

CHAPTER 192.**IMPOUNDING.**

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Interpretation.
3. Power in Governor to make rules.
4. (1) Power in owner of land damaged by animal to seize it.
(2) Minimum compensation.
5. Person impounding animal to inform owner.
6. Delivery of animal from pound.
7. Procedure in case of dispute.
8. Statement by owner of land if he does not accept offer of owner of animal.
9. Principles governing settlement of disputes.
10. Killing of swine found on land.

CHAPTER 192.**IMPOUNDING.**

27 of 1905.
5 of 1945.

An Ordinance to repeal the Impounding Ordinance, 1866, and to make other provisions in lieu thereof.

[17TH OCTOBER, 1905.]

Short title.

1. This Ordinance may be cited as the Impounding Ordinance.

Interpreta-
tion.

2. The following expressions shall, for the purposes of this Ordinance and the rules made thereunder, have the meanings hereinafter respectively assigned to them unless such meaning is inconsistent with the context—

“ animals ” shall mean any stallion, horse, gelding, mare, colt or filly, and any ass or mule, whether male or female, and any bull, steer, ox, cow, heifer or calf and sheep, lamb, goat, kid, hog, or sow;

“ owner ” shall, in respect of any land, include the tenant, occupier, or person in charge of the same and shall in respect of any animal, include the person in charge thereof, or owning, occupying, residing in, or having the charge of the land in which such animal is kept;

“land” shall include the fence protecting or inclosing the land and every building, and everything cultivated and all produce-bearing trees on the land;

“fence” shall include wall, paling, hedge, or anything else by which land is inclosed or protected;

“pound” shall mean a pound established under this Ordinance.

3. It shall be lawful for the Governor in Council from time to time to make rules with respect to all or any of the following subjects—

Power in Governor to make rules.

(a) to create authorities in lieu of, or in addition to, the Courts for settling disputes as to compensation for damage done, and to prescribe areas, hereinafter called pound areas, within which there shall be established pounds for the purpose of impounding animals found straying and doing damage to land;

(b) to prescribe the officer, person or corporation who shall constitute the pound authority within any pound area;

(c) to prescribe the charges to be made by any pound authority in respect of animals impounded, and to determine the appropriation of all moneys paid in respect of animals that stray or are impounded;

(d) generally for giving effect to this Ordinance;

(e) to prescribe fines to be paid by persons who contravene any rules made under this section.

4. (1) It shall be lawful for the owner of any land to seize any animal which is damaging or has damaged any land owned by him in a pound area under circumstances which render the owner of such animal liable to make good such damage, and to place such animal in the pound.

Power in owner of land damaged by animal to seize it.

(2) The minimum compensation to be paid by the owner of the animal to the owner of the land shall be one shilling.

Minimum compensation.

5. Where the owner of the land impounds an animal found damaging his land, he shall with reasonable despatch inform the owner of such animal, and such owner shall pay on demand from the pound authority the sum of one shilling *per diem* if no other sum be prescribed by rule for the keep of such animal, and if the owner do not claim the animal and pay the pound fees within six days from the impounding thereof, the pound authority may kill or sell such animal.

Person impounding animal to inform owner.

Delivery of
animal from
pound.

6. If there is no dispute between the parties, the pound authority shall deliver the impounded animal to the owner thereof on payment of the pound fees due.

Procedure in
case of
dispute.

7. If the parties do not agree as to whether any damage was done, or what compensation is due, in addition to requiring payment of the pound fees aforesaid, the pound authority shall, before delivering the impounded animal to the owner thereof, require him to give and sign a statement in writing which shall be attested by one witness, or to make a statement which the officer in charge of the pound shall reduce to writing and attest. Such statement shall state that no damage has been done, or if the damage is admitted, the amount offered for compensation therefor, and such amount shall be deposited with the pound authority by the owner of the animal.

Statement by
owner of land
if he does not
accept offer
of owner of
animal.

8. Acceptance by the owner of the land of such amount shall be a final settlement of the dispute, but if the owner of the land do not accept such amount, the pound authority shall require him to give and sign a statement in writing which shall be attested by one witness, or to make a statement which the officer-in-charge of the pound shall reduce to writing and attest, of the fact that damage was done and the amount considered due as compensation. The pound authority shall notify the owner of the animal of the same, and if the parties do not then agree, the owner of the land may sue the owner of the animal for compensation.

Principles
governing
settlement
of disputes.

9. (1) The Court or authority prescribed by section 3 hereof, before whom a dispute as to such compensation is brought for settlement, shall ascertain the original amount fixed by the parties, and the records made by the parties shall be produced to the Court or authority and be receivable in evidence; and if the Court or authority shall be of opinion that one of the parties originally fixed a reasonable amount as compensation, the Court or authority may, when giving judgment in favour of such party, order the opposite party to pay the costs of the enquiry and, in addition, such further sum as the said Court or authority shall consider sufficient to recompense the successful party for the trouble and expense of coming before the Court.

(2) If the Court or authority as aforesaid shall find that no damage was done, it shall order the owner of the land to pay the owner of the animal impounded any pound fees which the latter has been required to pay together with such amount of compensation as the Court may deem to be reasonable.

10. (1) Any swine found on any land may be killed by the owner of such land, and its carcass shall be delivered to the owner thereof; but it shall be lawful for the owner of the land to bury the carcass, if the owner of such swine cannot be found before decomposition sets in.

Killing of
swine found
on land.

(2) The owner of the swine killed as aforesaid shall not be entitled to any compensation therefor.
