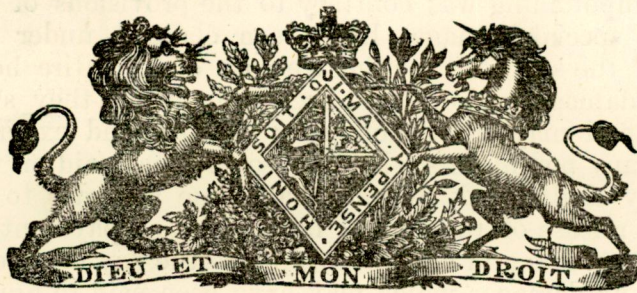


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,  
Sydney, 1 October, 1878. }

STEPHEN W. JONES,  
Clerk of Legislative Assembly.

## New South Wales.



ANNO QUADRAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to amend the "Impounding Act of 1865."

**W**HEREAS it is desirable to amend the "Impounding Act of 1865" Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

5 1. This Act may be cited as the "Impounding Act Amendment Act of 1878" the term "Principal Act" shall mean the "Impounding Act of 1865" and the word "damages" whensoever used or appearing in this Act shall unless the context otherwise indicate be taken to  
10 signify or include rates for driving tolls ferry dues or other charges and increased trespass damages authorized to be charged by the Principal Act.

15 2. In case the owner of any animal impounded shall dispute the damages claimed or the impounding as not being in accordance with the provisions of the Principal Act or if the owner of any entire horse or bull impounded and for which special damages are claimed under the thirty-first section of the said Act shall dispute that any such damages did or could accrue from the trespass of such entire

Preamble.

Title and definitions.

Owner of impounded animal may complain against damages or impounding.

*Impounding Act Amendment.*

horse or bull he may in any such case make his complaint in manner hereinafter provided and may either allow the animal to remain in the pound or pay to the poundkeeper the pound fees and charges demandable by him as well as the damages claimed (if any) and release the animal and in either case shall give the poundkeeper notice in writing of his intention to complain and upon receipt of such notice the poundkeeper shall not pay over any such damages (if any) but keep the same in his possession until the decision of the Justices shall be made known to him in manner or until the expiration of the time hereinafter mentioned.

3. The owner aforesaid may make his complaint in writing within fourteen days of the date of the said notice to any Justice of the Peace who shall thereupon issue a summons to the impounder to appear before two or more Justices at the Court of Petty Sessions nearest to the pound where the animal shall have been impounded and the Justices then assembled shall summarily hear and determine such complaint and if it shall appear to them that the damages if any claimed are or the impounding was contrary to the provisions of the Principal Act or if special damages have been claimed under the thirty-first section of the said Act for the trespass of an entire horse or bull that no such damages did or could accrue therefrom they shall adjudge accordingly and may make such order for costs and expenses which shall include any pound fees which the owner has paid or will have to pay as they shall think fit and shall issue an order to the poundkeeper for the release of the animal impounded on payment by the owner of the pound fees and charges due up to the day of release or for the return of any damages which may have been paid to him as the case may be.

Proceedings at hearing of complaint against damages or impounding when upheld.

4. If on the hearing of any complaint as aforesaid the Justices shall dismiss the same they shall deliver a minute of such dismissal to the impounder on receipt of which minute by the poundkeeper if the animal impounded shall have been left in the pound he shall take the same course in regard to the detention of the animal and its sale as if the animal had been retained under ordinary circumstances except that it shall not be released until payment shall have been made of the pound fees and charges due up to the day of release but if the animal shall have been released the poundkeeper shall pay over to the impounder any damages which he may have received and the Justices may make such order for costs and expenses as they shall think fit.

Steps to be taken if complaint dismissed.

5. If after a written notice of intention to complain as hereinafter provided has been given to any poundkeeper he shall not have received an order or minute as aforesaid within one month from the date of such notice he shall act and proceed in regard to the animal impounded or the damages if any paid to him as if no such notice had been given to him.

How poundkeeper to act on non-receipt of order after notice of intention to complain has been lodged.

6. The liability of the owner of any entire horse or bull to pay damages under the thirty-first section of the Principal Act shall not be incurred if the land trespassed upon was not enclosed by a sufficient fence at the time of trespass.

Special damages for trespass of entire horse &c. not chargeable.

7. Any poundkeeper or other person wilfully doing any act or thing declared by this Act to be an offence or contrary to the provisions thereof or of the Principal Act or wilfully neglecting to comply with any requirement or condition of the said Acts for which no other punishment is provided shall be liable to a penalty not exceeding five pounds which may be recovered before any two Justices in a summary way.

Poundkeeper &c. punishable for certain acts or neglect.

8. Any person wilfully leaving open any gate or slip-panel or making any gap in any fence thereby permitting or causing any animal to trespass or otherwise wilfully causing any animal to trespass

Leaving open gates &c. or causing trespass.

or

*Impounding Act Amendment.*

or who shall illegally impound any cattle or shall drive any cattle without proper authority on or from the land of any other person shall in each case be guilty of an offence.

9. Any person impounding any animal shall in writing inform  
5 the poundkeeper of the place where the animal was trespassing when seized for impounding the kind of fence (if any) round it and the crop (if any) upon it and failing to do so or wilfully making any misstatement thereof shall in any such respect be guilty of an offence.

Impounder to furnish certain particulars.

10. Any poundkeeper who shall wilfully disobey any order addressed to him or minute served on him under the authority of this Act or who shall sell any impounded animal prior to the time required or authorized by or under the Principal Act as amended by this Act or who shall demand or receive from any person any trespass damages not authorized to be charged or claimed under the said Act so amended  
15 shall be guilty of an offence in each case.

Poundkeeper acting contrary to certain provisions guilty of an offence.

11. The owner of any animal which shall have been seized for trespass or any person in his behalf any time before the animal shall have been placed in a pound or otherwise disposed of in accordance with the Principal Act may release the same by paying the damages  
20 lawfully chargeable up to the time of release which damages the person in charge of the animal shall make known on demand and on his failing to do so or to give up the animal on tender of the damages stated to be claimed he shall be guilty of an offence. Provided that if any animals so seized shall belong to more than one person and are  
25 being taken together to a pound the right of release hereby given shall not apply unless all the said animals are offered to be released at the same time and in terms of this section.

Animals on their way to pounds &c. may be released.

12. Any costs and expenses awarded under sections three and four of this Act shall be recoverable by distress and sale of the goods  
30 and chattels of the person ordered to pay the same and in default of sufficient distress he shall be liable to imprisonment with or without hard labour for any time not exceeding one month unless such costs and expenses shall be sooner paid.

How costs and expenses to be recovered.

Enforcement of the Act

or who shall illegally impound any cattle or shall drive any cattle without proper authority on or from the land of any other person shall in each case be guilty of an offence.

9. Any person impounding any animal shall in writing inform the poundkeeper of the place where the animal was impounded when the animal is taken to the pound (if any) and if any other person is taken to the pound (if any) upon it and failing to do so shall be guilty of an offence.

10. Any poundkeeper who shall wilfully disobey any order addressed to him or minute served on him under the authority of this Act or who shall sell any impounded animal prior to the time required or authorized by or under the Act shall be guilty of an offence and shall be liable to be charged or claimed under the Act as if he had not attended to the order or minute.

11. The owner of any animal which shall have been seized for trespass or any person in his behalf any time after the animal shall have been placed in a pound or otherwise detained in any pound with the intention of recovering the same or any other person who shall wilfully obstruct up to the time the animal is taken to the pound or who shall be guilty of an offence.

12. Any person who shall be guilty of an offence under this Act shall be liable to be charged or claimed under the Act as if he had not attended to the order or minute.

13. Any costs and expenses awarded under sections three and four of this Act shall be recoverable by distress and sale of the goods of the person ordered to pay the same and in default of sufficient distress he shall be liable to imprisonment with or without hard labour for any term not exceeding one month unless such costs and expenses shall be sooner paid.