



WESTERN AUSTRALIA.

ANNO SEXTO

VICTORIÆ REGINÆ.

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No. XIV.

**An Act for the removal of the nuisance caused  
by Herds of Wild Cattle in Western Aus-  
tralia.**

**W**HEREAS at various periods soon after the commencement of <sup>Preamble.</sup>  
the Colony of Western Australia certain horned cattle, of  
which some were the property of the Local Government, and others  
the property of private individuals, strayed into the unoccupied parts  
of the colony, and have there multiplied and produced large herds;  
and such herds have now become in certain districts a public nuis-  
ance, causing great annoyance and injury to the settlers by destroying

their crops and pastures, and inducing their herds to go astray :-- Be it therefore enacted by His Excellency the Governor, by and with the advice and consent of the Legislative Council, that from and after the passing of this Act it shall be lawful for the Governor, from time to time as he may deem expedient, to authorise by writing under his hand such persons as he shall approve and their attendants to pursue, take, and seize (within a certain period thereby specified) wild cattle in such district or districts as shall be by him in such writing named, and to detain the same until the times and for the purposes hereinafter mentioned.

Governor may authorize persons to capture wild cattle in certain districts.

II. AND be it enacted, that it shall be lawful for such persons so authorized with their attendants at any time or times during the period in such writing specified, to enter upon any lands within such district, whether the same be the property of the Crown or of private individuals, for the purposes of this Act.

Such persons may enter on any lands within district.

III. PROVIDED always, that where any damage shall accrue to any cultivated lands, buildings, or fences, or any live stock or other property, by any such entry, or by the driving of any such cattle, it shall be lawful for any Justice of the Peace, upon complaint of the party aggrieved, to summon the person or persons so entering or driving, and the person or persons by whose orders or in whose service such entry or driving occurred, to appear before any two Justices of the Peace at a reasonable time and at a certain place to be named in such summons; and upon appearance of the person or persons so summoned (or in the absence of him, them, or any of them, if service of such summons on the person or persons so absent be proved) such Justices shall inquire into the matter of such complaint, and for that purpose may summon all necessary witnesses and administer oaths to all persons examined, and may order and award compensation not exceeding twenty-five pounds to be paid to the party aggrieved by the person or by all or any one or more of the persons so summoned; and if such order and award be not complied with, the same may be carried into effect under the warrant of any one of the said Justices by distress and sale of the goods and chattels of the person or persons disobeying such order and award.

Compensation for damage to improved lands.

IV. AND be it enacted, that all cattle so taken as aforesaid, except such branded cattle as shall be stated by affidavit (which any Justice of the Peace is hereby authorized and required to receive and administer an oath thereon) to be the property of private persons, and to have been in their keeping or possession within the period of three months next previous to the time of such capture, shall be sold by public auction (upon the proceeds of which sale no duty shall be

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chargeable) at such times and places and with such public notice for not less than one nor more than three weeks, as the Governor shall direct.

V. PROVIDED always, and be it enacted, that it shall be lawful Bulls, &c., may be killed when necessary. for such persons so authorized as aforesaid to kill, or direct to be killed, such bulls or other of the cattle aforesaid, as they may deem necessary for personal safety, or for the taking or keeping of the remainder; and the carcasses of such animals so killed as aforesaid shall be disposed of as the Governor shall in such writing as aforesaid direct.

VI. AND be it enacted, that the proceeds of such sales as aforesaid, after deducting the expenses of keep and sale, shall be divided Appropriation of proceeds of sale. into two equal parts, whereof the one part shall be paid to such authorised persons as aforesaid, as a remuneration for their services, risk, and expenses; and the other part to the Colonial Treasurer towards the purposes of the Government of the Colony.

VII. PROVIDED always, and be it enacted, that any person or Owners of stray cattle to send in lists, &c., and to receive grounds of sale on proof of identity. persons who shall have lost any cattle at any period in this colony, and who shall have sent in a list of such cattle to the Colonial Secretary, with a full description of the age, sex, brands (if any), colour, and other particular marks of such cattle before any such pursuit shall have been commenced in such district, shall, if, and whenever any of such cattle shall be proved to have been taken and sold as aforesaid, be entitled to receive from the Local Government the net proceeds which such cattle shall have realized at such sale, after deducting such expenses as aforesaid, but no claims of ownership to any stray cattle so captured as aforesaid shall be allowed unless the same shall have been forwarded in writing as aforesaid previously to the capture of such cattle, and unless such claim shall be established to the satisfaction of the Local Government within six calendar months subsequent to such sale.

VIII. AND be it enacted, that this Act may be amended or repealed by any Act to be passed during the present Session. Act may be amended.

JOHN HUTT,  
GOVERNOR.

*Passed the Council* }  
*10th Nov., 1842.* }

EDWARD C. SOUPER,  
Acting Clerk of the Council.