

An Act to authorize the Council of the Borough of Wagga Wagga to purchase land within the said Borough, and to erect and maintain Cattle Sale-yards thereon, and to provide for the same. [20th December, 1890.

WAGGA WAGGA
CATTLE SALE-YARDS.

WHEREAS it is expedient that the Council of the Borough of Wagga Wagga should have power to establish Cattle Sale-yards within the said Borough. And whereas there is not at present any portion of land vested in the Council for that purpose, and it is therefore expedient that the said Council should have power to purchase land for the purpose aforesaid, and to erect and maintain Cattle Sale-yards thereon. 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. For the purposes of this Act the word "cattle" shall include all horses, oxen, bulls, cows, horned cattle, sheep, lambs, pigs, and goats. The word "owner" shall include any agent or other person authorized by the owner of any cattle or any person in charge thereof. The word "Sale-yard" shall include any premises where cattle may be kept or exhibited for sale, exchange, or disposal in any way whatsoever. The word "Council" shall mean the Council of the Borough of Wagga Wagga.

2. It shall be lawful for the Council, for the purpose of making provision for the sale of cattle within the said Borough, to purchase any area of land within the said Borough from any corporation or corporations, person or persons whomsoever, and such land, when so purchased and conveyed to the Council, shall be held in trust for the erection and maintenance of Cattle Sale-yards, subject to the provisions of this Act and the by-laws to be made thereunder.

3. So soon as such land shall be purchased as aforesaid it shall be lawful for the Council to erect and maintain thereon suitable buildings, yards, and other premises for the purpose of making provision for the sale of cattle therein.

4. To provide funds for the purchase of any such lands, and for the erection and maintenance of buildings, yards, and premises as aforesaid, it shall be lawful for the Council to borrow any sum of money not exceeding two thousand pounds, at such rate of interest as to the Council shall seem reasonable, repayable by debentures or otherwise secured by a mortgage of any such land, and the fees and tolls to be levied as hereinafter provided. Provided that the proceeds to arise from such fees or tolls and all other profits accruing from the use of such land, buildings, yards, and premises received by the 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 Council. Provided that the Council may purchase any portion of land within the said Borough on which buildings or yards may have been erected, and may raise money for the purchase thereof in the manner hereinbefore provided under and subject to all other provisions in this section contained.

Wagga Wagga Cattle Sale-yards.

Power to appoint
officers and make
by-laws.

No penalty shall
exceed five pounds.

Power to demand
and take fees.

Recovery of
penalties.

Short title.

5. The Council may, from time to time, appoint officers and servants, and make by-laws for the maintenance, regulation, and management of the said buildings, yards, and premises, 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 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 Council may demand and take from every owner in respect of any cattle brought to any such sale-yards, or yarded in or brought to any other sale-yards within the Borough of Wagga Wagga, if such cattle be intended for sale by public auction or private contract, the fees and tolls mentioned in the said by-laws. Provided that the fees and tolls levied by the Council upon cattle brought to any other sale-yards shall not exceed those levied upon cattle yarded in or brought to the sale-yards under this Act. Provided further that the said Council shall have only the power to levy one half the same fees and tolls which are chargeable in the Municipal Sale-yards for a period of five years from the passing of this Act, but thereafter the Council shall have power to levy the full fees and tolls as aforesaid for or in respect of any sale-yards situated within the aforesaid limits, which shall before the commencement of this Act have been established and which are now being used for the *bonâ fide* purpose of holding sales of cattle thereat, but the said privilege of paying only such half fees and tolls as aforesaid shall not extend to any proprietor of any such last-mentioned yards unless he shall, within one month after the date of the passing of this Act, have given notice to the Council by writing under his hand that he claims the said privilege.

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 Council, or the Clerk of the 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.

8. This Act may be cited as the "Wagga Wagga Cattle Sale-yards Act."