

An Act intituled "An Act to authorize the Erection and Maintenance of Cattle Sale-yards by the Borough Council of Orange within the said Borough." [23rd May, 1877.]

Preamble.

WHEREAS by a deed of grant dated the twenty-fifth day of March anno domini one thousand eight hundred and seventy-five under the great seal of the Colony of New South Wales the land in the Schedule hereto more specifically described was granted to the Municipal Council of Orange and their successors for ever subject to the quit rent therein reserved upon trust to use the said land as a cattle market and for no other purpose whatsoever And whereas by notice in the *Government Gazette* dated the third day of August anno domini one thousand eight hundred and seventy-five the said land was duly dedicated as a site for cattle sale-yards And whereas it is expedient that yards for the sale of cattle should be established on the said land and it is necessary for such purpose that full power should be given to the Borough Council of Orange to erect and maintain suitable buildings and yards on such land and for such purpose to borrow money and to charge fees and make by-laws for the maintenance and regulations of such sale yards Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Interpretation of word "cattle."

1. For the purpose of this Act the word "cattle" wherever used shall be taken to include all horses mares geldings foals bulls cows steers heifers calves pigs sheep lambs and goats.

Council may erect and maintain premises.

2. It shall be lawful for the Borough Council of Orange to erect and maintain suitable buildings yards and other premises upon the land in the Schedule hereto set forth for the purpose of making provision for the sale of cattle therein.

Borrowing powers.

3. To provide funds for the erection and maintenance of buildings yards and premises as aforesaid it shall be lawful for the said Borough Council to borrow any sum of money not exceeding one thousand pounds at a rate of interest not exceeding eight pounds per centum per annum by debentures secured upon a mortgage of the rates

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rates fees and tolls to be levied as hereinafter provided or the general revenue of the Borough from whatever source arising as in the opinion of the said Borough Council may be deemed most expedient Provided that the proceeds to arise from such rates fees or tolls and all other profits accruing from the use of such sale-yards and premises received by the said Borough Council shall after payment of all current expenses incident to the maintenance of such premises be appropriated towards the payment of the principal sum so borrowed and any interest thereon accrued and an account to be called the "Cattle Sale-yards Fund" shall be kept by the said Council.

4. The said Council may from time to time appoint officers and ^{By-laws.} servants and make by-laws for the maintenance regulation and management of the said sale-yards and premises and of all persons buying or selling therein or resorting thereto and generally for carrying out the purpose of this Act. And such by-laws shall clearly set forth what pecuniary or other penalty or forfeiture shall be incurred by any breach thereof respectively Provided always that no such ^{No penalty to exceed} _{five pounds.} pecuniary penalty shall in any case exceed the sum of five pounds.

5. All such by-laws shall after approval by the Governor with ^{Proof of by-laws.} the advice of the Executive Council be published in the *Gazette* and in one local newspaper. And the production of the *Gazette* purporting to contain a copy of any such by-laws shall be sufficient evidence in any proceeding in any Court of Justice that such by-laws have been duly made and approved in accordance with the provisions of this Act.

6. So soon as any such sale-yards shall be established and ^{Power to demand} _{and take fees.} by-laws approved and published the said Council may demand and take in respect of any cattle brought to any such sale-yards or yarded in or brought to any other sale-yards within the Borough of Orange or within one mile thereof if such cattle be intended for sale by public auction or private contract the fees or charges mentioned in the said by-laws. Provided that the fees or charges levied upon cattle brought to other sale-yards shall not exceed those levied upon cattle yarded in or brought to the sale-yards established under this Act.

7. All sums of money which shall be imposed or made payable ^{Recovery of fees} _{penalties &c.} and all penalties and forfeitures incurred under this Act or any by-laws hereunder may be recovered at the suit of the said Council or the clerk of the said Council in a summary way before any Justice of the Peace under the provisions of the Act or Acts for the time being in force regulating proceedings on summary convictions and if any such sum of money be not paid either immediately after the order or conviction or within the time appointed by such order or conviction the same shall be levied by distress and sale of the goods and chattels of the offender or person directed by such order to pay any such sum as aforesaid and on failure of distress shall be enforced in the manner directed by the said Act or Acts. Subject however to an appeal in the ^{Appeal.} manner provided by the Act or Acts for the time being in force regulating appeals from Justices of the Peace.

8. This Act may be cited as the "Orange Cattle Sale-yards ^{Short title.} Act of 1877."

SCHEDULE.

ALL that piece or parcel of land in the said Colony of New South Wales containing by admeasurement five acres (be the same more or less) situated in the county of Bathurst parish of Orange town of Orange Commencing at a point where the southern side of Torpy-street meets the eastern side of Anson-street and bounded thence on the north by Torpy-street bearing easterly ten chains and one link on the east by Lord's-place bearing southerly five chains on the south by part of the northern boundary of J. Moulder's six hundred and forty acres bearing west ten minutes north nine chains and ninety-nine links to Anson-street and on the west by that street bearing northerly five chains to the point of commencement.