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Hon. Mr. McKenzie.

STOCK (No 2).

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## A BILL INTITULED

Title.

AN ACT to regulate the Importation, Removal, and the Branding of Stock, and to provide against the Introduction and Spread of Diseases affecting Stock.

BE IT ENACTED by the General Assembly of New Zealand 5  
in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Stock Act 1892."

Commencement of Act.

2. This Act shall come into operation on the *first* day of *November*, in the year one thousand eight hundred and ninety-two. 10

But, at any time after the passing thereof, any regulations may be made, or any act or thing necessary or proper for bringing this Act into operation at the commencement thereof may be done, so that such regulations, act, or thing take effect only upon the said commencement. 15

Interpretation. Schedule A.

1881, No. 4, ss. 2, 3, 4.  
1890, No. 18, s. 3.  
1890, No. 19, s. 4.

3. In the construction of this Act, except where the subject-matter or context or other provisions thereof require a different construction, the following terms, in inverted commas, shall bear the meanings set against them respectively:—

"Carcass"—The carcass of any stock, or the whole or any part 20  
of the flesh, wool, skin, hide, bones, hair, horns, hoofs, or other portion of the carcass:

"Cattle"—Any bull, cow, ox, steer, heifer, or calf, and the carcass or any portion of the carcass thereof respectively:

"Chief Inspector"—The Chief Inspector of Stock under this 25  
Act, or any person for the time being performing the duties of the Chief Inspector:

"Conveyance"—Any dray, cart, carriage, truck, horse-box, wagon, vehicle, or vessel which is or has been used for the conveyance of, or has come into contact with, any 30  
stock:

- “Crown lands” has the same meaning as assigned thereto in “The Land Act, 1885:”
- 5 “Destroy”—To entirely consume by fire, or to bury at a depth of not less than three feet under ground; or, in the case of sheep, if permitted by an Inspector, to consume the wool and skin by fire, and to boil down the remainder of the carcass:
- 10 “Dip” or “dipped” in respect of ticks and lice in sheep means plunged or immersed in some effective tick- and lice-destroying preparation:
- 15 “Disease”—Any of the diseases mentioned in the Schedule A hereto, and any other disease affecting stock which the Governor shall hereafter, by Order in Council, declare to be an infectious or contagious disease for the purposes of this Act:
- 20 “Diseased stock”—All stock actually suffering from or affected with any disease as hereinbefore defined:
- “District” and “subdivision”—Any district and subdivision of a district established under this Act:
- 25 “Drove”—Any number of horses or cattle in one lot, or in charge of the same person, or in one paddock or enclosure, and any travelling stock:
- “Fittings”—Any stall, stable, sheep-pen, cow- or cattle-house, horse-box, or other premises for keeping or confining stock, and any halters, brushes, clothes, buckets, or other articles or things whatsoever which shall have been brought into contact with any stock:
- 30 “Flock”—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:
- “Fodder”—Any hay, straw, grass, green crop, root, vegetable, grain, corn, litter, manure, or any other thing used for the food or litter of stock, or found with or about stock:
- 35 “Highway”—Any main or district road, or any road or way dedicated to the public, or which has been ordinarily used by the public for three years at least:
- 40 “Horse”—Any horse, mare, gelding, colt, filly, foal, ass, or mule, or the carcass or any portion of the carcass thereof respectively:
- “Imported stock”—Any stock arriving in the colony by sea:
- 45 “Infected area”—Any land around an infected place defined by Order in Council or provisionally by an Inspector to be an infected area:
- “Infected place”—Any place, land, or premises defined by Order in Council or provisionally by an Inspector to be an infected place:
- 50 “Infected stock”—All stock not actually diseased, which forms, or during the preceding three months has formed, part of a lot containing any diseased stock, or which has during the preceding three months been in contact with diseased stock or with stock dressed, dipped, or otherwise treated for the cure of any disease; but no stock shall be considered “infected stock” by reason only of forming
- 55 part of a lot affected or infected with a disease to which such stock are not liable:

- “Inspector”—The Chief Inspector, or any Inspector of Stock under this Act:
- “Land”—Any land, run, station, farm, yard, stable, building, paddock, highway, or other premises where stock are or have been kept or depastured, or over which stock are being or have during the preceding three months been travelled: 5
- “Lot”—Any number of stock depastured or kept together on the same land, or in the same drove or flock, or in charge of the same person, or conveyed at one time on the same vessel:
- “Minister”—Any member of the Executive Council of New Zealand for the time being having charge of the administration of this Act: 10
- “Notice” means a notice in writing, or in print, or partly in writing and partly in print, delivered personally, or by leaving the same at, or posting the same addressed to, the office or address of an Inspector, or at or to the usual or last known place of abode in New Zealand of the stockowner or other person to be affected by such notice, or by affixing such notice at the homestead or other conspicuous place on the land of such stockowner or person: 15 20
- “Occupier”—Any proprietor, lessee, licensee, or occupant, and the known agent of any proprietor, lessee, licensee, or occupant, and any manager, overseer, superintendent, or person in possession or charge of any land:
- “Owner”—Any owner or joint owner (other than a mortgagee not in possession), and any superintendent, overseer, agent, or carrier, and any master or captain of any vessel, and any consignee, and any person in possession or charge of any stock, conveyance, fodder, or fittings: 25
- “Quarantine-ground”—Any land or vessel proclaimed by the Governor to be a quarantine-ground: 30
- “Regulations”—The regulations for the time being in force under this Act:
- “Sheep”—Any ram, ewe, wether, or lamb, and the carcass or any portion of the carcass thereof respectively: 35
- “Stock”—All horses, cattle, and sheep, as hereinbefore respectively defined, and all goats, deer, llamas, antelopes, buffaloes, and other ruminants, dogs, and swine of any age or sex, and the carcass or any portion of the carcass of any stock, and shall include all other animals and their carcasses to which the Governor shall at any time, by Order in Council, declare that the provisions of this Act, or any of them, shall apply: 40
- “Stray stock”—Any stock not being in the immediate keeping of any person, and being upon a highway or upon any land not in the occupation of the owner of such stock, nor on which he has any right of pasturage: 45
- “Swine”—Any boar, barrow, sow, or pig of any age or breed, or the carcass or any portion thereof respectively.
- “This Act”—Includes regulations made thereunder: 50
- “Travelling stock”—All stock, including working stock, whilst in, upon, or at any conveyance, land, or place whatsoever other than the land on which such stock is ordinarily kept or depastured:
- “Vessel”—Any ship, steamer, lighter, launch, boat, punt, or ferry. 55

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PART I.

GENERAL ADMINISTRATION.

4. The Governor may from time to time, by Order in Council gazetted, make, alter, or revoke such regulations as he may deem necessary for all or any of the following purposes:—

Governor's powers to make regulations for administration of Act.

(a.) For dividing the colony into districts for the purposes of this Act, and parting any district into subdivisions, and assigning names thereto respectively :

1881, No. 4, s. 16.  
1890, No. 18, s. 5.  
1890, No. 19, ss. 4, 5, 6, 7.

(b.) For determining in which district or subdivision any land intersected by any district or subdivision shall be included :

(c.) For regulating the duties of Inspectors of Stock, Registrars of Brands, and all other officers generally, or in particular circumstances, and for the management of offices.

(d.) For imposing fees and charges for anything authorised by this Act, and for prescribing by and to whom and when such fees and charges shall be paid :

(e.) And generally for such purposes as he may deem necessary or expedient for carrying out the objects and purposes of this Act in all matters of detail whatsoever.

5. In and by any regulations made under this Act the Governor in Council may prescribe the maximum and minimum penalties for the breach thereof in manner however that the maximum penalty for any offence shall not exceed in any case the sum of *five hundred* pounds.

Penalties for breach. 1881, No. 4, s. 19 amended.

6. Any Order in Council made under this Act may declare that the provisions thereof shall only apply to one or more kinds of stock, and not to any other kinds of stock, and may also declare that the provisions of any such Order in Council shall apply to the whole colony, or only to such part or parts thereof as the Governor shall direct or appoint.

Regulations may be of limited or general force. 1881, No. 4, ss. 6, 7.

All Orders in Council made under this Act shall have the like force and effect as if the same had been inserted in this Act ; and all persons offending against any such Order in Council shall, for each and every offence, forfeit and pay any sum not exceeding *five hundred* pounds, or such smaller sum as by such Order in Council may be provided.

7. Until other regulations shall be made under the authority hereof, and in so far as such regulations when made shall not repeal or vary the same, such of the Orders in Council and regulations made under the several Acts hereby repealed as are extant in force at the time of the commencement of this Act shall be the regulations under this Act in respect of the several subject-matters to which such Orders in Council and regulations respectively relate.

Existing Orders and regulations to continue. Consequential.

8. All regulations hereafter made shall be published in the Government *Gazette*, and shall be laid before Parliament within fourteen days after the making thereof if Parliament be then sitting, or, if Parliament be not then sitting, within fourteen days after the commencement of the then next session of Parliament.

Future regulations to be laid before Parliament. New provision.

## PART II.

## STOCK DISEASES.

*Appointment and General Powers of Inspectors.*

Governor to appoint  
Inspectors and  
other persons.  
1881, No. 4, s. 11.  
1890, No. 19, s. 9.

9. The Governor may from time to time appoint and remove a Chief Inspector of Stock, Inspectors of Stock, and temporary Inspectors, and such other officers as may be necessary to carry out the provisions of this Act. The several Chief Inspectors and Inspectors of Stock holding office at the commencement of this Act under the authority of "The Sheep Act, 1890," shall, until other appointments are made, be respectively Inspectors of Stock under this Act, and shall, for the purposes of this Act, be considered duly appointed Inspectors. 5 10

Inspector not to be  
interested as owner  
or dealer in stock.  
1881, No. 4, s. 15.  
1890, No. 19, s. 9.

10. No Inspector shall be either directly or indirectly an owner of or dealer in stock, or shall act as the agent of an owner of or dealer in stock in the district or subdivision in his charge. 15

Penalty for taking  
unauthorised fees.  
1881, No. 4, s. 15.  
1890, No. 19, s. 17.

11. If any Inspector shall receive any payment or consideration for the performance of any act, matter, or thing authorized or directed by this Act, other than the salary payable to him, he shall be liable to a penalty not exceeding *twenty* pounds.

But nothing in this Act contained shall prevent any Inspector from demanding or receiving any fees or charges authorized by this Act. 20

Powers of Inspector.  
1881, No. 4, s. 23.  
1890, No. 19, s. 10.  
Amended.

12. Every Inspector shall have power to enter at any time into any conveyance, or upon any land or premises, or on board any vessel, for the purpose of inspecting any stock, and may give the owner notice to muster such stock at a place and on a date to be named in such notice, and shall have all such other powers and authorities as may be necessary for enabling him to enforce the provisions of this Act and the regulations, and may direct the owner of any diseased or infected stock to take such measures as regards their treatment, or to do such other acts, as in the opinion of the Inspector shall be necessary to eradicate or check the spread of disease. 25 30

In case of resistance  
Inspector to use all  
necessary force.  
New provision.

13. Every Inspector is hereby empowered, in case of resistance, to use all necessary force to effect an entry upon any land or premises or into any conveyance, or on board any vessel, and to obtain and, for the purposes of this Act and the regulations, maintain possession of any stock, fodder, or fittings there found. 35

Inspector may  
provisionally declare  
infected areas and  
places where  
disease exists.  
1881, No. 4, s. 26  
amended.

14. Any Inspector, on receiving information of the supposed existence of disease, or having reasonable ground to suspect that disease exists, or has within the preceding ninety days existed, in any place, shall proceed to that place with all practicable speed, and shall inquire into the existence of disease in such place, or in any other place, in the manner hereinafter set forth:— 40

(1.) He may call upon all persons concerned in or having the charge, control, or management of any such stock suspected or said to be diseased to give evidence before him as to the facts within their knowledge relating to such stock. 45

(2.) If any person, after having received notice to attend for that purpose, shall refuse or neglect to attend, or to answer any inquiries put to him by the Inspector under the authority of this Act, he shall be liable to a penalty not exceeding *twenty* pounds and not less than *one* pound. 50

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(3.) If any person, in giving such evidence or in answering such inquiries, shall make any statement knowing the same to be false, he shall, on conviction thereof before a Resident Magistrate or any two Justices of the Peace, be liable to a penalty not exceeding *one hundred* pounds and not less than *five pounds*, or to be imprisoned for a period not exceeding six months.

But 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.

(4.) If it appears to the Inspector that disease exists or has within the preceding ninety days existed among such stock, or on the land inspected or examined by himself or any other Inspector, he shall so determine, and shall provisionally declare such land to be an infected place, and shall forthwith cause notice of the fact to be published in the *Gazette* and in such newspapers circulating in the district or subdivision where the disease has been ascertained to exist as he thinks fit.

Such notice shall be signed by the Inspector, and shall particularly describe the place and area intended to be affected by the declaration, and for a period of twenty-eight days thereafter such place and area shall be deemed to be an infected place and area within which no stock, fodder, or fittings shall be moved, and from which no stock, fodder, or fittings shall be removed except under the direction of an Inspector.

The provisions of this section shall not be deemed to apply to stock infected or affected by the diseases actinomycosis, cancer, or tuberculosis.

15. If, upon examining any stock, an Inspector shall believe the same to be diseased, he is hereby authorised and empowered to kill one or more of such stock, for the purpose of deciding whether such stock are diseased or infected with an infectious or contagious disease; and

Inspector may kill one or more head of stock.

New provision.

If found to be affected with disease he may deal as provided in the *last preceding* section with the remainder of such lot or drove of stock; or,

If the stock are travelling or astray he shall place such stock on the nearest available land, and provisionally declare such land to be an infected place.

16. Any Inspector may, whenever necessary, employ any person or persons to assist him in carrying out the provisions of this Act and the regulations, and may pay such remuneration to such person or persons as he may deem reasonable, and the owner through whose neglect, omission, or other default, or by reason of the infection or removal of or other dealing with whose stock, the expenses of such employment shall have been incurred, shall repay the same to the Inspector on demand; and in default of payment such expenses may be recovered before any two Justices of the Peace in a summary way by or on behalf of an Inspector, or such stock, or a sufficient number thereof, or any other stock of the same owner, may be seized and sold by order of the Chief Inspector to pay such expenses,

Inspector may employ assistant.  
New provision.

together with the costs of seizure and sale.

Inspector may  
destroy diseased  
stock.  
1890, No. 18, ss. 8, 9.

17. Any Inspector may seize and destroy or cause to be destroyed any diseased stock on any land, or any diseased stray stock, or diseased travelling stock, or any diseased stock found in any slaughter-house or yard or yards attached thereto, or in any saleyard, or any public yard or yards, or on any land or other place at which stock may be offered for sale or exhibition, and shall keep a record of all stock so destroyed, with description, brands, and marks thereof, the name of the disease, and the locality where destroyed. 5

Penalty for  
obstructing, &c.,  
Inspectors.  
1881, No. 4, s. 23.  
1890, No. 19, s. 11.

18. Every person who obstructs or hinders any Inspector in the exercise of his powers or in the performance of his duty, or who fails or neglects to obey any lawful direction of an Inspector, is liable, for every such offence, to a penalty not exceeding *fifty* pounds and not less than *two* pounds. 10

Inspector not liable  
for loss.  
New provision.

19. No Inspector shall be liable for any loss or damage occasioned to any owner of stock by any act of such Inspector, unless such damage shall be occasioned by his wilful neglect or default. 15

#### *Introduction of Disease Prevention.*

Governor may  
appoint quarantine-  
grounds.  
1881, No. 4, s. 20.

20. The Governor may, from time to time, in each port or place within the colony, by Proclamation, set apart and define quarantine grounds for the detention of imported stock, or for one or more kinds of imported stock, and from time to time may vary, alter, or re-define or abolish any such quarantine grounds, and may authorise the erection of all necessary yards or sheds which may be required for the purposes of such quarantine grounds. 20

The cost of erecting such yards or sheds shall be defrayed out of any moneys that from time to time may be appropriated by the General Assembly for the purposes of this Act. 25

Quarantine-grounds  
to be under charge  
of Chief Inspector.

All quarantine-grounds, and all erections, buildings, yards, sheds, and appurtenances thereon, shall be under the charge of the Chief Inspector. 30

All quarantine-grounds appointed for the purposes of any Act hereby repealed shall be deemed to have been so appointed under this Act.

Regulations for  
prohibiting or  
restricting introduc-  
tion of stock.  
1881, No. 4, ss. 16, 40.  
1890, No. 19, ss. 40,  
41, 42.

21. The Governor may, from time to time, by Order in Council gazetted, make, alter, vary, or revoke such regulations as he may deem necessary for all or any of the following purposes:— 35

- (a.) For prohibiting or restricting the importation or introduction of stock, or of any one or more kinds of stock, or of any fodder or fittings, into the colony, or any part thereof, either generally or from such countries, colonies, or places and during such periods as may appear to him necessary or expedient for the purpose of preventing the introduction into the colony of any disease affecting stock: 40
- (b.) For the seizure and destruction of diseased stock introduced into the colony: 45
- (c.) For restricting the introduction into the colony of any fodder or fittings, and for the seizure, destruction, or sale of any fodder or fittings improperly introduced or moved, or found with or about any diseased or infected stock: 45
- (d.) For the description of the several diseases affecting stock: 50
- (e.) For prescribing certain ports at which stock or any particular kind or kinds of stock may be introduced:
- (f.) For the regulation, management, and control of quarantine-grounds, and for prescribing the disposal and treatment of stock while in quarantine:



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- 5 (g.) For requiring certificates of health from the authorities of the country, colony, or place from which stock are intended to be introduced, the issue of a permit for stock to enter the colony, and the production of such permit to the occupier of any land on, through, or over which the owner of such stock may enter or propose to enter with such stock, or to an Inspector of Stock, officer of Customs, or police officer :
- 10 (h.) For the inspection of stock introduced, or about to be introduced, into the colony :
- (i.) For prescribing the term during which stock intended to be introduced into the colony shall remain in quarantine :
- 15 (j.) For regulating the charges to be made for conveying stock to and from quarantine, and for their maintenance and inspection while in quarantine :
- (k.) For regulating the duties of masters of vessels in relation to any stock, whether intended or not intended to be introduced into the colony :
- 20 (l.) For prescribing the manner in which persons coming into contact with foreign stock or any vessel, conveyance, or fittings, used for foreign stock shall be disinfected :
- (m.) For the confiscation and destruction of stock, fodder, and fittings in certain cases : and
- 25 (n.) Generally for all or any such purposes as he may deem necessary for preventing the introduction of disease.

22. All stock, and all fodder and fittings, introduced into the colony in contravention of this Act shall be forfeited in like manner as goods the importation whereof is prohibited by the Customs Acts are liable to be forfeited, and such stock may be seized at any time 30 within *three* years after the introduction thereof as aforesaid ; and the person introducing such stock shall be liable to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by the Customs Acts, without prejudice to any proceeding against him under this Act, but so that 35 no person be punished twice for the same offence. No compensation shall be paid to the owner of any stock which may be destroyed under the provisions of this section.

23. Every person who wilfully, without the written permission of the Chief Inspector, introduces or causes to be introduced into the 40 colony the virus of any disease, whether or not such virus be in an attenuated form, is liable on conviction for such offence to imprisonment for any period not exceeding *two* years.

Stock, &c., illegally introduced may be seized and forfeited. 1881, No. 4, s. 44, amended.

Punishment for introducing virus of disease. New provision.

#### *Spread of Disease Prevention.*

24. The Governor may from time to time, by Order in Council 45 gazetted, make, alter, or revoke such regulations as he may deem necessary for all or any of the following purposes :—

- (a.) For the seizure and destruction of diseased or infected stock :
- (b.) For the eradication and for preventing the spread of any 50 disease :
- (c.) For declaring any land or premises to be an infected place, and for prohibiting or regulating the movements of stock and persons into, in, or out of such infected place :

Regulations for preventing spread of disease. 1881, No. 4, ss. 16, 40. 1890, No. 18, s. 5. 1890, No. 19, ss. 24, 26, 27, 29, 30.

- (d.) For the management of stock being in an infected place :
- (e.) For prescribing the treatment and remedial measures to be adopted and taken in respect of diseased or infected stock, and of stock suspected of being diseased or infected, or of any one or more kinds of such stock : 5
- (f.) For declaring infected areas within which no stock, fodder, or fittings shall be moved, and from which no stock, or no one or more kinds of stock, and no fodder or fittings, shall be removed, except in accordance with the regulations :
- (g.) For restricting and regulating the moving of diseased or 10 infected stock :
- (h.) For prohibiting or regulating the manner in which stock shall be driven or allowed to pass from one district to another within the colony :
- (i.) For restricting the introduction, removal, travelling, or 15 moving of stock, or of any one or more kinds of stock, or of fodder or fittings, into, from, and within infected areas :
- (j.) For prohibiting or restricting the introduction, removal, travelling, or moving of stock, or of any one or more kinds of stock, into, from, and within such areas and places, and 20 during such times, as may appear to him necessary or expedient for the purpose of preventing the spread within the colony of any disease affecting stock :
- (k.) For prescribing the manner in which persons coming into contact with diseased or infected stock and land, premises, 25 or conveyances travelled over or used by diseased or infected stock shall be cleansed and disinfected :
- (l.) For destroying, or prohibiting, or restricting the removal or moving of any fodder or fittings from or within any infected areas or places : 30
- (m.) For the seizure, destruction, and disposal of stray stock :
- (n.) For prescribing certain brands or marks to be used on diseased, infected, or inoculated stock :
- (o.) For the registration, inspection, cleansing, drainage, water-supply, and for the general management of dairies and 35 slaughter-houses, and for providing for remedial and precautionary measures to be taken by the owners and occupiers thereof against disease : and
- (p.) Generally for all or any such purpose as he may deem necessary for preventing the spread of disease. 40

Minister may order destruction of diseased stock. 1890, No. 19, s. 24 amended.

Chief Inspector may take possession of diseased stock and eradicate disease. Ibid, s. 23, amended.

25. The Minister, whenever he is satisfied that any stock is diseased, or has during the preceding ninety days been diseased, and that it is desirable, in order to eradicate the disease or to prevent its spread, that the diseased or infected stock should be destroyed, may order that such stock shall be forthwith destroyed by 45 the owner, under the direction of an Inspector.

26. If any Inspector is satisfied that any stock are diseased, he shall give the owner of such stock notice that such stock are diseased, and shall notify the same to the Chief Inspector, who, on receipt of such notification, shall, without further notice of any sort 50 to any one, enter into immediate possession of such stock, and take such steps as may be necessary to eradicate such disease ; and any

expenses thereby incurred by the Inspector may be recovered from the owner of such stock in any Court of competent jurisdiction.

27. Every owner of diseased stock, or of stock suspected to be diseased, shall, within twenty-four hours from the time when he shall have discovered or suspected such stock to be diseased, forward by post in a prepaid letter notice thereof to the Inspector of the subdivision in which such stock are running, and also to the Chief Inspector at Wellington, and shall keep the diseased stock from coming into contact with any other stock. Every person offending against or violating the provisions of this section shall, on conviction, be liable to a penalty of not less than *five* pounds and not exceeding *fifty* pounds for each and every day that he shall neglect or omit to perform the duty hereby imposed upon him.

Owners to give notice of diseased stock.  
1890, No. 19, s. 28, amended.

28. Every person who drives or causes to be driven into, through, or out of any infected area any stock, or removes from any infected place any fodder or fittings, or any soil, sand, or other material upon which any diseased stock have been kept, or any dairy produce of diseased stock, without the written authority of an Inspector, is liable for every such offence to a penalty not exceeding *fifty* pounds and not less than *five* pounds.

Penalty for removing fittings, &c., from infected place.  
Ibid, s. 25, amended.

All stock introduced, driven, travelled, removed, or moved into, from, or within any area, or place, and all fodder and fittings removed or moved from or within any area, or place, in contravention of this Act, may be seized by any Inspector, and shall be forfeited and destroyed, sold, or otherwise disposed of, as the Minister shall direct; and

No compensation shall be paid to the owner of any stock destroyed under the provisions of this section.

No compensation.

29. Every person who, by himself, his agent or servant, drives, depastures, or suffers to stray any diseased or infected stock across or upon any land not being the property of nor being rented by such person, and not being land of which he has the right of pasturage, or upon or along any highway, such highway not being within the boundaries of the land occupied by the owner of such stock, is liable, for every day during which such stock shall be so driven, depastured, or suffered to stray, to a penalty not exceeding *fifty* pounds nor less than *two* pounds.

Penalty for driving diseased stock.  
Ibid, s. 55.  
1890, No. 18, s. 7.

30. Any occupier may detain and examine travelling or stray stock being upon any part of his land upon reasonable suspicion of their being diseased, and, upon his giving the owner of such stock notice of his intention, he may detain them until such owner shall call in the nearest Inspector to examine such stock and determine whether or not they are diseased; and if the owner of such stock shall prevent them from being detained or examined as aforesaid, or impede or hinder such occupier in detaining or examining them, or shall not, within twenty-four hours after their detention, forward to the nearest Inspector notice thereof by post or telegraph, or deliver such notice to him personally or at his residence, such owner shall, for every such offence, be liable to a penalty not exceeding *one hundred* pounds and not less than *two* pounds.

Occupier may detain and examine travelling stock, and their owner to give Inspector notice of detention.  
1890, No. 19, s. 59.

31. Any occupier so detaining any travelling or stray stock shall, until the arrival of the Inspector, either keep such stock on his own

Occupier detaining travelling stock to

guard against the spread of infection. New provision.

land, or make such arrangements as shall prevent the further spread of the disease, under a penalty not exceeding *one hundred* pounds; and, if such stock shall be diseased, all necessary expenses incurred by such occupier in the detention and keep of such stock shall be paid to him by their owner, to be recovered by action-at-law in any Court of competent jurisdiction, and such occupier shall have a first charge on such stock for recovery of such expenses and legal costs incurred in suing for them: Provided, however, that if the stock so detained shall be found, on examination by an Inspector, not to be diseased, and that the occupier detaining them had no reasonable grounds for suspecting them to be diseased, he shall pay to the owner of such stock the expense occasioned by such detention, to be recovered by action-at-law in any Court of competent jurisdiction, together with such further sum by way of damages for loss he may have sustained as the said Court in its discretion shall award.

Occupier detaining stock without cause liable for loss and expense besides damages.

Expenses of treatment of diseased stock to be borne by the owner. 1890, No. 19, s. 23.

32. The costs and expenses of and attendant upon the destruction of diseased stock, or upon the treatment of diseased or infected stock when in infected places or under restrictions for the purpose of eradicating disease or preventing its introduction or spread, shall in every case be borne by the owner of the diseased or infected stock so dealt with.

How infected areas and places may be released. Ibid, s. 7. 1881, No. 4, s. 33.

33. Any district, land, or premises declared an infected area or place by regulations under section *twenty-four* of this Act may be released therefrom by the Governor in Council on the certificate of an Inspector that such land is clean, and such certificate shall be advertised by the Chief Inspector in the *Government Gazette*.

Compensation to occupier of infected place. Consequential.

34. The occupier of any land which may be declared an infected place on account of the presence thereon of diseased or infected stock, such stock not being the property of such occupier, shall be paid reasonable compensation by the owner of such diseased or infected stock for the damage or loss he may sustain through such declaration: Provided always that the occupier of any land claiming compensation under this section shall give notice of his claim to the Chief Inspector, stating the amount thereof, within one month from the time when such an infected place has been released.

Compensation payable in respect of stock, &c., destroyed under authority. Proviso. 1881, No. 4, ss. 45, 46, 47. 1890, No. 19, s. 24.

35. Compensation, according to such scale, or to be ascertained in such manner as may be provided from time to time by Order in Council, shall be paid to the owner of any stock destroyed under the provisions of this Act; but subject always that no compensation shall be paid to any owner of imported stock which may be destroyed as aforesaid, unless such destroyed stock shall have been depastured within the colony for the term of one year before the date of such destruction.

An accurate return of all stock destroyed in the colony under this Act shall be periodically furnished by the Chief Inspector to the Minister at such times as he shall from time to time direct.

Penalty on owner of diseased or infected stock found in public place. 1890, No. 18, s. 8. 1890, No. 19, s. 33.

36. If any diseased or infected stock are found in any public yard or yards, or in any yard or yards, or on any land or other place at which stock are offered for sale or exhibition, the owner of such stock shall be liable to a penalty not exceeding *twenty* pounds nor less than *one* pound for every head of the said stock.

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37. Every person who leaves any diseased or infected stock on any land without destroying the same is liable to a penalty not exceeding *ten* pounds and not less than *one* pound for every animal so left.

Leaving diseased or infected stock on land undestroyed.

Penalty.

1890, No. 18, s. 11.  
1890, No. 19, ss. 31, 32, 63.

5 38. Every person who, by himself, his servant or agent, casts or causes to be cast the carcass of any stock of any age into any stream or pond or other water is liable to a penalty not exceeding *twenty* pounds nor less than *five* pounds.

Penalty for throwing carcasses of stock into water.

1890, No. 18, s. 12.  
1890, No. 19, s. 62.

10 39. Every person who feeds pigs, or suffers or allows pigs to be fed, on the meat of any diseased stock, or wilfully leaves the carcass of any stock, or any meat or offal therefrom, to lie about in any place within one mile of any highway, is liable to a penalty not exceeding *fifty* pounds and not less than *one* pound.

Penalty for feeding pigs on diseased carcass.

1890, No. 18, ss. 10, 11, amended.

15 40. Every person who wilfully communicates or causes to be communicated to any stock either of the diseases mentioned in Schedule A is liable to imprisonment with hard labour for any period not exceeding *two* years, and to such fine not exceeding *five hundred* pounds as the Court shall think fit.

Wilfully communicating disease.

1890, No. 19, s. 68.

20 41. Every person who exhumes the carcass of any stock destroyed in pursuance of the provisions of this Act is liable to a penalty not exceeding *one hundred* pounds nor less than *five* pounds, or at the discretion of the convicting Magistrate or Justices to imprisonment with hard labour for any period not exceeding *two* years.

Penalty for exhuming carcass destroyed.

New provision.

25 42. Every person who, without the written consent of the Chief Inspector, inoculates or causes any stock to be inoculated with the virus of any disease, whether such virus be in an attenuated form or not, is liable for every such offence to a penalty not exceeding *two hundred* pounds and not less than *five* pounds.

Penalty for inoculating stock.

New provision.

30 43. Over and above any other penalty imposed by this Act and to which any person convicted of infringing the same shall be subjected, he shall also be liable to pay to the owner of any stock to which any disease has been communicated by this unlawful act or omission such sum or sums of money, if demanded by the owner, as in the judgment of a Resident Magistrate may be sufficient to reimburse such owner for any expense, loss, or damage which he may have in consequence incurred or sustained, so that such sum or each of such sums shall not in any such case exceed the sum of *one hundred* pounds.

Owner of diseased stock to be liable in damages to party injured.

890, No. 18, s. 14.

40 But nothing in this Act shall be construed to limit or deprive any person suffering any such loss or damage of any remedy which he might have had at law or otherwise for recovering the same if this Act had not been passed.

#### *Sheep Affected with Lice, Ticks, or Footrot.*

45 44. Every owner shall, between the first day of March and the thirtieth day of April in every year, dip or caused to be dipped all longwool or crossbred sheep running on land whereof he is the occupier. For every sheep not so dipped such owner shall be liable to a fine of not more than *ten* shillings and not less than *sixpence*.

Annual dipping compulsory.

New provision.

50 45. If any Inspector is satisfied that any sheep in a flock are affected with lice or ticks, he may give the owner notice to dip such flock forthwith to the satisfaction of the said Inspector, or any

Notice to dip sheep affected with lice or ticks.

1890, No. 19, s. 49, amended.

other Inspector ; but if the Inspector is satisfied that such sheep are intended and fit for slaughter he may postpone the giving of such notice to dip for a period not exceeding one month.

Penalty for neglect to dip after notice.

Every such owner who refuses, neglects, or fails to comply with such notice on or before the date specified therein is liable, on conviction, to a penalty not exceeding *fifty* pounds nor less than *five* pounds ; and, if immediately after the date of such conviction such sheep shall not be dipped to the satisfaction of any Inspector, such owner shall, upon conviction, be liable to a further penalty not exceeding *fifty* pounds nor less than *twenty* pounds, and so on for each and every succeeding conviction. 5 10

Penalty for removing sheep affected with lice or footrot. 1890, No. 19, s. 50, amended.

46. Section *twenty-nine* shall apply, *mutatis mutandis*, to all sheep affected with lice or footrot, and to every person who drives or depastures or suffers such sheep to stray as mentioned in the aforesaid section : 15

Provided that, for the purposes of this section, the aforesaid section *twenty-nine* shall be read as if the words "five pounds" and "one pound" had been inserted therein in the place of the words "fifty pounds" and "two pounds" respectively.

Penalty on owner of sheep affected with lice found in public yard, &c. Ibid, s. 51, amended.

47. If any sheep affected with lice shall be found in any pound, or in any public yard or yards, or in any yard or yards, or on any land or other place at which sheep are offered for sale, the owner exposing the sheep so affected shall be liable to a penalty not exceeding *ten* pounds nor less than *two* pounds. 20

Any Inspector if he deems it necessary may order the withdrawal from sale of any sheep affected with lice until such sheep shall have been dipped to the satisfaction of such Inspector or any other Inspector and shall, give notice to the aforesaid owner of such sheep to dip the same forthwith at such place as the Inspector may direct ; and every such owner who refuses, neglects, or fails to comply with the aforesaid notice is liable to a further penalty not exceeding *twenty* pounds nor less than *five* pounds. But, if the Inspector is satisfied that such sheep are intended for immediate slaughter, he may withhold such notice to dip. 25 30

Ewes need not be dipped during lambing-time. Ibid, s. 52.

48. Notwithstanding anything contained in this Act, or any notice given thereunder, it shall not be necessary to dip any ewe affected with lice or ticks during such time previous to or after her lambing as the Inspector may appoint ; and for such purpose any Inspector may, in respect of ewes, extend any notice to dip for such time as he shall think fit. 35 40

Notice to dress sheep affected with foot-rot. New provision.

49. If any Inspector is satisfied that any sheep in a flock are affected with foot-rot he may give the owner notice to pare and dress the feet of such sheep forthwith to the satisfaction of the said Inspector or any other Inspector. Every owner who refuses or fails to comply with such notice on or before the date specified therein is liable to a penalty not exceeding *fifty* pounds and not less than *one* pound. 45

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## PART III.

## STOCK RETURNS AND RATES UPON CATTLE AND SHEEP.

- 10 **50.** Every owner of horses, cattle, sheep, or swine shall, between the *first* and *fourteenth* days of *April* in every year, deliver or cause to be delivered to the Chief Inspector of stock or to the Inspector of the subdivision a written return, in the form provided in Schedule B, of the total number of horses, cattle, sheep, or swine, of each sex, owned by him on the *thirty-first* day of *March* preceding, specifying
- 15 in such return the ear-mark and brand of such owner; and
- Every former owner of horses, cattle, sheep, or swine, who, within the twelve months since he made his last return, has ceased to be such an owner, shall nevertheless make a return to the effect that he no longer owns either horses, cattle, sheep, or swine.
- 20 Every person who refuses or neglects to deliver or cause to be delivered any such return as mentioned in this section is liable for each offence to a penalty not exceeding *twenty* pounds and not less than *one* pound.
- The Chief Inspector shall, in the month of *June* in every year,
- 25 transmit to the Minister a statement, compiled from the returns furnished in pursuance of this section, of the whole number of horses, cattle, sheep, and swine, within the colony.
- 51.** Every owner of cattle shall, on or before the *first* day of *September* in every year, pay to such person as may be authorised by
- 30 the Governor to receive the same, the sum of *two*-pence for each and every head of cattle over the number of *forty* head owned by him on the *last* day of *March* preceding, and specified in the return furnished by him as provided in the *last-preceding* section.
- 52.** Every owner of sheep shall, on or before the *first* day of
- 35 *September* in every year, pay to such person as may be authorised by the Governor to receive the same, the sum of *two* shillings for every hundred or fractional part of a hundred sheep over the number of *two hundred* head owned by him on the *last* day of *March* preceding, and specified in the return furnished by him as provided in section *fifty*.
- 40 **53.** All and every such yearly sum or sums of money payable as prescribed by sections *fifty-one* and *fifty-two* 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 cattle or sheep to the Crown, and may be sued for and recovered in any Court of competent jurisdiction.
- 45 If any such owner fails to pay such sum or sums for the space of fourteen days after the aforesaid first day of *September*, one shilling for every ten shillings or part of ten shillings of the amount of such sum or sums, or on any part unpaid thereof, shall be added thereto, and the said sum or sums, with such addition, shall be recoverable as
- 50 aforesaid.

Return of stock to be furnished annually to Chief Inspector.  
Schedule B.  
1890, No. 19, s. 21, amended.

Rate upon cattle.  
New provision.

Yearly rate to be paid by owner of sheep.  
1890, No. 19, s. 22.

Rates to be paid on or before 1st September.

## PART IV.

## DRIVING, MUSTERING, ETC., STOCK.

Travelling sheep  
and cattle to be  
branded and  
marked.  
New provision.

54. Every owner intending to sell any cattle or sheep, or to drive or cause to be driven, any cattle or sheep for any distance exceeding one mile outside the limits of land in his lawful occupation shall, in the case of cattle, first distinctly brand with his registered brand in tar on the rump every such head of cattle; in the case of sheep, distinctly mark every such sheep on the poll of the head. 5

Every owner who drives or causes to be driven any cattle or sheep not so branded or marked is liable to a penalty not exceeding *five* shillings nor less than *threepence* for every head of cattle or sheep not so branded or marked. 10

Wherever sheep or cattle shall have been exposed for sale, the person having so exposed them shall be deemed to be the owner thereof for the purposes of this section. 15

Persons driving  
stock across runs to  
give notice, and  
travel not less than  
five miles a day.  
1890, No. 19, s. 58,  
amended.

55. Every person desirous of crossing any land, or any Crown lands within any hundred, other than travelling-stock reserves, with a flock of sheep, or drove of cattle or horses, shall, before entering upon any such land, or Crown lands, give to the occupier of such land, or, as to the Crown lands within hundreds to one of the Wardens thereof, not less than twenty-four hours' nor more than seven days' notice in writing of his intention so to enter or cross, and shall in such notice specify the place from which such sheep, cattle, or horses started, and their destination, which shall be by some recognised route, and the number and description of the horses, cattle, or sheep in such drove or flock, and the points and dates at which such person proposes to enter and leave such land, or Crown lands, which shall be on some recognised route. 20 25

The person so entering shall drive or conduct such flock or drove in the direct course of their destination, as specified in such notice, a distance of not less than five statute miles on each day whilst crossing such land or Crown lands, and shall securely close all gates on the line of route. 30

Every person offending against or violating the provisions of this section without reasonable excuse shall, on conviction, be liable to a penalty of not less than *two* pounds nor more than *one hundred* pounds, and in default of payment to be imprisoned with or without hard labour for any period not exceeding *six* months. 35

Stock to be driven  
only in daytime.  
New provision.

56. Every person who drives any stock upon, along, or across any land or Crown lands at any time except between the hours of six o'clock in the morning and six o'clock in the evening of the same day in any of the months between the thirty-first day of March and the first day of September in any year, or between the hours of four o'clock in the morning and eight o'clock in the evening of the same day in any other part of the year, is liable in respect of every such offence to a penalty of not less than *five* pounds, and not exceeding *fifty* pounds. 40 45

The Justices hearing the case may take into consideration, in excuse or mitigation of any such offence, any evidence that may be 50



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adduced by the defendant to show that such driving at any prohibited hour was unavoidable, and not protracted for a longer time than was absolutely necessary to admit of such stock arriving at a resting-place. But it shall be no sufficient excuse for driving stock at any prohibited hour that the said stock were intended for transport either by railway train or by ship departing at any particular hour.

Nothing in this section contained shall apply—

- (1.) To the owner of any stock, or his servant, driving such stock within the limits of any land in his lawful occupation; or
- 10 (2.) To any person driving any stock within the limits of any borough at any hour in accordance with any by-law of such borough in force in that behalf; nor to any person who, with the object of driving stock within the limits of
- 15 a prohibited hour, but for the purpose only of arriving with the stock within the aforesaid limits within the hours prescribed by any such by-law as aforesaid. The Governor may, by Order in Council, from time to time, on petition of a majority of the owners of sheep in any
- 20 district or subdivision of a district representing the ownership of not less than two-thirds the total number of sheep in such district or subdivision, exempt any such district or subdivision from the operation of this section; and may similarly alter or revoke any such Order in
- 25 Council in part or in whole as he shall think fit.

Any such Order in Council, when gazetted, shall take effect as if it had formed part of this Act and been inserted therein.

The provisions of this section shall not come into operation until the *first day of January* in the year one thousand eight hundred and *ninety-three*.

57. Any Inspector may, if he think fit, upon the application of any owner of stock who has reason to believe that any of his stock have strayed to and upon any land occupied by any other person, by notice, require such occupier to muster his stock in a yard or pen on a date to be named in such notice, for the purpose of delivering over such stray stock to the owner thereof.

Recovery of stray stock.  
1890, No. 19, s. 54, amended.

Every such occupier who refuses or neglects to comply with any such notice from the Inspector is liable to a penalty not exceeding

40 *twenty* pounds and not less than *one* pound.

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

Such occupier shall be entitled to recover from such owner any reasonable expenses incurred in mustering or delivering such stock, as well as compensation for any unavoidable damage caused in so doing.

58. Every person who drives or removes any stock from any land not in his own occupation without the consent of the occupier of such land is liable to a penalty not exceeding *one hundred* pounds, or to be imprisoned for a period not exceeding six months.

Unauthorised removal of stock.  
Ibid, s. 55, amended.

Notice to be given  
before mustering  
stock.  
1890, No. 19, s. 66,  
amended.

59. Every occupier of any land who shall muster his stock for either of the purposes of dipping or dressing, or cutting and tailing or ear-marking, or shearing, or branding, or removal from the land, shall before yarding the same, give due notice to the occupiers of all the adjoining lands of his intention so to yard his stock. 5

Every stockowner who has reason to believe that any of his stock have strayed on to any land in the occupation of any other stockowner may, by writing under his hand, require such other stockowner to give him personal notice or notice by letter of his intention to muster his stock twenty-four hours at least before yarding the same. Every person who neglects to give any such notice as mentioned in this section to any such occupier or stockowner is liable to a penalty not exceeding *twenty* pounds. 10

Angora goats  
protected.  
Ibid, s. 60.

60. So much of "The Impounding Act, 1884," and of every other Act, and of every by-law made by any local authority under any Act, as authorises the destruction of goats in certain cases of trespass or wandering at large is hereby repealed so far as any of the said Acts or by-laws respectively might be held to apply to branded Angora goats. 15

## PART V.

### BRANDS AND BRANDING.

20

Interpretation.  
1880, No. 25, s. 3,  
amended.

61. In this Part of this Act, if not inconsistent with the context,—

"Sheep" includes any angora goat :

"Registrar" means any Registrar of Brands duly appointed under this Act : 25

"Brand" means and includes a distinct and plain mark, made as follows :—

In the cases of horses and cattle, burnt with a branding-iron into the skin of not less than two inches in length, or on the horn of cattle of not less than one inch in length ; to which may be added an ear-mark made by cutting, splitting, or punching the ear, but so that in no case shall more than *one-fourth* of the whole ear be removed. 30

In the case of sheep, an ear-mark as above defined in conjunction with a wool-brand made with pitch, tar, paint, raddle, or lampblack mixed with oil or tallow, in letters, figures, or otherwise, not less than three inches in length, on the sides, back, shoulders, hips, or rump ; to which may be added a fire-brand on horn or cheek or a tattoo mark imprinted on any part of the skin. 35

62. Nothing in this Act shall be construed to oblige any one to brand horses or cattle running upon fenced lands. 40

63. Every person who, after the commencement of this Act, marks any stock on the ear with any private or age mark other than with a metal clip or tattoo mark, is liable for every head of stock so marked to a penalty not exceeding *ten* shillings and not less than *sixpence*. 45

Branding horses or  
cattle not com-  
pulsory.  
1880, No. 25, s. 16.

Private marks on  
ears of stock  
prohibited.  
New provision.

64. The Governor may from time to time—

(1.) Appoint fit and proper persons to be Registrars of Brands within the colony, and may assign any part of the colony as a district to each such Registrar, and appoint a place therein at which shall be the registration office for the district; but any Registrar may be appointed to more districts than one:

(2.) Appoint places at which shall be the chief registration offices for areas of the colony embracing as many districts as the Governor may prescribe, and may also appoint any Registrar to be in charge of such chief offices respectively, and to discharge the duties of Chief Registrar within any of the aforesaid areas.

All Chief Registrars, Registrars, Chief Registration and Registration Offices, and Registration Districts appointed under any Act hereby repealed and existing at the commencement of this Act, shall be deemed to be appointed respectively under this Act.

65. All brands, if in accord with the requirements of this Act, which have heretofore been duly registered under "The Brands and Branding Act, 1880," shall, for the purposes of this Act, be deemed to have been registered under this Act.

66. A copy of every registration effected during the month at the office of every Registrar, and of every alteration made in any register at such office, shall be transmitted within the first week of the ensuing month by the person in charge of such office to the Registrar at the chief office of the district.

Every register shall be open for inspection without payment by any Justice of the Peace, constable, or officer of any County or Borough Council, and by any other person, at all reasonable times, on payment of a fee of *one* shilling.

67. Every owner of stock shall apply to the Registrar of the district wherein his stock are running or are intended to run for a brand for registration by him, and shall deposit with such Registrar two correct copies or impressions of his brand on the forms supplied to him for the purpose; and every owner neglecting to register his brand shall be liable to a penalty not exceeding *five* pounds.

There shall be paid by the owner of every brand to the Registrar who shall register the same a fee of five shillings in respect of the registration of such brand.

68. No Registrar shall register any brand likely, in his opinion, to lead to mistakes or confusion, nor any prohibited brand.

If any two owners of stock within the same district have the same or similar brands, the Registrar of the district may require the owner who last registered the brand to alter his brand.

In case of any dispute the same shall be determined in a summary manner by any one Justice of the Peace.

Any owner who refuses or neglects to alter his brand accordingly when duly required so to do, and afterwards uses the said brand, shall be liable to the same penalties as are herein provided in the case of any person using another person's brand.

69. Any owner of stock having duly registered a brand may, by writing addressed to the Registrar for the district, transfer his right to such brand to any other owner, who shall pay a registration fee of

Registrars of Brands.  
1880, No. 25, ss. 4, 5.

Chief Registration Offices.

Brands already registered to be valid.  
Consequential.

Duplicate of registers to be sent to chief office.  
1880, No. 25, s. 6.

Owners of stock to register brands.  
Ibid, s. 8, amended.

Similar brands not to be registered.

Registrar may require brands to be altered.  
Ibid, s. 9, amended.

Brands may be abandoned.  
Ibid, s. 10, amended.

five shillings for such transfer, or such first-mentioned owner may relinquish his right to the said brand, and, upon the due receipt of such writing by such Registrar, he shall forthwith cause the registry of such brand in the general register of brands for the district to be transferred or cancelled, as the case may be. 5

After such cancellation any other owner of stock may register such brand in his own name in the office aforesaid, and with the Registrar of the district wherein his stock may be running, and may cause his stock to be branded therewith, as if such brand had not been previously registered. 10

Disused brands  
deemed abandoned  
1880, No. 25, s. 11,  
amended.

70. In case it shall be proved to the satisfaction of any Registrar that any brand registered by him has not been used by the owner thereof or by his authority for at least twelve months previously, such brand shall be considered to have been relinquished, and shall be treated accordingly. 15

Penalty for using  
another person's  
brand.  
Ibid, s. 12, amended.

71. After any owner of stock has registered a brand, no other person in the same district shall, without the authority of such stock-owner, brand any stock with the same brand, or with any brand bearing the same mark or one so nearly similar as in the opinion of any Registrar to be not readily distinguishable therefrom, or make or cause to be made any branding-iron bearing the same or a nearly similar brand as aforesaid; and any person offending against this enactment shall be liable to a penalty not exceeding *fifty* pounds and not less than *five* pounds. 20

Brand evidence of  
ownership.  
Ibid, s. 14.

72. The mark or impression of any registered brand upon any stock shall be *prima facie* evidence of the ownership of the said stock by the person in whose name such brand shall be registered in the register of the district. 25

Sheep four months  
old to be branded.  
Ibid, s. 15, amended.

73. All sheep above the age of four months shall be branded with the registered brand of the owner, which shall, so often as necessary, be renewed from time to time so that the same shall be at all times distinct and legible; and for every such sheep not so branded the owner thereof shall be liable to a penalty not exceeding *ten* shillings and not less than *sixpence*. 30

Exemption from  
wool-branding.  
1890, No. 19, s. 67,  
amended.

The Governor may, by Order in Council, from time to time, on petition of a majority of the owners of sheep in any district or subdivision of a district representing the ownership of not less than two-thirds the total number of sheep in such district or subdivision, exempt any such district or subdivision from the operation of so much of this section as requires all sheep to carry a wool-brand; and may similarly alter or revoke any such Order in Council in part or in whole as he shall think fit. 40

Proviso.

Any such Order in Council when gazetted shall take effect as if it had formed part of this Act, and been inserted therein.

Before removing any sheep from an exempted district, the owner of such sheep shall wool-brand the said sheep with his registered wool-brand in conformity with the provisions of section *sixty-one*, unless the district to which the sheep are to be removed, and all the intervening districts, are also exempted districts under this section. 45

Every owner who fails so to brand any sheep as aforesaid is liable to a penalty not exceeding *ten* shillings and not less than *sixpence* in respect of every sheep not so branded. 50

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The provisions of this section shall not come into operation until the *first* day of *January* in the year one thousand eight hundred and *ninety-three*.

74. Notwithstanding anything contained in the last preceding section every owner of sheep shall, whether within an exempted district under the aforesaid section or not, forthwith, after shearing any sheep, and before they leave the wool-shed or drafting-yard, distinctly brand the said sheep with his registered wool-brand; and every such owner who fails so to brand any sheep as aforesaid, in manner as herein required, is liable to a penalty not exceeding *ten* shillings and not less than *sixpence* in respect of every sheep not so branded.

Sheep to be wool-branded forthwith after shearing. 1890, No. 19, s. 67, amended.

75. Every person who wilfully removes more than *one-fourth* of the whole ear of any cattle or sheep, whether his own property or not, and every person in whose possession any cattle or sheep so mutilated is found, is liable to a penalty not exceeding *ten* pounds nor less than *two* shillings in respect of each head of cattle, and of each horse or sheep, so treated.

Penalty for cropping ear of stock. Ibid, ss. 71, 72, 73.

The person in whose possession any head of cattle or any sheep is found having more than *one-fourth* part of the whole ear removed shall be deemed to have removed such part of the ear.

76. Every person who destroys, defaces, or alters the brand on any stock, or is party to the destruction, defacement, or alteration thereof, unless he is the lawful owner of such stock, is liable to a penalty not exceeding *fifty* pounds and not less than *five* pounds for each head of stock in respect of which such offence has been committed, or, at the discretion of the convicting Magistrate or Justices, to imprisonment with hard labour for a period not exceeding two years.

Penalty for defacing brand. Ibid, s. 73, amended.

77. Every person who brands any stock with a brand which is not registered, or of which he is not the registered owner, without the authority of such owner, is liable to a penalty not exceeding *ten* shillings and not less than *sixpence* for each head of stock in respect of which such offence has been committed.

Penalty for using unregistered brand. Ibid.

#### *Special Provision.*

78. The Governor, on the petition of the majority of the owners of sheep in any district or subdivision of a district shall declare by Order in Council that such district or subdivision, from a date to be fixed by the Order in Council, shall be subject to the operation of the following provisions:

In declared districts ear-marks to be made only by punching ear, no knife permitted. Ibid, ss. 72, 73, 74, amended.

In all districts and subdivisions in which the provisions of this section are declared to be in force as last aforesaid:—

(1.) An ear-mark shall be made only by punching the ear, or any part of the edges or tip thereof, with a distinguishing mark, not in any case exceeding three-quarters of an inch in length, or half an inch in width or diameter.

All ear-marks made otherwise than by the use of a punch or nipper are hereby prohibited; and it shall not be lawful to remove any part of the ear, or to crop, cut, slice, or split the ear of any sheep by means of a knife or instrument other than a punch or nipper as hereinbefore mentioned. Every such punch or nipper shall bear the stamp of the Stock Department.

(a.) No Registrar of Brands shall register any brand consisting in part of an ear-mark of any description prohibited by this section.

(b.) Every Registrar of Brands who has registered any brand consisting in part of an ear-mark of any description prohibited by this section shall forthwith cancel such registration, and require the owner of such brand to alter the same; and the Registrar shall register without fee any brand substituted by any owner for a brand cancelled under this section. 5

But it shall not be necessary to re-register any brand which consists in part of an ear-mark of a description which may be made by any instrument authorised by this section. 10

(2.) Every person who wilfully crops or cuts the ear of any sheep straight across, or slices off by a straight cut any part of the ear of any sheep, or who makes an ear-mark on sheep exceeding three-quarters of an inch in length or half an inch in width or diameter, or in any way brands any sheep with an ear-mark otherwise than as required by this section, is liable to a penalty not exceeding *fifty* pounds in respect of each sheep in respect of which such offence has been committed, or, at the discretion of the convicting Justices, to imprisonment with hard labour for any period not exceeding two years. 20

(3.) So much of section *sixty-one* of this Act as relates to ear-marks in sheep shall be repealed. 25

## PART VI.

### LEGAL PROCEDURE AND MISCELLANEOUS.

Penalty for making false return.  
1890, No. 19, s. 69.

79. Every person who wilfully falsifies any return required to be made under this Act is liable to a penalty not exceeding *one hundred* pounds nor less than *ten* pounds. 30

Penalty for breach of Order in Council or regulations, &c.  
New provision.

80. Every person who commits, or attempts to commit, or is concerned in committing or attempting to commit, a breach or violation of any of the provisions of this Act, or any Order in Council or regulation under this Act, for which no special penalty is provided, shall, for every such offence, upon conviction thereof, be liable to a penalty of not less than *five* pounds nor more than *one hundred* pounds, or to be imprisoned, with or without hard labour, for any term not exceeding *twelve* months. 35

*Gazette* conclusive evidence of appointment of officers.  
New provision.

81. The production of the Government *Gazette* containing notice of the appointment or removal of any person to or from the office of Chief Inspector, Inspector, or Chief Registrar or Registrar of Brands shall be conclusive evidence of such appointment or removal respectively. 40

*Gazette* conclusive evidence of Order in Council and regulation.  
New provision.

82. The production of the Government *Gazette* containing any Order in Council or regulation under this Act shall be conclusive evidence of the existence of such Order in Council or regulation, and that the requirements of this Act in respect of such Order in Council or regulation have been complied with. 45

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83. All penalties for any offence against this Act, in respect of anything done or omitted to be done under any of the provisions thereof, and all costs and expenses which by this Act are required to be paid by any owner, may be recovered before a Resident Magistrate, or any two or more Justices of the Peace in a summary way, under "The Justices of the Peace Act, 1882," on an information by or on behalf of any Inspector.

Penalties recoverable before two Justices.  
1881, No. 4, s. 58.  
1890, No. 19, s. 75.

And, notwithstanding anything contained in the Act last mentioned, any information or complaint to be heard in a summary way for or in respect of any offence against this Act, or for the recovery of any penalty under this Act, may be laid at any time within three years next after the date of the offence committed or the penalty incurred.

84. Any Inspector, and any occupier of any land or other person interested, may prosecute for any penalties incurred by any breach of this Act.

Persons interested or any Inspector may prosecute.  
1890, No. 18, s. 13.  
1890, No. 19, s. 76.

15 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.

85. Nothing in this Act contained shall prevent separate informations being laid by every occupier of any land upon which diseased or infected stock have been driven, depastured, or suffered to stray, or by every occupier of any land through or adjacent to which any highway shall pass, upon or along which highway any such infected stock have been driven, depastured, or suffered to stray.

Separate informations by occupiers of all land, &c., crossed by infected stock.  
1890, No. 18, s. 14.  
1890, No. 19, s. 57.

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

86. In any proceedings under this Act, proof that any stock in any flock, drove, or team, is affected with any of the infectious or contagious diseases named in the Schedule A hereto, or with lice or ticks, or any other disease which the Governor may declare to be an infectious or contagious disease for the purposes of this section, shall be sufficient proof that all the stock in such flock, drove, or team are infected.

Flock or drove to be deemed infected if diseased stock found therein.  
1890, No. 19, s. 77.

87. 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 was 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.  
Ibid, s. 78.

88. When, on the hearing of any proceedings under this Act, the person charged as owner of any stock, fodder, or fittings shall dispute that he is the owner, or if it appear that he is a servant of the true owner, or if it shall be uncertain who is the owner, the Justices may give judgment against the owner of the stock, fodder, or fittings in respect of which such proceedings shall have been instituted by such description as owner merely, and may direct the penalty, or other moneys ordered to be paid, and the costs of and attending the recovery thereof, to be levied by seizure and sale of such stock, fodder, or fittings, or of such portion thereof as shall be sufficient to satisfy the same.

Where ownership is disputed or unknown, &c., penalties, &c., may be recovered by sale of stock, &c.  
Ibid, ss. 79, 80.

50 If the amount realised from the sale of such stock, fodder, or fittings 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 stock may be found to possess.

Stock to be deemed goods and chattels of person against whom conviction is made.  
1890, No. 19, s. 80.

89. When any order or conviction is made under this Act in respect of any stock, or any matter or thing done or omitted to be done with reference to such stock, such stock 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 stock) to be of the goods and chattels of the person against whom such order or conviction is made. 5 10

Protection to Inspectors and others acting in execution of this Act.  
1881, No. 4, ss. 52, 53, 54, 55.  
Amended.

90. All actions against any Inspector, or other person acting in the execution of this Act, for anything done in pursuance of or authorised by this Act, shall be commenced within one month after the happening of the cause of action, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action, and the defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if after action brought the defendant shall pay into Court sufficient amends; but in such last-mentioned case the plaintiff shall recover his costs of suit up to the time of payment into Court; and if the defendant shall obtain a verdict, or the plaintiff become nonsuit or discontinue, or the defendant shall otherwise recover judgment, he shall recover full costs as between attorney and client upon such judgment. 15 20 25

Fees, fines, &c., to be paid into Consolidated Fund.  
1890, No. 19, s. 81.  
Repeal.  
Schedule C.  
Consequential.

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

92. The several Acts enumerated in Schedule C are hereby repealed. 30

Schedules.

## SCHEDULES.

### SCHEDULE A.

#### INFECTIOUS AND CONTAGIOUS DISEASES AFFECTING STOCK.

In Horses.—Anthrax, farcy, glanders, influenza, rabies, mange.

In Cattle, Goats, Deer, and other ruminants.—Actinomycosis, anthrax, cancer, foot-and-mouth disease, pleuro-pneumonia, rabies, rinderpest, tuberculosis.<sup>3</sup>

In Sheep.—Anthrax, catarrh, foot-and-mouth disease, rabies, rinderpest, scab, sheep-pox.

In Swine.—Anthrax, foot-and-mouth disease, swine-fever, hog-cholera, rinderpest tuberculosis, trichinosis.

In Dogs.—Rabies.



SCHEDULE B.

TOTAL NUMBER OF HORSES, CATTLE, SHEEP, OR SWINE OWNED BY ME AND DEPARTING ON STATION, RUN, OR FARM, ON 31ST MARCH, 18...

HORSES.

	Draught.		Light.		Total.
	Over One Year.	Foals.	Over One Year.	Foals.	
Entires ... ..					
Geldings ... ..					
Females ... ..					
Totals ... ..					

CATTLE.

Males ... ..				
Females {	Cows or heifers not in milk or calf ... ..			
	Cows in milk or in calf ... ..			
Total ... ..				

SHEEP.

	Merino.	Other Breeds.	Total.
Males, including wether lambs ... ..			
Females {	Breeding ewes ... ..		
	Dry ewes, including ewe lambs ... ..		
Totals ... ..			

SWINE.

Males ... ..		
Females ... ..		
Total ... ..		

Ear-mark, brand, &c. ... ..

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

A.B.

Date :

NOTE.—The ear-mark and brand must be filled in correctly. If you have neither horses, cattle, sheep, nor swine, write across the part of the form relating to horses, cattle, sheep, or swine the word "Nil," and return it.

If within the previous year you have ceased to own horses, cattle, sheep, and swine, write across the Form the words "Nil," and return it.

SCHEDULE C.

ACTS REPEALED.

- 1880, No. 25.—The Brands and Branding Act, 1880.
- 1881, No. 4.—The Diseased Cattle Act, 1881.
- 1890, No. 18.—The Cattle Act, 1890.
- 1890, No. 19.—The Sheep Act, 1890.

By Authority: GEORGE DRISBURY, Government Printer, Wellington.—1892.