

An Act to authorise the municipal council of
Scone to purchase land and erect and main-
tain cattle sale-yards thereon. [21st Decem-
ber, 1904.]

SCONE CATTLE
SALE-YARDS.

WHEREAS the municipal council of Scone are desirous of Preamble.
establishing yards for the sale of cattle in or near that
municipality: 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 municipality of Scone 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 municipality, from
whatever source arising, as in the opinion of the said council may be
deemed

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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 King'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—

“Cattle,” whenever used herein or in any by-laws or regulations made hereunder, shall be taken to include all horses, mares, geldings, foals, mules, oxen, bulls, cows, bullocks, steers, heifers, calves, sheep, lambs, pigs, and goats.

“Council” shall mean the council of the municipality of Scone.

“Council clerk” means the council clerk or other person authorised by the mayor or council of the municipality of Scone to perform the duties of council clerk.

“Gazette” shall mean the Government Gazette of the State of New South Wales.

“Municipality” shall mean the municipality of Scone.

“Owner” shall include any agent or other person authorised by the owner of any cattle, or any person in charge thereof.

“Prescribed” shall mean prescribed by this Act or any by-law or regulation made under this Act.

“Sale-yards” shall include any premises where cattle may be kept or exhibited for sale, exchange, or disposal in any way howsoever.

Power to establish sale-yards and purchase land.

2. It shall be lawful for the council 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.

Power to borrow.

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 council, subject to the provisions of Part XII of the Municipalities Act, 1897, to borrow any sum of money not exceeding one thousand five hundred 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 municipality, from whatever source arising, as in the opinion of the council may be deemed most expedient: Provided that the proceeds to arise from such rates, fees, tolls, fines, penalties, and forfeitures, and all other profits accruing from the use of such sale-yards and the premises, received by the said council shall, after payment of all current expenses incident to

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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 council: Provided further that after the payment of the principal sum and interest the said proceeds shall be passed to the credit of the General Revenue by the said Council.

4. The council may from time to time appoint officers and servants and make by-laws and regulations 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 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.

Power to appoint officers and make by-laws.

No penalty to exceed five pounds.

5. All such by-laws and regulations 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 published in Scone. And the production of the Gazette purporting to contain a copy of any such by-laws and regulations shall be sufficient evidence in any proceeding in any court of justice that such by-laws and regulations 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 and regulations approved and published, the 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 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 fees.

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 or regulations hereunder, may be recovered at any suit of the council or the council clerk 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,

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- aforesaid, and on failure of distress shall be enforced in the manner directed by such Act or Acts. Subject, however, to an appeal in manner provided by the Act or Acts for the time being in force regulating appeals from justices of the peace.
- 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 days of every month, a return in writing of all cattle sold or offered for sale by him or them during the preceding month, together with the amount of fees payable thereon in accordance with this Act, and the by-laws to be made thereunder. Any auctioneer or person who 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 more than five pounds for every such offence, as well as to pay the amount of fees as aforesaid.
- 9.** In any legal proceeding, suit, or prosecution under this Act, or any by-law made hereunder, no proof shall be required by any court of the incorporation of the municipality or of the due election or appointment of any mayor, alderman, council clerk, officer, or servant, or of the authority of such council clerk or officer to institute such proceeding, suit, or prosecution.
- 10.** 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 council and their successors in office in fee-simple upon the passing of this Act.
- 11.** This Act may be cited as the "Scone Cattle Sale-yards Act of 1904."

SCHEDULE.

All that piece or parcel of land containing six acres, situate in the town of Scone, parish of Scone, county of Brisbane, State of New South Wales : Commencing on the south-east boundary of Mrs. M. E. Miller's two hundred and thirty acres, at a point bearing north-easterly one chain from the intersection of the prolongation of the western side of Waverley-street with the said boundary ; and bounded thence on the south-west by the north-east side of a new street, to be also called Waverley-street, bearing north-westerly five chains to Sydney-street ; thence on the north-west by the south-east side of Sydney-street, bearing north easterly twelve chains to Miller-street ; thence on the north-east by the south-west side of Miller-street, bearing south-easterly five chains to the road from Scone to the town common ; and thence on the south-east by the north-west side of that road, bearing south-westerly twelve chains to the commencing point aforesaid.