



ANNO QUINQUAGESIMO OCTAVO ET QUINQUAGESIMO NONO

# VICTORIÆ REGINÆ.

A.D. 1895.

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## No. 625.

An Act to amend "The Impounding Act of 1858."

[Assented to, December 20th, 1895.]

**B**E it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited as "The Impounding Act Amendment Act, 1895." Short title.

2. Any Justice of the Peace, after inspecting any cattle impounded in any pound, if, in his opinion, such cattle are in a dying state or so weak as not to be likely to recover, may order such cattle, if not claimed within twenty-four hours, to be killed, and the carcasses sold or otherwise disposed of; and every such order shall be in writing, and shall be delivered to the poundkeeper, who shall retain the same; and the proceeds of the sale of any such carcasses shall be applied in the manner directed by sections 34 and 35 of "The Impounding Act of 1858." Justice may order destruction of dying or diseased cattle impounded.

3. Section 11 of "The Impounding Act of 1858" is hereby amended by striking out all the words from the beginning down to and including "not" in the sixth line, and inserting in lieu thereof the following—"It shall be lawful for the Governor, by notice in the *Government Gazette*, so far as concerns any pound not within the boundaries of any Municipal Corporation or District Council, and for every Municipal Corporation and District Council, so far as concerns every pound." Amendment of section 11 and Schedule A of Impounding Act.

4. Schedule

*The Impounding Act Amendment Act.—1895.*

Amendment of  
Schedule A of  
Impounding Act.

4. Schedule A of the said Act is amended by inserting the word "daily" before "fees for poundage."

Notice under proviso  
to sec. 31 need not be  
advertised.

5. The notice to be given pursuant to the proviso to section 31 of "The Impounding Act of 1858" need not be gazetted or advertised unless so required by the order made pursuant to the said section.

Justice may order  
unsold cattle to be  
destroyed.

6. If any impounded cattle offered for sale shall not be sold, it shall be lawful for a Justice of the Peace to certify that he does not consider such cattle of sufficient value to pay the cost of further maintaining the same, and to order that such cattle shall forthwith be destroyed.

Poundkeeper may  
recover fees and  
charges from owner  
of cattle.

7. If any impounded cattle offered for sale shall not be sold, or if the sale of such cattle shall not realise a sufficient sum to pay the lawful fees and charges, the poundkeeper may recover such fees and charges, or the portion thereof that shall remain unpaid, from the owner of the cattle by action in any Court of competent jurisdiction, or in a summary manner before any Justice of the Peace under any Act for the time being in force regulating summary proceedings before Justices: Provided that it shall be a sufficient defence to any such action if it be shown that notice has not been given by the poundkeeper to the owner, pursuant to section 25 of "The Impounding Act of 1858."

Power to corporations  
to license auctioneers.

8. The council of any municipality under "The Municipal Corporations Act of 1890" shall, as to any pound within the municipality, have all the powers mentioned in section 32 of "The Impounding Act of 1858" as to licensing or revoking the licence of any person as an auctioneer for selling impounded cattle, and any person so licensed shall, during the continuance of the licence, have the same power to sell any such cattle as a person licensed by the Governor.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

T. FOWELL BUXTON, Governor.