



# NEW ZEALAND GOVERNMENT GAZETTE

FOR THE  
PROVINCE OF NEW PLYMOUTH.

Published by Authority.

Vol. II.]

NEW PLYMOUTH, SATURDAY, APRIL 29, 1854.

[No. 9.]

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA:

SESSION I. No. 8.

## AN ORDINANCE TO AUTHORISE AND REGULATE THE IMPOUNDING OF CATTLE AND TO PROVIDE FOR THE SUMMARY RECOVERY OF COMPENSATION FOR DAMAGE DONE BY CATTLE TRESPASSING.

### Analysis.

Title:

Preamble.

1. Repeal of Cattle Trespass Ordinance (Session 7, No. 17) and Impounding Ordinance (Session 8, No. 6).

#### I. POUNDS, POUNDKEEPERS, AND POUND FEES.

2. Power to Superintendent to establish Pounds.
3. And to appoint Poundkeepers.
4. Who shall give security.
5. Notice of appointment of Poundkeepers to be given in *Gazette* of Province.
6. Pounds to be securely fenced and divided.
7. Pound fees and charges.

#### II. THE IMPOUNDING OF CATTLE.

8. Occupier of lands trespassed upon may impound on his own lands, for a limited time, cattle found trespassing.
9. Occupier of lands trespassed upon may impound cattle found trespassing thereon in the Public Pound.

10. Penalty for cattle wandering in streets and roads which penalty may be recovered by impounding.
11. Penalty for impounding otherwise than as authorised by this ordinance.
12. Notice to be given to owner of cattle impounded.
13. If not released, cattle to be sold.
14. Time of sale.
15. Place of sale.
16. Impounded cattle to be sold by auction.
17. Proceeds of sale how to be applied.
18. If proceeds of sale insufficient to satisfy damages &c., the owner of cattle to pay difference.
19. Rescuing cattle from Pound, &c., a misdemeanor.

#### III. DAMAGES FOR TRESPASS AND PROCEDURE:

20. Damages for Trespass at a fixed rate to be recoverable for trespass of cattle without proof of actual damage and payment enforced either by impounding or by summary proceeding.

21. Summary procedure for recovery of fixed rate of damage.
22. Fixed rate of damage may be waived, and special damage proceeded for.
23. Power to Justices to determine causes of action arising out of the impounding of cattle.
24. And to order cattle to be liberated.
25. And to enforce their orders in a summary way.

#### IV. DUTIES OF POUNDKEEPER.

26. Poundkeeper to keep a Pound book.
27. And to produce same for inspection.
28. Penalty for default.
29. Keeper to erect painted table of Fees.
30. Penalty for default.
31. To be responsible for safe keeping of cattle and their delivery to owner.
32. Penalty for default.
33. Form of security.

*AN ORDINANCE to authorise and regulate the Impounding of Cattle, and to provide for the summary recovery of compensation for damage done by cattle trespassing.*

Whereas it is expedient that an Ordinance enacted by the Lieutenant - Governor of New Zealand and the Legislative Council thereof, in the seventh Session of the said Council, intituled "An Ordinance to repeal the Cattle Trespass Ordinance and the Cattle Trespass Amendment Ordinance, and to provide for the summary recovery of compensation for damage done by cattle trespassing" and an Ordinance enacted by the said Lieutenant-Governor and Legislative Council in the eighth Session of the said Council, intituled "An Ordinance to authorise and regulate the Impounding of Cattle" be severally repealed so far as regards the Province of New Plymouth, and that other provision be made respecting the Impounding of Cattle, and the summary recovery of compensation for damage done by Cattle trespassing,

*Be it therefore enacted* by the Superintendent of the Province of New Plymouth, with the Advice and Consent of the Provincial Council thereof, as follows :—

1. The two several recited Ordinances shall be and the same are hereby repealed, so far as regards the Province of New Plymouth. *Provided* that the repeal of the first mentioned Ordinance shall not revive the Ordinances thereby repealed.

2. As soon as conveniently may be after the passing of this Ordinance the Superintendent shall by notice published in the *Government Gazette* of the Province, appoint

34. Keeper to post on pound description of cattle impounded.

35. Penalty for default.

36. Poundkeeper to pay over damages for trespass (if received by him) to person impounding the cattle;

37. Poundkeeper to account for fees to Provincial Treasurer—but Superintendent may appoint that the same shall be received by Poundkeeper for his remuneration.

38. Penalty for taking fees not authorised.

#### V. MISCELLANEOUS PROVISIONS.

39. Penalty on turning out cattle on unfenced lands within the limits of the town of New Plymouth.

40. Penalty on allowing entire animals to stray.

41. Penalties to be recoverable in a summary way.

42. Interpretation clause:

Public Pounds within the settled districts of the Province; and shall in like manner from time to time, as may appear necessary or convenient, substitute new Pounds, appoint additional Pounds, and suppress Pounds not found requisite.

3. It shall also be lawful for the Superintendent to appoint fit and proper persons to be the keepers of any such Pounds, and from time to time to displace and remove the keeper of any such Pound, and to appoint a fit and proper person in his place.

4. Every such Poundkeeper shall from time to time give security for good behaviour in his office by Bond by himself and such sureties, in such form, and in such reasonable sum or sums respectively as the Superintendent may think fit to require.

5. A notification of the appointment or removal of any Poundkeeper shall be inserted in the *Government Gazette* of the Province.

6. Every pound 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 inclosures in proper repair, or shall knowingly keep, or permit to be kept, any cattle infected with disease in the same inclosure with cattle not so infected, or shall not keep the said Pound clean or in good order, or the cattle which from time to time shall be impounded therein supplied with sufficient wholesome food and water, every such Poundkeeper shall, upon conviction of any such neglect, forfeit and pay a sum not exceeding £5 nor less than £1.

7. The fees to be taken and charged by any Poundkeeper as and for the Poundfees, and the price to be charged and paid for the sustenance of cattle committed to any such Pound shall be as is specified in Schedule A hereunto annexed. *Provided always*, that it shall be lawful for the Superintendent by notification in the *Government Gazette* of the Province, from time to time to increase, reduce, or otherwise, vary the said fees and charges, as occasion may require. It shall also be lawful for the Superintendent, by any such notification as last aforesaid, from time to time to fix and specify reasonable fees to be taken and charged by any Poundkeeper for any matter or thing required to be done by him under and by virtue of this Ordinance, the remuneration thereof is not herein specifically provided for.

8. It shall be lawful for the occupier of any land (whether fenced or unfenced) whereon cattle may be found trespassing, or for the agent, bailiff, or servant of any such occupier to impound and detain the cattle so found trespassing in any convenient place upon the same land. *Provided* that the owner, or person having charge of the said cattle, be known to the person impounding the same, and that the person impounding the said cattle do within twenty-four hours of such impounding give or cause to be given to the owner or person having charge of the said cattle the like notice as is hereinafter required to be given to the keeper of any public pound by any person sending cattle thereto: and *provided also* that he shall feed and maintain the same cattle whilst so impounded, and shall not keep them so impounded longer than three whole days of twenty-fours each, but shall at the expiration of such three days, if not sooner released upon payment of the lawful charges, drive, or cause the same to be driven, to the Public Pound nearest or most conveniently accessible from the said land, and cause the same to be lodged therein in manner hereinafter mentioned. *Provided also* that any person impounding cattle on his own land, as aforesaid, or his agent, bailiff, or servant shall not be entitled to demand or receive any compensation for damage done by the said cattle save and except (in cases where any damages shall be demandable under the provisions of

this Ordinance) for such damage as was done before their first mentioned impounding, nor any fee or charge for such impounding, except such as by law be chargeable by the keeper of the nearest public pound for feeding and maintaining.

9. It shall also be lawful for the occupier of any land (whether fenced or unfenced) wherein cattle may be found trespassing, or for the agent, bailiff, or servant of any such occupier, to drive, or lodge, or cause the same to be driven or lodged in the public pound nearest to or most conveniently accessible from 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, or person having charge thereof, if he be known, or of the person supposed to be the owner or to have charge thereof, or shall state that such owner or person is wholly unknown, and shall further specify the place where the said cattle were trespassing, and the amount of damages claimed for the trespass—if under the provisions of this Ordinance any damage shall be demandable.

10. If any cattle shall be found wandering at large, or depasturing without license in any road, street or public place within any district of the Province in which the Native title shall have been extinguished, the owners thereof shall forfeit and pay, by way of Penalty, for every head of cattle so wandering or depasturing in any road, street, or public place, within the limits, for the time being, of the Town of New Plymouth, any sum not exceeding five shillings, and not less than two shillings and sixpence, and for every head of cattle so wandering or depasturing in any road, street, or public place in any other part of the districts last aforesaid, any sum not exceeding two shillings and sixpence, and not less than sixpence. And the said cattle may by any person be impounded for the said Penalty, and the like notices shall be given by the person impounding the same, and by the Poundkeeper, as in the case of cattle impounded for a trespass upon private lands. Or such penalties may be proceeded for in a summary way.

11: If any owner or occupier of land, or his agent, bailiff, or servant shall impound,

*Repealed*  
*page 127*

or cause to be impounded, any cattle in any pound or place not authorised by this Ordinance, or in any manner contrary to the directions and provisions thereof, every person so offending shall, upon conviction, forfeit and pay for every such offence a fine not exceeding £10.

12. If any impounded cattle shall not be followed to the Pound, or claimed by, or on behalf of the owner or person having charge thereof, within twenty-four hours after the same shall have been impounded, the keeper of the Pound shall as soon as possible after the expiration of the twenty-four hours send notice in writing to the owner or person having charge of the said cattle, if he be known to the said Poundkeeper— which notice shall contain the same particulars as are required to be given to the Poundkeeper by the person impounding the said cattle, 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 or on behalf of the owner or person having charge thereof, and also the amount of damages (if any) claimed for the trespass. And the said notice shall be delivered personally to the said owner or person having charge of the said cattle, or shall be left for him at his usual place of abode. And if the owner or person having charge of the said cattle shall not be known to the said Poundkeeper, then he shall cause the like notice to be posted in some conspicuous place, to be appointed for that purpose by the Superintendent, in the vicinity of the Pound, and also in some conspicuous place in the town of New Plymouth, and shall also cause a Notice under his hand specifying the Pound or Place at which such cattle are impounded, and the number and kinds of the cattle impounded, and the brands and particular marks thereof, (if any,) and the ages, (as nearly as may be,) and colours, of the several animals, and also stating the day on which the cattle comprised in such notice will be sold if not claimed, to be once inserted, as soon as may be, in some public newspaper published within the Province (if any such there be). *Provided always* that when the cattle impounded under the provisions of this Ordinance 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 a Notice thereof at the place to be appointed for that purpose by the Superintendent in the vicinity of the Pound.

13. If any impounded cattle shall not be released from the said Pound by the owner or person having charge thereof within seven days after notice shall have been given 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 posted in the town of New Plymouth, and in the vicinity of the Pound as aforesaid, as the case may require—(which periods of seven days and twenty-one days respectively shall be reckoned exclusively of the day upon which the said notice shall have been delivered or posted)—it shall be lawful for the said Poundkeeper to apply to any Justice of the Peace, not being a party interested in the matter, for an order for the sale of the said cattle, and the Poundkeeper shall at the time of such application produce and shew to the said Justice the Pound-book kept by him as by this Ordinance directed, or an Extract of so much thereof as may apply to the case, and also such other proofs, by the oath of the said Poundkeeper or others as the said Justice may require, that such Poundkeeper has complied with the terms and provisions of this Ordinance; and thereupon such justice shall and may, if he be satisfied that that such terms and conditions 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 or person having charge of the said cattle personally, or at his usual place of abode, or by posting notices as aforesaid, as the case may require, and in the same manner respectively as herein provided for giving the original notice of impounding: *Provided always* that when 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.

14. All sales of impounded cattle shall take place on the Tenth day after the same shall have been impounded, in all cases where the owner or person having charge of such cattle shall be known to the Poundkeeper, or where the cattle impounded shall consist of sheep, goats, swine, or calves, and be not more than two in number, and in other cases on the Twenty-fourth day after notices shall have been posted as in such cases is hereinbefore directed—unless the said Tenth or Twenty-fourth day, as the case may be, shall happen to be a Sunday, or Christmas Day, or Good Friday, and then on the following day, and unless the sale be suspended by order of a competent judge.

15. 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 agent, purchase the said cattle, nor 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 £5, and shall moreover make restitution of the animals so purchased.

16. All impounded cattle directed to be sold under the provisions of this Ordinance, 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.

17. It shall be lawful for every such Poundkeeper to receive the price of any impounded cattle so to be sold as aforesaid, and to apply the same, first, in the payment of all lawful fees and charges due to himself; secondly, in the payment of the amount of damages claimed for the trespass, and such charges, if any, as by virtue of this Ordinance may be payable to the person impounding the said cattle; and the residue he shall pay over to the owner or person having charge of the cattle sold,

where he is known, upon the same being demanded. And if the owner, or person having charge of the cattle, shall be unknown, the said Poundkeeper shall within one calendar month after the sale, pay the amount into the hands of the Treasurer of the Province, in trust for the persons entitled thereto: and the receipt of the said Treasurer shall be the legal discharge of the said Poundkeeper for the amount named therein. 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 said Treasurer, it shall be lawful for the Superintendent, by warrant under his hand, to direct the same to be applied to the public uses of the Province and the support of the Government thereof.

18. *Provided always* that if the proceeds of any cattle impounded by any person, or his agent, or bailiff, for trespassing or doing damage upon the lands of such person, and sold under the authority of this Ordinance, 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 owner, or person having charge of the said cattle, if known.

19. If any person 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 constituted, 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.

20. Damages at the rates specified in schedule B to this Ordinance, or at such other rates as the Superintendent shall from time to time appoint for that purpose by notification in the *Government Gazette* of the Province, shall be demandable by the occupier of any lands enclosed by a substantial and sufficient fence (of whatever description) for and in respect of the trespass of cattle on such lands, without proof of special damage, and notwithstanding that he may be unable to shew actual damage; and payment of damages computed at the said rates shall be enforced at the option of such occupier,

*Damages  
not to be  
claimed  
unless  
proved*

either by impounding the cattle trespassing pursuant to the provisions of this Ordinance, or by summary procedure in manner hereinafter prescribed. *Provided always*, and it is hereby enacted, that neither damages at the said fixed rates, nor special damage, shall be recoverable by any occupier of lands which shall not be enclosed by a substantial and sufficient fence; nevertheless, without prejudice to the right of impounding hereby conferred upon the occupiers of unfenced land.

21. It shall be lawful for the person aggrieved by any trespass of cattle in respect of which damage shall be demandable, instead of impounding the cattle so trespassing to make his complaint to the Resident Magistrate, or any two Justices of the Peace, and such Magistrate or Justices shall summon before him or them the owner or person having charge of the said cattle, 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 inquire into and examine and hear and determine 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 damage after the said fixed rates, to issue his or their warrant to levy the same together with such costs as to the said Magistrate or Justices shall appear fair and reasonable.

22. *Provided always* that nothing herein contained shall extend or be construed to prevent the occupier of any land trespassed upon from waiving damages after the said fixed rates, and claiming in any competent Court full satisfaction for any special damage sustained by him in consequence of any trespass; but if the plaintiff in any such suit or action, shall not after waiving damages after the said fixed rates recover a greater amount of damages, then he shall not be entitled to, or receive, the costs of such suit or action from the defendant in the same, but the said defendant shall be entitled to and receive from the plaintiff the costs incurred by him the said defendant; and if the plaintiff in any such suit or action become nonsuit, or discontinue his said suit or action, or a judgment shall be given against him therein, the defendant shall be entitled

to and receive double costs from such plaintiff.

23. *Provided always* that it shall be lawful for any two Justices of the Peace, not interested in the matter in dispute, to take cognizance of, and decide in a summary way, all cause of action arising out of the impounding of cattle for trespass wherein neither the party impounding nor the party whose cattle shall be impounded claims any greater amount of damages than £20.

24. If the person whose cattle shall be impounded shall take out a summons in prosecution of his suit, and shall enter into security to the satisfaction of such Justices to prosecute his suit, it shall be lawful for the said Justices to direct the Poundkeeper in whose custody the cattle shall be to liberate the same, and thereupon the Poundkeeper, upon payment to him of his lawful fees and charges due in respect of such cattle, shall liberate the same in like manner as if the said cattle had been replevied.

25. Upon hearing the parties, and upon examination of the merits of the case, it shall be lawful for such Justices to make such order as to damages and costs to be paid by either party, and as to the detention or delivery of the cattle, and as to the sale thereof, or any part thereof, in case of the non-payment of the amount of damage found to be due by them, or of any costs payable by the owner or person having charge of them, as shall be just, and to enforce the payment of such damages and costs in a summary way.

26. The keeper of every public Pound shall have and preserve at or near to the said Pound a copy of this Ordinance, and also a Pound-book ruled and divided into columns, as nearly as may be in the form in Schedule C hereunto annexed. And he shall enter into the said Pound-book, in a legible hand, the particulars of all cattle lodged in the said Pound, specifying the day and hour, as nearly 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 Ordinance required, and 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.

27. A copy of this Ordinance and of the said Pound-book shall at all reasonable times be produced by the said Poundkeeper 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 100, sixpence. And shall preserve and keep for not less than twelve calendar months all orders made by Justices concerning any cattle impounded.

28. If any Poundkeeper shall neglect or refuse to produce a copy of this Ordinance, or of the said Pound-book, 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 Pound-book, or shall wrongfully erase or destroy any entry previously made therein, he shall forfeit and pay for every such offence the sum of £10.

29. The keeper of every such 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 may be hereby authorised to demand, have, and receive, together with all fixed rates of damage.

30. Every such keeper, as aforesaid, who shall fail to erect the said Board, and 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, 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 alterations 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 he shall knowingly suffer any false statement to remain on the board, the sum of five shillings.

31. The keeper of every such Pound shall receive and retain in his custody any cattle lodged in such Pound ; and shall be responsible to the owner thereof for every loss and damage sustained by the wilful act or 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 amount of damages (if any) for which the same were impounded with his lawful fees and charges and the lawful charges (if any) of the person impounding the said cattle shall be paid, or tendered, or secured to be paid in the manner herein 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 or person having charge thereof, or other person duly authorised by such owner or person having charge thereof to receive the same.

32. Every Poundkeeper who shall fail to deliver such cattle as hereinbefore required and directed shall forfeit and pay for every such offence a sum of not less than forty shillings nor more than £5.

33. The security herein mentioned shall be an undertaking in writing, and shall be in the form, and to the effect, mentioned in Schedule D hereunto annexed, and shall be signed by the owner or person having charge of such impounded cattle, or by the agent or bailiff of such owner or person. And every agent or bailiff who shall sign such note whereby such cattle shall be released

*See Feb 17/55*  
*Pg 127*

from Pound shall be deemed 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 therein 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 in a summary way before any Justice of the Peace 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.

34. The keeper of every such Pound whenever and so often as any cattle shall be impounded therein for trespass shall post a written notice at the place to be appointed for that purpose by the Superintendent in the vicinity of the pound as aforesaid setting forth a description of such cattle. And such notice shall remain so posted until the said cattle shall have been claimed or otherwise disposed of by due course of law.

35. Every such keeper who shall neglect to post such notice as aforesaid shall for every such neglect forfeit and pay a fine of forty shillings.

36. If the owner or person having charge 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 person who impounded such cattle on his demand thereof; and if such Poundkeeper shall fail so to do, he shall, on conviction, forfeit and pay for such his default the penalty of £5.

37. Once in every quarter of a year, on or before the 1st days of January, April, July, and October, respectively, the keeper of every such Pound shall duly and faithfully account for and pay over all fees and charges authorised to be taken and made by him as herein provided unto the Treasurer of the Province to be applied to the Public uses of the Province and the support of the Government thereof: *Provided always* that it shall be lawful for the Superintendent from time to time to appoint and declare that such fees and charges, or any and what proportion thereof, shall go to and be applied by any such Poundkeeper as aforesaid in full payment or on account of salary and remuneration.

Passed the Provincial Council the fifth day of April, one thousand eight hundred and fifty four. }

Assented to on behalf of the Governor the eighth day of April, one thousand eight hundred and fifty four. }

38. If any Poundkeeper shall demand or take any greater sum for the impounding of any cattle or for doing any act, matter, or thing than such Poundkeeper shall be authorised so to demand or take or shall fail duly to account to the Treasurer of the Province in manner hereinbefore directed, or to make such payments to the said Treasurer as he is hereinbefore directed to make, every such Poundkeeper shall forfeit and pay for every such offence a sum not exceeding £5 nor less than £1.

39. Every person, who after the first day of June, one thousand eight hundred and fifty-four, shall turn out or depasture any cattle, upon any land within the present or future limits of the Town of New Plymouth, not enclosed by a substantial and sufficient fence, whether such land be or be not in his lawful occupation, shall day by day, and for every day on which such cattle shall be so turned out or depastured, forfeit and pay the sum of 1s: for every head of cattle so turned out or depastured. *Provided* that such Penalty shall not be incurred by any person lawfully depasturing cattle upon Crown Lands within the aforesaid limits.

40. Every person owning or having charge of any Entire Horse, Bull, Boar, Ram entire Ass, or entire Mule which, after the passing of this Ordinance, shall be found straying or running at large upon any public road or upon any land not in his lawful occupation, shall for every such offence forfeit and pay for every horse or bull so found straying or running at large, a sum not exceeding £5 nor less than £1, and for every boar, ram, ass, or mule so found straying or running at large a sum not exceeding £2 and not less than 5s.

41. All fines and penalties to be imposed under the authority of this Ordinance shall be recoverable in a summary way.

42. In the construction of this Ordinance words of or importing the masculine gender shall extend to and include females; and the singular number shall import the plural also, and the plural number the singular also; and the word 'cattle' shall include horned or neat cattle, horses, mules asses, sheep, goats, and swine; except in the said several cases there shall be any repugnancy to such construction in the subject or context.

I. NEWTON WATT,  
Speaker.

CHARLES BROWN,  
Superintendent.

## SCHEDULE A.

—o—

## PART I.

## POUNDAGE FEES.

	£	s.	d.
For every Entire Horse, Ass, or Mule above the age of 12 months .....	0	2	6
“ Mare, Gelding, Colt, Filly, Foal, Mule, or Ass.....	0	1	0
“ Bull above the age of 12 months .....	0	2	6
“ Ox, Cow, Steer, Heifer, or Calf—for the first ten .....	0	0	6
“ do. do. —for the next ten .....	0	0	4
“ do. do. —for the next thirty .....	0	0	3
“ do. do. —all others above fifty .....	0	0	2
“ Ram above the age of 9 months.....	0	1	0
“ Ewe, Wether, or Lamb—for the first twenty .....	0	0	2
“ do. do. —for the next thirty .....	0	0	1½
“ do. do. —for the next fifty .....	0	0	1
“ do. do. —all others above one hundred .....	0	0	0½
“ Boar above the age of 3 months.....	0	2	6
“ Goat or Pig.....	0	1	0

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

## PART II.

## CHARGES FOR FOOD.

	£	s.	d.
For every Horse, Mare, Gelding, Mule, Ass, Colt, Filly, or Foal.....	0	1	0
“ Bull, Cow, Ox, Steer, or Heifer.....	0	0	6
“ Calf under 6 months old.....	0	0	2
“ Sheep or Lamb .....	0	0	1
“ Goat.....	0	0	2
“ Boar, Sow, or other Pig.....	0	0	6

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. In case the owner supply food and water (which he is at liberty to do) these charges are not to be made.

## PART III.

For sending Notice of the Impounding of Cattle to the owner or person having charge thereof, at and after the rate of One Shilling per mile for every mile of the distance of the residence of such owner from the Pound.

*SCHEDULE B.*

TABLE of RATES to be Charged for the Trespass of Cattle:

Description of Cattle, &c., trespassing.	In any Stubble, Fallow, or Forest land uncleared.	In any Grass, or After- Grass.	In Garden ground, un- cut Meadow, or growing crop of any kind.
For every horse of any kind not specifically charged in this Table—also for every head of Neat Cattle, or other Cattle, not specifically charged in this Table.....	0 0 6	0 1 0	0 2 0
For every entire Horse or Bull .....	0 1 0	0 2 6	0 5 0
For every Calf or Sheep .....	0 0 1	0 0 2	0 0 4
For every Pig .....	0 1 0	0 2 6	0 5 0
For every Goat .....	0 0 6	0 1 0	0 2 0

114

	Date.
	Time.
	Particulars of Cattle impounded.
	Brand marks.
	Owner.
	By whom impounded.
	For what cause impounded.
	Time and mode of giving notice to owner.
	How disposed of.
	Time when released or sold.
	Particulars of release or sale.

