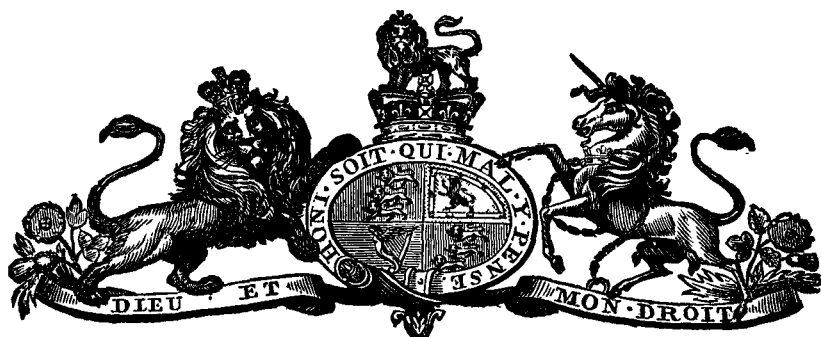


NEW ZEALAND.



QUADRAGESIMO SECUNDO
VICTORIÆ REGINÆ.
 No. 31.

ANALYSIS.

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Title.

AN ACT to provide for the Eradication of Scab in
Sheep. [1st November, 1878.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act shall be “The Sheep Act, 1878.”

Commencement of operation of Act.

2. This Act shall take effect on and after the first day of January, in the year one thousand eight hundred and seventy-nine, excepting sections two, seven, eight, and eleven, which shall take effect from the passing of this Act: Provided that the Governor may, by Proclamation, suspend the operation of sections twenty-three and twenty-seven in any district or subdivision within or partly within the Provincial Districts of Auckland, Marlborough, and Nelson, until the first day of January, one thousand eight hundred and eighty-one, and may so suspend the operations of sections twenty-five, twenty-eight, and twenty-nine, until the first day of January, one thousand eight hundred and eighty-three, and the operation of section twenty-six until the first day of January, one thousand eight hundred and eighty-five, in any district or subdivision within, or partly within, the Provincial Districts of Auckland, Taranaki, Wellington, Nelson, and Marlborough.

Proviso.

PRELIMINARY.

Saving of Diseased Cattle Acts.

3. Nothing in this Act contained shall derogate from or annul any of the provisions of any enactment relating to diseased cattle.

Repeals.

4. The several enactments enumerated in the last Schedule annexed hereto are hereby repealed to the extent in the said Schedule mentioned respectively.

Interpretation.

5. In the construction of this Act, the following terms within inverted commas shall, if not inconsistent with the context and subject-matter, have the meanings hereby respectively assigned to them, that is to say,—

“Crown lands” include all lands heretofore designated Crown lands, waste lands, or confiscated lands respectively.

“Gazette” means the *New Zealand Gazette*.

“Gazetted” means published in the *Gazette*.

“Public notification,” “public notice,” “publicly to notify,” respectively mean the insertion of a notice in one or more newspapers having general circulation in the particular place affected by the matter contained in such notification or notice.

“Notice” means a notice in writing delivered in manner following, that is to say, by delivering the same personally, or by leaving the same at, or posting the same addressed to, the

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office or address of any Inspector, or at or to the usual or last known place of abode in New Zealand of any sheep-owner or other person, or by affixing such notice at the homestead or other conspicuous place on the run of such sheepowner or person.

- “Personal notice” means a notice in writing personally served upon the occupier of a run, or left with some adult inmate of the principal homestead on such run, or (if no such inmate can be found) affixed to some conspicuous part of such homestead.
- “District” means a district defined as a sheep district by the Governor under this Act.
- “Subdivision” means any subdivision of a district established under this Act.
- “Sheep,” unless otherwise specially provided, includes all sheep of any age and of either sex.
- “Inspector” means any Chief Inspector or any Inspector of Sheep who shall be appointed under this Act; and, in case Inspectors are appointed for particular districts, subdivisions, or parts of New Zealand, the terms “Chief Inspector” and “Inspector” shall, as to all sheep within any such district, subdivision, or part of New Zealand, and as to all notices, penalties, and other matters with reference to such sheep and the owners thereof, mean respectively the Chief Inspector for such district and Inspector for such subdivision or part of New Zealand.
- “Sheepowner,” “owner of sheep,” “owner,” respectively mean every person claiming jointly or in severalty (other than a mortgagee not in possession) any right, title, or interest in any sheep, and shall include the person having the charge, control, or management of sheep.
- “Occupier” means any owner or other adult person who may be in charge or possession of any premises as herein defined.
- “Premises” means any station, run, paddock, farm-yard, stock-yard, shearing-shed, dipping-place, stable, shed, building, or place where sheep are depastured, kept, or housed.
- “Run” means any sheep-station, or farm, or other land being under one management and managed from one homestead.
- “Flock” means any sheep shepherded or running in one flock, and any sheep within the bounds of one paddock, or enclosure, or run used for one flock.
- “Herded” means constantly followed and kept in sight.
- “Destroy” means to kill and bury at a depth of not less than two feet under the ground, or consume by fire, or boil down.
- “Highway” means any road in ordinary public use.
- “Stray sheep” means sheep not being in the immediate keeping of any person, and being upon any highway, or upon land not in the occupation of the owner of such sheep, nor on which he shall have the right of pasturage.
- “Driven” means driven, or carried, or removed, or conducted in any manner whatsoever.
- “Dipped” and “dip” means plunged or immersed in some effective scab-destroying preparation.
- “Dressed” or “dressing” means having applied to any sheep any reputed scab-destroying preparation.
- “Infected sheep” mean,—

Sheep.

- (1.) Any sheep infected with scab or catarrh;
- (2.) Any sheep forming part of a flock in which there are any sheep so infected;
- (3.) Any sheep which have, within three months, been mixed with any sheep so infected;
- (4.) Any sheep being depastured on the same ground or run as any infected sheep;
- (5.) Any sheep on board any vessel or boat, or in any yard, enclosure, carriage, or truck, in which there are any infected sheep;
- (6.) Any sheep on board any vessel or boat, or in any yard, enclosure, carriage, or truck in which there has been within three months any infected sheep, unless such yard, carriage, or truck shall, in the meantime, have been effectually scoured with some scab-destroying preparation;
- (7.) All sheep which have been infected, until a clean certificate shall have been granted for the same;
- (8.) Any sheep which, having been infected within six months, shall be dipped or dressed, shall be deemed infected for three months after such dipping or dressing, unless, immediately previous to such dipping or dressing, such sheep shall have been examined by an Inspector, and a clean certificate granted for the same.

“Infected run” means any run on which there are, or have been within three months, any infected sheep.

“Infected district” means any district in which there are any infected sheep, or in which any of the sections of this Act are suspended.

“Clean district” means any district in which there are no infected sheep, and in which none of the sections of this Act are suspended.

“Clean certificate” means the certificate specified in Schedule D to this Act, to be granted by an Inspector for, and in respect of, sheep which he shall be satisfied are not “infected sheep” within the meaning of this Act.

Former appointments and regulations validated.

6. All appointments heretofore duly made, and all rules, regulations, and tables of fees relating to any matters affected by this Act in force in any part of the colony at the time this Act takes effect, and which shall not be inconsistent with the express provisions of this Act, shall be deemed to have been duly made and fixed under this Act, and shall continue in force until the same shall be revoked under the authority hereof.

Governor may make regulations, &c.

7. The Governor in Council may from time to time make, amend, and abolish rules and regulations for the instruction and guidance of all officers appointed under this Act, and for the general management of offices, and may fix the fees that shall be payable to any person in respect of any duty performed by such person under this Act, and as to all other matters of detail for carrying this Act into full effect, so far as the same are consistent herewith and are not herein provided for by express enactment; and such regulations, upon being gazetted, shall have the force of law as if expressed in this Act.

Subdivisions.

8. The Governor, by Proclamation in the *Gazette*, may from time to time, as he shall think fit, divide the colony into districts for the purposes of this Act, and may also part any district into subdivisions. To each such district and subdivision there shall, in the Proclamation defining it, be attached such name as the Governor shall think fit, and by which name it shall thereafter be known. Every such district and subdivision may from time to time in like manner

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be altered or constituted anew, in such manner as the Governor may think fit.

9. The Governor shall, by notice in the *Gazette*, from time to time declare which districts are infected districts, and which are clean districts, and may by a like notice revoke or renew any such declaration; and every such notice, until revoked, shall be conclusive evidence that the district or districts named therein as infected or clean respectively is or are infected districts or clean districts as the case may be.

Governor to declare infected and clean districts.

10. If any run is intersected by any district or subdivision boundary, the Governor shall determine in what district or subdivision respectively such run shall be included; and the Governor's decision shall take effect on and after the day of the publication thereof in the *Gazette*, in the same manner as if the said decision had been originally proclaimed at the time when the districts and subdivisions respectively were established.

Runs on borders of different districts.

INSPECTORS OF SHEEP.

11. It shall be lawful for the Governor from time to time to appoint a Chief Inspector of Sheep for each district, and an Inspector or Inspectors of Sheep for each subdivision, and such other officers as he may deem necessary, and from time to time to remove any person so appointed. Any Chief Inspector may be appointed to more districts than one, and any Inspector to more subdivisions than one, and irrespective of the district wherein any such subdivision is situate.

Inspectors of Sheep to be appointed or removed, &c.

Every Chief Inspector shall reside within the district or one of the districts to which he shall have been appointed, and every Inspector in the subdivision or one of the subdivisions to which he shall have been appointed.

No Inspector shall himself be a sheepowner within the district to which he is appointed.

12. If any Inspector to be appointed as hereinbefore provided shall wilfully make any false report, or deliver any false certificate as to the condition of any sheep examined by him, he shall be liable to a penalty of not less than twenty pounds nor exceeding one hundred pounds, or to be imprisoned for any term not exceeding six calendar months. If any Inspector shall, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his authorized salary or allowance, his office shall, on his conviction of such offence, become *ipso facto* vacant, and he shall be liable to a penalty of one hundred pounds.

False report or certificate by Inspector.

13. It shall be lawful for any Inspector, at such times as he may think fit, to inspect any sheep within his district or subdivision; and, for the purposes of such inspection, or for the purpose of inspecting and examining any dipping apparatus, or for doing any other act which he is authorized or empowered to do by this Act, it shall be lawful for any Inspector, at all reasonable times, to have free ingress, egress, and regress through, over, and upon any premises, lands, or tenements whatsoever.

Power of Inspector to enter on lands.

14. Every owner of any sheep or other person who shall refuse to allow such inspection to be made by any Inspector, or shall obstruct, or shall, without reasonable cause, refuse or neglect to muster his sheep for the purpose of such inspection with all convenient speed, or to afford all reasonable facilities for making such inspection to such Inspector, shall be liable to a penalty not exceeding one hundred pounds.

Penalty for obstructing inspection.

15. It shall be lawful for any Inspector, when it shall appear to him to be necessary for the purpose of enabling him to decide satisfactorily upon the condition of any sheep, to call upon the owner of such

Inspector may require declaration.

Sheep.

Schedule B.

sheep to make a declaration in the form or to the effect specified in Schedule B to this Act; and if any such owner shall refuse or neglect to make such declaration when so called upon, he shall be liable to a penalty of not less than ten pounds nor exceeding fifty pounds; and if any person shall make any such declaration, knowing the same to be false, he shall be liable to a penalty of one hundred pounds, or to be imprisoned for any term not exceeding six calendar months.

Power of Inspector to call for evidence corroborative of declaration made.

16. It shall be lawful for any Inspector before whom any of the declarations referred to in any section of this Act shall have been made, in any case in which he shall deem it necessary so to do, to call upon the person making such declaration to furnish to such Inspector evidence corroborative of the truth of the statements made in such declaration; and, unless such evidence shall be produced as shall be satisfactory to such Inspector, and also, unless such Inspector shall be satisfied that such sheep are not infected sheep, he shall refuse to grant a clean certificate.

Penalty for refusal by persons in charge of sheep to give evidence.

17. It shall be lawful for any Inspector to call upon all persons concerned in the charge, control, or management of any sheep, to give evidence before him as to the facts within their knowledge relating to such sheep; and if any person, after being so called upon, shall refuse or neglect to give such evidence, or shall refuse or neglect to answer any inquiries put to him by such Inspector under the authority of this Act, he shall be liable to a penalty not exceeding twenty pounds.

If any person in giving such evidence, or in answering such inquiries, or in giving evidence under the preceding section of this Act, shall make any statement knowing the same to be false, he shall be liable to a penalty of one hundred pounds, or to be imprisoned for a period not exceeding six calendar months: Provided always that nothing herein contained shall be construed to require any person to give any evidence or answer any inquiry which would render him liable to any criminal prosecution.

Protection of officers in execution of Act.

18. No action or other proceeding against any Inspector or other officer in respect of any act, matter, or thing connected with the execution of his duty under this Act shall be entertained or prosecuted, unless the same be commenced within three months after the cause of action or proceeding arose.

List of diseased flocks to be published every three months, and in *Gazette*.

19. There shall be published, once in every three months, in one or more newspapers within the district, and in the *Gazette*, a list, certified by the Chief Inspector, of all runs on which there are at that time any infected sheep, and of the particular flock or flocks which are so infected.

Inspectors to have official brands.

20. The Chief Inspector of each district shall have a brand not similar to any one already registered (hereafter called an "official brand") which shall be registered by him in the general register of brands kept in the office of the Chief Registrar of Brands of the district wherein is situate the said Chief Inspector's office, and shall also be similarly registered in the general register of brands of every brands registration district forming part of or adjoining the aforesaid Chief Inspector's district. The official brand of any Chief Inspector shall be used exclusively by all Inspectors within such Chief Inspector's district in manner as may be appointed by this Act, or by direction of the Chief Inspector of the district.

If any person shall, without authority, use any official brand, or any brand so similar as not readily to be distinguished therefrom, he shall be liable, on conviction, to a penalty of not less than twenty-five pounds nor exceeding one hundred pounds.

Sheep.

RATE UPON SHEEP.

21. Every owner of sheep shall, between the first and thirtieth day of June in every year, deliver or cause to be delivered to the Chief Inspector a written return, in the form provided in Schedule A, of the number of sheep and lambs of each sex exceeding three months old owned by him on the thirty-first day of May preceding, specifying in such return the ear-marks and brands upon such sheep. Every person refusing or neglecting to deliver or cause to be delivered such return as aforesaid shall be liable to a penalty not exceeding twenty pounds.

Return of sheep to be furnished annually to Inspector. Schedule A.

The Chief Inspector shall, in the month of July in every year, transmit to the Colonial Treasurer a statement, compiled from the returns furnished in pursuance of this section, of the whole number of sheep and lambs within his district.

22. Every owner of sheep shall, on or before the first day of September in every year, pay to the Receiver of Land Revenue, or to such other person as may be authorized by the Governor to receive the same, the sum of two shillings for every hundred or fractional part of a hundred sheep or lambs owned by him on the last day of May preceding, and specified in the return furnished by him as provided in the last preceding section. All and every such yearly sum or sums of money payable as aforesaid shall, in case the same be not paid on or before the said first day of September, be a debt owing by the owner of such sheep to the Crown, and may be sued for and recovered in any Court of competent jurisdiction.

Yearly rate to be paid by owner of sheep.

POSSESSION OF INFECTED SHEEP.

23. If any Inspector shall be satisfied that any sheep are infected, it shall be lawful for him to give the owner of such sheep an order in writing, directing him effectually to clean such sheep within six months from the date of such order; and if, at any time during such period of six months, such owner shall not, in the opinion of the Inspector, have made or be making reasonable exertions to clean such sheep, or if, at the expiration of three months next following such period of six months, such sheep shall, in the opinion of the Inspector, still be infected sheep, the owner thereof shall, upon conviction, be liable to a penalty of not less than threepence nor exceeding one shilling for every such infected sheep.

Inspector shall give notice to owner of scabby sheep to clean same within six months, and owner, on conviction, liable to penalty, if sheep not clean at expiration of three months thereafter.

If, after the expiration of six months from the date of such conviction, such sheep shall, in the opinion of the Inspector, still be infected sheep, such owner shall upon conviction be liable to a further penalty of not less than fourpence nor exceeding two shillings for every such infected sheep; and so on for every succeeding period of six months each.

24. Whenever the owner of any sheep shall become aware, or shall have reasonable grounds to suspect, that the same have become infected, he shall, within forty-eight hours thereafter, give personal notice thereof in writing to the owners of all the adjoining runs which are not separated by a natural sheep-proof boundary from the place where such sheep are running, and shall also, within forty-eight hours, give notice thereof to the Inspector.

Owners of infected sheep to give notice of disease.

Every person offending against the provisions of this section shall, for every case in which he shall fail to give such notice, be liable to a penalty not less than ten pounds nor exceeding fifty pounds, and to a separate penalty not exceeding ten pounds for every twenty-four hours for which he shall fail to give such notice after such period of forty-eight hours.

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It shall be the duty of such Inspector upon receiving such notice immediately to examine such sheep, and if he shall find the same to be infected, forthwith to publicly notify the name of the run upon which such infected sheep are depastured, and the flock or flocks which are so infected.

Scabby sheep to be branded S.

25. Every owner of any infected sheep shall as soon as practicable cause the same to be distinctly wool-branded on the back thereof with the letter "S," such letter not being less than four inches in length, and such brand shall from time to time be renewed as occasion may require, so that the same shall always be distinct and legible; and every such owner shall be liable to a fine of not less than threepence nor more than three shillings for every such sheep not being so branded as aforesaid.

Separation of rams from ewes.

26. When any owner shall have in his possession any infected sheep, he shall cause all rams to be kept separate from the ewes in any infected flock in his possession until the Inspector shall have granted a clean certificate for such ewes; and, for every day during which such rams shall not be kept separate from such ewes, such owner shall be liable to a penalty of not less than one pound nor exceeding ten pounds in respect of each ram which shall not be kept separate as aforesaid.

Infected sheep to be kept in enclosures or shepherded.

27. If any infected sheep shall be found, after a period of one week after they are known by the owner to be infected or are declared infected by a Sheep Inspector, not being at the time herded by a shepherd, depasturing upon a run not being substantially fenced, or protected by a natural sheep-proof boundary, the owner of such sheep shall be subject to a penalty of not less than threepence nor more than five shillings for every sheep so depasturing as aforesaid.

Inspector may order infected sheep to be herded and yarded.

28. If it shall appear to any Inspector, upon his own view, that any infected sheep may, if not constantly herded by day and kept by night within a sheep-proof enclosure, cause damage to the owners of neighbouring flocks, it shall be lawful for such Inspector, by warrant under his hand in the form or to the effect set forth in Schedule C to this Act, to order the owner of such sheep to cause them to be constantly herded by day, and to be kept by night within a sheep-proof enclosure, until such Inspector shall grant a clean certificate for the same; and for each day upon which such owner shall neglect to have such sheep herded as aforesaid, and likewise for each night upon which such owner shall neglect to have such sheep enclosed as aforesaid, he shall be liable to a penalty of not less than five pounds nor exceeding twenty-five pounds.

Schedule C.

Owner having several flocks depasturing on same run and one is infected.

29. When any owner of sheep shall have several flocks of sheep depasturing upon any run, or upon adjoining runs, and one of such flocks shall be infected, it shall not be lawful for such owner to remove any sheep from any such run or runs for a period of three calendar months after he shall have obtained from an Inspector a clean certificate for all the flocks in his possession and depasturing upon such run or runs, unless with the written permission of an Inspector upon each occasion of removal, and unless the sheep required to be removed shall be dipped under the supervision and to the satisfaction of an Inspector; and any person offending against the provision of this section shall be liable to a penalty of fifty pounds.

Penalty for abandoning infected sheep.

30. If any person shall abandon any infected sheep, whether the same be live or dead, upon or along any highway, or upon any land whatever not being in the actual occupation of such person, and shall not, in the case of any such infected sheep which may become helpless or die, immediately destroy or bury the same, he shall be liable to a

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penalty of fifty pounds, or to be imprisoned for any period not exceeding six calendar months; and it shall be lawful for any Inspector, or the occupier of such land, or of any land adjoining such highway, to seize, destroy, or bury such sheep, or to cause the same to be seized, destroyed, or buried.

31. Any person who shall remove or cause to be removed from any land in his occupation any skin taken from a sheep which at the time of its death was infected with scab, unless such skin shall be well and securely packed in a bale or bag, shall be liable to a penalty of not less than five pounds nor exceeding fifty pounds.

Penalty for removing skins taken from infected sheep.

32. No clean certificate shall be given to the owner of any sheep depasturing on any run until he shall have cleaned the whole of the sheep on such run, and on any adjoining run in his possession, unless such adjoining run is fenced with a sheep-proof fence.

Certificate not to be given until the whole of sheep have been cleansed.

33. If, upon the complaint of an Inspector or any sheepowner in a district, it shall be established to the satisfaction of a Resident Magistrate having jurisdiction in the district that any sheepowner, whose sheep or any of them are infected, has failed to clean such sheep within reasonable time, or is not taking due means to insure their being cleaned, then it shall be lawful for such Magistrate to authorize the Inspector to enter into possession of such sheep, and to take such steps as may be necessary to clean the same: And any expenses thereby incurred by the Inspector may be recovered from the owner of such sheep in any Court of competent jurisdiction.

Sheepowner failing to clean sheep within reasonable time.

For the purpose of the exercise of the powers conferred by this section, such Inspector may enter upon the run and premises on which such sheep are kept, with such assistance as he may require, and any owner or occupier who shall obstruct any Inspector in the discharge of, or neglect to afford all reasonable facilities for the discharge of, such duty shall, for every day during which he shall so offend, be liable to a penalty not exceeding twenty pounds. Such Inspector shall not be liable for any loss or damage occasioned to such owner by any act of such Inspector, unless such damage shall be occasioned by his wilful neglect or default.

34. If any infected sheep shall be found in any pound, or in any public yard or yards, or in any yard or yards at which sheep are offered for sale, it shall be lawful for any Inspector to cause every sheep which he may consider to be so infected, and every sheep in such pound, or in such yard or yards, belonging to the same flock, to be forthwith destroyed, and all other sheep for the time being in such pound, or in such yard or yards, to be forthwith wool-branded with the letter "S" on the back, by or at the expense of the owner thereof, and to be forthwith removed to such place or places as such Inspector may appoint, and, at the like expense, to be twice dipped under his supervision, and to be kept and maintained in some convenient and proper place until such Inspector shall grant a clean certificate for such sheep; and the owner of any such sheep shall not be entitled to any compensation whatsoever for any sheep so destroyed.

Infected sheep in pound or public yards may be destroyed.

INTRODUCTION OF SHEEP BY SEA.

35. If any person shall himself, or by means of any agent or servant, land or cause to be landed in any district from any ship, boat, or other vessel any infected sheep, or shall so land any sheep whatever, unless they shall within ten days previously to such landing have been inspected by an Inspector, and unless such person shall have received from such Inspector a clean certificate for such sheep, he shall be liable to a penalty of one hundred pounds.

Landing sheep without certificate, or landing infected sheep.

And, for every day during which such sheep so landed in contra-

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vention of the provisions of this section shall be driven, depastured, or suffered to stray within any district, the owner thereof shall be liable to a penalty not exceeding one hundred pounds; and such clean certificate may be lodged with the Inspector of the district in which the sheep were landed, and if not so lodged shall, at any time within six months after the date thereof, be produced by the owner of such sheep to any Inspector, Justice of the Peace, constable, or sheepowner demanding the same, under a penalty of five pounds.

Inspector's certificate under preceding section.

Schedule E.

36. It shall not be lawful for any Inspector to grant the clean certificate mentioned in the last preceding section until the person or one of the persons for whom or on whose account the sheep are required to be landed shall have made before such Inspector, or before a Justice of the Peace, a declaration in the form or to the effect specified in Schedule E to this Act, and shall have produced to such Inspector satisfactory evidence that such sheep have not within the three months then last preceding been infected, nor mixed with sheep so infected, nor have undergone any dipping or dressing for the cure of scab, nor been depastured on any run whereon there were at the same time depastured any infected sheep, nor been in any yard, vessel, or truck wherein there were any infected sheep. For the purposes of this section, any sheep shall be deemed to be dipped or dressed for the cure of scab, unless previous to the dipping or dressing the written permission of the Inspector for such dipping or dressing shall have been given.

Any person who shall make any such declaration, the same being untrue, shall be liable to a penalty of one hundred pounds, or to be imprisoned for a period not exceeding six calendar months; and any Inspector who shall grant any such certificate without first obtaining such declaration and receiving such evidence as aforesaid, shall be liable to a penalty of one hundred pounds.

Penalty on master of vessel for allowing sheep to be landed without certificate.

37. Any master, owner, or supercargo of any ship, boat, or other vessel who shall permit any sheep to be landed therefrom before they shall have been inspected by an Inspector, and before the certificate mentioned in section thirty-five of this Act shall have been given, shall be liable to a penalty of one hundred pounds.

Sheep introduced by sea to be dipped within certain limits.

38. When any sheep are introduced by sea into any district—

- (1.) If coming from a clean district, they shall be inspected without delay either before landing or at the landing-place, and, if found not to be infected, they may be driven to some secure place or paddock approved in writing by the Inspector, not being more than twelve miles from the landing-place, and from thence to any other secure places or paddocks within such distance to be approved in writing by the Inspector, and may at any time within ten days of their landing be slaughtered; and, if not so slaughtered within ten days, shall forthwith be effectually dipped to the satisfaction of the Inspector, and may thereafter, with the written permission of the Inspector, but not otherwise, be driven to any part of the district.
- (2.) If coming from an infected district, or from any place outside the colony, they shall be inspected without delay either before landing or at the landing-place, and, if found not to be infected, they may be driven to some secure place, approved in writing by the Inspector, not being more than six miles from the landing-place, and from thence, with the written permission of the Inspector within ten days, to any slaughter-yard for the purpose of being slaughtered: And if such sheep shall not be slaughtered within ten days

Sheep.

of their being landed, they shall be forthwith effectually dipped once or oftener to the satisfaction of the Inspector, and may not be moved to any other part of the district without the written certificate of the Inspector that they have been so dipped.

- (3.) If any such sheep shall be found to be infected, they shall be forthwith taken in a vehicle to some secure place to be appointed by the Inspector, not being more than three miles from the place of landing, and shall there be either immediately slaughtered or effectually dipped twice or oftener, to the satisfaction of the Inspector; and such sheep shall not be removed from such place until the Inspector shall have granted a clean certificate for the same.

Any one offending against the provisions of this section shall be liable to any penalty not exceeding one hundred pounds.

39. When any Inspector shall have examined any sheep with a view to their importation into any district by sea, and shall be prepared to grant a clean certificate for such sheep, he shall, before granting such certificate, cause such sheep to be distinctly wool-branded on the back thereof, at the cost and charges of the owner of such sheep, with the official brand of the Chief Inspector of the district.

Sheep examined for importation to be branded with Inspector's brand.

REMOVAL OF SHEEP FROM ONE DISTRICT TO ANOTHER.

40. It shall not be lawful for any person to introduce by land any sheep from a clean district into any other district, or from an infected district into an infected district, unless he shall hold a clean certificate for such sheep, and unless he shall have given to the Inspector of the district into which they are to be introduced at least seven days' previous notice of his intention so to introduce them, stating in such notice the number of such sheep, and the point at which and the day on which it is intended they shall cross the boundary of the district. Every person offending against the provisions of this section shall be liable to a penalty of not less than ten pounds nor exceeding one hundred pounds.

Sheep from clean district to clean district, or from infected district to infected district.

41. It shall not be lawful for any person to introduce by land any sheep from an infected district into a clean district, unless within fourteen days previous to such introduction such sheep shall have been examined by an Inspector and he shall have granted a clean certificate for the same, nor unless such person shall have given to the Inspector of the district into which such sheep are to be introduced at least seven days' previous notice of his intention so to introduce them, stating in such notice the number of such sheep, and the point at which and the day on which it is intended they shall cross the boundary of the district. Every person offending against the provisions of this section shall be liable to a penalty of one hundred pounds, and in the case of the number of sheep exceeding one hundred, then to a further penalty of not less than five shillings nor more than one pound for every sheep so introduced contrary to the provisions of this section. The before-mentioned certificate may be lodged with the Inspector of the district in which the sheep were landed, and if not so lodged shall at any time within six months after the date thereof be produced by the owner of such sheep to any Inspector, Justice of the Peace, constable, or sheepowner demanding the same, under a penalty of five pounds.

Sheep from infected district to clean district.

42. It shall not be lawful for any Inspector to grant the clean certificate mentioned in the last preceding section until the person or one of the persons for whom or on whose account the sheep are required to be introduced shall have made before such Inspector, or a Justice of

Inspector's certificate under preceding section.

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Schedule E.

the Peace, a declaration in the form or to the effect of Schedule E to this Act, and shall have produced to such Inspector satisfactory evidence that such sheep have not within the last preceding three months been infected, nor mixed with sheep so infected, nor have undergone any dressing or dipping for the cure of scab, nor been depastured on any run whereon there were at the same time depastured any infected sheep, nor been in any yard, vessel, or truck wherein there were any infected sheep. For the purposes of this section, any sheep shall be deemed to be dipped or dressed for the cure of scab, unless previous to the dipping or dressing the written permission of the Inspector for such dipping or dressing shall have been given.

Any person who shall make any such declaration, the same being untrue, shall be liable to a penalty of one hundred pounds, or to be imprisoned for a period not exceeding six calendar months. And any Inspector who shall grant any such certificate, without first obtaining such declaration and receiving such evidence as aforesaid, shall be liable to a penalty of one hundred pounds.

Sheep from infected to clean district to be dipped within certain limits.

43. When any sheep are introduced by land from any infected district into any clean district, it shall not be lawful for such sheep to be driven, depastured, or suffered to stray to or at a greater distance within the said clean district than three miles from the part of the boundary of the said district at which such sheep are introduced, until such sheep have been effectually dipped at least twice within fourteen days from the date of their being so introduced, to the satisfaction of an Inspector, and until the owner of such sheep has received from such Inspector a certificate to that effect; and, for the better and more effectual dipping of any sheep so introduced, it shall be lawful for such Inspector, if he shall think fit, to order the same to be shorn previously to such dipping; and, for every day during which any sheep shall be driven, depastured, or suffered to stray in contravention of the provisions of this section, the owner of such sheep shall be liable to a penalty not exceeding one hundred pounds.

Places may, by Proclamation, be appointed on the inland boundaries of districts at which all sheep shall be introduced.

44. The Governor may, from time to time, by Proclamation to be published in the *Gazette*, appoint one or more place or places, at or adjacent to the inland boundaries of any district, at some one or other of which places all sheep to be introduced by land into any such district shall be crossed over such boundaries, and no sheep shall be introduced by land into any district unless at some one of such places; and any person crossing sheep over any such boundary at any other place than the one which shall have been so appointed shall be liable to a penalty of one hundred pounds.

MISCELLANEOUS.

Driving, &c., of infected sheep.

45. If any person shall, by himself, his agent or servant, drive, depasture, or negligently suffer to stray, any infected sheep across or upon any land not being the property of nor being rented by such person, and not being land of which he shall have the right of pasturage, or upon or along any highway, such highway not being within the boundaries of the run occupied by the owner of such sheep, he shall, for every day during which such sheep shall be so driven, depastured, or negligently suffered to stray, be subject to a penalty of not less than five pounds nor exceeding one hundred pounds: Provided that no person shall be liable to any penalty under the provisions of this section for driving, depasturing, or suffering his sheep to stray upon any highway, so long as he shall do so with the written permission of the Inspector.

No sheep to be driven through any

46. No sheep shall be driven through any infected run, under a penalty of not less than ten pounds, nor, when the number of sheep

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driven shall be more than one hundred, exceeding two shillings for every sheep so driven: Provided that the Inspector may give permission for any sheep to be so driven if he is satisfied that sufficient precautions are taken to prevent such sheep from becoming infected.

infected run under penalty.

47. Nothing contained in this Act shall prevent the occupier of any run upon which shall be found trespassing any infected sheep, and owned by the occupier of an adjoining run, from driving such sheep to the residence of such owner on such adjoining run: Provided that no infected sheep shall, under the authority of this section, be driven through any run whereon sheep are depasturing for which a clean certificate has been granted and is in force.

Infected sheep trespassing may be returned to owners.

Proviso.

48. Nothing herein contained shall prevent separate informations being laid by every occupier of any run upon which infected sheep shall have been driven, depastured, or negligently suffered to stray, or by every occupier of a run through or adjacent to which any highway shall pass, upon or along which highway any such infected sheep shall have been driven, depastured, or negligently suffered to stray.

Separate informations for every run, &c., crossed.

Every Inspector shall have the same power of laying separate informations which is hereby given to every occupier.

49. Any person about to drive any sheep across any run shall give to the occupier thereof at least twenty-four hours' previous personal notice of the day upon which he intends to drive such sheep across such run, as well as of the point or place at which it is intended that such sheep shall enter upon such run, and of the direction it is intended such sheep shall cross such run, and stating in such personal notice the mark or brand with which such sheep are marked or branded, and from whence the same have been brought.

Notice to be given before driving sheep across run.

Such personal notice shall be renewed unless the sheep shall be so driven within three days after the time specified therein.

Every person offending against the provisions of this section shall be liable to a penalty of not less than threepence nor exceeding one shilling for every sheep so driven.

50. Every occupier of a run may, without warrant or other authority, inspect, or cause to be inspected, any sheep which are being driven across or over any part of such run.

Occupier may without warrant inspect sheep on his run.

Every such occupier, in the case of sheep which are being driven over any run immediately adjoining his own run, or over a highway passing through or bounding his own run, may require the person driving such sheep to produce, and permit to be examined, the clean certificate which is in force for such sheep, or a written permission from the Inspector as authorized by this Act, sanctioning the driving of such sheep; and, if such clean certificate or permission be not produced, then such occupier may, without warrant or other authority, inspect or cause to be inspected such sheep.

Any owner of sheep or other person who shall refuse to allow such inspection to be made by such occupier, or shall refuse or neglect to afford all reasonable facilities for the same, or shall in any way obstruct such inspection, shall be liable to a penalty of fifty pounds.

51. If any infected sheep shall be found on any run not in the lawful occupation of the owner of such sheep, and such owner shall not remove the same within forty-eight hours after he shall have been served with personal notice that they are so trespassing, or, if such owner cannot after reasonable inquiry be discovered, it shall be lawful for the occupier of such run forthwith to destroy such sheep.

Infected sheep trespassing and not removed may be destroyed.

If, after such owner shall have been twice served with such personal notice within the space of fourteen days, any sheep of such owner shall afterwards, within the space of one week from the service of the last notice, be again found trespassing on the same run, it shall

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be lawful for the occupier of such run forthwith and without any further notice to destroy such sheep so trespassing if they shall be less than one hundred in number, but not otherwise.

Provided always that the nature of such reasonable inquiry, together with the number and marks or brands of the sheep so found and destroyed, shall by the occupier aforesaid be certified in writing to the Inspector within seven days of the destruction of such sheep; and every person offending against the provisions of this section shall be liable to a penalty of not less than five pounds nor exceeding twenty-five pounds.

Penalty when dip
and material not
ready for use.

52. Every owner of any infected sheep shall be liable to a penalty of not less than twenty-five pounds nor exceeding one hundred pounds, unless he shall, within one month after his sheep are found to be infected, have in readiness a dip, with other appliances and material requisite for the dipping such sheep, to the satisfaction of the Inspector.

Infected sheep not to
be thrown into ponds,
&c.

53. If any person shall cast or cause to be cast the carcase of any infected sheep into any stream or pond, or other water, he shall be liable to a penalty of not less than five pounds nor exceeding twenty pounds.

Sheep dying of
catarrh to be burned
or buried.

54. The owner of any sheep infected with catarrh at the time of its death who shall fail to consume the carcase by fire, or to bury it at least three feet under the ground, within twelve hours after death, shall be liable to a penalty of not less than ten shillings nor exceeding five pounds for each carcase not so buried or consumed.

Recovery of strayed
sheep.

55. Any Inspector may, if he think fit, upon the application of any owner of sheep who has reason to believe that any of his sheep have strayed to and upon a run occupied by any other person, by notice in writing under his hand, require such occupier to muster his sheep in a pen at some time within one month after the receipt of such notice, for the purpose of delivering over such stray sheep to the owner thereof.

At least seven days' previous personal notice shall be given by such occupier to the owner of such stray sheep, stating the time at which such muster shall be made; and every such occupier who shall refuse or neglect to comply with any such notice from the Inspector, or to give such previous personal notice, shall be liable to a penalty not exceeding twenty pounds. Such occupier shall be entitled to recover from such owner any reasonable expense of mustering or delivering such sheep, as well as any unavoidable damage which may be incurred in so doing.

Such Inspector may, if he shall think fit, upon the application of such occupier, postpone the time fixed in the Inspector's notice for the mustering and delivering of such sheep.

Unauthorized
removal of sheep.

56. Every person who shall, except as hereinbefore provided, drive or remove any sheep from any run not in his own occupation without the consent of the owner of such run, shall be liable to a penalty not exceeding fifty pounds.

Notice to be given
before mustering
sheep.

57. Every occupier of any run exceeding five hundred acres in extent and not substantially fenced, who shall muster his flock or flocks for either of the purposes of dipping or dressing, or cutting and tailing, or ear-marking, or shearing, or removal from the run, shall, twenty-four hours at least before yarding the same, give personal notice to the occupiers of all the adjoining runs of his intention so to yard his sheep.

Every sheepowner who shall have reason to believe that any of his sheep have strayed on to any run in the occupation of any other sheepowner, may, by writing under his hand, require such other sheepowner to give him personal notice of his intention to muster his sheep

Sheep.

twenty-four hours at least before yarding the same; and every person neglecting to give such personal notice to any such occupier or sheep-owner shall be liable to a penalty not exceeding twenty pounds.

58. If any person shall wilfully communicate or cause to be communicated to any sheep either of the diseases called scab or catarrh, he shall be guilty of a misdemeanour.

Wilfully communicating scab or catarrh.

59. Every person who wilfully falsifies any return required to be made under this Act shall be liable to a penalty of not less than ten pounds nor exceeding one hundred pounds.

Falsification of return.

60. Nothing in this Act shall be construed to limit or deprive any person suffering loss or damage from the driving, depasturing, or suffering to stray of any infected sheep of any remedy which he might have had at law or otherwise for recovering the same if this Act had not been passed.

Saving other remedies at law to persons suffering damage.

61. Every offence by this Act made punishable by imprisonment, with or without hard labour, or by a pecuniary penalty, shall and may be prosecuted in a summary way before any two Justices of the Peace.

Offences prosecuted summarily.

62. Any Inspector, and any occupier of a run or other person interested, may prosecute for any fines or penalties incurred by any breach of this Act:

Persons interested or Inspectors to prosecute.

If such occupier does not prosecute, then the Inspector shall prosecute for every such fine or penalty:

No abandonment of any such prosecution by any occupier, and no compromise made by any person, shall affect the Inspector's power or duty to prosecute for and recover such fine or penalty.

63. In all legal proceedings taken against any person for any breach of or non-compliance with the provisions of this Act, the onus of proving that such person held a clean certificate, or was otherwise exempted from the operation of any penalty hereby imposed, shall rest upon the defendant, who shall in all such proceedings be competent to give evidence, anything contained in any law or practice to the contrary notwithstanding.

Onus of proof upon defendant, who shall be competent witness.

64. If any person against whom any proceedings may be taken under this Act as owner of any sheep disputes his ownership thereof, or if it is uncertain who is the owner of any sheep in respect of which any proceedings have been instituted under this Act, the adjudicating Justices may give judgment against the owner of such sheep by such description merely, and may direct that the penalty or sum of money ordered to be paid, or such penalty and sum of money together with the costs of and attending the recovery thereof, shall be levied by seizure and sale of such sheep or of so many of such sheep as may be necessary to satisfy the same; and if the amount realized from the sale of such sheep is not sufficient to satisfy the judgment, then the difference may be recovered by a levy upon any other property which the owner of such sheep may be found to possess.

Who shall be taken as owner of sheep.

65. When any order or conviction is made under this Act in respect of any sheep, or any matter or thing done or omitted to be done with reference to such sheep, such sheep shall, for the purposes of any warrant of distress following within ten days upon such order or conviction, be conclusively deemed and taken (notwithstanding any sale, assignment, or other dealing with such sheep) to be of the goods and chattels of the person against whom such order or conviction is made.

Sheep to be goods and chattels of person against whom conviction is made.

66. In those districts in which sections twenty-three and twenty-seven are suspended, the following provisions shall be in force so long as such sections shall be so suspended therein, and no longer:—

Penalties for infected sheep where Act not in full operation.

The owner of any infected sheep which shall have been infected for the space of twelve months after the coming into operation of this Act shall be liable to a penalty of ten pounds, and to a further

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penalty of one farthing for every infected sheep in his possession at the end of a further period of six months; and for each further period of six months, until the sheep shall be certified to be clean, he shall be liable to such a penalty as will be represented by the addition of the sum of twenty pounds to the amount of the penalty for which he was liable at the expiration of the previous period of twelve months, and also to a further penalty of one halfpenny for every infected sheep in his possession.

It shall be the duty of the Inspector to lay a fresh information against the owners of any infected sheep at the expiration of every six months from the date of their infection, until a clean certificate shall have been granted for such sheep.

Fees, fines, &c., to be paid into Consolidated Fund.

67. All fees, fines, penalties, and sums of money imposed or made payable by this Act shall, when recovered, be paid into the Consolidated Fund.

Sheep infected with lice.

68. If any Inspector shall be satisfied that any sheep in a district are infected with lice he shall take such steps in the matter as to him shall seem best for the cleansing of such sheep, for which purpose he shall, and may, if the sheepowner neglects to cleanse his sheep, exercise all the powers granted to him by this Act, as if the said sheep were infected with scab, and shall have power to declare them infected sheep; and all sheepowners and other persons shall, if the Inspector shall have declared the sheep to be infected sheep, be liable, in respect of sheep infected with lice, in the same manner as if such sheep were infected with scab.

Sheep may be driven in certain cases within the Provincial District of Marlborough.

69. Notwithstanding anything contained in this Act, sheep may, within the Provincial District of Marlborough, be driven under special permit in writing from the Inspector, who shall first satisfy himself that the said sheep have been properly dressed: Provided that no such permit shall allow sheep to be driven through lands owned by a person holding a clean certificate, except with the owner's permission.

Schedules.

SCHEDULES.

SCHEDULE A.

Sec. 21.

NUMBER OF SHEEP DEPARTURING ON STATION, RUN, OR FARM, ON 31ST MAY, 18 .

	Sex.		Ear-mark and Brand.	Nos.		
	Male.	Female.		Freehold.	Crown lands.	Total.
Merino ...						
Long-wool ...						
Cross-bred ...						

I hereby certify the above to be a true and correct return.

A.B.

Date.

SCHEDULE B.

Sec. 15.

DECLARATION TO BE MADE AS TO SHEEP EXAMINED BY INSPECTOR.

I, _____ of _____, do hereby solemnly declare that [I have made to the best of my belief a complete muster of all the sheep in my charge, and that*] my sheep marked _____ being _____ in number, now being at _____, have not within three months undergone any dipping or dressing within the meaning of "The Sheep Act, 1878," nor within three months been mixed with any infected sheep, nor depastured on any run,

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nor placed in any yard, enclosure, carriage, or truck in which there were any infected sheep; and I make this solemn declaration conscientiously believing the same to be true.

A.B.

Declared before me, at _____, this _____ day of _____, 18____.
C.D.,
Inspector of Sheep [or J.P.].

* May be omitted when not required by the Inspector.

SCHEDULE C.

WARRANT FOR HERDING OR YARDING SHEEP.

Sec. 28.

District of _____, New Zealand, } To _____ and all others whom it may
to wit. } concern.

WHEREAS it appears to me, _____ Inspector of Sheep, upon my own view, that certain sheep are depastured upon land situated at _____, being in the occupation of _____ of _____, in the said district, and that such sheep are infected with the disease called _____, and that there is danger lest such sheep, being suffered to run at large, should cause damage to the owners of sheep in the neighbourhood thereof: These are therefore, in the name of our Lady the Queen, and in pursuance of the provisions of "The Sheep Act, 1878," to require you that you do cause the said sheep to be constantly herded by day and to be kept by night within a sheep-proof enclosure; and I do hereby require all persons having or being concerned in the charge, control, or management of such sheep, to aid and assist you in causing the same to be constantly herded and enclosed, according to the provisions of the above-recited Act in that behalf made.

Given under my hand at _____, in the said district, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____.

A.B.,

Inspector of Sheep.

SCHEDULE D.

CLEAN CERTIFICATE TO BE GRANTED BY INSPECTOR.

Sec. 5.

I, A.B., Inspector of Sheep, hereby certify that I have carefully examined sheep, marked _____, the property of C.D., now being depastured at _____ [or on board the _____, at _____], and that I find such sheep to be entirely free from infection.

Given under my hand at _____, this _____ day of _____, 18____.
A.B.,

Inspector of Sheep.

SCHEDULE E.

DECLARATION AS TO SHEEP INTRODUCED BY SEA.

Secs. 36, 42.

I, _____, of _____, do hereby solemnly declare that the sheep _____ in number, marked _____, now being depastured by me at _____ [or on board of the vessel _____, commander, now lying at _____], in the District of _____, have not within three months last past undergone any dipping or dressing within the meaning of "The Sheep Act, 1878," nor within three months been mixed with any infected sheep, nor depastured on any run, nor placed in any yard, enclosure, carriage, or truck, or on board any vessel in which there were any infected sheep; and I make this solemn declaration conscientiously believing the same to be true.

A.B.

Declared before me this _____ day of _____, 18____.
C.D.,
Inspector of Sheep [or J.P.].

SCHEDULE OF ACTS AND ORDINANCES REPEALED.

Sec. 4.

(1.) *Ordinance of the Lieutenant-Governor and Legislative Council of New Zealand.*

1849, No. 4.—An Ordinance to prevent the Extension of the Infectious Disease called the Scab, as well as the Disease called the Influenza or Catarrh, in Sheep or Lambs.

(2.) *Acts of the General Assembly.*

1867, No. 91.—The Diseased Sheep Fines Appropriation Act, 1867.

1876, No. 62.—The Diseased Sheep Act, 1876.

[The whole of Part I. and the First Schedule, and so much of Part II. and of the Second Schedule as relates to Sheep.]

*Sheep.**(3.) Acts of the Province of Auckland.*

Sess. XXIX., No. 14.—The East Coast District Sheep Act, 1874.

[*Except sections 8 to 12 inclusive.*]

Sess. XXX., No. 12.—The Sheep Act, 1875.

[*Except sections 32 to 35 inclusive.*]

(4.) Ordinances of the Province of Taranaki.

Sess. XV., No. 1.—The Scab Ordinance, 1866.

Sess. XXIV., No. 7.—The Scab Ordinance 1866 Amendment Ordinance, 1875.

(5.) Acts of the Province of Hawke's Bay.

Sess. XXI., No. 8.—The Hawke's Bay Sheep Act, 1874.

[*Except sections 12 to 15 inclusive.*]

Sess. XXII., No. 6.—The Hawke's Bay Sheep Act Amendment Act, 1875.

[*Except section 4.*]

(6.) Acts of the Province of Wellington.

Sess. XXII., No. 10.—The Diseased Sheep Act, 1872.

[*Except sections 9 to 12 inclusive.*]

Sess. XXIV., No. 6.—The Diseased Sheep Act 1872 Amendment Act, 1873.

(7.) Acts of the Province of Nelson.

Sess. XVIII., No. 5.—The Nelson Scab Act, 1868.

Sess. XIX., No. 5.—The Nelson Scab Act Amendment Act, 1869.

Sess. XXVI., No. 4.—The Nelson Scab Act Amendment Act, 1875.

(8.) Acts of the Province of Marlborough.

Sess. XXIII., No. 6.—The Scab Act, 1871.

Sess. XXIV., No. 8.—The Scab Act 1871 Amendment Act, 1872.

Sess. XXV., No. 3.—The Scab Acts Amendment Act, 1873.

(9.) Ordinances of the Province of Canterbury.

Sess. XXII., No. 10.—The Sheep Rating Ordinance, 1864.

Sess. XXXVII., No. 4.—The Sheep Rating Ordinance 1866 Amendment Ordinance 1867 Repeal Ordinance, 1872.

Sess. XXXVII., No. 14.—The Canterbury Sheep Ordinance, 1872.

[*Except sections 2 to 7 inclusive.*]

Sess. XXXIX., No. 10.—The Canterbury Sheep Ordinance Amendment Ordinance, 1873.

Sess. XL., No. 11.—The Canterbury Sheep Ordinance 1872 Amendment Ordinance, 1874.

Sess. XLII., No. 2.—The Canterbury Sheep Ordinance 1872 Amendment Ordinance, 1875.

Sess. XLII., No. 27.—The Canterbury Sheep Ordinance Amendment Ordinance No. 2, 1875.

(10.) Ordinance of the Province of Otago.

Sess. XXXIV., No. 464.—The Cattle and Sheep Ordinance, 1875.

[*So much thereof as relates to Sheep.*]

(11.) Ordinances of the Province of Southland.

Sess. IV., No. 29.—The Sheep Ordinance 1862 Amendment Ordinance, 1863.

Sess. V., No. 44.—The Sheep Ordinance 1862 Amendment Ordinance, 1863.

Sess. XVI., No. 88.—The Sheep Ordinance 1866 Amendment Ordinance, 1867.

Sess. XVIII., No. 1.—The Sheep Ordinances 1866 and 1867 Amendment Ordinance, 1868.

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