

CHAPTER 74.

TRESPASS.

AN ORDINANCE RELATING TO TRESPASS.

[6th June, 1904.]

5 of 1904.
2 of 1941.
35 of 1949.
10 of 1950.

Short title.

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

Interpretation.

2. In this Ordinance unless the context otherwise requires :—

“ Animal ” includes mare, horse, foal, mule, bull, cow, calf, swine, sheep, goat ;

“ Common ” means the fenced Crown land bounding Stanley on the south, east and west ;

“ Owner ” includes the person having the charge or custody of an animal.

Animal straying or trespassing may be impounded.

3. Any animal found straying in Stanley, or upon any Crown land or trespassing on any private fenced land, or tethered on any Crown land without a licence, or tethered otherwise than in the manner and place specified in such licence, or so tethered that it can trespass upon any road, path or drain, may be impounded in a public pound and the poundkeeper shall, unless he shall have given notice to the owner, place upon the Notice Board a description of such animal within twenty-four hours of such impounding : Provided that no penalty shall be imposed in respect of any animal found trespassing upon land having a gate opening on to the Common unless the Court shall be satisfied that such gate cannot be opened by an animal and was not left open.

Food and water to be supplied.

4. The poundkeeper shall provide any impounded animal with a sufficiency of food and water under a penalty for neglect of any sum not exceeding five pounds.

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

5. The owner of any impounded animal shall previously to such animal being released pay to the poundkeeper five shillings in respect of the first twenty-four hours or part thereof, and two shillings and sixpence in respect of every subsequent similar period that such animal shall remain in the pound.

Pound fees.
35 of 1949.

6. Any person rescuing or unlawfully releasing any animal which has been lawfully seized and detained shall be liable to a penalty not exceeding two pounds.

Rescuing animal.

7. Any animal that shall have been in the pound for six days may on the application of the poundkeeper and by order of any justice be sold by public auction and the proceeds of such sale, after paying the pound and trespass fees (if any) and any expenses incurred, shall be paid to the owner, if known, or disposed of in such manner as the Governor may direct: Provided that two days' notice of the intended sale shall be given to the owner, if known, and if the owner be not known a particular description of the animal shall be posted up in some public place at least three days before such sale.

Sale of unclaimed animal.

8. Whenever any animal is found on the Common and the fees set forth in the Schedule hereto have not been paid in advance in respect of such animal the owner thereof shall be liable to a penalty not exceeding ten pounds.

Fees for Common.

9. Any person who shall wilfully, negligently or maliciously leave open any gate on or leading to or from the Common shall be liable to a penalty not exceeding ten pounds.

Penalty for leaving Common gate open.

10. The Governor may by notice in the Gazette constitute such public pounds as may be necessary, and from time to time appoint any persons to be the poundkeepers thereof, and whenever the Governor shall not have appointed a keeper of the pound in Stanley the Chief Constable shall be the keeper thereof.

Public pounds and keepers thereof.

11. The Governor in Council may make regulations modifying the amounts of pound fees and commonage fees and providing for the issue of licences hereunder and the form thereof, and otherwise for carrying out the provisions of this Ordinance.

Rules.
10 of 1950.

SCHEDULE.

Commonage in respect of	For any period not exceeding one month.	For one year.
2 of 1941. Any horse, mule or cow	1/6	10/- (payable half-yearly.)
Any heifer between one and two years old	—	5/-
Any horse, for the season 1st October to 30th April 5/-	—	—
Any calf or foal not exceeding one year old	—	Free