

## No. XV.

## An Act to amend the Law relating to Public Wharves.

[Assented to, 19th September, 1850.]

**W**HEREAS by an Act of the Governor and Legislative Council of New South Wales, passed in the tenth year of the Reign of Her present Majesty, intituled, "*An Act to amend the Law relating to Public and Private Sufferance Wharves, and the rates payable thereat*," it was amongst other things enacted, that it should and might be lawful to and for the Governor of the said Colony for the time being, from time to time, to authorise and direct the wharfage and tonnage rates payable at any Public Wharf under the provisions of that Act, to be demised and let to farm for any term not exceeding one year: And whereas it is expedient to empower the said Governor to authorize and direct the said rates to be let to farm for a longer period than one year, whenever it shall appear conducive to the public benefit so to do: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Act, it shall and may be lawful for the Governor for the time being of the said Colony, to authorize and direct the rates payable at any Public Wharf under the provisions of the said Act, to be demised and let to farm by public auction or upon private tender, as provided by that Act, for any period not exceeding the term of five years, as may appear to the said Governor and the Executive Council of the said Colony conducive to the public interests, anything in the said Act to the contrary notwithstanding: Provided that all and every the provisions of the said recited Act shall remain in full force and effect in every respect, except only as to the limit by the said Act imposed upon the duration of any lease for a term exceeding one year, in the same manner as the same would have applied if such extended term had been authorized thereby.

Preamble.

10 Victoria, No. 11.

Wharfage dues may be let for any period not exceeding five years.

Passed the Legislative Council, this twenty-second  
day of August, one thousand eight hundred  
and fifty.

WM. MACPHERSON, CLERK OF THE COUNCIL.

CHARLES NICHOLSON,  
Speaker.

In the name and on the behalf of Her Majesty I assent to this Act.

CH<sup>s</sup>. A. FITZ ROY,  
GOVERNOR.

Govt. House, Sydney, 19th September, 1850.

## No. XVI.

## An Act to adopt and apply certain Acts of Parliament in the Administration of Justice in New South Wales. [Assented to, 19th September, 1850.]

**W**HEREAS three Acts of Parliament were passed in the eighth and ninth, the ninth and tenth, and the tenth and eleventh years of the Reign of Her present Majesty Queen Victoria, of which one is intituled "*An Act for the further prevention of the offence of Dog Stealing*;" and the second is intituled "*An Act for preventing malicious injuries of persons and property by fire, or by explosive or destructive substances*;" and the other is intituled "*An Act for extending the provisions of the law respecting threatening letters, and accusing parties with a view to extort money*." And whereas the adoption of those several Acts in New South Wales would tend to the advancement of Justice therein: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Act the

Preamble.

8 &amp; 9 Vic., cap. 47;

9 &amp; 10 Vic., cap. 25;

and 10 &amp; 11 Vic., cap. 66.

to be applied in the  
Administration of  
Justice in New  
South Wales.

the said three Acts of Parliament, and the several provisions therein respectively contained, shall (so far as the said provisions can be applied) be in force and take effect in New South Wales, and be applied and enforced in the Administration of Justice accordingly; and from and after the passing of this Act all Statutes and parts of Statutes which by the said recited Acts respectively are repealed in England shall in New South Wales be and the same are hereby repealed.

Appropriation of  
fines and penalties.

II. And be it enacted, That all fines, penalties, and forfeitures which may be recoverable in a summary way, under either of the said recited Acts, shall be paid one moiety thereof to Her Majesty, Her Heirs, and Successors, for the Public Uses of this Territory and in support of the Government thereof, and shall be applied in such manner as may from time to time be directed by any Acts of the said Governor and Legislative Council; and the other moiety to the use of the informer or party prosecuting, who shall also be entitled to his or her costs and charges, over and above such fines, penalties, and forfeitures, to be ascertained and assessed by the Justices before whom the case is heard.

Passed the Legislative Council, this thirtieth  
day of August, one thousand eight hundred  
and fifty.  
WM. MACPHERSON, CLERK OF THE COUNCIL.

CHARLES NICHOLSON,  
Speaker.

*In the name and on the behalf of Her Majesty I assent to this Act.*

CH<sup>s</sup>. A. FITZ ROY,  
GOVERNOR.

*Govt. House, Sydney, 19th September, 1850.*

#### ACTS OF PARLIAMENT REFERRED TO.

ANNO OCTAVO & NONO.

### VICTORIÆ REGINÆ. CAP. XLVII.

An Act for the further prevention of the offence of Dog Stealing. [21<sup>st</sup>  
July, 1845.]

7 & 8 G. 4, c. 29.

Certain provisions of  
recited Act repealed.

Punishment for  
stealing dogs.  
First offence.

Second offence.

Penalty for having  
possession of stolen  
dogs, or of their skins.

First offence.

Second offence.

WHEREAS by an Act passed in the seventh and eighth years of His Majesty King George the Fourth, intituled, "*An Act for consolidating and amending the Laws in England relative to Larceny, and other offences connected therewith,*" certain provisions were made for the prevention of dog stealing: And whereas it is expedient, for the further prevention of the said offence, that the provisions of the said recited Act, so far as relates to dog stealing, and to dealing with the offenders in respect to the said offence, shall be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act the said provisions, so far as aforesaid, shall be repealed.

II. And be it enacted, That if any person shall steal any dog, every such offender shall be deemed guilty of a misdemeanor, and being convicted thereof before any two or more Justices of the Peace shall for the first offence, at the discretion of the said Justices, either be committed to the common gaol or house of correction, there to be imprisoned only or be imprisoned and kept to hard labor for any term not exceeding six calendar months, or shall forfeit and pay over and above the value of the said dog, such sum of money, not exceeding twenty pounds, as to the said Justices shall seem meet; and if any person so convicted shall afterwards be guilty of the said offence, every such offender shall be guilty of an indictable misdemeanor, and being convicted thereof shall be liable to suffer such punishment, by fine or imprisonment, with or without hard labor, or by both, as the Court in its discretion shall award, provided such imprisonment do not exceed eighteen months.

III. And be it enacted, That if any dog, or the skin thereof, shall be found in the possession or on the premises of any person by virtue of any search warrant, to be granted as is hereinafter in that behalf provided, the Justice by whom such search warrant was granted may restore the same to the owner thereof, and the person in whose possession or on whose premises the same shall be so found, such person (knowing that the dog has been stolen, or that the skin is the skin of a stolen dog,) shall, on conviction before any two or more Justices of the Peace, be liable for the first offence to pay such sum of money, not exceeding twenty pounds, as to the Justices shall seem meet; and if any person so convicted shall be afterwards guilty of the said offence, every such offender shall be deemed guilty of a misdemeanor, and punishable accordingly.

IV.

IV. And be it enacted, That if any person shall publicly advertise or offer a reward for the return or recovery of any dog which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any dog which shall have been stolen or lost without seizing or making any inquiry after the person producing such dog, every such person shall forfeit the sum of twenty-five pounds for every such offence to any person who will sue for the same, by action of debt, to be recovered with full costs of suit. Penalty for compounding for offences against this Act.

V. And be it enacted, That any person found committing any offence punishable either upon summary conviction or upon indictment by virtue of this Act may be immediately apprehended without a warrant by any police officer, or by the owner of the dog, with respect to which the offence shall be committed, or by his servant or any person authorized by him, and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to law; and if any credible witness shall prove upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any stolen dog, such Justice may grant a warrant to search for such dog; and any person to whom any dog shall be offered to be sold or delivered, if he shall have reasonable cause to suspect that such dog has been stolen, is hereby authorized, and, if in his power, is required to apprehend and forthwith to convey before a Justice of the Peace the party offering the same, together with such dog, to be dealt with according to law. Apprehension of offenders.

VI. And be it enacted, That any person who shall corruptly take any money or reward directly or indirectly under pretence or upon account of aiding any person to recover any dog which shall have been stolen, or which shall be in the possession of any person not being the owner thereof, shall be guilty of a misdemeanor, and punishable accordingly. Penalty for receiving money to restore not stolen dogs.

VII. And be it enacted, That any Justice may, if he shall think fit, remand for further examination, or may suffer to go at large, with or without sureties, upon his personal recognizance, any person who shall be charged before him with any offence or misdemeanor punishable by this Act, whether the same be punishable by summary conviction or as an indictable misdemeanor. Offenders may be remanded, or admitted to bail.

VIII. And be it enacted, That in every case of summary conviction under this Act where the sum which shall be forfeited for the value of any dog as is herein-before provided or which shall be imposed as a penalty by the Justices, shall not be paid either immediately after the conviction or within such period as the Justices shall at the time of the conviction appoint, it shall be lawful for the convicting Justices to commit the offender to the common gaol or house of correction, there to be imprisoned only or imprisoned and kept to hard labor for any term not exceeding two calendar months where the amount of the sum forfeited, or of the penalty imposed, or of both, (as the case may be,) together with the costs, shall not exceed five pounds, and for any term not exceeding four calendar months where the amount, with costs, shall not exceed ten pounds, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs. If penalties not paid Justices to commit offenders.

ANNO NONO ET DECIMO.

## VICTORIÆ REGINÆ.

### CAP. XXV.

An Act for preventing malicious Injuries to Persons and Property by Fire, or by Explosive or Destructive Substances. [26th June, 1846.]

**W**HEREAS the unlawful and malicious destruction of buildings, and attempts to injure persons and property, by fire or by gunpowder and other explosive or destructive substances, is not adequately punishable by law: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That whoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy, throw down, or damage the whole or any part of any dwelling house, any person being therein, shall be guilty of felony. Persons maliciously blowing up dwelling houses, any one being therein.

II. And be it enacted, That whoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy or damage any building with intent to murder any person, or whereby the life of any person shall be endangered, shall murder, be guilty of felony. or blowing up buildings with intent to murder.

III. And be it enacted, That whoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony. or injuring persons by explosive substances.

IV. And be it enacted, That whoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to, or cause to be taken or received by, any person any explosive substance, or any other dangerous or noxious thing, or cast or throw at or upon or otherwise apply to any person any corrosive fluid or other destructive or explosive substance, with intent, in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, although no bodily injury be effected, be guilty of felony. or attempting to do bodily injury by sending, &c., dangerous substances, guilty of felony.

V. And be it enacted, That whoever shall be convicted of any felony herein-before mentioned shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years. Punishment for felonies herein-before specified.

VI.

Punishment for persons attempting to blow up buildings, &c.	<p>VI. And be it enacted, That whoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building or vessel any gunpowder or other explosive substance with intent to do any bodily damage to any person, or to destroy or damage any building or vessel, or any machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion take place, and whether or not any injury is effected to any person, or any damage to any building, vessel, machinery, working tools, fixtures, goods, or chattels, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years, or to be imprisoned for any term not exceeding two years.</p>
Punishment for persons attempting to set fire to buildings.	<p>VII. And be it enacted, That whoever shall unlawfully and maliciously by any overt act attempt to set fire to any building, vessel, or mine, or to any stack or steer, or to any vegetable produce of such kind, and with such intent that if the offence were complete the offender would be guilty of felony, and liable to be transported beyond the seas for the term of his natural life, shall, although such building, vessel, mine, stack, steer, or vegetable produce be not actually set on fire, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years, or to be imprisoned for any term not exceeding two years.</p>
Punishment for making any article for purpose of offending against Act.	<p>VIII. And be it enacted, That whoever shall knowingly have in his possession, or make or manufacture any gunpowder, explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any offence against this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any term not exceeding two years.</p>
Male offenders under eighteen years of age convicted under this Act may be publicly or privately whipped.	<p>IX. And be it enacted, That every male person under the age of eighteen years who shall be convicted of any offence under this Act, or who shall be convicted of feloniously setting fire to any building, vessel, or mine, or to any stack or steer, shall be liable, at the discretion of the Court before which he shall be convicted, in addition to any other sentence which may be passed upon him, to be publicly or privately whipped in such manner and as often, not exceeding thrice, as the Court shall direct.</p>
As to the punishment of accessories before and after the fact.	<p>X. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years.</p>
Persons liable to imprisonment may be kept to hard labor, and in solitary confinement.	<p>XI. And be it enacted, That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labor, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labor, not exceeding one calendar month at any one time, and not exceeding three calendar months in any one year, as to the Court in its discretion shall seem meet.</p>
Justices may issue warrants for searching for explosive substances, &c.	<p>XII. And be it enacted, That any Justice of the Peace of any county, riding, division, liberty, borough, or place in which any gunpowder or other explosive, dangerous, or noxious substance is suspected to be made or kept for the purpose of being used in committing an offence under this Act, upon reasonable cause assigned upon oath by any person or persons, may issue a warrant or warrants under his hand and seal for searching in the day-time any house, shop, cellar, yard, or other place, or any vessel in which such gunpowder or other explosive, dangerous, or noxious substance is suspected to be made or kept for such purpose as aforesaid; and that every person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining all such gunpowder, explosive, dangerous, or noxious substances, found upon such search, which he shall have good cause to suspect to be intended to be used in committing an offence under this Act, and the barrels, packages, and cases in which the same shall be, the same powers which are given to persons searching for unlawful quantities of gunpowder under the warrant of a Justice by an Act passed in the twelfth year of the reign of King George the Third, intituled, "<i>An Act to regulate the making, keeping, and carriage of Gunpowder within Great Britain, and to repeal the Laws heretofore made for any of those purposes.</i>"</p>
Persons executing such warrants to have same powers as given by 12 G. 3. c. 61.	<p>XIII. And be it enacted, That it shall be lawful for any constable or peace officer to take into custody, without a warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony under this Act, and to detain such person until he can be brought before a Justice of the Peace, to be dealt with according to law.</p>
Period of detention.	<p>XIV. Provided always, and be it enacted, That no such person having been so apprehended shall be detained after noon of the following day without being brought before a Justice of the Peace.</p>
Offences not to be tried by Justices, &c., at Sessions.	<p>XV. And be it enacted, That neither the Justices of the Peace acting in and for any county, riding, division, or liberty, nor the Recorder of any borough, shall at any Session of the Peace, or at any adjournment thereof, try any person or persons for any offence under this Act.</p>
Nothing in this Act to affect powers of 5 & 6 W. 4. c. 38. and 4 G. 4. c. 61.	<p>XVI. And be it enacted, That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act passed in the sixth year of the reign of His late Majesty, intituled, "<i>An Act for effecting greater uniformity of practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,</i>" or in an Act passed in the fourth year of the reign of King George the Fourth, intituled, "<i>An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.</i>"</p>

XVII. And be it enacted, That where any felony punishable under this Act shall be committed within the Jurisdiction of the Admiralty of England or of Ireland, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other felony committed within that Jurisdiction. As to offences committed in Admiralty Jurisdiction.

XVIII. And be it enacted, That nothing in this Act contained shall extend to Scotland. Not to extend to Scotland.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

## ANNO DECIMO &amp; UNDECIMO.

## CAP. LXVI.

An Act for extending the Provisions of the Law respecting Threatening Letters, and accusing Parties with a view to extort Money. [9<sup>th</sup> July, 1847.]

WHEREAS it is expedient to extend the provisions of so much of the Statute made and passed in the seventh and eighth years of the reign of King George the Fourth, intituled, "*An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*," and of an Act passed in the ninth year of the reign of King George the Fourth, intituled, "*An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*," as relates to the offences of sending threatening letters, and also so much of the Statute made and passed in the first year of Her Majesty's reign, intituled, "*An Act to amend the Laws relating to Robbery and stealing from the Person*," as relates to the offence of accusing persons of unnatural crimes, and to make further provisions for the punishment of such offences: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person shall knowingly send, or deliver, or utter to any other person, any letter or writing accusing or threatening to accuse either the person to whom such letter or writing shall be sent or delivered, or any other person, of any crime punishable by law with death or transportation, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any crime in and by the said first-mentioned Act defined to be an infamous crime, with a view or intent to extort or gain, by means of such threatening letter or writing, any property, money, security, or other valuable thing, from any person whatever, or any letter or writing threatening to kill or murder any other person, or to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, or shall knowingly procure, counsel, aid, or abet the commission of the said offences or either of them, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned, with or without hard labor, for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Persons sending threatening letters, accusing others with certain crimes, with a view to extort money, guilty of felony.

II. And be it enacted, That if any person shall accuse or threaten to accuse either the person to whom such accusation or threat shall be made, or any other person of any of the crimes herein-before specified, with the view or intent in any of the cases last aforesaid to extort or gain from such person so accused or threatened to be accused, or from any other person whatever, any property, money, security, or other valuable thing, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned, with or without hard labor, for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Persons accusing others of crimes herein-before mentioned, with the view of extorting money, &c., guilty of felony.

## No. XVII.

An Act to provide for the establishment of Public Abattoirs in the City of Melbourne, and for preventing certain nuisances therein. [Assented to, 19<sup>th</sup> September, 1850.]

WHEREAS the slaughtering of live stock on the premises of butchers and others within the City of Melbourne has become a nuisance to the health and comfort of the inhabitants, and it is expedient to remedy the same: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That it shall be lawful for the Council of the City of Melbourne to erect and establish one or more Public Abattoirs within the said City; and that from and after the completion of any such Abattoir (ten days notice

Preamble.  
Council of City of Melbourne may establish one or more Public Abattoirs within the said City.

5 William IV, No. 1.

Penalty for slaughtering except at Public Abattoirs.

Council may defray expense of erecting Abattoirs out of the Town fund.

And may make bye-laws for regulating the same, and may fix rates of fees.

Penalty on persons keeping Swine or Goats.

Penalty on butchers, &c., keeping or exposing for sale unwholesome meat.

Butchers, &c., having their premises in a filthy state may be compelled to purify the same under a penalty.

Any shop, stall, &c., alleged to be in a filthy or unwholesome state may be inspected.

notice of which to be given by advertisement, under the hand of the Town Clerk of the said City, in one or more of the newspapers published within the said City,) it shall not be lawful for any person whomsoever to slaughter, or cause to be slaughtered, any neat cattle, or any sheep, lamb, pig, or goat, within the said City of Melbourne, except at the Public Abattoirs so erected and established as aforesaid, anything contained in a certain Act of the said Governor and Council, passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled, "*An Act for regulating the slaughtering of Cattle*," or any other Act, to the contrary notwithstanding; and any person who shall so offend shall forfeit and pay, on conviction, for every such offence any sum not exceeding five pounds.

II. And be it enacted, That it shall be lawful for the Council of the said City to defray any expense which may be incurred in the erection of the said Abattoirs and appurtenances, and in the management and maintenance of the same, out of the "Town Fund" of the said City.

III. And be it enacted, That it shall be lawful for the Council of the said City, and they are hereby empowered, from time to time, to make, alter, or amend, by bye-law, such regulations as to them shall seem meet, for regulating the said Abattoirs in respect to cleanliness and otherwise, and for the good government of all parties using the same; and to fix, by bye-law, from time to time, the rates of slaughtering fees or dues to be paid for the use of such Abattoirs and appurtenances, by parties slaughtering, or causing to be slaughtered, live stock therein.

IV. And be it enacted, That it shall not be lawful for any person or persons to breed or keep any kind of living swine, or any goat, in such portion or portions of the said City as may from time to time be fixed by any bye-law to be for that purpose passed by the Council of the said City; and any person who shall so offend shall forfeit and pay, on conviction, for every such offence, any sum not exceeding five pounds.

V. And be it enacted, That it shall not be lawful for any butcher or dealer in meat, or other person to keep, offer, or expose for sale in his or her shop, stall, or premises, as and for human food, any unsound or unwholesome meat unfit for such purpose within the City; and every person who shall so offend shall forfeit and pay, on conviction, for every such offence, any sum not exceeding ten pounds.

VI. And be it enacted, That if, upon the certificate of any one or more Medical Practitioners duly qualified under the Acts of Council made and passed or to be made and passed in that behalf, and verified on oath, it shall appear to any two Justices of the Peace that any shop, building, stall, or place kept or used for the sale of butchers' meat, or any place used for carrying on the business of a soap boiler, tallow melter, candle maker, starch manufacturer, blood boiler, bone boiler, tripe boiler, boiler of refuse or tainted animal matter, tanner, currier, or fellmonger, or gas manufacturer, or the premises occupied with the same or appurtenant thereto, is in such a filthy state, or unwholesome condition, that the health of any person is likely to be endangered thereby, or that the white-washing, cleansing, or purifying of any such place, premises, or appurtenances would tend to prevent or check infectious, contagious, or epidemic diseases, the said two Justices shall give, or cause to be given, notice in writing to the owner or occupier, or owners or occupiers, of such place or premises, to white-wash, cleanse, or purify the same, as the case may require, and such notice may be served by leaving a copy thereof with any person found on the premises, or by affixing a copy thereof on a conspicuous part of the place or premises directed to be white-washed, cleansed, or purified as aforesaid; and if the person or persons to whom such notice is given fail to comply therewith within such time as may be specified in the said notice, he, she, or they shall be liable to a penalty not exceeding ten pounds for every day which he, she, or they continue to make default.

VII. And be it enacted, That whenever it shall be made to appear on oath to the satisfaction of the Mayor, or any other Justice of the Peace for the said City, that there is reasonable ground for believing that any such

such shop, building, stall, or place, or the premises occupied with the same or appurtenant thereto, as is hereinbefore mentioned, is in a filthy or unwholesome condition, it shall be lawful for such Mayor or Justice to grant a warrant under his hand, authorizing any Inspector of Slaughter Houses, or any City Inspector, or Inspector of Police, with such assistance as may be necessary, and accompanied by such Medical Practitioner or Practitioners as aforesaid, to enter in the day time into such shop, building, stall, or place, with the appurtenances, as aforesaid, and view the same, and the state and condition thereof.

VIII. And be it enacted, That if any person shall assault or resist any Inspector of Slaughter Houses, or any City Inspector, or Inspectors of Police, or his or their assistants, in the execution of his or their duty under this Act, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before two Justices of the Peace, shall for every such offence forfeit and pay any sum not exceeding five pounds.

Penalty of £5 for assaulting or resisting any person in the execution of his duty under this Act.

IX. And be it enacted, That all fees and dues accruing under this Act, or under any bye-law made in pursuance thereof, shall be paid to the Treasurer of the said City of Melbourne, to be by him carried to the credit of the "Town Fund" for the local improvement and Public uses of the said City: Provided always, that the rates for slaughtering fees and dues to be fixed and taken for the use of such Abattoirs and Appurtenances, by parties slaughtering or causing to be slaughtered live stock therein, shall not exceed the sums respectively mentioned in the Schedule hereunto annexed.

Fees and dues to be carried to credit of Town Fund.

X. And be it enacted, That all fees, dues, fines, penalties, and forfeitures, imposed by this Act, or by any bye-law made in pursuance thereof, shall be recoverable in a summary way by information or complaint of any Inspector of Slaughter Houses, or of any City Inspector duly appointed by the Council of the said City to prosecute parties who may be guilty of offences against the provisions of this Act, and who shall in all cases be a competent witness, before any Justice of the Peace for the said City; and every fine, penalty, or forfeiture, when so recovered, shall be paid, one moiety to Her Majesty, Her Heirs, and Successors, for the Public uses of the said Colony, and in support of the Government thereof, and shall be applied in such manner as may be from time to time directed by any Acts of the Governor and Legislative Council, and the other moiety to the Treasurer of the said City of Melbourne, to be by him carried to the credit of the Town Fund, for the local improvement and public uses of the same: Provided always, that it shall be lawful for the Governor of the said Colony, for the time being, to pardon any offender, and to remit the whole or any part of any such fine, penalty, or forfeiture, as the justice of each particular case may seem to require.

Recovery and application of fines, penalties, &c.

*Passed the Legislative Council this fourth day  
of September, one thousand eight hundred  
and fifty.*

WM. MACPHERSON, CLERK OF THE COUNCIL.

CHARLES NICHOLSON,  
Speaker.

*In the name and on the behalf of Her Majesty I assent to this Act.*

CH<sup>S</sup>. A. FITZ ROY,  
GOVERNOR.

*Gort. House, Sydney, 19th September, 1850.*

#### SCHEDULE TO WHICH SUCH ACT RELATES.

	s.	d.
For every ox, cow, bull, heifer, steer, or calf . . . . .	2	0
For every sheep, or lamb, or goat . . . . .	0	6
For every head of swine . . . . .	1	0

## No. XVIII.

## An Act for taking an account of the population of New South Wales. [Assented to, 19th September, 1850.]

## Preamble.

Justices to cause notices to be fixed in conspicuous places, calling on householders, &c., to give the information required by this Act.

**W**HEREAS it is expedient to take an account of the total number of persons within the Colony of New South Wales: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That on or before the first day of February, in the year one thousand eight hundred and fifty-one, the Police Magistrates for the several and respective Police Districts, the boundaries whereof are set forth in a certain Government Notice published by order of His Excellency the Governor, in the *New South Wales Government Gazette*, and bearing date the seventeenth day of January, one thousand eight hundred and fifty, and in any such Police District where there is no Police Magistrate, the Justices of the Peace, assembled in Petty Sessions at the chief place of Petty Sessions within the same, shall, and they are hereby required and directed to cause general notices to be affixed on the several churches, chapels, market houses, and court houses, and on such other conspicuous places as they shall deem proper, within the said Colony, requiring every householder, employer of servants, and proprietor or occupier of land therein, to be prepared, upon the first day of March next ensuing, or on the days immediately subsequent thereto, to give all such information as is required by the Schedule hereunto annexed, marked A, to such persons as shall be appointed in manner hereinafter mentioned to collect the same.

Crown Commissioners to make Returns for Districts not included in Police Districts.

II. Provided always, and be it enacted, That in respect to every Commissioner's District, (if any) or portion of a Commissioner's District, not comprised in any of the said Police Districts, the Notices by this Act required to be affixed as aforesaid, may and shall be so affixed by the respective Commissioners of Crown Lands appointed to act within such Districts.

Justices to appoint persons to collect the information hereby required.

III. And be it enacted, That the said Police Magistrates, Justices in Petty Sessions, and Commissioners in the cases aforesaid, shall, on or before the fifteenth day of February next, appoint one or more fit and proper person or persons for each district, to collect the information hereby required; and the said person or persons shall, on the said first day of March next, and on the days immediately subsequent thereto, if one day shall not be sufficient, proceed to take an account in writing, of the number of persons at that time being within the limits of his or their respective districts, and inform himself or themselves of the several particulars specified in the said Schedule, distinguishing the county or reputed county, if within the settled districts, the parish (if in the county of Cumberland,) and the city, town, or reputed town; and if in the City of Sydney, or the City of Melbourne, or the Town of Geelong, the ward of the said city or town respectively, in which each such person shall be or reside; and the Commissioner's district, if beyond the settled districts; and the better to enable such persons to take such accounts, they are hereby authorized and empowered to ask such questions of the persons residing or being within their respective districts, concerning themselves, and the number, sex, age, quality, class, education, religion, place of birth, and trade or calling of the persons constituting their respective families, or sojourning with them, and all such other particulars as shall be necessary to fill up the said Schedule; and every such person refusing or neglecting to answer, or wilfully giving a false answer to any such question, and every person in any way wilfully obstructing such collectors in the execution of the duties required of them under this Act, shall, for every such refusal or neglect, false answer, or wilful obstruction, forfeit and pay a sum not exceeding five pounds, nor less than forty shillings, at the discretion of the Justices before whom complaint thereof shall be made: Provided always, that nothing in this Act contained shall be deemed to authorize any person appointed to collect information under the provisions of the same, to ask any other person directly



directly any question relating to his or her civil condition, or to render any person to whom such a question may have been proposed, liable to any penalty under this Act for refusing to answer the same.

IV. And be it enacted, That the Visiting Magistrates of every public Gaol, (or if there be no Visiting Magistrate, then the Gaoler or Keeper of such Gaol,) the Visiting Magistrate of Cockatoo Island, the Superintendent of the Stockade at Newcastle, the Visiting Magistrates of the Lunatic and Invalid Establishment at Parramatta, the Superintendents of the Lunatic Asylums at Tarban Creek and at or near Melbourne, and the Surgeon, Superintendent, Steward, Matron, or other officer or person by what name soever known, in charge of any Hospital, School, Asylum, or other the like Establishment or Institution, shall by virtue of such their office be deemed to be persons appointed for taking the account required by this Act, in respect of the inmates of any such goal, stockade, hospital, asylum, school, or other establishment or institution as aforesaid; and they shall respectively be liable to the penalties to which, by this Act, persons so appointed are subjected for wilful default in the instances therein specified: Provided always, that no allowance, as is hereinafter provided, shall be made to any such Visiting Magistrate, Gaoler, Superintendent, Surgeon, Steward, Matron, or other officer or person in charge of any such establishment or institution as aforesaid.

As to returns for Gaols, Lunatic Asylum, Orphan Schools, &c.

V. And be it enacted, That the persons so to be appointed as aforesaid shall, within fourteen days after the said first day of March next, deposit with the respective Police Magistrates, Justices in Petty Sessions, or Commissioners in cases aforesaid, the several original accounts so taken in writing and subscribed by them, and shall make solemn affirmation in the form contained in the Schedule hereunto annexed, marked B, before any Justice of the Peace acting in and for the Territory of New South Wales, or for any part thereof, and shall answer all such questions as shall be put to them concerning such accounts by the said Police Magistrates, Justices, or Commissioners; and if any such person shall fail or neglect to take such accounts, or shall omit to deposit the same in manner hereby required, or shall refuse to answer, or wilfully give a false answer to any such question, he shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than forty shillings.

Persons so appointed to deliver over to the Police Magistrates, Justices, or Commissioners, their accounts of inhabitants within a certain time.

VI. And be it enacted, That the said Police Magistrates, Justices in Petty Sessions, and Commissioners in cases aforesaid, shall, as soon after the receipt of such original accounts as may be, appoint a convenient day for examining the same, at which the persons so appointed as aforesaid shall attend, to answer all such questions as shall be put to them touching such accounts, and the correctness thereof; and such Police Magistrates, Justices, and Commissioners respectively, shall examine the same, and cause any defect or inaccuracy which may be discovered therein, to be supplied or corrected so far as may be possible; and shall cause an abstract of such accounts to be made according to the form contained in the Schedule hereunto annexed, marked C, and shall subscribe a certificate in the terms therein set forth; and if the district for which such Police Magistrates, Justices, or Commissioners shall act, shall comprise more than one County within the Settled Districts, or Parish in the County of Cumberland, or any City, Town, or reputed Town, such Police Magistrates, Justices, and Commissioners shall make or cause to be made a separate abstract, in the form before mentioned, of the persons residing or being in each such County or reputed County, and Parish (if in the County of Cumberland), and each City, Town, or reputed Town, and in each ward of any incorporated City or Town, and shall subscribe the same in manner aforesaid; and in respect of any District comprised within the Sydney or Middle District of the Colony, such Police Magistrates, Justices, and Commissioners respectively shall, on or before the first day of June next, transmit to the Colonial Secretary of New South Wales, the said abstracts, together with the said original accounts as aforesaid; and in respect of any such District comprised within the Southern or Port Phillip District, such Police Magistrates, Justices, and Commissioners respectively, shall transmit,

Police Magistrates, Justices, or Commissioners to examine the accounts and to transmit an abstract thereof to the Colonial Secretary.

mit,

mit, on or before the day aforesaid, the said abstracts and original accounts, to His Honor the Superintendent of Melbourne, and if any Police Magistrate, Justice, or Commissioner, shall fail or neglect to perform the duties required in the premises, or any of them, he shall forfeit and pay the sum of fifty pounds, to be sued for and recovered in the Supreme Court.

Where boundaries  
not already pro-  
claimed.

VII. And whereas the boundaries of the County or reputed County of Stanley, in the Sydney or Middle District, and the boundaries of the Counties or reputed Counties of Bourke, Grant, and Normanby, in the Southern or Port Phillip District, have not yet been definitely arranged and proclaimed: Be it enacted, That for the purposes of this Act, it shall be lawful for His Excellency the Governor to define the boundaries of the said County or reputed County of Stanley, and for His Honor the Superintendent of Port Phillip to define the boundaries of the said Counties or reputed Counties of Bourke, Grant, and Normanby.

The City of Mel-  
bourne to be deemed  
to be comprised, for  
the purposes of this  
Act, within the Police  
District of Bourke.  
As to portions of the  
Territory not in-  
cluded within any  
Police District or  
Commissioners'  
District.

VIII. Provided always, and be it enacted, That for the purposes of this Act, the City of Melbourne shall be deemed to be comprised within the Police District of Bourke, in the District of Port Phillip.

IX. Provided always, and be it enacted, That with respect to any portion of the Territory of New South Wales not included within any one of the Police Districts, or Commissioners' Districts, as aforesaid, it shall be lawful for His Excellency the Governor, by Proclamation to be by him for that purpose published in the *Government Gazette*, to declare within what Police District, or Commissioner's District, such portion of Territory shall, for the purposes of this Act, be comprised.

Allowance to the  
persons appointed by  
the Justices.

X. And be it enacted, That it shall be lawful for the said Police Magistrates, Justices in Petty Sessions, or Commissioners as aforesaid, to cause an allowance for the number of days which any such person shall be actually employed in taking such account as aforesaid, at a rate not exceeding ten shillings a day if employed on foot, and fifteen shillings a day if employed on horseback, to be paid to the persons so to be appointed as aforesaid.

Fines to be reco-  
vered in a summary  
way.

XI. And be it enacted, That all fines imposed under and by virtue of this Act shall be recovered in a summary manner before any two or more Justices of the Peace in Petty Sessions assembled, unless hereinbefore otherwise provided, and if not immediately paid shall be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hands of such Justices, rendering to the said offender the overplus, if any, after the charge of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then it shall be lawful for such Justices, or any two Justices, to commit such offender to some common gaol, there to remain without bail or mainprize for a term not exceeding three months, unless the said fine and charges shall be sooner paid; and all fines imposed by this Act, when recovered, shall be paid one half to the informer or person who shall sue for the same, and the other to Her Majesty, Her Heirs and Successors, to be applied to the public uses of the said Colony, and in support of the Government thereof, as may be directed by any Act of the Legislature.

Appropriation of  
fines.

Penalty for false  
declarations.

XII. And be it enacted, That every solemn affirmation or declaration made or signed under the authority of this Act, shall be of the same force and effect as if the person making such affirmation or declaration had taken an oath in the usual form, so that if the person making such affirmation or declaration shall be convicted of having therein wilfully and falsely affirmed or declared any matter or thing, he shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful perjury are subject.

Passed the Legislative Council, this twenty-second  
day of August, one thousand eight hundred  
and fifty.

WM. MACPHERSON, CLERK OF THE COUNCIL.

CHARLES NICHOLSON,

Speaker.

In the name and on the behalf of Her Majesty I assent to this Act.

CH<sup>s</sup>. A. FITZ ROY,

Govt. House, Sydney, 19th September, 1850.

GOVERNOR.

SCHEDULES

## SCHEDULES REFERRED TO

A.

## NEW SOUTH WALES.

(CENSUS OF THE YEAR 1851.)

*Return No.*

This paper will be called for on the 2nd March, 1851. No fees or reward to be paid to any person engaged on the Census. Your attention is particularly called to the 3rd clause of the Act 14 Victoria, No. 18, wherein, amongst other things, it is enacted, "That every such person refusing or neglecting to answer, or wilfully giving a false answer to any such question, and every person in any way wilfully obstructing such collectors in the execution of the duties required of them under this Act, shall, for every such refusal or neglect, false answer, or wilful obstruction, forfeit and pay a sum not exceeding five pounds, nor less than forty shillings."

County .. .. .

District .. .. .

Parish, (if in the County of Cumberland) .. .

Town .. .. .

Street, place, alley, &amp;c., if in a Town .. .

Ward, if in an incorporated Town .. .

Place of Residence, if in the country .. .

Name of Householder, Employer of Servants, or person in charge .. .

Questions to be proposed to every Householder, Employer of Servants, and Proprietor, or Occupier of Land, in the Colony, by persons appointed by the Justices of the several Towns and Districts, respectively, to collect the information required by the Act.

Replies to be inserted by the Householder, if able to write; otherwise, by one of the Collectors appointed by the Justices.

1. Is this House built of Stone, of Brick, or of Wood?

2. Is it shingled or slated?

3. Is it completed?

4. Is it inhabited?

5. Be pleased to refer to the Forms annexed, and according to the particulars therein specified, give me, first, a numerical Return of the Inmates of this House, on the 2nd March, 1851, including Yourself, Family, Servants, Lodgers, and Sojourners; and secondly, a nominal Return, shewing the Country where born, and the occupation of each person.

*Numerical*

*Numerical Return of the several persons in the said House or Establishment, on the  
2nd March, 1851.*

		SEX.				TOTAL.					
		MALE.		FEMALE.							
		Married.	Single.	Married.	Single.						
Numbers of each age.	{	Under 2 years ... ..									
		2 and under 7 ... ..									
		7 and under 14 ... ..									
		14 and under 21 ... ..									
		21 and under 45 ... ..									
		45 and under 60 ... ..									
		60 and upwards... ..									
*TOTALS... ..											
Civil condition.	{	Free.	{ Arrived free, or born in the Colony...								
			{ Other free persons ... ..								
		Bond.	{ Holding Tickets of Leave ... ..								
			{ In Government Employment ... ..								
{ In Private Assignment ... ..											
*TOTALS... ..											
Religion.	{	Church of England ... ..									
		Church of Scotland ... ..									
		Wesleyan Methodist ... ..									
		Other Protestants ... ..									
		Roman Catholics ... ..									
		Jews ... ..									
		Mahomedans and Pagans ... ..									
		Other persuasions ... ..									
*TOTALS... ..											
Education.	{	MALE.						FEMALE.			
		Cannot Read.	Read only.	Read & Write.	Cannot Read.	Read only.	Read & Write.				
		Under 4 years of age... ..									
		4 years and under 7 ... ..									
		7 years and under 14... ..									
		14 years and under 21 ... ..									
21 years and upwards ... ..											
*TOTALS... ..											

Dated at

1851.

Signature of

Householder.

Collector.

NOMINAL RETURN of Persons in the said House or Establishment, on 2nd March, 1851.

Name .. ..  
 Country where born .. ..  
 Present occupation .. ..  
 Whether principal, journeyman, apprentice, or hired or assigned servant .. ..

Signature of Householder.

Collector.

## B.

## FORM OF AFFIRMATION.

I do hereby solemnly affirm and declare, that the accounts numbered from .. .. to .. ..  
 inclusive, severally signed, and now delivered by me, contain a true statement of the Number and Quality of the  
 Persons residing within the .. .. of .. .. to the best of my knowledge and belief.

Made and declared before me, at  
 this .. .. day of .. ..

1851.  
J.P.)

(Signed)

A. B.

C.

\* These Totals, if the Returns be correct, should correspond.



I, \_\_\_\_\_, Police Magistrate of \_\_\_\_\_ (or We, the Justices in Petty Sessions assembled, or I, the Clerk of the Peace, for the District of \_\_\_\_\_) have caused any defect or inaccuracy therein to be supplied or corrected, so far as it was possible; and I, (or We), believe this Abstract is correctly made out, according to the same.

**POLICE MAGISTRATE, or**