

[Hon. Mr. Reid.]

## Sheep and Cattle.

### ANALYSIS.

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<p>66. Removing infected sheep without authority of Inspector.</p> <p>67. Sheep may be removed for shearing, &amp;c., without dipping if not diseased.</p> <p>68. Penalty for concealing infected sheep, or substituting inspected for uninspected sheep, or destroying sheep to avoid inspection, or removing skins of infected sheep.</p> <p>69. Sheepowner whose sheep have been dipped may detain diseased sheep found in his flock the property of another.</p> <p>70. Owner of diseased sheep found upon land of another whose sheep are clean liable in damages.</p> <p>71. Compensation may be awarded although information laid by Inspector.</p> <p>72. As to straying diseased sheep.</p> <p>73. Persons driving infected sheep liable to a penalty.</p> <p>74. Disposal of sheep unable to travel.</p> <p>75. Disinfection of places where diseased sheep have been.</p> <p>76. Causing disease to be communicated.</p> <p style="text-align: center;">TRAVELLING STOCK.</p> <p>77. Honorary Inspectors may grant permits.</p> <p>78. Payment of Honorary Inspectors. Their appointment not to relieve District Inspector.</p> <p>79. Governor may appoint crossing places at borders of divisions.</p> <p>80. Before crossing run, notices to be given.</p> <p>81. Travelling stock to keep usual road, and travel five miles per diem.</p> <p>82. Separate informations may be laid by every person whose run is traversed by diseased stock.</p> <p>83. Travelling stock may be examined without warrant by occupier of run.</p>	<p>84. A yard for inspecting sheep to be upon every run.</p> <p>85. Recovery of strayed cattle or sheep.</p> <p>86. Diseased cattle or sheep may be destroyed by authority of Chief Inspector.</p> <p style="text-align: center;">MISCELLANEOUS.</p> <p>87. Penalty for clipping or taking wool from sheep.</p> <p>88. Penalty for not destroying carcase of diseased stock.</p> <p>89. Penalty for throwing carcase into water.</p> <p>90. Landing and driving imported sheep without permit.</p> <p>91. Landing sheep on mainland of North and Middle Islands from other parts of colony.</p> <p>92. Penalty for Inspector &amp;c. granting false certificate.</p> <p>93. Penalty for taking bribes.</p> <p>94. Penalties, &amp;c., recoverable summarily.</p> <p>95. Persons interested or Inspectors to prosecute.</p> <p>96. Ous of proof upon defendant, who shall be competent witness.</p> <p>97. Who shall be taken as owner of sheep.</p> <p>98. Sheep to be goods and chattels of person against whom conviction is made.</p> <p style="text-align: center;">SCHEDULES.</p> <p>A. Formal declaration for verifying returns.</p> <p>B. Form of return of sheep for contribution.</p> <p>C. License to retain sheep for the purpose of cleansing same.</p> <p>D. Form of penalty bond.</p> <p>E. Certificate of cleanness.</p> <p>F. Form of return of sheep dipped.</p> <p>Schedule of Acts and Ordinances repealed.</p>
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### A BILL INTITULED

Title.

AN ACT to provide for the Eradication of Scab in Sheep, and to regulate the Inspection and Branding of Stock.

Short Title.

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

**1.** The Short Title of this Act shall be the Sheep and Cattle Act, 1877; and it shall take effect on and after the first day of December, in the year one thousand eight hundred and seventy-seven. 5

Interpretation.

#### INTERPRETATION.

**2.** 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,— 10

“Crown lands” shall include all waste lands of the Crown, as well as Crown lands heretofore so designated.

“Gazette” shall mean the *New Zealand Gazette*.

“Public notification,” “public notice,” “publicly to notify,” shall 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. 15

“Cattle” shall mean and include bulls, cows, oxen, heifers, steers, and calves. 20

“Sheep” shall mean and include rams, ewes, wedders, and lambs.

“Horses” shall mean and include horses, mares, geldings, colts, fillies, asses, and mules. 25

- 5       “Stock” shall include cattle, sheep, and horses as herein defined, and shall apply, and also the aforesaid terms of cattle, sheep, and horses shall respectively apply, to any one or more animals of the said several kinds whether living or dead, and any hide, skin, horn, hoof, hair, offal, or other parts of any of such animals.
- 10       “Inspector” shall mean any Chief Inspector, or any Inspector of Stock who shall be appointed under this Act; and in case Inspectors are appointed for particular divisions, districts, or parts of New Zealand, the terms “Chief Inspector” and “Inspector” shall, as to all stock within any such division, district, or part of New Zealand, and as to all notices, penalties, and other matters with reference to such stock and the owners thereof, mean respectively the Chief Inspector for such division, and Inspector for such district or part of New Zealand.
- 15       “Flock” shall mean 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.
- 20       “Brand,” as noun and verb, shall respectively include the nouns and verbs “mark,” “stamp,” and “bust,” and the aforesaid word “brand” shall mean a distinct and plain mark made with pitch, tar, or paint, or other suitable substance, in letters or figures, or otherwise, not less than two inches in length on the sides, back, shoulders, hips, or rump of any sheep; and the word “bust” aforesaid shall mean a brand, as herein defined, burned with a branding-iron into the skin of any cattle or horses, instead of being made with pitch, tar, or paint, or other suitable substance; and the word “mark” aforesaid shall include an ear mark made by cutting, splitting, or punching the ear of any cattle, sheep, or horses, but in manner that in no case more than one-third part of the whole ear from the tip thereof shall be removed from any such animal.
- 25       “Stockowner” or “owner,” having reference to any stock, shall mean every person claiming jointly or in severalty (other than a mortgagee not in possession) any right, title, or interest in any stock, and every superintendent and overseer or other person in possession or charge of any stock.
- 30       “Occupier” shall mean any owner or other adult person who may be in charge or possession of any premises as herein defined.
- 35       “Premises” shall mean any station, run, paddock, farm-yard, stock-yard, cow-house, shearing shed, dipping-place, stable, shed, building, or place where stock are depastured, kept, or housed.
- 40       “**Sheep-proof**” shall apply to any lands enclosed with a substantial fence of such a nature that sheep and lambs are not able to pass through over or under such fence.
- 45       “**Run**” shall mean any open lands, and shall include all enclosed lands the fences whereof are not sheep-proof as herein defined.
- 50       “**Abandoned**” shall mean left or forsaken.
- 55       “**Destroy**” shall mean to kill and bury at a depth of not less than three feet under the ground, or consume by fire, or boil down.
- 60       “**Road**” shall mean any main, cross, or by-road, or any proclaimed or reserved or other road or highway, and includes any land over which any stock have been commonly driven.

“Stray stock” shall mean stock not in the immediate keeping of any person upon any road or upon land not in the occupation of the owner of such stock.

“Travelling stock” shall apply to any stock, whether alive or dead, which are driven or carried by land or water, or which within one month have been driven or carried along or over any place whatsoever other than the land or run on which such stock are ordinarily kept or depastured.

“Driven” shall mean driven or carried or removed or conducted in any manner whatsoever.

“Dipped” and “dip” shall mean plunged or immersed in some effective scab-destroying preparation.

*In respect of Cattle,—*

“Diseased” shall mean actually affected with any disease, as the same is defined in “The Diseased Cattle Act, 1871,” or in any Act in amendment of the same or in substitution thereof.

“Infected” shall apply to all cattle that are within or have been brought from any infected place, as the same is defined in the aforesaid Act.

*In respect of Sheep,—*

“Diseased” shall mean actually affected with the disease called “the scab,” and where the *Acarus* or scab insect has been found, or affected with any other contagious or infectious disease which may hereafter be brought under this Act by Proclamation in the *Gazette*.

“Infected” shall apply to all sheep that are diseased, all sheep in any flock in which there are one or more diseased sheep, all sheep that have been within two months in any flock of such sheep as last aforesaid, or kept on any land or run in or on which any diseased sheep have been within two months, and all sheep that within two months have been dressed for the scab.

*In respect of Horses,—*

“Diseased” shall mean actually affected with any contagious or infectious disease which may hereafter be brought under this Act by Proclamation in the *Gazette*.

“Infected” shall apply to all horses that are diseased, all horses in any herd in which there are one or more diseased horses, all horses that have been within one month kept upon any premises where there have been any diseased horses.

PRELIMINARY.

Not to effect Diseased Cattle Act.

3. Nothing in this Act contained shall be construed or taken to repeal or alter any of the provisions of “The Diseased Cattle Act, 1871,” or any Act amending the same.

Repeals.

4. The several enactments enumerated in the last Schedule annexed hereto are hereby repealed; but this repeal shall not affect—

- (1.) Anything duly done or suffered; or
- (2.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence against any enactment hereby repealed; or
- (3.) The institution of any investigation or legal proceeding for enforcing or recovering any such penalty, forfeiture, or punishment as aforesaid; and such investigation or legal proceeding may be carried on as if this Act had not passed.

5. Every person heretofore duly appointed and holding an office at the time this Act takes effect under the provisions of any enactment hereby repealed, shall be deemed to have been appointed under this Act. Former appointments affirmed.

6. 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. Former regulations validated.

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 published in the Gazette, shall have the force of law as if expressed in this Act. Governor may make regulations, &c.

8. Scab and catarrh in sheep shall be diseases under this Act, and the Governor, by Proclamation in the Gazette, from time to time may declare what other diseases affecting cattle, sheep, or horses respectively shall be diseases hereunder. Diseases under the Act.

9. Where by this Act any notice, return, or other document is authorized or required to be given by or to any Inspector, stockowner, or other person, the same may be given either by delivering the same personally, or by leaving the same at or posting the same addressed to the registered address of such Inspector or the usual or last-known place of abode in New Zealand of such stockowner or person. Delivery of notices.

10. All returns required to be furnished by stockowners under this Act shall be verified by declaration, in the form in the Schedule A, made before any Justice of the Peace (for which no fee shall be paid), that the matters contained in such return are true; and any person wilfully making such declaration, knowing the same to be false, shall, upon conviction thereof before any Resident Magistrate or two Justices of the Peace, be liable to a penalty of one hundred pounds, or to be imprisoned for a period not exceeding six calendar months. In any case in which it is made to appear to the Chief Inspector that such declaration cannot be made without special inconvenience, he may, if he thinks fit, receive a return not verified as aforesaid. Returns to be verified. Schedule A.

Every person who wilfully makes any false return under this Act shall forfeit and pay any penalty not exceeding one hundred pounds. Penalty for false returns.

11. It shall be lawful for the Governor, by Order in Council, from time to time and as he shall think fit, to appoint delegates within any part of the colony to exercise all or any of the powers hereby conferred upon him by this Act, and to appoint the area within which such delegates respectively may exercise the powers so delegated to them, and any such delegation at any time to revoke in whole or in part. Governor's powers of delegation.

50 DIVISIONAL DISTRICTS.

12. The Governor, by Proclamation in the Gazette, may from time to time establish and define such and so many divisions as he shall think fit to be divisions under this Act, and part the same into districts. Divisions and districts.  
To each such division and district 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 division or district may from time to time in like manner be altered or constituted anew in such manner as the Governor may think fit.

Runs on borders of different districts.

**13.** If any run is intersected by any division or district boundary, the Governor shall determine in what division or district 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 divisions and districts respectively were established.

ASSESSMENT OF SHEEP.—FEES AND FINES.

Contribution to Sheep and Cattle Fund.

**14.** To provide a fund for the payment of the expenses incurred in carrying out the provisions of this Act, there shall be payable to a fund to be called "*The Sheep and Cattle Fund*," upon and in respect of all sheep possessed by one owner, and depastured and kept in New Zealand or its dependencies, a contribution of a sum not exceeding per annum for every sheep possessed by such owner, the amount of such contribution in any one year to be fixed by the Governor in Council, by Proclamation published in the "*Gazette*"; and such contribution shall be paid to the Receiver of Land Revenue at the same time in each year as the rent in respect of the run on which such sheep may be depasturing is paid to him, or, if no such rent is paid to him, then the contribution shall be paid to the Receiver aforesaid on the first day of March in every year, and shall be calculated for each year upon the number of sheep possessed by such owner on the first day of January previous.

Yearly assessment according to acquirements.

Provided that if at any time it is certified by the Colonial Treasurer that it appears to him, upon balancing such account, that a certain proportion only of such contribution will be necessary for the purposes of this Act during the then current year, it shall be lawful for the Governor, by Proclamation in the "*Gazette*," to direct that the proportion so certified, and no more, of such contribution shall be payable in respect of such year.

Return of sheep for contribution.  
Schedule B.

**15.** Every owner of sheep shall, within two months after this Act takes effect, and on the first day of January in every succeeding year, deliver to the Chief Inspector a return in the form in the Schedule B, stating the number and description of sheep in his possession on the first day of January in such year; and every owner who refuses or neglects to deliver such return in manner aforesaid on or before the appointed time for delivering the same shall forfeit and pay a penalty not exceeding twenty pounds for such first refusal or neglect, and a further penalty of ten pounds in respect of each week that shall expire after the appointed time for the delivery of the same during which he shall continue to refuse or neglect to deliver such return.

Unpaid contributions to be sued for.

**16.** Every owner of sheep who omits to pay the contribution due from him on or before the first day of March in any year shall pay an additional amount equal to one-fourth part of such contribution; and if any owner after the said first day of March omits or refuses to pay the contribution payable by him, then it shall be lawful for the Receiver of Land Revenue or any Inspector acting under instructions from him, to sue for and recover such contribution at any time not being more than one year after the time when such contribution should have been paid.

Contributaries exempted.

If any owner of sheep shall, at any time previous to the coming into effect of this Act, have paid, under the provisions of any enactment heretofore in force, any contribution by way of assessment upon any sheep in his possession, in respect of any part of the year one thousand eight hundred and seventy-eight, then and in such case such owner shall nevertheless deliver to the Chief Inspector the return of sheep in his possession as hereinbefore required, but he shall be required to pay for the year one thousand eight hundred and seventy-eight only so much of the contribution in respect of such sheep imposed by this Act

as would, together with the amount he may have already paid in respect of the same for the aforesaid year, amount to the whole of the contribution he would be liable for under this Act for the said year.

17. All fees, penalties, and sums of money imposed or made payable by this Act shall, when recovered, be paid into the Public Account to the credit of "The Sheep and Cattle Fund;" and it shall be lawful for the Governor to authorize any sum to be paid to any person as compensation or reimbursement for expenses incurred, and in every such case such sum shall be paid to such person.

Fees, fines, &c., to be paid into Sheep and Cattle Fund.

18. There shall be applied out of "The Sheep and Cattle Fund" such sums of money as shall from time to time be appropriated by the General Assembly for the purposes of this Act.

Expenses of Act to come out of Sheep and Cattle Fund.

BRANDING OF STOCK.

19. There shall be for each division established under this Act as many Registrars of Brands as the Governor from time to time may appoint, one of whom shall be the Chief Registrar for the division, at whose office shall be kept the general register of brands for the whole division, wherein shall be recorded copies and particulars of all the brands registered in the several districts of the division, and any alterations thereof.

Registrars of Brands.

In every district there shall be kept a local register of brands, and a Registrar appointed to take charge of such register and to make all requisite entries therein, and perform within such district the several duties imposed upon him by this Act. Any Registrar of Brands appointed under this Act may act in that capacity for any one or more districts in the same division.

General and district registers.

Every register shall be open for public inspection on payment of a fee of two shillings and sixpence.

20. The Chief Inspector of each division shall have one or more official brands registered in the general register of brands of the division and of all the adjoining divisions, and such brands shall be used exclusively by the Inspectors within such division in manner as the Chief Inspector shall direct. If any person shall without authority use any of such official brands, or any brand so similar as not to be readily distinguishable therefrom, he shall be liable on conviction to a penalty of not more than one hundred pounds.

Official brands of Inspectors.

21. Every stockowner shall deliver to the Registrar of Brands of the district, for registration by him, a description of the brand which such owner uses or purposes to use in branding his stock, and shall deposit two correct copies or impressions of his brand with such Registrar, who shall retain one of such copies or impressions in the office of his district, and shall transmit the other copy to the office of the Chief Registrar of the division; and every owner neglecting to register his brand shall be liable to a penalty not exceeding five pounds, and an additional penalty of not more than five pounds for every week he shall continue such neglect after the first conviction.

Stockowners to register their brands.

Penalty for not registering.

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.

Registration fee.

22. No Registrar of Brands shall register any brand which he shall think so similar to any other brand already registered within the same division as would lead to mistakes or confusion; and if any two stockowners within the same division have the same or similar brands, the Chief Registrar of Brands for the division may require one of such owners to alter his brand; and 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.

Similar brands not to be registered.

Priority of registration to entitle to use of brand.

23. The owner of any stock having a duly registered brand previous to the coming into operation of this Act shall be entitled to have such brand registered under this Act by priority of right in the order of date of original registry: Provided that such brand is so registered within six months from the coming into effect of this Act. 5

Penalty for using another person's brand.

24. After any person shall have registered a brand, it shall not be lawful for any other person to 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 to 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. 10

Penalty for unlawfully branding stock or defacing brands.

25. If any person shall brand any stock without the authority of the owner thereof, or shall deface or efface any brand or other distinguishing mark or impression upon any stock without such authority in writing, he shall be liable to a penalty not exceeding one hundred pounds: Provided that if, on the hearing of any information for a penalty under this section, it shall appear that the defendant or person accused acted under the reasonable belief that he was owner of such stock, such information shall be dismissed. 15 20

Ears of cattle and sheep not to be trimmed.

26. If any person shall wilfully cut off the edges of the sides or more than one-third part of the tip of the ear of any cattle, sheep, or horse, whether belonging to himself or to any other person, he shall be liable to a penalty of not more than five pounds for each head of cattle and for each sheep or horse in respect of which such offence has been committed. 25

Brand on stock to be evidence of ownership.

27. 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 local or general register of the district or division. 30

Use of brand may be abandoned, and registry cancelled.

28. Any person having duly registered a brand may, by writing addressed to the Registrar of Brands for the district, 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 local register and also in the general register of brands for the division to be cancelled; and thenceforth it shall be lawful for any other person to register such brand in his own name in the office of the Registrar, and to cause his stock to be branded therewith as if such brand had not been previously registered. 35 40

Entries in district registers to be copied into general register.

29. Every Registrar shall, on the first day of every calendar month in each year, make and transmit to the Chief Registrar of Brands of the division true copies certified under his hand of all entries made in the Register Book in his office during the month next preceding, or a certificate under his hand that there have been no such entries, as the case may be: And every Registrar who shall refuse or neglect so to do shall be liable for every such offence to forfeit and pay a sum not exceeding ten pounds, to be recovered in a summary manner. 45 50

Cattle and sheep to be branded.

30. All cattle above the age of six months and depasturing on any Crown lands or on common lands, and all sheep above the age of six months, shall be branded with the registered brand of the owner, so that the same shall be at all times legible; and for every such head of cattle or sheep not so branded, the owner thereof shall be liable to a penalty not exceeding ten pounds. 55

#### INSPECTORS OF STOCK.

Inspectors to be appointed.

31. The Governor may, from time to time, by a notice to be published in the *Gazette*, appoint Inspectors of Stock within any parts of the colony, and may from time to time remove or dismiss 60



such Inspectors ; and no alteration of any division or district, or change of Inspector, shall affect any right, liability, or proceeding under this Act ; but the Inspector for the time being of any division or district shall be deemed to have done and permitted all acts and things law-  
5 fully done and permitted within such division or district by any previous Inspector thereof.

32. One Inspector in each division shall be the Chief Inspector thereof, who shall have the general supervision and control thereof, and shall reside at such place as the Governor shall appoint, and all  
10 other Inspectors within the division shall forward to such Chief Inspector a monthly report of all matters connected with the discharge of their duties. Any Chief Inspector may or may not have a particular district allotted to him, according to the requirements of the division. All Inspectors shall register their names and addresses in  
15 the office of the Chief Inspector of the division, who shall cause such names and addresses to be forthwith publicly notified.

Chief Inspectors of divisions.

33. In any case where a sudden or extraordinary emergency shall arise, the Chief Inspector shall forthwith take such steps in the matter as he shall think necessary and proper, and shall report his action therein  
20 without delay to the Governor, who shall thereupon take such further action in the case as to him shall seem fitting.

Duty of Inspectors in cases of emergency.

In any case as aforesaid, and when the Chief Inspector shall be absent, any Inspector present at the time or nearest at hand may act in the place of such Chief Inspector.

34. Every Inspector shall have full power at any time to inspect any stock, wherever such stock may be depastured or kept, and shall have exercise and discharge, within the district for which he shall be appointed, the several powers authorities and duties hereinafter mentioned ; and for the purposes of such inspection, or for the  
30 purposes of inspecting and examining any dipping apparatus hereinafter referred to, 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 lands or tenements whatsoever.

Powers of Inspectors.

35. Every Inspector of Stock shall have at all times free ingress egress and regress into through and from all slaughterhouses pounds and establishments for the boiling down of cattle and sheep, and the premises attached thereto respectively, and may inspect any stock in about or  
40 around any of such places, and may require all hides skins or other parts of any stock to be produced before him for inspection and examination. Such Inspector may satisfy himself as to where any of the stock in any of such places were brought from, and the occupiers or persons respectively in charge of any of such places shall be bound to satisfy such Inspector in all such matters to the best of  
45 their ability. Every person who shall obstruct any Inspector in the discharge of the duty imposed upon such Inspector by this section, or refuse to answer his inquiries, shall be liable to the same penalties as are hereinafter provided in respect of owners of stock or other persons obstructing an Inspector from making an inspection of stock.

Inspectors to have free access to premises.

36. Every stockowner shall, whenever thereunto required by the Inspector by notice in writing, deliver to such Inspector a correct return, verified by declaration as hereinbefore provided, of all stock in his possession or charge at a time to be specified in such notice, and where depasturing or kept ; and if any such owner, within fourteen  
55 days after the delivery of such notice, neglects or refuses to deliver such return, he shall forfeit and pay for every such offence a penalty not exceeding twenty pounds. After any conviction under this section a fresh notice to supply a return as aforesaid shall be served upon the owner refusing to make the same, and every fresh refusal upon such  
60 fresh notice shall be a separate offence under this section.

Inspectors may require special return of stock to be furnished.

Inspector to attend where required on notice given.

**37.** Every Inspector, upon being required by notice from any owner of stock, shall attend at any place appointed within or not exceeding five miles from his district, within a reasonable time after the service of such notice, for the purpose of examining any stock belonging to such owner, and in default of so attending shall forfeit and pay 5

Penalty for obstructing Inspector.

**38.** Every owner of any stock or other person who shall refuse to allow any Inspector to enter at any reasonable time upon his pasturage or premises, or who shall without due cause, after having notice in writing from any Inspector of his desire to inspect any stock 10 belonging to such person or in his care or possession, refuse to allow such inspection to be made by any Inspector, or shall impede or attempt to impede or hinder the Inspector from examining such stock, shall be subject to a fine not exceeding one hundred pounds.

Notice of inspection to be given to stock-owner.

**39.** Every Inspector shall give notice by advertisement in a 15 newspaper, or in some manner sufficient to convey the information generally in the part of the district affected thereby, of the time at which he intends to make an inspection of any stock in such part of the district; and such notice shall be sufficient warning to all stock-owners to have the stock respectively belonging to them mustered so 20 as to be ready for yarding for inspection.

No Inspector shall require any stockowner to muster his stock for inspection, after the said stock shall have been inspected at any time within the previous twelve months, unless he shall have just cause to believe that disease has broken out in such stock, or that the same 25 have become infected since the previous inspection thereof. Every Inspector who shall wantonly and capriciously order any such muster of stock, for the purpose of harassing the owner thereof, shall, over and above the cost and expenses attending such muster, pay a penalty of 30 one hundred pounds and forfeit his office.

Notice to be given of mustering by stock-owner.

**40.** Every owner of stock who shall make a general muster of cattle, or who shall make a muster of sheep for the purpose of shearing or for weaning or docking lambs, shall give not less than three days' notice thereof to the Inspector before yarding such stock, and not less than twenty-four hours' notice thereof to the adjoining stockowners, 35 and to all other stockowners not so adjoining but who, he may have reason to believe, have stock running with his own stock; and every owner who shall neglect to give any of such notices as aforesaid shall be liable to a penalty not exceeding twenty pounds in respect of each separate notice that has not been given by such owner in manner 40 herein required.

#### DISEASED STOCK.

Penalty on shepherds, &c., concealing existence of disease.

**41.** If any stockman, shepherd, or other person in charge of stock knowingly and wilfully conceals from his master or employer the fact of such stock having become diseased or infected, he shall, upon conviction, be liable to forfeit all wages then due to him, and also to a penalty not exceeding twenty pounds. 45

#### *Diseased Cattle.*

Inspector to report and require Diseased Cattle Act to be brought into force.

**42.** Whenever any Inspector shall have reasonable cause to suspect that disease exists in any district and that cattle are threatened 50 with infection thereby, he shall forthwith report the same to the Chief Inspector, who shall thereupon satisfy himself as to the accuracy of any such suspicion and forward a report thereon to the Governor, who shall thereupon, if he shall deem it necessary, at once bring into operation within such district the provisions of "The Diseased Cattle 55 Act, 1871," or of any other Act in force at such time relating to diseased cattle.

Diseased Sheep—Scab.

43. In the following case, sheep shall be deemed to be infected :— What sheep deemed infected.

5 If the owner of any sheep shall not hold a "Certificate of Clean-ness" for such sheep.

10 44. Every sheepowner who, on becoming aware or having reasonable grounds to suspect that any of his sheep are infected, neglects to give notice thereof forthwith to the Inspector of the district and to all neighbouring sheepowners, shall, for every case in which he shall fail to give such notice, be subject to a penalty not 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 a period of forty-eight hours subsequent to his being aware of the sheep being infected. Sheepowner to give notice of infection in his flocks.

15 Proof that any sheep have been infected for more than thirty days shall, in the absence of direct proof that any owner was aware of any of his sheep being infected, be *prima facie* evidence of such owner having been aware of their being infected.

20 45. Any person being a sheepowner, or the servant of a sheepowner whose sheep may be running or depasturing in any hundred, or upon any common lands, or upon Crown lands, or upon private land, may seize and destroy all such diseased or infected sheep that may be running loose in such hundred or upon any such lands without a shepherd, or that shall be found in or approaching near to any of the Infected sheep running loose may be destroyed.

25 flocks of sheep of such sheepowner; but nothing herein shall authorize the destruction of any sheep belonging to one owner, when such one owner's sheep running loose together are more than twenty in number. Quarantine yards may be erected.

30 46. The Chief Inspector of any division established under this Act, with the sanction of the Governor, in cases where there are no Crown lands available for the purpose, may rent in any district sufficient land whereon to erect quarantine yards or paddocks, which yards or paddocks shall be conveniently and securely fenced so as to be sheep-proof.

35 47. It shall also be lawful for such Chief Inspector, with the sanction of the Governor, to erect and maintain in each district such and so many public dips as he deems necessary at such places as he sees fit; and the Governor in Council shall prescribe the charges to be made for the use of any such dip; and if any person using any such dip neglects or refuses to pay upon demand any such charge, the same may be Public dips may be maintained.

40 covered in a summary manner. Public dip not to exempt from having private dips.

45 48. The erection in any district of any public dip as aforesaid shall not exempt any owner of sheep within such district from having and maintaining upon his own premises a sufficient dipping apparatus as provided in the next following section, unless he shall be specially Exceptions.

50 49. Every owner of sheep shall provide and maintain in good working order, on some land in his own occupation, a good and sufficient apparatus to the satisfaction of the Inspector for properly dipping so many sheep as he shall for the time being be owner of: Owners to maintain sufficient dipping apparatus.

55 Provided that where such owner shall have not more than five hundred sheep it shall not be necessary for him to erect such dipping apparatus, if he shall have other appliances sufficient for hand-dipping such sheep; and provided also that, in a district occupied by owners of small flocks only, it shall be sufficient if two or more of such owners shall join together to erect a dipping apparatus, to the satisfaction of the Inspector, for common use amongst themselves.

Penalty for refusing to erect dip, or to dip sheep.

50. If the owner of any sheep refuses or neglects, within two months after written notice requiring him so to do has been served upon him by the Inspector, to provide and maintain upon his premises or run a dip or other necessary means to the satisfaction of the Inspector for dipping and cleansing such sheep, such sheepowner shall be liable to a penalty not exceeding fifty pounds; and if a dip or other necessary means to the satisfaction of the Inspector is not provided by such owner at the expiration of thirty days after any conviction under this section, such owner shall be further liable to a like penalty. 5

If any diseased, or infected sheep are at any time found in the possession of any owner who has refused or neglected to comply with this provision, then the same may be seized by an Inspector and dipped, if the Chief Inspector so directs. 10

Clean sheep districts.

51. The Governor in Council may, by notice in the *Gazette*, declare any portion of the colony to be a "Clean Sheep District," and may from time to time alter the boundaries thereof, or revoke such notice; and no sheep shall enter the same until such sheep have been examined by an Inspector, who shall within ten days after receiving notice examine the same, and, if he sees fit, order the same to be dipped to his satisfaction; and every person who offends against this section shall be liable to a penalty not exceeding one hundred pounds: Provided that this provision shall not apply to any person importing fat stock by sea from any part of New Zealand, if such stock are imported for slaughter and sale only, and in respect to which a clean certificate has been granted by any Inspector under this Act within ten days previous to the date of landing such sheep in such district. 15 20 25

Quarantine sheep districts.

52. Any run depastured by sheep, the owner of which holds a license to cleanse the same, shall, until such sheep have been pronounced clean by the Inspector, be deemed a "Quarantine Sheep District;" and no sheep shall be removed from any such run without a special permit from the Inspector; and every person who offends against this section shall forfeit and pay a penalty not exceeding one hundred pounds. 30

Chief Inspector to issue licenses to cleanse sheep. License may be cancelled for neglect. Schedule C.

53. The Chief Inspector shall, on application being made, issue to any owner of infected sheep a license, in the form in the Schedule C, to cleanse the same; and every such license shall be in force for a period not exceeding six months, and may from time to time be renewed for periods not exceeding four months on each renewal, as hereinafter provided. 35

Penalty for having infected sheep.

54. If any person is found in the possession of diseased or infected sheep, he shall be liable to a penalty of not less than five shillings in respect of every sheep so diseased or infected: Provided that it shall be lawful for the Chief Inspector, instead of recovering such penalty, to grant to the owner of the said sheep a license to keep the same for the purpose of cleansing such sheep. 40 45

Every such license and every renewal thereof shall be void if during its continuance the person to whom the same is granted shall not take and prosecute measures for the effectual cleansing of the sheep mentioned therein to the satisfaction of the Inspector; and whenever a license or renewal thereof shall become void as aforesaid, the Inspector shall forthwith proceed to recover the penalty hereinbefore mentioned in respect of each infected sheep mentioned in the said license. 50

Conditions of renewal.

55. If, on the expiration of any license to keep sheep for the purpose of cleansing the same, the sheep mentioned in such license are found to be still infected, the owner of such sheep shall be liable to a fine of not less than one shilling nor more than five shillings for every such infected sheep, and, on payment of any such penalty, the Chief Inspector shall renew such license for a further period of four months: Provided that if it shall appear to the satisfaction of the 55 60

Justices before whom any conviction under this enactment shall take place, that such sheep had been free from disease at any time within two months previously to such conviction, or that the owner had been using proper and adequate means for curing such sheep of disease, it shall be lawful for such Justices to require the person so convicted to enter into a bond or bonds, in the form in the Schedule D, to the amount of the penalty in which he shall have been convicted; and if it shall appear upon the report of an Inspector that during four months thereafter all adequate means have been employed, and that the sheep are still infected without any fault attributable to the owner, a further renewal of his license for a period of four months may be allowed for effecting their cure; and if at any time within either the said period of four months or second period of four months, if allowed, such sheep shall appear upon the report of an Inspector to be free from disease, such bond shall be cancelled, but if it shall not so appear then such bond shall be enforced in a summary way: Provided that, if the owner of such infected sheep is willing to enter into such bond or bonds, the Inspector shall take such bond or bonds from such owner of sheep, and the Inspector shall in that case lodge such bond or bonds in the hands of the Clerk of the nearest Resident Magistrate.

Penalty bond.  
Schedule D.

**56.** Notwithstanding that any person has entered into a bond as hereinbefore mentioned, such person shall be liable at any time to have his license, or any renewal thereof, cancelled and made void if he shall not prosecute measures for the effectual cleansing of the sheep as hereinbefore provided, and shall be liable in the full penalty hereinbefore provided in such cases of neglect.

Bond-giver subject to cancel of license for neglect.

And in any case where a license to keep sheep for the purpose of cleansing the same, or any renewal of such license, shall be made void by reason of neglect on the part of the holder of such license, it shall be lawful for the Chief Inspector to direct such measures to be taken for the effectual cleansing of the sheep mentioned in such license as to him shall seem fit.

**57.** Every sheepowner who holds a license to cleanse infected sheep may at any time apply for a certificate of cleanness for such sheep, and thereupon such sheep shall be examined by an Inspector, who shall, if satisfied that the said sheep have been thoroughly clean for a period of two months and are free from disease or infection, grant a certificate of cleanness in the form in the Schedule E in respect of such sheep; but where the Inspector refuses to grant such certificate in any case, he shall forthwith report in writing to the Chief Inspector his reasons for refusing to grant such certificate.

License-holders may apply for certificates of cleanness.

Schedule E.

No certificate of cleanness shall be given to any owner of any sheep depasturing on any farm or run until he shall have cleaned the whole of the sheep on such farm or run, or on any adjoining farm or run in his possession.

**58.** If any sheep are at any time found to be diseased or infected, the owner thereof not holding a license to cleanse the same, and not having applied in writing to the Chief Inspector for such license, it shall be lawful for any Inspector to seize and detain the same where found, or in some secure place, as he sees fit; and such Inspector shall forthwith report the same to the Chief Inspector in writing, who may appoint a time within which such sheep shall be dipped, or may direct such other measures to be taken for the purpose of cleansing the same as the Chief Inspector deems necessary; and if such owner refuses or neglects to dip the sheep within the time appointed, or otherwise to comply with any directions of the Chief Inspector, or to afford all reasonable assistance to the person appointed by the Chief Inspector to collect and dip such sheep, he shall be liable to a penalty not exceeding one hundred pounds.

Diseased sheep may be seized, detained, and dipped.

Owner to pay cost of sheep dipped by Inspector.

59. Where in any case the Chief Inspector, or any Inspector, orders or directs any sheep to be collected, dipped, or driven, such sheep shall be collected, dipped, or driven by or at the cost of the owner thereof; and where the owner of such sheep, or any person in charge thereof, refuses to collect, dip, or drive such sheep when ordered or directed by the Chief Inspector, or any Inspector, all reasonable expenses incurred in collecting, dipping, or driving such sheep shall be recovered in a summary way before any two Justices of the Peace. 5

Sheep to be dipped.

60. Every owner of sheep depastured or kept in any part of New Zealand, not being within a "Clean Sheep District," shall dip the said sheep at least twice immediately after shearing, at intervals of not less than ten nor more than fourteen days, in some reputed effective scab-destroying preparation approved by the Inspector. 10

Every owner of sheep as aforesaid shall, seven days before dipping the same, give notice in writing to the Inspector of his intention to dip the said sheep, and the Inspector shall satisfy himself that the said sheep have been duly dipped; and any owner of sheep who neglects or refuses to satisfy the Inspector that the said sheep have been duly dipped shall forfeit and pay a penalty of not more than fifty pounds: Provided that every sheepowner holding a clean certificate for the sheep in his possession shall not be compelled to dip the said sheep more than once, unless the Inspector has reason to think there exists a doubt as to the cleanness of the said sheep, when in such case he shall report the same to the Chief Inspector, who may direct the said sheep to be dipped twice. 15 20 25

This provision shall only remain in force until the Governor in Council determines, by notice published in the *Gazette* and in one or more newspapers circulating in the district, that compliance with this provision is, in certain districts to be named in such notice, no longer necessary. 30

Definition of "immediately after shearing."

61. The expression "immediately after shearing," used in the preceding section in relation to dipping, shall mean that the sheep shall be first dipped directly from the shearing board; and in case such sheep cannot be then conveniently dipped, then the said sheep shall be kept in a securely fenced paddock or paddocks, or, if the Inspector approves, in a run which is open and free from timber and scrub, and shall not be turned out of such paddock or paddocks or run until they have been dipped the first time; and the word "shearing," used in the said section in relation to the period of the year when sheep are shorn, shall mean any time between the first day of September in any year and the thirty-first day of January in any succeeding year; and any sheepowner who refuses or neglects to shear his sheep (except those lambs that he may intend to keep as hoggets) within the period hereinbefore specified shall be liable to a penalty not exceeding fifty pounds. 35 40 45

Return of sheep dipped.

62. Every sheepowner, immediately after dipping his sheep, shall make a return to the Chief Inspector, or to the Inspector of the district in which the said sheep have been dipped, in the form in the Schedule F, and any sheepowner neglecting or refusing to make such return shall be liable to a penalty of not more than twenty pounds. 50

Schedule F.

Store sheep to be dipped when sold.

63. All sheep placed in any public saleyards not being within a clean sheep district shall, if the Inspector has any reason to believe that any of the said sheep are infected or diseased, be dipped, if the Inspector shall so direct, at a public dip before they are driven to their destination, or be dipped after they have arrived at their destination; and every person who offends against this section shall forfeit and pay a penalty not exceeding fifty pounds. 55

Penalty for refusing to dip infected sheep.

64. If the owner of any diseased or infected sheep refuses or neglects to collect and dip such sheep in such manner as the Inspector 60

directs within ten days after written notice requiring him so to do has been served upon him by the Inspector, he shall upon conviction, unless he can prove satisfactorily that he was prevented by stress of weather or some other unavoidable cause, be liable to a penalty not exceeding fifty pounds, and for a second refusal or neglect, after a further written notice as aforesaid, to a penalty of not less than twenty pounds and not exceeding one hundred pounds.

After the expiration of the periods aforesaid, it shall be lawful for the Chief Inspector to cause such sheep to be collected and dipped as he may think fit, and the expense thereby incurred may be recovered against such owner.

**65.** If the owner of any infected sheep shall suffer such sheep to stray, or shall turn out, drive, keep, or depasture the same upon any land not lawfully in his own exclusive occupation, or within half a mile of any boundary of such land not being a recognized sheep-proof boundary, such owner shall forfeit and pay for every such offence a penalty of not less than fifty pounds nor more than one hundred pounds.

Penalty for suffering infected sheep to stray.

**66.** If any infected sheep are without the authority in writing of the Inspector removed from any place, and driven upon or along any road or ferry, or upon, over, or across any land not being in the actual occupation of the owner of such sheep, the owner of such sheep shall be liable to pay a penalty not exceeding one hundred pounds; and if the person in charge of such sheep refuses to produce the authority in writing of the Inspector, on being required to do so by any sheepowner or person duly authorized on his behalf, every person so offending shall be liable to a penalty not exceeding twenty pounds; and if any Inspector grants an authority in respect of any sheep which he knew to be actually diseased at the time of granting the same, or without having ascertained by personal inspection whether such sheep were then infected or not, he shall be liable to a penalty of one hundred pounds, and on conviction shall forfeit his office.

Removing infected sheep without authority of Inspector.

If any sheepowner holding a license to cleanse his sheep occupies land on both sides of a public road, he may drive such sheep over or across the said road in such manner and with such precautions as the Inspector sees fit.

**67.** The owner of any flock of sheep may remove the same to a distance of not exceeding thirty miles for the purpose of shearing, dipping, or boiling down without having previously dipped the same, and the Inspector shall grant him the required permit for the purpose after having first satisfied himself that no diseased sheep are contained in the flock so to be driven as aforesaid. The condition of such permit shall be that the said sheep while in progress of removal shall be constantly followed and kept in sight by day and securely guarded by night within a sheep-proof enclosure, and shall not be permitted to camp in the open on any run while on their journey; and infected sheep so being driven as aforesaid through a clean district shall not be deemed to have infected the flock depasturing thereon, unless they shall have actually mixed with such flock.

Sheep may be removed for shearing, &c., without dipping, if not diseased.

**68.** If the owner of any diseased or infected sheep separates, by himself or by any other person, such sheep from any other sheep which are not visibly diseased, and afterwards, by himself or by any other person, drives the sheep not visibly diseased along any road, or offers or exposes the same for sale in any manner, by himself or by any other person, such owner shall upon conviction be liable to a penalty of not less than ten pounds nor more than two hundred pounds.

Penalty for concealing infected sheep, or substituting inspected for uninspected sheep, or destroying sheep to avoid inspection, or removing skins of infected sheep.

Any sheepowner who removes sheep that have not been inspected from an enclosure, farm, or run, and substitutes for them other sheep that have been inspected, for the purpose of deceiving the Inspector, shall forfeit and pay a penalty of not less than fifty pounds and not exceeding one hundred pounds.

Any sheepowner, who for the purpose of deceiving the Inspector wilfully destroys, conceals, or puts sheep away, in order to avoid the inspection thereof, shall forfeit and pay a penalty of not less than twenty pounds nor exceeding one hundred pounds.

Every person who knowingly aids or assists in doing any act in this section mentioned shall be liable to a penalty not exceeding twenty pounds. 5

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 more than fifty pounds. 10

Sheepowner whose sheep have been dipped may retain diseased sheep found in his flock the property of another.

69. If any sheepowner, who has dipped his sheep to the satisfaction of the Inspector, finds diseased sheep the property of another in his flock prior to the time when an Inspector may lawfully grant a certificate of cleanness in respect of such sheep, such owner may detain the said diseased sheep; and if the Inspector certifies that, to the best of his belief, but for contact of the sheep that had been dipped to his satisfaction with the said diseased sheep such owner would have been entitled to a certificate of cleanness at the time prescribed in this Act in respect of the last-mentioned sheep, the owner of the said diseased sheep shall on conviction be liable to a penalty not exceeding fifty pounds, and in addition thereto the adjudicating Justices shall order him to pay forthwith to the owner of the sheep herein first mentioned such sum of money, not exceeding fifty pounds, as they may consider a reasonable amount to cover the cost of again dipping the sheep which had been previously dipped to the satisfaction of the Inspector. 15 20 25

Owner of diseased sheep found upon land of another whose sheep are clean liable in damages.

70. If any diseased or infected sheep are found upon the run of any sheepowner holding a certificate of cleanness, he may detain such sheep until they have been examined by an Inspector, who may order such sheep to be dipped (if practicable whilst on such run), and give such other directions for the removal and dipping of such sheep as he may think fit; and the owner of such diseased or infected sheep shall be liable to a penalty not exceeding twenty pounds; and if such diseased or infected sheep infect the sheep of the said sheepowner, then any two Justices of the Peace shall, in addition to any other penalty they may inflict upon the owner of the said diseased or infected sheep, order him to pay such sum of money not exceeding one hundred pounds as they may consider a reasonable amount to cover the cost of dipping and cleansing the sheep which have become infected, and in addition thereto such Justices may award such other compensation, not exceeding one hundred pounds, as they may deem sufficient to cover the injury otherwise caused to the said sheep by their having been infected as aforesaid, which sum of money shall be forthwith paid to the owner thereof; and if any person against whom any order or award mentioned in this section has been made pays the whole amount ordered or awarded to be paid, and the amount of any penalty imposed upon him, he shall be entitled to a certificate from the convicting Justices of such conviction and payment, and such certificate shall be a bar to all further or other proceedings civil or criminal for the same cause. 30 35 40 45 50

Compensation may be awarded although information laid by Inspector.

71. It shall be lawful for the Justices who adjudicate upon any information laid against any sheepowner under either of the last two preceding sections to make any order or award as therein mentioned, notwithstanding that such information has been laid by an Inspector. 55

As to straying diseased sheep.

72. If any diseased or infected stray sheep are found upon any land not occupied by the owner of such sheep, the occupier of such land, or his agent, may take possession of such sheep and detain them on the land of such occupier until the Inspector has examined them; and if any diseased or infected sheep are found upon any street, road, or public reserve, 60



or any unoccupied land, an Inspector or sheepowner may seize such sheep and drive them to and detain them in some secure place, and shall report such seizure in writing forthwith to the Chief Inspector.

The said Chief Inspector may order any such diseased or infected stray sheep mentioned in this section to be dipped, and may direct such other measures to be taken for the purpose of dipping and the removal of such sheep as he sees fit; and the owner of such sheep shall be liable to a penalty not exceeding fifty pounds; and in the event of no owner being found for such sheep within a period of fourteen days after the same shall be so seized and detained, then the Chief Inspector may cause such sheep to be destroyed, or may direct and order the sale and disposal of such sheep after they have been dipped and cleansed, and the proceeds arising from such sale shall be paid into the Colonial Treasury to the credit of the Sheep and Cattle Fund.

If any sheepowner, other than an owner holding a clean certificate, finds stray sheep in his flock, he shall not return them to the land or flock from whence they came without giving notice to the owner or person in charge; and any sheepowner who acts contrary to this provision shall upon conviction be liable to a penalty of not less than fifty pounds nor more than two hundred pounds. The owner of such stray sheep shall pay all expenses attending the drafting of such sheep from out of the flocks with which they have mixed, and the costs of giving all notices herein required respecting the said sheep.

73. If any person drives or causes any diseased or infected sheep to be driven to a public pound, or to any establishment for boiling down sheep, or from a road to any other road, or to a public sale yard or any other place, without a permit from an Inspector, he shall be deemed to be the owner of such sheep, and upon conviction shall be liable to a penalty not exceeding one hundred pounds.

Persons driving infected sheep liable to a penalty.

The Inspector may cause any such sheep driven as aforesaid to be detained in some secure place and be dipped, and the Chief Inspector may give such other directions as to the removal and dipping of such sheep as he may think fit; and if any person obstructs the Inspector in examining the said sheep, or, being the owner or person in charge of such sheep, refuses to obey any directions given to him by the Inspector regarding the removal or dipping of such sheep, he shall upon conviction be liable to a penalty not exceeding one hundred pounds.

74. If any person driving or in charge of sheep or cattle travelling to market or sale-yards, or from one part of the colony to another, finds any of the said sheep or cattle unable to travel, he shall either take the same on in a cart or other conveyance, or destroy it, or leave it in the care of some person who will take charge of the same so that it may not be left upon any road or the land or run of any stockowner through whose land the same are being driven; and any person infringing this provision shall on conviction forfeit and pay a penalty not exceeding twenty pounds.

Disposal of sheep unable to travel.

Any cattle that shall be abandoned on any public road may be impounded by any person who shall find the same, and in the event of any cattle so abandoned becoming wild or dangerous, the same may be forthwith destroyed by any person whomsoever.

75. It shall be lawful for the Chief or any Inspector, by notice in writing under his hand, to require the owner or person in charge of any sheep to wash or otherwise disinfect any building, enclosure, yard, or vehicle in which any diseased or infected sheep may have been found, or which have been recently used or occupied by any such sheep; and if any such owner or person, upon being so required, refuses or omits so to do, he shall on conviction forfeit and pay for every such offence a penalty not exceeding ten pounds.

Disinfection of places where diseased sheep have been.

Causing disease to be communicated.

**76.** Any person who wilfully communicates or causes to be communicated to any sheep the disease called scab, or wilfully causes any flock of sheep to be infected, shall be guilty of a misdemeanour, and shall be liable to imprisonment for any period not exceeding three years, and any conviction for such offence shall not prejudice any civil proceeding against such person. 5

TRAVELLING STOCK.

Honorary Inspectors may grant permits.

**77.** For the purpose of granting permits in respect of any travelling stock under this Act, it shall be lawful for the Governor from time to time to appoint fit and competent persons to act as Honorary Inspectors at such places or in such districts as may be thought fit, and such Inspectors shall have all the powers, duties, and responsibilities of Inspectors under this Act, in respect of granting or withholding permits for stock being removed or travelling from place to place. 10 15

Payment of Honorary Inspectors.

**78.** Each Honorary Inspector shall be entitled to demand and receive from every person requiring his services a fee of one pound for each attendance, including examination and permit, and sixpence per mile for travelling charges, counted one way only.

Their appointment not to relieve District Inspector.

No Honorary Inspector shall be required to attend and render his services in any case where an Inspector is able to attend; and the appointment of an Honorary Inspector in any district shall not relieve the Inspector of the district from the duty of attending personally in answer to any notice served upon him when he is able to do so. 20

Governor may appoint crossing places at borders of divisions.

**79.** It shall be lawful for the Governor from time to time by public notification to appoint one or more place or places, at or adjacent to the inland boundaries of any division, at some one or other of which places all cattle and sheep to be introduced by land into such division shall be crossed over such boundaries, and no cattle or sheep shall be introduced by land into any such division unless at some one of such places; and any person crossing cattle or sheep over any such boundary as aforesaid, at any place other than one which shall have been publicly notified as aforesaid, shall be liable to a penalty of one hundred pounds. 25 30

Before crossing run, notices to be given.

**80.** Any person about to drive any cattle or sheep through or across any lawfully occupied land or run, or through or across any hundred, shall give to the occupier of the land or run, or to one of the Wardens of the hundred, at least twenty-four hours' previous notice in writing of the day on which such cattle or sheep are so to be driven, either by delivering such notice to him personally, or by leaving the same at the principal house or station on such run, indorsed with the words "Cattle Notice" or "Sheep Notice," as the case may be, on the cover or outside of such notice, with an adult inmate of such house or station, or, if no such inmate be found, leaving the same either within the said house or station if open, or below or affixed to the door thereof, and such notice shall set forth as far as can be ascertained the brands on such cattle or sheep, as also the name of the owner, and such notice shall be renewed unless the cattle or sheep shall be so driven within the time above specified. And every person offending against the provisions of this enactment shall be liable to a penalty of not less than five pounds nor more than one hundred pounds, and such penalty shall be incurred and may be levied over and above any penalty incurred in virtue of any other provision herein contained: Provided that nothing in this section contained shall apply or extend to working cattle or to milch cows. 35 40 45 50 55

Travelling stock to keep usual road, and travel five miles per diem.

**81.** Any owner who shall drive cattle or sheep upon or across any run where other sheep are depastured and kept, or upon or along any public way which may intersect or form a boundary line of any such

run, shall travel such cattle or sheep a distance of not less than five miles during every twenty-four hours they shall remain upon such run or public way, and shall travel and keep such cattle or sheep upon or within four hundred yards on either side of the usual public way, track, or course where cattle or sheep are wont to be driven, from the place of starting to the place of destination, under a penalty not exceeding one hundred pounds: Provided that no penalty shall be incurred under this section for cattle or sheep so travelling which may be detained by stress of weather, or prevented from crossing any river or stream by reason of floods or otherwise.

82. Nothing herein contained shall prevent separate informations being laid and prosecuted by every occupier of land upon which diseased cattle or sheep shall have been driven, depastured, or suffered to stray without the owner having obtained either the written consent of the occupier or a permit as hereinbefore enacted, and by every occupier of land through or adjacent to which any public way shall lie upon or along which public way any such diseased cattle or sheep shall have been suffered to stray or been driven or depastured, and any Inspector shall have the same power to prosecute which is hereby made competent to every occupier.

Separate informations may be laid by every person whose run is traversed by diseased stock.

83. Every occupier of land or of a right of pasturage may, without any warrant, examine or cause to be examined any cattle or sheep which shall be found upon the land or run in his occupation, or upon any part of a highway passing through or lying adjacent to such land or run, unless such highway be securely fenced.

Travelling stock may be examined without warrant by occupier of run.

84. There shall be at some convenient place on every run or freehold where sheep are kept an enclosed yard and pen for the greater facility of examining cattle or sheep, into which the Inspector may require the owner to drive them for that purpose; and every owner who shall neglect to construct and maintain in efficient condition such yard and pen shall be subject to a fine of not more than fifty pounds.

A yard for inspecting sheep to be upon every run.

85. Any Justice of the Peace may, upon the application of any owner of cattle or sheep who has reason to believe that any of his cattle or sheep have strayed to and upon land or a run occupied by any other person, by writing under his hand, direct such occupier to muster his cattle or sheep in a pen at some time within two months after the receipt of such direction in writing, for the purpose of delivering over such stray cattle or sheep to the owner thereof. At least seven days' previous notice shall be given by such occupier to the owner of such stray cattle or sheep of the time at which such muster shall be made, and every such occupier who shall refuse or neglect to comply with any such direction in writing or to give such notice shall be subject to a penalty of not less than five nor more than twenty pounds: Provided always that such occupier shall be entitled to recover from such owner any reasonable expense of mustering or delivering such cattle or sheep: Provided also that a certificate under the hand of an Inspector that the herd or flock with which such stray cattle or sheep have mixed is not in a condition to be moved within such period of two months shall be a valid excuse for postponing the delivery of any such stray cattle or sheep.

Recovery of strayed cattle or sheep.

86. If any diseased cattle or sheep shall be found on any land not lawfully in the exclusive occupation of the owner of such cattle or sheep and not being a public road, or being within the limits of a hundred, it shall be lawful for the Chief Inspector, if he shall think it necessary so to do, to cause such cattle or sheep or any of them to be destroyed, and the Inspector who shall superintend the destruction thereof, under the sanction of such Chief Inspector, shall keep a correct account of the number and description of cattle or sheep so destroyed, and the expenses incurred by him in destroying them: Provided that,

Diseased cattle or sheep may be destroyed by authority of Chief Inspector.

if the owner of such cattle or sheep shall have complied with all the provisions of this Act before the discovery of such disease, he shall be entitled to compensation not exceeding five pounds for every head of cattle and not exceeding five shillings for every sheep so destroyed. The amount of compensation to be so awarded shall be determined by a Resident Magistrate or by two Justices of the Peace, upon the evidence of the Inspector who may have directed such cattle or sheep to be destroyed, and such other evidence as may be brought before him or them; and such amount, together with the amount of the expense incurred in destroying such cattle or sheep, shall be paid out of the Cattle and Sheep Fund, and the whole amount so paid shall be chargeable in the following year as part of the expenses for carrying out the provisions of this Act.

## MISCELLANEOUS.

Penalty for clipping or taking wool from sheep.

87. If the occupier of any run or any other person shall knowingly clip, take, or remove from any sheep not belonging to him the wool of such sheep, he shall be liable to a penalty of not less than twenty shillings for every fleece so clipped, taken, or removed, over and above the value thereof.

Penalty for not destroying carcase of diseased stock.

88. The owner who shall fail to consume by fire or to bury at least three feet under ground, within twelve hours after death, the carcase of any cattle or sheep which shall have died within half a mile of any road or thoroughfare, shall be liable to a penalty of not less than ten shillings nor more than five pounds for each carcase not so buried or destroyed.

Penalty for throwing carcase into water.

89. If any person by himself, his servant or agent, shall cast or cause to be cast the carcase of any cattle or sheep into any stream or pond or other water, he shall be liable to a penalty of not less than five pounds nor more than twenty pounds.

Landing and driving imported sheep without permit.

90. If any person commits any of the following offences, he shall be liable to a penalty not exceeding one hundred pounds:—

Imports into this colony any infected sheep :

Causes, suffers, or permits any sheep to be landed without a written permit from an Inspector :

Drives inland any imported sheep until the same have been dipped in some effective scab-destroying preparation.

And any Inspector may seize such sheep if infected, and cause such measures to be taken as he may deem fit for the cleansing of any such sheep, if infected, or the Chief Inspector may grant a license to the owner of the said sheep to cleanse the same if they can be removed to a convenient place for that purpose.

Landing sheep on mainland of North and Middle Islands from other parts of colony.

91. If any person commits any of the following offences, he shall be liable to a penalty not exceeding one hundred pounds:—

(1.) Lands upon any part of the coasts of the North or Middle Island respectively of this colony from Stewart's Island, or from any island forming part of the dependencies of the colony, any sheep in respect to which he does not hold a clean certificate issued not more than ten days before the date of such landing, or causes, suffers, or permits the same to be landed as aforesaid, without the authority in writing of an Inspector :

(2.) Drives inland any such sheep landed as aforesaid without the authority of an Inspector.

And any Inspector may seize the said sheep if infected, and adopt such measures for cleansing the same as he sees fit; or the Chief Inspector may grant to the owner of the said sheep a license to cleanse the same, if they can be removed to a convenient place for that purpose.

5 **92.** If any Inspector or Honorary Inspector shall knowingly grant in a manner not authorized by this Act a permit for the removal of any stock, or any certificate containing any statements or particulars which are not true, such Inspector shall forfeit and pay for every such offence any penalty not less than fifty pounds nor more than one hundred pounds.

Penalty for Inspector &c. granting false certificate.

10 **93.** If any Inspector, Honorary Inspector, Registrar of Brands, or person acting under any authority under this Act, shall, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his proper salary or allowance, he shall be incapable of afterwards holding or continuing in any office or employment of the Crown within the colony, and shall forfeit and pay for every such offence a penalty not exceeding one hundred pounds.

Penalty for taking bribes.

15 **94.** All offences against this Act shall, except where otherwise directed, be heard and determined, and all penalties, amounts of contribution, and sums of money imposed or made payable by this Act shall be recovered, in a summary way by and before any two Justices of the Peace; and every information under this Act may be laid before, and a summons thereupon issued by, one Justice of the Peace.

Penalties &c. recoverable summarily.

20 **95.** It shall be lawful for any occupier of land or other person interested, and also for any Inspector, and, any such occupier or person interested not prosecuting, such Inspector is hereby required, to prosecute for any fines or penalties incurred by any breach of this Act, and no abandonment of any such prosecution or compromise made by any private party shall affect the Inspector's power to

25 prosecute for and recover any such fine or penalty.

Persons interested or Inspectors to prosecute.

Every person who deems himself aggrieved by any summary conviction, order, or award under this Act may appeal therefrom in the manner provided by "The Appeals from Justices Act, 1867."

30 **96.** 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 duly licensed, or was otherwise exempted from the operation of any penalty imposed by the said Act, shall in all such cases rest upon the defendant, who shall in all such

35 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.

40 **97.** 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 the sheep in respect of which such proceedings have been instituted 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 and the costs of and

45 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 the owner of the said sheep

50 may be found to possess.

Who shall be taken as owner of sheep.

55 **98.** 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.

## SCHEDULE.

## (A.)

## Sec. 10.

## Formal declaration for verifying returns.

DECLARATION to be made before a Justice of the Peace, verifying Returns.  
I, \_\_\_\_\_ of \_\_\_\_\_, do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several matters therein set forth; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1866."

Taken before me this \_\_\_\_\_ day of \_\_\_\_\_, 187 .

J.P.

Sheepowner.

## (B.)

## Sec. 15.

## Form of return of sheep for contribution.

RETURN of Number of Sheep owned by the Undersigned on the 1st day of January, 187 .

Name of Run.	Name and Address of Owner and Person in Charge.	Description of Sheep and Lambs.	Number of each Description.	Brands and other Marks.	Under Clean Certificate.	Under License.	Remarks.

I, \_\_\_\_\_ of \_\_\_\_\_, do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several matters therein set forth; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1866."

Taken before me this \_\_\_\_\_ day of \_\_\_\_\_, 187 .

J.P.

Sheepowner.

## (C.)

## Sec. 53.

## License to retain sheep for the purpose of cleansing same.

## LICENSE TO CLEANSE SHEEP.

THESE are to certify that \_\_\_\_\_, of \_\_\_\_\_, in New Zealand, the owner of the sheep mentioned in the Schedule below, which have been found to be infected with scab, has this day received a license to keep such sheep for a period of \_\_\_\_\_ months from this date, for the purpose of cleansing them.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 18 .

Chief Inspector.

## SCHEDULE referred to above.

Number.	Description.	Brands or Marks.	Name and Address of Owner and of Person in Charge.	Name of Run and of Portion of Run where Sheep are kept.

## (D.)

## BOND.

## Sec. 55.

## Form of penalty bond.

WHEREAS [*Here shortly narrate the complaint and judgment*], I, \_\_\_\_\_, hereby undertake, four months from the date hereof, to pay to \_\_\_\_\_, Clerk to the Bench at \_\_\_\_\_, the sum of \_\_\_\_\_; and in default thereof I consent that the said sum, together with the costs incurred by such default, shall be levied by distress and sale of my goods and effects, wheresoever found, any law to the contrary notwithstanding.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

(Signed)

Sheep and Cattle.

(E.)

CERTIFICATE OF CLEANNESS.

Sec. 57.  
Certificate of  
cleanness.

I, the undersigned, Inspector of Sheep for \_\_\_\_\_, having this day carefully examined the sheep mentioned in the Schedule below, and made due inquiry concerning them, do hereby certify that such sheep are not now infected sheep within the meaning of "The Sheep and Cattle Act, 1877."

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 187 .

Inspector.

SCHEDULE referred to above.

Number.	Description.	Brands or Marks.	Name and Address of Owner and of Person in Charge.

(F.)

RETURN of Sheep dipped by the Undersigned.

Sec. 62.  
Form of return of  
sheep dipped.

Name of Run.	Name and Address of Owner and Person in Charge.	Description of Sheep.	Number of each Description.	Brands or Marks.	Nature of Mixture.

I, \_\_\_\_\_ of \_\_\_\_\_, do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several matters therein set forth; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1866."

Sheepowner.

Taken before me this \_\_\_\_\_ day of \_\_\_\_\_, 187 .

J.P.

SCHEDULE OF ACTS AND ORDINANCES REPEALED.

Sec. 4.  
Schedule of Acts and  
Ordinances repealed.

(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.

(3.) Acts of the Province of Auckland.

Sess. XIV., No. 3.—The Cattle Branding Repeal Act, 1862.  
Sess. XVIII., No. 1.—The Cattle Landing Act, 1865.  
Sess. XXVI., No. 11.—The Registration of Brands Act, 1871.  
Sess. XXVII., No. 4.—The Registration of Brands Act 1871 Amendment Act, 1871.  
Sess. XXIX., No. 14.—The East Coast District Sheep Act, 1874.  
Sess. XXX., No. 12.—The Sheep Act, 1875.

(4.) Ordinances of the Province of Taranaki.

Sess. XIII., No. 3.—The Branding of Cattle Ordinance, 1865.  
Sess. XV., No. 1.—The Scab Ordinance, 1866.  
Sess. XV., No. 2.—The Branding of Cattle 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.  
Sess. XXII., No. 6.—The Hawke's Bay Sheep Act Amendment Act, 1875.

(6.) *Acts of the Province of Wellington.*

- Sess. IV., 1857, No. 13.—An Act to provide for the Branding of Cattle, and the Destruction or other Disposal of Wild Cattle.  
 Sess. X., 1863, No. 5.—An Act to make Provisions for the Inspection of Cattle previous to Exportation, and for regulating the Driving thereof.  
 Sess. XI., 1864, No. 5.—An Act to provide for the Branding of Horses.  
 Sess. XXII., No. 10.—The Diseased Sheep Act, 1872.  
 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. XXV., No. 8.—The Cattle Branding Act, 1874.  
 Sess. XXVI., No. 4.—The Nelson Scab Act Amendment Act, 1875.

(8.) *Acts of the Province of Marlborough.*

- Sess. II., No. 1.—The Cattle Branding Act, 1861.  
 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. XX., No. 12.—The Cattle Driving Ordinance, 1863.  
 Sess. XXII., No. 10.—The Sheep Rating Ordinance, 1864.  
 Sess. XXIX., No. 1.—The Cattle Rating Ordinance, 1868.  
 Sess. XXXVII., No. 4.—The Sheep Rating Ordinance 1866 Amendment Ordinance 1867 Repeal Ordinance, 1872.  
 Sess. XXXVII., No. 14.—The Canterbury Sheep Ordinance, 1872.  
 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.

(11.) *Ordinances of the Province of Southland.*

- Sess. III., No. 24.—The Cattle Branding Ordinance, 1862.  
 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.