



ANNO UNDECIMO

GEORGIIV. REGIS.

No. 3.

*AN ACT to regulate the Impounding of Animals for  
Trespass and for other purposes relating thereto.*

**W**HEREAS it is expedient to make provision for the establishment of Public Pounds and the granting of Replevins in respect of animals impounded for trespass, **BE IT THEREFORE ENACTED** by His Excellency Colonel GEORGE ARTHUR Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that it shall be lawful for the Lieutenant Governor or person for the time being administering the government by any proclamation or proclamations for that purpose issued from time to time to erect and establish or to authorise any person or persons to erect and establish such and so many public pounds and at such places as to him may appear to be expedient for the impounding of animals therein for trespass and for and instead of such pounds or any of them from time to time to substitute others and to appoint keepers of all such pounds respectively, and any of such keepers to displace as to him may seem meet.

Pounds to be erected.

Keepers appointed.

per to receive

II.—AND BE IT ENACTED that if any such poundkeeper or any servant or agent of his shall refuse or wilfully neglect to receive into the pound kept by such poundkeeper and duly to detain therein any animal hereinafter mentioned which shall be delivered or sent to him to be there impounded under the provisions of this Act such poundkeeper shall unless he can shew a reasonable excuse for such neglect or refusal to the satisfaction of the Justices before whom the matter shall be inquired into pay a fine for such neglect or refusal of not less than five pounds nor more than fifty pounds **PROVIDED ALWAYS** that only one such fine shall be imposed in respect of any number of animals delivered or sent to be impounded at any one time.

the fees

and

es for food.

ers may supply food.

III.—AND BE IT ENACTED that every such poundkeeper may lawfully demand and receive as poundage fees for and upon each animal impounded the several fees mentioned in the schedule hereunto annexed marked A and no higher or other poundage fees and shall (except in the case next mentioned) supply every such animal with sufficient food and water to prevent injury being sustained by such animal which food and water shall be so supplied either in the pound or by driving such animal to a convenient distance to graze or drink and such poundkeeper may lawfully demand and receive for such supply of food and water the several sums of money mentioned in the schedule hereunto annexed marked B and no greater or other sums of money and every such poundkeeper may lawfully detain every such animal whether replevied or not until the fees and charges due to him under this Act shall have been duly paid or until such animal shall have been sold as hereinafter mentioned; **PROVIDED ALWAYS** that the owner or usual keeper of any such animal may at his option supply it with food and water during the time or any part of the time it shall be impounded in which case no such charge for food or water shall be made.

ions rescuing.

IV.—AND BE IT ENACTED that if any person shall rescue or attempt to rescue any animal so grazing or watering or being so driven to graze or water or back again to the pound such person shall pay for each offence a fine of not less than five pounds nor more than one hundred pounds.

nalty.

V.—AND BE IT ENACTED that on some conspicuous part of every such pound or in a conspicuous place within three yards of such pound there shall be by the poundkeeper thereof kept constantly erected at a height from the ground of not less than five nor more than ten feet a board on which shall be painted in letters and figures not less than one inch in length and proportionate breadth so as to be distinctly legible the words "Public Pound" and the christian and surnames of the keeper thereof together with the contents of the schedules of this Act annexed marked A. and B and if any poundkeeper shall neglect or omit to erect or to keep erected such board so painted he shall pay a fine of not less than one pound nor more than ten pounds and shall not during any part of the time of such neglect or omission be entitled to any poundage fees or other charges whatsoever.

oundkeeper to keep a  
board erected in public view  
containing the fees.

Penalty.

VI.—AND BE IT ENACTED that if the sum or amount claimed as charges by such poundkeeper for any animal so impounded shall be disputed by or on the part of the owner or keeper of such animal the amount may be assessed by the Police or acting Police Magistrate residing nearest to the pound of such poundkeeper and such Justice shall at the request of or on the part of such owner or keeper in a summary way assess the same and shall have power for that purpose to summon and examine upon oath or affirmation all necessary witnesses and award such sum and costs as the justice of the case may require and such sum awarded and no more or other shall be demanded and received by such poundkeeper as the amount of fees and charges in respect of such animals.

Police Magistrate to assess fees and charges.

VII.—AND BE IT ENACTED that if with any animal or animals taken or sent to be impounded in any such pound, or before the owner or owners or usual keeper of such animal or animals shall apply to the poundkeeper and desire to have the amount of the damage done by such animal or animals assessed, there shall be delivered to the poundkeeper, or to his servant, or agent, a statement in writing, signed by the party so taking or sending, or some person on his behalf thereto authorised, of any sum or amount claimed in respect of damage done by such animal or animals, together with the name of some person as an arbitrator by whom the party so impounding consents that the amount of such damage shall on his behalf be assessed, then such poundkeeper shall detain and safely keep every such animal until the sum or amount so claimed shall have been paid to him, or until a bond shall have been entered into for the payment of so much thereof, as shall be assessed, or such animal or animals shall have been sold or replevied as hereinafter respectively is provided, and if such poundkeeper shall not so detain and keep every such animal, he shall for such his default, or neglect, be answerable in damages to the party or parties thereby injured, and shall (unless he shall shew a reasonable excuse to the satisfaction of the Justices before whom the matter shall be inquired into) pay a fine of not less than one pound or more than twenty pounds. PROVIDED ALWAYS that where no such statement in writing shall be so delivered as aforesaid, together with such nomination of an arbitrator as aforesaid it shall not be lawful for any such poundkeeper to detain any animal, except for the poundage fees and other lawful charges of such poundkeeper only.

As to claiming damages.

VIII.—AND BE IT ENACTED that if in any case the owner or usual keeper of any animal or animals so impounded shall apply to the poundkeeper in whose pound the same shall then be impounded and (not disputing but admitting the lawfulness of the distraining and impounding of such animal or animals) shall dispute the amount claimed in respect of the damage done by such animal or animals and shall desire the amount of such damage to be assessed under the provisions of this Act then it shall be lawful for such owner or keeper to nominate a person as an arbitrator on his behalf for that purpose and thereupon such poundkeeper shall take from such owner or keeper and also (if such poundkeeper shall see reasonable cause so to require) from one sufficient surety

Provision in case the amount of damage shall be disputed but the legality of the distress shall be admitted.

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a bond to the party so distraining and impounding in the form as nearly as may be contained in the schedule to this Act annexed marked C conditioned to abide by the award and assessment of such damage by the arbitrators so mutually nominated for which bond such poundkeeper shall be entitled to a fee of two shillings and sixpence and no more and upon such bond being duly executed and the pound fees and other lawful charges of such poundkeeper being paid to him such poundkeeper shall deliver up such animal or animals to such owner or keeper and every such bond shall immediately upon demand thereof at any time afterwards made be delivered by such poundkeeper to the party so impounding and if such poundkeeper shall refuse or omit upon such demand so to deliver such bond he shall (unless he shall shew a reasonable excuse to the satisfaction of the Justices before whom the matter shall be inquired into) pay a fine of not less than ten pounds nor more than fifty pounds.

ond to be taken and delivered to the party impounding.

IX.—AND BE IT ENACTED that it shall be lawful for such arbitrators in a summary way to inquire into and assess the amount of damage done by such animal or animals so impounded and if such owner or keeper so entering into such bond as aforesaid or the arbitrator so as aforesaid nominated by him shall not within two days next afterwards appoint a day hour and place for proceeding upon such arbitration and cause reasonable notice of such time and place to be given to the party so impounding or to the arbitrator so nominated by such party as aforesaid (such day and hour not being less than one day nor more than three days next after the time of such notice being so given nor such place more than five miles distant from the place where the trespass was committed) or after such notice given if the arbitrator of either party shall fail to attend in pursuance of such notice or if both arbitrators shall duly attend but shall not then or within twenty-four hours afterwards duly make and sign their award upon the matter then or in either of such cases the Justice of the Peace who shall have been named in the said bond as the umpire between the adverse parties (which Justice shall be the Justice residing nearest to the place where the trespass was committed) shall at any time within one week afterwards upon the application of such of the said parties as shall first apply to him for that purpose appoint such time and place as he may think proper for proceeding to the assessment of the amount of such damage at which time and place or upon some day of adjournment at the same or any other place (such notice thereof having been given as such Justice shall have in that behalf directed) such Justice shall proceed in a summary way to inquire into the matter and finally to assess and determine such amount of damage and it shall be lawful for such Justice to summon all necessary persons as witnesses and to examine such persons upon oath or affirmation and such Justice shall have power to award such costs to be paid by either party to the other not exceeding in any case the sum of five pounds as such Justice shall think proper.

ceedings for the assessment of damage.

X.—AND BE IT ENACTED that every award or assessment which shall be made under this Act of the amount of damage done by any animal or animals so impounded as aforesaid (whether such award be

de of enforcing the award.

by the arbitrators or by such Justice) shall be as nearly as may be in the form contained in the schedule to this Act annexed marked D and be signed by the party or parties making the same and every such award shall be final and conclusive and may (at the option of the party seeking to enforce the same) be enforced and carried into effect either by action of debt thereon in the Supreme Court of Van Diemen's Land or (if the sum sought to be recovered shall be under ten pounds) by action in one of the Courts of Requests or by such Justice of the Peace by warrant of distress and sale of the goods and chattels of the defendant and in either case it shall not be necessary to allege or prove more than the signing of such award by the arbitrators or Justice mentioned in or indicated by the condition of the bond so given as aforesaid and the execution of such bond by the party or parties who in fact executed the same.

**XI.—PROVIDED ALWAYS AND BE IT ENACTED** that in all cases where the commission of a trespass by any animal or animals so impounded shall not be admitted by the owner or usual keeper thereof or the legality of the distraining or impounding of such animal or animals shall be denied by him it shall not be lawful for any poundkeeper to take any such bond as aforesaid but the remedy of and mode of proceeding by or on behalf of such owner or keeper shall be by replevin in the manner and form hereinafter mentioned.

Provision in case the legality of the distress shall be denied.

**XII.—AND WHEREAS** by the law of England replevins are commenced only in the County Courts of the Sheriff and it is expedient therefore (there being no such Court within this Island) to make some provision in that behalf in respect of animals impounded under this Act and it would be convenient that replevins might be made upon application to some person within each Police district—**BE IT THEREFORE ENACTED** that the Sheriff for the time being by himself or his Under Sheriff or any other person or persons by him from time to time for that purpose appointed as and to be in that behalf his deputy shall have authority to make replevin and deliverance of all animals impounded under this Act in the manner and form hereinafter provided and that for the purposes aforesaid every Police and Acting Police Magistrate shall have the like authority and may make and grant every such replevin in the Sheriff's name and otherwise act in respect thereof as such Sheriff could or might lawfully do in person.

Provision for replevins.

**XIII.—AND BE IT ENACTED** that the Sheriff or any such Deputy or Police or Acting Police Magistrate shall in every replevin take in the name of such Sheriff from the plaintiff and two responsible persons as sureties a bond in double the value of the animal or animals distrained (such value to be ascertained by the oath of one or more credible and disinterested witness or witnesses which oath the person granting such replevin is hereby authorised to administer) conditioned for prosecuting the suit with effect and without delay and for returning such animal or animals in case a return should be awarded and such Sheriff Magistrate or Deputy taking any such bond shall at the request and costs of the avowant or person making cognizance assign such bond to the avowant or person making cognizance by endorsing the same and attesting it under his hand and seal in the presence of two

Mode of making replevins and of assigning replevin bonds.

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or more credible witnesses and if the bond so taken and assigned be forfeited the avowant or person making cognizance may bring an action and recover thereupon in his own name and the Court where such action shall be brought may, by a rule of the same Court give such relief to the parties upon such bond as may be agreeable to justice and reason and such rule shall have the nature and effect of a defeazance to such bond.

forms in Replevin.

XIV.—AND BE IT ENACTED that every warrant in replevin shall be in the form mentioned in the schedule to this Act marked E and every action of replevin shall or lawfully may be commenced and prosecuted in the Supreme Court of Van Diemen's Land in the same manner as other actions in the same Court are or may be commenced and prosecuted and every replevin bond shall be taken in the form mentioned in the schedule to this Act marked F and every assignment of any such bond shall be in the form mentioned in the schedule to this Act marked G and shall (where such bond shall have been taken by any such Police Magistrate or deputy as aforesaid) be signed by such Magistrate or Deputy by whom such bond shall have been in fact taken.

Action of Replevin Jury Assessors to inquire concerning the amount of dama-

XV.—AND BE IT ENACTED that if the Plaintiff in any such action of replevin shall be non-suit therein after issue joined and cognizance or avowry made or the verdict shall be against such plaintiff then the jury or assessors sworn to inquire of such issue shall at the prayer of the defendant inquire concerning the amount of the damage done by the animal or animals in respect of which such replevin shall have been brought upon the occasion of the trespass for which the same shall have been impounded and concerning the value of such animal or animals or if in such action judgment shall be given for the defendant upon demurrer or the plaintiff shall be non-suit before issue joined the Court shall at the prayer of such defendant after cognizance or avowry made or a suggestion in nature of an avowry or cognizance so that the cause of the distress shall appear to the Court cause the amount of such damage so done by such animal or animals and the value of the same animal or animals to be thereafter inquired into in like manner as damages are or may be assessed by or in the Supreme Court of Van Diemen's Land after judgment for a plaintiff by default in any other action at law and in every such case as aforesaid judgment shall be given for the defendant for the amount of such damage if the animal or animals distrained shall amount to that value and if not then for the value of the same animal or animals together with his full costs of suit and such defendant shall have execution for the same as any plaintiff hath or may have to recover damages and cost in any ordinary action.

ees on Replevins.

XVI.—AND BE IT ENACTED that every such Sheriff Magistrate or Deputy shall be entitled to demand and receive for the making of every replevin and the taking of the bond thereon where value of the animal or animals shall be under twenty pounds a fee of ten shillings and where above that value a fee of twenty shillings and for the making of every such assignment where the value of the animal or animals shall be under twenty pounds a fee of five shillings and where above that value a fee of ten shillings and no higher or other fees.

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XVII.—AND BE IT ENACTED that no sum for extraordinary damage done by any animal impounded under this Act shall in any case be awarded or allowed for any trespass on ground under cultivation unless the same ground shall at the time of such trespass have been enclosed by a good and sufficient wall fence or hedge.

No. damage upon cultivated land unenclosed.

XVIII.—AND BE IT ENACTED that if the owner or reputed owner or person usually in charge of any animal or animals impounded in any such pound as aforesaid shall be known to the keeper of such pound and shall reside within ten miles thereof such poundkeeper shall within twenty-four hours next after such impounding cause due notice thereof to be given to such owner reputed owner or person in charge but in case such owner reputed owner or person in charge shall not reside within such distance of ten miles then such poundkeeper may either cause such notice to be so given or not at the option of such poundkeeper and for causing any such notice to be given to any such owner reputed owner or person usually in charge such poundkeeper shall be entitled to demand and receive a fee of sixpence per mile for the distance to which such notice shall be sent and no more and every poundkeeper giving such notice may detain every such animal whether replevied or not until such fee shall have been duly paid or such animal shall have been sold as hereinafter provided.

Where notice shall be given to the owner if known

XIX.—AND BE IT ENACTED that in case the owner or person in charge of any such animal or animals so impounded shall not be so known or if known shall not reside within such distance of ten miles and no such notice shall have been given to him as aforesaid then such poundkeeper shall cause due notice thereof to be transmitted by the first and nearest post messenger to the printer or printers of some one or more of the public newspapers published within this Colony for insertion in the same on the two next succeeding days of publication of such newspaper after the receipt of the said notice but so nevertheless as that such two publications of such notice shall not take place within the same week and in all cases the reasonable expenses bonâ fide incurred by such poundkeeper in giving to any such owner reputed owner or person in charge or in transmitting and publishing such notice as aforesaid (such expenses if disputed to be assessed and allowed by the nearest Police or Acting Police Magistrate at the request either of such owner or person in charge or of such poundkeeper) shall or lawfully may be charged by such poundkeeper upon the animal or animals so impounded and such animal or animals may be detained whether replevied or not until the amount of such expenses shall have been paid or such animal or animals shall have been sold as hereinafter provided and it shall be lawful for such Police or Acting Police Magistrate for the purposes of such assessment to summon all necessary persons as witnesses and to examine such persons upon oath or affirmation and in all cases to award such costs as he may think reasonable.

Where no notice so given a notice to be advertised.

XX.—AND BE IT ENACTED that every such notice so to be given to any such owner reputed owner or person in charge or published in any such newspaper shall contain a true and particular description of

Form of notice and Penalty for not giving it where required by this Act.

the nature colour brands and natural and other distinguishing marks of every such animal so impounded in the form (as nearly as may be) contained in the schedule to this Act marked H and if any such pound-keeper shall contrary to the provisions of this Act neglect or omit to cause any such notice or copy of notice to be so given or transmitted as aforesaid he shall for such neglect or omission pay a fine of not less than one pound nor more than ten pounds.

XXI.—AND BE IT ENACTED that in case the owner or person usually in charge of any animal or animals impounded under this Act shall not within seven days after such notice shall have been so given to him or her or within twenty days after the first publication of such notice as aforesaid either replevy the same or execute or offer to execute such bond of arbitration as aforesaid or pay or tender the amount claimed in respect of the damage done by such animal or animals together with the poundage fees charges and sums of money due in respect thereof then and in such case the keeper of the same pound shall cause every such animal to be sold by public auction to the highest bidder for the same at the same pound at the then next ensuing appointed day of public sale as hereinafter provided and after deducting from the proceeds of the sale the amount claimed in respect of the damage done by such animal or animals together with the poundage fees charges and sums of money due in respect thereof as aforesaid such poundkeeper shall within ten days next after such sale pay over to the owner or person usually in charge of such animal if then known by him or if not known then into the hands of the nearest Police Magistrate or Acting Police Magistrate all the surplus monies arising from the proceeds of such sale according to a particular account in writing of such proceeds which such poundkeeper is hereby required at the same time to deliver to such owner or person in charge or to such Police or Acting Police Magistrate (as the case may be) And if any such Poundkeeper shall omit so to deliver such account as aforesaid or shall in any such account wilfully state or omit any thing contrary to the truth he shall for every such offence pay a fine of not less than two pounds nor more than twenty pounds unless in respect of the non delivery of any such account he shall shew a reasonable excuse for such neglect to the satisfaction of the Justices before whom the case shall be inquired into.

XXII.—PROVIDED ALWAYS AND BE IT ENACTED that if within five days next after such sale the owner or person usually in charge of such animal be not then known the sum or amount claimed for damage alleged to have been done by such animal shall be assessed by one or more Justice or Justices of the Peace who shall reside nearest to the close or place where such trespass shall have been committed and such Justice or Justices shall at the request of or on the part of such pound-keeper in a summary way assess the same and shall have power for that purpose to summon and examine upon oath or affirmation all necessary witnesses and award such costs as the justice of the case may require and such sum so awarded and no more or other shall be demanded and paid by such poundkeeper in respect of the damage done by such animal.

Animals to be sold by public auction.

Balance to be paid to Police Magistrate or owner.

Account to be delivered to Police Magistrate.

Penalty.

Nearest Justice to assess damages where owner not known.



XXIII.—AND BE IT ENACTED that all sums of money which shall be so paid into the hands of any such Police Magistrate as aforesaid shall by him within three months next following unless the owner shall appear and claim the same be paid over to the Collector or sub Collector of Internal Revenue in trust for the owner or other person who may appear to be entitled thereto and in case no such owner or person shall within twelve months next afterwards appear and duly claim the same monies then the same shall be appropriated or paid and applied and accounted for from time to time in such manner as His Majesty his heirs and successors or the Governor or Lieutenant Governor for the time being shall appoint and direct.

Proceeds of sale to be paid to the Collector or sub Collector of Internal Revenue in trust for the owner and after twelve months to be applied to the use of His Majesty His Heirs and Successors.

XXIV.—AND BE IT ENACTED that every such public sale by auction shall be openly conducted by the poundkeeper of the same pound in person unless prevented by illness or other unavoidable accident and shall take place at or in the pound where the animal has been impounded or some convenient place near thereto on the first and third Wednesday of every month and on no other days and between the hours of twelve and four o'clock only and that not more than four horned cattle or one score of sheep shall be put up for sale in one lot and that in no case shall cattle or sheep with different brands or marks be put up in the same lot and that each horse or gelding and each mare (with or without foal) shall be put up singly and if any such poundkeeper shall offend in any manner against the provisions of this section he shall for every such offence pay a fine of not less than ten shillings nor more than one hundred pounds.

Sale of animals to be by Poundkeeper upon certain days.

XXV.—AND BE IT FURTHER ENACTED that if any such poundkeeper shall directly or indirectly in any manner whatsoever or by or through the use of the name of any other person or any other means whatsoever at or through any such sale or sales purchase any animal or any share or interest in any animal or animals sold or disposed of at any such sale or sales he shall for every such offence pay a fine of not less than ten pounds nor more than one hundred pounds.

Poundkeeper not to purchase.

Penalty.

XXVI.—AND BE IT ENACTED that every poundkeeper shall keep a book or books in which he shall upon every request by or on behalf of any person being the owner of sheep or cattle and upon the payment to him of a fee of two shillings and sixpence enter upon the day of such request the christian and surnames and residence of such owner and a memorandum of the brand and other marks of or usually upon his or her cattle or sheep together with the date of such request or entry and such poundkeeper shall on the request of any person and upon the payment of a fee of sixpence allow him or her to inspect such book or books and shall give a copy of any entry in the same upon the payment of a fee of one shilling for each entry and in case any cattle or sheep having such brand or other marks upon them shall at any time within twelve months next ensuing the day of such request be impounded in the pound kept by such poundkeeper such person or his agent shall be entitled to a written notice of such impounding in the form by this Act provided with

Poundkeeper to keep a book of entry of the marks of cattle and sheep.

respect to notices of impounding and such owner shall not be liable to pay any such poundage fees or charges for food as aforesaid unless such poundkeeper shall have caused such notice within a reasonable time after such impounding to be given to him. **PROVIDED ALWAYS** that if such notice shall have been so given as last aforesaid such person shall be liable to pay to such poundkeeper all expenses occasioned by the sending to him of such notice which expenses shall be the same in amount and be ascertained in the manner hereinbefore provided with respect to the expenses of giving notice to the owner or usual keeper of such animals and if any such poundkeeper shall refuse or omit to make such entry as aforesaid or shall not give such notice as last aforesaid within a reasonable time or shall refuse such inspection or copy he shall pay a fine of not less than ten shillings nor more than fifty pounds unless he shall shew reasonable excuse for such refusal or omission to the satisfaction of the Justices before whom the case shall be inquired into.

malty.

undkeeper to keep a book entry.

**XXVII.—AND BE IT ENACTED** that every poundkeeper shall also keep a book or books in which he shall from time to time correctly and fairly enter the description of animals sent to him to be impounded together with the several other particulars set forth in the said schedule marked H and as nearly as may be in the form prescribed by that schedule together with in addition to such particulars the christian and surnames and residence of the owner or other person who shall claim such animals respectively and the day and mode of release (whether by replevin or otherwise) of such animal the amount of poundage and other fees and charges for food and water and expenses as aforesaid demanded and received by such poundkeeper the date of sale of such animal and the sum or sums at which the same shall have been sold at such sale and the amount of the surplus monies in hand or paid over in respect of the proceeds of such sale after making such deductions as aforesaid and to whom paid over and if any such poundkeeper shall omit to make any such entry as aforesaid or shall make a false entry in any such book he shall for every such offence pay a fine of not less than one pound nor more than twenty pounds and such poundkeeper shall upon request of any Magistrate without fee and on request of any other person upon the payment of a fee of sixpence allow him or her to inspect such book or books and shall give a copy of any entry in the same upon the payment of a fee of one shilling for each entry.

malty.

attle to be taken to the nearest Pound.

**XXVIII.—AND BE IT ENACTED** that except in the cases next mentioned every animal impounded for trespass shall be taken to the pound nearest to the place where such trespass was committed: **PROVIDED ALWAYS** that where the keeper of any such nearest pound as aforesaid is the owner or reputed owner or usual keeper of any animal so distrained for any such trespass as aforesaid such animal may be impounded in the pound nearest but one to the place where such trespass was committed by such animal. **AND PROVIDED** that where any such animal is distrained by or on behalf of any person being himself the keeper of such nearest pound such animal shall not be impounded in such nearest pound but in the pound nearest but one to the place where the

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trespass was committed by such animal. **AND PROVIDED ALSO** that where there is no such public pound established within twenty miles of the land upon which any such trespass shall have been committed every animal so trespassing may be impounded and detained and kept impounded upon such land and if any animal shall in any case be impounded contrary to any of the provisions of this section no sum or amount whatsoever for damage done by such animal shall be awarded or allowed in respect of any trespass as aforesaid and the party impounding such animal shall be liable in damages to the party grieved and if any poundkeeper shall impound any animal by or on behalf of himself in the pound kept by such poundkeeper he shall not be entitled to any poundage fees nor charges for food or water and for each animal so impounded he shall pay a fine of not less than one pound nor more than ten pounds.

**XXIX.—AND BE IT ENACTED** that every person so impounding any animal by virtue of the preceding section upon the land upon which any trespass shall have been committed by such animal shall in all respects be entitled to demand and receive such and the same fees charges damages and assessment of damages and shall be subject and liable to all such and the like fines penalties laws and regulations in every respect as are in this Act provided with respect to the keeper of any public pound established under this Act as aforesaid. **PROVIDED ALWAYS** that every notice to be given by any such proprietor or person so impounding shall contain at full length his name and residence and the several other particulars set forth in the said schedule marked H and shall excepting as to the notice of the intended sale be as nearly as conveniently may be in the form prescribed by that schedule and shall be signed by the person so impounding and shall particularly describe the land and place where the animal or animals is or are so detained. **AND PROVIDED ALSO** that no sale of any such animal shall take place excepting on or at the particular land or place so described nor unless the intended day of sale shall have been particularly mentioned in the published notice of such intended sale nor until such notice shall have been published in three several numbers of some public newspaper at intervals of one week.

Provisions where animals are impounded on private property.

**XXX.—AND WHEREAS** animals are frequently permitted to be at large in the towns of this Colony to the great inconvenience and annoyance of the public and the injury of private property. **BE IT THEREFORE ENACTED** that if any animal shall be found in any public street or place of or in Hobart Town or Launceston not being under the immediate care protection or control of some competent person the same may be seized and taken to and impounded in the nearest public pound by any person whatsoever and the person so seizing and impounding any such animal shall be entitled to receive for and upon every horse mare gelding colt foal filly bull ox cow heifer calf goat kid hog or pig so seized the sum of five shillings and for every sheep or lamb so seized the sum of two shillings and the keeper of every such pound in addition to the poundage fees and other charges to which he shall be entitled by this Act

Cattle at large in the streets of any town to be impounded and subject to certain penalties.

as such poundkeeper in respect of such animal shall be entitled to demand and receive those sums accordingly on behalf of the person so seizing and impounding and shall detain every such animal as aforesaid whether replevied or not until the sums so receivable shall have been paid or the animal or animals shall have been sold as hereinbefore provided and if such poundkeeper shall not immediately upon demand of or for such person at any time after he shall have released or sold and delivered such animals pay to such person the amount so claimed for the seizing of such animal he shall over and above such amount so claimed as aforesaid pay a fine of not less than two pounds nor more than twenty pounds unless he shall shew a reasonable excuse for such his refusal to the satisfaction of the Justice or Justices before whom the offence shall be inquired into.

Penalty.

Persons rescuing or attempting to rescue.

XXXI.—AND BE IT ENACTED that if any person shall rescue or attempt to rescue from any person any animal which shall have been so seized as last aforesaid or shall wilfully obstruct any such person in so seizing or impounding or endeavouring to seize and impound any such animal the person so offending shall pay a fine of not less than two pounds nor more than ten pounds.

Penalty.

Bulls rams and stallions at large.

XXXII.—AND BE IT ENACTED that if the owner or usual keeper of any bull ram or stallion shall permit or suffer any such bull ram or stallion to be at large in any public street road ground or place without being under the immediate custody and control of some competent person such owner or keeper shall pay a fine of not less than one pound nor more than twenty pounds.

Penalty.

Proceedings under this Act to be in a summary way.

XXXIII.—AND BE IT ENACTED that all offences against this Act not otherwise provided for shall or may upon affirmation in that behalf exhibited be in a summary way heard and determined and all fines and penalties in respect of the same be awarded and imposed by any two Justices and that if any person shall feel aggrieved by any summary judgment or conviction of any Justices under this Act such person shall be entitled to appeal from such judgment or conviction in the manner in that behalf provided by the Act entitled "An Act to regulate summary proceedings before Justices of the Peace."

Appeal allowed.

Conviction under this Act in bar to actions suits, &c.

XXXIV.—AND BE IT ENACTED that any summary judgment or conviction under this Act may be pleaded in bar of any action suit or information that shall be commenced or prosecuted for the same cause.

GEORGE ARTHUR.

Passed the Legislative Council  
this thirteenth day of March One  
thousand eight hundred and thirty.

W. T. PARRAMORE,  
Clerk of the Council,

SCHEDULE A.

*Poundage Fees.*

For each entire Horse, above the age of 12 months	£0	2	6
For each Mare, Gelding, Colt, Filly, Foal, Mule, Ass, Goat, and Pig - - - - -	0	1	0
For each Bull above the age of 12 months - - - - -	0	2	6
For each Ox, Cow, Steer, Heifer, or Calf for the first 10	0	0	6
the next 10	0	0	4
the next 30	0	0	3
all others above 50	0	0	2
For each Ram above the age of 9 months - - - - -	0	1	0
For each Ewe, Wether, or Lamb, for the first 20 - - -	0	0	2
the next 30 - - -	0	0	1½
the next 50 - - -	0	0	1
all others above 100 - - -	0	0	0½

The above fees to be paid for each day or part of a day during which the animal is kept in pound.

20-23 5-4  
30 3-9  
50 4-8

SCHEDULE B.

*Charges for Food.*

For every Horse, Mare, Gelding, Mule, Ass, Colt, Filly, or Foal - - - - -	£0	0	6
For every Bull, Ox, Cow, Steer, or Heifer - - - - -	0	0	3
For every Calf under 6 months - - - - -	0	0	1
For every Sheep or Lamb - - - - -	0	0	0½
For every Goat - - - - -	0	0	1
For every Boar, Sow, or other Pig - - - - -	0	0	3

The above charges to be paid for each day or part of a day during which the animal is supplied with food and water by the poundkeeper but the owner may supply food and water in which case these charges are not to be made.

SCHEDULE C.

*Bond to abide by Assessment where the amount claimed for damage is disputed.*

Know all men by these presents that we A. (1) B. of (place) in Van Diemen's Land (description) and C. (2) D. of (place) in Van Diemen's Land (description) are held and firmly bound unto J. (3) of (place) in Van Diemen's Land (description) in the sum of £———(4) of lawful money of Great Britain to be paid to the said J. K. or his attorney

- 1.—Owner or keeper of the animal.
- 2.—His surety if one be required.
- 3.—The party impounding.
- 4.—Twice the amount of damage claimed.

(96)

If there be no surety  
merely I do bind myself my  
heirs &c.

executors administrators or assigns for which payment to be made we do  
bind ourselves jointly and severally and our respective (5) heirs executors  
and administrators firmly by these presents.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
eight hundred and \_\_\_\_\_

Whereas (enumerate the animals impounded) the property of the above  
bounden A. B. have been distrained and impounded by the above named  
J. K. for damage done to him at (the place where the trespass was com-  
mitted) as the said A. B. doth admit but he disputes the sum or amount  
claimed for such damage and both the said parties having agreed that  
such amount shall be assessed according to the provisions of the Act in  
such case made the said A. B. and the said C. D. as his surety have con-  
sented to execute the present bond. Now the condition of this obligation  
is that if the above bounden A. B. do and shall abide obey and fulfil the  
award and assessment of L. M. of (place) in Van Diemen's Land  
(description) and (W. H. of (place) in Van Diemen's Land (description)  
arbitrators mutually nominated by the said parties to assess the amount  
or sum to be paid by the said A. B. in respect of such damage and if the  
said arbitrators do not make their award as provided by the said Act then  
do and shall abide by obey and fulfil the award or umpirage and de-  
termination of H. P. Esquire, one of His Majesty's Justices of the Peace  
and the Justice residing nearest to the said place where such trespass was  
committed and do and shall upon demand pay to the said J. K. the sum  
or amount which shall be assessed or awarded by the said arbitrators or  
Justice and all costs (if any) ordered by such Justice to be paid by the  
said A. B. then this obligation shall be void but otherwise it is to remain  
in full force.

Signed sealed and delivered }  
in the presence of }

A. B. (Seal)  
C. D. (Seal)

SCHEDULE D.

*Award or Assessment of damage.*

Whereas J. K. of (place) in Van Diemen's Land (description) lately  
distrained and impounded certain cattle of A. B. of (place) in Van Die-  
men's Land (description) for damage done to the said J. K. by them  
And whereas We L. M. of (place) in Van Diemen's Land (description)  
and W. H. of (place) in Van Diemen's Land (description) were nomina-  
ted mutually by the said J. K. and A. B. as arbitrators to assess the sum  
or amount to be paid for such damage. And whereas I. H. P. Esquire  
am the Justice residing nearest to the place where the trespass by such  
cattle was committed. (Now we the said arbitrators or I the said Jus-  
tice) do assess the amount of such damage at (sum awarded) and award  
the same to be paid by the said A. B. to the said J. K. accordingly  
(where the award is by such Justice and he awards any costs add as fol-  
lows) and I the said Justice do award as costs the sum of  
to be paid by the said \_\_\_\_\_ to the said \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
eight hundred and \_\_\_\_\_

If the award be made by the  
Justice omit the word we.

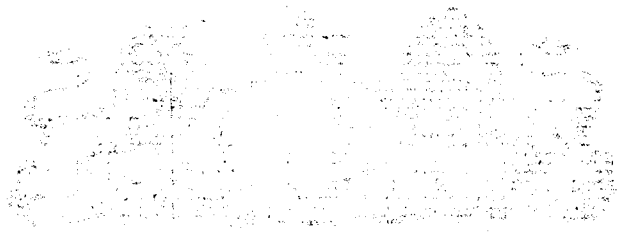
Omit this sentence entirely  
where the award is by the  
arbitrators.











STATE OF TEXAS

County of \_\_\_\_\_

Know all men by these presents, that \_\_\_\_\_

of the County of \_\_\_\_\_ State of Texas

do hereby certify that \_\_\_\_\_

is the true and correct copy of \_\_\_\_\_

as the same appears from the \_\_\_\_\_

records of this office.

In testimony whereof, I have hereunto set my hand and the seal of this office at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
County Clerk