

ANNO QUARTO

## VICTORIAE REGINÆ.

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## No. I.

CATTLE IMPOUNDING. An Act to amend an Act intituled “*An Act to repeal an Act of the Governor and Council of New South Wales intituled ‘An Act to authorize the erection of Pounds and for regulating the impounding of Cattle and to make further and other provisions in lieu thereof’*” and to extend the provisions thereof. [23rd June, 1840.]

Preamble.  
Certain enactments  
of 4 Wm. IV. No. 3  
recited.

WHEREAS an Act of the Governor and Legislative Council of New South Wales was passed in the fourth year of the reign of His late Majesty King William the Fourth intituled “*An Act to repeal an Act of the Governor and Council of New South Wales intituled ‘An Act to authorize the erection of Pounds and for regulating the impounding of Cattle and to make further and other provisions in lieu thereof’*” it is amongst other things therein enacted that the keeper of every public pound appointed under the provisions of the said Act shall in certain cases therein specified cause a public notice of all cattle impounded in each such public pound to be published in the next *Government Gazette* which may be published after the expiration of twenty-four hours as in such Act mentioned and in which it may be possible to cause the same to be inserted and it is therein further enacted that it shall not be lawful for any person whomsoever to suffer any cattle belonging to him or under his charge to stray or go about or to be tethered or depastured in any street or public place within the limits or reputed limits of the towns of Parramatta Windsor Richmond Liverpool Campbelltown Newcastle or Maitland and that any person who shall so offend shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings to be recovered in a summary way before any Justice of the Peace by distress and sale of the offender’s goods and that it shall and may be lawful for any constable or other person to seize and impound in the nearest pound any such cattle as aforesaid there to be detained until released upon payment of the poundkeeper’s lawful fees and charges or otherwise disposed of according to the provisions of the said Act Provided always that if any dispute should arise as to the limits of any of the towns aforesaid the same shall be determined by the Justice before whom the case shall be brought And whereas from the remote situation and distance of some of the districts of the said Colony from the town of Sydney such publication as

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as aforesaid in the *Government Gazette* in many cases becomes difficult and oppressive to the owners of cattle impounded in the pounds appointed for such remote districts and it is expedient that the said Act should be amended in respect thereof Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the passing of this Act it shall and may be lawful for the Governor of the said Colony by any order to be by him from time to time published in the *Government Gazette* to declare that the pound-keeper of any public pound therein mentioned shall not be required to cause the said notice to be published in the *Government Gazette* as by the said Act is ordered but that in lieu thereof such respective poundkeepers shall cause the notice or notices so directed by the said Act to be published as aforesaid to be inserted in one or more of the public newspapers of the district or nearest to the district wherein such public pound shall be situate or to be in any other manner published as the said Governor may direct.

Governor may order notices of cattle impounded to be published in the nearest public newspapers instead of in the *Gazette*.

2. And whereas there are many towns and districts in the said Colony that are rapidly increasing in population and trade to which it may hereafter be expedient and advantageous to extend the provisions of the said recited Act so far as the same relate to any person suffering any cattle belonging to him or in his charge to stray or go about or to be tethered or depastured in any street or public place within the limits or reputed limits of the several towns in the said Act mentioned to such other towns now erected or hereafter to be erected or established at any place within the said Colony as may hereafter be deemed necessary Be it therefore enacted That whenever the Governor or Acting Governor for the time being shall deem it expedient so to extend such provisions as aforesaid to any other town in the said Colony it shall and may be lawful for the said Governor or Acting Governor for the time being to declare the same by Proclamation to be published in the *Government Gazette* and from and after the publication thereof such provisions so extended as aforesaid shall be deemed and taken to apply and be in force in the town or towns to be specified in such Proclamation to all intents and purposes as fully and effectually as if the said town or towns were specially named in the said recited Act.

So much of 4 Wm. IV, No. 3 as relates to the straying &c. of cattle in any of the towns therein mentioned may be extended to other towns by the Governor's Proclamation.

3. And whereas inconvenience has been found to arise from the enactment in the said Act which requires that all sales of impounded cattle shall take place at the public pound Be it enacted That it shall and may be lawful for the Justices in any district or the majority of them in Petty Sessions assembled to fix the place of sale for such impounded cattle and to vary it from time to time as occasion may require Provided that notice be given thereof in the manner directed in the said recited Act or in such other manner as the said Justices may deem sufficient for the information of the parties concerned and the obtaining the due value of the impounded cattle so to be sold.

The Justices in Petty Sessions in any district may fix and from time to time vary the places of sale of impounded cattle notice thereof being duly given.

4. And whereas by the said recited Act it is enacted that it shall and may be lawful for every poundkeeper appointed under the said Act to receive the price of any impounded cattle which shall be sold under and by virtue thereof and to apply the same first in the payment of all lawful fees and charges due to himself secondly in the payment of the sum due to the party at whose instance the same were impounded and the residue he shall pay over to the owner of the cattle sold where he is known or to his known agent or overseer upon the same being demanded and if the owner of the cattle sold be unknown and have no known agent or overseer the said poundkeeper shall within one month after the

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sale pay the amount into the hands of the Colonial Treasurer in trust for the party entitled thereto and the receipt of the said Treasurer for the same shall be the legal acquittance and discharge of the said poundkeeper for the amount specified therein and in case no claim to the same shall be duly made within two years next after the said money shall have been so paid into the hands of the Colonial Treasurer it shall and may be lawful for the Governor by warrant under his hand to direct the same to be paid to the Treasurer for the time being of the Benevolent Asylum to be by him applied in furtherance of the objects of that institution and the said money shall thereupon be paid over and applied accordingly. And whereas it is expedient better to provide for the duly accounting for the proceeds of all impounded cattle which may be sold under and by virtue of the said Act Be it enacted That every such poundkeeper shall at the termination of every calendar month furnish to the Clerk of the Petty Sessions of the district in which any such pound may be situated for the information of the Justices composing such Petty Sessions and for disposal as herein provided an account in writing in the form and containing the several particulars set forth in the Schedule to this Act annexed marked A of all impounded cattle sold during the previous month and the Clerk of the Petty Sessions immediately on receipt of such account shall proceed under the orders and directions of the said Justices to verify the same and to compare the entries of sales with the notices thereof required to be given by this Act and shall cause any error or omission therein to be duly rectified by such poundkeeper and on being satisfied of the correctness of such account shall forward the same with a certificate of the correctness thereof forthwith to the said Colonial Treasurer and a copy of such account shall also be affixed by such Clerk of Petty Sessions on some conspicuous part of the Court House of such district for at least one month for general information and if any poundkeeper or Clerk of Petty Sessions shall fail or neglect to do and perform the several matters hereby directed by them respectively to be done and performed or any of them he shall forfeit and pay the sum of five pounds for every such offence to be recovered and applied as in the said recited Act is directed with respect to other fines.

Monthly account sales to be furnished by poundkeeper to Clerks of Petty Sessions and certified copies thereof to be by them forthwith transmitted to Colonial Treasurer.

Penalty on pound-keepers and Clerks for neglect.

## SCHEDULE A TO WHICH THIS ACT REFERS.

PARTICULARS of the Sale of Cattle at \_\_\_\_\_ for the month of \_\_\_\_\_ by order of the Petty Sessions of \_\_\_\_\_

Date of Sale.	Description of Cattle.	Brands or Marks.	To whom sold.	Gross Amount of Sale.	Particulars of Expenses deducted.	Net Produce of Sale.	To whom paid.	REMARKS.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 184

Examined by order of the said Petty Sessions }  
and certified to be correct. }  
C. D. \_\_\_\_\_  
Clerk of Petty Sessions.

A. B.  
Poundkeeper.