

No. XXXVI.

An Act for the establishment of a Public Abattoir SYDNEY ABATTOIR.
 or place for the slaughtering of Cattle for the
 City of Sydney. [1st October, 1850.]

WHEREAS by an Act of the Governor and Legislative Council of New South Wales passed in the fifth year of the reign of His late Majesty King William the Fourth intituled "An Act for regulating the slaughtering of Cattle" certain provisions were made for the licensing of slaughter-houses and places for slaughtering cattle and in pursuance thereof divers licenses have been granted for such purposes for various places in the City of Sydney. And whereas by another Act of the said Governor and Council passed in the thirteenth year of the reign of Her present Majesty Queen Victoria intituled "An Act to amend the Law relating to the licensing of Slaughter-houses within the City and Suburbs of Sydney and for the prevention of other Nuisances within the same" it is (amongst other things enacted) that from and after the passing thereof no house or premises not then already licensed within the limits of the said City as described and set forth in the Schedule A annexed to a certain other Act of the said Governor and Council passed in the sixth year of the reign of Her present Majesty Queen Victoria intituled "An Act to declare the Town of Sydney to be a City and to incorporate the Inhabitants thereof" or within the distance of two miles from the said limits should be licensed as a slaughter-house or place for slaughtering cattle anything in the said first recited Act to the contrary in anywise notwithstanding. And whereas in order to promote the health and comfort of the inhabitants of the said City of Sydney it is contemplated by the Government of the said Colony of New South Wales to establish a Public Abattoir or place for the slaughtering of cattle beyond the limits of the said City and it is expedient to provide that from and after the establishment and completion of such Public Abattoir no person or persons shall be allowed to slaughter or skin scald or dress cattle within the limits of the said City or within the distance of three miles therefrom except only in such Public Abattoir. Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That when and so soon as a Public Abattoir or place for slaughtering cattle shall have been erected and completed by the Government of the said Colony on Glebe Island or on any other place beyond the limits of the said City of Sydney and notice thereof shall have been advertised in the *New South Wales Government Gazette* by direction of the Governor for the time being of the said Colony then from and after the publication of such notice or from and after the expiration of such period as shall be therein named all licenses granted under the said recited Acts or under any other Acts of the said Governor and Council to any person or persons to keep a slaughter-house or place for slaughtering cattle for any purpose within the said City or within the distance of three miles therefrom shall cease and no person or persons shall thenceforward slaughter or skin scald or dress or cause to be slaughtered or skinned scalded or dressed any cattle in any house or place whether licensed or not within the said City or within the distance of three miles therefrom except only in the Public Abattoir so to be established as aforesaid. Provided always that nothing in this Act contained shall be construed to apply to any house or premises now

Slaughtering
licenses under the
above recited Acts
to cease when Public
Abattoir established.

Where cattle may be
slaughtered skinned
scalded or dressed.

Proviso.

Sydney Abattoir.

now used for slaughtering cattle sheep calves or pigs for the purpose of converting the carcasses thereof into preserved meats.

Penalty not exceeding £5 for every head of cattle slaughtered &c. contrary to the provisions of this Act.

2. And be it enacted That if any person or persons shall after the publication of the said notice or after the expiration of the said period to be therein named slaughter or skin scald or dress or cause to be slaughtered or skinned scalded or dressed any cattle in any place within the said City or within the distance of three miles therefrom except only in the said Public Abattoir such person or persons shall forfeit and pay any sum not exceeding five pounds for each and every head of cattle so slaughtered skinned scalded or dressed.

Orders and regulations may be made by the Governor with the advice of the Executive Council.

3. And be it enacted That it shall be lawful for the Governor for the time being of the said Colony with the advice of the Executive Council thereof from time to time to make such orders and regulations as to the said Governor and Council shall seem meet for regulating the said Abattoir in respect to cleanliness and otherwise and for the good government of all persons using or frequenting the same and for fixing the rates of slaughtering fees or dues to be paid for the use of the said Abattoir and appurtenances by persons slaughtering cattle or causing cattle to be slaughtered therein and for the collecting receiving and accounting for the said fees or otherwise for the purpose of giving effect to the provisions of this Act and to repeal alter or amend any such order or regulation and all provisions for any of the purposes aforesaid in any such order or regulation contained shall have the like force and effect as if the same had been inserted in this Act and all persons offending against the same shall for each and every offence forfeit and pay such sum not exceeding five pounds as the said Governor and Council may in any case by such order or regulation direct Provided nevertheless that the fees so to be fixed for the slaughtering of cattle in the said Abattoir shall not exceed the fees specified in the Schedule to this Act annexed.

Penalty not exceeding £5 for offences against the same.

Orders and regulations to be promulgated in the *New South Wales Government Gazette* and laid before the Legislative Council.

4. And be it enacted That all orders and regulations made under the authority of this Act shall within fourteen days after the issuing thereof be twice published in the *New South Wales Government Gazette* and that a copy of every such order or regulations shall be laid before the Legislative Council of the said Colony within six weeks after issuing the same if such Council shall be then sitting and if not then within six weeks after the commencement of the then next Session of the said Council

Governor to appoint officers and servants and allow salaries

5. And be it enacted That it shall be lawful for the Governor for the time being of the said Colony from time to time to appoint employ and continue in office such clerks inspectors and other officers and servants as may be necessary or proper for the purpose of carrying into effect the provisions of this Act and of the said orders and regulations so to be made as aforesaid and to assign and allow salaries wages or remuneration to such officers or servants and from time to time to remove and dismiss such officers and servants respectively.

and remove such officers and servants.

Governor may farm Abattoir.

Lessees to take fees subject to regulations of the Governor and Executive Council.

Salaries and other expenses to be defrayed out of fees &c. received under provisions of this Act.

6. Provided always and be it enacted That it shall be competent for the Governor if he shall think fit to farm or let the said Abattoir or any portion thereof either by public auction or otherwise as to the said Governor shall seem meet and it shall be lawful for the lessees of the said Abattoir or of any portion thereof to take and demand all lawful fees from the persons using the same subject nevertheless to all such rules and regulations as shall be made by the Governor and Executive Council in manner aforesaid.

7. And be it enacted That all fees or sums of money (other than penalties) received under the provisions of this Act shall go to form a fund out of which shall be defrayed the salaries of the several officers hereinbefore mentioned and all other expenses consequent upon

Sydney Abattoir.

upon carrying this Act into force and the overplus if any shall be paid to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof and shall be applied thereto in such manner as may be appointed by any Act of the said Governor and Legislative Council.

8. And be it enacted That every penalty or forfeiture imposed by this Act or under or by virtue of any order or regulation in pursuance of this Act may be recovered by summary proceedings before two Justices and upon the exhibition of any complaint before any Justice such Justice shall issue a summons requiring the party complained against to appear before two Justices having jurisdiction at a time and place to be named in such summons and every such summons shall be served on the party offending either in person or by leaving the same with some inmate at his last or usual place of abode and upon the appearance of the party complained against or in his absence after proof of the service of such summons it shall be lawful for any two Justices having jurisdiction to proceed to the hearing of the complaint and upon proof of the offence either by the confession of the party complained against or upon the oath of one credible witness or more it shall be lawful for such Justices to convict the offender and upon such conviction to adjudge the offender to pay such penalty as may seem fit and not greater than the penalty or forfeiture specified in this Act or in any such order or regulation as aforesaid as well as such costs attending the conviction as such Justices shall think fit Provided always that all such proceedings by summons may be had and done without a formal information being exhibited and such proceedings shall be as good valid and effectual to all intents and purposes as if a formal information in writing were exhibited provided that in every such summons the general nature of the complaint shall be succinctly stated. Provided further that in all proceedings under this Act the Informer a competent witness.

9. And be it enacted That if forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture and of such costs as aforesaid be not paid the amount of such penalty and costs shall be levied by distress and such Justices or either of them or any other Justice having jurisdiction as aforesaid shall issue their or his warrant of distress accordingly.

10. And be it enacted That it shall be lawful for any such Justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs unless the offender give sufficient security by way of recognizance or otherwise to the satisfaction of the Justice for his appearance before him on the day appointed for such return such day being not more than eight days from the time of taking such security but if before issuing such warrant of distress it shall appear to the Justice by the admission of the offender or otherwise that no sufficient distress can be had within the jurisdiction of such Justice whereupon to levy such penalty or forfeiture and costs he may if he think fit refrain from issuing such warrant of distress and in such case or if such warrant shall have been issued and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Justice then such Justice shall by warrant cause such offender to be committed to gaol there to remain without bail for any term not exceeding three months unless such penalty or forfeiture and costs be sooner paid and satisfied.

11. And be it enacted That where in this Act any sum of money whether in the nature of penalty or otherwise is directed to be levied by distress such sum of money shall be levied by distress and sale

How a penalty or
forfeiture may be
recovered.

Proceedings by sum-
mons without formal
information to be
valid.

If penalty or for-
feiture be not paid
warrant of distress
may be issued.

Offender may be de-
tained until return
of distress warrant.

If no sufficient dis-
tress can be had the
offender may be com-
mitted to gaol for
any term not exceed-
ing three months.

Amount of penalty
may be levied by
sale of goods and
chattels of offender.

Sydney Abattoir.

sale of the goods and chattels of the party liable to pay the same and the overplus arising from the sale of such goods and chattels after satisfying such sum of money and the expenses of the distress and sale shall be returned on demand to the party whose goods shall have been distrained.

Distress not unlawful
for want of form.

12. And be it enacted That no distress levied by virtue of this Act shall be deemed unlawful nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons conviction warrant of distress or other proceedings relating thereto nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

Application of fines
and forfeitures.

13. And be it enacted That all penalties and forfeitures recovered under this Act shall be applied as follows one-half thereof shall be paid to the person who shall sue or proceed for the same and the other half to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof and shall be applied thereto in such manner as may be appointed by any Act of the said Governor and Legislative Council Provided nevertheless that it shall be lawful for the Governor either to mitigate or wholly to remit any such penalty or forfeiture.

Governor may remit
penalty.

Complaint must be
made within two
months next after
commission of
offence.

14. And be it enacted That no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act or of any such order or regulation as aforesaid for any offence made cognizable before a Justice unless the complaint respecting such offence shall have been made before such Justice within two months next after the commission of such offence.

Persons when sum-
moned neglecting to
appear or refusing to
be examined shall
forfeit a sum not
exceeding £20.

15. And be it enacted That it shall be lawful for any Justice to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act at a time and place mentioned in such summons and to administer to him an oath or to take a declaration in case such person shall by law be entitled to make a declaration instead of an oath to testify the truth in such matter and if any person so summoned shall without reasonable excuse refuse or neglect to appear at the time and place appointed for that purpose having been paid or tendered a reasonable sum for his expense or if any person appearing shall refuse to be examined on oath or otherwise as aforesaid or to give evidence before such Justice every such person shall forfeit a sum not exceeding twenty pounds for every such offence.

Warrant of commit-
ment not void
through defect in
form

16. And be it enacted That no warrant of commitment consequent upon any summary conviction under this Act or under any such order or regulation so to be made as aforesaid shall be held void by reason of any defect in such warrant provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same nor shall any conviction order or other proceeding in pursuance of this Act or of any such order or regulation as aforesaid be quashed or vacated for want of form nor shall the same be removed by *certiorari* or otherwise into the Supreme Court of New South Wales.

nor be removable
by *certiorari* or other-
wise into Supreme
Court.

Appeal may be made
to the General Quar-
ter Sessions of the
Peace.

17. And be it enacted That if any person shall think himself aggrieved by any determination or adjudication of any Justices with respect to any penalty or forfeiture under the provisions of this Act or of any such order or regulation as aforesaid he may appeal to the General Quarter Sessions of the Peace to be holden at Sydney in and for the said Colony of New South Wales but no such appeal shall be entertained unless it be made immediately after the making of such determination nor unless the appellant shall forthwith enter into a recognizance

Pilotage Fees.

recognizance with two sufficient sureties before one of the convicting Justices conditioned duly to prosecute such appeal with effect and to abide the order of the said Court of Quarter Sessions thereon and to pay all costs ordered by such Court of Quarter Sessions to be by him paid.

18. And be it enacted That at the Quarter Sessions for which such appeal shall be given the Court shall proceed to hear and determine the appeal in a summary way or they may if they think fit adjourn it to the following Sessions and upon the hearing of such appeal the Court may if they think fit mitigate any penalty or forfeiture or they may confirm or quash the adjudication and order any money paid by the appellant or levied by distress upon his goods to be returned to him and may also order such further satisfaction to be made to the party injured as they may think reasonable and they may make such order concerning the costs both of the adjudication and of the appeal as they may think reasonable.

19. And be it enacted That nothing in this Act contained shall be construed to render lawful any act matter or thing whatsoever which but for this Act would be deemed to be a nuisance nor to exempt any person from any liability prosecution or punishment to which he would have been otherwise subject in respect thereof nor in any manner to repeal or alter either of the said first and second recited Acts otherwise than the same are hereby specifically altered or repealed.

20. And be it enacted That in the construction of this Act the following words and expressions shall have the meaning hereby assigned to them unless such meanings shall be repugnant to or inconsistent with the context (that is to say) words importing the singular number shall include the plural number words importing the masculine gender shall include females the word "Governor" or the words "Governor for the time being of the said Colony" shall be held to mean the Governor or person administering the Government of the said Colony for the time being the word "cattle" shall be held to include sheep lambs oxen bulls cows calves horned cattle pigs and goats.

SCHEDULE REFERRED TO.

	s. d.
For every ox cow bull heifer steer or calf	1 6
For every sheep or lamb	0 4
For every head of swine	1 0
