



WESTERN AUSTRALIA.

ANNO OCTODECIMO

VICTORIÆ REGINÆ.

No. IV.

**An Ordinance to amend the 16th Victoria,
No. 4, commonly called the Branding
Ordinance.**

WHEREAS by the Ordinance 16th Victoria, No. 4, Justices of ^{Preamble.}
the Peace are empowered to grant written authority to such
persons as they may think proper, to collect and impound unbranded
cattle and horses, and for that purpose to enter upon the lands of
other persons ; and it is expedient to modify the power so given to
the said Justices, and to restrict and regulate the manner of exercis-
ing

Three days notice of intention to apply.

ing any such authority by them conferred—Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that the 4th section of the said recited Ordinance shall be read and treated as if the same had originally contained, in continuation thereof, the words following; (that is to say) Provided further that no Justices of the Peace shall take into consideration any application for any such authority as aforesaid until the expiration of three clear days after notice in writing of the applicant's intention so to apply to the Justices for authority, at a place and on a day therein named, shall have been by him given to or left at the usual residence of the owner, lessee, or lawful occupant of any land intended, or liable to be entered on in the course of exercising such authority. And it shall be lawful for the Justices, at their discretion, after hearing the grounds of opposition of any of the owners, lessees or occupants aforesaid, to refuse to give such authority, if they shall see good cause for refusal.

Further three clear days' notice of intention to use license.

Penalty £10.

II. PROVIDED also, that in every authority issued under the said Ordinance, there shall be expressed the name and ordinary place of abode of the person under whose superintendence such authority is proposed to be exercised, and no such Superintendent, having so obtained authority from the Justices, shall exercise any such authority until the expiration of three clear days after notice given of his intention so to do, on a day named, shall have been by him given to or left at the usual residence or residences of any and every owner, lessee, or lawful occupant of any land intended or liable to be entered upon in the course of exercising such authority, under a penalty, in default of giving such notice, of any sum not exceeding ten pounds sterling. And in no case shall there be inserted in any such authority the name of any Aboriginal Native, as such Superintendent, without the consent in writing of the occupant or owner of the land about to be entered upon; Provided always that nothing herein contained shall be deemed or construed to prohibit a person obtaining such authority from employing Aborigines as subordinates under a Superintendent not being an Aboriginal.

III. THAT it shall be lawful for the Justices issuing any written authority under the said Ordinance, to include therein express permission to search for any stray beast or beasts, the private property of the person or persons receiving such authority.

IV

1855.

18th Vict. No. 4.

IV. THAT the fifth section of the said recited Ordinance shall be, and the same is hereby repealed.

V. WHEREAS serious inconveniences and losses have been occasioned by reason of persons whose beasts have strayed upon the land and into the herds of others, driving off the beasts of other persons together with their own, and whereas serious loss and inconvenience may be occasioned by reason of persons authorised under this Ordinance or by the said recited Ordinance, to collect unbranded beasts, driving off beasts other than those they may be so authorised to drive off; Be it therefore enacted, that any person whether authorised as aforesaid or otherwise, who shall drive from the land or out of the herd of any other person, any beast other than his own or his master's, or his employer's, or such unbranded beasts as he may be so authorised as aforesaid to drive away, and shall not drive such beasts without delay to the nearest available stock-yard, pound, stable, barn, or enclosure or other fit and safe receptacle for cattle, and shall not then and thence, unless exempted by the owner, drive back all beasts other than his own or his master's or his employer's, or such unbranded beasts as he may be so authorised as aforesaid to drive away, shall, on conviction of any such offence before any two or more Justices of the Peace, forfeit and pay a sum not exceeding fifty pounds.

VI. THAT any person who shall have driven from the land or out of the herd of any other person any beasts other than his own, or his master's or his employer's, or such unbranded beasts as he may be authorised to drive away under the provisions of this Ordinance or the said recited Ordinance, and who shall fail to drive back the same with all possible dispatch to the lands or into the herds from which they may have been so driven as aforesaid, shall, on conviction of any such offence before any two or more Justices of the Peace, forfeit and pay any sum not exceeding fifty pounds.

VII. THAT in every case of a summary conviction under this or the said recited Ordinance, if the penalty adjudged to be paid be not paid either forthwith or at such other time as the convicting Justices shall appoint, it shall be lawful for such Justices, or any one of them, to commit the offender to a common gaol or house of correction, there to be imprisoned, with or without hard labour, at the discretion of the said Justices, for any term not exceeding six calendar months.

VIII.

18th Vict., No. 4.

1855.

VIII. THAT in the construction of this Ordinance, the word
beasts shall be deemed and taken to bear the same meaning as is
ascribed thereto by the said recited Ordinance.

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council }
this 13th day of April, 1855. }*

A. O'GRADY LEFROY,
Clerk of the Council.