and all other expenses not herein otherwise provided for, shall be defrayed out of the said city fund.

(4) All such payments shall be by drafts or cheques signed by the mayor and the city treasurer respectively.

(5) No part of any such funds shall be applied to any purpose not authorised by this Act.

Books of accounts,  
&c.

43 Vic. No. 3, s. 218.

191. (1) The council shall cause books to be provided and kept and true and regular accounts to be entered therein of all sums of money received and paid for and on account of the corporation and of the several purposes for which such sums of money have been received and paid.

(2)

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(2) Such books shall at reasonable times be open to the inspection of the mayor, or any alderman or Treasury inspector appointed as hereinafter mentioned, or any mortgagee or holder of debentures without fee or reward, and any such person may also take copies of or extracts from the said books during office hours without any payment.

(3) Any officer having charge of the said books refusing to permit such person so to inspect or take copies or extracts from such books shall be liable to a penalty not exceeding five pounds for every such offence.

**192.** (1) All the accounts aforesaid with all vouchers and papers relating thereto shall, in the months of July and January in every year, be submitted to such two or more Treasury inspectors as may from time to time be appointed by the Colonial Secretary for the purpose, and shall be by them examined and audited for the whole of the previous half-year, and if found to be correct the said inspectors shall so certify and sign the said accounts.

Auditing of accounts.  
43 Vic. No. 3, s. 219.  
No. 30, 1900, s. 18.

(2) After such examination and auditing for the second half of every year as aforesaid the city treasurer shall make out in writing and cause to be printed a full abstract of his accounts for the whole year.

Accounts to be published.  
43 Vic. No. 3, s. 220.

(3) A copy of such abstract shall be open to the inspection of all ratepayers of the city and delivered to such as apply for the same on payment of one shilling for each copy, and shall also in the month of February in every year be published in the Gazette and laid upon the table of both Houses of Parliament if then sitting, and if not then sitting within one month after the opening of the ensuing session.

**193.** (1) Whenever any sum borrowed under the provisions of the Act forty-first Victoria number eleven, or of any other Act passed prior to the last-mentioned Act, becomes payable under the terms and provisions of the debenture or agreement on or under which the same was borrowed, the council may borrow the sum required to pay off the same.

Re-borrowing on maturity of loans.  
41 Vic. No. 11, ss. 1, 2, 3, 4.

(2) The council may, at any time and from time to time, as it may become necessary, borrow and re-borrow the amount required to pay off any sum borrowed or re-borrowed under this section.

(3) The council may issue such debentures for securing the payment of the money so borrowed or re-borrowed as it thinks fit.

(4) In no case and at no time shall the aggregate current liability in respect of any fund by any Act authorised to be raised by loan by reason of any borrowings or re-borrowings hereby authorised exceed as to such funds respectively the limits mentioned in and authorised by the Act under the authority of which the fund was in the first instance raised by loan.

**194.** (1) The council may borrow by mortgage debentures or otherwise on the credit of the corporation and on the security of any rates,

Money may be raised on mortgage.  
43 Vic. No. 3, s. 221.

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rates, revenues, or other property, real or personal, belonging to them and not held in trust for any specific purpose, any sum of money not exceeding in the whole the entire revenue of the corporation for five years and not if added to any previous debt exceeding in the aggregate the whole of such revenue for five years next preceding such loan.

(2) No money shall be borrowed on the security of any grant of money or endowment given by the Government towards defraying any expenses of the corporation.

(3) In every mortgage deed the consideration shall be fully stated and the same shall be executed under the common seal of the corporation.

(4) The interest on every mortgage debt, unless otherwise provided by the deed, shall be paid by the city treasurer half-yearly on demand.

Mortgages to be registered.  
43 Vic. No. 3, s. 222.

**195.** (1) A full copy of every such mortgage deed shall, within a week after the execution thereof, be entered in a register to be kept for that purpose by the town clerk with an index thereto.

(2) Such register may be inspected at all reasonable times by any citizen or other person interested in any mortgage therein without fee or reward.

Mortgages may be transferred.  
*Ibid.* s. 223.

**196.** (1) Any mortgagee under such mortgage may, by endorsement or otherwise, transfer the same or his interest therein to any other person, and in every deed or instrument of transfer the consideration for such transfer shall be duly stated.

(2) Every such transfer deed shall within thirty days after the date thereof be produced to the town clerk, and shall for a fee of five shillings be entered at length in the register aforesaid, and shall thereupon entitle the transferee named in such transfer and so registered, his executors, administrators, and assigns to the full benefit of the original mortgage and the principal and interest moneys thereby secured.

(3) This provision shall apply in all respects to any subsequent transfer by any transferee of any such mortgage debt.

## PART XV.

*Resumption of land.*

Resumption of land for municipal purposes.  
No. 30, 1900, s. 26.

**197.** (1) The council may from time to time, in pursuance of the provisions hereinafter mentioned, without further or other authority than this Act, resume any lands (not being land the property of the Crown), which may be required for the opening of new streets or public places, and the widening or enlarging of streets or public places in the city. If portion only of any parcel of land is so resumed,

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resumed, and if the owner of such parcel of land requires the council to resume the remainder thereof along with the other land required for the purposes of this Act, the council shall resume the same accordingly. For the purposes aforesaid, the council shall have power by their officers or servants to enter upon and survey any lands within their jurisdiction.

(2) The council shall cause a notice of the resumption of any land required by them for the purposes of this Act, together with a plan or diagram of the area required, to be served on the owners of such land, and a copy of such plan or diagram shall be deposited with the chief surveyor at the Department of Lands, Sydney. Notice of resumption.

(3) Upon the service of such notice and plan, the land therein described shall for the purposes, and subject to the provisions of this Act, be vested in the council for an absolute estate in fee-simple in possession, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way, or easements whatsoever. Vesting of land.

(4) The owner of any portion of land resumed, or the person who, but for the provisions of this Act, would have been such owner, shall be entitled to receive compensation for the land so resumed, and the amount of such compensation shall be ascertained in accordance with the provisions of the Lands for Public Purposes Acquisition Acts, being the Acts of the forty-fourth Victoria number sixteen, and forty-fifth Victoria number twenty-six. For the purpose of ascertaining and dealing with such compensation, and for other purposes subsidiary thereto, the enactments hereinafter specified are declared to be incorporated with this Act, viz. :— Compensation.

- (a) As to conversion of the estates of owners of lands into a claim to compensation,—Section eleven of the Act forty-fourth Victoria number sixteen.
- (b) As to notice of claim for compensation and abstract of title,—Section twelve of the Act forty-fourth Victoria number sixteen, and First Schedule thereto.
- (c) As to procedure after receipt of notice of claim, and the institution of proceedings in the Supreme Court,—Sections thirteen and fourteen of the Act forty-fourth Victoria number sixteen.
- (d) As to the nature of the issue in actions for compensation, verdict and costs, the payment of compensation, the mode assessing compensation, and the obligation of the party of claiming payment to make out a title,—Section sixteen of the Act forty-fourth Victoria number sixteen, section two of the Act forty-fifth Victoria number twenty-six, and section twenty-four of the Public Works Act of 1888: Provided that the interest mentioned in the said section sixteen shall be

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be at the rate of four per centum per annum from the date of service of the notice of resumption, and that the payments therein mentioned shall be made out of the city fund by drafts signed by the mayor and city treasurer.

- (e) As to procedure on registration or transfer—Section twenty-four of the Act forty-fourth Victoria number sixteen.

And in order to carry out the intention of this section, the words “this Act” whensoever occurring in any of the sections so declared to be incorporated herewith, shall be held to include this present Act, and the words “under the sixth section of this Act” in section twenty-four of the Act forty-fourth Victoria number sixteen shall be held, for the like purpose to refer to the present section of this Act; and there shall be substituted for the words “Minister” and “Crown Solicitor” wherever occurring in the said sections the words “mayor” and “city solicitor” respectively.

Incorporation of provisions of Public Works Act.

(5) The several sections of the Public Works Act of 1888, hereinafter specified, together with the respective powers, authorities, duties, liabilities, obligations, and other the provisions therein contained, are hereby declared to be incorporated with, and embodied in this Act to the intent that the same may be applied as fully and effectually to, and in respect of, the lands resumed under this Act as if the said sections had been specifically enacted herein: Provided that, wheresoever in any section so incorporated the words “Constructing Authority” occur, there shall, for the purposes of this Act, be substituted in lieu of such words, the expression “council;” the expression “authorised work,” wheresoever occurring in any such section shall be held to refer to the work authorised by this Act; and the words “this Act” shall similarly be held to refer to this present Act. The following are the sections of the said Public Works Act so declared to be incorporated herewith—

- (a) As to the deposit of compensation money in certain cases with the Master in Equity, and the application and investment thereof; as to payment of such money in certain cases to trustees, or to the parties themselves, the exoneration of the Constructing Authority in respect thereof after payment, the presumption of ownership, and the payment of costs,—Sections sixty-two to seventy-two, both inclusive.
- (b) As to the procedure by the Constructing Authority in case the owner or occupier of any lands resumed under this Act refuses to give up possession thereof, or hinders the Constructing Authority from entering upon, or taking possession of the same,—Section seventy-seven.
- (c) As to the purchase or redemption of the interests of mortgagees, and the deposit of principal and interest due on mortgages with the Master in Equity, the procedure to be observed

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observed when the mortgaged lands are of less value than the mortgage debt, and where part only of lands in mortgage is taken,—Sections eighty-one to eighty-six, both inclusive.

(d) As to the release of lands from rent charges and other encumbrances, and the procedure thereon,—Sections eighty-seven to ninety, both inclusive.

(e) As to the apportionment of rent where lands so resumed are taken under lease, and as to compensation to tenants,—Sections ninety-one to ninety-four, both inclusive.

**198.** In addition to the power of resuming land conferred by the last preceding section the council may purchase from any person who may be willing to sell the same in fee-simple, or for any less estate or interest, any land which the council may require for any of the purposes in that section mentioned. Power to purchase lands.  
No. 30, 1900, s. 27.

**199.** The council may contract for and sell or lease for such considerations as they may deem reasonable, and by any deed under their corporate seal may convey to the purchasers or lessees thereof, any superfluous lands or any estate or interest of the council in such lands, or any part thereof, in such manner as they may deem most advantageous; and such contracts, sales, leases, and conveyances from the council shall be valid and effectual to all intents and purposes; and the money produced by all such sales or leases shall be carried to and form part of the city fund. Sale or lease of superfluous lands.  
*Ibid.* s. 28.

PART XVI.

*By-laws.*

**200.** (1) The council may make by-laws for or relating to the following matters and subjects so far as the same are not expressly provided for in this Act— By-laws.  
43 Vic. No. 3, ss. 128, 170, 216, 224.  
18 Vic. No. 33, s. 5.  
57 Vic. No. 21, s. 27.

- (a) The regulation of their own proceedings and the duties and salaries of their officers and servants;
- (b) the mode of holding, regulating, and determining the validity of elections;
- (c) the collection of all rates;
- (d) the preparation of the rolls, and in particular for collecting by means of house to house visitation or otherwise the names of all persons entitled to be enrolled on the citizens' rolls under this Act;
- (e) the suppression of all nuisances and of houses of ill-fame and disorderly houses;
- (f) the promotion of public health and public decency;
- (g) the keeping of all premises in the city free from offensive or unwholesome matter;

(h)



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- (h) the regulation of traffic of all kinds in the city also for regulating porters and barrow-men ;
- (i) the regulation of the pace at which all horses shall be ridden and vehicles driven in the city ;
- (j) the regulation of hawking of all goods in the city ;
- (k) the granting of hawking licenses, the fees payable in respect thereof, and the period and conditions for and under which such licenses shall be in force ;
- (l) the appointment of places for the inspection and wholesale disposal of fish not being preserved or salted ;
- (m) the opening, maintaining, and regulating public ways and the use and traffic of and in the same ;
- (n) the inspection and prevention of the sale of unwholesome or adulterated food ;
- (o) the sale and mode of delivery of butchers' meat by carcass or otherwise, and the disposal and removal of any blood, offal, or other refuse ;
- (p) the conditions upon which licenses for the removal of night-soil, filth, or refuse may be granted and the revocation of such licenses and otherwise in respect thereof ;
- (q) the regulation or suppression of any trade causing a nuisance, or which is in any way offensive or noisome ;
- (r) the consumption by factory chimneys of their own smoke ;
- (s) the form and mode of service of all notices and process, and the form of mortgages and other instruments ;
- (t) the construction of communicating drains with main sewers ;
- (u) the regulation of the markets and cattle sale-yards, and the amount of tolls and fees on produce and cattle brought thereto, the sale of all articles and cattle therein, the rents or tolls for the occupation of stalls or standing-places therein, and of tolls for the sale of cattle therein, or for weighing articles at any weigh-bridge, and the effectual collection of all such tolls, rents, and fees ;
- (v) the regulation of the use by the public of all public parks, gardens, shrubberies, markets, and places which are the property of or have been, or shall hereafter be granted or dedicated to the council, and the removal of trespassers and other persons causing annoyance or inconvenience thereon ;
- (w) the regulation of the manner and times of driving cattle along the public ways of the city ;
- (x) the regulation of bathing and the observances of decency therein, and the setting apart places for bathing for the sole use of either sex respectively, and for requiring persons bathing to wear appropriate clothing ;
- (y) the erection and use of baths or bathing houses or machines, and charging license and other fees for the same ;

(z)

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(z) the prevention of the erection of any tent, pavilion, booth, shed, or other structure of calico, canvas, or other inflammable material without the consent of the council;

(aa) and generally for carrying out the provisions of this Act and for enforcing and securing the observance thereof.

(2) The council may by any such by-laws fix the maximum penalty for every offence against such by-laws or any of them not exceeding the penalty (if any) already lawfully fixed for the same offence, and in any other case not exceeding ten pounds. Penalties under by-laws.

(3) This power to make by-laws shall not be deemed to include a power to make by-laws upon the matters mentioned in subsection (e), (g), and (q), so far as such subsections include or refer to the carrying on of any noxious trade within the meaning of the Act fifty-seventh Victoria number twenty-one.

**201.** (1) All by-laws made by the council under the provision of subsection (v) of the last preceding section, when they have been approved by the Governor and when they have been posted in the park or other place to which they relate, and published in the Gazette for at least one week, shall have the force of law. Force and evidence of by-laws. cf. 48 Vic. No. 22. 43 Vic. No. 3, ss. 128, 225.

(2) All other by-laws made by the council under the authority of this Act, when approved by the Governor and published in the Gazette, shall have the force of law.

(3) In all proceedings in any court, the production of the Gazette containing any such by-law shall be prima facie evidence of such by-law, and that all the provisions of this Act relating to the making and confirmation of such by-law have been duly complied with, and that such by-law is in full force and effect.

(4) If any person disputes the validity of any such by-law, the onus of proving the invalidity of the same shall be upon such person.

## PART XVII.

*Miscellaneous provisions and procedure.*

**202.** (1) The council shall set up and maintain at the expense of the city permanent and conspicuous boundary-marks of some durable material, in accordance, as near as possible, with the boundaries of the city and the several wards, and in the most public and convenient places along or near the line of such boundaries. Boundary-marks of city and wards. 43 Vic. No. 3, s. 227.

(2) Any person wilfully or maliciously destroying, injuring, or concealing any such boundary-mark shall for every such offence be liable to pay the value of such boundary-mark, and also to a penalty not exceeding five pounds, recoverable in a summary way before any justice.

203.

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Council may contract  
for works.

43 Vic. No. 3, s. 228.

**203.** The council may enter into any contract or agreement with any person to execute any works or for furnishing materials or other things required for the city and authorised by this Act to be executed or obtained by the council.

Owner to bear  
expense of work  
ordered in absence of  
covenant by tenant.

*Ibid.* s. 229.

**204.** (1) The owner of any premises shall in all cases be primarily liable to pay the amount of any expense incurred by the council in carrying out any work required by the council to be done on or in respect to any such premises under the provisions of this Act, except so far as any tenant has by any express agreement in that behalf rendered himself liable to pay the same.

(2) If any tenant, not being so liable, is compelled to pay or has his goods levied on to pay such amount, he shall, in the absence of any such express agreement, be entitled to deduct the same from any rent then or to grow due, or he may sue his landlord after making a demand for recovery of the amount.

Council may appoint  
officers to do acts.

*Ibid.* s. 230.

**205.** The council may delegate to any of their officers the performance of any duties and any authority by this Act imposed upon and given to any specified officer, and may authorise any officer to do and perform any matter or thing by this Act authorised to be done and performed by the council.

City may hold, and  
council administer,  
charity property.

*Ibid.* s. 231.

**206.** (1) The corporation may accept and hold any real or personal estate conveyed, assigned, devised or bequeathed to them or to the council in trust for any charitable or public purpose.

(2) The council shall have full power to act for and on behalf of the corporation in the administration of such estates for the purposes and according to the trusts for which the same may have been conveyed, devised, assigned, or bequeathed.

Power to remedy  
defects from  
irregularity in  
making rates, &c.

*Ibid.* s. 232.

**207.** If for any reason whatsoever any rate is not made within or by the time at which the same ought under this Act to be made, or if by reason of any irregularity in any assessment or making or levying of any rate any such rate may be or be considered to be illegal or not enforceable, or any doubt may arise as to the validity of any such rate, the Governor may extend the time for the making of any such assessment or rate and the levy of the same (as well after as before the expiration of the time within or by which such assessment or rate ought to be made or levied), and to authorise the doing by the council of such acts as may be necessary to cure any such irregularity and to make valid any such assessment and rate.

Penalty on civic  
officer for neglect.

*Ibid.* s. 233.

**208.** If any civic officer or servant of the council neglect or refuse to do anything directed or required to be done by him by this Act or by any by-law in force for the time being, such civic officer shall, for every such offence, be liable to a penalty not exceeding fifty pounds, and such servant shall, for every such offence, be liable to a penalty not exceeding five pounds.

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**209.** Save as is hereinbefore otherwise directed, all penalties imposed by this Act, or by any by-law made under its authority, and all sums of money and costs made payable under this Act or any such by-law, may be recovered before any two justices in a summary manner according to the provisions of the Act or Acts relating to proceedings before justices, and shall, when recovered, be paid over to the city fund.

All penalties, &c., to be paid to the city fund for purposes of this Act.  
43 Vic. No. 3, s. 235.

**210.** All complaints or other legal proceedings for the breach of this Act, or of any by-laws made under its authority, may, unless hereinbefore otherwise provided, be laid and taken by the inspector of nuisances, or any other officer appointed by the council in that behalf, against any person for non-compliance with, or any breach of this Act.

All legal proceedings may be taken in the name of the inspector of nuisances and other officers.  
*Ibid.* s. 236.

**211.** In addition to the mode of enforcing payment of any sum due and recoverable in respect of any rate, or of any part thereof, and any other amount otherwise payable by any person under the provisions of this Act by the means hereinbefore mentioned, the council may recover any such sum by action or suit against any person liable under the provisions of this Act to pay such sum, and may in any such proceeding recover the arrears of any rates not exceeding three years' arrears.

Recovery of rates by suit.  
*Ibid.* s. 238.

**212.** No person shall be made liable to any incapacity, disability, forfeiture, or penalty under this Act unless the action or prosecution be commenced within one month after such incapacity, disability, forfeiture, or penalty has been incurred.

Limit of time for actions for forfeiture.  
*Ibid.* s. 239.

**213.** (1) For the purpose of maintaining and regulating the use of, and preventing any obstruction or nuisance in any public way, and also for securing and promoting the health of the inhabitants of the city, and preventing any nuisance therein, the council, their officers, and servants shall have power to enforce any provision in that behalf contained in the Police Offences Act, 1901.

Council and officers to have powers contained in Police Offences Act, 1901.  
*Ibid.* s. 240.

(2) Nothing in any such Act contained shall be construed to impair or abridge any power contained in this Act of framing by-laws.

**214.** Every person who wilfully obstructs, hinders, or molests any officer, servant, or other person lawfully employed by, or acting under the authority of the council in the execution of any duty, or the exercise of any power under this Act or the Police Offences Act, 1901, or any by-law to be made hereunder shall be liable to a penalty not exceeding ten pounds.

Obstructing or molesting officers liable to a penalty.  
*Ibid.* s. 241.

**215.** (1) In any case where by this Act it is declared that any person shall be entitled to compensation for any loss or injury sustained by him, and in the case of any difference or dispute on any subject matter of this Act between any parties whomsoever if such parties agree to submit the same to arbitration, and in every case where

Arbitration of disputes.  
*Ibid.* s. 242.

*Sydney Corporation.*

any matter is required by this Act to be made the subject of a reference to arbitrators or is directed to be settled by arbitration, such agreement and such arbitration shall be held to be under and shall proceed in every respect according to the provisions of the Arbitration Act, 1902.

(2) Where such parties are unable to agree to any submission to arbitration, or are unable to agree to any sum to be paid by way of compensation, then the amount to be paid as compensation shall be determined in the Supreme Court by an action to recover such compensation to be brought by the claimant against the council, or upon an issue agreed upon by the claimant and council respectively, with power to the council to plead in bar of the action any tender which they may have made to such claimant on paying into Court the amount so tendered, or to pay into Court such sum of money as the council thinks fit, and to plead such payment in bar.

(3) The party succeeding in such action or upon such issue as aforesaid shall be entitled to costs to be awarded and recovered according to the practice of the Court.

Service of notice.

43 Vic. No. 3, ss. 237, 243.

**216.** (1) Where any notice is required to be given or served under this Act the same unless otherwise provided herein may be served either—

- (a) personally; or
- (b) by delivering or leaving the same at or on the premises at which the person to whom the notice is addressed lives or carries on his business; or
- (c) by being posted at any post office addressed to the last known place of abode or business of such person; or
- (d) by being posted on any conspicuous part of the premises in respect of which or of anything in connection therewith such notice is addressed to any such person.

(2) In all proceedings in which the council is a party, service on the town clerk of any legal process shall be taken to be good service on the council.

(3) Any notice, summons, order, or other legal document may be served personally upon any owner or tenant of premises, or may be delivered to any person, being apparently above the age of fourteen years, resident on the premises.

Provision in case of holidays.

*Ibid.* s. 245.

**217.** Whenever any matter or thing shall by this Act be directed to be performed on a certain day, and that day happens to be Sunday or a public holiday, the said matter or thing shall be performed on the next succeeding day.

*Sydney Corporation.*

SCHEDULES.

FIRST SCHEDULE.

Number of Act.	Name of Act.	Extent of repeal.
4 Wm. IV No. 7	Police (Sydney) Act... ..	Section 35.
19 Vic. No. 23 ...	An Act to amend certain Acts relating to the powers and duties of the Commissioners for the city of Sydney.	The whole unrepealed portion.
41 Vic. No. 11 ...	An Act to authorise the Corporation of Sydney to re-borrow certain moneys.	The whole.
43 Vic. No. 3 ...	Sydney Corporation Act of 1879 ... ..	The whole unrepealed portion.
43 Vic. No. 27 ...	Sydney Corporation Act Amending Act ...	The whole.
44 Vic. No. 10 ...	Municipal Cattle Sale Yards Site Acquisition Act ...	Section 3.
45 Vic. No. 18 ...	Additional Loan for erection of Sale Yards	Section 5.
45 Vic. No. 20 ...	Sydney Corporation Act Amending Act ...	The whole.
46 Vic. No. 20 ...	Sydney Corporation Act Amending Act ...	The whole.
48 Vic. No. 5 ...	Sydney Corporation Act Amending Act ...	The whole.
55 Vic. No. 22 ...	Sydney Paving Act ... ..	The whole.
56 Vic. No. 20 ...	City of Sydney Lanes Act ... ..	The whole.
No. 30, of 1900 ...	Sydney Corporation (Amending) Act, 1900	The whole.
No. 41, 1900 ...	Sydney Corporation (Further Amending) Act, 1900	The whole.
No. 58, 1900 ...	Boundary-street Act, 1900 ... ..	Sections 3-7 inclusive, and Schedule Two.

SECOND SCHEDULE.

Section 7.

*Boundaries of the city.*

Commencing in the centre of Parramatta-street, at its junction with Bay-street; thence on the west by a straight line along the centre of Bay-street and its prolongation to the eastern shore of Blackwattle Cove; thence again on the west and on the north-west, north-north east, and east by the waters of Port Jackson to the centre of the bridge at the foot of William-street east; thence on the east by the stream entering Rushcutter's Bay to a culvert on the South Head Old Road at the north-west corner of Sydney Common; thence again on the east by the centre of Dowling-street to a point where it intersects the southern boundary of the borough of Paddington; thence on the north by that boundary to its intersection with the centre of Regent-street; thence by the centre of Leinster-street to the centre of Gordon-street; thence by the centre of that street to the north side of Park-road; thence by the north side of that road to the south-eastern angle of St. Matthias's Church land; thence by the south-eastern and eastern boundaries of that land to the southern alignment of the South Head Old Road; thence by the southern alignment of that road easterly to its intersection with the line laid down marked out by stone posts and deemed to be the dividing line between the Sydney Common and the Water Reserve; thence again on the east by the said dividing-line to its intersection with the southern boundary of the Sydney Common; thence by that boundary to the south-west angle of the said Common; thence in a northerly direction by the western boundary of the said common to its intersection with the centre of Cleveland-street; thence by the centre of that street and a prolongation thereof to a landmark on the road to Cook's River; thence on the west by the eastern side of that road to the north-eastern angle of the University Reserve; thence by a straight line from that angle to the point of commencement in the centre of Parramatta-street, opposite the centre of Bay-street.

THIRD

Act No. 35, 1902.

*Sydney Corporation.*

Section 10.

THIRD SCHEDULE.

*Declaration by collector.*

I, \_\_\_\_\_, do hereby solemnly declare that having accepted the employment of a collector for the \_\_\_\_\_ ward of the city of Sydney, I will faithfully perform the duties of that employment to the best of my knowledge and ability, according to the provisions of the Sydney Corporation Act, 1902, and I will not insert in any list the name of any person whom I shall know or believe not to be entitled by the said Act to have his name entered on the roll for such ward; nor will I omit from any such list the name of any person whom I shall know or believe to be so entitled.

Declared before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Justice of the Peace.

Section 12.

FOURTH SCHEDULE.

WARD.

*List of citizens for the year*

Number in rate-book.	Number.	Christian and surname and residence.	Nature of qualification.

Section 13.

FIFTH SCHEDULE.

*Notice of claim.*

To the chamber magistrate of the Central Police Court—

THIS is to give notice that [state Christian name and surname in full] of [state residence and occupation], claims to have his name inserted in the citizen's roll for the ward of the city of Sydney.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*(Signature of claimant, or where claim is made by any person on behalf of a claimant, signature of that person, with his residence and occupation, and with a statement that he makes the claim on behalf of the claimant.)*

Section 13.

SIXTH SCHEDULE.

*Notice of objection.*

To the chamber magistrate of the Central Police Court,—

I HEREBY object to the name of \_\_\_\_\_, described as \_\_\_\_\_ upon the list for the \_\_\_\_\_ ward of the city of Sydney being retained on such list.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*(Signature with residence and occupation.)*

*Sydney Corporation.*

SEVENTH SCHEDULE.

Section 23.

*Scrutineer's declaration.*

I, A.B., appointed on behalf of C.D., one of the persons nominated for election this day as alderman for \_\_\_\_\_ ward, to be a scrutineer at such election, do hereby solemnly declare that I will faithfully assist as such scrutineer, and will not attempt to ascertain for whom any elector shall vote, nor by any word or action, directly or indirectly, aid in discovering the same, unless in answer to any question which I am legally bound to answer, or in compliance with the provisions of the Sydney Corporation Act, 1902.

EIGHTH SCHEDULE.

Sections 31, 34.

*Ballot-paper.*

ELECTION of an alderman (or two aldermen) on the \_\_\_\_\_ day of \_\_\_\_\_, 19

*List of candidates for election.*

For \_\_\_\_\_ Ward of the City of Sydney.  
Names. \_\_\_\_\_ Addresses.

NINTH SCHEDULE.

Section 40.

*Voter's declaration.*

Voter's number \_\_\_\_\_

I, A.B., do solemnly declare that I am the person named in the roll now in force for the \_\_\_\_\_ ward of the city of Sydney, my name being numbered therein as in the margin hereto; that I have not already voted in this ward at this election; and that I have still the qualification mentioned in the said roll.

Made and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ A.B.  
C.D. Presiding Officer.

TENTH SCHEDULE.

Section 143.

*Scale of maximum rates of market fees and charges.*

Market fees.

	s.	d.
For every horse, mare, foal, mule, or gelding received into the yards for sale ...	1	0
For every head of cattle so received ...	0	6
For every sheep, lamb, pig, or goat so received ...	0	1

Charges for use of yards after the sale day for any portion of twelve hours.

For every head of cattle and every horse, mare, foal, mule, or gelding ...	0	1
For every twenty sheep or lambs, pigs, or goats, or portion of twenty of such animals ...	0	1

The above charges for the use of yards are not to be exacted for stock paying market fees if such stock are not yarded until after 2 p.m. of the day preceding the day on which they are offered for sale and are removed before 8 a.m. of the day following such sale day.

ELEVENTH



Act No. 35, 1902.

*Sydney Corporation.*

Section 110.

ELEVENTH SCHEDULE.

*Form of assessment book.*

An assessment of the gross and net annual value of all premises liable to be rated in ward in the city of Sydney.

No.	Situation.	Name of person rated.	Name of owner or landlord of premises rated.	Description of premises.	Gross annual value in pounds.	Net value fixed by valuers.	Net value fixed by city council or District Court.

(Signed) { A.B. } Valuers.  
{ C.D. }

Section 112.

TWELFTH SCHEDULE.

*Form of notice of assessment.*

City of Sydney.

No.

To

Ward

NOTICE is hereby given that by virtue of the Sydney Corporation Act, 1902, the council of the city of Sydney have ordered and directed you to be assessed in respect of the undermentioned premises at the sum hereunder set forth:—

Person rated.	Premises assessed.	Net value of premises clear of outgoings.
		£

Notice is also hereby given that if you are dissatisfied with the above assessment you may appeal against the same to the Metropolitan District Court [at a sitting to be holden for the purpose of such appeals] according to the provisions contained in sections of the abovenamed Act.

Dated at the Town Hall, Sydney, this                      day of                      , 19 .

Town Clerk.

Date of service                      , 19 .

THIRTEENTH

# Act No. 35, 1902.

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## *Sydney Corporation.*

### THIRTEENTH SCHEDULE.

Section 121.

*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.
					Amount in the £.	Amount.	
						£ s. d.	

### FOURTEENTH SCHEDULE.

Section 123.

City rate No. \_\_\_\_\_ Amount assessed not exceeding £ \_\_\_\_\_ Ward, \_\_\_\_\_

Received on the \_\_\_\_\_, 19\_\_\_\_, from \_\_\_\_\_ the sum of \_\_\_\_\_  
 being the amount of the half-yearly city rate to the \_\_\_\_\_ 19\_\_\_\_, on premises of \_\_\_\_\_  
 corresponding number with the above in the city rate books. £ \_\_\_\_\_

City Treasurer.

### FIFTEENTH SCHEDULE.

Section 125.

*Form of notice of rates.*

City of Sydney.

No. \_\_\_\_\_ Ward. \_\_\_\_\_

To \_\_\_\_\_

NOTICE is hereby given that, by virtue of the Sydney Corporation Act, 1902, the council of the city of Sydney have ordered and directed you to be assessed and rated in respect of the undermentioned premises at the sums and for the purposes hereunder set forth:—

Person rated.	Premises assessed.	Net value clear of outgoings.	Nature of rates.	In the £.	Amount of rates.
			City rate half-year ending or other rate half-year ending as the case may be.	£	

### SIXTEENTH SCHEDULE.

Section 125.

*Table of costs.*

	s.	d.
For every warrant of distress ... ..	2	0
For every levy ... ..	1	0
For man in possession, one shilling per hour for the first three hours; and if longer detained, six shilling per day or part of a day.		
For inventory sale, commission and delivery of goods, not exceeding one shilling in the pound on the net proceeds of the sale.		

SEVENTEENTH

Act No. 35, 1902.

*Sydney Corporation.*

Section 123.

SEVENTEENTH SCHEDULE.

*Warrant of distress against any number of tenants actually rated or the occupants.*

To \_\_\_\_\_ and his assistants.

WHEREAS the several persons, whose names appear in the Schedule hereunder written, have been rated by the council of the corporation of Sydney in respect to the premises named in the said Schedule at the sums and for the rates set down opposite to their respective names. And whereas the said several sums were and still are due and payable on account of such rates, and default has been made in the payment thereof respectively to the city treasurer, although demand has been made according to law. These are, therefore, to authorise you forthwith to make distress of the several goods and chattels in the first place of the person or persons named in the said Schedule, if he, she, or they be then resident in the said premises, and have any goods and chattels there, and in case of a change of possession, then upon the goods and chattels of any person or persons who shall then be the occupier or occupiers in possession of the said premises so named in the said Schedule at the time of the execution of this warrant, and if within the space of three days next after the making of either of such distresses respectively the said several sums of money set opposite to their respective names at which the person or persons was or were so rated as aforesaid, and the said several sums for costs also set opposite to their respective names, including your lawful charges for levy, inventory, sale, commission and delivery of goods in each case, shall not be paid, that then you do sell the said goods and chattels of the person or persons so by you distrained, and out of the money arising by such sales respectively, you retain the respective sums so due and owing for the premises in the said Schedule mentioned and occupied by the party or parties whose goods you shall have sold, rendering to him, her, or them the overplus after deducting the charges of taking, keeping, and selling the said distress, and that you certify to me on or before the \_\_\_\_\_ day of \_\_\_\_\_, what you shall have done by virtue of this warrant.

SCHEDULE.

No. in rate book.	Names of ratepayers.	Description of property.	Situation of property.	What rates.	Costs.	Total.

Given under my hand and the common seal of the corporation of Sydney at the Town Hall this \_\_\_\_\_ day \_\_\_\_\_, A.D. 19\_\_\_\_ Mayor. (L.S.)

Sections 7, 83.

EIGHTEENTH SCHEDULE.

All that piece or parcel of land in the city of Sydney and municipality of Paddington, parish of Alexandria, and county of Cumberland, and being part of the land resumed for sewerage purposes on Barcom Glen Estate: Commencing at a point on the south-western building-line of Liverpool-street, distant  $211\frac{5}{100}$  links south-easterly from Great Barcom street; and bounded on the north-east by the south-western building-line of Liverpool-street bearing south 39 degrees 37 $\frac{1}{4}$  minutes east  $3\frac{2}{100}$  links; on the south-east and south by lines bearing south 30 degrees 46 $\frac{3}{4}$  minutes west  $581\frac{4}{100}$  links, south 51 degrees 23 $\frac{3}{4}$  minutes west  $657\frac{5}{100}$  links, south 58 degrees 19 $\frac{1}{4}$  minutes west  $224\frac{7}{100}$  links, north 89 degrees 6 $\frac{3}{4}$  minutes west  $490\frac{6}{100}$  links, and north 69 degrees 48 minutes west  $162\frac{4}{100}$  links respectively to Great Barcom street; on the north-west by that

*Cattle Slaughtering and Diseased Anima's and Meat.*

that street bearing north 68 degrees 14½ minutes east 4 1/100 links; and on the north and north-west by lines bearing south 69 degrees 48 minutes east 158 1/100 links, south 89 degrees 6¾ minutes east 489 1/100 links, north 58 degrees 19¼ minutes east 223 1/100 links, north 51 degrees 23¾ minutes east 656 1/100 links, and north 30 degrees 46¾ minutes east 582 links, to the point of commencement,—and excluding therefrom portions of West-street and Campbell-street, and containing an area of 9½ perches or thereabouts, exclusive of streets.

## NINETEENTH SCHEDULE.

Sections 7, 83.

All that piece or parcel of land in the city of Sydney and municipality of Paddington, parish of Alexandria and county of Cumberland, and being part of the land resumed for sewerage purposes on Barcom Glen Estate: Commencing at a point on the south-western building-line of Liverpool-street, distant 102½ links south-easterly from Great Barcom street; and bounded on the north-east by the south-western building-line of Liverpool-street bearing south 39 degrees 37¼ minutes east 109 1/100 links; on the south-east and south by lines bearing south 30 degrees 46¾ minutes west 582 links, south 51 degrees 23¾ minutes west 656 1/100 links, south 58 degrees 19¼ minutes west 223 1/100 links, north 89 degrees 6¾ minutes west 489 1/100 links, and north 69 degrees 48 minutes west 158 1/100 links respectively to Great Barcom street; on the north-west by that street bearing north 68 degrees 14½ minutes east 154 1/100 links; and on the north and north-west by lines bearing south 69 degrees 48 minutes east 26 1/100 links, south 89 degrees 6¾ minutes east 441 1/100 links, north 58 degrees 19¼ minutes east 187 1/100 links, north 51 degrees 23¾ minutes east 631 1/100 links, and north 30 degrees 46¾ minutes east 599 1/100 links respectively, to the point of commencement,—excluding therefrom portions of West-street, Ice-street, Campbell-street, and a lane leading to Great Barcom street, and containing an area of 1 acre 3 roods 17 perches or thereabouts, exclusive of streets and lane.