



# S U P P L E M E N T

TO THE

NEW SOUTH WALES

# GOVERNMENT GAZETTE,

OF FRIDAY, JULY 9, 1841.

Published by Authority.

SATURDAY, JULY 10, 1841.

ANNO QUINTO,  
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 and continue for five years, an Act intituled, "An Act further to restrain the unauthorised occupation of Crown Lands, and to provide the means of defraying the expense of a Border Police."*

**W**HEREAS, an Act of the Governor and Council of New South Wales was passed in the Second Year of the Reign of Her present Majesty Queen Victoria, intituled, "*An Act further to restrain the unauthorised occupation of Crown Lands, and to provide the means of defraying the expense of a Border Police;*" and

2 Victoria, No. 27. *whereas the said Act will expire on the thirtieth day of June, one thousand eight hundred and forty-one, and it is expedient to continue the same for a limited period, as hereinafter altered and amended: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, That the said recited*

*Act shall be, and the same is hereby further continued, for a period of five years from and after the said thirtieth day of June, one thousand eight hundred and forty-one, subject however to the alterations and amendments hereinafter provided.*

*(No Action for Trespass beyond the limits of Location to be brought, until after the Case shall*

*have been heard and determined by the Commissioner of the District.)*

*II. And be it enacted, That no Action at Law shall be brought in the Supreme Court, or any Circuit Court of the said Colony, for any Trespass at any time committed, or alleged to have been committed, by any person, by having encroached upon the Station or Run of any party in the occupation of Crown Lands, beyond the limits allotted for Location, whether such occupation was merely on sufferance prior to the passing of the said Act, or by virtue of a License granted either before or after the passing of the same, until the case shall have been heard and determined by the Commissioner of the district in manner provided in the said recited Act; and if any such Action shall be brought in the Supreme Court or any Circuit Court as aforesaid, after such hearing and determination, and the verdict of the Jury or Assessors, as the case may be, shall affirm the decision of the Commissioner, the Judge shall certify to that effect, and the party in whose favour such certificate shall be granted, shall be entitled to treble Treble costs. costs; and the certificate of the Commissioner, on proof of his hand writing thereto, shall be deemed evidence of such decision.*

*(Commissioners may impound Cattle trespassing on Crown Lands within the limits allotted for Location.)*

*III. And be it declared and enacted, That it shall be lawful for any Commissioner of Crown Lands, or person acting under his directions, to Impound any Cattle found trespassing upon any vacant Crown Land within the limits allotted for Location, whether such Cattle shall belong to, or be claimed by any person who may be in the unauthorised occupation of any Crown Land, contrary to the provisions of the said recited Act, or shall have no apparent owner, and the same to*

*shall be deemed evidence of such decision.*

*III. And be it declared and enacted, That it shall be lawful for any Commissioner of Crown Lands, or person acting under his directions, to Impound any Cattle found trespassing upon any vacant Crown Land within the limits allotted for Location, whether such Cattle shall belong to, or be claimed by any person who may be in the unauthorised occupation of any Crown Land, contrary to the provisions of the said recited Act, or shall have no apparent owner, and the same to*

drive, or cause to be driven to the nearest Pound, appointed under the provisions of an Act of the said Governor and Council of New South Wales, 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 authorise the erection of Pounds, and for regulating the Impounding of Cattle, and to make further and other provisions in lieu thereof,'" to be dealt with as is provided in like cases in the said Act, as the same is amended by an Act passed in the Fourth Year of the Reign of Her said Majesty, intituled, "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 the term Cattle, hereinbefore used, shall be deemed to mean the several and respective animals included within the operation of the said recited Act, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth.

*(Where disputed Lands are Surveyed on behalf of the Crown, party decided against shall pay double the expense of the Survey, in addition to the penalty for unauthorised occupation)*

IV. And be it enacted, That if, in the prosecution of any person for being in the unauthorised occupation of Crown Lands, contrary to the provisions of the said recited Act, a question shall arise whether such Lands be or be not the property of the Crown, and it become necessary, on behalf of the Crown, to employ a Surveyor to determine the fact, and a decision be given against the party, under the provisions of the said Act, such party shall be liable, in addition to the penalty which may be imposed under the said Act, to pay double the expenses attending such determination, the same to be ascertained and assessed by the Justices before whom the case shall be heard; and to be recovered in like manner as penalties are recoverable, under the said recited Act; and the amount so recovered shall be applied, first in payment of such expenses, and the remainder to the use of Her Majesty, Her Heirs, and Successors, for the Public uses of the said Colony, and in support of the Government thereof

*(Reciting 4 Victoria, No. 27, S. 15, as to Branding Cattle and Horses, and registering Brands with Commissioner.)*

V. And whereas, by the said first recited Act, it was amongst other things enacted, That every person licensed to occupy Crown Lands beyond the limits of Location, should have a separate and distinct Brand for Horses and Cattle, and should register such Brands respectively with the Commissioner; and that it should be lawful for the said Commissioner to make order for any Proprietor last coming into his District, whose proper Brand might be similar to that of a prior occupant therein, to make such a difference in his Brand as might be necessary to prevent mistake or confusion therefrom; the particular change or alteration in such Brand to be determined on by the said Proprietor, provided that it should meet the object required; and that, if any person should fail to have such distinct Brand as aforesaid, or to make such difference, and should refuse or neglect to provide

himself with such Brands, or to make such difference within one month after receiving a notice to that effect, unless further time should be given by the Commissioner, upon reasonable cause shewn to the satisfaction of the said Commissioner, he should forfeit and pay a sum of not less than One Pound, nor more than Twenty Pounds; and

Reciting S. 14, as to Impounding and selling unbranded Cattle above one year unless claimed.

whereas, by the said first recited Act, it is also enacted, that it should and might be lawful for any such Commissioner, or any person by his order, at and after the expiration of One Year, after the said Act should take effect, to collect and Impound any unbranded Beasts in his District above One Year old, and after the expiration of twenty-one days to Brand and sell the same; and that the proceeds thereof should be appropriated to the general purposes of that Act: Provided, however, that if within twenty-one days from and after the Impounding of the said Cattle, any person should prove, to the satisfaction of the said Commissioner, his right of property in the said Cattle, and should immediately Brand the same with his or her registered Brand, such Beast or Beasts should be given up on payment of a fine of Ten Shillings per head; and whereas it is expedient to adopt similar provisions within the limits of Location:

Be it enacted, That the said provisions shall be applicable and applied accordingly within the limits of Location; and that the Commissioner for the before-mentioned purposes, shall be the Commissioner now or hereafter to

be appointed, who shall reside nearest to the place where the Horses or Cattle shall be depastured: Provided always, That no unbranded Beasts shall be collected or sold under the authority of this Act, until the expiration of Twelve Months after the same shall take effect.

*(Persons holding valid Licenses exempted from Penalties imposed on unauthorised occupiers of Crown Lands.)*

VI. And whereas it is provided by the said recited Act, That persons shall be subject to certain Penalties who may be found occupying any Crown Lands within the Limits of Location, without holding a valid Lease from the Government of New South Wales for the occupation of the same; and whereas the issuing of Leases has been found to be troublesome and expensive, and it is expedient to substitute in some cases Annual Licenses in their stead: Be it therefore declared and enacted, That no person occupying Crown Lands within the said Limits of Location, and having a valid License for the occupation of the same, signed by the Treasurer for the time being of the said Colony, or such other Officer or Officers as the Governor may appoint, shall be liable to any Penalty under the said Act, as the same is continued and amended by this Act, for occupying such Lands contrary to the provisions of the said recited Act, as so continued and amended.

*(Recovery and application of Penalties.)*

VII. And be it enacted, That the penalties imposed by this Act shall be recovered, and applied, and may be appealed against in the same manner as is directed with respect to penalties recoverable under the said first recited Act.

*(Commencement and duration of Act.)*

VIII. And be it enacted, That this Act shall

commence and take effect from and after the thirtieth day of June, one thousand eight hundred and forty-one, and shall thenceforward continue in force for five years.

GEORGE GIPPS,  
Governor.

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

WM. MACPHERSON,  
Clerk of Councils.

ANNO QUINTO,  
VICTORIÆ REGINÆ.

No. 2.

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 authorise the Establishment of Markets in certain Towns in the Colony of New South Wales; and for the appointment of Commissioners to manage the same."

WHEREAS, by an Act of the Governor and Council of New South Wales, passed in the Third Year of the Reign of Her present Majesty Queen Victoria, intituled, "An Act to authorise the Establishment of Markets in certain Towns in the Colony of New South Wales; and for the appointment of Commissioners to manage the same," it was amongst other things enacted, That if at any Public Meeting of the Free Inhabitants of any Town in the said Colony, such Meeting being duly convened, and held as in the said recited Act is directed, a Resolution be adopted in favor of establishing a Market in such Town, and the Governor, with the advice of the Executive Council, should approve of the establishment of such Market, the same should be notified in the *New South Wales Government Gazette*; and whereas it is expedient, in certain cases, to authorise the establishment of two or more Markets within the same Town: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice of the Legislative Council of two or more Markets in any Town, aforesaid, of the Free Inhabitants of any Parish, or separate portion of any Town, in the said Colony, of which the number of Inhabitants shall not be less than One Thousand, a Resolution shall be adopted in favor of establishing a Market therein, and His Excellency the Governor, with the advice of the Executive Council, shall have approved of the establishment of such Market, the same shall be notified in the *New South Wales Government Gazette*.

(The Provisions of 3 Victoria, No. 19, to apply to such Markets.)

II, And be it enacted, That, except as hereinbefore altered and amended, the several and respective provisions of the said recited Act shall be held to apply, to all intents and purposes, in as full and ample a manner to any Market established

under this Act, as if the same had been established under the said recited Act.

GEORGE GIPPS,  
Governor.

Passed the Legislative Council }  
this twenty-ninth day of }  
June, One thousand eight }  
hundred and forty-one. }

WM. MACPHERSON,  
Clerk of Councils.

ANNO QUINTO,  
VICTORIÆ REGINÆ.

No. 3.

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 repeal so much of an Act, intituled, "An Act to abolish the Transportation of Female Convicts, and to provide for the more effectual punishment of Female Offenders, within the Colony of New South Wales," as authorises the confinement of any Female Offender in a Dark Cell.

WHEREAS, by an Act of the Governor and Council of New South Wales, passed in the Third Year of the Reign of Her present Majesty Queen Victoria, intituled, "An Act to abolish the Transportation of Female Convicts, and to provide for the more effectual punishment of Female Offenders within the Colony of New South Wales," it was amongst other things enacted, That Female Offenders might in certain cases be punished by confinement in the Dark Cells of any Gaol or Factory, duly appointed for the custody of Female Offenders; and whereas it is expedient to repeal so much of the said recited Act as authorises the punishment of Female Offenders by confinement in the Dark Cells of any such Gaol or Factory: 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, so much of the said recited Act as authorises the punishment of Female Offenders by confinement in the Dark Cells of any Gaol or Factory, duly appointed for the custody of Female Offenders, shall be, and the same is hereby repealed accordingly; and that nothing in the said recited Act contained, shall authorise the confinement of any Female Offender in a Dark Cell.

GEORGE GIPPS,  
Governor.

Passed the Legislative Council }  
this twenty-ninth day of }  
June, One thousand eight }  
hundred and forty-one. }

WM. MACPHERSON,  
Clerk of Councils.

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