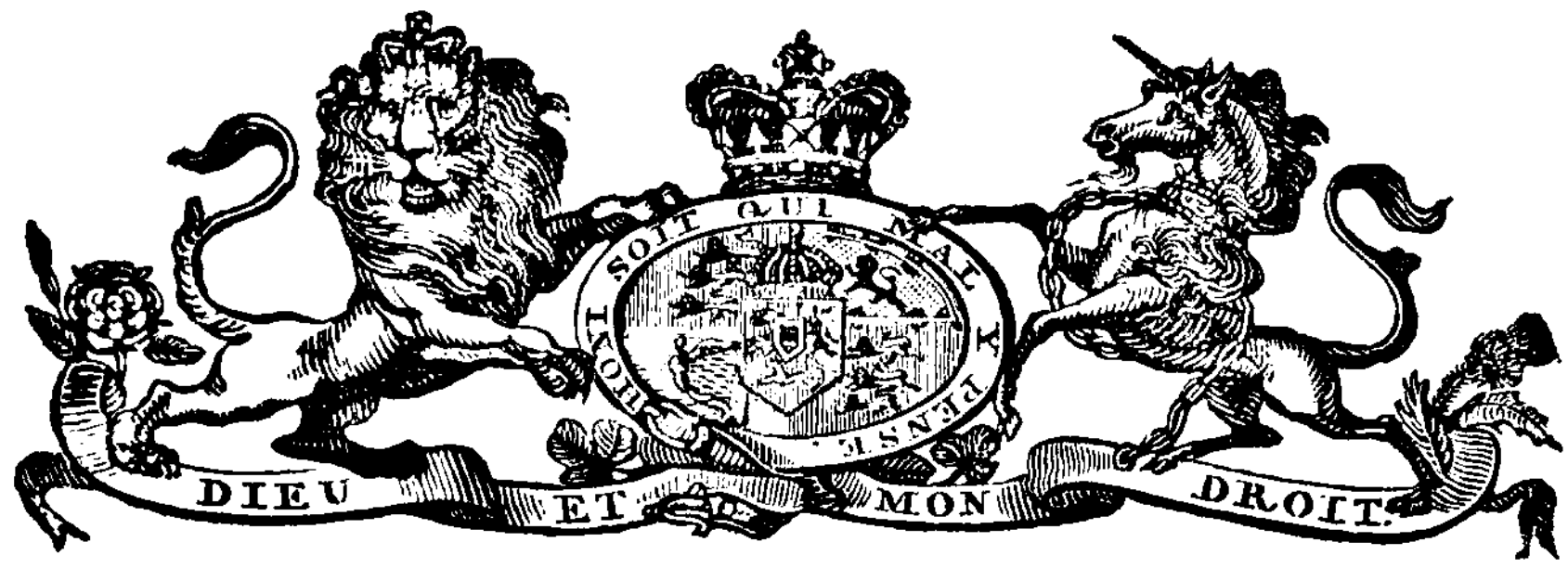


ANNO SEXTO

GEORGII IV. REGIS.

C A P. XLIII.

An Act to amend and render more effectual an Act made in the Tenth Year of the Reign of King *Charles* the First, for impounding of Distresses in *Ireland*. [10th *June* 1825.]

WHEREAS an Act was passed in the Parliament of *Ireland*, in the Tenth Year of the Reign of King *Charles* the First, intituled *An Act for the impounding of Distresses:* And whereas the Provisions of the said recited Act are not sufficient for the Purposes intended; and it is expedient that a more effectual Regulation should be made for such Purposes, and to prevent Abuse in the making and impounding of Distresses in *Ireland*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who at the Time of the passing of this Act, or at any Time before the First Day of *January* One thousand eight hundred and twenty-six, shall be, or shall be duly appointed the Keeper, or shall act as Keeper of any Pound Overt in *Ireland*, legally constituted, shall on or previous to such First Day of *January* One thousand eight hundred and twenty-six, at some Quarter Sessions or Adjournment thereof, enter into Security, by Recognizance to the Clerk of the Peace of the County, County of a City, or County of a Town, within which such Pound shall be situate, or to the Mayor or other Chief Officer of a Town Corporate, where a Pound shall be situate within the Jurisdiction of such Town Corporate, (and which Recognizance such Clerk of the Peace or Mayor, or other Chief Officer, is hereby authorized and empowered to take, and for taking which Recognizance it shall not be lawful to charge or take any Fee) conditioned for the due Execution of the Office of Pound Keeper; that is to say, each such Pound Keeper in the Sum of Ten Pounds, and Two sufficient Sureties in the Sum of Five Pounds each; and that every Person who, at any Time after the said First Day of *January* One thousand eight hundred and twenty-six, shall be or shall hereafter be appointed to be the Keeper of any such Pound, shall enter into the like Security, at some Quarter Sessions or Adjournment thereof which shall be held within the County or Division, or Riding of a County, County of a City or County of a Town, or Town Corporate, within which such Pound shall

10 C. 1. c. 25.

Pound Keepers shall give Security by Recognizance to the Sheriff, to be renewed annually.

be situate; and every such Security shall be renewed yearly and every Year, in manner aforesaid; and if any Person in *Ireland* shall keep any Pound Overt, or shall act as a Pound Keeper, without having given and entered into such Security as is required by this Act, or without having renewed such Security in manner aforesaid, every such Person shall for every such Offence forfeit the Sum of Ten Pounds, to be recovered and applied in manner herein-after mentioned.

Penalty 10*l.*

Persons rescuing Cattle, or injuring Pound, whether Cattle shall be therein or not, declared guilty of a Misdemeanor.

II. And be it further enacted, That if any Person, at any Time after the passing of this Act, shall rescue any Cattle which shall have been lawfully seized for the Purpose of being impounded, or shall break down, injure, or destroy any Pound legally constituted, whether any Cattle shall be impounded therein or not, or shall commit any Pound Breach or Rescue, whereby any Cattle of any Description shall escape or be enlarged from any such Pound, every such Person shall be deemed guilty of a Misdemeanor; and upon Conviction of such Offence, either at the Assizes or Quarter Sessions of the County or Place where such Pound shall be situated, shall be liable to suffer Fine and Imprisonment, at the Discretion of such Court before whom such Offender shall be tried and convicted.

Whenever any stray Cattle are put in Pound, Notice to be posted on the Pound and adjacent Church and Chapel, describing the Animals so pounded.

Penalty.

III. And be it further enacted, That every Pound Keeper as aforesaid, whenever and so often as any Animals of any Description which shall be found straying shall be impounded with him, shall post a written Notice on the Gate of his Pound, and also upon the nearest Church and Chapel, setting forth a Description of such Cattle so impounded or in his Possession; and such Notice shall remain so posted, until such Animals shall have been claimed, or otherwise disposed of by due Course of Law; and every Pound Keeper who shall neglect to post such Notices as aforesaid, shall not claim or be entitled to receive any Poundage Fee for the Custody of such Animal, and shall for each such Neglect forfeit and pay a Sum not exceeding Five Pounds.

Magistrates assembled at Michaelmas Quarter Sessions shall fix the Charge which Pound Keepers may make for Sustenance of Cattle within their Pounds.

Penalty for not keeping Rates posted up, or charging more than what shall be fixed.

IV. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the Magistrates assembled at the *Michaelmas* Quarter Sessions in their several Districts, and they are hereby authorized and empowered, to appoint and fix the Rate or Price which it shall be lawful for the Keepers of any such Pound as aforesaid to charge and receive, for the Sustenance of the Cattle, of whatever Description, which shall be committed to any such Pound, in case the Owner of such Cattle should not feed them himself; which Rate or Price so fixed by such Magistrates shall constantly be and remain posted in legible Characters, either on the Outside of the Dwelling House, or on the Outside of the Pound of every such Pound Keeper; and every Pound Keeper, who shall not keep such Rate so continually posted, or who shall charge any greater Sum or Rate for the Sustenance of any such Cattle, than the Rate or Sum fixed by such Magistrates as aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds for each and every Month that he shall so act as Pound Keeper without having such Rate affixed as aforesaid.

Charges of Pound Keepers:

V. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the Keeper of each and every Pound in *Ireland* legally constituted, to demand and receive as Pound Fees, for the Cattle of the several Descriptions which shall be impounded therein, the several and respective Sums following, and no more; any thing in the said recited Act of the Tenth Year of the Reign of King *Charles* the First, or any other Act or Acts,

or any Law or Custom to the contrary in anywise notwithstanding; that is to say, For the first or only Horse, Mule, or Ass, and for the first or only horned Beast, commonly called Black Cattle, the Sum of Five-pence, and the further Sum of Two-pence for each and every additional Beast of the Kind impounded at the same Time for the same Distress; and for any One or more, not exceeding Four in Number, of Sheep, Lambs, Goats, or Swine, which shall be so impounded, the Sum of Four-pence, and the further Sum of One Penny each for every additional Animal of the like Kind, beyond Four, impounded at the same Time or for the same Distress.

For the first Horse, &c. 5*d.*; and 2*d.* for every other.

For Sheep, &c. not exceeding Four, 4*d.*, and 1*d.* for every one additional.

VI. And be it further enacted, That the several Sums so by this Act authorized to be demanded and taken by any such Pound Keeper, shall be taken and deemed to be in full Satisfaction as Pound Fees to such Pound Keeper for Three Days, consisting of Seventy-two Hours, next after the Time when such Cattle shall be so impounded, whether such Cattle shall remain impounded during the Whole or during Part only of such Seventy-two Hours; and that after such Three Days it shall be lawful for any Pound Keeper to demand and take One Half of the like Sum, at the Rate herein-before mentioned, for every additional Seventy-two Hours during the Whole or any Part of which any Cattle of the Description herein-before mentioned shall remain in the Custody of such Pound Keeper in such Pound, and whether such Cattle shall remain impounded during the Whole or during Part only of such Seventy-two Hours: Provided always, that no greater Sum shall be demanded or taken by any Pound Keeper, as Pound Fees, for any One Distress for the same Demand, than the Sum of Twenty-pence in the whole, whatever may be the Number of Animals taken for such Distress, or whatever may be the Length of Time that they shall have been impounded for the same.

What Rates to be taken by Pound Keepers for the Time during which the Cattle remain impounded.

Pound Fees for a Distress, 20*d.*

VII. And be it further enacted, That if any Pound Keeper in *Ireland* shall demand or take any greater Sum for the impounding of any Cattle than such Pound Keeper is by this Act authorized to demand and take; or if the Walls of the Pound of any such Keeper shall not be well and substantially built with Stone or Brick, and of the Height of Seven Feet at the least; or if Three-fourths at least of the Area of any such Pound shall not be scraped or swept Once in every Twenty-four Hours at the least, or otherwise kept clean and in good Order, and with a Sufficiency of wholesome Water for the Cattle which from Time to Time shall be kept therein; or if any Pound Keeper shall take upon himself to administer any Oath; every such Pound Keeper shall, upon Conviction of any such Offence or Neglect, forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Pound Keepers for Extortion or Neglect of Pound, &c. not exceeding 5*l.*

VIII. And be it further enacted, That all or any Cattle, of whatever Description they may be, which shall be seized and distrained for the Purposes of being impounded, in order to secure and enforce the Payment of any Rent, or to levy the Amount of any Decree of Court, or for any Trespass or other Matter whatsoever, shall be driven to and shall be impounded in the Pound Overt which shall be situate next and nearest to the Land upon which such Cattle shall have been so distrained, and within the same Barony and County, to be then and there dealt with according to Law.

Cattle distrained shall be impounded in the nearest Pound;

and within the same Barony and County.

IX. Provided always, and be it enacted, That in all Cases where there shall be a Manor Pound appertaining or reputed to appertain to any particular Manor or Estate, all or any Cattle which shall be seized

Where there is a Manor Pound, Cattle may be im-

pounded in such Manor Pound.

seized and distrained on any Land belonging or reputed to belong to such Manor or Estate, shall and may be impounded in the Manor Pound of such Manor Estate.

Penalty on Persons impounding Cattle contrary to this Act, not exceeding 5*l.*

X. And be it further enacted, That if any Cattle distrained shall be impounded in any Pound contrary to the Direction and Provisions of this Act, every Person so offending shall, upon Conviction, be liable to forfeit and pay any Sum not exceeding Five Pounds for each such Offence.

Penalties under this Act, and all Damages not exceeding 10*l.* against Pound Keepers for Neglect, may be recovered before Two Magistrates in Petty Sessions on Complaint within One Month.

XI. And be it further enacted, That all Penalties incurred under this Act, by any Person who shall be guilty of any Offence against this Act, and all Damages not exceeding Ten Pounds, to which any Pound Keeper shall or may be subject, by reason or on account of Neglect or Default of such Pound Keeper, either in enlarging any Cattle distrained and impounded, or in permitting any such Cattle to be enlarged without sufficient Authority for so doing, or by any Neglect in his driving, feeding, or keeping any such Cattle, or by any other Neglect or Default whatsoever of such Pound Keeper, shall and may be recoverable and recovered, on Complaint of any Person aggrieved, before Two or more Magistrates assembled in Petty Sessions, or reputed Petty Sessions, in the County in which such Complainant shall reside, or in which the Pound shall be situate; and it shall be lawful for such Magistrates, and they are hereby authorized, empowered, and required, to hear and determine such Complaint; provided that such Complaint shall be made to them within One Calendar Month next after the Offence shall have been committed, or the Cause of Complaint shall have occurred; and it shall be lawful for such Magistrates to issue their Warrant for levying any such Penalty or Sum of Money within the Sum limited by this Act, with reasonable Costs of such Levy, by Distress and Sale of the Goods and Chattels of the Offender, rendering the Overplus (if any) to the Owner.

Appeal to General Quarter Sessions.

Notice of Appeal.

Security for prosecuting Appeal.

XII. Provided always, and be it enacted, That it shall and may be lawful for any Person who shall think himself or herself aggrieved by the Decision of such Two or more Magistrates, to appeal against the Conviction of such Two or more Magistrates to the next Quarter Sessions of such County; and such Appeal shall be tried and finally determined at such Quarter Sessions accordingly; provided that Notice in Writing of such Intention to appeal, and sufficient Securities, conditioned for duly prosecuting such Appeal, shall be given to the Magistrates before whom such Conviction shall be had, at the Time of their Decision upon the particular Case; and in case of such Notice of Appeal and such Security being given in manner aforesaid, it shall not be lawful for such Magistrates to issue their Warrant for levying such Penalty or Sum of Money.

Penalties how disposed of.

XIII. And be it further enacted, That all Penalties, Damages and Sums of Money, incurred and levied under and by virtue of this Act, shall be payable and paid to the Person or Persons who shall sue for such Penalties or Damages, upon Conviction of the Offenders in Manner required by this Act.

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