

[AS REPORTED FROM JOINT LIVE-STOCK COMMITTEE.]

The amendments made by the Committee are shown by erasure, side-lines, and underlines.

Hon. Mr. G. F. Richardson.

SHEEP.

ANALYSIS.

- Title.
1. Short Title.
 2. Saving of Diseased Cattle Acts.
- PRELIMINARY.
3. Interpretation. Schedule A.
 4. Governor may declare diseases affecting sheep.
 5. Governor may make regulations, &c.
 6. Districts and subdivisions.
 7. Governor to declare infected and clean districts. Runs on borders of different districts.
 8. Former appointments, districts, and regulations validated.
- INSPECTORS OF STOCK.
9. Inspectors of Stock to be appointed or removed, &c.
 10. Power of Inspector to enter on lands.
 11. Penalty for obstructing inspection.
 12. Inspector may require declaration from owner. Schedule B. Penalty for refusing to make declaration.
 13. Power of Inspector to call for evidence corroborative of declaration made.
 14. Penalty for refusal by persons in charge of sheep to give evidence.
 15. Penalty for giving false evidence.
 16. False report or certificate by Inspector.
 17. Penalty for Inspector taking undue fees.
 18. Protection of officers in execution of Act.
 19. List of diseased flocks to be published every three months and in *Gazette*.
 20. Inspectors to have official brands.
- RATE UPON SHEEP.
21. Return of sheep to be furnished annually to Inspector. Schedule C.
 22. Yearly rate to be paid by owner of sheep.
- POSSESSION OF INFECTED SHEEP.
23. Inspector to take immediate possession of infected sheep, and clean the same at expense of owner.
 24. Infected sheep may be destroyed. Compensation.
 25. Compensation-moneys to be deemed part of cost of administration of Act.
 26. Scabby sheep to be branded "S." Separation of rams from ewes.
 27. License of run may be suspended without compensation if sheep infected.
 28. Owners of infected sheep to give notice of disease.
29. Infected sheep to be kept in enclosures or shepherded.
 30. Owner having several flocks depasturing on same run and one is infected.
 31. Penalty for abandoning infected sheep.
 32. Penalty for removing skins taken from infected sheep.
 33. Infected sheep in pound or public yards may be destroyed.
- INTRODUCTION OF SHEEP BY SEA FROM WITHIN THE COLONY.
34. Landing sheep without certificate, or landing infected sheep.
 35. Inspector's certificate under preceding section. Schedule D.
 36. Penalty on master of vessel for allowing sheep to be landed without permission.
 37. Sheep introduced by sea to be dipped within certain limits.
 38. Sheep examined for importation to be branded with Inspector's brand.
 39. Governor, by Order in Council, may permit sheep arriving coastwise to be landed without inspection in certain cases.
- INTRODUCTION OF SHEEP FROM AUSTRALASIA.
40. Restrictions on landing sheep from Australasian Colonies.
 41. Penalty on master of vessel landing sheep.
 42. Governor may relax restrictions.
- REMOVAL OF SHEEP FROM ONE DISTRICT TO ANOTHER.
43. Sheep from clean district to any other district. General restriction on removal of sheep.
 44. Sheep from infected district to infected district.
 45. Sheep from infected district to clean district.
 46. Inspector's certificate under preceding section. Schedule D.
 47. Sheep from infected to clean district to be dipped within certain limits.
 48. Places may be proclaimed on the inland boundaries of districts, at which all sheep shall be introduced.
- SHEEP INFECTED WITH LICE.
49. Notice to dip sheep infected with lice. Penalty for neglect to dip after notice.
 50. Penalty for removing sheep infected with lice.
 51. If sheep infected with lice found in public yard, &c., owner liable to penalty.
 52. Ewes need not be dipped during lambing time.
 53. Owner of sheep must prepare dip.

- DRIVING, ETC., SHEEP.
54. Driving sheep at night prohibited.
 55. Driving, &c., of infected sheep.
 56. No sheep to be driven through any infected run, under penalty.
 57. Infected sheep trespassing may be returned to owners. Proviso.
 58. Separate informations for every run, &c., crossed.
 59. Notice to be given before driving sheep across run.
 60. Occupier may, without warrant, inspect sheep on his run.
- PROTECTION OF ANGORA GOATS.
61. Angora goats to be deemed sheep, and not to be destroyed as goats.
- MISCELLANEOUS.
62. Infected sheep trespassing and not removed may be destroyed.
 63. Infected sheep not to be thrown into ponds &c.
 64. Sheep dying of catarrh to be burnt or buried.
 65. Recovery of strayed sheep.
 66. Unauthorised removal of sheep.
67. Notice to be given before mustering sheep.
 68. Sheep to be wool-branded forthwith after shearing.
 69. Wilfully communicating scab or catarrh.
 70. Falsification of return.
 71. Saving other remedies at law to persons suffering damage.
 72. Tattoo-marks and ear-marks on sheep.
 73. Penalty for defacing tattoo-marks or ear-marks, or ear-cropping sheep.
 74. Saving of operation of section 72.
 75. Offences prosecuted summarily.
 76. Persons interested or Inspectors to prosecute.
 77. Not necessary to prove every sheep infected in order to recover penalty.
 78. Onus of proof upon defendant, who shall be competent witness.
 79. Who shall be taken as owner of sheep.
 80. Sheep to be goods and chattels of person against whom conviction is made.
 81. Fees, fines, &c., to be paid into Consolidated Fund.
 82. Rabbit Acts amended, and to be read with this Act.
 83. Repeals. Schedule E. Schedules.

A BILL INTITULED

Title.

AN ACT to consolidate and amend the Law providing for the Eradication and Prevention of Parasitic and other Diseases in Sheep.

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

Short Title.

Saving of Diseased
 Cattle Acts.
 1878, No. 31, s. 3.

1. The Short Title of this Act is "The Sheep Act, 1890."
 2. Nothing in this Act contained shall derogate from or annul any of the provisions of any enactment relating to diseased cattle. 10

PRELIMINARY.

Interpretation.
 1b., s. 5.

Schedule A.

3. In this Act, unless the context otherwise requires,—
- "Clean certificate" means the certificate specified in Schedule A to this Act to be granted by an Inspector for, and in respect of, sheep which he shall be satisfied are not "infected sheep" within the meaning of this Act: 15
- "Clean district" means any district which has been so declared by the Governor:
- "Crown lands" include all lands enumerated in the definition of Crown lands in "The Land Act, 1885:" 20
- "Destroy" means to kill, and bury at a depth of not less than two feet under the ground, or consume by fire, or boil down:
- "Dipped" and "dip" in respect of lice in sheep means plunged or immersed in some effective scab-destroying or lice-destroying preparation: 25
- "Dipped" and "dip" in all other cases means plunged or immersed in some effective scab-destroying preparation:
- "District" means a district defined by the Governor under this Act: 30
- "Dressed" or and "dressing" means having applied to any sheep any reputed scab-destroying or lice-destroying preparation in respect of lice in sheep means having applied to any sheep any reputed lice-destroying preparation:

“Dressed” and “dressing” in all other cases means having applied to any sheep any reputed scab-destroying preparation:

873, No. 31, s. 5.

5 “Driven” means driven, or carried, or removed, or conducted in any manner whatsoever:

“Flock” means any sheep shepherded or running in one flock, and any sheep within the bounds of one paddock, or enclosure, or run used for one flock:

10 “Herded” means constantly followed and kept in sight:

“Highway” means any road in ordinary public use:

“Infected district” means any district in which there are any infected sheep, or which has been declared by the Governor to be an infected district:

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

“Infected sheep” mean—

(1.) Any sheep infected with scab or catarrh;

(2.) Any sheep forming part of a flock in which there are any one or more sheep so infected;

20 (3.) Any sheep which have within three months been mixed with any sheep so infected;

(4.) Any sheep being depastured on the same ground or run as any infected sheep;

25 (5.) Any sheep on board any vessel or boat, or in any yard, enclosure, carriage, or truck, in which there are any infected sheep;

(6.) Any sheep on board any vessel or boat, or in any yard, enclosure, carriage, or truck, in which there has been within three months any infected sheep, unless such yard, carriage, or truck has, in the meantime, been effectually scoured with some scab-destroying preparation;

30 (7.) All sheep which have been infected, until a clean certificate is granted for the same;

35 (8.) Any sheep which, having been infected within six months, are dipped or dressed, shall be deemed infected for three months after such dipping or dressing, unless, immediately previous to such dipping or dressing, such sheep have been examined by an Inspector and a clean certificate granted for the same:

40 “Inspector” means any Chief Inspector or any Inspector of Stock appointed under this Act; and, in case Inspectors are appointed for particular districts and subdivisions of districts respectively, the terms “Chief Inspector” and
45 “Inspector” shall, as to all sheep within any such district or subdivision, and as to all notices, penalties, and other matters with reference to such sheep and the owners thereof, mean respectively the Chief Inspector for such district and Inspector for such subdivision:

1887, No. 28, s. 2.

50 “License” includes “lease,” and “licensee” includes “lessee:”

“Minister” means ~~the Colonial Secretary, or other~~ any member of
55 the Executive Council for the time being having charge of the administration of this Act:

1878, No. 31, s. 5.

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

or by leaving the same at, or posting the same addressed to, the office or address of any Inspector, or at or to the usual or last known place of abode in New Zealand of any sheepowner or other person, or by affixing such notice at the homestead or other conspicuous place on the run of such sheepowner or person: 5

“Occupier” means any owner or other adult person who may be in charge or possession of any premises as herein defined:

“Personal notice” means a notice in writing personally served upon the occupier of a run, or left with some adult inmate of the principal homestead on such run, or (if no such inmate can be found) affixed to some conspicuous part of such homestead: 10

“Premises” means any station, run, paddock, farmyard, stock-yard, shearing-shed, dipping-place, stable, shed, building, or place where sheep are depastured, kept, or housed: 15

“Public notification,” “public notice,” “publicly to notify,” respectively mean the insertion of a notice in one or more newspapers having general circulation in the particular place affected by the matter contained in such notification or notice: 20

“Run” means any sheep-station or adjoining sheep-station, or farm or adjoining farm or farms, or other land being under one management and managed from one homestead: 25

“Sheepowner,” “owner of sheep,” “owner,” respectively mean every person claiming jointly or in severalty (other than a mortgagee not in possession) any right, title, or interest in any sheep, and shall include the person having the charge, control, or management of sheep: 30

“Sheep,” unless otherwise specially provided, includes all sheep of any age and of either sex:

“Stray sheep” means sheep not being in the immediate keeping of any person, and being upon any highway, or upon land not in the occupation of the owner of such sheep, nor on which he shall have the right of pasturage: 35

“Subdivision” means any subdivision of a district established under this Act.

Governor may declare diseases affecting sheep.

4. The Governor in Council may from time to time declare what diseases other than the diseases mentioned in this Act shall be considered diseases to which sheep are subject and liable, and may declare this Act to have operation in the whole or any part of the colony in respect to sheep infected or liable to be infected with any such disease; and may also from time to time make, alter, or revoke regulations in respect to such diseases, so as to adapt the provisions of this Act to the purpose of eradicating or preventing the spread of such diseases. 40 45

All such regulations, upon being gazetted, shall have the force of law as if expressed in this Act. 50

Governor may make regulations, &c. Ib., s. 7.

5. 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 55

into full effect, so far as the same are consistent herewith and are not herein provided for by express enactment; and such regulations, upon being gazetted, shall have the force of law as if expressed in this Act.

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

Districts and subdivisions.
1878, No. 31, s. 8.

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

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

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

Former appointments, districts, and regulations validated.
Ib., s. 4.

40 All Inspectors and Sub-Inspectors of Sheep holding office at the commencement of this Act shall continue in such offices as Chief Inspectors and Inspectors of Stock respectively under this Act without further appointment, subject, however, to all powers of the Governor to remove any such officers.

INSPECTORS OF STOCK.

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

Inspectors of Stock to be appointed or removed, &c.
Ib., s. 11.

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

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

Power of Inspector to enter on lands. 1878, No. 31, s. 13.

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

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Penalty for obstructing inspection. *Ib.*, s. 14.

11. Every owner of any sheep or any other person who refuses to allow such inspection to be made by any Inspector, or obstructs, or, without reasonable cause, refuses or neglects to muster his sheep for the purpose of such inspection with all convenient speed, or to afford all reasonable facilities for making such inspection to such Inspector, is liable to a penalty not exceeding *one hundred* pounds.

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Inspector may require declaration from owner. *Ib.*, s. 15. Schedule B.

12. Any Inspector, when it appears to him to be necessary for the purpose of enabling him to decide satisfactorily upon the condition of any sheep, may call upon the owner of such sheep to make a declaration in the form or to the effect specified in Schedule B to this Act; and every such owner who refuses or neglects to make such declaration when so called upon is liable to a penalty of not exceeding *fifty* pounds nor less than *ten* pounds; and every person who makes any such declaration, knowing the same to be false, is liable to a penalty of *one hundred* pounds, or to be imprisoned for any term not exceeding six months.

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Penalty for refusing to make declaration.

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Power of Inspector to call for evidence corroborative of declaration made. *Ib.*, s. 16.

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

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Penalty for refusal by persons in charge of sheep to give evidence. *Ib.*, s. 17.

14. Any Inspector may call upon all persons concerned in the charge, control, or management of any sheep to give evidence before him as to the facts within their knowledge relating to such sheep; and every person who, after being so called upon, refuses or neglects to give such evidence, or refuses or neglects to answer any inquiries put to him by such Inspector under the authority of this Act, is liable to a penalty not exceeding *fifty* pounds.

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Penalty for giving false evidence. *Ibid.*

15. Every person who, in answering such inquiries, or in giving evidence under the *last two preceding* sections of this Act, makes any statement knowing the same to be false, is liable to a penalty of *one hundred* pounds, or to be imprisoned for a period not exceeding *six* months; but nothing herein contained shall be construed to require any person to give any evidence or answer any inquiry which would render him liable to any criminal prosecution.

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False report or certificate by Inspector. *Ib.*, s. 12.

16. Every Inspector appointed as hereinbefore provided, who wilfully makes any false report, or delivers any false certificate as to the condition of any sheep examined by him, is liable to a penalty not exceeding *one hundred* pounds nor less than *twenty* pounds, or to be imprisoned for any term not exceeding *six* months.

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17. Every Inspector who, under colour of his office or employment, exacts or accepts any fee or reward whatsoever other than his authorised salary or allowance, is liable to a penalty of *one hundred pounds*; and his office shall, on his conviction of such offence, become *ipso facto* vacant.

Penalty for Inspector taking undue fees. 1878, No. 31, s. 16.

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

Protection of officers in execution of Act. *Ib.*, s. 18.

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

List of diseased flocks to be published every three months and in *Gazette*. *Ib.*, s. 19.

20. The Chief Inspector of each district shall have a brand not similar to any one already registered (hereafter called an "official brand"), which shall be registered by him in the general register of brands kept in the chief office of the brands registration district, constituted under "The Brands and Branding Act, 1880," wherein is situate the said Chief Inspector's office, and shall also be similarly registered in the general register of brands of every brands registration district forming part of or adjoining the aforesaid Chief Inspector's district. The official brand of any Chief Inspector shall be used exclusively by all Inspectors within such Chief Inspector's district in manner as may be appointed by this Act, or by direction of the Chief Inspector of the district.

Inspectors to have official brands. *Ib.*, s. 20.

Every person who, wilfully and without authority, uses any official brand, or any brand so similar as not readily to be distinguished therefrom, is liable, on conviction, to a penalty not exceeding *one hundred pounds* nor less than *twenty-five pounds*.

RATE UPON SHEEP.

21. Every owner of sheep shall, between the *first* and *thirty-first* days of *May* in every year, deliver or cause to be delivered to the Chief Inspector of the district, or to an Inspector nominated by him in that behalf, a written return, in the form provided in Schedule C, of the number of sheep and lambs of each sex exceeding three months old owned by him on the *thirtieth* day of *April* preceding, specifying in such return the ear-marks and brands upon such sheep.

Return of sheep to be furnished annually to Inspector. *Ib.*, s. 21. Schedule C.

Every person who refuses or neglects to deliver or cause to be delivered such return as aforesaid is liable to a penalty not exceeding *twenty pounds*.

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

22. Every owner of sheep shall, on or before the first day of September in every year, pay to the Receiver of Land Revenue, or to such other person as may be authorised by the Governor to receive the same, the sum of two shillings for every hundred or fractional part of a hundred sheep or lambs owned by him on the last day of *April* preceding, and specified in the return furnished by him as pro-

Yearly rate to be paid by owner of sheep. *Ib.*, s. 22.

vided in the *last-preceding* section. All and every such yearly sum or sums of money payable as aforesaid shall, in case the same be not paid on or before the said first day of September, be a debt owing by the owner of such sheep to the Crown, and may be sued for and recovered in any Court of competent jurisdiction. 5

POSSESSION OF INFECTED SHEEP.

23. If any Inspector ~~discovers~~ is satisfied that any sheep ~~to be~~ are infected sheep, he shall give the owner of such sheep notice that such sheep are infected sheep, and shall notify the same to the Chief Inspector of the district, who on receipt of such notification shall, without 10 further notice of any sort to any one, enter into immediate possession of such sheep, and take such steps as may be necessary to clean the same; and any expenses thereby incurred by the Inspector may be recovered from the owner of such sheep in any Court of competent jurisdiction. 15

For the purpose of the exercise of the powers conferred by this section, such Inspector may enter upon the run and premises on which such sheep are kept, with such assistance as he may require, and every owner or occupier who obstructs any Inspector in the discharge of, or neglects to afford all reasonable facilities for the discharge of, such duty shall, for every day during which he shall so 20 offend, be liable to a penalty not exceeding *twenty* pounds.

Such Inspector shall not be liable for any loss or damage occasioned to such owner by any act of such Inspector, unless such damage shall be occasioned by his wilful neglect or default. 25

24. Notwithstanding anything contained in the last-preceding section, the Chief Inspector shall at once report his proceedings in the matter to the Minister, who may authorise such sheep to be destroyed. 30

In the latter case, the owner, on satisfying the Inspector that he has made a complete muster of all the sheep on the run, shall be entitled to receive as compensation for such destruction the value of all such infected sheep which he shall muster and deliver to the Inspector at the nearest available sheep-yard or sheep-yards on the run, and which shall be so destroyed, such value to be determined by 35 two arbitrators, one to be appointed by the said owner and the other by the Inspector, and, in case of difference, by a referee to be appointed by the said arbitrators. But in no case in which knowing and wilful concealment of the existence of scab shall be proved shall such owner be entitled to any compensation whatever for such destruction. 40

25. All sums to be paid as compensation in respect of any sheep destroyed under the authority of this Act may be paid out of any moneys from time to time appropriated for the purposes of the administration of this Act. 45

26. When a Chief Inspector has taken possession of any infected sheep as aforesaid he shall, as soon as practicable, cause all the sheep in the flock to be distinctly wool-branded with the letter "S," and shall cause all rams to be kept separate from the ewes in such flock until the same is clean. 50

27. If any Inspector shall be satisfied that any sheep depasturing on Crown lands occupied under a license as a run have become

Inspector to take immediate possession of infected sheep, and clean the same at expense of owner.

Infected sheep may be destroyed. 1887, No. 28, s. 5, amended.

Compensation.

Compensation-moneys to be deemed part of cost of administration of Act.

Ib., s. 7.

Scabby sheep to be branded "S." 1878, No. 31, ss. 25, 26.

Separation of rams from ewes.

License of run may be suspended with-

infected with scab, he shall report the fact to the Minister, and the Governor may direct the Commissioner of Crown Lands of the district wherein the run is situate forthwith to issue a notice in the *Gazette* suspending the license issued in respect of the said run, or any portion thereof, and such license shall be thereupon absolutely suspended in part or in whole, as the case may be, until such time as the Minister shall be advised that sheep may be permitted to depasture thereon without fear of infection.

out compensation if sheep infected. 1887, No. 28, s. 6

No licensee of any run shall be entitled to any compensation by reason of the suspension of his license as to the whole or any portion of his run under the authority of this section.

28. Whenever the owner of any sheep shall become aware, or shall have reasonable grounds to suspect, that the same have become infected, he shall, within forty-eight hours thereafter, give personal notice thereof in writing to the owners of all the adjoining runs, and shall also, within forty-eight hours, give notice thereof to the Inspector.

Owners of infected sheep to give notice of disease. 1878, No. 31, s. 24.

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

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

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

Infected sheep to be kept in enclosures or shepherded. *Ib.*, s. 27.

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

Owner having several flocks depasturing on same run and one is infected. *Ib.*, s. 29.

31. Every person who abandons any infected sheep, whether the same be live or dead, upon or along any highway, or upon any land whatever not being in the actual occupation of such person, and does not, in the case of any such infected sheep which may become helpless or die, immediately destroy or bury the same, is liable to a penalty of *fifty* pounds, or to be imprisoned for any period not

Penalty for abandoning infected sheep. *Ib.*, s. 30.

exceeding *six* months; and any Inspector, or the occupier of such land, or of any land adjoining such highway, may seize, destroy, or bury such sheep, or cause the same to be seized, destroyed, or buried.

Penalty for removing skins taken from infected sheep.
1878, No. 31, s. 31.

32. Every person who removes or causes 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, is liable to a penalty not exceeding *fifty* pounds nor less than *five* pounds. 5

Infected sheep in pound or public yards may be destroyed.
Ib., s. 34.

33. If any infected sheep shall be found in any pound, or in any public yard or yards, or in any yard or yards at which sheep are offered for sale, any Inspector may cause every sheep which he may consider to be so infected, and every sheep in such pound, or in such yard or yards, belonging to the same flock, to be forthwith destroyed, and all other sheep for the time being in such pound, or in such yard or yards, to be forthwith wool-branded with the letter "S" on the back, by or at the expense of the owner thereof, and to be forthwith removed to such place or places as such Inspector may appoint, and, at the like expense, to be twice dipped under his supervision, and to be kept and maintained in some convenient and proper place until such Inspector shall grant a clean certificate for such sheep; and the owner of any such sheep shall not be entitled to any compensation whatsoever for any sheep so destroyed. 10 15 20

INTRODUCTION OF SHEEP BY SEA FROM WITHIN THE COLONY.

Landing sheep without certificate, or landing infected sheep.
Ib., s. 35.

34. Every person who himself, or by means of any agent or servant, lands or causes to be landed in any district from any ship, boat, or other vessel any infected sheep, or so lands any sheep whatever, unless within ten days previously to such landing they have been inspected by an Inspector, and unless such person has received from such Inspector a clean certificate for such sheep, is liable to a penalty of *one hundred* pounds; and for every day during which such sheep so landed in contravention of the provisions of this section shall be driven, depastured, or suffered to stray within any district, the owner thereof shall be liable to a penalty not exceeding *one hundred* pounds. 25 30 35

The aforesaid clean certificate may be lodged with the Inspector of the district in which the sheep were landed, and if not so lodged shall, at any time within six months after the date thereof, be produced by the owner of such sheep to any Inspector, Justice of the Peace, constable, or sheepowner demanding the same, under a penalty of *five* pounds. 40

Inspector's certificate under preceding section.
Ib., s. 36.

35. No Inspector shall grant the clean certificate mentioned in the *last-preceding* section until the person or one of the persons for whom or on whose account the sheep are required to be landed has made before such Inspector, or before a Justice of the Peace, a declaration in the form or to the effect specified in Schedule D to this Act, and has produced to such Inspector satisfactory evidence that such sheep have not within the three months then last preceding been infected, nor mixed with sheep so infected, nor have undergone any dipping or dressing for the cure of scab, nor been depastured on any run whereon there were at the same time depastured any infected 45 50

Schedule D.

sheep, nor been in any yard, vessel, or truck wherein there were any infected sheep.

5 Every person who makes any such declaration, the same being untrue, is liable to a penalty of *one hundred* pounds, or to be imprisoned for a period not exceeding *six* months; and every Inspector who grants any such certificate without first obtaining such declaration and receiving such evidence as aforesaid is liable to a penalty of *one hundred* pounds.

10 For the purposes of this section, any sheep which are dipped or dressed without the previous written permission of the Inspector being obtained for such dipping or dressing shall be deemed to be dipped or dressed for the cure of scab.

15 36. Every master, owner, or supercargo of any ship, boat, or other vessel who permits any sheep to be landed therefrom before they have been inspected by an Inspector, or without the written permission of an Inspector, and before the certificate mentioned in section thirty-four has been given, is liable to a penalty of *one hundred* pounds.

Penalty on master of vessel for allowing sheep to be landed without permission. 1878, No. 31, s. 37.

20 37. When any sheep are introduced by sea from within the colony into any district, they shall be inspected without delay either before landing or at the landing-place, and,

Sheep introduced by sea to be dipped within certain limits.

Ib., s. 38.

25 (1.) If found not to be infected, and coming from a clean district, they may be driven to some secure place or paddock approved in writing by the Inspector, not being more than twelve miles from the landing-place, and from thence to any other secure places or paddocks within such distance to be approved in writing by the Inspector, and may at any time within *twenty-eight* days of their landing be slaughtered; and, if not so slaughtered within *twenty-eight* days, shall forthwith be effectually dipped to the satisfaction of the Inspector, and may thereafter, with the written permission of the Inspector, but not otherwise, be driven to any part of the district.

35 (2.) If found not to be infected, but coming from an infected district, ~~or from any place outside the colony~~, they may be driven to some secure place, approved in writing by the Inspector, and from thence, with the written permission of the Inspector within *twenty-eight* days, to any slaughter-yard for the purpose of being slaughtered; and, if such sheep shall not be slaughtered within *twenty-eight* days of their being landed, they shall be forthwith effectually dipped once or oftener to the satisfaction of the Inspector, and may not be moved to any other part of the district without the written certificate of the Inspector that they have been so dipped.

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

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Every person who offends against the provisions of this section is liable to any penalty not exceeding *one hundred* pounds.

Sheep examined for importation to be branded with Inspector's brand. 1878, No. 31, s. 39.

38. When any Inspector has examined any sheep with a view to their importation into any district by sea, and shall be prepared to grant a clean certificate for such sheep, he shall, before granting such certificate, cause such sheep to be distinctly wool-branded on the back thereof, at the cost and charges of the owner of such sheep, with the official brand of the Inspector of the district. 5

Governor by Order in Council may permit sheep arriving coastwise to be landed without inspection in certain cases. 1887, No. 28, s. 8.

39. The Governor may from time to time, by Order in Council gazetted, suspend the operation of sections *thirty-four* to *thirty-eight*, both inclusive, within such districts or parts of districts respectively within the colony, and for such time respectively, as he shall think fit, in respect to sheep bred in the colony and brought by sea from within the colony to be landed in such districts, and in respect to any vessel bringing such sheep; and may from time to time similarly alter or revoke any Order in Council in part or in whole, as to time or place respectively. 15

The Governor also may, by any such Order in Council, make, alter, or revoke regulations prescribing the conditions upon which sheep brought coastwise from any part within the colony may be landed within any other part thereof, and any such regulations may be made to apply to any vessel and the master or owner thereof bringing sheep coastwise for the purpose of being landed as aforesaid; and also the aforesaid regulations may provide penalties, not exceeding *one hundred* pounds, for any breach thereof. 20 25

Notwithstanding any such Order in Council as aforesaid, sections *thirty-four* to *thirty-eight* shall remain in full operation in respect to any sheep brought from within the colony on board any vessel having on board at the same time sheep brought from any place ~~beyond the colony~~, outside of the colony beyond the Australasian Colonies, or which at any time during the previous three months has had on board sheep brought from or shipped at any such place, and in respect to every such vessel, and to the master, owner, or supercargo thereof, respectively. 30

REMOVAL OF SHEEP FROM ONE DISTRICT TO ANOTHER. 35

Sheep from clean district to any other district.

40. 43. Any sheep may be removed by land from a clean district to any other district without any notice being given to any Inspector of the intention so to remove them.

But it shall not be lawful for any person—

General restriction on removal of sheep.

(1.) For a period of two years after any sheep district is proclaimed a clean district, to remove any sheep from such district, or 40

(2.) To remove any sheep which are depasturing on any run adjoining an infected run, unless he has obtained from an Inspector a written permit to remove such sheep; and the Inspector may refuse to grant such permit until such sheep are dipped to his satisfaction. 45

Every person who offends against the provisions of this section is liable to a penalty not exceeding *one hundred* pounds nor less than *ten* pounds. 50

Sheep from infected district to infected district. *Ib.*, s. 40.

41. 44. It shall not be lawful for any person to introduce by land any sheep from an infected district into an infected district unless he

New clauses.

INTRODUCTION OF SHEEP FROM AUSTRALASIA.

40. Every person who himself, or by means of any agent or servant, lands or causes to be landed in any district from any ship, boat, or other vessel coming from any of the Australasian Colonies, other than New Zealand, any sheep whatever, unless such person has received a declaration from the owner of such sheep, and a certificate by an Inspector of Stock, or a qualified veterinary surgeon at the port from which such sheep were shipped, that they are not infected, and had not during the next preceding twelve months been infected, and that they are from a colony in which scab does not exist and has not existed within the next preceding two years, is liable to a penalty of *one hundred* pounds; and for every day during which such sheep so landed in contravention of the provisions of this section shall be driven, depastured, or suffered to stray within any district, the owner thereof shall be liable to a penalty not exceeding *one hundred* pounds.

Restrictions in landing sheep from Australasian Colonies.

The aforesaid declaration and certificate may be lodged with the Inspector of the district in which the sheep were landed, and if not so lodged shall, at any time within six months after the date thereof, be produced by the owner of such sheep to any Inspector, Justice of the Peace, constable, or sheepowner demanding the same, under a penalty of *five* pounds.

41. Every master, owner, or supercargo of any ship, boat, or other vessel who permits any sheep brought from any of the Australasian Colonies, other than New Zealand, to be landed therefrom without the written permission of an Inspector, is liable to a penalty of *one hundred* pounds.

Penalty on master of vessel landing sheep.

42. The Governor from time to time, by Order in Council gazetted,—

Governor may relax restrictions.

- (1.) May suspend the operation of section *forty*, in respect of vessels arriving from any one or more of the Australasian Colonies aforesaid, and for such time as he shall think fit, and may at any time revoke or alter any such Order in Council, either in part or in whole, with respect to any of such colonies.
- (2.) May make, alter, or revoke regulations prescribing the conditions upon which sheep brought from any of the Australasian Colonies other than New Zealand, may be landed within any part of New Zealand, and any such regulations may be made to apply to any vessel, and the master or owner thereof bringing sheep from any of such Australasian Colonies as aforesaid for the purpose of being landed as aforesaid; and also any such regulations may provide penalties, not exceeding *one hundred* pounds, for any breach thereof.

Nothing contained in section *forty* or in any Order in Council under section *forty-two*, shall be construed to amend, limit, annul, or supersede any Proclamation, or Order in Council made or to be made at any time by the Governor under "The Diseased Cattle Act, 1881."

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holds a clean certificate for such sheep, and unless he has given to the Inspector of the district into which they are to be introduced at least seven days' previous notice of his intention so to introduce them, stating in such notice the number of such sheep, and the point at which and the day on which it is intended they shall cross the boundary of the district.

Every person who offends against the provisions of this section is liable to a penalty not exceeding *one hundred* pounds nor less than *ten* pounds.

10 ~~42.~~ 45. It shall not be lawful for any person to introduce by land any sheep from an infected district into a clean district, unless within fourteen days previous to such introduction such sheep have been examined by an Inspector and he has granted a clean certificate for the same, nor unless such person has given to the Inspector of the district into which such sheep are to be introduced at least seven days' previous notice of his intention so to introduce them, stating in such notice the number of such sheep, and the point at which and the day on which it is intended they shall cross the boundary of the district.

Sheep from infected district to clean district.
1878, No. 31, s. 41.

20 Every person who offends against the provisions of this section is liable to a penalty of *one hundred* pounds, and, in the case of the number of sheep exceeding one hundred, then to a further penalty not exceeding *one* pound nor less than *five* shillings for every sheep so introduced contrary to the provisions of this section. The before-mentioned certificate may be lodged with the Inspector of the district in which the sheep were ~~landed~~ introduced, and if not so lodged shall at any time within *two* months after the date thereof be produced by the owner of such sheep to any Inspector, Justice of the Peace, constable, or sheepowner demanding the same, under a penalty of *five* pounds.

30 ~~43.~~ 46. It shall not be lawful for any Inspector to grant the clean certificate mentioned in the *last-preceding* section until the person or one of the persons for whom or on whose account the sheep are required to be introduced has made before such Inspector, or a Justice of the Peace, a declaration in the form or to the effect of Schedule D to this Act, and has produced to such Inspector satisfactory evidence that such sheep have not within the last-preceding three months been infected, nor mixed with sheep so infected, nor have undergone any dressing or dipping for the cure of scab, nor been depastured on any run whereon there were at the same time depastured any infected sheep, nor been in any yard, vessel, or truck wherein there were any infected sheep.

Inspector's certificate under preceding section.
Ib., s. 42.

Schedule D.

40 Every person who makes any such declaration, the same being untrue, is liable to a penalty of *one hundred* pounds, or to be imprisoned for a period not exceeding *six* months. And every Inspector who grants any such certificate, without first obtaining such declaration and receiving such evidence as aforesaid, is liable to a penalty of *one hundred* pounds.

50 For the purposes of this section, any sheep which are dipped or dressed without the previous written permission of the Inspector being obtained for such dipping or dressing shall be deemed to be dipped or dressed for the cure of scab.

Sheep from infected to clean district to be dipped within certain limits.
1878, No. 31, s. 43.

44. 47. When any sheep are introduced by land from any infected district into any clean district, it shall not be lawful for such sheep to be driven, depastured, or suffered to stray to or at a greater distance within the said clean district than three miles from the part of the boundary of the said district at which such sheep are introduced, until such sheep have been effectually dipped at least twice within fourteen days from the date of their being so introduced, to the satisfaction of an Inspector, and until the owner of such sheep has received from such Inspector a certificate to that effect; and, for the better and more effectual dipping of any sheep so introduced, such Inspector, if he shall see fit, may order the same to be shorn previously to such dipping; and, for every day during which any sheep shall be driven, depastured, or suffered to stray in contravention of the provisions of this section, the owner of such sheep shall be liable to a penalty not exceeding *one hundred* pounds. 5

Places may be proclaimed on the inland boundaries of districts, at which all sheep shall be introduced.
Ib., s. 44.

45. 48. The Governor may from time to time, by Proclamation to be published in the *Gazette*, appoint one or more place or places, at or adjacent to the inland boundaries of any district, at some one or other of which places all sheep to be introduced by land into any such district shall be crossed over such boundaries, and no sheep shall be introduced by land into any district unless at some one of such places; and every person crossing sheep over any such boundary at any other place than the one which shall have been so appointed shall be liable to a penalty of *one hundred* pounds. 10 15 20

SHEEP INFECTED WITH LICE. 25

Struck out.

Cross-bred and long-wool sheep to be dipped once every year.
Substituted for 1886, No. 30, s. 8.

46. It shall be the duty of every owner of any cross-bred or long-wool sheep respectively to dip the said sheep at least once in every year, within a period of such *two* months in each year as shall from time to time be fixed and publicly notified by the Chief Inspector of the district; and every such owner who refuses, fails, or neglects to dip the said sheep within the prescribed period in each year shall be liable, on conviction, to a penalty not exceeding *threepence* for every sheep not dipped as aforesaid. 30

Notice to dip sheep infected with lice.
Ib., s. 4.

47. 49. If any Inspector is satisfied that any sheep in a flock are infected with lice, he may give the owner a written notice to dip such flock forthwith to the satisfaction of the said Inspector, or any other Inspector; but if the Inspector is satisfied that such sheep are intended and fit for slaughter he may postpone the giving of such notice to dip for a period not exceeding one month. 35 40

Penalty for neglect to dip after notice.

Every such owner who refuses, neglects, or fails to comply with such notice within a period of one month from the giving thereof is liable, on conviction, to a penalty not exceeding *fifty* pounds nor less than *five* pounds; and, if after the expiration of three months from the date of such conviction such sheep shall not be dipped to the satisfaction of any Inspector, such owner shall, upon conviction, be liable to a further penalty not exceeding *fifty* pounds nor less than *twenty* pounds, and so on for each and every succeeding period of three months. 45

Penalty for removing sheep infected with lice.
Ib., s. 5.

48. 50. Sections ~~twenty three and fifty four~~ *fifty-five* shall respectively apply, *mutatis mutandis*, to all sheep infected with lice after any notice is given to the owner thereof to dip the same as mentioned in the last preceding section, and until the Inspector has given such owner a certificate that such sheep have been properly dipped, and in respect of and to every person who drives or depastures or suffers such sheep to stray as mentioned in the aforesaid section: 50

Provided that, for the purposes of this section, the aforesaid section ~~forty-four~~ forty-five shall be read as if the words "five pounds" and "one pound" had been inserted therein in the place of the words "one hundred pounds" and "five pounds" respectively.

5 49. 51. If any sheep infected with lice shall be found in any pound, or in any public yard or yards, or in any yard or yards at which sheep are offered for sale, the owner of the sheep so infected shall be liable to a penalty not exceeding *five* pounds nor less than *one* pound.

If sheep infected with lice found in public yard, &c., owner liable to penalty. 1886, No. 80, s. 9.

10 The Inspector may give such owner notice in writing to dip such sheep forthwith ~~at the nearest available dip~~ to the satisfaction of the said Inspector or any other Inspector; and every such owner who refuses, neglects, or fails to comply with the aforesaid notice within a period of ~~seven~~ fourteen days from the giving thereof is liable to a penalty not exceeding *ten* pounds nor less than *one* pound. But, if the

15 Inspector is satisfied that such sheep are intended ~~and fit~~ for immediate slaughter, he may withhold such notice to dip.

20 50. 52. Notwithstanding anything contained in this Act, or any notice given thereunder, it shall not be necessary to dip any ewe infected with lice during such time previous to or after her lambing as the Inspector may appoint; and for such purpose any Inspector may, in respect of ewes, extend any notice to dip for such time as he shall think fit.

Ewes need not be dipped during lambing-time. *Ib.*, s. 10.

25 51. 53. Every owner of sheep infected with lice is liable to a penalty not exceeding *ten* pounds if, within one month after he has received a written notice from an Inspector to dip such sheep, he has not prepared a dip, with all necessary requisites, for dipping such sheep, either on his own land or elsewhere conveniently within reach.

Owner of sheep must prepare dip. *Ib.*, s. 7.

30 "A dip," in relation to sheep infected with lice, means any fixed or movable appliance which the Inspector shall think sufficient for the purpose of dipping sheep so infected.

Struck out.

35 52. It shall not be lawful for the owner of any sheep infected with lice, for the purpose of dipping the same without delay or of having the same slaughtered, to drive such sheep along any road or over any land on their way to the place where they are to be dipped or slaughtered respectively, without a written permit of an Inspector in that behalf.

Sheep may not be driven without permit for purpose of dipping or slaughter.

DRIVING, ETC., SHEEP.

New clause.

40 54. Every person who drives any sheep upon, along, or across any road, run, or Crown lands at any time, except between the hours of six o'clock in the morning and six o'clock in the evening of the same day in any of the months between the thirty-first of March and

45 the first of September in any year, or between four o'clock in the morning and eight o'clock in the evening of the same day in any other part of the year, is liable to a penalty not exceeding *fifty* pounds and not less than *five* pounds in respect of every such offence.

Driving sheep at night prohibited.

50 The Justices hearing the case may, in excuse or mitigation of any such offence, take into consideration any evidence that may be adduced by the defendant to show that such driving at any prohibited

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

5

Nothing in this section contained shall apply—

(1.) To the owner of any sheep or his servant driving such sheep within the limits of any run in his lawful occupation; or

(2.) To any person driving any sheep within the limits of any borough at any hour in accordance with any by-law of such borough in force in that behalf.

Struck out.

Driving sheep on highway without brand.

53. Every person who drives or causes to be driven upon or along any highway any sheep which do not bear the registered brand of the owner, or such registered brand and a black or red dot on the poll, is liable to a penalty not exceeding *ten* pounds nor less than *one* pound.

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Driving, &c., of infected sheep. 1878, No. 31, s. 45

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

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But no person shall be liable to any penalty under the provisions of this section for driving, depasturing, or suffering his sheep to stray upon any highway so long as he shall do so with the written permission of the Inspector.

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No sheep to be driven through any infected run, under penalty. *Ib.*, s. 46.

55. 56. No sheep shall be driven through any infected run, under a penalty of not less than *ten* pounds nor, when the number of sheep driven shall be more than one hundred, exceeding *two* shillings for every sheep so driven. The Inspector may, however, give permission for any sheep to be so driven if he is satisfied that sufficient precautions are taken to prevent such sheep from becoming infected.

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Infected sheep trespassing may be returned to owners. *Ib.*, s. 47.

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

40

Proviso.

Separate informations for every run, &c., crossed. *Ib.*, s. 48.

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

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

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

Notice to be given before driving sheep across run. 1878, No. 31, Ib., s. 49, amended.

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

Every person who offends against the provisions of this section is liable to a penalty not exceeding fifty pounds nor less than one pound.

15 59. 60. Every occupier of a run may, without warrant or other authority, inspect, or cause to be inspected, any sheep which are being driven across or over any part of such run.

Occupier may, without warrant, inspect sheep on his run. Ib., s. 50.

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

25 Every owner of sheep or other person who refuses to allow such inspection to be made by such occupier, or refuses or neglects to afford all reasonable facilities for the same, or in any way obstructs such inspection, is liable to a penalty of fifty pounds.

PROTECTION OF ANGORA GOATS.

30 60. 61. So much of "The Impounding Act, 1884," and of every other Act, and of every by-law made by any local authority under any Act, as authorises the destruction of goats in certain cases of trespass or wandering at large is hereby repealed so far as any of the said Acts or by-laws respectively might be held to apply to branded Angora goats.

Angora goats to be deemed sheep, and not to be destroyed as goats.

In "The Brands and Branding Act, 1880," the word "sheep" shall be deemed to include Angora goats.

MISCELLANEOUS.

40 61. 62. If any infected sheep are found on any run not in the lawful occupation of the owner of such sheep, and such owner does not remove the same within forty-eight hours after he has been served with personal notice that they are so trespassing, or if such owner cannot after reasonable inquiry be discovered, the occupier of such run may forthwith destroy such sheep.

Infected sheep trespassing and not removed may be destroyed. Ib., s. 51, amended.

45 If, after such owner has been twice served with such personal notice within the space of fourteen days, any infected sheep of such owner are afterwards, within the space of one week from the service of the last notice, again found trespassing on the same run, the

occupier of such run may forthwith and without any further notice destroy such sheep so trespassing.

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

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

1878, No. 31, s. 53.

Sheep dying of catarrh to be burnt or buried.

Ib., s. 54.

~~62.~~ 63. Every person who casts or causes to be cast the carcase of any infected sheep into any stream, or pond, or other water, is liable to a penalty not exceeding *twenty* pounds nor less than *five* pounds.

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

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Recovery of strayed sheep.

Ib., s. 55.

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

20

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

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

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Unauthorised removal of sheep.

Ib., s. 56.

~~65.~~ 66. Every person who, except as hereinbefore provided, drives or removes any sheep from any run not in his own occupation without the consent of the owner of such run is liable to a penalty not exceeding ~~forty~~ one hundred pounds, or to be imprisoned for a period not exceeding six months.

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Notice to be given before mustering sheep.

Ib., s. 57, amended.

66. 67. Every occupier of any run who shall muster his flock or flocks for either of the purposes of dipping or dressing, or cutting and tailing, or ear-marking, or shearing, or removal from the run, shall, twenty-four hours at least before yarding the same, give personal notice or notice by registered letter to the occupiers of all the adjoining runs of his intention so to yard his sheep.

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Every sheepowner who has reason to believe that any of his sheep have strayed on to any run in the occupation of any other sheepowner may, by writing under his hand, require such other sheepowner to give him personal notice or notice by registered letter of his intention to muster his sheep twenty-four hours at least before yarding the same; and every person who neglects to give

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such ~~personal~~ notice to any such occupier or sheepowner is liable to a penalty not exceeding *twenty* pounds.

New clause.

5 | 68. Every owner of sheep shall forthwith, after shearing any of such sheep, and before they leave the wool-shed or drafting yard, distinctly brand the said sheep with a wool-brand; and every such owner who fails so to brand any sheep as aforesaid, in manner as herein required, is liable to a penalty not exceeding *five* pounds and not less than *two* shillings in respect of every sheep not so branded. Sheep to be wool-branded forthwith after shearing.

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

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

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

25 | 67. 69. Every person who wilfully communicates or causes to be communicated to any sheep either of the diseases called scab or catarrh is guilty of a misdemeanour. Wilfully communicating scab or catarrh. 1878, No. 31, s. 58.

68. 70. Every person who wilfully falsifies any return required to be made under this Act is liable to a penalty not exceeding *one hundred* pounds nor less than *ten* pounds. Falsification of return. Ib., s. 59.

30 | 69. 71. Nothing in this Act shall be construed to limit or deprive any person suffering loss or damage from the driving, depasturing, or suffering to stray of any infected sheep of any remedy which he might have had at law or otherwise for recovering the same if this Act had not been passed. Saving other remedies at law to persons suffering damage. Ib., s. 60.

Struck out.

35 | 70. Every person who wilfully removes more than one-third of the whole ear of any sheep, whether his own property or not, is liable to a penalty not exceeding *ten* pounds nor less than *two shillings* in respect of each sheep so treated. Penalty for removing more than one-third of the ear of sheep.

New Clauses.

40 | 72. The word "brand," in respect of sheep, includes a tattoo-mark imprinted on any part of the skin of a sheep, and also an ear-mark made by punching the ear, or any part of the edges or tip thereof, with a distinguishing mark, not in any case exceeding three-quarters of an inch in length, or half an inch in width or diameter. Tattoo-marks and ear-marks on sheep.

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

50 | (1.) No Registrar of Brands shall, after the passing of this Act, register any brand consisting of an ear-mark of any description prohibited by this Act.

55 | (2.) Every Registrar of Brands who has registered any brand consisting of an ear-mark of any description prohibited by

this Act, shall forthwith cancel such registration, and require the owner of such brand to alter the same ; and the Registrar shall register without fee any brand substituted by any owner for a brand cancelled under this section.

The owner of any registered ear-mark shall be entitled to mark his own sheep with such brand in either ear as he may think fit. 5

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

So much of section three and of all other provisions of "The Brands and Branding Act, 1880," as is inconsistent with the provisions of this section is hereby repealed.

73. Every person—

(1.) Who wilfully or maliciously destroys, defaces, or alters any tattoo-mark or any ear-mark, or is party to the destruction, defacement, or alteration thereof, or who crops or cuts the ear of any sheep straight across, or slices off by a straight cut any part of the ear of any sheep, or who makes an ear-mark on sheep exceeding three-quarters of an inch in length or half an inch in width or diameter, or in any way brands any sheep with an ear-mark otherwise than as required by this Act ; or 15 20

(2.) Who brands any sheep with an ear-mark which is not registered, or with an ear-mark of which he is not the registered owner, without the authority of such owner,— is liable to a penalty not exceeding fifty pounds for each sheep in respect of which such offence has been committed, or at the discretion of the convicting justices to imprisonment with hard labour for any period not exceeding two years. 25 30

In section seventeen of " The Brands and Branding Act, 1880," the words " sheep " and " sheep or " shall be respectively omitted.

74. So much only of the provisions of section seventy-two as relates to the instruments to be used for making ear-marks shall not take effect until the first day of January, one thousand eight hundred and ninety-one ; and it shall be sufficient defence to any prosecution for an offence under the said section of making an ear-mark with any instrument other than as required by that section, for the defendant to prove that the said offence was committed before the aforesaid first day of January. 35 40

75. Every offence by this Act made punishable by imprisonment, with or without hard labour, may be prosecuted, and every pecuniary penalty in respect of any such offence under this Act may be sued for, in a summary way before any two Justices of the Peace.

76. Any Inspector, and any occupier of a run or other person interested, may prosecute for any fines or penalties incurred by any breach of this Act. 45

Struck out.

If such occupier does not prosecute, then the Inspector may prosecute for every such fine or penalty. 50

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

77. In any proceedings for a penalty under this Act, the owner of any sheep which, in the opinion of the Inspector, are infected sheep shall be liable to a penalty in respect of every such sheep in any case where proof is given that any one or more of the said sheep 55

Penalty for defacing tattoo-marks or ear-marks, or ear-cropping sheep.

Saving of operation of section 72.

Offences prosecuted summarily. 878, No. 31, s. 61.

Persons interested or Inspectors to prosecute. *Ib.*, s. 62.

Not necessary to prove every sheep infected in order to recover penalty. 1888, No. 26, s. 2.

are, in the opinion of the Inspector, infected sheep; and it shall not be necessary to prove that any of such sheep are actually infected.

74-78. In all legal proceedings taken against any person for any breach of or non-compliance with the provisions of this Act, the onus of proving that such person held a clean certificate, or was otherwise exempted from the operation of any penalty hereby imposed, shall rest upon the defendant, who shall in all such proceedings be competent to give evidence, anything contained in any law or practice to the contrary notwithstanding.

Onus of proof upon defendant, who shall be competent witness.
1878, No. 31, s. 63.

75-79. If any person against whom any proceedings may be taken under this Act as owner of any sheep disputes his ownership thereof, or if it is uncertain who is the owner of any sheep in respect of which any proceedings have been instituted under this Act, the adjudicating Justices may give judgment against the owner of such sheep by such description merely, and may direct that the penalty or sum of money ordered to be paid, or such penalty and sum of money together with the costs of and attending the recovery thereof, shall be levied by seizure and sale of such sheep, or of so many of such sheep as may be necessary to satisfy the same; and, if the amount realised from the sale of such sheep is not sufficient to satisfy the judgment, then the difference may be recovered by a levy upon any other property which the owner of such sheep may be found to possess.

Who shall be taken as owner of sheep.
Ib., s. 64.

76-80. 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.
Ib., s. 65.

77-81. All fees, fines, penalties, and sums of money imposed or made payable by this Act shall, when recovered, be paid into the Public Account, and form part of the Consolidated Fund.

Fees, fines, &c., to be paid into Consolidated Fund.
Ib., s. 67.

78-82. "The Rabbit Nuisance Act, 1882," as amended by this Act, and "The Rabbit Nuisance Act 1882 Amendment Act, 1886," shall be read subject to this Act:

Rabbit Acts amended, and to be read with this Act.
1887, No. 28, s. 2.

"The Rabbit Nuisance Act, 1882," is hereby amended as follows, that is to say,—

(1.) In section two, the words "Inspector of Stock" are hereby substituted for "Inspector of Sheep."

(2.) In section nine, the words "or having so commenced" are hereby substituted for the words "and having so commenced."

(3.) In section fifteen, the words "after the receipt of such certificate" are hereby substituted for the words "after the receipt of such notice."

"The Rabbit Nuisance Act 1882 Amendment Act, 1886," is hereby amended as follows, that is to say,—

In section eight, after the word "stockowners," there shall be inserted the following words: "qualified to be placed on the stockowners' list mentioned in section ten."

Repeals.
Schedule E.

79. 83. The several Acts enumerated in Schedule E are hereby repealed.

Schedules.

SCHEDULES.

SCHEDULE A.

Sec. 3.

CLEAN CERTIFICATE TO BE GRANTED BY INSPECTOR.

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

Given under my hand at , this day of , 18
C.D.,
Inspector of Stock.

SCHEDULE B.

Sec. 12.

DECLARATION TO BE MADE AS TO SHEEP EXAMINED BY INSPECTOR.

I, A.B., of , do hereby solemnly declare that [I have made to the best of my belief a complete muster of all the sheep in my charge, and that*] my sheep marked , being in number, now being at , have not within three months undergone any dipping or dressing within the meaning of "The Sheep Act, 1890," nor within three months been mixed with any infected sheep, nor depastured on any run, nor placed in any yard, enclosure, carriage, or truck in which there were any infected sheep; and I make this solemn declaration conscientiously believing the same to be true.

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

A.B.

* May be omitted when not required by the Inspector.

SCHEDULE C.

Sec. 21.

NUMBER OF SHEEP DEPASTURING ON STATION, RUN, OR FARM, ON 30TH APRIL, 18 .

	Sex.		Breeding Ewes included in annexed Return.	
	Male.	Female.	Merino.	Other Breeds.
Merino				
Other breeds				
Total				
Ear-mark and brand				

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

A.B.

Date :

NOTE.—The ear-mark and brand must be filled in correctly. If you have no sheep, write across the form "Nil" and return it.

SCHEDULE D.

DECLARATION AS TO SHEEP INTRODUCED BY SEA.

Secs. 35, 46.

I, A.B., of _____, do hereby solemnly declare that the sheep, _____ in number, marked _____, now being depastured by me at _____ [or on board of the vessel _____, commander, now lying at _____], in the District of _____, have not within three months last past undergone any dipping or dressing within the meaning of sections *thirty-five* and *forty-six* of "The Sheep Act, 1890," nor within three months been mixed with any infected sheep, nor depastured on any run, nor placed in any yard, enclosure, carriage, or truck, or on board any vessel in which there were any infected sheep; and I make this solemn declaration conscientiously believing the same to be true.

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

SCHEDULE E.

SCHEDULE OF ACTS REPEALED.

Sec. 83.

- 1878, No. 31.—The Sheep Act, 1878.
- 1882, No. 65.—The Sheep Act Amendment Act, 1882.
- 1886, No. 30.—The Sheep Act 1878 Amendment Act, 1886.
- 1887, No. 28.—The Sheep Acts Amendment Act, 1887.
- 1888, No. 26.—The Sheep Act Amendment Act, 1888.

By Authority: G. DIDSBURY, Government Printer, Wellington.—1890.