

*Hon. Mr. Buckley.*

## STOCK-DRIVING.

### ANALYSIS.

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### A BILL INTITULED

AN ACT to regulate the Driving of Stock and in Prevention of Theft thereof.

BE 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 is "The Stock-driving Act, 1886." It shall come into operation on the *first* day of *January*, one thousand eight hundred and eighty-seven.

2. In this Act, if not inconsistent with the context,—

"Drover" means any person other than the owner of any stock driving or in the possession or charge of the same:

"Inspector" means any Inspector of Sheep appointed under "The Sheep Act, 1878:"

"Owner" means 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 or other person in possession or charge of any stock:

"Ranger" means any Ranger of Crown lands:

"Run" means any run, station, farm, or place where stock are placed or depastured:

"Stock" means horses of all kinds, asses, mules, cattle of all kinds, and sheep of all kinds, and includes the young of any such horses, cattle, and sheep, and shall apply to any one or more animals of the aforesaid several kinds.

Owners of travelling stock to give way-bill or delivery-note to drover, who must produce same when properly called on to do so.

3. Whenever the actual owner of any stock, or the superintendent of any such owner, intends to act as the drover thereof, he shall provide himself with a way-bill in the Form A in the Schedule hereto, or to such effect; and, if it is intended that any person other than the actual owner or superintendent as aforesaid of such stock shall act as the drover thereof, such owner or superintendent shall complete and deliver to such person a delivery-note in the Form B in the Schedule hereto, or to such effect. 5

Any Justice of the Peace, or Inspector, or member of the police force, or ranger, or overseer of run, may inspect any travelling stock, and compare the brands thereof with the brands set forth in any such way-bill or delivery-note, and the drover thereof shall, on being requested so to do, submit the stock in his charge to such inspection accordingly, and shall, when required, produce his way-bill or delivery-note as the case may be. 10 15

In event of loss of way-bill, interim certificate may be obtained.

4. If the way-bill or delivery-note of any such travelling stock be accidentally lost or destroyed, the drover in charge thereof shall forthwith apply in writing to the nearest Justice of the Peace, Inspector, or to the officer in charge of the nearest police-station, for an interim way-bill or delivery-note as the case may be; and such Inspector or officer shall, on satisfactory proof of such loss, grant an interim way-bill or delivery-note for such stock in the Form C in the Schedule hereto, or to such effect; and the person so applying shall, for such interim way-bill or delivery-note, pay to such Justice of the Peace, Inspector, or officer the sum of one pound. 20 25

Any owner or drover failing to comply with any of the requirements of this section, or failing to assist in the inspection of such stock, shall, on conviction, for every such offence be liable to a penalty not exceeding fifty pounds.

Indorsement of way-bill.

5. Any Justice of the Peace, Inspector, member of police force, ranger, or overseer of run inspecting travelling stock as aforesaid, and being satisfied with the correctness of the way-bill or delivery-note thereof, shall indorse such way-bill or delivery-note with his name, designation, and address; but should any such travelling stock not be fully and accurately described in any such way-bill or delivery-note as aforesaid, or satisfactorily accounted for to the satisfaction of such Justice, Inspector, member of police force, ranger, or overseer, then he shall cause all such stock as is not fully and accurately described to be impounded in the pound nearest to the place where the said inspection was made, in the direction in which the same are travelling, unless such pound be double the distance from the nearest pound, in which event the same shall be driven to the actually nearest pound, and kept there at the expense of the owner of such stock until claimed by him or some person duly authorized on his behalf, and until the requirements of this Act with respect thereto shall have been complied with, and a way-bill or delivery-note fully and accurately describing such travelling stock shall be produced and shown to the keeper of such pound. 30 35 40 45

If not correct, stock may be impounded, and penalty imposed upon drover.

Owner, when he claims stock, to pay poundage fees, &c.

But such stock shall not be delivered to the owner or duly authorized person claiming them on his behalf until he shall have paid the poundage fees and all other charges and disbursements incurred in respect thereof, which amount any owner may recover from any drover in charge if such owner prove himself blameless. 50

6. Any owner or drover having in his charge or possession stock not fully and accurately described in any such way-bill or delivery-note, or who does not produce the same when called on as aforesaid, or any person or any auctioneer purchasing or receiving from such owner or drover any stock not described or incorrectly described in any such way-bill or delivery-note, or from any drover selling, or offering for sale, or placing with any one for sale, without producing a written authority from the actual owner of such stock to sell or otherwise dispose of the same, shall, on conviction, for every such offence forfeit and pay a penalty not exceeding fifty pounds.

Owner or drover may in certain cases be apprehended.

Penalty for purchasing or receiving stock incorrectly described in way-bill or delivery-note.

7. All penalties under this Act shall be recoverable in a summary manner under "The Justices of the Peace Act, 1882," before any two or more Justices of the Peace; and when recovered shall be paid into the Public Account, and form part of the Consolidated Fund.

Recovery of penalties.

SCHEDULE.

Schedule.

FORM A.

Stock-driving: Owner's Way-bill.

I, \_\_\_\_\_, do solemnly and sincerely declare that I am the actual owner [or the superintendent of the owner] of the stock named in the Schedule below, consisting of [number in words] cattle [or horses, or sheep], which are travelling from \_\_\_\_\_ to \_\_\_\_\_, by \_\_\_\_\_

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

Witness: \_\_\_\_\_ (Signature.)

Schedule referred to above.

Number.	Description, Brands, and Marks of Stock.	

Superintendent [or Owner].

FORM B.

Stock-driving: Delivery Note.

THIS is to certify that I have here this day delivered into the charge of \_\_\_\_\_, as my drover, the [State number in words] cattle [or horses or sheep], mentioned in the Schedule below, for the purpose of their being \_\_\_\_\_ by him to \_\_\_\_\_, at \_\_\_\_\_, and such \_\_\_\_\_ will travel by \_\_\_\_\_ and \_\_\_\_\_.

Signed at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, before \_\_\_\_\_.

Witness: \_\_\_\_\_ Owner.

Schedule referred to above.

Number.	Description.	Brands and Marks of Stock.

Witness: \_\_\_\_\_ Owner.

*Stock-driving.*

## FORM C.

*Stock-driving : Interim Way-bill [or Delivery Note].*

It having been represented to me that \_\_\_\_\_, the drover of the [State number  
*in words*] cattle [or horses or sheep], belonging to \_\_\_\_\_, mentioned in the Sched-  
ule below, has accidentally lost his way-bill [or delivery-note], while travelling from  
to \_\_\_\_\_, this interim way-bill [or delivery note] is hereby granted to  
such drover of such cattle [or horses or sheep] for the route or destination herein  
mentioned.

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Inspector [or Member of Police Force].

*Schedule above referred to.*

Number.	Description.	Brands and Marks of Stock.

Inspector [or Member of Police Force].