

No. X.

An Act to empower the Municipal Council of the City of Sydney to acquire a site for the establishment of Cattle Sale Yards. [12th July, 1880.]

MUNICIPAL CATTLE
SALE YARDS SITE
ACQUISITION

WHEREAS by the "Sydney Corporation Act of 1879" it is declared Preamble. 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 land 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 it is expedient to empower the said Council without delay to acquire a site for the establishment of such Yards and to make further provision in respect thereof 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. This Act may be cited as the "Municipal Cattle Sale Yards Short title. Site Acquisition Act" and in its construction and for its purposes the term "Land" means real estate held for any estate or interest whatsoever and includes any buildings or erections thereon "Lease" includes an agreement for a lease "Owner" includes all the persons or bodies corporate who under the Act twenty-second Victoria number nineteen are enabled to sell and convey lands as thereby provided "Council" means the Municipal Council of the City of Sydney and "Mayor" means the Mayor of the said Council.

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Power to Council to take or acquire lands for cattle sale yards.

2. It shall be lawful for the Council with the approval of the Governor and Executive Council for the purpose of acquiring a site upon which to establish cattle sale yards to enter upon and take any land situated within the limits described in the one hundred and thirty-second section of the Act forty-third Victoria number three (the "Sydney Corporation Act of 1879") provided that such land shall be comprised in one block and shall not exceed in area twenty-nine acres. And upon publication in the *Government Gazette* of a notification that any land therein described has been taken for the purposes of this Act accompanied by a notification under the hand of the Colonial Secretary for the time being published in like manner signifying the approval hereinbefore prescribed the land so described shall thereupon be vested in the Council for an estate of inheritance in fee simple in possession freed and discharged from all estates interests trusts encumbrances liens charges contracts agreements rights-of-way and other easements whatsoever. And the whole estate and interest of every person who but for such taking would have been entitled to the said lands or any portion thereof and whether to the legal or the equitable estate therein shall upon the publication of such notification be taken to have been converted into a claim for compensation in pursuance of the provisions hereinafter contained.

Restriction on sale of the acquired land.

3. In the event of the Council's desiring to exercise the power of selling the land acquired under this Act or any part thereof in accordance with the one hundred and thirty-second section of the aforesaid Corporation Act no such sale shall be made or contract for the same be entered into until such desire shall have been communicated to and approved of by the Governor and Executive Council.

Notice of claim for compensation.

4. Every person claiming compensation in respect of any land so taken shall within thirty days from the publication of such notification or within such time as a Judge of the Supreme Court shall upon the application of the claimant appoint in that behalf serve a notice in writing upon the Mayor and a like notice upon the City Solicitor which notice shall set forth the nature of the estate or interest of the claimant in such land together with an abstract of his title and such notice may be in the form in the First Schedule hereto.

Claim and report thereon.

5. Within ten days after the receipt of every such notice of claim by the City Solicitor he shall forward the same together with his report thereon to the Mayor who shall within twenty days thereafter cause a valuation of the land or of the estate or interest of the claimant therein to be made and shall inform the claimant as soon as practicable of the amount of such valuation by notice in the form of the Second Schedule hereto.

Compensation by action in Supreme Court.

6. If within ninety days after the service of notice of claim the claimant and the Mayor shall not agree as to the amount of compensation the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the said Council. And any such action may be tried before a Judge of the said Court and a special jury of four persons to be summoned by the Sheriff from the Jurors District for Sydney in accordance with the law regulating the summoning of Jurors for the trial of civil issues. Provided always that upon proper application either of the Council or of the claimant a special jury of twelve may be so summoned for the trial of such action.

Issue in action of compensation verdict and costs.

7. The issue to be tried in such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount of the valuation so made by the Mayor and notified to the claimant as aforesaid and if so to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation the costs of the action shall be borne by the Council but if the verdict shall be for a sum equal to or less than such valuation then the cost shall be borne by the claimant.

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8. All moneys payable under this Act by way of compensation ^{As to payment of compensation.} to any claimant whether under the verdict of a jury or otherwise shall be paid together with costs (if any) by the Council within one month after the determination of such compensation to the person lawfully entitled thereto or to his agent duly authorized in that behalf in writing.

9. In estimating or assessing the compensation to be paid under ^{Compensation how to be estimated.} this Act regard shall be had by the valuators and by the jury (on any issue) not only to the value of the land taken by the Council but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands and they shall assess the same according to what they shall find to have been the value of such lands estate or interest at the time of the taking thereof.

10. The several sections of the Act twenty-second Victoria number nineteen hereinafter specified together with the respective powers authorities duties liabilities obligations and other the provisions therein contained are hereby declared to be incorporated with and embodied in this Act to the intent that the same may be applied as fully and effectually to any lands taken under the authority of this Act as if the said sections were herein specifically enacted. Provided always that wheresoever in any section so incorporated the word "Commissioner" occurs there shall for the purposes of this Act be substituted in lieu of such word the expression "Municipal Council of the City of Sydney". The following are the sections so declared to be incorporated with this Act—

- (1.) As to the deposit of compensation money in certain cases with the Master in Equity and the application and investment thereof. As to payment of such money in certain cases to trustees or to the parties themselves and the exoneration of the Council in respect thereof after payment Sections forty-seven to fifty-two both inclusive.
- (2.) As to the deposit and application of compensation money on refusal of the owner to accept the same or on his failing to make out a satisfactory title and as to presumption of ownership Sections fifty-three to fifty-six both inclusive.
- (3.) As to the procedure by the Council in case the owner or occupier of any lands resumed under this Act shall refuse to give up possession thereof or hinder the Council from entering upon or taking possession of the same Section sixty-one.
- (4.) As to the purchase or redemption of the interests of mortgagees and the deposit of principal and interest due on mortgages with the Master in Equity the procedure to be observed when the mortgaged lands are of less value than the mortgage debt and where part only of lands in mortgage are taken Sections sixty-five to seventy both inclusive.
- (5.) As to the release of lands from rent charges and other incumbrances and procedure therefrom Sections seventy-one to seventy-four both inclusive.
- (6.) As to the apportionment of rent where lands taken are under lease and as to compensation to tenants Sections seventy-five to seventy-eight both inclusive.

SCHEDULES.**FIRST SCHEDULE.***Notice of claim and abstract.*

To the Mayor of the Municipal Council of the City of Sydney (or City Solicitor).

In pursuance of the "Municipal Cattle Sale Yards Site Acquisition Act" and of the enactments therewith incorporated I (or we) hereby give you notice that I (or we) claim compensation in respect of the land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

Names and descriptions of parties claiming and nature of their interests whether tenants for life in tail or otherwise.	Situation and description of property.	Quit rents payable if leasehold name of landlord term of lease and rent reserved.	Names of occupiers distinguishing whether tenants-at-will or under lease rent reserved terms &c.	Particulars of claim specifying separately the amount claimed for value of property and for compensation.	Dates and other short particulars of documents of title.	Names of persons having the custody of documents and place or places where the same may be inspected and name of claimant's solicitor or agent.

(Signature)
(Address)
(Date)

SECOND SCHEDULE.*Notice of Valuation.*

To A.B. claimant in respect of the land hereunder described resumed under the "Municipal Cattle Sale Yards Site Acquisition Act."

TAKE notice that the land hereunder described being that in respect of the resumption whereof under the authority of the aforesaid Act your claim for compensation has been lodged has been valued at the sum of £

A.B.
Mayor &c.

Description of Land in respect of which claim has been made.

ALL that piece or parcel of land &c. &c. &c.