



WESTERN AUSTRALIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. XXV.

AN ACT to amend "*The Public Pound Ordinance, 1861.*"
[16th January, 1871.]

WHEREAS it is expedient to afford to owners of impounded live stock greater facilities for obtaining their release; Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1 WHEN any impounded live stock, of whatever description, shall not be followed to the pound or place of security, or be immediately claimed by the owner thereof, or some one on his behalf, the person and persons lodging such live stock in such pound or place of security shall inform the poundkeeper who is the owner thereof, if he be known to such person. And if such person shall fail to give such information to such poundkeeper, when able so to do, he shall for such neglect forfeit and pay a penalty not exceeding Five Pounds. And every poundkeeper, after impounding any stock, shall within

Person impounding to assist poundkeeper in ascertaining owner, under penalty of £5 for default.

34° VICTORIÆ, No. 25.

Public Pound Ordinance, 1861, Amendment.

Poundkeeper to give notice to owner (within 24 hours) when known.

When owners are unknown, notice to be put up on pound on expiration of 48 hours.

Owner of impounded live stock may release such stock on certain conditions.

Jurisdiction.

within twenty-four hours give notice to the owner or owners of the said stock, if such owner or owners is or are known; and such notice may be sent by the general post to the usual place of abode of such owner or agent; and if such owner or owners is or are not known, the poundkeeper shall, on the expiration of forty-eight hours, put up a notice on some conspicuous part of the pound that such stock is impounded; which notice shall contain a full description of such stock, and a statement of the damages, fees, penalties, and expenses claimed and payable on account of the trespass for which the same are impounded.

2 IN case any live stock, of whatsoever description, shall be impounded in a public or private pound, or place of security, and a larger amount of damages, penalties, fees, or expenses are claimed than are reasonable or authorised, and the owner of such live stock, his agent or overseer, shall dispute the amount of such damages, penalties, fees, and expenses, or the identity of the live stock, or the nature of the trespass committed by such live stock, or shall deny the legality of such impounding, then in any such case such owner, his agent, or overseer, may allow such live stock to remain in such pound or place of safety until the case be decided as provided by the *Cattle Trespass Ordinance, 1857*, or otherwise pay, by way of deposit, the damages, penalties, fees, and expenses demanded, and release the said live stock; which such poundkeeper, person, or persons as aforesaid, are required and directed to release accordingly; such owner, his agent, or overseer giving at the same time notice in writing to the poundkeeper, or person or persons impounding the same, that he intends to dispute such damages, penalties, fees, and expenses, or impounding, as the case may be, and thereupon such poundkeeper, person or persons, shall retain the amount of such damages, poundage, fees, and expenses, so paid as aforesaid, to abide by the written order of the Justice finally hearing and adjudicating on the matter of trespass out of which the impounding arose, which order such Justice is hereby authorised to make; And if such poundkeeper, or person or persons as aforesaid, shall fail to release and deliver such live stock as hereinbefore required and directed, or shall fail to obey such written order, he shall forfeit, for every such offence, a penalty not exceeding Twenty Pounds; and in the case of disobedience of such order, the penalty shall be in addition to the sum so ordered to be paid or offered.

3 ALL penalties hereby imposed shall be recovered in a summary way before one or more Justice or Justices of the Peace.

34° VICTORIÆ, No. 25.

Public Pound Ordinance, 1861, Amendment.

4 THE Justices of the Peace, acting in pursuance of the fourth section of *The Public Pound Ordinance, 1861*, shall have power, from time to time, with the consent of the Governor, to draw up and settle a table of fees to be paid and allowed in all proceedings within their respective districts under *The Cattle Trespass Ordinance, 1857*, and to vary and alter the same; and such Table of Fees shall be exposed to public view in some conspicuous part of the Court Houses for their respective districts; and may be lawfully charged, taken, and recovered; Provided that every table of fees already approved by the Governor, respectively, purporting to be drawn and settled under the twenty-fourth section of the said Ordinance of 1857, by the Justices assembled at any Petty Session holden for any district, and notwithstanding it shall not be in conformity with such last named section, shall be and continue in force until a Table of Fees shall be drawn and settled under this provision.

Tables of Fees under Cattle
Trespass Ordinance.

5 THIS Act and "The Public Pound Ordinance, 1861" shall be read together as one Act.

Incorporated with the Pub-
lic Pound Ordinance, 1861.

P E R T H :

By Authority: RICHARD PETHER, Government Printer.