

Bega Cattle Sale-yards.

BEGA
CATTLE SALE-YARDS

An Act to authorise the purchase of land and erection and maintenance of Cattle Sale-yards by the Municipal Council of Bega, within the Municipality of Bega. [20th November, 1895.]

Preamble.

WHEREAS the Council of the Municipality of Bega are desirous of establishing yards for the sale of cattle in the said municipality: And whereas it is expedient that such yards should be established on certain land more specifically described in the Schedule hereto, and it is necessary for such purpose that full power should be given to the Council of the Municipality of Bega to purchase land and erect and maintain thereon suitable buildings and yards, and for such purpose to borrow money by debentures or otherwise secured upon a mortgage of the said property, and of the rates, fees, and tolls to be levied thereat, 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, and to levy fees upon other sale-yards within or adjacent to the said municipality: 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," wherever used, shall be taken to include all horses, mares, geldings, foals, mules, bulls, cows, bullocks, steers, heifers, calves, pigs, sheep, lambs, and goats, or any other live stock.

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

2. It shall be lawful for the council of the municipality of Bega to purchase, acquire, and hold the land in the Schedule mentioned and described, and to establish yards, and to erect and maintain suitable buildings upon the said land described in the Schedule hereto for the sale of cattle therein.

Borrowing proviso.

3. To provide funds for the purchase of the said land, 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 one thousand pounds at a rate of interest not exceeding eight pounds per centum per annum, by debentures or otherwise, secured upon a mortgage of the land mentioned in the Schedule hereto with all usual covenants and powers of sale; and also upon the rates, fees, and tolls to be levied at the said sale-yards, or at other sale-yards as hereinafter provided, or the general revenue of the municipality 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

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carrying out the purposes 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 pecuniary penalty or forfeiture shall in any case exceed the sum of five pounds. No penalty to exceed £5.

5. All such by-laws shall after approval by the Governor with the advice of the Executive Council be published in the *Gazette* and in one local newspaper. And the production of the *Gazette* containing 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. Approval and proof of by-laws.

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. Power to demand and take fees, &c.

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 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 manner provided by the Act or Acts for the time being in force regulating appeals from justices of the peace. Recovery of penalties.

8. This Act may be cited as the "Bega Cattle Sale-yards Act of 1895." Short title.

SCHEDULE.

All that piece or parcel of land situated at Bega, in the parish of Bega and county of Auckland, in the Colony of New South Wales, containing by admeasurement sixteen acres one rood and fourteen perches, or thereabouts: Commencing on a lane thirty links wide at the south-west corner of allotment ten of section five; and bounded on the north by part of the southern boundary of that section bearing easterly seven chains twenty links to allotment five; on the east by the western boundaries of allotments five, six, and seven bearing southerly twenty chains forty links to a road one chain wide; on the south by that road bearing westerly eight chains forty links to allotment one; on the west by the eastern boundary of that allotment and part of allotment two bearing northerly eight chains eighty links to the lane aforesaid; again on the north and west by that lane bearing easterly thirty links and northerly eleven chains seventy-five links, to the point of commencement,—being allotments four and eight of section six of Messieurs Mort and Manning's subdivision, and part of portions eighty-one and eighty-two delineated in the public map of the said parish, deposited in the office of the Surveyor-General, originally granted to Robert Tooth, by two several Crown grants, respectively dated the eighteenth day of December, one thousand eight hundred and fifty-seven.