

No. XVIII.

CATTLE SALE-YARD
ADDITIONAL
LOAN.

An Act to enable the Municipal Council of Sydney to raise by Debentures the sum of Fifty-five thousand pounds in addition to the sum of Twenty-five thousand pounds authorized to be borrowed by the "Sydney Corporation Act of 1879" for the establishment of Cattle Sale-yards and to enlarge the time prescribed by the said Act for their erection. [19th December, 1881.]

Preamble.

WHEREAS by the "Sydney Corporation Act of 1879" it is declared that it shall be lawful for the Municipal Council of the City of Sydney to establish in such place or places as they may determine adjoining the Great Southern and Western Railway not more than fourteen miles from the said city buildings yards and other premises for the sale of cattle and for such purposes may purchase acquire and hold any lands and any estate therein And in the said Act it is provided that it shall be obligatory upon the said Council to erect the said yards within a period of two years from the commencement of the said Act And whereas pursuant to the "Municipal Cattle Sale-yards Site Acquisition Act" (being the Act forty-fourth Victoria number ten) a parcel of land containing by admeasurement twenty-nine acres has been taken or acquired by the said Council as a site upon which to establish cattle sale-yards and the same is now vested in such Council for an estate of inheritance in fee simple in possession in terms of the said last cited Act And whereas the sum of twenty-five thousand pounds borrowed by the said Council in pursuance of the powers in that behalf contained in the said "Sydney Corporation Act of 1879" is insufficient to defray the cost of acquiring the said site and of constructing the necessary buildings for such sale-yards

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yards as well as the works in connection therewith. And it is necessary that the said Council should obtain authority for borrowing an additional sum of fifty-five thousand pounds for such purposes. And it is also necessary that the term of two years limited by the said last-mentioned Act for the erection of the said sale-yards should be enlarged as hereinafter provided. Be it therefore enacted by the Queen'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:—

1. It shall be lawful for the Municipal Council of the City of Sydney in addition to the sum of twenty-five thousand pounds authorized to be borrowed for the establishment of Cattle Sale-yards by the one hundred and thirty-second section of the "Sydney Corporation Act of 1879" to borrow in manner hereinafter provided and subject to the conditions hereinafter prescribed a further sum not exceeding fifty-five thousand pounds and all sums lawfully borrowed under this Act shall be deemed to be secured upon the corporate rates and revenues of the said Council from whatsoever source arising and shall be expended for the purpose of acquiring a site for cattle sale-yards in pursuance of the said last-cited Act and the "Municipal Cattle Sale-yards Site Acquisition Act" and of erecting constructing and maintaining such buildings works enclosures offices and premises as may be necessary and proper for the establishment of such sale-yards and shall not be expended for any other purpose. Provided always that any balance of such sum remaining unexpended after the completion of the said sale-yards may be used for the purpose of purchasing on behalf of the said Council any debentures issued under this Act. And the following conditions qualifications and provisions shall regulate the borrowing of money and the issue of debentures under this Act viz.—

- (1.) All moneys borrowed by the Council shall be raised by the sale of debentures to be issued in such series and at such times and in such manner as the Council shall think fit and all such debentures shall have a currency not exceeding twenty years and shall bear interest at the rate of six pounds per centum per annum and shall be in the form in the Schedule hereto.
- (2.) Every such debenture shall be numbered in regular ascending arithmetical progression whereof the common difference shall be one and shall have annexed for every payment of interest to grow due thereon a coupon bearing the same number as in the debenture.
- (3.) Every such debenture shall name the principal sum secured thereby which shall not be less than one hundred pounds the rate at which interest is payable thereon and the time and place where such principal and interest are payable. And every such debenture shall be under the corporate seal of the Council and be signed by the Mayor and Town Clerk and shall bear date on the day on which it is sealed.
- (4.) Every such debenture and any coupon whether annexed thereto or not may be transferred by simple delivery.

2. The holder of any debenture issued under the provisions of this Act shall be entitled to receive payment from the Municipal Council of the City of Sydney of the principal sum named therein upon presentation of such debenture on or after the due date thereof at the place where the same is expressed to be made payable. And the holder of any coupon originally annexed to a debenture and whether separated therefrom or not shall be entitled to receive payment in like manner of the interest mentioned in such coupon upon presentation of the same at the place where and on or after the date when interest is payable.

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Provisions on default
of payment by
Council.

3. If default shall be made by the Council in making any payment whether of principal or interest to the holder of any such debenture or coupon the following provisions shall take effect viz.—

- (1.) The holder of such debenture or coupon shall have full power to make all necessary applications to and to procure all necessary orders and directions from the Supreme Court for and touching the appointment of a Receiver and the said Court shall have power to make all such orders for the appointment of a Receiver or for his removal and the appointment of another in his place as may be necessary and to make any orders and give any directions which the said Court may think proper. And such Receiver shall be deemed to be an officer and shall act under the direction of the Supreme Court.
- (2.) Such Receiver shall have power to levy and collect all rates whether for water supply or sewerage authorized to be made levied or collected by the Council and be entitled to receive all rates and revenues whatsoever payable to the Council for or in respect of which he shall have been appointed Receiver but the rates so to be levied shall not exceed the maximum limits permitted under the provisions of the law in force for the time being. And for such purposes such Receiver shall be deemed the Municipal Council of the City of Sydney and may exercise all the powers thereof.
- (3.) Such Receiver shall be entitled to such commission payable out of the City rates as remuneration for his services as the Supreme Court may appoint.
- (4.) Such Receiver shall subject to any order of the Supreme Court pay over all moneys received by him to such holder and if there be any balance in hand over and above the amount due and payable to him under the provisions of this Act the Receiver shall pay such balance over to the Council.

Sinking fund to be
established to pay
loan.

4. A sinking fund for the repayment of the principal sums borrowed under the authority of this Act and of the interest due on debentures issued thereunder shall be established by the said Council before they shall proceed to exercise the borrowing powers conferred by this Act. And in each and every year (commencing with the year one thousand eight hundred and eighty-two) during the currency of such debentures the Council shall pay into such sinking fund a sum of money not less than two thousand five hundred pounds. And the sum so to be paid shall be invested in the purchase of Government securities or of such other securities as the Governor with the advice of the Executive Council shall approve. And the produce of all such investments shall be reinvested in like manner. The Council may at any time apply the whole or any part of such sinking fund in or towards the discharge of any moneys borrowed under this Act. But they shall in every such case recoup the Fund by paying into it a sum equal to the interest which any sum so applied would have produced if left invested. If in any such year as aforesaid after the year one thousand eight hundred and eighty-two the Council shall not within seven days after notice in that behalf under the hand of the Colonial Treasurer shall have been given to the Town Clerk shew to the satisfaction of the said Treasurer or an officer to be appointed by him that the annual payments and investments required by this Act for the formation of the said sinking Fund have been duly complied with it shall be lawful for the Governor with the advice of the Executive Council either to impound so much of the endowment of the City Fund provided by the two hundred and thirteenth section of the "Sydney Corporation Act of 1879" as will equal the sums so required to be paid or

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or invested and to pay and invest the amount so impounded as provided by this Act or to apply to the Supreme Court for the appointment of a Receiver of the rates and other revenue of the said Council. And in the last-mentioned case the said Court and the Receiver so to be appointed shall have all such powers *mutatis mutandis* as are herein-before provided for the benefit of holders of unpaid debentures.

5. The term of two years limited by the one hundred and thirty-second section of the "Sydney Corporation Act of 1879" for the erection and completion of the buildings yards and premises for the sale of cattle is hereby extended to a further period of three years from and after the first day of August one thousand eight hundred and seventy-nine. Extension of time for completing cattle sale-yards.

6. This Act may be cited as the "Cattle Sale-yards Additional Short title. Loan Act 1881."

SCHEDULE.

No.

Debenture £

Issued by the Municipal Council of the City of Sydney under the provisions of the "Cattle Sale-yards Additional Loan Act 1881."

TRANSFERABLE BY DELIVERY.

THIS Debenture was issued by the above-named Council in pursuance of the provisions of the above-mentioned Act and is to secure to the bearer a principal sum of payable at the on the day of

Interest at the rate of six pounds per centum per annum on such principal sum in the meanwhile is payable by equal half-yearly payments on the day of and the day of and a coupon is annexed for each payment which entitles the bearer of such coupon thereto.

Dated this day of A.D.

A.B. [Mayor] (L.S.)
C.D. Town Clerk.
