

An Ordinance for Preventing
Trespases

Be it Ordained and Ordered By His Excellency the
 Lieutenant Governor, by and with the advice and
 consent of His Majesty's Council, And it is hereby
 Ordained and Ordered by the Authority of the same, that
 all fences to any enclosed Lands, shall be made with stone
 Pickets, Boards or Posts and Rails or log fence and such
 fences shall be at least four feet and a half high to be
 deemed a Lawful fence, And if any Damage be done by
 breaking any inclosures and destroying any of the produce
 thereof by any Horse, Sheep, Goats, Swine or Neat Cattle if
 such Inclosures shall at the time of such Damage be enclosed
 by a good and sufficient fence agreeable to Law, The owners
 of such Trespassing Cattle shall pay to the party injured
 the Value of all such Damage to be ascertained on an
 Appraisment thereof by three Credible Persons living in
 the Neighbourhood being first sworn before one of His
 Majesty's Justices of the Peace where such lands lay truly
 to Value the same and the Person or Persons against whom
 the said Trespas shall be committed shall and may
 impound the said Horses, Sheep, Goats, Swine, or Neat Cattle
 and the Keeper of the Pound shall cause the same to be
 cryed as soon as may be, and if the owner or owners
 of such Horses, Sheep, Goats, Swine or Neat Cattle shall
 neglect

neglect or refuse to pay to the Keeper of the Pound
the Damages as aforesaid for the use of the Person
suffering by such Trespasses together with one Shilling
per day for the Keeping of each Horse or Neat Cattle
and six pence per day for each Sheep, Swine or Goat
together with the charges of buying the same within
fourteen days after the same shall be impounded
the said Horses, Neat Cattle, Sheep, Goats, or Swine shall
be Publicly sold and the money arising from said sale
after deducting therefrom the Damages aforesaid with
the charges of keeping and buying, shall be paid to the
owner, and if no owner shall appear, then ^{to} the overseers
of the Poor for the use of the Poor of such Township.

And Whereas the owners and proprietors
of Fields and Lands lying and being adjoining to other
Inclosed Lands do neglect to fence in their proportion-
able part of such lands

Be it therefore Ordained and Ordered
by the Authority aforesaid, That the Proprietor of any
Inclosed field or Lands adjoining to others inclosed or
improved, shall build or maintain his part or proportion
of Fencing with a good and sufficient Fence of four
and a half feet high on that part of such Lands as is
adjoining to his own, and in case he neglects to do so
within Ten days after Notice given him, It shall
and may be Lawful and any one of the Fence Viewers
upon Application being made to him, is hereby empowered
forthwith to make such deficient fence to be raised
or made or otherwise to repair any Fence already
made

made if the same is insufficient and the Person or Persons that ought of Right to Build or maintain the same shall pay double the costs and charges expended for the doing thereof. Provided always that no Fence Viewer shall be allowed no more than three Shillings per day for his own Trouble and time expended therein and if any Fence Viewer when Notified shall neglect his duty herein he shall forfeit Forty Shillings for every offence.

And it is hereby further Ordained and ordered by the Authority aforesaid that if any Person or Persons shall rescue any Swine, Horses, Sheep, Goats or Neat Cattle to the Pound the Offender shall forfeit and Pay for such Rescue, the sum of Twenty Shillings over and above all damages that may be sustained by the Trespasses which Penalty shall be recovered by the oath of one credible witness before any one of His Majesty's Justices of the Peace and to be levied by Warrant of Distress and Sale. And if any other Person or Persons shall by any other indirect means deliver any Swine, Horses, Sheep, Goats or Neat Cattle out of the Pound, the Person or Persons so offending shall upon Conviction before any two Justices forfeit and pay the sum of Five pounds, to be levied aforesaid. The Penalties aforesaid to be applied to the use of the Poor after deducting the charges of repairing any breach the Offender may have committed.

4. It shall and may be Lawful for any Person whatsoever to

to take and seize all Swine and Goats that are suffered to run at large within the Streets and Suburbs of the Town of Sydney in case they are found Trespassing and upon proof thereof on the oath of one credible Witness before any one of His Majesty's Justices of the Peace the same shall be ^{by} him declared forfeited one third of the Value of which to be paid to the prosecutor and the remainder to and for the use of the Poor of the Town of Sydney and shall accordingly be disposed of by the said Justice for their use.

And Whereas there will not be any Court of General Sessions of the Peace until the first Wednesday in September Next and it being expedient that there should be immediately Fence Viewers and a Hogreave appointed to act until the said General Sessions shall meet and Nominate Proper Persons for such purposes,

Be it therefore Ordained by the authority aforesaid, that until the next meeting of the said General Sessions, Francis Jones shall be and he is hereby empowered to act as Fence Viewer for the Settlement on the North side of the North West branch of Sydney River and Daniel Watson shall be and he is hereby empowered to act during the time aforesaid as Fence Viewer for the Settlement on the South side of the said North West Arm of Sydney River, and Mark Crodice shall be and he is hereby empowered to act during the time aforesaid as Fence Viewer for the Settlement on the Westerly and Southerly side of the South West Arm of Sydney River

And

And Peter Grant shall be and he is hereby empowered to act during the time aforesaid as Fence Viewer for the Settlement on the Easterly and Southerly shore of the said South West arm of Sydney River. And Thomas Buchanan shall be and he is hereby empowered to act during the time aforesaid as Fence Viewer for the Town of Sydney, and John Wilson shall be and he is hereby empowered to act during the time aforesaid as Hogreave and Pound Keeper for the Town of Sydney

And be it further Ordained and ordered by the Authority aforesaid That the Grand Jury at the Court of General Sessions of the Peace to be held at Sydney on the first Wednesday in September Annually shall nominate six fence Viewers of whom the said Court shall appoint four or more to be fence Viewers for the Town and Neighbourhood of Sydney and shall also nominate six Pound Keepers of whom the Court shall appoint a sufficient number in their discretion to be Pound Keepers in the aforesaid Town and its Neighbourhood, and shall also nominate four Hogreaves of whom the said Court shall appoint two or more to be Hogreaves in the aforesaid Town and its Neighbourhood who shall be respectively sworn to the faithful discharge of their duty to continue One Year from the time of their Nomination and appointment and upon their or any of their refusal to accept or being guilty of any neglect or misbehaviour in the execution of the duty of their respective Offices, they shall forfeit and pay for the use of the Poor of the said Town of Sydney the

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501
sum of Forty Shillings for every such Refusal, neglect or
misbehaviour to be recovered by the Oath of one credible
Witness before any two of His Majesty's Justices of the
Peace to be levied by Warrant of Distress and sale of the
offenders goods and Chattels and if any Person so nominated
and chosen shall leave said Town and the Settlement or
happen to Die within the period for which he was
Nominated and appointed to serve in any of the said
offices in such case any two of His Majesty's Justices of
the Peace shall and may nominate and appoint a fit
Person or Persons to serve in such Vacant Office untill
another shall be Nominated by the Grand Jury and appointed
by the said Court of General Quarter Sessions at their
meeting next ensuing such Vacancy,

Passed in Council
July 2nd 1793

Signed, D. Matthews. P.

Ordained and Ordered according
ly in Council the second day
of July in the Thirty Year of
His Majesty's Reign

(Signed) W^m Macarthur.

By His Excellency's Command.

Signed { W. McKinnon }
Secretary

a true Copy

W. McKinnon Secretary