



ANNO QUARTO  
VICTORIÆ REGINÆ.

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No. 8.

*sometimes called no. 9. This act received the number 8.*

*AN ACT to authorise and regulate the Impounding of Cattle.*

**WHEREAS** it is expedient to make provision for the erection of pounds for regulating the impounding of cattle and for preventing the vexatious impounding thereof—

**BE IT THEREFORE ENACTED** by His Excellency Lieutenant-Colonel GEORGE GAWLER Knight of the Royal Hanoverian Guelphic Order Governor and Commander-in-Chief of the Province of South Australia by and with the advice and consent of the Legislative Council thereof as follows that is to say—

I. THAT from and after the first day of May next this present Act shall commence and take effect.

II. That it shall and may be lawful for the Justices at any meeting of the purpose of which due notice shall have been given for any district within the said Province or the major part of them subject to the approval of His Excellency the Governor to appoint one or more convenient place or places adjoining to some public highway for establishing and erecting a public pound or pounds for the said district and also a fit and proper person to be the keeper of any such pound at such reasonable and sufficient salary as His Excellency the Governor may be pleased from time to time to appoint and for the greater convenience of resort thereto to cause any such pound to be removed to and erected in any other place and also from time to time to displace and remove the keeper of any such pound upon reasonable cause and to appoint another fit and proper person in his place.

III. And be it further enacted that a notification of the appointment or removal of any public pound or poundkeeper as the case may be shall be inserted in the *Government Gazette* by order of the Justices as aforesaid and  
signed

signed by the Clerk to the Magistrates for the district in which such pound shall be situate or poundkeeper appointed and such notification shall be deemed and taken in all courts in this Province and for all intents and purposes to be evidence that such pound or poundkeeper hath been legally appointed or removed as in the said notification is mentioned.

IV. And be it further enacted that it shall be lawful for the Governor to advance and issue if required any necessary sum for the erection and maintaining of such pounds as aforesaid and every pound erected as aforesaid shall be properly fenced and enclosed and adapted as far as may be for keeping cattle infected with any contagious disease separate and apart from those in health and if any poundkeeper shall not keep up and maintain the said enclosures in proper repair or shall knowingly keep or permit to be kept any cattle infected with disease in the same enclosure with cattle not so infected or shall not keep the said pound clean and in good order or the cattle which from time to time shall be impounded therein supplied with a sufficiency of wholesome food and water every such poundkeeper shall upon conviction of any such neglect forfeit and pay a sum not exceeding five pounds nor less than one pound.

V. And be it further enacted that it shall and may be lawful for the Justices or the major part of them at any such meeting as aforesaid to specify all such reasonable fees as shall be taken and charged by any poundkeeper for any matter or thing required to be done by him under and by virtue of this act and not herein specially provided for and also from time to time as the same may become necessary to appoint fix and vary the price which it shall be lawful for the keeper of every such pound as aforesaid to charge and receive for the sustenance of the cattle of whatever description which shall be committed to any such pound and also to estimate and assess reasonable rates for the general or ordinary damages which shall and may be demanded and recovered in a summary way by the owner of any lands without proof of special damage for the trespass of any cattle thereon which rates shall be proportioned according to the respective descriptions and value of the crops growing upon the lands trespassed upon and the manner in which the same are fenced or enclosed or according to the value of the natural pastures on unenclosed lands and also to the respective descriptions and nature of the cattle trespassing and to frame a table of such fees price or rates as near as may be according to the form of the schedule A hereunto annexed such fees price and rates being nevertheless subject to the alteration or disallowance of the Governor for the time being and the same after having been so altered or allowed and such alteration or allowance notified in the *Government Gazette* shall and may be lawfully taken and charged demanded and recovered respectively as aforesaid.

VI. And be it further enacted that every poundkeeper appointed under the provisions of this Act shall become bound by recognizance himself in the sum of twenty pounds and one or more sureties to be approved by the said Justices or the major part of them in the further sum of twenty pounds in the form and on the conditions contained in the schedule hereunto annexed marked C (which recognizance the Clerk of the Magistrates is hereby authorised and empowered to take and for the taking whereof a fee of two shillings and sixpence and no more shall be chargeable by him conditioned for the faithful performance of his duty as poundkeeper and of every act matter and thing by him required to be done and performed by virtue and according to the provisions of this act and

in case of the default of the said poundkeeper in any of the premises the said recognizance shall be forfeited and may be forthwith put in suit for the recovery of any penalties incurred and for the benefit of any party or parties aggrieved by such default as the case may be.

VII. And be it further enacted that it shall and may be lawful for any person or the agent overseer or bailiff of any person upon whose land any cattle the owner whereof shall be known to him may be found trespassing to impound and detain the same in any convenient place upon his lands if he shall think fit to do so: Provided that he shall within twenty-four hours of such last mentioned impounding give or cause to be given to the owner of the said cattle the like notice as is hereinafter required to be given to the keeper of any such public pound by any person sending cattle thereto and provided that he shall feed and maintain the same cattle whilst so impounded and shall not keep them impounded longer than three whole days of twenty-four hours each but shall at the expiration of the said time if not sooner released upon payment of his lawful charges drive or cause the same to be driven to the nearest public pound and lodged therein in manner hereinafter mentioned: Provided also that any person impounding cattle on his own land as aforesaid or his agent or overseer shall not be entitled to demand or receive any compensation for damage done by the said cattle save and except for such damage as was done before their first mentioned impounding and shall not be entitled to demand or receive any fee or charge for the said impounding except such as shall be by law chargeable by the keeper of the nearest public pound for feeding and maintaining.

VIII. And be it further enacted that it shall and may be lawful for any person or the agent overseer or bailiff of any person upon whose land any cattle shall be found trespassing to drive and lodge or cause the same to be driven or lodged in the public pound nearest to the said land and the person impounding any such cattle shall specify in writing to the keeper of the said pound the number and kinds of the cattle impounded and the name of the owner if he be known or supposed owner or that he is wholly unknown the place where the said cattle were trespassing and the amount of damage claimed for the trespass and if any owner or occupier of land or his agent or overseer shall impound any cattle in any pound or place not authorised by this act or in any manner contrary to the directions and provisions thereof every person so offending shall upon conviction forfeit and pay a fine not exceeding ten pounds and not less than five pounds for every such offence.

IX. And be it further enacted that the keeper of every public pound shall have and preserve at or near to the said pound a copy of this act and also a pound book ruled and divided into columns as near as may be in the form in the schedule B hereunto annexed and he shall enter into the said pound book in a legible hand-writing the particulars of all cattle lodged in the said pound specifying the day and hour as near as may be when and the cause for which the same were respectively impounded and by whom they were sent the time and mode of giving notice of the said impounding as by this Act required as also when and in what manner the same were released and by whose order and to whom delivered the particulars of sales and of the proceeds thereof and by whose order the same were made and the said entries shall be made at the time the said acts were respectively done or as soon after

as possible but not after any dispute concerning such entry shall have arisen and a copy of this act and of the said pound book shall at all reasonable times be produced by the said pound keeper to and be open for the inspection of any person desiring to see the same upon payment to the said poundkeeper of the sum of sixpence for every such inspection and the said poundkeeper shall grant extracts (signed by himself) from the said pound book upon payment of one shilling for every such extract not exceeding one hundred words and for every subsequent number of words not exceeding one hundred sixpence: And the said poundkeeper shall preserve and keep for not less than twelve calendar months all orders made by Justices concerning any cattle impounded and if any poundkeeper shall neglect or refuse to produce a copy of this Act or the said poundbook for the inspection of any person desirous to see the same upon his lawful fee for the same being first paid or offered to be paid or shall neglect to make any lawful entry therein he shall forfeit and pay for every such default a sum not exceeding twenty shillings and if any poundkeeper shall wilfully delay making any entry or shall knowingly make any false entry in the said poundbook or shall wrongfully erase or destroy any entry previously made therein he shall forfeit and pay for every such offence a sum of ten pounds.

X. And be it further enacted that the keeper of every such public pound shall erect and maintain in some conspicuous part of the said pound a board having painted thereon in legible black characters on a white ground a table of all such lawful fees and charges as he is by this act authorised to demand have and receive together with all rates of ordinary damages as estimated assessed and allowed under and by virtue of the same and if he shall fail to erect the said board or to keep and maintain the same in proper repair after it has been erected or to make any lawful alteration therein which may afterwards become necessary within a reasonable time after the said alterations ought to be made or shall knowingly paint or cause to be painted any false statement thereon he shall forfeit and pay for every day that such board shall not be erected except during such reasonable time as the same shall be taken down for alteration or repair and for every day that such board shall not be maintained in proper repair or lawful alteration be not made after a reasonable time for making the same respectively shall have elapsed as aforesaid the sum of two shillings and sixpence and for every day that he shall knowingly suffer any false statement to remain on the board the sum of five shillings.

XI. And be it further enacted that the keeper of every such public pound shall receive and detain in his custody any cattle lodged in such pound and shall be responsible to the owner thereof for every loss or damage sustained by the wilful act or the neglect of such poundkeeper or his servants but not otherwise and the said poundkeeper shall and may detain all cattle so impounded until the same shall be replevied in due course of law or until the sum for which the same were impounded together with his lawful fees and charges shall be paid or tendered or secured to be paid in the manner hereinafter provided or until he shall receive the written order of the person impounding such cattle to deliver the same together with his lawful fees and charges and upon such payment as aforesaid being tendered or paid or secured as hereinafter provided or such order being received from the person impounding together with his fees and charges

as aforesaid the said poundkeeper shall immediately deliver such cattle to the owner thereof or his agent or overseer or other person duly authorised by such owner to receive the same and if such poundkeeper shall fail to deliver such cattle as hereinbefore required and directed he shall forfeit and pay for every such offence a fine of not less than forty shillings nor more than five pounds.

XII. And be it further enacted that the security hereinbefore mentioned shall be an undertaking in writing and shall be in the form and to the effect mentioned in the schedule hereunto annexed marked with the letter D and shall be signed by the owner of such impounded cattle or his agent or overseer and every agent or overseer who shall sign such note whereby such cattle shall be released from pound shall be deemed to be the authorised agent of his employer without any further proof being required thereof and every such security or undertaking shall be paid at all events at the time and place thereinbefore mentioned without any further notice or demand for such purpose and upon failure of such payment the amount or sum secured by such undertaking shall and may be recovered by summary process distress and sale to be issued by any Justice of the Peace (which such Justice is hereby authorised and required to issue) upon the production of such undertaking or security before such Justice and the oath of the poundkeeper that the same is still due and unsatisfied against the goods and effects of the owner of the cattle so impounded.

XIII. And be it further enacted that the keeper of every public pound whenever and as often as any cattle shall be impounded therein for trespass shall post a written notice on the gate or on some other conspicuous part of the said pound setting forth a description of the cattle so impounded or in his possession and such notice shall remain so posted until such cattle shall have been claimed or otherwise disposed of by due course of law and every poundkeeper who shall neglect to post such notice as aforesaid shall for every such neglect forfeit and pay a fine of forty shillings.

XIV. And be it further enacted that when any impounded cattle shall not be followed to the said pound or claimed by the owner thereof or by some one on his behalf within twenty-four hours after the same shall have been impounded the keeper of the said pound shall as soon as possible after the expiration of the twenty-four hours send notice in writing to the said owner if he be known to him and shall reside within ten miles of the said pound or to his agent or overseer if the said owner shall reside at a greater distance and have a known agent or overseer residing within ten miles which notice shall contain the same particulars as are required to be given to the poundkeeper by the person impounding the same and also shall contain notice of the time and place where the said cattle will be sold if not sooner released from the said pound by the owner or some one on his behalf and also the sum of money for which the same were impounded and the said notice shall within the distance aforesaid be delivered personally to the said owner agent or overseer or left for him at his usual place of abode and if the said owner agent or overseer be known and shall reside at a greater distance than ten miles from the said pound then the said poundkeeper shall send the like notice addressed to the owner agent or overseer by post as soon as possible after the expiration of twenty-four hours from the time of impounding and if neither owner nor agent nor overseer be known

known to the said poundkeeper then he shall cause the like notice to be posted at the nearest church post office or police station and the notice in the schedule marked E hereunto annexed to be inserted in the *Government Gazette* which shall be published next after the expiration of the said twenty-four hours and in which it shall be possible to cause the same to be inserted: Provided always that when the cattle impounded under the provisions of this act shall consist of sheep goats swine or calves and be not more than two in number it shall not be necessary to give any other notice of such impounding than by affixing notice thereof on the pound in the manner hereinbefore directed.

XV. And be it further enacted that from and after the commencement of this act it shall and may be lawful for the keeper of every pound in this province lawfully constituted by virtue of this act to demand and receive as pound fees for the cattle of the several descriptions which shall be impounded therein the several and respective sums which may from time to time be appointed by the said Justices in manner and subject to the provisions before mentioned: And it shall and may be lawful for the keeper of any public pound to demand have and receive for the impounding of any cattle and for feeding and maintaining the same whilst impounded and for giving notice thereof to the owner and for all other matters and things which are by this act required to be done by him all such fees and charges as shall at any time be authorised to be taken and charged as in this act is mentioned and which fees and charges the said poundkeeper shall duly and faithfully account for and pay at least once in every quarter of a year on or before the first days of January April July and October respectively to the Colonial Treasurer to be applied to the public uses of the Province and support of the Government thereof and if any poundkeeper shall demand or take any greater sum for the impounding of any cattle or doing any act matter or thing than such poundkeeper is so authorised to demand or take or shall fail duly to account and pay as aforesaid every such poundkeeper shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

XVI. And be it further enacted that if the owner of any cattle impounded shall release the same upon payment to the keeper of the said pound of the sum of money for which the said cattle were impounded the said poundkeeper shall pay the same to the party who impounded the said cattle on his demand thereof and if he shall fail so to do he shall forfeit and pay for his default the sum of five pounds.

XVII. And be it further enacted that where any impounded cattle shall not be released from the said pound by the owner thereof or by some one on his behalf within seven days after notice has been given to the said owner his agent or overseer by delivering the same to him personally or by leaving the same at his usual place of abode or within twenty one days after the notice shall have been dispatched through the post or inserted in the *Government Gazette* as the case may require which periods of seven days and twenty-one days respectively shall be reckoned exclusive of the day upon which the said notice shall have been delivered or dispatched or inserted it shall and may be lawful for the said poundkeeper to apply to the next Justice of the Peace not being a party interested in the said matter for an order for the sale of the said cattle and the poundkeeper shall at the time of the said application produce and show to the said Justice the pound book kept by him and by this Act directed or an extract of so much thereof as may apply to the case and also such other

proofs

proofs by the oath of the said poundkeeper or others as the said Justice may require that he has complied with the terms and provisions of this Act and thereupon the said Justice shall and may if he be satisfied that such terms and provisions have been complied with make an order under his hand authorising the sale of such cattle or otherwise shall direct such acts to be done as shall have been omitted and in the mean time shall suspend the order for the said sale until a future day to be appointed anew by him and until the said terms shall have been complied with notice of which suspension and future time of sale shall be given by the said poundkeeper to the owner his agent or overseer personally or at his usual place of abode or through the general post or by insertion in the *Government Gazette* as the case may require and in the same manner respectively as by this Act is provided for giving the original notice of impounding: Provided however that where any such delay and suspension of sale shall be necessary in consequence of the neglect of the said poundkeeper the costs of all further proceedings and notice as well as of the future feeding and maintaining of the said cattle shall be borne by the said poundkeeper.

XVIII. And be it further enacted that all sales of impounded cattle under and by virtue of this act shall take place on the tenth day after the same shall have been impounded in all cases where notice of impounding shall have been given to the owner or his agent or overseer by delivering the same to him personally or by leaving the same at his usual place of abode and in all other cases on the twenty-fourth day after such notice shall have been dispatched through the post or inserted in the *Government Gazette* or affixed as aforesaid unless the said tenth day or twenty-fourth day as the case may be shall happen to be Sunday or Christmas Day or Good Friday and then on the following day and unless the sale be suspended by order of a competent Justice and all such sales shall take place at the public pound where the said cattle shall have been impounded and shall commence at the hour of noon and not more than ten head of sheep or goats or five pigs shall be put up in any one lot and not more than one horse or one head of any other cattle and neither the person who impounded the said cattle nor the keeper of the said pound nor his surety nor the Justice who made the order for the sale shall either personally or by any other purchase the said cattle or any part thereof upon pain that every person offending therein shall forfeit and pay for every such purchase contrary to the true intent and meaning hereof the sum of five pounds over and above restitution of the animals so purchased.

XIX. And be it further enacted that all impounded cattle directed to be sold under the provisions of this act shall and may be sold by the poundkeeper by public auction to the highest bidder notwithstanding that he shall not have taken out a license as an auctioneer any thing contained in an act of His Excellency in Council passed in the fourth year of Her Majesty's reign entitled "An Act to regulate the licensing of Auctioneers" notwithstanding.

XX. And be it further enacted that it shall and may be lawful for every poundkeeper appointed under this Act to receive the price of any impounded cattle which shall be sold under and by virtue thereof and to apply the same first in the payment of all lawful fees and charges due to himself secondly in payment of the sum due to the party at whose instance the same were impounded and the residue he shall pay over to the owner of the cattle sold where he is known or to his known agent or overseer upon the same being demanded and

if

if the owner of the cattle sold shall be unknown and have no known agent or overseer the said poundkeeper shall within one month after the sale pay the amount into the hands of the Colonial Treasurer in trust for the party entitled thereto and the receipt of the said Treasurer shall be the legal quittance and discharge of the said poundkeeper for the amount specified therein and in case no claim to the same shall be duly made within two years next after the said money shall have been so paid into the hands of the Colonial Treasurer it shall be lawful for the Governor by warrant under his hand to direct the same to be applied to the public uses of the province and to the support of the Government thereof

XXI. And be it further enacted that if the proceeds of any cattle impounded by any person or his overseer for trespassing and doing damage upon the lands of such person and sold under and by virtue of this Act shall be insufficient to satisfy the lawful fees and charges of the poundkeeper respecting the same the residue of such fees and charges shall be paid to the said poundkeeper by the proprietor of the said cattle if known.

XXII. And in order to avoid as far as may be the impounding of cattle be it enacted that where any cattle shall be found trespassing or doing damage and the rate of damage for the said trespass shall have been estimated and assessed by the Justices as aforesaid and allowed by the Governor as in this Act is directed it shall and may be lawful for the person entitled to such rate or damage to take drive or send such cattle to their owner or his known agent or overseer and he is hereby required to pay the same as and for a satisfaction of the said damage and trespass and if the owner of such cattle or some person in his behalf shall not pay the amount of such fixed rate of damage upon the same being demanded it shall and may be lawful for the party aggrieved by such trespass instead of impounding the cattle to make his complaint to the Resident Magistrate or any two Justices of the Peace at or nearest to the place where the said trespass was committed and such Magistrate or Justices shall summon before him or them the owner of any cattle so having trespassed or if he be absent his known agent or overseer and it shall be lawful for such Magistrate or Justices at the time appointed by such summons for the appearance of the party complained against whether he appear or not upon proof of the service of such summons summarily to enquire into and examine and hear and determine upon the matter of such complaint and upon satisfactory proof of such trespass and of the neglect and refusal of the party complained against to pay the fixed rate of damage to issue his or their warrant to levy the same together with such costs as to the said Magistrate or Justices shall appear just and reasonable.

XXIII. And be it further enacted that if any person at any time after the passing of this Act shall rescue any cattle which shall have been lawfully seized for the purpose of being impounded or shall break down injure or destroy any pound legally constructed whether any cattle shall be impounded therein or not or shall commit any pound-breach or rescue whereby any cattle of any description shall escape or be enlarged from any such pound every such person shall be deemed guilty of a misdemeanor and upon conviction of such offence before any competent Court shall be liable to suffer fine and imprisonment with or without hard labour at the discretion of such Court before whom such offender shall be tried and convicted

XXXIV. And whereas serious inconvenience and loss have been occasioned  
by



by reason of persons whose cattle have strayed upon the land and into the herds of others driving off the cattle of other persons together with their own: For remedy hereof be it further enacted that any person who shall drive away any cattle other than his own or his master's or employer's from the land and out of the herds of any other person shall on conviction of every such offence forfeit and pay the sum of five pounds.

XXV. And whereas great injury has arisen to the breed of horned cattle by reason of bulls of inferior kinds being allowed to stray and run at large: Be it further enacted that the owner of any bull above the age of one year which may be impounded or detained under the provisions of this Act shall upon complaint of the owner or occupier of the land trespassed upon or of his agent or overseer and on proof before any two or more Justices of the Peace that such bull has been wilfully and negligently suffered to stray and run at large forfeit and pay the sum of five pounds over and above any other penalty or charge to which he may be liable under this Act.

XXVI. Provided always and be it further enacted that nothing herein contained shall extend or be construed to prevent the owner of any lands trespassed upon from waiving the ordinary damages estimated assessed and allowed in manner required by this Act and claiming in any competent Court full satisfaction for any special damage sustained by him in consequence of any trespass: And provided also that if the plaintiff in any suit or action for such special damages shall not after waiving the ordinary damages recover more than the amount of such ordinary damages then he shall not be entitled to or recover the costs of the said suit or action from the defendant in the same but the said defendant shall be entitled to and recover from the plaintiff the costs incurred by the said defendant and if the plaintiff in any suit or action for such special damage become nonsuit or discontinue his said suit or action or a judgment be given against him therein the defendant in the said suit or action shall be entitled to and recover double costs from the said plaintiff.

XXVII. And whereas it would be productive of inconvenience if the provisions of this Act were to extend to localities in the interior where it is expedient that stock should be allowed to be depastured more at large than in the thickly settled parts of the Province: Be it therefore enacted that it shall be lawful for His Excellency the Governor in Council from time to time to declare define and mark out by proper boundaries such districts of the said Province as to him shall seem proper within which the provisions of this Act shall apply and beyond the limits of such districts it shall not be competent for the proprietor tenant or occupier of any land or his agent or representative or any person whatsoever to impound any cattle trespassing on such land or to sue for or recover any such damages or any fine or penalty or in any way take advantage of the provisions of this Act unless such land so trespassed on shall be enclosed by a good and sufficient fence and the rates of damage recoverable in respect of such trespass shall be estimated in manner hereinbefore provided by the Justices in Quarter Sessions with reference to the kind and sufficiency of such fence or enclosure as well as to the extent of loss incurred and in the case of land so enclosed as aforesaid the provisions of this Act shall in all respects so far as applicable be held to apply.

XXVIII. And in order to prevent the vexatious impounding of cattle within

the districts of the Province in which the provisions of this Act shall be declared to apply as aforesaid be it enacted that every proprietor tenant or occupier of land or his representative within the said districts not enclosed with a good and sufficient fence who intends to avail himself of the provisions of this Act shall give notice thereof to the nearest poundkeeper and shall cause to be forwarded to the Colonial Secretary for insertion in the *Government Gazette* a printed notice stating his name the number or numbers of his section or sections or portion of sections the district in which such section or sections or portion of sections are situated and the fact that such section or sections or portion of sections are intended to be protected under the provisions of this Act and such proprietor tenant or occupier shall also cause to be put up at or near each and every corner of every such section or portion of a section or if the property consists of more than one section at every corner of such property on a post at least eight feet high a board at least three feet square containing the number of the section or sections and the word "protected" in legible characters the letters being of the size of at least two inches painted black on a white ground: Provided always that no such proprietor tenant or occupier shall be entitled to impound cattle or stock found trespassing on such unfenced land or to claim damages for such trespass under this Act unless he shall have complied with the above requirements.

XXIX. And be it further enacted that if any person shall destroy injure or deface any such protection post or board in any manner whatever every such person shall for every such offence forfeit and pay a penalty not exceeding five pounds sterling and not less than twenty shillings.

XXX. And be it further enacted that until public lines of road shall have been defined and marked out nothing in this Act contained shall be construed to prevent the driving of cattle horses sheep or other stock to market or travelling from one part of the Province to another along customary lines of road or in the immediate vicinity thereof.

XXXI. And be it further enacted that all damages to which any poundkeeper shall and may be subject by reason or on account of the neglect or default of such poundkeeper either in enlarging any cattle distrained or impounded or in permitting any such cattle to be enlarged without sufficient authority for so doing or by any neglect in his driving feeding or keeping any such cattle or by any other neglect or default whatsoever of such poundkeeper and all fines or penalties whatsoever incurred under this Act by any persons who shall be guilty of any offence against the same shall and may be recoverable and recovered by summary proceeding before the Resident Magistrate or any two Justices of the Peace in manner provided by the Acts of Council of this Province for regulating summary proceedings before Justices of the Peace

XXXII. Provided always and be it further enacted that in all cases where the sum to be paid on any summary conviction by such Magistrate or Justices under this Act shall exceed ten pounds any person who shall think himself aggrieved by such conviction may appeal to the next Court of General Quarter Sessions to be holden in and for the district within which the same shall have taken place upon giving immediate notice to the said convicting Magistrate or Justices of his intention so to appeal at the next Court of General Quarter Sessions and

for

for abiding the determination of the said last mentioned Court thereon and the said convicting Magistrate or Justices shall return to the said Court of Quarter Sessions the said conviction under his or their hands and thereupon the Justices in such General Quarter Sessions assembled or the greater part of them are hereby authorised and required to hear and determine the matters of such appeal and either to confirm or set aside the said conviction and to award such costs to either party as to them or the greater part of them shall seem reasonable and the said last mentioned decision shall be final and conclusive as to the matters thereto relative and if upon hearing of any such appeal the judgment of the said convicting Magistrate or Justices shall be confirmed such appellant shall forthwith pay the penalty and costs adjudged to be paid by him or in default thereof shall be forthwith committed by the said Court of Quarter Sessions to the common gaol of the district there to remain for such time as is hereinbefore mentioned as the proportionate imprisonment to be suffered for and in respect of any such unsatisfied conviction.

XXXIII. And be it further enacted that a judgment of conviction duly made under this Act shall and may be pleaded in bar of any suit action or information which shall be commenced instituted or prosecuted for such and the same cause or offence in any other Court whatsoever.

XXXIV. And be it further enacted that all fines which shall be levied or paid under this Act shall go and be paid to Her Majesty Her Heirs and Successors for the public uses of this Province and the support of the Government thereof Provided that all such fines may be remitted in whole or in part by the Governor.

XXXV. And be it further enacted that in the construction of this Act the word cattle shall in all cases be deemed and taken to mean and to include horses mares fillies asses mules camels bulls cows oxen heifers steers calves deer rams ewes sheep lambs goats and swine and shall be deemed and taken the mean include and apply to any one animal of the said several kinds and that when ever in this Act any word or words is or are used denoting the singular number of the masculine gender only yet the same shall be understood to include and apply to several persons as well as to one person and to females as well as to males.

GEORGE GAWLER,

Passed in Council this sixteenth day  
of January 1841.

GEORGE HALL,  
*Clerk of Council.*



## C

Form of Recognizance to be entered into by a Poundkeeper with one or more sureties.

South Australia } BE IT REMEMBERED That on the \_\_\_\_\_ day  
to wit. } of 184 . A B of  
C D of and E D of  
came personally before me G H (*Clerk of the Magistrates for the district of*  
) and severally acknowledged themselves to owe to  
our Sovereign Lady the Queen to wit the said A B the sum of twenty  
pounds and the said C E (*or the said C D and E F*) the sum of twenty pounds  
of lawful money of Great Britian to be levied off their respective goods and  
chattels lands and tenements to the use of our said lady the Queen Her Heirs  
and Successors in case default shall be made in the performance of any of the  
conditions hereinunder written Now therefore the condition of this recognizance  
is—whereas the said A B shall well and faithfully perform his duty as Pound-  
keeper and every Act matter and thing by him as such Poundkeeper required  
and directed to be done and performed by virtue and according to the provisions  
of the act of the Governor and Council in such case made and provided then  
this recognizance to be void otherwise to remain in full force. Taken and ac-  
knowledged the day and year first above written (*as by the said Act is authorised*  
*and directed*) before me

G. H.

## D

FORM of Security or Undertaking.

I, A B (*describing the residence of the owner of the cattle impounded*) hereby  
promise to pay within thirty days from the date hereof to C D (*the Pound-*  
*keeper*) at \_\_\_\_\_ (*naming either the pound or place & residence*  
*of the Poundkeeper as may be required*) the sum of \_\_\_\_\_ (*speci-*  
*fying the full amount of Poundage as well as the fees and charges thereon*) without any  
deduction whatever and in default thereof I consent that the said sum together with  
the costs necessarily incurred by the said default shall be levied by distress and  
sale of my goods and effects wheresoever found.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 184  
(Signed) A B  
Or for A. B C D  
Overseer of the said A B

## E

Form of Advertisement in the Government Gazette.

Impounded at \_\_\_\_\_ (*here state the place the number and kind of cattle*  
*and where and how branded*).  
If not claimed to be sold on \_\_\_\_\_  
A B Poundkeeper.

Where there is no brand the animals are to be shortly described by stating  
age colour and any particular mark.