



S U P P L E M E N T
TO THE
NEW SOUTH WALES
GOVERNMENT GAZETTE,

OF WEDNESDAY, JULY 8, 1840.

Published by Authority.

SATURDAY, JULY 11, 1840.

ANNO QUARTO

VICTORIÆ REGINÆ,

No. 1.

By His Excellency Sir George Gipps, Knight,
~~Captain-General, and~~ Governor-in-Chief of
the Territory of New South Wales and its
Dependencies, and Vice Admiral of the
same, with the advice of the Legislative
Council.

*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 authorise 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.*

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 Go-
vernor and Council of New South
Wales, intituled, 'An Act to re-
peal an Act of the Governor and Council
of New South Wales,' intituled 'An Act to
authorise 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 Pub-
lic Pound appointed under the provisions of
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 belong-
ing 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, Campbell-
town, 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 Pro-
visions 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 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 Poundkeeper 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.

(So much of 4 William 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.)

II. 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.

(The Justices in Petty Sessions in any District may fix, and from time to time vary the place of sale of Impounded Cattle, notice thereof being duly given.)

III. 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.

IV. 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 shall be unknown, and have no known Agent or Overseer, the said Poundkeeper shall, within one month after the 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

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.

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 hereinafter 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 the 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 Penalty on Poundkeepers 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.

GEORGE GIPPS,
Governor.

*Passed the Legislative Council,
this twenty-third day of June,
one thousand eight hundred
and forty.*

WM. MACPHERSON,
Clerk of Councils.

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.

