

# SALE OF STOLEN CATTLE PREVENTION ORDINANCE, 1912. <sup>(1)</sup>

## No. 18 of 1912.

### An Ordinance for the Better Prevention of the Sale of Stolen Cattle.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Sale of Stolen Cattle Prevention Ordinance, 1912.*<sup>(1)</sup> Short title.

It shall commence on a day to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette.*<sup>(1)</sup>

2. The whole not already repealed of the Act 17 Vic. No. 3 (Queensland adopted) being “An Act for the Better Prevention of Cattle Stealing and the Sale of Stolen Cattle” is hereby repealed. Repeal.

3. In this Ordinance—

“Cattle” shall extend to and include horses mares fillies foals geldings colts bulls bullocks cows heifers steers calves sheep lambs goats pigs mules and asses;

“Vendor” shall include and mean the auctioneer or other agent of such vendor as well as such vendor himself.

Interpretation.  
Q. 17 Vic.  
No. 3, s. 2.

4.—(1.) Any magistrate upon complaint of<sup>(2)</sup> or information on oath that any cattle suspected to have been stolen is in the possession of any person may issue a summons to such person requiring him to appear at a time and place mentioned in such summons before any magistrate or in the discretion of such magistrate may issue a warrant in the first instance to apprehend and bring such

Restitution of  
stolen cattle  
may be  
awarded.  
Q. 1b. s. 3.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
16.7.1912	(a)	7.5.1913 (Papua Govt. Gaz. of 7.5.1913)

(a) No notice of non-disallowance has been published in Papua Govt. Gaz.

(2) The word “of” appeared in the original Ordinance. It has now been omitted by the Second Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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person at a time and place mentioned in such warrant before any magistrate and also if such magistrate shall think fit may issue his warrant to any European officer or constable of police commanding him to seize any such cattle suspected to have been stolen and detain the same until such information or complaint shall have been disposed of.

(2.) If on the appearance of such person so summoned or apprehended or on proof of the service of such summons personally or by leaving the same at the usual or last known place of abode of such person two days before he was required to appear it shall seem to any magistrate after hearing evidence on oath or affirmation that such cattle were stolen within the period of one year preceding from the person making complaint or laying the information such magistrate may adjudge him to be the owner of such cattle and to issue a warrant under his hand and seal to any European officer or constable of police of the said Territory commanding him forthwith to seize such cattle wheresoever the same may be found and to restore and give peaceable possession thereof to the person so adjudged to be the owner as aforesaid.

(3.) Provided always that nothing herein contained shall be construed or taken to discharge any person from any criminal prosecution to be afterwards brought against such person or to deprive any person of any right he may have or might have had before the passing hereof.

Vendee who delivers cattle or who pays back sum received may recover from his vendor.

Q. 17 Vic.  
No. 3, s. 4.

5.—(1.) Any person from whom or from whose possession any cattle shall have been taken under any such warrant as last aforesaid may recover from his vendor the amount paid by him as the purchase-money of such cattle and any vendor of such cattle who may repay or be compelled to repay the purchase-money he may have received for such cattle may in like manner recover back from his vendor the amount he may have paid such last-mentioned vendor as the purchase-money of such cattle.

(2.) Any magistrate upon complaint on oath made by any such person or vendor as aforesaid or any person on his behalf that such person or vendor has paid for such cattle and that such cattle have been taken from him or that he has paid or been compelled to repay the amount he received to<sup>(3)</sup> summon the party selling to such last-mentioned person or vendor to appear before any magistrate or to<sup>(3)</sup> issue his warrant for the apprehension of such party selling and upon his appearance or in default thereof upon proof of the due service of such summons such magistrate is hereby empowered to examine the parties or either of them and

(3) Sub-section (2) of Section 5 is reprinted as it appeared in the original Ordinance. The word "to" (second and fifth occurring) has now been omitted and the word "may" inserted in its stead in those instances by the Second Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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their respective witnesses (if there be any) upon oath touching the purchase and payment of the amount of the purchase-money for such cattle and the restitution of the cattle purchased by such complainant or the repayment of the sum received by him and to make such order for the repayment of that amount with the costs incurred in the recovery thereof as shall to such magistrate appear reasonable.

(3.) In case such amount shall not be paid forthwith or at the time to be appointed by such magistrate the same shall be levied by distress and sale of the goods and chattels of the party on whom such order for payment shall be made and if such distress cannot be made or shall prove insufficient such magistrate is hereby empowered to cause the party upon whom the order shall be made to be apprehended and committed to any gaol there to remain for any period not exceeding three months unless payment of the said amount and of all costs and expenses attending the recovery thereof shall be sooner made.

(4.) Provided that the execution of such order shall be stayed for such time as such magistrate may order if the person from whom or from whose possession such cattle may have been taken or on whom such order for payment shall be made shall forthwith enter into a bond with the complainant with two sufficient sureties to the satisfaction of such magistrate and in such amount as he may think reasonable conditioned to prosecute to conviction within the time aforesaid the person guilty of having stolen such cattle and such conviction within the time aforesaid shall supersede the order so made by such magistrate as aforesaid and no subsequent proceedings shall be had thereon or upon the said bond.

(5.) Provided also that it shall be lawful for such magistrate on the application of such party and notice to the said complainant to extend the time aforesaid.

(6.) All proceedings under this Ordinance shall be had and Procedure. taken in a summary way.

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