

CHAPTER 269.

POUNDS.

*Ordinance
No. 12.*

AN ORDINANCE AS TO ANIMALS TRESPASSING.

[7th March, 1876.]

Short title.

1. This Ordinance may be cited as the Pounds Ordinance.

Interpretation.

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 Magistrate of any district in which there are no pounds, or an insufficient number of pounds, to authorize the establishment therein of such pounds as he may think necessary. Such pounds shall be erected at the expense of, and be the property of, the Government.

Management of pounds.

4. The senior officer of Constabulary in every Constabulary district shall act as pound-keeper of all pounds in his district unless some other person is appointed by the Magistrate of the district with the approbation of the Governor. Every pound-keeper shall be entitled to demand the fees specified in the Second Schedule to this Ordinance, and to apply to his own use the whole amount of the fees payable in respect of the feeding of the animal, and half the amount of the pound fees. The other half of such pound fees he shall, once in every month, pay over to the Magistrate of the district to be paid by him to the Treasurer for the use of the Colony.

Animals trespassing.

5. The owner or occupier of any enclosed, cultivated, or pasture land, or any person authorized 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 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 authorized 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 authorized 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 carcase.

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 enquiries 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 enquiry being made of him pursuant to this section, does not, according to the best of his knowledge, remembrance, information, and belief,

Enquiry as to
ownership of
animals
impounded.

truly answer such enquiry shall be liable to a penalty not exceeding five pounds.

Notice to
owner of
animal
impounded.

9. (1) Where any animal is impounded, the pound-keeper shall serve notice of such animal being 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.

(2) Any pound-keeper who omits to give notice as required by this section shall be liable to a penalty not exceeding five pounds.

(3) A pound-keeper who gives notice as required by this section shall be entitled to receive in respect of such notice the sum of two shillings and sixpence.

Costs of keep-
ing animal
in pound.

10. Where any animal has been impounded, and notice of such impounding has been served under the last preceding section upon the owner or person having the charge of such animal, such owner or person shall, in default of such animal being sold for a sum sufficient to defray such costs and charges, be liable to pay the costs of keeping the animal in the pound until the same can legally be offered for sale under section 16 of this Ordinance.

Notice where
owner of
animal not
known.

11. (1) 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 Constabulary Station of the district in which the pound is situate, and at any other place which the Inspector-General may direct.

(2) A pound-keeper who omits to cause to be posted the notices required by this section shall be liable to a penalty not exceeding five pounds.

Fraudulent
impounding.

12. 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 liable to a penalty not exceeding twenty pounds, or to be imprisoned, with or without hard labour, for any term not exceeding three months.

13. Any person who rescues or releases, or attempts to rescue or release, 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 liable to a penalty not exceeding twenty pounds.

Rescuing
animals
impounded.

14. 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 in his charge, shall be liable to a penalty not exceeding ten pounds.

Ill-treating
or injuring
animals
impounded.

15. 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, are paid.

Disposal of
impounded
animals.

16. (1) The keeper of any pound may, on such days as the Inspector-General from time to time may direct, 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 may 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-General may direct.

Sales of
impounded
animals.

(2) 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 Magistrate 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 Magistrate and prove their claims to the same.

(3) If at the expiration of twelve months after any sale under this section, the Magistrate has in his hands any portion of the moneys received on account of such sale, he shall forthwith pay the same to the Treasurer for the use of the Colony, and all rights to the moneys so paid over shall thereupon be extinguished.

Costs of
killing and
burying.

17. In case a poundable animal is offered for sale and no offer is made for it, or the offer made is, in the opinion of the pound-keeper, trifling or insufficient to defray the costs and charges under this Ordinance, or in case the animal is in such a state or condition that it is unfit to be sold with a view to being worked, it shall be lawful for the pound-keeper, in his discretion, to have such animal shot or otherwise destroyed, and the carcase buried or otherwise disposed of. In such case the owner or person having charge of such animal shall, in addition to any other sum to which he may be liable, repay to the pound-keeper the costs, charges, and expenses attending such shooting, destruction, burial, or disposition.

Regulations.

18. The Inspector-General may, subject to the approval of the Governor, make 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.

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

Recovery of
penalties.

20. All penalties incurred under this Ordinance may be recovered on summary conviction before a Magistrate.

Ordinance
not to affect
rights of
action.

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

FIRST SCHEDULE.

SEIZURE FEES.

(Section 5.)

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

SECOND SCHEDULE

POUND FEES.

(Section 4.)

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

Expenses of feeding as fixed by the Inspector-General subject to the approval of the Governor.