



1847.

No. 12.

*ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.*

*To amend and continue an Ordinance No. 15 of 1846, authorising the Levying of an Assessment in aid of the Expense of Repairing the Streets within the City of Adelaide.*

[24th August, 1847.]

*Amended by  
No 13-1849*

**W**HEREAS an Ordinance was passed on the Thirtieth day of September, One thousand eight hundred and forty-six, "To authorise the Levying of an Assessment in aid of the Expense of Repairing the Streets within the City of Adelaide:" AND WHEREAS it is expedient to amend and continue the Provisions of the said recited Ordinance:

Preamble:  
1846, No. 15.

BE IT THEREFORE ENACTED by the GOVERNOR of SOUTH AUSTRALIA, with the advice and consent of the LEGISLATIVE COUNCIL thereof: THAT from and after the passing hereof, the Proviso in the said Ordinance contained, that no City Rates shall in any One year exceed the rate of Sixpence in the Pound on the nett annual value of the Property rated thereto, and every Clause and Provision in the said Ordinance

Repeal of proviso limiting amount of assessment to 6d. per pound.

Ordinance contained limiting the amount of Rates to be assessed to the said maximum amount, shall be and the same are hereby repealed.

City rates may be raised to the amount of 1s. per pound.

II. AND BE IT ENACTED, that under and subject to the Powers and Provisions of the said Ordinance, it shall be lawful to levy and raise, in manner therein mentioned, and within the limits to which the same shall apply, City Rates to any amount not exceeding, in any One year, the rate of One Shilling in the Pound on the nett annual value of the Property rated thereto: NOTWITHSTANDING that the period of Occupancy in respect of which such increased rate be made shall have been partly expired at the time of the passing hereof: PROVIDED no Assessment in respect of such period shall have been actually published or returned to and allowed by the Magistrate.

What persons primarily liable to rates.

III. AND BE IT ENACTED, that except, as herein provided, the Person primarily liable to the payment of Rates, under the said recited Ordinance, in respect of any House or other Property assessed, shall be the Occupier thereof, or Person in possession at the time when such Rates shall be demanded, or (in case of a change in such possession in the meantime) the Person occupying the Premises when the Warrant of Distress shall be executed; and in case the Premises shall be vacant for a period less than Six months, and there shall not be sufficient distress found therein, then the Proprietor or Landlord shall be liable: PROVIDED, that in all cases where any Tenant shall be called on to pay, and shall accordingly pay either a greater amount of Assessment than he shall in fact owe for Rent, or an amount of Assessment extending over any period of time during which he shall not have been in possession as Tenant, he shall be entitled either to deduct the amount of excess so paid from the accruing of future Rent, or to recover the same (after demand) by an action as for money paid in an ordinary case in any Court of competent jurisdiction.

Proviso.

Power to rate owners of certain houses instead of the occupiers.

IV. AND BE IT ENACTED, that the owners of all Houses, Apartments, or Dwellings within such limits as aforesaid, being the immediate Lessors of the actual Occupiers, which shall respectively be let to the Occupiers thereof at any Rent or Rate not exceeding Twenty pounds by the year, for any less term than One year; or on any agreement by which the Rent shall be reserved or made payable at any shorter period than Three months, shall be assessed to the Rates aforesaid for or in respect of such Houses, Apartments, or Dwellings, and the Out-houses and Curtilages thereof, instead of the actual Occupiers; and upon non-payment of the sums so to be assessed, the same shall and may be levied upon, and the payment thereof be enforced against, such Owners and Lessors so to be assessed;

assessed; and their Goods and Chattels, in like manner as Rates against the Tenant or Occupier, may by law be levied and recovered.

V. AND BE IT ENACTED, that after the second demand of payment of any Rates or Arrears thereof shall have been made in manner directed by the said Ordinance; in case such Payment shall be refused, or remain uncomplished with for Four days, it shall be lawful for the Collector appointed to receive such Rates, and his Assistants, to enter and distrain for the same according to the Provisions of the said Ordinance, without any further warrant or authority than the Warrant delivered to him at the time of his appointment, which Warrant shall be according to the form in the Schedule hereto annexed.

Collectors may distrain without warrant.

VI. PROVIDED HOWEVER, AND BE IT ENACTED, that nothing in this or the recited Ordinance contained shall empower the Commissioner of Police and Police Magistrate to levy any Rate whatever on any Lands or Buildings the property of Her Majesty, and used for a public purpose, within the said limits; nor on any Building hired by the Government for any public purpose; nor on any Hospital, Benevolent Asylum, or Building used exclusively for charitable purposes; nor on any Church or Chapel, or other Building used exclusively for Public Worship; nor on any Building used as a School, provided it be inhabited only by the Master or Mistress of the School, or his or her Family, and the School be one receiving aid from the Government, or otherwise of a public character.

Buildings the property of Her Majesty, or used for public purposes, church, chapel, or public school, exempt from rate.

VII. AND BE IT ENACTED, that it shall be lawful for the Governor to authorise the issue, from time to time, to every Collector appointed as aforesaid, of a Salary at the rate of Five pounds for every Hundred pounds of Rates collected by him.

Collector's Salary.

VIII. AND BE IT ENACTED, that no Collector or other Officer acting in the execution of the aforesaid Ordinance, although paid out of the Rates collected by him, or by a proportion thereof, shall, by reason thereof, be deemed to be an incompetent Witness before any Court or Justice of the Peace, in any proceedings whatever, for any offence against the said Ordinance, or in any matter relating to such Rates, or in any other matter mentioned in the said Ordinance.

Collectors and other paid officers may give evidence in proceedings.

IX. PROVIDED ALWAYS, AND BE IT ENACTED, that no Assessment, Warrant, or other proceedings, which shall be made or shall purport to be made, by virtue or in pursuance, or in execution of this or the recited Ordinance, shall be quashed, or deemed to be void or voidable for Want of Form, or be impeached or affected by reason of any Mistake, Defect, or Omission therein, provided the person or property charged

Proceedings not to be void for want of form, or affected by any mistake, &c., therein.

or

or intended to be charged or affected by any such proceeding be designated therein to common intent and understanding, and such proceeding be in substance and effect in conformity with or according to the intent and meaning of the said Ordinances.

**Construction clause.**

X. AND BE IT ENACTED, that this Ordinance shall be construed together with the said Ordinance as one Act; and the same, together with the recited Ordinance, shall continue in operation until the Thirtieth day of September, One thousand eight hundred and forty-nine, anything in the said Ordinance to the contrary notwithstanding.

**FREDK. H. ROBE,**  
Lieutenant Governor.

*Passed the Legislative Council this Twenty-fourth day of August, One thousand eight hundred and forty-seven.*

**W. L. O'HALLORAN,**  
Clerk of Council.

**SCHEDULE**