

**CATTLE TRESPASS, FENCING, AND
IMPOUNDING.**

23° GEO. V., No. XXV.

No. 25 of 1932.

**AN ACT to amend sections thirty and thirty-four of the
Cattle Trespass, Fencing, and Impounding Act, 1882.**

[Assented to 15th December, 1932.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act shall be cited as the *Cattle Trespass, Fencing, and Impounding Amendment Act, 1932*, and shall be read as one with the *Cattle Trespass, Fencing, and Impounding Act, 1882* (hereinafter called "the principal Act").

Amendment of sub-
section 4 of sec. 34
of principal Act.

2. Subsection four of section thirty-four of the principal Act is hereby amended by excising the words "a police constable" and inserting in lieu thereof the words "any person"; and by adding a proviso, as follows:—

Provided that nothing in this section contained shall be a bar to the enforcement of liability against the owner of such cattle in respect of any penalty and of all lawful fees, charges, and damages under this Act, and the same may be recovered by the person aggrieved in a summary way on complaint before any two justices of the peace.

Amendment of sec.
34 of principal Act.
New subsection 4A.

3. The following subsection is hereby inserted after subsection four of section thirty-four of the principal Act:—

4A. Where it appears to any two justices of the peace, after inspection of any impounded cattle, that—

(i) if such cattle were held for the period and notice of sale advertised in manner hereinbefore prescribed they would not be likely to realise on sale sufficient to pay the poundage fees, expenses of sale, and other lawful charges payable under this Act in connection with such impounding; and

(ii) that an immediate sale under subsection four of this section would not be likely to realise such fees and charges,

and the owner does not appear and pay such fees and charges incurred in respect of such impounded cattle, and give security to the satisfaction of the justices for the payment of all such further fees, charges, and expenses as may be awarded in any subsequent proceedings under this Act, the justices may make an order authorising the immediate destruction or disposal of such cattle and the disposal of the carcase thereof in such manner as the justices may think fit; provided that any one justice may exercise the jurisdiction of two justices under this Act whenever no other justice usually residing in the district can be found at the time within a distance of ten miles; provided that the justice certifies, in writing, that no other justice can be found within ten miles:

Provided that such destruction shall not be a bar to the enforcement of liability against the owner of such cattle in respect of all lawful fees, charges, and damages under this Act, and the same may be recovered in a summary way on complaint before any two justices of the peace.

4. The principal Act as amended by this Act may be cited as the Cattle Trespass, Fencing, and Impounding Act, 1882-1932.

Citation of principal
Act as amended.