

An Act to authorise the Council of the Borough
of Cudgegong to purchase land within the
said Borough, and to erect and maintain cattle
sale-yards thereon ; and for other purposes in
connection therewith. [1st July, 1897.]

BOROUGH OF
CUDGEONG CATTLE
SALE-YARDS.

WHEREAS the council of the borough of Cudgegong are desirous Preamble. of establishing yards for the sale of cattle within the said borough: And whereas the said borough entirely surrounds the town of Mudgee: And whereas there is not at present any portion of land vested in the said council for the purpose aforesaid, and it is therefore expedient that full power should be given to the said council to purchase land for the purpose aforesaid, and to erect, construct, and maintain suitable buildings and yards, and such other works as may be

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be deemed expedient, upon such land or portion thereof, and for such purpose to borrow money by debentures or otherwise secured by mortgage upon the said land or any other property of the said council or borough, or upon the rates, fees, and tolls to be levied thereat, and at any other yards as hereinafter mentioned, or upon the general revenue of the said borough from whatever source arising, or upon any two or more of the several securities aforesaid as in the opinion of the said council may be deemed most expedient; and to make by-laws for the maintenance and regulation of such sale-yards; and to levy and charge fees upon and in respect of all cattle brought to, or offered for sale, or yarded in the said sale-yards or any other sale-yards, whether within the said borough or within the said town of Mudgee: 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.

1. For the purposes of this Act—

- the word "Cattle" shall include all horses, mares, geldings, foals, mules, oxen, bulls, cows, bullocks, steers, heifers, calves, sheep, lambs, pigs, and goats;
- the word "Owner" shall include any agent or other person authorised by the owner of any cattle, or any person in charge thereof;
- the words "Sale-yards" shall include any premises where cattle may be kept or exhibited for sale, exchange, or disposal in any way howsoever;
- the word "Council" shall mean the council of the borough of Cudgegong.

Power to purchase land and establish sale-yards.

- 2. It shall be lawful for the council for the purpose of making provision for the sale of cattle within the said borough of Cudgegong, to purchase any area of land within the said borough from any corporation or person, and to erect and maintain cattle sale-yards thereon, subject to the provisions of this Act and the by-laws to be made thereunder.**

Power to erect buildings, &c.

- 3. So soon as such land shall be purchased as aforesaid it shall be lawful for the council to erect, construct, and maintain suitable buildings, yards, fences, and such other works as may be deemed expedient upon such land for the purpose of making provision for the sale of cattle therein.**

Power to borrow.

- 4. To provide funds for the purchase of any such land, and for the erection, construction, and maintenance of buildings, yards, fences, and such other works as may be deemed expedient as aforesaid, it shall**

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shall be lawful for the council to borrow any sum of money not exceeding one thousand pounds at such rate of interest as to the council shall seem reasonable, repayable by debentures or otherwise secured by a mortgage (which the said council is hereby authorised to give and execute) upon any such land as aforesaid, or upon any other property belonging to the said council or to the said borough of Cudgegong, or upon the rates, fees, and tolls to be levied by the council of the said borough at the said sale-yards, and at any other sale-yards as hereinafter provided, or upon the general revenue of the said borough of Cudgegong from whatever source arising, or upon any two or more of the several securities aforesaid, as in the opinion of the said council may be deemed most expedient; and such mortgage may contain a power of sale, and any or all other usual powers, provisions, and covenants: Provided that the proceeds to arise from such rates, fees, or tolls, and all profits whatsoever accruing to the said council from the use of the sale-yards established under this Act shall, after payment of all current expenses incident to the maintenance and carrying on of such buildings, yards, fences, and other works as aforesaid, be appropriated towards the payment of the principal sum so borrowed and the interest thereon; and an account, to be called "the Cattle Sale-yards Fund," shall be kept by the said council.

5. The said council may, from time to time, appoint officers Power to appoint officers and make by-laws. and 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 for determining the fees and tolls to be paid as hereinafter provided, and the times and modes of collecting the same and enforcing the payment thereof, and generally for 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 shall in any case exceed the sum of five pounds. And such by-laws shall, after approval by the Governor, with the advice of the Executive Council, be published in the Gazette, and in one newspaper published in Mudgee, 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 fees. by-laws approved and published, the said council may demand and recover from the auctioneer, agent, or person selling or offering for sale any cattle, or from the owner thereof in respect of any such cattle brought to such sale-yards or yarded in or brought to any other sale-yards within the borough of Cudgegong or within the town of Mudgee, if

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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 any other sale-yards as aforesaid shall not exceed those levied upon cattle yarded in or brought to the sale-yards established under this Act.

Recovery of moneys.

7. All sums of money which shall be imposed or made payable, and all penalties, forfeitures, and costs incurred under this Act or any by-laws thereunder, may be recovered from the person or persons liable therefor, at the suit or on the information 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 manner provided by the Act or Acts for the time being in force regulating appeals from justices of the peace.

Returns of cattle sold or offered for sale.

8. Every auctioneer or person selling or offering for sale cattle at any sale-yard, other than the yards to be established under this Act, and within the aforesaid limits, shall hand to the clerk of the said council between the first and seventh day of every month a return in writing of all cattle sold or offered for sale by him or them during the previous month, together with the amount of fees chargeable thereon in accordance with the provisions of this Act and the by-laws to be made thereunder. Any auctioneer or person who neglects or refuses to make such return, or to pay the amount of fees aforesaid, or who shall make a false return, shall be liable to a penalty of not less than one pound nor more than five pounds for every such offence, as well as to pay the amount of fees aforesaid.

Short title.

9. This Act may be cited as the "Borough of Cudgegong Cattle Sale-yards Act."