

No. XLII.

An Act declaratory of the right of Occupants of Crown Lands to impound Cattle and other Animals found trespassing thereon. [2nd October, 1850.]

TRESPASSES ON
CROWN LANDS.

WHEREAS doubts have arisen whether persons who now or may

Preamble.

hereafter occupy Waste Lands of the Crown under lease license or other authority granted by or on behalf of the Crown are entitled to impound cattle or other animals trespassing thereon and it is expedient to remove such doubts Be it declared and enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That all persons in occupation by lease license or other authority granted by or on behalf of the Crown shall be and are hereby empowered to impound any cattle sheep horses or other animals trespassing thereon and to drive them (if needs be) to the next or nearest public pound and in addition to the amount of damage chargeable by law upon any such cattle sheep horses or other animals so trespassing as aforesaid to charge all costs and expenses attending the driving of the same to any such pound Provided always that if the owner or bailee of any animals so trespassing shall be dissatisfied with any such charges he may apply to the Court of Petty Sessions nearest to such pound which shall have power to summon all parties with their witnesses and to examine them upon oath in a summary way and to assess such damages as may appear to be reasonable and fair and such assessment of damages shall be final and conclusive between such parties and such Court of Petty Sessions shall have power (if necessary) to order so many of any such trespassing animals to be sold as shall be required to pay all such damages as well as all fees and other charges due to the keeper of any pound in which any animal so trespassing shall be impounded.

Declaring that all occupants of Crown Lands whether under lease license or other authority granted by the Crown are empowered to impound animals trespassing thereon and in addition to damages to charge expenses of driving subject to appeal to nearest Court of Petty Sessions.

2. And be it declared and enacted That in any action of replevin brought for any distress of cattle sheep horses or other animals damage *feasant* beyond the Settled Districts it shall be sufficient in any pleading particular or other proceeding to describe the *locus in quo* in the same manner as such *locus in quo* is required to be described in any action of trespass *quare clausum fregit*.

Locus in quo in action of replevin.