

POUNDS REGULATIONS 1923.^{(1) (2)}

1. These Regulations may be cited as the *Pounds Regulations 1923.*^{(1) (2)}

R. 2 rep. by
Reg. gazetted
on 15.5.1925.

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3. In these Regulations unless the contrary intention appears—

“Cattle” includes any horse mare gelding colt filly or foal and any bull cow ox steer heifer or calf and any ram ewe sheep or lamb and any ass mule goat or pig.

“Sheep” includes any ram ewe wether or lamb.

“Poundkeeper” includes the person for the time being in the authorized charge of any pound.

4.—(1.) The Administrator may from time to time by notice⁽⁴⁾ in the *New Guinea Gazette* appoint places in the Territory to be pounds and may abolish any such pounds.

(2.) The Administrator may from time to time by notice⁽⁵⁾ in the *New Guinea Gazette* appoint any person to be a poundkeeper and may suspend or remove any poundkeeper. If a poundkeeper is absent or incapable through illness or any other cause from acting as poundkeeper some person appointed in writing by him for the purpose may act as poundkeeper during the absence or incapacity of the poundkeeper and while so acting shall be deemed to be the poundkeeper.

(1) See Section 4 of the *Pounds Ordinance 1925*.

(2) The *Pounds Regulations 1923* (made under the *Administrator's Powers Ordinance 1923-1938*) comprises the original *Pounds Regulations 1923*, as amended by the other Regulation referred to in the following Table:—

REGULATIONS MADE BY THE ADMINISTRATOR.

Description.	Date on which made by Administrator.	Date on which published in <i>N.G. Gaz.</i>	Date on which took effect.
<i>Pounds Regulations 1923</i> ..	20.11.1923	27.11.1923	1.12.1923 (<i>N.G. Gaz.</i> of 27.11.1923)
<i>Amending Regulation</i> ..	30.4.1925	15.5.1925	15.5.1925 ⁽¹⁾ (<i>N.G. Gaz.</i> of 15.5.1925)

(3) Section 3 of the *Administrator's Powers Ordinance 1923*, which took effect from 8th February, 1923, prescribed that regulations made pursuant to the power contained in Section 2 of that Ordinance should be published in *N.G. Gaz.* and take effect from the date of publication or from a later date specified therein. Section 3 was repealed by the *Administrator's Powers Ordinance 1938* which came into operation on 24th August, 1938. The *Amending Regulation* dated 30th April, 1923, and published in *N.G. Gaz.* of 15th May, 1925, was made while section 3 was operative, and stated in its introductory part that it was “to come into operation on the fifteenth day of May One thousand nine hundred and twenty-five”, that is, on the date of its publication. However this *Amending Regulation* of 30th April, 1923, was as follows:—

“Regulation 2 of the *Pounds Regulations 1923* is repealed as from the first day of December, One thousand nine hundred and twenty-three.”

(4) A Table, containing particulars of notices establishing pounds, made pursuant to Section 4 (1) is printed on p. 81. The notices still in force, containing the descriptions and boundaries of the pounds, are printed immediately after the Table.

(5) Pursuant to Section 4, the Administrator, by notice dated 7th November, 1936 and published in *N.G. Gaz.* of 20th November, 1936, appointed the member of the New Guinea Police Force for the time being holding the office of senior gaoler, under the Prisons Regulations, of the prison at each of the following places to be the poundkeeper of the pound at each of those places:—Rabaul, Kokopo, Kavieng, Namatanai, Lorengau, Aitape, Madang, Wau and Kieta. Before the making of this notice, the Administrator had also by notices published in *N.G. Gaz.* appointed certain persons by name to be poundkeepers of each of the pounds referred to in the Table printed on p. 81. No notices appointing poundkeepers have been made subsequent to the notice dated 7th November, 1936.

Pounds Regulations 1923.

5.—(1.) Every poundkeeper shall demand and receive as pound conduct and sustenance fees the several sums set forth in the First Schedule to these Regulations.

(2.) Conduct fees shall be payable in respect of the conduct or conveyance of impounded cattle from the place of seizure to the pound.

(3.) Sustenance fees shall be payable in respect of the sustenance in the pound of impounded cattle.

(4.) All fees received by the poundkeeper shall be paid by him to the Treasurer of the Territory.

6. All cattle shall be impounded under the provisions of these Regulations in the nearest accessible pound to the place where such animals were found straying.

7. On the gate or some other conspicuous part of every pound there shall be erected and maintained a board having painted thereon in white letters on a black ground the name of the poundkeeper and a table in the form of the First Schedule to these Regulations of all fees charges and rates which he is authorized by these Regulations to receive and whenever any cattle are impounded the poundkeeper shall forthwith post a written notice on the gate or other conspicuous part of the pound giving the number particular brands or apparent brands and marks of the cattle so impounded and such notice shall remain so posted until such cattle have been claimed or disposed of in due course of law.

8. Every poundkeeper shall keep a pound book in the form of the Second Schedule to these Regulations and shall make all entries therein as soon after the doing of the several things required to be entered therein as possible.

9. Every poundkeeper shall detain in his custody any cattle impounded until all lawful fees and charges are paid.

10. When any cattle are impounded the poundkeeper shall post a notice in the form of the Third Schedule to these Regulations upon the District Office or Sub-District Office nearest the pound.

11.—(1.) When any impounded cattle have not been released from the pound within fourteen days after the posting of the notice in the last section mentioned the same cattle shall be sold by public auction at the pound upon the day named in such notice.

(2.) At such sale the poundkeeper shall act as auctioneer and such sale shall commence at the hour of Ten in the forenoon.

(3.) The poundkeeper shall neither in person nor by his agent purchase any cattle at any such sale nor have any interest of any kind in cattle so purchased.

(4.) Not more than one head of cattle other than sheep goats or pigs nor more than ten sheep goats or pigs shall be sold in one lot but nothing in this sub-section shall prevent a cow with her calf or a mare with her foal from being sold in one lot.

ANIMALS AND BIRDS—

12. Where any cattle have been offered for sale at any pound and no bid has been made at such sale for such cattle and the same are not worth the sustenance fees payable in respect thereof the poundkeeper may cause such cattle to be destroyed and dispose of the carcasses in such way as he thinks best and any proceeds of any sale of such carcasses or any portion thereof shall be deemed the proceeds of the sale of impounded cattle.

13. The proceeds of all sales of impounded cattle sold under the provisions of these Regulations shall be applicable in payment—firstly of any costs and charges attending such sale and secondly of all costs incurred by the poundkeeper in sustenance and conduct of such impounded cattle and thirdly of all fees and charges payable to the Treasurer of the Territory and the residue if any shall be payable to the owner of such cattle but if such residue is not claimed by any person entitled thereto within one calendar month after such sale the poundkeeper shall pay the amount of such residue to the Treasurer of the Territory and all right or claim of any person to the same shall thereupon cease and determine.

FIRST SCHEDULE.

SCALE OF FEES.

Pound Fees—	For every head of cattle—Two shillings and sixpence.
Conduct Fees—	For every horse mare gelding colt filly or foal and any bull cow ox steer heifer or calf—Five shillings.
	For every sheep goat or pig—Two shillings and sixpence.
	For every head of other cattle—Five shillings.
Sustenance Fees—	For every horse mare gelding colt filly or foal—Five shillings per day or part of a day.
	For every sheep goat or pig—Two shillings per day or part of a day.
	For every head of other cattle—Two shillings and sixpence per day or part of a day.

SECOND SCHEDULE.

FORM OF POUNDKEEPER'S BOOK.

No.	Date.	Particulars of cattle impounded.	Owner.	Date of posting of notice.	How disposed of.	Date of release or sale.	Name of purchaser.	Particulars of sale.			Signature of purchaser or owner releasing.
								Gross proceeds of sale.	Deductions.	Net proceeds of sale.	

THIRD SCHEDULE.

FORM OF NOTICE TO BE POSTED UPON DISTRICT OR SUB-DISTRICT OFFICE.

Impounded at (*here state the place and number and kind of cattle and where and how branded and the particular sex colour and descriptive marks of each*).

If not claimed and expenses paid to be sold on

A.B., Poundkeeper.