

WESTERN AUSTRALIA.

ANNO TERTIO

VICTORIÆ REGINÆ,

No. 2.

An Act to provide a remedy against Horses and other Live Stock straying in Towns, and to prevent Entire Horses and Bulls straying in any part of the Colony.

WHEREAS the practice of permitting Horses and other Live Preamble. Stock to stray about Towns, without being attended by any keeper, is the cause of much injury and annoyance, and is productive of danger to the Inhabitants; Be it therefore enacted by the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that any person who shall suffer any Horses, Cattle, or any other description of Live Stock to go loose about any town without being attended by a keeper, shall, upon conviction thereof before any Justice of the Peace, for every such offence, if committed in the day-time, forfeit and pay any sum not less than Five Shillings, nor more than Twenty Shillings, but if committed in the night-time, then any sum not less than Ten Shillings, nor more than Forty Shillings,—notwithstanding that the Animal shall not have been seized or detained; but if the Animal shall have been seized and detained, then Any person suffering any description of live stock to stray about a town, to forfeit not less than 5s nor more than 20s if in the day time, and not less than 10s nor more than 40s if in the night time.

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the Justice shall, over and above such fine, allow in his discretion any reasonable sum to the person so seizing and detaining the same as a remuneration for his time, and in proportion to the trouble and expense incurred.

II. AND whereas great injury has arisen to the breed of Horses and Horned Cattle by reason of Entire Horses and Bulls being allowed to stray and run at large;—Be it therefore enacted, that on proof before any Justice of the Peace that any Entire Horse or Bull has been wilfully or negligently suffered to stray and run at large within the said Colony, whether on a Townsite or not, the owner of any such Horse or Bull above the age of one year shall forfeit and pay any sum not less than Two Pounds nor more than Four Pounds, if the offence be committed in the day-time; and any sum not less than Three Pounds nor more than Five Pounds, if the offence be committed in the night-time.

Any person suffering any entire horse or bull to stray, to forfeit any sum not less than £2 nor more than £4, if in the day time, and not less than £3 nor more than £5, if committed in the night time.

III. AND be it further enacted, that nothing in this Act contained shall be construed to prevent any person from recovering any amount of damage for Trespass to which he may be entitled under any other Act in force in the said Colony.

This Act not to prevent any person from recovering any damages to which he may be entitled under any other Act.

IV. AND be it further enacted, that all Fines and Penalties imposed by this Act shall be recovered in a summary way before any Justice of the Peace for the said Colony, and shall, if not paid within six days after conviction, be levied by distress and sale of the offender's goods and chattels; and the money arising by such Fines, Penalties and Forfeitures, shall go one-half to the use of our Sovereign Lady the Queen for the support of the Government of the said Colony, and the other half to the person informing or complaining of the offence committed.

Penalties and forfeitures to be recovered in a summary way, and to go one half to the colonial fund, and one half to the party complaining.

V AND be it further enacted, that this Act shall continue in force for three years from the date of its passing the Legislative Council, and from thence to the end of the next sitting of the Legislative Council.

Act to continue in force for three years.

JOHN HUTT,
GOVERNOR AND COMMANDER-IN-CHIEF:

Passed the Legislative Council }
the 28th day of October, 1839. }

WALKINSHAW COWAN,
Clerk of the Council.