

possession or occupation of any Glebe or Land possessed and occupied by, or appropriated to the use of, any such Chaplain or Minister.

“RICHARD BOURKE, GOVERNOR.”

Passed the Council,
29th July, 1836. }

E. DEAS THOMSON,
CLERK OF THE COUNCIL.

No. IV.

An Act to restrain the unauthorised occupation of
Crown Lands. *(29th July, 1836.)*

WHEREAS, the unauthorised occupation of the unalienated Preamble
Crown Lands of New South Wales is derogatory to the rights
of His Majesty and his Successors, and conducive to many illegal and
dishonest practices; and whereas the Laws now in force are insufficient
for the speedy and effectual removal of intruders upon such Lands: Penalties for
Be it therefore enacted, by His Excellency the Governor of New South unauthorised
Wales, with the advice of the Legislative Council thereof, that from occupation of
and after the First day of January next, any person who shall be found Crown Lands.
occupying any Crown Lands lying waste in New South Wales, within
the limits allotted for Location by the Government Order of the Four-
teenth day of October, One thousand eight hundred and twenty-nine,
either by residing, or by erecting any Tent, Hut, or Building thereon,
or by clearing, enclosing, or cultivating any part thereof, shall on con-
viction thereof, forfeit and pay the following Penalties; that is to say,
for the first offence, any sum not exceeding Ten Pounds, at the discre-
tion of the Justice or Justices before whom the complaint shall be heard;
for the second offence, Twenty Pounds; and for the third, and any
subsequent offence, Fifty Pounds, to be recovered in a summary way
before any one or more Justice or Justices of the Peace, upon the in-
formation and complaint on oath of any Commissioner of Crown
Lands: Provido as to
or subsequent offence, until one month after a conviction for the former subsequent of-
offence. ences.

Penalty for occupying Crown Lands beyond the limits of location without a License.

II. And be it declared and enacted, That from and after the said First day of January next ensuing, it shall not be lawful for any Person to occupy any Crown Lands in New South Wales, beyond the limits allotted as aforesaid, without having first obtained a License for such purpose, in conformity with the Government Regulations in such case made and provided; and that any person who shall be found occupying, as aforesaid, any Crown Land in New South Wales beyond the limits allotted as aforesaid, and shall not hold a valid License from the Government of New South Wales for depasturing Cattle and other Animals beyond the limits as aforesaid, every such Person, on conviction thereof, shall forfeit and pay the Penalties hereinbefore imposed, in the case of Persons unlawfully occupying Waste Lands of the Crown within the said limits of Location.

Penalty for forging any Lease or License to occupy Crown Lands.

III. And be it enacted, That if any Person shall forge, counterfeit, or alter, or shall utter, or make use of, knowing the same to be forged, counterfeited, or altered, any Lease, License, or other Document, purporting to be an authority from the Government of New South Wales to occupy any Crown Lands within the same, with intent to evade any of the provisions of this Act, such Person shall, if free, be guilty of a misdemeanour, and being convicted thereof shall be liable to be transported for any term not exceeding Seven Years, or to be imprisoned for any term not exceeding Four Years, at the discretion of the Court; and if such Offender be a Convict under sentence of transportation, he shall be liable to be transported for any term not exceeding Seven Years, or to be worked in Irons on the Roads or Public Works of the said Colony, for any term not exceeding Four Years.

Proceedings not to affect Titles to Land.

IV. And be it enacted, That no proceeding had, or conviction obtained under this Act, shall be held to determine the title to any lands or tenements.

For protecting persons acting in the execution of this Act.

V. And for the protection of persons acting in the execution of this Act: Be it enacted, That all actions and prosecutions under this Act shall be commenced within three calendar months after the fact was committed, and not otherwise, and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at the least, before the commencement of the action; and in any such action, the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought;

or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, together with costs incurred up to that time ; and if a verdict shall pass for the defendant, or the plaintiff become nonsuit or discontinue any such action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases ; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

VI. And be it enacted, That all fines recovered under this Act, ^{Appropriation of Fines.} shall be levied in the manner provided by an Act of the said Governor and Council passed in the Fifth Year of His Present Majesty's Reign; intituled, "*An Act to regulate summary proceedings before Justices of the Peace,*" and shall be paid to the use of His Majesty, His Heirs, and Successors, for the public uses of the said Colony, and in support of the Government thereof.

VII. And be it further enacted, That this Law or Ordinance shall ^{Commencement and duration of Act.} commence and take effect from the said first day of January next ensuing, and shall be and continue in force until the thirty-first day of December, in the year One thousand eight hundred and thirty-eight.

" RICHARD BOURKE, GOVERNOR."

Passed the Council,
29th July, 1836. }

E. DEAS THOMSON,
CLERK OF THE COUNCIL.