

OTAGO, N. Z.



CATTLE AND SHEEP ORDINANCE, 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXXIV. No. 464.

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- Title.** *An Ordinance to Consolidate and Amend the Laws relating to the Branding Driving and Slaughtering of Cattle and the prevention of Scab and other diseases amongst Sheep. [3RD JUNE, 1875.]*
- Preamble.** **W**HEREAS it is expedient to consolidate and amend the laws now in force in the Province of Otago relating to the Branding Driving and Slaughtering of Cattle and the prevention of scab and other diseases amongst sheep :
- BE IT THEREFORE ENACTED** by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof as follows :—
- Short Title.** 1. This Ordinance may be cited and referred to as the “Cattle and Sheep Ordinance, 1875.”
- Repeal of Ordinances.** 2. Except as hereinafter mentioned the Ordinances mentioned in the first Schedule hereto annexed shall be and the same are hereby repealed : Where before the coming into operation of this Ordinance any proclamation appointment order or certificate has been made or granted or any offence has been wholly or partly committed or any penalty has been incurred under or against any of the Ordinances mentioned in the said Schedule or any warrant or other instrument has been duly made or granted in respect of the same or any notice has been given or any bond or recognizance has been entered into or any right liability privilege or protection in respect of any matter or thing done before the coming into operation of this Ordinance has accrued or any action suit or other proceeding in respect of such matter or thing has been commenced every such proclamation appointment order or certificate shall continue in force and every such offence shall be dealt with and every penalty shall be recovered and every such warrant or other instrument and every such notice and bond or recognizance and every such right liability privilege or protection shall be of the same force and effect and every such action suit or other proceeding shall be prosecuted continued and defended as if such Ordinances were not repealed.
- Interpretation.** 3. In the interpretation and for the purposes of this Ordinance the following terms shall if not inconsistent with the context and subject matter have the meanings hereby respectively assigned to them, that is to say :
- The term “cattle” shall be deemed and taken to mean and to include horses mares geldings colts fillies asses mules bulls cows oxen heifers steers calves goats and swine.
- The word “sheep” shall mean and include rams ewes wedders and lambs and the said terms shall be deemed and taken to apply to any one animal of the said several kinds.
- The word “Inspector” shall mean any Inspector who shall be appointed under the provisions of this Ordinance.
- The word “Registrar” shall mean any Registrar appointed under the provisions of this Ordinance.
- The term “Poundkeeper” shall mean and include any person who may have the authorised charge of any pound whether such poundkeeper shall be gazetted as such poundkeeper or not or whether such poundkeeper shall hold any other office or have any other designation or not.
- The word “owner” when used in the sense of owner of cattle or sheep shall be held to include the person having the charge con-

tról or management of any cattle or sheep as well as the person to whom such cattle or sheep shall actually belong.

The word "residence" of the owner of any cattle or sheep shall be taken to mean the nearest known residence or homestead in use by the owner of such cattle or sheep.

The word "occupier" of any land shall be taken to mean the person having the use or occupation of such land or holding a license from the owner for the depasturing of cattle or sheep thereupon or the agent bailiff or servants of such person.

The word "town" shall be taken to mean any Municipality or Borough established under the "Otago Municipal Corporations Ordinance 1865" or under the "Municipal Corporations Act 1867" or any other Ordinance or Act establishing Municipal Corporations and the towns and townships established by the authority of the Provincial Government or by any private person who shall have deposited a plan thereof with the Registrar of Deeds appointed under the Act or Acts relating to the Registrar of Deeds or with the District Land Registrar appointed under "The Land Transfer Act 1870" or any amendment thereof.

The words "duly registered brand" shall mean a brand stamp mark or buist registered and assigned by the chief Registrar to the party using the same.

The words "Government *Gazette*" and "Otago Provincial Government *Gazette*" shall signify the Otago Provincial Government *Gazette* for the time being.

BRANDS BUISTS OR STAMPS.

4. All cattle and sheep above the age of six months within the Province of Otago shall be branded stamped marked or buisted with the brand stamp mark or buist of the owner and such brand stamp mark or buist shall not be less than two nor more than four inches in length and of a proportionate breadth and shall be at all times legible: And for every such head of cattle or sheep not so branded stamped marked or buisted the owner thereof shall be liable to a penalty not exceeding ten pounds.

Cattle and sheep above six months old to be branded marked or buisted.

5. Every owner of cattle or sheep shall cause a correct copy or impression of his brand stamp or buist to be registered in an office to be appointed by the Superintendent for that purpose which shall be the office of the Chief Registrar and every owner neglecting to register his brand stamp or buist 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.

Brands stamps, or buists to be registered.

6. It shall be lawful for the Superintendent to appoint fit persons to be the Registrars of brands stamps or buists and to make rules and regulations for the management of any such Registrar's Office and to fix the fees that shall be payable to any such Registrar and all such rules regulations and tables of fees shall be published in the Government *Gazette* and thereupon shall be binding upon all persons whom they may concern and shall have the force of law.

Superintendent may appoint Registrars.

7. The owner of any cattle or sheep having a duly registered brand stamp or buist previous to the coming into operation of this Ordinance shall be entitled to have such brand stamp or buist registered under this Ordinance by priority of right in the order of date of original registry provided

Owners having registered brands &c., under previous Ordinances entitled to register under this Ordinance by priority of right.

that such brand stamp or buist is so registered within six months from the passing of this Ordinance.

Penalty for using the registered brand stamp or buist of another.

8. After any owner shall have so registered a brand stamp or buist it shall not be lawful for any other person to brand stamp or buist any cattle or sheep with any brand stamp or buist bearing the same mark or one so nearly similar as in the opinion of any Registrar to be not readily distinguishable therefrom and any person offending against this enactment shall be liable to a penalty not exceeding fifty pounds.

Penalty for unauthorised branding &c.

9. If any person shall brand stamp mark or buist any cattle or sheep or shall deface or efface any stamp mark or impression upon any cattle or sheep without the authority of the owner thereof 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 cattle or sheep such information shall be dismissed.

Branding, &c., to be *prima facie* evidence of ownership.

10. The mark or impression of any registered brand buist or stamp upon any cattle or sheep shall be *prima facie* evidence of the ownership of the said cattle or sheep by the person in whose name such brand buist or stamp shall be registered in the office of the said Registrars.

Registrar liable to a penalty for taking fees &c.

11. If any Registrar or person acting under his authority shall under color 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 or in the Provincial Government of Otago and shall forfeit and pay a sum not exceeding fifty pounds: And it shall be lawful for the Superintendent to make amend and abolish regulations for the guidance of the Chief Registrar and of the Registrars in the execution of their duties for the general management of the Registry Offices and the preparation and transmission of all returns required from Registrars and such regulations shall be obeyed accordingly as if expressly provided in this Ordinance.

Registrar to transmit copies of entries monthly.

12. Every Registrar shall on the first day of every calendar month in each year make and transmit to the Chief Registrar of brands 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 way.

Owners of sheep yearly to give a return of the number of their cattle or sheep, and whether they are clean.

13. Every owner of cattle or sheep shall in the month of September in every year deliver in writing to the Registrar of the District in which such cattle or sheep shall be depasturing a return of the number of cattle or sheep above six months old owned by him or under his charge and certifying whether the said cattle or sheep are free from disease and shall append thereto a declaration that such return is true to the best of his knowledge and belief and every such person neglecting to make such return and declaration or making a false return or declaration shall forfeit and pay a penalty not less than ten pounds nor more than fifty pounds.

Penalty for entire animals at large.

14. If any entire horse ass mule bull sheep or swine shall be found straying or running at large the owner thereof shall be liable to a penalty not exceeding twenty pounds: Provided always that this enactment shall not apply to horses asses or mules under twelve months of age nor to entire animals of any other class under six months of age nor to entire animals of any description being depastured on any land belonging to or rented by the owner of such animal.

15. Any entire animal found straying or running at large the owner whereof cannot be found may be destroyed on an order being obtained from a Justice of the Peace Inspector or other person authorised in that behalf by Proclamation of the Superintendent of the Province. If owner cannot be found entire animal at large may be destroyed.

16. If any unbranded cattle or sheep usually depastured or kept in any paddock or enclosed land shall be found at large on any unenclosed land run road or highway the owner thereof shall be liable to a penalty of not less than one shilling nor more than one pound for every head of cattle or sheep so found. Penalty on unbranded cattle or sheep found at large.

17. It shall be lawful for any Registrar or any person duly authorised on that behalf by writing under his hand if he shall find on any common waste lands of the Crown within any Hundred in his District any unbranded cattle or sheep to cause such cattle or sheep to be driven to the nearest pound there to be dealt with under the provisions of the Impounding Ordinance as if such cattle or sheep had been found trespassing on private enclosed land but if it shall appear to the said Registrar that there is any danger from any cause of failing to get such cattle or sheep to the pound then it shall be lawful for such Registrar with the written consent of one of the Wardens of any such Hundred or if there be no Wardens elected or appointed for such Hundred without such consent to slaughter or destroy or cause to be slaughtered or destroyed any such cattle or sheep and to bury or burn the carcase thereof or to sell or otherwise dispose thereof and the proceeds shall be held by such Registrar as hereinafter provided and such Registrar is hereby empowered to hold such proceeds until the expiration of three months unless the owner or person declaring and proving himself to the satisfaction of the Registrar for the time being to be the owner of such cattle or sheep shall sooner appear and claim such proceeds whereupon it shall be lawful for such Registrar to pay over such proceeds to such owner or person or if he shall think fit to cause a summons to be issued against such owner or person for the infringement of any provision of this Ordinance of which such owner or person has been guilty with respect to such cattle or sheep and if such owner or person shall be convicted according to law of any such infringement and shall be ordered to pay a penalty therefor such Registrar if such penalty and any costs that may have been awarded are not forthwith paid by such owner or person may apply such proceeds in the payment of such penalty and costs. Unbranded cattle or sheep not owned to be impounded or slaughtered.

18. A register of all cattle so slaughtered or destroyed shall be kept and if the carcase be sold or disposed of a correct account of the same shall be kept and every entry in such registry shall be signed by the Registrar and the proceeds of the sale of such carcase if not applied for by the owner of such slaughtered cattle or sheep whoever he may be within three months of the date of registry shall be paid over to the Provincial Treasurer and shall be available for the payment of the expenses of carrying out the provisions of this Ordinance. Registry of slaughtered or destroyed cattle or sheep to be kept.

19. Any person who shall drive or assist in driving any cattle from off any lawfully occupied land cattle or sheep run or Hundred without the previous consent in writing of the owner or occupier of the land or run or of the Warden of the Hundred Ranger of Commonages or Inspector of depasturing licenses as the case may be as well as of the owner or person in charge of such cattle or sheep shall on conviction thereof be liable to a penalty not exceeding forty shillings per head of cattle or sheep so driven by him: Provided that if there be no Warden of such Hundred such consent of the owner or person in charge of all such cattle or sheep shall be sufficient. Penalty on driving cattle or sheep off Run or Hundred without notice.

20. After the appointment of any Registrar in any District under the provisions of this Ordinance it shall not be lawful for any person to slaughter Cattle or sheep not to be slaughtered for sale without notice to Registrar. Penalty.

any cattle or sheep for immediate sale or for preserving or curing for subsequent sale without giving to the Registrar of such District at least six hours previous notice in writing of his intention to do so together with a description and color of the cattle or sheep and of the marks and brands thereon and whether bull cow ox heifer steer ram ewe wedder or lamb over six months old and the name and residence of the person from whom the same shall have been purchased : And if any person shall kill any cattle or sheep for sale without giving such notice he shall for every such offence forfeit and pay any sum not exceeding ten pounds.

Registrar to inspect cattle or sheep after receipt of notice.

21. On receipt of any such notice it shall be lawful for such Registrar or any person duly authorised on that behalf by writing under his hand to attend and ascertain by personal examination the correctness of the notice so given and such Registrar shall file and preserve such notice in the Register Office of the district and enter it in a book to be kept by him which shall be open for inspection by any person on a payment of a fee or one shilling and it shall be lawful for the Registrar to examine the carcase after it shall have been slaughtered and if found to be diseased or to be in his opinion diseased such Registrar may seize or cause to be seized such carcase and if the owner of such carcase or the person giving the notice aforesaid shall consent such Registrar shall cause such carcase to be destroyed but if the owner or person aforesaid shall object to such destruction then such owner or person if such carcase shall be proved to the satisfaction of any Resident Magistrate or two Justices of the Peace to be diseased shall be deemed guilty of the offence of having in his possession cattle or sheep infected with disease for the purpose of slaughtering and exposing for sale and shall be liable to the penalties provided in and by the twentieth section of this Ordinance and the Registrar shall detain such carcase and shall forthwith lay an information against such owner or person under the said section of this Ordinance and such carcase shall be disposed of as the Resident Magistrate or Justices adjudicating shall direct.

Penalty for exposing for sale any diseased animal.

22. If any person shall slaughter and expose for sale or shall have in his possession for the purpose of slaughtering and exposing for sale any cattle or sheep which he shall know to be infected with disease to an extent to be unfit for human food or shall expose for sale the carcase or any part thereof of any cattle or sheep which he shall know to be so infected he shall be liable for each such offence to a fine of not less than one pound nor more than fifty pounds : And such infected carcase or such part thereof shall thereupon be destroyed in such manner as any Resident Magistrate or two Justices of the Peace before whom the complaint was heard may direct.

INSPECTORS.

Superintendent to appoint Cattle and Sheep Inspectors for the Province of Otago.

23. The Superintendent by and with the advice and consent of his Executive Council shall from time to time divide the Province into districts for the purposes of this Ordinance and appoint fit and competent persons to be Cattle and Sheep Inspectors for the Province of Otago and the persons so to be appointed shall devote the whole of their time to the duties of the said office and the Superintendent shall and may with the like advice and consent from time to time remove any such Inspector and appoint another in his stead : And every such Inspector shall have a fixed place of abode within the district to which he is appointed where notices and other proceedings may be left or sent and the situation of such place of abode shall be published once at least in the *Government Gazette* of the Province : And one of such Inspectors shall be styled the Chief Inspector and shall be stationed in Dunedin and all communications relative to the department shall be addressed to him and all the other Inspectors shall forward to such Chief Inspector a monthly report of all matters connected with the discharge of their duties.

24. It shall be lawful for the Superintendent by and with the advice and consent of his Executive Council in addition to such Cattle and Sheep Inspectors as may be appointed under the powers conferred by this Ordinance from time to time to appoint fit and competent persons to act as Honorary Cattle and Sheep Inspectors at such places or in such districts as may be thought fit and the said Honorary Inspectors shall be paid by fees instead of salary.

Superintendent may appoint Honorary Inspectors.

25. The Honorary Inspectors shall have and possess all the powers and privileges and perform all the duties and be under and liable to all the obligations conditions provisions and penalties as if they had been appointed Inspectors under this Ordinance: Provided that if there be any cause to prevent the Honorary Inspector attending to any notice he shall transmit the same to the nearest Sheep Inspector without delay.

Powers of Honorary Inspectors.

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

Payment of Honorary Inspectors.

27. 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: Provided always that where he is unable to attend for the purpose of examining any cattle or sheep within eight days after receipt of notice he shall forthwith send notice to that effect to the person who required his attendance and the Inspector shall not be liable to any forfeiture or penalty for non-attendance unless that he has without any good or sufficient reason refused to attend as required.

Appointment of Honorary Inspector not to relieve District Inspector from personal attendance when required.

28. It shall be lawful for any Inspector at such times as he may think fit to inspect any cattle or sheep within the Province of Otago and for the purposes of such inspection or for the purposes of inspecting and examining any dipping apparatus hereinafter referred to or for doing any other act which he is authorised or empowered to do by this Ordinance 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 in the Province of Otago.

Power of Inspector to enter on lands.

29. Every owner of any cattle or sheep or other person who shall without due cause after having notice in writing from any Inspector of his desire to inspect any cattle or sheep refuse to allow such inspection to be made by any Inspector or shall obstruct or shall refuse or neglect to muster his cattle or sheep for the purpose of such inspection with all convenient speed or to afford all reasonable facilities for making such inspection to such Inspector shall be subject to a fine not exceeding one hundred pounds.

Penalty for obstructing Inspector.

30. Every Inspector upon being required by notice in writing from any occupier of land or by the holder of a right of pasturage over land or by any owner of cattle or sheep and served personally at such Inspector's usual place of abode 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 cattle or sheep belonging to any such occupier holder or owner and in default of so attending shall forfeit and pay any sum not exceeding fifty pounds and after examining any cattle or sheep when required as aforesaid such Inspector shall if such cattle or sheep be free from disease grant a certificate in the form and to the effect set forth in the Second Schedule herunto annexed.

Inspector to attend and examine cattle or sheep whenever required.

And to give certificate if cattle or sheep found to be clean.

Inspector may require
declaration.

31. It shall be lawful for any Inspector when it shall appear to him to be necessary for the purpose of enabling him to decide satisfactorily upon the condition of any cattle or sheep to call upon the owner of such cattle or sheep to make a declaration in the form or to the effect specified in the Third Schedule to this Ordinance annexed and if any such owner shall refuse or neglect to make such declaration when so called upon he shall be liable to a penalty not exceeding fifty pounds and if any person shall make any such declaration knowing the same to be false he 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.

Travelling certificate.

32. After examining any cattle or sheep which it is intended to remove from one run to another *not contiguous* the Inspector shall if such cattle or sheep be free from disease grant a certificate in the form and to the effect set forth in the Fourth Schedule hereunto annexed and such certificate shall be a sufficient authority for the removal of such cattle or sheep by the owner at any time within the period and in the way and manner and by the road prescribed by the said certificate and every such certificate shall specify the district or place to which the cattle or sheep therein mentioned are to be driven: And every such certificate shall be produced to any Inspector or runholder or other lawful occupier of land or person acting in his behalf through whose run or land the cattle or sheep are driven or are about to be driven and who shall desire to inspect the same and any person employed in driving cattle or sheep who shall refuse to produce a certificate under this Ordinance when called on so to do shall be deemed guilty of driving such cattle or sheep without any certificate and shall be liable to a penalty of not less than sixpence nor more than one shilling for every head of cattle or sheep so driven, and every such certificate shall continue in force for a period of not exceeding thirty-one days.

Certificates to be pro-
duced to Inspectors.

Inspector to endorse
memo.

33. Every Inspector who shall inspect any such certificate shall endorse thereon a memorandum under his hand to the effect that such certificate has been produced to and examined by him.

In certain cases may
defer granting certifi-
cate.

34. It shall be lawful for the Inspector to defer granting a certificate for fourteen days in cases where he has just grounds for suspecting that any cattle or sheep which it is intended to remove from one run to another not contiguous have incurred risk of infection and if any such cattle or sheep have been infected with disease he shall not be at liberty to grant such certificate until the expiry of three months after the time they shall be proved by solemn declaration before a Justice of the Peace to have last received treatment for the cure of such disease.

Penalty for Inspector
granting false certifi-
cate.

35. If any Inspector shall knowingly grant in a manner not authorised by this Ordinance any certificate for the removal of cattle or sheep or any certificate containing any statements or particulars which are not true such Inspector shall forfeit and pay for every such offence any sum not less than fifty pounds nor exceeding one hundred pounds.

Inspectors prohibited
from taking any fee
other than as pro-
vided.

36. If any Inspector shall under color of his office or employment exact or accept any fee or reward whatsoever other than his proper salary or allowance as hereby provided he shall be incapable of afterwards holding or continuing in any office or employment under this Ordinance and shall forfeit and pay the sum of fifty pounds: And it shall be lawful for the Superintendent to make regulations for the guidance of such Inspectors in the execution of their duty and for carrying this Ordinance into effect which regulations shall be published as hereinafter enacted.

37. To provide a fund for the payment of the salaries of the Sheep Inspectors and of expenses incurred in the carrying into effect the laws in force for the prevention of scab and other diseases among cattle or sheep it shall be lawful for the Superintendent to make and levy a rate yearly upon all cattle and sheep depasturing within the Province of Otago which rate shall be of such amount as together with all fines and penalties recovered in virtue of the Ordinances now in force and such sum as may be issued and applied in that behalf under any Appropriation Ordinance passed by the Superintendent and Provincial Council of Otago will be sufficient to pay the said salaries and expenses together with the expenses incidental to the laying on and collecting of such rate: And every owner of such cattle or sheep shall make payment of the amount for which he is rated within a time and at a place to be notified under a penalty of one-half more: And it shall be lawful for the Superintendent from time to time to appoint assessors and collectors of such rate and to regulate the duties of such assessors and collectors and also the mode of making such assessment and of collecting and enforcing payment of said rate: Provided always that no regulations by this Ordinance authorised to be made shall have force until after they shall have been published in the Otago Provincial Government *Gazette*.

Superintendent authorised to levy rate.

38. Whenever the Chief Inspector shall be informed that there are any sheep infected with scab in any district he shall without delay take the personal supervision of such district and the district shall continue specially under his charge till the infected sheep are free from disease.

Chief Inspector to take charge of infected districts.

IMPORTING SHEEP.

39. No sheep shall be imported into the Province of Otago by sea until such sheep shall have been inspected by an Inspector previous to their being landed and such Inspector shall have given permission to land such sheep. It shall be lawful for any Inspector to order and cause any such sheep to be well dipped or dressed by some reputed effective scab destroying preparation prescribed by such Inspector. Such sheep to be so dipped or dressed within forty-eight hours of their being so landed at some convenient place not further than one mile from the place at which such sheep were so landed. All expenses and charges attending the dressing of such sheep so imported or landed shall be borne and paid by the owner thereof. Any person importing or landing any sheep contrary to the provisions of this Ordinance shall forfeit and pay for every such offence any sum not less than £50 nor more than £100. And every person so offending may be proceeded against for such offence upon the information of an Inspector or any other person.

Sheep not to be imported into the Province by sea until permission given by Inspector who may cause sheep to be dressed within 48 hours of landing.

Penalty.

40. No sheep shall be introduced into the Province of Otago by land until after the same shall have been inspected by an Inspector and until such Inspector shall have granted a certificate in the form in the Fourth Schedule to this Ordinance annexed: Such inspection to be made in a good and secure yard with a pen attached to it such pen not to hold more than 200 sheep at a time and such yard to be provided by the owner of such sheep or the Province from which such sheep are being brought: And such yard shall not be situated at a greater distance than three miles in a straight line outside the boundary of this Province: And if any sheep shall be introduced into the Province by land contrary to the provisions of this Ordinance the owner of such sheep shall forfeit and pay for every such offence any sum not less than £50 nor more than £100: And every person so offending may be proceeded against for such offence upon the information of an Inspector or any other person.

Sheep not to be introduced into the Province by land until certificate granted by Inspector.

Penalty.

41. The owner of any sheep so introduced by land as aforesaid shall at any time within six months after such sheep shall have been so introduced

Penalty for not producing certificate.

produce to any person demanding the certificate mentioned in the preceding section or failing so to do shall be liable to a penalty of five pounds.

Inspector may cause sheep to be introduced by land into Province to be dressed if necessary.

42. Should any Inspector after having inspected any sheep to be introduced into the Province of Otago by land deem it necessary he may order and cause such sheep to be dressed to his satisfaction with some reputed effective scab-destroying preparation to be prescribed by such Inspector: And if such Inspector shall deem it necessary he may order and cause such sheep to be so dressed as aforesaid a second time at an interval of not less than twelve clear days such sheep to be so dressed at some convenient place not further than three miles outside the boundary of the said Province of Otago in a proper and efficient dipping apparatus to be approved of by the Inspector and to be provided by the owner of such sheep or the Province from which such sheep are being brought: And the Inspector shall not grant a certificate to the owner of sheep so dressed until after the expiration of twelve clear days from the time of such sheep being so dressed: And all expenses and charges attending the dressing of such sheep shall be borne and paid by the owner of such sheep.

Sheep placed in Hundreds when previously dipped.

43. If any person shall himself or by means of any agent or servant introduce or place any sheep upon any unenclosed land within any Hundred for the purpose of being depastured unless they shall within fourteen days previous to such introduction have been effectually dressed to the satisfaction of the Inspector of sheep with some reputed effective scab-destroying preparation and unless the owner of such sheep shall have received from such Inspector a certificate to that effect or unless the Inspector grant a certificate of exemption from such dressing he shall be liable to a penalty of not less than one shilling nor more than one pound for every sheep so introduced: Provided that if the number of sheep so introduced be less than one hundred he shall nevertheless be liable to a penalty of fifty pounds and no more and for every day during which such sheep so introduced with such certificate shall be depastured or suffered to remain within the boundaries of any Hundred the owner thereof shall be liable to a penalty of not exceeding fifty pounds and the before-mentioned certificate shall at any time within six months after the date thereof be produced by the owner of such sheep to any person demanding the same under a penalty of five pounds: Provided also that this section shall not apply to any sheep free from disease which may be lawfully depasturing upon the unenclosed lands within any Hundred at the time of its proclamation or at the time of the passing of this Ordinance.

Inspector to charge a fee of £3 for every flock of sheep imported by sea.

44. For every inspection of sheep made on board of any ship vessel or steamer a fee of £3 shall be charged by the Inspector making such inspection and no certificate or authority to land any sheep shall be given by such Inspector until the said fee of £3 shall have been paid to him by the owner of such sheep.

Fee of 1d. per head to be charged by Inspector for every sheep inspected.

45. For every inspection of sheep to be introduced into the Province of Otago by land a fee of one penny (1d) per head for every sheep so inspected shall be charged by the Inspector making such inspection: And no certificate or authority to introduce any sheep by land shall be given by such Inspector until the said fee of one penny (1d) per head for every sheep shall have been paid to him by the owner of such sheep.

Charge for dipping.

46. The charge for dipping sheep in each dipping apparatus erected by or on behalf of the Government for the purposes of this Ordinance shall be such sum as the Superintendent may from time to time by notice under his hand published in the Provincial Government *Gazette* determine not ex-

ceeding in any case the sum of one shilling for every sheep which shall be dipped.

DISEASED SHEEP.

47. Every owner of any sheep infected with the disease called "Scab" or other disease of an infectious nature shall be liable to a fine of not less than one shilling nor more than five shillings for every such infected sheep: Persons having sheep infected with disease to be fined. Provided that no person who shall have been convicted under this enactment shall be liable to pay any further penalty under the same on account of said disease in the same sheep until the expiration of four months after the date of such conviction as aforesaid: And if it shall appear to the satisfaction of the Justices before whom any conviction under this enactment shall take place that such sheep had been free from the said disease at any time within two months previously to such conviction or that the owner had been using proper and adequate means in the judgment of the Inspector for curing such sheep of such disease it shall be lawful for such Justices to require the persons so convicted to enter into a bond or bonds in the form set forth in the Fifth Schedule to this Ordinance 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 diseased without any fault attributable to the owner a further period of four months may be allowed for effecting their cure and if at any time within either the said first 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 such 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.

48. If the owner of any sheep infected with the disease called "Scab" or any other disease of an infectious nature 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 recognised sheep proof boundary which shall not be fenced with a substantial sheep proof fence such owner shall forfeit and pay for every such offence a penalty of not less than fifty pounds nor more than one hundred pounds. Owner driving or depasturing diseased sheep on land not in his own possession or occupation or within half-a-mile of unfenced boundary liable to penalty of £100.

49. If any owner shall suffer any sheep infected as aforesaid to stray or without having obtained a certificate as hereinbefore mentioned shall drive or conduct any such sheep or permit or suffer any such sheep to be driven or conducted upon any highway or to be conveyed across any ferry in the boats used at such ferry every owner shall forfeit and pay for every such offence any sum not less than five pounds nor more than one hundred pounds: Provided always that nothing herein contained shall prevent infected sheep from being conveyed on any highway in covered vehicles and that it shall be lawful for any person upon whose land any sheep are trespassing to remove the same therefrom and to drive or conduct any such sheep or to cause permit or suffer any such sheep to be driven or conducted to the place of abode of the owner thereof or to such place from whence they have strayed provided such sheep be free from disease. Not to be driven on highways.

50. Every owner of any sheep depastured within the Province of Otago shall within one month after receiving notice from the Inspector so to do erect and thenceforth maintain in good working order on some land in his Owner of sheep to erect dipping apparatus.

own occupation a good and sufficient apparatus for properly dipping for the cure of scab so many sheep as he shall for the time being be the owner of: Provided always that it shall not be necessary to erect a new dipping apparatus where a dipping apparatus conforming to the terms of this Ordinance has been already erected.

Dips to be constructed to satisfaction of Sheep Inspector.

51. Every such dipping apparatus shall be constructed to the satisfaction of the Inspector and if such owner of sheep shall fail to erect such dipping apparatus to the satisfaction of such Inspector within the time hereinbefore limited for the purpose he shall be liable to a penalty of not more than fifty pounds and for every calendar month after the expiration of such time that shall elapse before he shall have so erected such apparatus he shall be liable to a separate penalty of not more than fifty pounds.

Owner neglecting to maintain dip or to keep same in repair liable to penalty.

52. If any owner shall not maintain any dipping apparatus erected or to be erected as aforesaid in complete repair and good working order to the satisfaction of the Inspector and shall not from time to time if necessary alter and enlarge the same to the like satisfaction so that it may be sufficient for properly dipping the number of sheep of which he is for the time being the owner he shall be liable to a penalty of not more than ten pounds and for every fourteen days for which he shall neglect to repair put in order alter or enlarge the said dipping apparatus after notice in writing so to do shall have been given him by the said Inspector he shall be liable to a separate penalty of not more than ten pounds.

Owner to give notice of sheep infected or suspected to be so.

53. Whenever the owner of any sheep shall become aware or shall have reasonable grounds to suspect that the same are infected with disease as aforesaid he shall within twenty-four hours thereafter give notice thereof in writing to the adjoining sheep owners in the manner hereinafter prescribed for the notice required by section fifty-eight hereof and within ten days shall give similar notice to the Inspector of the district in which such sheep are either by delivery of such notice to him personally or by leaving the same at such Inspector's place of abode and in default thereof such owner shall forfeit and pay for such offence any sum not less than twenty pounds nor more than one hundred pounds.

All sheep in a flock to be deemed infected if one is so or if sheep have mixed with infected sheep.

54. All sheep forming one distinct flock shall be deemed to be infected as aforesaid within the meaning and for the purposes of this Ordinance of which one is so infected or which shall be known by the owner thereof to have mixed with other sheep infected as aforesaid and if any owner shall lodge written information to that effect with any Inspector he shall be bound to institute inquiry into the truth of the information and every owner shall be deemed to know that his sheep have so mixed whenever a written notice to that effect signed by an Inspector shall have been served on such owner personally or have been left at his last usual place of abode for twenty-four hours.

Penalty for abandoning diseased sheep.

55. If any owner or other person shall wilfully set at large or abandon any sheep infected as aforesaid he shall forfeit and pay for every sheep so set at large and abandoned any sum not less than one pound nor more than five pounds: Provided that such penalty inflicted for any number of sheep at one time shall not exceed one hundred pounds: And it shall be lawful for any Inspector to destroy any sheep infected as aforesaid which shall be wandering at large and the owner thereof is unknown and cannot be ascertained after reasonable inquiry.

Occupiers of runs to give notice when stray sheep mix with their flocks.

56. Every occupier of a run after becoming aware or being informed that stray sheep have mixed with his flock may give notice thereof in writing to such owner if known and in such notice shall appoint a time not

less than one week nor more than one month from the delivery of such notice for the owner of such stray sheep removing the same to his own run and the one failing to give such notice and the other when such notice is given failing to attend at the time and place appointed and to remove such sheep shall be liable to a penalty not exceeding ten pounds: If the owner of such stray sheep be unknown a similar notice shall be given to the Inspector.

DRIVING CATTLE OR SHEEP.

57. All persons travelling with cattle or sheep without a travelling certificate from an authorised Inspector shall furnish a Justice of the Peace or some other authorised person with a list of the number and description of the cattle or sheep intended to be driven whereupon the Justice of the Peace or other authorised person shall grant a certificate to be carried by the person in charge of such cattle or sheep who shall produce the same for inspection at the request of any authorised person: And it is hereby declared that every Warden of a Hundred and every Chairman of a Road Board within the district in which the cattle or sheep shall be travelling shall be "an authorised person" within the meaning of this section and that the Superintendent may by proclamation appoint any person to be an authorised person within the meaning of this section.

Parties travelling with cattle or sheep to furnish list thereof to a Justice of the Peace or other authorised person.

58. Any person about to drive any cattle or sheep through or across^s 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 endorsed 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 affixe to the door thereof and such notice shall set forth the brands or buists 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 ten 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.

Mode of proceeding when cattle or sheep to be driven through a run.

59. 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.

Travelling cattle or sheep to keep usual road and travel five miles per diem.

60. Nothing herein contained shall prevent separate informations being laid and prosecuted by every occupier of land upon which cattle or sheep diseased as aforesaid shall have been driven depastured or suffered to stray without the owner having obtained either the written consent of the occupier or a certificate as hereinbefore enacted and by every occupier of land through

Separate informations may be laid by every person whose run is crossed &c.

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.

Sheep or cattle may be examined without warrant by occupier of run on which found.

61. 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.

A yard for inspecting sheep to be upon every run. Penalty for resisting inspection.

62. There shall be at some convenient place on every run or freehold 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 less than fifty pounds nor more than one hundred pounds.

Recovery of strayed cattle or sheep.

63. 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.

Diseased cattle or sheep may be destroyed.

64. If any cattle or sheep diseased as aforesaid 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 an Inspector if he shall think it necessary so to do to cause such cattle or sheep or any of them to be destroyed and such 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 if the owner of such cattle or sheep shall have complied with all the provisions of this Ordinance 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 Provincial Revenue under warrant of the Superintendent in the usual way 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 Ordinance.

MISCELLANEOUS.

Penalty for clipping or taking wool from sheep.

65. 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.

66. Every person who shall drive or remove or attempt to drive or remove any cattle or sheep belonging to him or under his charge from any land in the occupancy of another or cause such cattle or sheep to be driven or removed therefrom without the consent of the occupier of such land or who shall be found disturbing or harassing any cattle or sheep on any such land shall be liable in a penalty of not more than one hundred pounds for every such offence.

Penalty for removing cattle or sheep without consent of o

67. The owner who shall fail to consume by fire or to bury at least three feet under ground within twelve hours after death the carcass 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 carcass not so buried or destroyed.

Penalty for not burying or burning carcass of diseased cattle or sheep.

68. If any person by himself his servant or agent shall cast or cause to be cast the carcass 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.

Penalty for casting such carcass into the water.

69. It shall be lawful for any occupier of land or other person interested and also for any such 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 Ordinance and no abandonment of any such prosecution or compromise made by any private party shall affect the Inspector's power to prosecute for and recover any such fine or penalty: And every information under this Ordinance may be laid before and a summons thereupon issued by one Justice of the Peace but the same shall be heard and determined by at least two Justices of the Peace.

Persons interested or Inspectors to prosecute. Information may be laid before one Justice of the Peace; hearing by two.

70. Over and above any other penalty imposed by this Ordinance and to which any person convicted of infringing the same shall be subjected he shall also be liable to pay to the owner of any cattle or sheep to which any disease shall have been communicated by his unlawful act or omission such sum or sums of money if demanded by the owner as in the judgment of any two Justices of the Peace may be sufficient to reimburse such owner for any expense loss or damage which he may have in consequence incurred or sustained so that such sum or each of such sums shall not in any such case exceed the sum of one hundred pounds: Provided always that nothing in this Ordinance shall be construed to limit or deprive any person suffering any such loss or damage of any remedy which he might have had at law or otherwise for recovering the same if this Ordinance had not been passed.

Owners of diseased cattle or sheep to be liable in damages to parties injured.

71. All moneys received by any Inspector by way of head money or inspection fees together with all fines and penalties recovered under the provisions of this Ordinance shall be accounted for and paid to the Provincial Treasurer of the Province of Otago by the person or persons receiving or recovering the same.

All moneys to be accounted for.

72. Nothing herein contained or implied shall prejudice or affect the right of action or other remedy of any person who shall have incurred or sustained any loss damage or expense through in consequence or by reason of any infringement or breach of this Ordinance against any person not conforming with the provisions of this or any other Ordinance or Ordinances relating to cattle or sheep.

Right of action against any person infringing this Ordinance not affected.

73. Nothing in this Ordinance shall be construed or taken to affect or to pretend to repeal or alter any provisions of "The Diseased Cattle Act 1861" or any Act amending the same.

Construction of Ordinance.

FIRST SCHEDULE.

(ORDINANCES REPEALED.)

- " Cattle Branding Ordinance, 1862," Session XVI., No. 110.
 " Cattle Ordinance, 1864," Session XIX., No. 169.
 " Cattle Ordinance, 1864 Amendment Ordinance, 1869," Session XXV., No. 284.
 " Scab and Catarrh Ordinance, 1854," Session I., No. 11a.
 " Sheep Ordinance, 1856," Session V., No. 12.
 " Sheep Ordinance Amendment Ordinance, 1857," Session VI., No. 21.
 " Sheep Ordinance Amendment Ordinance, 1861," Session XII., No. 49.
 " Scab Prevention Ordinance, 1862," Session XV., No. 80.
 " Sheep Importation Ordinance, 1862," Session XV., No. 90.
 " Sheep Ordinance 1856 Amendment Ordinance 1865," Session XXI., No. 212.
 The " Sheep Ordinance, 1862," of Southland, 29th Vict., No. 71.
 " Sheep Ordinance, 1867," Sssion XXIII., No. 253.
 " Sheep Ordinance 1867 Amendment Ordinance, 1868," Session XXIV., No. 266.
 " Sheep Ordinances Amendment Ordinance, 1870," Session XXVII., No. 266.
 " Sheep Ordinance 1866 (Southland) Repeal Ordinance, 1871," Session XXIX., No. 340.
 " Sheep Inspection Assessment Ordinance, 1871," Session XXIX., No. 345.
 " Sheep Ordinances Amendment Ordinance, 1873," Session XXXII., No. 403.

SECOND SCHEDULE.

(CERTIFICATE OF INSPECTORS.)

I, A. B., hereby certify that I have carefully examined (cattle or sheep) branded
 the property of C. D., now being depastured at and that I find said
 (cattle or sheep) to be entirely free from disease.
 Given under my hand at this day of 18 .
 A. B.,
 Inspector.

THIRD SCHEDULE.

DECLARATION TO BE MADE BEFORE INSPECTOR AS TO CATTLE OR SHEEP EXAMINED BY HIM.

I, A. B., of do hereby solemnly declare that (I have made to the
 best of my belief a complete muster of all cattle and sheep under my charge, and that*) my cattle and sheep branded
 being in number now being at have not within†
 had applied to any of them any treatment for disease, nor within† been mixed with any cattle or
 sheep infected with any disease ; and I make this solemn declaration, conscientiously believing the same to be true.
 Declared before me at this day of 18 .
 C. D.,
 Inspector.

* May be omitted when not required by Inspector.
 † State period.

FOURTH SCHEDULE.

FORM OF CERTIFICATE TO BE GRANTED BY INSPECTOR.

I do hereby certify that I have authorised (name, residence, and description of owner) to drive or conduct
 (number of cattle and sheep and marks or other description) cattle and sheep from (description of place where from)
 to (description of place where to), by the road (description of road) the said cattle and sheep being free from disease
 (or having been dressed to my satisfaction as the case may be).

This certificate to be in force for (number of days) days from the date hereof.

H. B.,
Inspector.

FIFTH SCHEDULE.

WHEREAS (here shortly narrate the complaint and judgment) I Clerk to
 hereby undertake, four months from the date hereof, to pay to and in
 the Bench at the sum of
 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 or Ordinance to the contrary notwithstanding.
 Dated at this day of 18
 (Signed)

DUNEDIN, NEW ZEALAND:

Printed under the authority of the Provincial Government of Otago, by MILLS, DICK, and Co., of Stafford-street, Printers to the
 said Provincial Government for the time being.