

*Assessment on Stock.***No. XXVI.**

An Act to authorize the Levy of an Assessment  
upon Sheep and Cattle depastured upon  
Crown Lands beyond the Settled Districts.  
[13th November, 1855.]

ASSESSMENT ON  
STOCK.

**W**HEREAS under the authority of the Act of the Imperial Par-  
liament ninth and tenth Victoria cap. one hundred and four  
Her Majesty the Queen by an Order in Council made on the ninth day  
of March in the year one thousand eight hundred and forty-seven was  
pleased to make provision for the granting of leases of runs of land  
within the Unsettled and Intermediate Districts for pastoral purposes  
according to certain regulations in the said Order contained as to the  
scale of rents to be payable for the occupation of such runs and it was  
by the said Order in Council declared and ordered that the rents to  
be paid according to the said scale were to be reserved exclusively of  
any then existing assessment of taxes or rates on sheep and cattle  
and were to be paid without abatement on account of the then exist-  
ing or any future assessment of taxes or rates on sheep and cattle  
and were in no way to interfere with the right of the Colonial Legis-  
lature to impose from time to time such assessments as might be  
deemed advisable And whereas it is deemed advisable to impose upon  
the said occupants of land beyond the Settled Districts such assessment  
in respect to their sheep and cattle as hereinafter mentioned Be it  
therefore enacted by His Excellency the Governor of New South Wales  
with the advice and consent of the Legislative Council thereof as  
follows:—

Preamble.

1. In each and every year there shall be levied and paid upon  
and in respect of the stock of every person pasturing or keeping the  
same upon any lands situate beyond the Settled Districts of the said  
Colony as the same now are or hereafter may be defined the assessment  
following that is to say—for every sheep the sum of one halfpenny for  
every head of cattle including horses the sum of three-pence which  
assessments respectively shall be paid by the person assessed before  
the first day of May in each year at the office of the Colonial Treasurer  
in Sydney or to such other officer or officers or at such other place or  
places as shall be appointed in that behalf by the Governor for the  
time being.

Yearly assessment  
on stock.

2. Every person pasturing or keeping stock as aforesaid shall  
make or cause to be made to the Commissioner of the district wherein  
the said stock is pastured a return on the first day of January or  
within fourteen days thereafter in each and every year according to  
the form contained in the Schedule hereunto annexed marked A of all  
sheep cattle and horses kept and pastured by him as aforesaid and if  
any such person shall fail or neglect to make or cause to be made such  
return at the time so appointed or shall omit to deposit the same with  
the said Commissioner in manner hereby required he shall on convic-  
tion before any two or more Justices of the Peace forfeit and pay for  
every such offence a sum not less than forty shillings nor exceeding  
fifty pounds.

Persons pasturing  
stock to make returns  
to Commissioner.

Penalty for neglect.

3. The person making such return as aforesaid shall verify the  
same by a declaration in the form or to the effect prescribed in the  
said Schedule (which declaration any Justice of the Peace is hereby  
empowered to administer) that the several matters and things contained  
in such return are true to the best of his knowledge and belief and if  
any person shall wilfully make therein any false statement as to any  
material

Returns to be verified  
by declaration.

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material particular he shall be deemed guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to fine and imprisonment or either.

Commissioner to  
make annual return  
to Colonial Treas-  
urer

4. The several Commissioners shall at the beginning of February in each and every year make an assessment on the stock pastured within their respective districts and shall on or before the fifteenth day of February then next ensuing make a return thereof to the said Colonial Treasurer or other person appointed as aforesaid in the form and containing the several particulars set forth in the Schedule to this Act annexed marked with the letter B according to which return the assessment hereinbefore mentioned shall upon notice as hereinafter provided be due and payable as aforesaid by the persons therein assessed except in so far as the same may be affected by any order made on appeal under the provisions hereinafter contained And in such assessment and return the respective Commissioners shall include according to the best of their knowledge or information the stock of any person by whom or on whose behalf no return shall at the time of the making of such assessment have been made according to the provisions of the second section hereof.

according to which  
assessment to be  
charged

Commissioner to  
give notice to parties  
of amount of assess-  
ment.

5. The said several Commissioners shall not less than one calendar month previous to the time hereinbefore appointed for the payment of the said assessment cause a notice in writing in the form contained in the Schedule hereto annexed marked C to be served upon each person assessed or to be left at the residence of such person (if within the district) or with the superintendent or person having the charge of his stock (if the owner thereof shall not reside within the district) apprising him of the amount of assessment to which he is liable and requiring him to pay the said amount at the office of the said Colonial Treasurer or other place appointed as aforesaid before the first day of May next ensuing.

Persons aggrieved to  
appeal to Petty Ses-  
sions.

6. Any person assessed as aforesaid who shall consider himself aggrieved by such assessment may appeal to the nearest Court of Petty Sessions Provided that within ten days after the service of the said notice of assessment the person assessed or some one on his behalf shall give to the said Commissioner a notice in writing of his intention to make such appeal upon some day to be therein mentioned not later than fourteen days after the date of such last-mentioned notice and the Justices sitting in Petty Sessions shall hear and determine the matter of the said appeal in a summary way and shall make such order therein as to them shall seem meet according to the true intent and meaning of this Act and in case of the dismissal of the appeal or the affirmance of the said assessment wholly or in part or in case the party assessed or some person on his behalf shall not appear to prosecute the appeal the Court shall order and adjudge the person so assessed to pay within ten days the amount of such assessment or of such part thereof as they shall have determined to be payable into the office of the said Colonial Treasurer (or other place appointed as aforesaid) and also such costs and expenses as may be awarded to the said Commissioner by the said Court and if such assessment costs and expenses be not paid within such time the said Court shall and may issue a warrant to levy the amount thereof by a distress and sale of a sufficient part of the stock in respect of which such assessment shall have been made as aforesaid and the surplus if any after payment of such assessment costs and expenses shall be paid to the owner of such stock.

In cases of refusal or  
neglect to pay assess-  
ment &c. Colonial  
Treasurer to issue  
warrant to levy  
amount.

7. In case any person liable to pay any such assessment as aforesaid or in case any person so adjudged to be liable to payment of the said assessment or any part thereof shall refuse or neglect to pay the same upon the day appointed by such notice or within the time appointed in cases of appeal as aforesaid as the case may be it shall and

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and may be lawful for the said Colonial Treasurer or other person appointed by the Governor in that behalf and he is hereby required forthwith after the expiration of one month from the day or time so appointed to issue a warrant under his hand to the Commissioner in whose district any person so refusing or neglecting to pay as aforesaid shall reside directing the said Commissioner and his assistants to levy the amount which such person is so liable to pay as aforesaid together with an additional sum equal to one-fifth part of that for which he is so liable by way of penalty for such refusal or neglect by a distress of a sufficient part of the stock in respect of which the assessment shall have been made as aforesaid and such Commissioner and his assistants to whom such warrant shall be so directed are hereby authorized under and by virtue thereof to distrain take and drive to the nearest or most convenient pound such and so many of the stock of the party in said warrant mentioned as shall be sufficient (when sold) to pay the amount of such assessment and penalty and the costs and expenses of making such distress and the payment of the driving care and maintenance of such stock till sold and the said stock (or a sufficient part thereof) to sell and dispose of at such pound according to the ordinary course of sales of stock impounded for trespasses (unless previously thereto the said assessment penalty costs and expenses shall be paid) and the proceeds thereof shall be applied to the payment of the assessment penalty costs and expenses aforesaid and the surplus (if any) shall be paid to the owner or superintendent of the said stock. Provided how-  
 ever that when such warrant shall be so issued as aforesaid in case the amount of the assessment penalty costs and expenses shall be tendered to the person charged with the execution of such warrant then and in such case the said person shall and he is hereby authorized to accept and receive the said amount and to give a receipt for the money so received and to refrain from making and executing or further proceeding under the said distress.

Proviso.

8. All penalties fines and forfeitures incurred or imposed under this Act shall and may be sued for and recovered in a summary way before any one or more Justice or Justices of the Peace and the same shall commence to be sued for within twelve calendar months after the occurrence of the matter or thing for which such penalties fines and forfeitures respectively shall be demanded.

Mode of recovering penalties.

9. And for the protection of persons acting in execution of this Act Be it enacted That all actions for anything done under this Act shall be commenced within six calendar months after the fact was committed and not otherwise and notice in writing of such action and the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action and in every such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant together with costs incurred up to that time and if a verdict shall pass for the defendant or the plaintiff become nonsuited or discontinue such action after issue joined or if upon demurrer or otherwise judgment shall be given against the plaintiff the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant hath by law in other cases.

All actions for things done under this Act to be brought within six months.

Plaintiff shall not recover if tender of amends made before action brought or a sufficient sum paid into Court after action brought.

10. All sums of money payable under and by virtue of this Act shall be paid to Her Majesty Her Heirs and Successors towards the public expenditure for the maintenance of a Police Force and other local purposes beyond the said Settled Districts and shall be applied thereto

Appropriation of sums payable under this Act.

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in such manner as may from time to time be directed by any Acts to be passed by the Governor and Legislative Council of the said Colony.

No certiorari.

11. No order judgment or other proceeding made touching and concerning any of the matters aforesaid or touching and concerning the conviction of any offender against this Act shall be quashed or vacated for want of form only or be removed or removable by certiorari or by any writ or process whatsoever into Her Majesty's Supreme Court of New South Wales.

All informations to be brought by Commissioners.

12. All prosecutions suits actions informations or complaints to be brought under or by virtue of this Act or upon or by reason of the breach of any of the provisions thereof shall and may be so brought by any Commissioner for and on behalf of Her Majesty Her Heirs and Successors but nevertheless such Commissioner shall and may be admitted to give evidence in or upon any such prosecution suit action information or complaint and upon any proceeding before Justices of the Peace under this Act it shall not be necessary to have a formal information but it shall be sufficient that the cause of complaint or proceeding shall be stated with reasonable distinctness by affidavit or deposition.

Interpretation clause.

13. In the construction of this Act the term "stock" shall be deemed and taken to mean and include sheep cattle and horses and the word "sheep" when specifically used in this Act shall be deemed and taken to mean and to include rams ewes wethers and lambs and the word "cattle" when specifically used in this Act shall mean and include bulls cows oxen heifers steers and calves and the word "horses" when specifically used in this Act shall mean and include horses mares geldings colts and fillies.

Commencement of Act.

14. And be it enacted That this Act shall commence from and after the thirty-first day of December now next ensuing and shall thenceforth continue in full force and effect for a period of one year.

SCHEDULES REFERRED TO.

A.

First day of January 18

RETURN of Live Stock kept and pastured by Mr. in the District of beyond the Settled Districts of the Colony rendered in conformity with the provisions of the Act of the Governor and Council 19 Victoria No. 26.

STATION.	Person Superintending.	Estimated Extent of Run.	Stock on Station belonging to or in charge of Mr.		
			Horses and how branded.	Cattle including calves and how branded.	Sheep including lambs and how marked.

I A. B. do solemnly declare that to the best of my knowledge and belief the foregoing is a true and faithful account of all sheep horses and cattle of every kind kept or pastured by me or under my charge on the several stations above mentioned within the District of and I make this declaration by virtue of the Act of the Governor and Council of New South Wales 19 Victoria No. 26.

Declared before me at this day of 18

J. P.

A. B. Proprietor or Superintendent. (as the case may be.)

B.

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B.

First day of

18 .

YEARLY Return of Live Stock in the District of \_\_\_\_\_ with a  
Statement of the Amount of Assessment chargeable thereon in accordance with the  
provisions of the Act of the Governor and Council 19 Victoria No. 26.

Stations or Runs.	PERSONS ASSESSED.		Persons Superin- tending.	Esti- mated Extent of each Run.	STOCK AT EACH STATION.			Amount of Assess- ment.	TOTAL.
	Lessees.	Licensed Occu- pants.			Horses Three- pence per head.	Cattle Three-pence per head.	Sheep One half penny per head.		

*Signature of Commissioner.*

C.

*District of  
Commissioner of Crown Lands Office*

No.

18 .

THE amount with which you are assessed for the year from first January to thirty-first  
December 18 \_\_\_\_\_ under the provisions of the Act of the Governor and Council 19 Victoria  
No. 26 on the undermentioned stock pastured by you in this District is as follows viz. :—

	£	s.	d.
.....Horses ... ..	...	...	...
.....Head of Cattle ... ..	...	...	...
.....Sheep ... ..	...	...	...

£ \_\_\_\_\_

which said sum of \_\_\_\_\_ pounds \_\_\_\_\_ shillings and \_\_\_\_\_ pence you  
are hereby required to pay at the office of the Honorable the Colonial Treasurer in Sydney  
(or at \_\_\_\_\_ as the case may be) before the first day of April next.

Or if you consider yourself as having any just cause for appealing against the said  
assessment you will please to observe that notice of such appeal must be lodged with me  
within ten days from the date of the delivery of this notice in the manner prescribed by the  
said Act As witness my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

*Commissioner of Crown Lands.*

To \_\_\_\_\_ }  
\_\_\_\_\_ }