



1856.

No. 4.

*An Act to amend an Ordinance, No. 3 of 1847, "To amend the Laws relating to the Impounding of Cattle."*

[Assented to, December 11, 1856.]

**W**HEREAS it is expedient to amend an Ordinance, No. 3 of Preamble.  
one thousand eight hundred and forty-seven, "To amend the  
Laws relating to the Impounding of Cattle"—Be it therefore enacted,  
by the Governor-in-Chief of the Province of South Australia, with  
the advice and consent of the Legislative Council thereof, as  
follows:

1. When any cattle shall be found trespassing upon land in  
any district constituted under the authority of an Act No. 16  
of one thousand eight hundred and fifty-two "To appoint  
District Councils, and to define the Powers thereof," it shall  
be lawful for the person, by the said Ordinance authorized,  
to drive and lodge the same in the public pound within such district  
nearest to the said land; and if there be no public pound within  
such district, then to the public pound nearest to the said land. Cattle impounded to  
betaken to nearest  
pound in district, or  
if none, then to near-  
est pound.

2. It shall be lawful for any poundkeeper to charge, for the per-  
sonal delivery of any notice by the said Ordinance required to be  
given by him to the owner of any impounded cattle, or his agent,  
the sum of one shilling for every mile not exceeding ten miles, and  
of sixpence for every mile exceeding ten miles of the distance of the  
place, at which such notice shall be served, from the pound wherein  
the cattle, to which such notice shall relate, are impounded: Poundkeeper to charge  
for service of notice  
one shilling per mile,  
for first ten miles, and  
sixpence per mile  
beyond. Provido. 3. No  
Provided always, that, when the owner or agent of any impounded  
cattle may reside at a greater distance from such pound than the  
nearest Post Office through which any notice may be readily con-  
veyed to such owner or agent, the sum chargeable for delivery of  
such notice shall be calculated on the distance to such Post Office.

Cattle not to be deliverable excepting from sunrise to sunset.

3. No poundkeeper shall be bound or required to deliver out any cattle excepting between sunrise and sunset.

Poundkeepers in district may sell without order of Justices.

4. When any pound shall be situated within a district, constituted as aforesaid, it shall not be necessary for the poundkeeper, before proceeding to the sale of any cattle impounded therein, to obtain the order of any Justice of the Peace authorizing such sale, as in the said Ordinance required: Provided, that every such poundkeeper shall annex to any return of cattle sold by him, as such poundkeeper, made to any District Council, a declaration under his hand, that all the terms and provisions of the said Ordinance have been complied with; and any poundkeeper omitting to make such declaration, or making such declaration falsely, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding three calendar months, besides being liable to make good any loss or damage occasioned by reason of his having omitted to comply with the said Ordinance.

Declaration.

District Council may order earlier sale of cattle impounded.

5. Whenever it shall be made to appear, to any District Council, that any cattle impounded in any pound within the district of such Council are not of sufficient value to defray the poundage fees and charges and expenses of keeping the same, if detained for the time by the said Ordinance prescribed, it shall be lawful for such District Council to authorize the sale of such cattle on such earlier day, and after such notice to the owner or his agent when known, and by advertisement or otherwise as may to such Council appear reasonable and expedient.

Purchaser not bound to prove regularity of sale.

6. No purchaser of cattle sold by any poundkeeper by virtue or under colour of the said Ordinance shall be bound to prove that such sale was regular, or that the terms and conditions of the said Ordinance had been complied with, or be affected by any default or irregularity on the part of the poundkeeper of which such purchaser shall not have had notice before or at the time of the sale of such cattle.

Surplus proceeds to be paid over to District Councils.

7. Every poundkeeper whose pound shall be situate within any district constituted as aforesaid shall pay over to the District Council of such district all moneys by the said Ordinance directed to be paid to the Colonial Treasurer, and the said District Council shall hold such moneys for the period of two years for the use of the owner of the cattle producing the same, and shall pay over the same in pursuance of any order of a Justice as by the said Ordinance authorized, to or to the order of the owner of such cattle, and after such period of two years shall apply the same moneys to the general purposes of the said Council.

Party impounding not liable for fees.

8. The party impounding any cattle shall not be liable to make good to the poundkeeper any fees or charges in respect of the same.

9. Any

9. Any person who shall knowingly and wilfully drive away any cattle other than his own, or his master's, or employer's, from any land other than his own, or his master's, or employer's, shall, on conviction of every such offence, forfeit and pay the sum of Five Pounds.

Party driving away cattle not his own.

10. It shall be lawful for the proprietor or occupier, or any person in charge of any enclosed garden or enclosed land, to destroy, by any means, except by the use of poison, any goats, pigs, fowls, or rabbits, found trespassing therein: Provided that the proprietor or occupier, or person in charge of the garden or land, shall have given notice in writing to the owner of any goats, or pigs, or fowls, or rabbits, so trespassing, or have advertised twice in the public newspapers of the Province, his intention to destroy all goats, or pigs, or fowls, or rabbits, found trespassing on his garden, or enclosed land, as aforesaid.

Goats, pigs, fowls, &c., may be destroyed.

11. Notwithstanding anything contained in the said Ordinance, or in any table of rates fixed by the Justices of the said Province, in pursuance thereof, it shall not be necessary for the owner or occupier of any enclosed paddock, or meadow, or garden, to prove that the same was enclosed with a good and substantial fence, and the Schedule B to the said Ordinance, and any table of rates so made, or hereafter to be made, shall be read and construed as though the words "good and substantial" were omitted therefrom.

Not necessary to prove that fence is good and sufficient.

12. No person holding the office of ranger under the Crown or any District Council shall at the same time fill the situation of poundkeeper in any District of the Province.

No ranger to be at the same time pound-keeper.

13. It shall be lawful for any ranger or other person appointed in that behalf by the Council of any district, constituted as aforesaid, to impound any cattle found trespassing upon the waste and unsold common lands of the Crown, or upon the main or district roads within such district; and it shall be lawful for any occupier of any fenced-in land within such district to impound any cattle found straying without any one in charge on the main or district roads immediately adjacent or fronting to the fenced-in land of the said occupier; and all rates payable in respect of such cattle shall be paid to the said Council for the use of the district.

Persons appointed by District Councils may impound off Crown Lands.

*Submitted by J. J. ...  
for the ...  
5. 21 Feb. 1917.*

14. If any cattle shall be found trespassing upon any unfenced land, after the expiration of three days after notice not to trespass upon such land, by or on behalf of the owner or occupier thereof, shall have been served upon the owner of such cattle, or left for him at his last known place of abode, or after fourteen days' notice not to trespass on such land, describing the same by the number of the Sections, or other precise and accurate description shall have been inserted in the *South Australian Government Gazette*, the owner or occupier of such land may lawfully demand and recover, in respect of such cattle, one-third of the same rate as though the land upon which such cattle shall be found trespassing were enclosed with a fence.

Cattle trespassing after notice.

15. Any

Penalty for taking  
down rails to let cattle  
into fenced land.

15. Any person who shall unlawfully remove or take down any rail, or slip panel, or fencing, for the purpose of allowing cattle to trespass upon, or escape from, any enclosed land, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment with hard labor for any period not exceeding three calendar months.

Act to be construed  
as one with Impound-  
ing Act.

16. This Act and the said Ordinance shall be read and construed as one Act.