**IMPOUNDING ACT 1858**

**House of Assembly, Tuesday 5 October 1858, pages 310-1**

Second reading

The **Commissioner of Crown Lands** moved the second reading of the Bill intituled “an Act to consolidate and Amend the Laws relating to the Impounding of Cattle.” It was more than 10 years ago since the Impounding Acts were passed, and the country had had great experience since that time. There had hitherto been two Bills in existence, but it was intended to consolidate all Acts into one. The present Bill had been examined by the Chairmen of District Councils, who had expressed their entire approval of it. Honorable gentlemen had the opportunity of comparing the present Bill with that originally brought in, and of observing the alterations. A few words had been added in one clause which would have a very important bearing on its working; and it was one which more than any other had given rise to dispute and dissatisfaction to those parties who were obliged to impound cattle, and to those who had them to release. He alluded to the clause requiring them to be taken to the nearest Pound. In a legal point of view it was difficult to say which was the nearest. According to the proper interpretation the nearest would be as the crow flies; others said it would be going by the road, which might be a good many miles further than in a direct line. It was therefore proposed to leave it to the impounder; and the House would say whether they approved of the measure or not. It was also proposed to exclude some persons from purchasing impounded cattle, such as the servants of the Poundkeepers, in order that there may be no collusion. Another alteration was that the cattle should not be sold by the Poundkeeper but by a licensed auctioneer. He thought that an important point, and one that ought to be carefully considered. There were no doubt many respectable men poundkeepers, but some were not just what could be wished, and it was best to remove temptation from them. It was not intended to charge the auctioneers with the license, but every possible enquiry would be made into their characters, so that the interests of the public might be safely entrusted to them. Wherever a charge of misconduct was proved against a Poundkeeper, it was thought a summary power should be given to remove him. Another clause of great importance was that, in case of excessive damages, they should be paid under protest; and another clause required that damages must have been sustained one month prior to action being taken. These were the most important alterations ; others would appear as the clauses went through Committee. He moved the second reading of the Bill.

Mr. Lindsay would vote for the second reading of the Bill, if he thought it would be amended in Committee, but it was so objectionable that he could not. He called attention to a few clauses, comparing the 2lst with the 40th and 4lst. It was difficult to understand whether fences were necessary or not.

The Speaker said it was not usual to go into the consideration of the clauses on the motion for the second reading of the Bill. The principle should be discussed.

Mr. Lindsay objected to that. Many of the clauses were contradictory. Some were perfectly ridiculous, especially those making a distinction between fenced and unfenced land. Some of the regulations would enable a person to annoy his neighbour and lead to endless litigation. It gave power to destroy domestic animals, and there would be no knowing where it would stop. It would probably end in shooting one’s neighbour himself. He hoped the Government would withdraw this Bill and introduce one similar to the regulations existing in France.

Mr. Strangways called the attention of the Attorney- General to the 6th Victoria. He thought it would have to be considered with the Impounding Act. It related to the branding of cattle.

The motion was then put and carried, and the consideration of the Bill in Committee was made an Order of the Day for Wednesday.