

An Act to authorise the construction, maintenance, and regulation of cattle sale-yards by the council of the Municipal District of Wellington. [21st December, 1904.]

WELLINGTON
CATTLE
SALE-YARDS.
—

WHEREAS, by Crown grant, dated the eighth day of October, one thousand eight hundred and eighty-three, the land described in the Schedule hereto was duly granted to the council of the municipal district of Wellington upon trust to use the said land as the site for a market: And whereas it is expedient that yards for the sale of cattle should be established upon the said land, and it is necessary for such purpose that full power should be given to the said council to erect, construct, and maintain suitable buildings and yards, and such other works as may be deemed expedient on such land or portion thereof, and for such purpose to borrow money upon debentures, mortgage, or otherwise, upon the security of the said land or of the fees and charges hereinafter mentioned, or of the general revenue of the municipality, and to appoint officers and make by-laws for the maintenance, regulation, and management of such sale-yards, and for other purposes in connection therewith, and to levy fees and charges in respect of cattle sold or offered or brought for sale at or to the said sale-yards or other sale-yards within or adjacent to the said municipal district: 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:—

1. In this Act the word "cattle" includes horses, mares, geldings, foals, bulls, bullocks, cows, steers, heifers, calves, pigs, sheep, lambs, goats, and all other live-stock. Interpretation of the word "cattle."

2.

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Council may erect yards, &c.

2. The council of the municipal district of Wellington may erect, construct, and maintain suitable buildings, yards, and such other works as may be deemed expedient (hereinafter called the said sale-yards), upon the land in the Schedule hereto set forth for the purpose of making provision for the sale of cattle therein.

Borrowing powers.

3. To provide funds for the erection, construction, and maintenance of the said sale-yards, the said council may, subject to the provisions of Part XII of the Municipalities Act, 1897, borrow any sum or sums of money not exceeding in the aggregate one thousand pounds, at a rate of interest not exceeding eight pounds per centum per annum, upon debentures, mortgage, or otherwise, upon the following securities, or all or any of the same, that is to say, the security of the said land, and of the fees and charges to be levied under this Act, and of the general revenue of the municipality from whatever source arising, and may execute all deeds, mortgages or documents necessary or expedient to secure repayment of any sum or sums so borrowed, and interest thereon.

Disposal of profits.

4. (1) The proceeds arising from all such fees and charges, and all profits accruing from the use of the said sale-yards, received by the said council shall, after payment of all expenses incident to the maintenance of the said sale-yards, be placed to an account to be called the cattle sale-yards fund, and be appropriated in the first instance towards the payment of the principal sum or sums so borrowed and interest thereon.

(2) After the said principal and interest are paid, all moneys standing at the end of each half-year to the credit of such fund shall be passed to the credit of the general revenue of the said council.

Power to appoint officers.

5. The said council may, from time to time, appoint officers and servants for the maintenance, regulation, and management of the said sale-yards, and generally for carrying out the purposes of this Act.

By-laws.

6. (1) The said council may make by-laws for—
 (a) the maintenance, regulation and management of the said sale-yards ;
 (b) the guidance of persons buying and selling therein, or resorting thereto ;
 (c) prescribing the roads, streets and thoroughfares within the said municipal district to be used by persons driving cattle to or from the said sale-yards.
 (d) levying fees and charges as hereinafter mentioned ;
 (e) generally carrying out the purposes of this Act ;

Penalties.

(2) Such by-laws shall clearly set forth what pecuniary or other penalty or forfeiture shall be incurred by any breach thereof respectively. No such pecuniary penalty or forfeiture shall in any case exceed the sum of five pounds.

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(3) All such by-laws shall, after approval by the Governor, Approval and proof of by-laws. be published in the Gazette and in one local newspaper. The production of the Gazette containing a copy of any such by-laws shall be sufficient evidence that such by-laws have been duly made and approved in accordance with the provisions of this Act.

7. So soon as any such sale-yards are established and by-laws Power to demand and take fees. approved and published, the said council may demand and take, in respect of any cattle intended for sale by public auction or private contract, and yarded in or brought to or sold or offered for sale at such sale-yards, or any other sale-yards within three miles of the said sale-yards established under this Act, the fees or charges mentioned in the said by-laws: Provided that the fees or charges levied by the said council upon cattle yarded in or brought to or sold or offered for sale at any such other sale-yard shall not exceed those levied upon cattle yarded in or brought to or sold or offered for sale at the said sale-yards established under this Act.

8. Every auctioneer or person selling or offering for sale cattle Return of cattle sold or offered in yards other than the council's yards. at any such other sale-yard shall, on or before the seventh day of the next following month, hand to the officer appointed by the said council for that purpose, a return in writing of all cattle so yarded in or brought to such other sale-yard or sold or offered for sale by him, and pay to the said officer the amount of fees and charges payable thereon in accordance with the provisions of this Act and the by-laws thereunder. Any auctioneer or person who neglects or refuses to make such return, or who makes a false return, shall be liable to a penalty of not more than five pounds for every such offence.

9. All fees or charges payable, and all penalties and forfeitures Recovery of penalties. incurred under this Act, or any by-laws hereunder, may be recovered in a summary manner at the suit of the said council, or the council clerk of the said municipal district under the provisions of the Act or Acts for the time being in force regulating summary proceedings before justices.

10. This Act may be cited as the "Wellington Cattle Sale-yards Act of 1904."
short title.

SCHEDULE.

All that piece or parcel of land containing by admeasurement two acres three rods Description of land. eleven perches, situated in the town, parish, and county of Wellington, being allotment twelve of section two: Commencing at the intersection of the eastern side of Raymond-street with the northern side of Gisborne-street; and bounded thence on the south by the latter street bearing easterly six chains; on the east by the western boundary of a measured portion of two acres bearing northerly four chains seventy links to a lane; on the north by that lane bearing westerly six chains to Raymond-street aforesaid; and on the west by that street bearing southerly four chains seventy links, to the point of commencement.