

WEST MAITLAND
CATTLE SALE-YARDS.

An Act to enable the Borough of West Maitland to purchase Land and erect and maintain Cattle Sale-yards thereon. [13th December, 1888.]

Preamble.

WHEREAS the Council of the Borough of West Maitland are desirous of establishing yards for the sale of cattle in or near that Borough: And whereas it is expedient that such yards should be established, and it is necessary for such purpose that full power should be given to the said Council of the Borough of West Maitland to purchase land and erect and maintain thereon suitable buildings and yards, and for such purpose to borrow money, by debentures, secured upon a mortgage of the said property and of the rates, fees, and tolls to be levied thereat, or the general revenue of the said Borough, from whatever source arising, as in the opinion of the said Council may be deemed most expedient, and to charge fees and to make by-laws for the maintenance and regulation of such sale-yards: 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:—

Interpretation of the word "Cattle."

1. For the purposes of this Act the word "Cattle," whenever used, shall be taken to include all horses, mares, geldings, foals, mules, bulls, cows, bullocks, steers, heifers, calves, pigs, sheep, lambs, and goats.

Council may buy land and erect and maintain sale-yards.

2. It shall be lawful for the Council of the Borough of West Maitland to establish yards, and to erect and maintain suitable buildings upon the lands described in the Schedule hereto for the sale of cattle, and for that purpose to purchase, acquire, and hold the said lands in the said Schedule mentioned and described.

Borrowing powers.

3. To provide funds for the purchase of the said lands, and the erection and maintenance thereon of the said buildings, yards, and premises, it shall be lawful for the said Council to borrow any sum of money, not exceeding ten thousand pounds, at a rate of interest not exceeding six pounds per centum per annum, by debentures secured upon a mortgage of the said property, and upon the rates, fees, and tolls to be levied at the said sale-yards, or at other sale-yards, as hereinafter provided; or upon the general revenue of the said Borough, from whatever source arising, as in the opinion of the said 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 Council shall, after payment of all current expenses incident to the maintenance of such buildings, yards, and 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.

Power to appoint officers and make by-laws.

4. The said Council may from time to time appoint officers and servants and make by-laws for the maintenance, regulation, and management of the said sale-yards and premises, and for the guidance of all persons buying or selling therein or resorting thereto, and for levying fees and charges as hereinafter mentioned, and generally for carrying out the purposes of this Act. And such by-laws shall be subject to the approval of the Governor, with the advice of the Executive Council, and shall clearly set forth what pecuniary or other penalty

West Maitland Cattle Sale-yards.

penalty or forfeiture shall be incurred by any breach thereof respectively. Provided always that no such pecuniary penalty or forfeiture shall in any case exceed the sum of five pounds.

5. All such by-laws shall, after approval by the Governor with the advice of the Executive Council as aforesaid, 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 by-laws approved and published, the said Council may demand and take, in respect of any cattle brought to such sale-yards, or yarded in, or brought to any other sale-yards within two miles of the sale-yards to be erected under the authority of this Act, 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 by the said Council 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, 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 such Act or Acts. Subject, however, to an appeal in the manner provided by the Act or Acts for the time being in force regulating appeals from Justices of the Peace.

8. The lands aforesaid, and in the Schedule hereto described, together with all ways, rights of way, and easements whatsoever to the said lands belonging, shall, after purchase, by virtue of this Act, and without the necessity of any conveyance, be vested in the said Council and their successors in office in fee-simple upon the passing of this Act.

9. This Act may be cited as the "West Maitland Cattle Sale-yards Act of 1888."

No penalty under by-laws to exceed five pounds.

Approval and proof of by-laws.

Power to demand and take fees.

Recovery of fees, penalties, &c.

Lands vested in Borough without conveyance.

SCHEDULE.

All that piece or parcel of land containing by admeasurement five acres and thirty-seven perches, more or less, being allotments numbers eight, seven, six, five, four, three, and part of allotments one, two, and seventy-nine, as exhibited in the plan of the sub-division of the "Walka Estate," and forming portion of a grant of four hundred and sixteen acres to one Houston Mitchell, situate, lying, and being at West Maitland, in the parish of Maitland, in the county of Northumberland, and Colony of New South Wales: Commencing at the north corner of lot eight on the south-west side of High-street; and bounded towards the north-east by High-street bearing south thirty-two degrees thirty-eight minutes east ten chains and twenty-five links towards the south-east by a line bearing south, fifty-four degrees seven minutes west one chain and eighty-two links; again towards the south-east by another line bearing south seventy-four degrees fifty-three minutes west four chains and seventy-six links; towards south-west by a line bearing north, twenty-seven degrees west two chains and forty-three links; towards the north-west by a line bearing north seventy-five degrees fifty-five minutes east, and by the southern extremity of a road seventy-five links wide, one chain and twenty links; again towards the south-west by part of the north-east side of a road seventy-five links wide bearing north thirty-seven degrees seventeen minutes west six chains and three links; thence towards the north-west by the south-east boundary of lot nine and by a line bearing north forty-seven degrees seventeen minutes east five chains and fifty-three links, to the point of commencement.