



IMPOUNDING ORDINANCE AMENDMENT ORDINANCE 1870.

IN THE THIRTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
 QUEEN VICTORIA.

SESSION XXVII. No. 304.

ANALYSIS,

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AN ORDINANCE to Amend the "Impounding Ordinance 1862." Title.
[13TH JUNE 1870.]

WHEREAS it is expedient to amend the "Impounding Ordinance 1862" Preamble.
 in certain particulars ;

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof as follows :

I. This Ordinance may be cited and referred to as the "Impounding Short Title.
 Ordinance Amendment Ordinance 1870."

II. Sections 18 19 and 20 of the said "Impounding Ordinance Repeal of certain sections of "Impounding Ordinance 1862."
 1862" shall be and the same are hereby repealed.

III. When any impounded cattle shall not be followed to the Pound Notice to be given to owner of cattle impounded.
 or immediately claimed by the owner thereof or by some one on his behalf the keeper of the said Pound shall within twenty-four hours of the impounding send notice in writing to the owner if he be known which notice shall be delivered to such known owner or his agent or overseer personally or left at the usual place of residence of such owner agent or overseer provided the known owner agent or overseer reside within two miles of the said Pound and if the said known owner shall reside at a greater distance and have no known agent or overseer residing within two miles such notice shall be sent through the Post Office to the place of residence of such owner his agent or overseer and every such notice shall contain the same particulars as are required to be given to the Poundkeeper by the person impounding the same and also shall contain notice of the time when and the place where the said cattle will be sold if not sooner released from the said Pound and also the sum of money for which the same were impounded: And if neither owner nor agent nor overseer be known to the said Poundkeeper he shall cause a notice in the form or to the effect in Schedule D to the said "Impounding Ordinance 1862" annexed to be inserted in the Provincial

Government *Gazette* which shall be published next after the expiration of the said twenty-four hours and in which it shall be possible to cause the same to be inserted: Provided 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 notice thereof on the Pound in manner hereinbefore directed.

If the cattle be branded Registered Brand and the owner is otherwise unknown notice to be sent to the person in whose name brand is registered.

IV. When any cattle are impounded the owner of which is unknown if such cattle be branded with any brands or marks it shall be the duty of the Keeper of the Pound wherein they have been lodged within twenty-four hours thereafter to use all necessary means for ascertaining whether the said brands or marks are registered in the Register of Brands and if so registered the said Poundkeeper shall immediately deliver or cause to be delivered to the person in whose name it shall appear that any such brand or mark is so registered or to his known agent or overseer or leave or cause to be left at the usual place of abode of such person his agent or overseer provided such person his agent or overseer reside within two miles of the Pound and if such person his agent or overseer reside at a greater distance than two miles such notice shall be sent through the Post Office to the place of residence of such person his agent or overseer.

If cattle not released Poundkeeper to apply to a Justice for an order of sale.

V. When any impounded cattle (the damages claimed or the nature of the trespass or the legality of the impounding not being in dispute) shall not have been released from the Pound by the owner thereof or by some one on his behalf within seven days after notice has been given to the owner his agent or overseer by delivering the same to him personally or leaving the same at his usual place of abode or within fourteen days after notice shall have been despatched through the Post Office or inserted in the Provincial Government *Gazette* and given to the registered person in the manner aforesaid as the case may require which periods of seven days and fourteen days respectively shall be reckoned exclusively of the day upon which the said notice shall have been delivered or despatched or inserted 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.

Poundkeeper may fix upset price at auction sale of impounded cattle.

VI. Notwithstanding anything to the contrary in the twenty-third or any other section of the said "Impounding Ordinance 1862" contained it shall be lawful for the Keeper of any Pound conducting a sale by auction of any impounded cattle to fix an upset price for such cattle not exceeding the amount of the fees and charges due to himself in respect thereof and to offer such cattle for sale at such upset price and if at such auction no higher bid shall be made for such cattle than the upset price at which the same shall be put up such cattle shall thereupon become and be the absolute property of the Keeper of the Pound at such upset price.

Interpretation.

VII. This Ordinance shall be taken read and interpreted as part of and incorporated with the "Impounding Ordinance 1862."

DUNEDIN, NEW ZEALAND:

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