

THE POUND ORDINANCE, 1875.

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No. 16.—1875.

1st October.

AN ORDINANCE to amend the Law as to Animals
Trespassing.

(L. S.) HENRY T. IRVING.

13th October, 1875.

BE it enacted by His Excellency the Governor, with
the advice and consent of the Legislative Council,
as follows:—

Short title.

1. This Ordinance may be cited for all purposes as
“The Pound Ordinance, 1875.”

Interpreta-
tion.

2. In this Ordinance,

The term “poundable animal” means any horse,
mare, gelding, colt, filly, ass, mule, bull, cow, ox, steer,
heifer, calf, goat, kid, sheep, lamb, hog, sow, pig, or
other great or small cattle.

Appointment
of pounds.

3. It shall be lawful for the Stipendiary Justice of
any district in which there are no pounds or an in-
sufficient number of pounds to authorise the establish-
ment therein of such pounds as he thinks necessary.
Such pounds shall be erected at the expense of, and be
the property of, the Colonial Government.

Management
of pounds.

4. The chief officer of police in every police district
shall act as pound-keeper of all pounds in his district
unless some other person is appointed by the Stipendiary
Justice of the district with the approbation of the
Governor. Every pound-keeper shall be entitled to
demand the pound fees specified in the second schedule
to this Ordinance and to apply to his own use the
whole amount of such fees payable in respect of the
feeding of the animal and half the amount of the other
pound fees. The other half of such other pound fees
he shall once in every month pay over to the Stipendiary
Justice of the district to be paid by him to the Receiver
General for the use of the Colony.

Animal tres-
passing.

5. The owner or occupier of any enclosed, cultivated,
or pasture land, or any person authorised by him may
seize any poundable animal found trespassing on such
land and may send or take every such animal to the
pound of the district or place in which such land or any
part of it is situate, or to the nearest pound, to be
detained and dealt with according to this Ordinance:

Provided that—

1. The owner or occupier of the land trespassed upon may secure and keep any animal seized under this section before sending the same to the pound for any time not exceeding two days after the day of seizure; and.
2. Where any animal has been seized under this section, if the owner of such animal or any person lawfully authorised by him at any time before such animal is received into the pound pays for the use of the owner or occupier of the land trespassed upon to the person having the charge of such animal the seizure fee specified in the first schedule to this Ordinance, the person having charge of such animal shall upon such payment being made deliver the animal to the person making the payment.
- /// 6. Any poundable animal found tethered, wandering, straying or lying in any public place, square, quay, wharf or highway may be seized and sent or taken to the pound by any person finding the same, but no seizure fee shall be payable in respect of any such animal. Animals improperly on highways.
7. The owner or occupier of any enclosed, cultivated or pasture land, or any person authorised by him may shoot or kill with a cutlass or other cutting instrument any hog, sow, pig, goat or kid found trespassing on such land, and if the owner of the animal does not claim the same within six hours after it is killed, may bury the carcass. Swine or goats trespassing.
8. When any animal is brought to any pound it shall be the duty of the pound-keeper to make, and of the person bringing the animal to the pound to answer, all such inquiries as are likely to make known the owner or person having the charge of the animal. Any person bringing an animal to the pound who upon any inquiry being made of him pursuant to this section does not according to the best of his knowledge, remembrance, information and belief truly answer such inquiry shall be guilty of an offence against this Ordinance, and on conviction thereof shall incur a penalty not exceeding five pounds. Inquiry as to ownership of animals impounded.
9. Where any animal is impounded the pound-keeper shall serve notice of such animal being impounded Notice to owner of

animal
impounded.

upon the owner or person having the charge of the animal by leaving such notice at the usual place of abode or business of the person to be served in all cases in which such pound-keeper by any means obtains sufficient information to enable him to effect such service.

Any pound-keeper who omits to give notice as required by this section shall be guilty of an offence against this Ordinance and on conviction thereof shall incur a penalty not exceeding five pounds.

A pound-keeper who gives notice under this section shall be entitled to receive in respect of such notice the sum in that behalf specified in the second schedule to this Ordinance.

Notice where
owner of
animal
not known.

10. If at the expiration of the day after any animal is impounded the pound-keeper is unable to ascertain who is the owner or person having the charge of such animal, such pound-keeper shall cause a notice of the impounding of the animal to be posted at the police station of the district in which the pound is situate, and at any other place which the Inspector-Commandant directs.

A pound-keeper who omits to cause to be posted the notices required by this section shall be guilty of an offence against this Ordinance, and on conviction shall incur a penalty not exceeding five pounds.

Fraudulent
impounding.

11. Any person who drives, leads or entices any animal into any land or into any public place, square, quay, wharf or highway with intent to impound such animal or to procure the same to be impounded, shall be guilty of an offence punishable on summary conviction, and on conviction thereof before a Stipendiary Justice of the Peace may be fined in any sum not exceeding twenty pounds, or be imprisoned with or without hard labour for any term not exceeding three months.

Rescuing
animals
impounded.

12. Any person who rescues or attempts to rescue any animal while in or being taken to any pound, or breaks or injures any pound, or does, or aids or abets the doing of any act whereby any animal impounded may escape or be unlawfully liberated shall be guilty of an offence against this Ordinance, and on conviction shall incur a penalty not exceeding twenty pounds.

Ill-treating or
injuring

13. Any pound-keeper or person taking an animal to the pound, who cruelly beats, wounds or otherwise ill-

treats, or who wilfully injures or damages any animal ^{animals} in his charge, shall be guilty of an offence against this ^{impounded.} Ordinance, and on conviction thereof shall incur a penalty not exceeding ten pounds.

14. Any animal received into any pound under this Ordinance shall be detained until sold under this Ordinance, unless before the time for such sale the seizure fee specified in the first schedule to this Ordinance where payable, and the pound fees specified in the second schedule to this Ordinance are paid. ^{Disposal of impounded animals.}

15. The keeper of any pound may, on such days as the Inspector-Commandant from time to time directs, put up for sale by public auction any animal which has been detained for more than ten days, exclusive of the days of seizure and sale, and sell and deliver such animal to the best bidder for ready money for the same on receiving the amount of the bidding, and if such amount be not forthwith paid may put up the animal again for sale. Public notice of every sale under this section shall be given as the Inspector-Commandant directs. Out of the moneys received by any sale under this section the pound-keeper shall in the first place deduct the pound fees, and out of the surplus shall pay on demand the seizure fee to the person whose land was trespassed upon when he attends and demands the same, and shall pay the balance of such surplus (if any) to any person known to be the owner of the animal, and who attends and demands such balance: Provided that if no person having authority to receive such surplus or the balance of such surplus attends to demand the same before the expiration of the day of sale, the pound-keeper shall forthwith pay such surplus or the portion thereof remaining in his hands to the Stipendiary Justice of the Peace of the District in which the pound is situate, to be kept by him until the person or persons respectively entitled thereto appear before such Stipendiary Justice and prove their claims to the same. ^{Sales of impounded animals.}

If at the expiration of twelve months after any sale under this section the Stipendiary Justice has in his hands any portion of the moneys received on account of such sale, he shall forthwith pay the same over to the Receiver-General for the use of the Colony, and all

rights to the moneys so paid over shall thereupon be extinguished.

Power to
make regula-
tions.

16. Subject to the provisions of this Ordinance, the Inspector-Commandant may, subject to the approval of the Governor, make, and from time to time alter or revoke regulations as to the sum per day to be paid for the feeding of animals in pounds, as to the manner of giving or posting any notice by this Ordinance required to be given or posted, as to the form of such notices, and as to the time and mode of conducting the sales of animals impounded.

Books
kept by
pound-
keepers.

17. Every pound-keeper shall keep such book or books as the Inspector-Commandant from time to time directs for the purpose of identifying the animals impounded, describing the owners of the same, and the person bringing the same to the pound and specifying the moneys due or received in respect of any animal and the disposal or all moneys received by such pound-keeper, and registering such other matters as the Inspector-Commandant from time to time directs.

Recovery of
penalties.

18. Any penalty recoverable under this Ordinance may be recovered before any Stipendiary Justice of the Peace in a summary way, and in the event of the same not being paid forthwith the Stipendiary Justice may order the party liable to pay the same to be imprisoned in the Royal Gaol with or without hard labour for any term not exceeding three months, unless such penalty and the costs of recovering the same and the charges of the commitment and conveying the party to prison (the amount of such costs and charges being stated in the commitment) be sooner paid.

Ordinance
not to affect
rights of
action.

19. The remedies given by this Ordinance in respect of animals trespassing shall be in addition to, not in derogation of, any remedy by action or suit to which any person may be entitled in respect of any such trespass.

Repeal of
enactments.

20. The enactments specified in the third schedule to this Ordinance are hereby repealed: Provided that such repeal shall not apply to the case of any animal seized or impounded before the passing of this Ordinance, but in all such cases the same rights and liabilities shall remain and accrue, and generally the same consequences

shall take effect as if this Ordinance had not been passed.

Passed in Council this first day of October, in the the year of our Lord one thousand eight hundred and seventy-five.

JAS. W. O'BRIEN,
Acting Clerk of the Council.

THE FIRST SCHEDULE.

SEIZURE FEES.

For every horse, mare, gelding, colt, filly, ass, mule, bull,	s.	d.
cow, ox, steer, heifer or calf	4	0
For every poundable animal not above mentioned	2	0

THE SECOND SCHEDULE.

POUND FEES.

For every horse, mare, gelding, colt, filly, ass, mule, bull,	s.	d.
cow, ox, steer, heifer or calf	4	0
For every poundable animal not above mentioned	2	0
For notice of impounding, when given to the owner or other person having charge of the animal	2	6
Expenses of feeding as fixed by the Inspector-Commandant, subject to the approval of the Governor.		

THE THIRD SCHEDULE.

ORDINANCES REPEALED.

No. of Ordinance.	Title.	Extent of Repeal.
No.15 of 1838	An Ordinance for preventing the trespassing of cattle and other animals on the lands of persons other than the proprietors of such cattle or animals	The whole.
No. 2 of 1840	An Ordinance to repeal the 7th Clause of an Ordinance intituled "An Ordinance for preventing the trespassing of cattle and other animals on the lands of persons other than the proprietors of such cattle or animals."	The whole.
No.15 of 1854	An Ordinance to amend the law with respect to the trespassing of cattle and other animals	The whole.
No. 2 of 1867	An Ordinance for the better protection of cultivated or enclosed lands	The whole.