

No. , 1899.

A BILL

To consolidate and amend the law relating to the Branding
and Marking of Stock.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Registrars and inspectors, their appointment, powers, and duties.

1. (1) The chief inspector of sheep for the time being appointed under the Diseases in Sheep Act of 1866 is hereby appointed the registrar of brands and marks under this Act.

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(2) The chief inspector of sheep is also hereby appointed the ^{Chief and other} chief inspector of brands and marks under this Act. Every inspector ^{inspectors.} of sheep appointed under the Diseases in Sheep Act of 1866 is hereby appointed an inspector of brands and marks under this Act, and the Governor may, where necessary, appoint persons other than inspectors of sheep to be inspectors of brands and marks.

(3) Members of the police force are hereby appointed in- ^{Police.} spectors of brands and marks.

2. In addition to the powers conferred upon inspectors by this ^{Powers of inspectors.} Act, any inspector—

- (a) may, on stating in writing at the request of the proprietor or owner, his authority and object, enter with or without assistants upon any run for the purpose of inspecting any stock, brand, or mark, or any branding or marking instrument, or any hide, skin, or wool; and he may enter any premises or conveyance on which he has reason to suspect that there are hides, skins, or wool, with respect to which any breach of this Act or the regulations has been or is being committed;
- (b) may seize and detain any instrument for branding or marking not authorised by this Act;
- (c) may take possession of any stock, hides, skins, or wool, in respect of which any breach of this Act or the regulations has been committed;
- (d) may employ any person where necessary to assist him in carrying out this Act and the regulations;
- (e) may recover from the owner of any stock, hides, skins, or wool any expense incurred in carrying out the provisions of this Act or the regulations with respect to such stock, hides, skins, or wool;
- (f) may require any person to furnish such information as such person may possess as to the ownership of any stock or of any branding or marking instrument, or of any hides, skins, or wool, and as to where the same then are; and
- (g) may require any person who has it in his power to do so, to produce any stock, or any branding, or marking instrument, or any hides, skins, or wool, and to produce and hand over to him any book, certificate, permit, travelling statement, or other document for the purpose of this Act or the regulations.

And any person who, on request being made as in the two last preceding subsections provided, neglects or refuses to furnish the information required, or to produce the stock, instrument, hides, skins, wool, or to produce or hand over the book, certificate, permit, statement, or other document required to be produced or handed over, shall be liable to a penalty not exceeding *fifty* pounds.

Description

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Description of brands and marks.

3. A registered brand or mark may be an "owner's," "store," or "distinctive" brand or mark. Brands to be "owners," "store," and "distinctive." Fire and tattoo brands.

4. In the case of all stock, owner's and store brands may be either fire or tattoo brands, or both fire and tattoo brands; and in the case of sheep and goats, owner's and store brands may be paint brands, with or without fire or tattoo brands.

Applications for brands and marks.

5. Every owner of camels, sheep, or goats who has not before the day of the commencement of this Act registered an owner's brand for such camels, sheep, or goats, shall within three months from the said day, make an application and pay the prescribed fee for the allotment and registration of such brand. Brands for camels, sheep, and goats to be registered.

6. All applications for the registration of brands and marks, and for the transfer or cancellation thereof shall be made to the registrar, or to such persons as he may direct by notice in the Gazette, to receive such applications. Applications for brands and marks.

Allotment of brands and marks.

7. The registrar, on application being made for an owner's or store brand or mark, and on payment of the prescribed fee may, subject to the provisions of this Act and the regulations, allot to the applicant the brand or mark applied for, or a modification thereof: Provided that a store brand shall only be allotted to a person who has a registered owner's brand. Allotment of owner's and store brands and marks.

8. Only one owner's and one store fire brand and one owner's and one store tattoo brand and one owner's mark may be allotted for large stock, and one owner's fire, tattoo, and paint brand and one owner's mark for sheep and goats to any one applicant, unless he occupies more than one run, and each run comprises an area of more than one thousand acres, in which case he may be allotted one owner's and one store fire brand, and one owner's and one store tattoo brand and one owner's mark for large stock, and one owner's fire, tattoo, and paint brand, and one owner's mark for sheep and goats on each of such runs. What owner's brands and marks may be allotted.

Where a brand or mark has been allotted under this section in respect of any specified run, the brand or mark shall not be used for stock on any other run, except with the sanction of the registrar.

9. (1) Where Where owner's brand or mark is similar to another brand or mark.

(a) an owner's brand or mark applied for in respect of large stock is similar to a brand or mark already registered, or to a brand or mark used in any of the other Australian colonies,

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- (b) an owner's brand or mark applied for in respect of sheep or goats is similar to a brand or mark already registered and used for sheep or goats in the same district as that within which the brand or mark applied for is proposed to be used, or for sheep or goats on any run within eighty miles from the boundaries of the said district, or
- (c) the allotment of any particular brand or mark whether for large stock or for sheep or goats would, in the opinion of the registrar, be likely to cause confusion or dispute, or be in any other way objectionable,

the registrar may offer to the applicant such a modification of his brand or mark as he may think proper, and if the applicant does not within thirty days after receipt of the said offer accept the modification offered or propose another brand or mark for the approval of the registrar, or if the brand or mark so proposed is not approved by the registrar, the modification offered by the registrar may be allotted by him.

(2) If any owner of large stock has before the day of the commencement of this Act registered an owner's sheep mark, the said mark shall not be allotted as an owner's mark for large stock to any other owner of such stock until after the expiration of three months from the said day. Where mark applied for the same as a sheep mark.

10. The registrar may on application by a person who has registered an owner's brand for stock for the allotment of one or more of the distinctive brands and marks authorised by this Act, and on payment of the prescribed fees, allot the brands or marks applied for or such modifications thereof as the registrar may consider fit. Allotment of distinctive brands and marks.

Registration of brands and marks.

11. If the registrar is satisfied that an application for a brand or mark is in conformity with the provisions of this Act and the regulations, and that the allotment of such brand or mark has been made in accordance therewith, he may register such brand or mark as the brand or mark of the person to whom the same has been allotted, and shall thereupon deliver or transmit to him a certificate of registration. Registration of brands and marks.

12. Every brand registered after the day of the commencement of this Act shall be of the description and form, and shall consist of the number of letters, signs, characters, and figures placed in the positions prescribed. Description of brands.

13. Every mark registered after the said day shall be of the description, form, and size, and shall be of the number of cuts, arranged in the order and marked in the positions prescribed. Description of marks.

14. The registrar shall keep the necessary registers in which all applications for the registration, transfer, and cancellation of owner's, store, and distinctive brands and marks shall be entered in the order in which Registers.

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which they are received, together with the names and addresses of the applicants, and the brands and marks allotted, registered, transferred, and cancelled, together with such other particulars as may be prescribed. The said registers may, without fee, be inspected by any person applying for a brand or mark, or the agent or servant of any such person.

Transfer of brands and marks.

15. (1) Any owner contracting to transfer the right to his registered brand or mark shall forthwith join with the transferee in making and signing before a justice of the peace an application in the form prescribed, and shall transmit the same to the registrar together with the prescribed fee. The registrar shall, on receipt of the application and fee, cancel the registration of the brand or mark, and re-register it in the name of the transferee, and transmit to the transferee a certificate of transfer.

Transfer of brand or mark on agreement to transfer.

(2) No transfer of the right to any owner's or store brand or mark registered in respect of any particular kind of stock shall be made unless all such brands and marks registered in respect of such stock in the name of the proposed transferor and used on the run on which the brand or mark to be transferred is used are transferred at the same time to the same person.

All brands and marks to be transferred together.

(3) Notwithstanding the transfer of any run or portion of a run the transferee shall not use the registered brand or mark of the transferor for the stock on such run or portion of a run until an application to transfer the brand or mark has been duly executed and transmitted to the registrar.

Transferee may not use brand until transferred.

(4) If an owner of a brand or mark sells or otherwise disposes of or abandons any run or portion of a run for the stock on which he had registered such brand or mark, he shall, unless he has applied to cancel or transfer the brand or mark, forthwith notify such sale, disposal, or abandonment to the registrar.

Notification of sale or abandonment of run.

(5) If a person purchases or otherwise acquires a run or portion of a run, and only a portion of the stock thereon, and has not obtained a transfer of the brand and mark of the former proprietor of the run or portion of a run and used thereon, he shall forthwith rebrand the stock purchased or acquired by him; and if he is not the owner of a brand shall apply for a brand.

On sale of portion stock on run.

Cancellation and modification of brands and marks.

16. Where any brand has, before the day of the commencement of this Act been registered in respect of large stock, application shall within six months after the said day be made for re-registration of the brand or the registration of another brand in respect of such stock;

Cancellation or failure to re-register brand of large stock registered before commencement of Act.

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and if after the expiration of twelve months from the said day no such re-registration or registration has been made, the registrar may cancel the brand, and such brand shall thereupon be open to allotment.

17. The registrar may, on application by the owner of any owner's, store, or distinctive brand or mark, cancel the registration thereof, and thereupon such brand or mark shall be again open to allotment. Cancellation of brand or mark.

18. The death of the registered owner of a brand or mark shall cancel the registration thereof, and the registrar shall, on application and on payment of the prescribed fee, re-register such brand or mark in the name of the person who he considers is best entitled to the use of the same. Cancellation on death of owner

19. Where the owner of a brand or mark sells or otherwise disposes of or abandons any run or portion of a run for the sheep on which he had registered such brand or mark, and he fails to notify such sale, disposal, or abandonment as hereinbefore in this Act required, the registrar may on the expiration of twelve months from such sale, disposal, or abandonment cancel the registration of such brand or mark, and the same shall thereupon be open to allotment. Cancellation or sale or abandonment of run.

20. If it is reported by an inspector that the registered owner's or store brand or mark of any person is in disuse for more than five years in the case of horse brands and marks, three years in the case of cattle brands and marks, and years in the case of the brands and marks of other stock, the registrar may notify his intention to cancel the registration of the said brand or mark by notice served on such person, if his address is known to the registrar, but if it is not so known then by notification in two issues of the Gazette, and of a newspaper circulating in the district in which the brand or mark was used; and if no valid objection to the cancellation is lodged with the registrar within three months from the posting of the letter or of the date of the last notification as aforesaid in the Gazette, as the case may be, the brand or mark may be cancelled, and may thereafter be registered in the name of some other person on application as prescribed. Cancellation on disuse of owners or store brand or mark.

21. If it is found that any registered brand or mark is objectionable through being the same as, or similar to, or easily convertible into, some other brand or mark used in the same locality or district, or similar to a brand or mark used in any of the colonies of Queensland or South Australia, the registrar may give the owner of such brand or mark notice that his brand or mark is objectionable, and may, unless cause to the contrary is shown to the satisfaction of the registrar within thirty days after the giving of such notice, cancel such brand or mark and allot and register another brand or mark, and shall give the owner notice to that effect, and thereupon such last-mentioned brand or mark shall be deemed to be the brand or mark of the owner. Cancellation and modification of objectionable brand or mark.

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Brands directories.

22. (1) On the first day of the months of January, April, July, and October in each year, or as soon as possible thereafter, the registrar shall transmit to the Government Printer a statement of the owner's and store brands and marks registered during the three months preceding the said day, together with the names and addresses of the persons in whose names such brands and marks are registered, and such statement shall be published in the Gazette.

Quarterly
publication of
registered brands
and marks.

(2) From such quarterly statements, and from any lists, records, or directories made or published under any of the enactments hereby repealed, the registrar shall, as soon as possible after the first day of January in each year, compile and cause to be published a directory, to be termed "the large stock brands and marks directory," containing the owner's and store brands and marks registered for large stock at the close of the previous year, together with the names and addresses of their registered owners; and another directory, to be termed "the sheep and goats brands and marks directory," containing the owner's and store brands and marks registered for sheep and goats at the close of the previous year, together with the names and addresses of their registered owners.

Brands directories.

(3) Copies of the said quarterly statements contained in the Gazette and of the brands and marks directories shall be transmitted by the Government Printer to all inspectors of stock, officers in charge of police stations, and poundkeepers, who shall permit such copies to be searched at all reasonable hours free of charge.

Copies to be sent to
inspectors and other
persons.

Branding stock.

23. (1) Every owner's brand shall be legibly branded on one of the positions specified in Schedules A 1, B 1, and D respectively, and every store brand on one of the positions specified in Schedules F, G, and J respectively; and where the numerical order of the positions is set out in any of those Schedules the brands shall be branded in that numerical order, but the first position shall follow and be next in order of rotation to the last position.

Position and order
of owner's and store
brands.

(2) The first owner's or store brand on any stock may be branded on any one of the positions specified as aforesaid.

First brands.

(3) Where in pursuance of this section an order of rotation of branding must be observed, any second or subsequent owner's or store brand shall, if there is space sufficient for that purpose, be branded on the same position as, and at a distance of not less than two inches and not more than three inches from, and directly underneath, the brand which, in the order of rotation abovementioned, is the immediately preceding owner's or store brand, whether the immediately preceding

Subsequent brands.

preceding

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preceding brand was branded before or after the commencement of this Act; and where there is not space sufficient for the second or subsequent brand on the said position, then such brand shall be branded on the position next in order of rotation to the position of the immediately preceding brand: Provided that where any horse, ass, mule, or camel has been branded on one of the positions specified in Schedule A 1, the next succeeding owner's brand may be branded on position one in Schedule A, and where any cattle have been branded on one of the positions specified in Schedule B 1, the next succeeding owner's brand may be branded on position one in Schedule B.

(4) The store brand if not cancelled shall be deemed to be the last brand. Store brand deemed last brand.

24. (1) All camels, sheep, and goats above the age of six months shall be branded and kept legibly branded by the owner thereof with his registered owner's brand: Camels, sheep, and goats to be branded with owner's brand.

(2) Provided that where travelling sheep are sold it shall not be necessary for the purchaser to brand them with his owner's brand while travelling if they are legibly branded with the registered brand of a previous owner. Travelling sheep.

25. The breeder or person branding the first owner's brand upon any large stock may imprint any reversed numerals on any part of the stock for the purpose of any reference to any stud or herd-book containing a description of such stock. Numerals may be imprinted by breeder.

26. Every distinctive brand shall be branded on one of the positions specified in Schedules L and M. Distinctive brands.

Marking stock.

27. All pliers and other marking instruments, and the cutting or marking portions thereof, shall be of the prescribed shape and size. Marking instruments.

28. The marks shall be made in the manner prescribed on the positions specified in Schedules C and E respectively with respect to owner's marks, in Schedules H and K respectively with respect to store marks, in Schedules N and O respectively with respect to distinctive marks. No second or other mark shall be made on the ear on which the owner's or store mark may be made. No mark when made shall be altered or otherwise interfered with. Manner and place of marking.

Ear-marks shall be made with pliers, and shall not be made with a knife. The tip or point of the ear shall in no case be cropped or cut off, except where the cropping or cutting is part of an authorised mark; neither shall any person in ear-marking crop or cut off more than one-fourth of the ear.

No more than two cuts shall be made on any ear in ear-marking.

Stock

Stock with defaced or altered brands or marks.

29. (1) If any stock are found bearing a brand or mark partially or wholly defaced or altered, or branded or marked otherwise than as prescribed by this Act or by any enactment hereby repealed, or having the ear cut or cropped contrary to this Act or any enactment hereby repealed, and not on account of disease, any member of the police force, or inspector may, if the stock are not claimed, and the proprietor of land on which the stock are found, shall, if the stock are trespassing, cause the same to be impounded in the nearest public pound, but it shall not be incumbent on the proprietor to impound if the stock when found are more than fifteen miles from a pound: Provided that this enactment shall not apply with respect to hoof or tattoo brands on unbroken large stock.

Impounding of stock with defaced or altered brands or marks.

The person so impounding shall deliver to the poundkeeper a statement in writing signed by him that the stock are impounded under the authority of this section.

(2) No stock impounded under this section or stated as *afore-*said to be so impounded, shall be delivered to any person claiming the same unless he makes a statutory declaration that he has seen the said stock and is the owner thereof, and unless he pays the pound fees and all other charges and expenses; and any stock so impounded may be dealt with in accordance with the provisions of the Impounding Act, 1898.

Delivery to owner and sale of such stock.

Poundkeepers and inspectors of slaughter-houses.

30. When any stock are impounded, the poundkeeper shall forthwith refer to the proper brands directories, and (unless he has good reason for believing that the owner appearing in the directories as the owner of the last brand on the stock is not then the owner of the stock) shall send notice of the impounding to the owner of the last brand.

On impounding, notice to be sent to owner of last brand.

31. Every inspector of slaughter-houses and of cattle intended for slaughter, appointed under the Acts fifth William the Fourth number one and seventh Victoria number two, shall, once in each week, furnish a list of the brands and marks of the stock slaughtered during the week preceding, and of the stock about to be slaughtered at any slaughter-house in which by the said Acts he is authorised to exercise his office, to the inspector of brands of the district within which such slaughter-house is situate.

Inspector of slaughter-houses to furnish brands of stock slaughtered.

Regulations.

32. The Governor may make regulations—
(a) prescribing the duties of inspectors of brands and marks, poundkeepers, and of inspectors of slaughter-houses under this Act, and regulating the performance of those duties:

Regulations may be made by the Governor.

(b)

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- (b) prescribing and regulating the manner and form in which brands and marks shall be applied for, modified, and altered, the manner and form in which they shall be allotted and registered, and the form of certificates of registration and transfer;
 - (c) prescribing the form in which brands and marks shall be published in the Gazette, and in the Brands Directories;
 - (d) prescribing the description, size, shape, and kind of the instruments for branding and marking stock.
 - (e) prescribing in respect of each kind of stock the class, description, form, and size of brands and marks, the number and size of the letters, signs, figures, characters, or cuts composing the brands or marks, and the positions in which the same shall be branded or marked: Provided that regulations under this subsection before being made shall be referred to the council of advice constituted under the Stock Act, 1899;
 - (f) prescribing the order of rotation of brands;
 - (g) prescribing and regulating the mode in which the right to registered brands and marks may be transferred and cancelled;
 - (h) prescribing the brands and marks which may be branded or made on stock to indicate that they have been inoculated, vaccinated or tested for disease, or they are infected or affected or are suspected of being infected or affected with disease, and the positions on which such brands and marks may be branded or made.
 - (i) prescribing the fees not exceeding those mentioned in Schedule Q hereto, to be charged for the registration and transfer of brands and marks and for their publication in the Gazette;
 - (j) amending the Schedules to this Act in any of the particulars above-mentioned;
 - (k) for carrying this Act into full effect; and
 - (l) imposing any penalty not exceeding twenty pounds for any breach of regulations made as aforesaid.

All such regulations on being published in the Gazette shall, subject to the provisions hereinafter mentioned and if not inconsistent with this Act, have the force of law, and shall be laid before both Houses of Parliament within one month after such publication, if Parliament is then sitting, but if not, then within one month after the next sitting of Parliament.

It shall be lawful for the Houses of Parliament by resolutions in that behalf, passed within one month after any regulations made under this Act have been laid before them as aforesaid, to disallow any
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of such regulations, and thereupon the regulations so disallowed shall, without prejudice to anything done or suffered thereunder, be annulled and repealed.

Offences and penalties.

33. Any person who—

- (a) knowingly and unlawfully inserts, or causes or permits to be inserted, any false entry of any matter relating to any brand or mark in any register, certificate, directory, quarterly or other statement of brands or marks, or in any certified extract therefrom; or
- (b) with intent to defraud, forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any such register or any extract therefrom certified or purporting to have been certified under this Act, or any such certificate; or
- (c) with intent to defraud, destroys, defaces, or alters, or causes to be destroyed, defaced, injured, or altered, any such register, certificate, directory, extract or entry, or any part thereof; or
- (d) with felonious intent, uses the brand of any proprietor without his authority

Penalty for making false entry in register.

shall on conviction for every such offence be deemed guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the Court, to imprisonment, with or without hard labour, for a period not exceeding months.

34. (1) Every person found guilty of any of the following offences shall, on conviction thereof, be liable to a penalty not exceeding *one hundred* pounds, or, at the discretion of the court, to imprisonment with or without hard labour for any period not exceeding *six* months:—

Offences and penalties.

- (a) wilfully or negligently branding or marking with his own registered brand or mark any stock of which he is not the owner, or wilfully or negligently causing or permitting any such stock to be branded or marked with his registered brand or mark;
- (b) wilfully or negligently cutting off, destroying, defacing, or altering any brand or mark on any stock, or on the hide, skin, wool, or hair of any stock, or being privy to such destruction, defacement, or alteration;
- (c) wilfully cutting from any hide or skin any of the branded or marked portions thereof other than those removed in slaughtering;
- (d) cropping or cutting off more than one-fourth of the ear in marking any stock;

(e)

- (e) wilfully or negligently making a subsequent mark on that portion of the ear of stock set apart for the owner's mark ;
- (f) using the brand or mark of any person without his permission ;
- (g) using any brand or mark (other than any inoculation test or vaccination, brand or mark, or any brand or mark used in connection with any disease) not registered as the brand or mark of the person by or for whom such brand or mark is used ;
- (h) using any instrument not authorised to mark the ear or other portion of any stock ;

(2) The fact that stock bearing any defaced or altered brand or mark have been on the run or in the yard of any person for two months, or have been during such time under his notice without his having given notice thereof to the rightful owner of such stock, or to the officer in charge of the nearest police station, or to the nearest inspector, or the fact that such stock have been claimed by any person as his property, shall be *primâ facie* evidence that such person has wilfully defaced or altered the brand or mark in breach of this section. Primâ facie. evidence.

(3) Provided that so much of this section as relates to the cropping or cutting of the ears of stock shall not apply where the ears of such stock have been cropped or cut on account of disease. Proviso.

35. Any person who fails to comply with or contravenes any of the provisions of this Act, or the regulations with respect to any of the following matters or things :— Penalty for breach of Act or regulations.

- (a) The description, form, and size of any brands or marks.
- (b) The size, shape, and kind of instrument for branding or marking.
- (c) The nature and colour of materials with which stock may be branded or marked.
- (d) The manner in which stock may be branded and marked, the portions of the stock on which the brands and marks are to be branded and marked, and the order in which the brands are required to be branded.

Shall, on conviction, be liable to a penalty not exceeding *fifty* pounds, or if the offence was committed with intent to defraud or steal, to a penalty not exceeding *one hundred* pounds.

36. Any person who hinders, or in any way interferes with an inspector or his assistants in the execution of his duty under this Act or the regulations, or personates an inspector, shall be liable to a penalty not exceeding *fifty* pounds; and if any force or violence is used, to a penalty not exceeding *one hundred* pounds, or to imprisonment for a period not exceeding *six* months. Penalty for obstructing inspector.

37. Any person who commits a breach of the provisions of this Act, or of the regulations for which a penalty is not specially provided, shall on conviction be liable to a penalty not exceeding *twenty* pounds. Penalty for breach of Act or regulations.

Legal

Legal proof and proceedings.

38. (1) In proceedings under this Act or the regulations, unless it is proved to the contrary, stock shall be deemed to have been last branded with the brand last in the order of rotation prescribed: Provided that where it is proved that stock have not been branded since the commencement of this Act, the stock shall, unless it is proved to the contrary, be deemed to have been branded with the brand last in the order of rotation fixed by the enactments hereby repealed. Evidence of last branding.

(2) Proof that the brand last in the order of rotation prescribed is the registered brand of any person shall be *primâ facie* evidence in proceedings under this Act or the regulations that the stock so branded, is the property of such person: Provided that where it is proved that the stock have not been branded since the commencement of this Act, proof that the brand last in the order fixed by the enactments hereby repealed is the registered brand of any person shall be *primâ facie* evidence in proceedings under this Act or the regulations that the stock are the property of such person. Last owner's brand evidence of ownership.

(3) Any entry in a brands directory or in any statement made or published under this Act shall, if it purport to have been printed by the Government Printer, be in any legal proceedings *primâ facie* evidence of the matters therein contained. Brands directory and monthly statements evidence.

(4) A copy of every entry in or any extract from any register or directory or statement as aforesaid, or in any poundbook, or in any book of account or register kept by the registrar or by an inspector or poundkeeper under the authority of this Act or the regulations, shall, if certified, as the case may be, by the registrar, inspector, or poundkeeper, be *primâ facie* evidence of the matters therein contained. Certified copy of entry evidence.

(5) A certificate or notice purporting to be made in pursuance of this Act or the regulations shall in any legal proceedings be *primâ facie* evidence of the facts therein stated. Certificate or notice evidence.

39. Where by any of the provisions of this Act it is necessary to give any notice or send any document to any person, such notice or document may be served by post by registered letter, or delivered to such person, or left at his usual or last known place of abode or business. Service of notices.

40. (1) All penalties for offences against this Act or the regulations, other than such as are herein declared to be misdemeanours, and all fees and other moneys payable by this Act or the regulations may be recovered in a summary way before a stipendiary or police magistrate or two justices of the peace at any time within twelve months after the liability to the penalty or the obligation to pay the fees or moneys first accrued. Recovery of penalties.

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(2) Provided that an information for a breach of any of the provisions of section thirty-two may be laid within one month from the discovery of the breach. Limitation of proceedings under section 32.

(3) All penalties recovered under this Act shall be placed to the credit of the Brands Fund. Payment of penalties to Brands Act Fund.

41. (1) All actions and prosecutions against the registrar or any deputy registrar or inspector or any person acting under the authority of the registrar or any deputy registrar or inspector for anything done or purporting to have been done in the execution of this Act or the regulations shall be commenced within three months from the arising of the cause of action or the committing of the offence and not otherwise, and notice in writing of such action or prosecution and the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action or prosecution; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into Court after action brought. Limitation of actions and prosecutions against officers.

42. Where any owner of stock in respect of which an offence not being an indictable offence is alleged to have been committed under this Act or the regulations is unknown to the prosecutor, proceedings may be taken against the person in charge or appearing to be in charge of the stock, who shall for the purposes of such proceedings be deemed to be the owner, but the said person shall not, unless he is the owner of the stock, be personally liable for any penalty imposed. Where name of owner of stock is unknown.

43. (1) If the justices before whom any person is charged with any offence punishable summarily under this Act are of opinion that there ought to be a prosecution for felony, they may abstain from adjudicating, and deal with the case as one to be prosecuted on indictment. Justices may commit for trial instead of adjudicating summarily.

(2) If the jury, upon the trial of any person charged with the offence of stealing or receiving any stock are of opinion that the said person did not commit the felony charged, but did commit an offence against this Act or the regulations, it shall be lawful for the jury to acquit such person of the felony, and to find him guilty of such last-mentioned offence; and he shall thereupon receive sentence accordingly. Person charged with horse or cattle stealing may be found guilty of an offence against this Act.

44. An appeal shall lie under the Act fifth William the Fourth number twenty-two from any judgment or conviction by justices for any offence against this Act or the regulations. Appeal under 5 Wm. IV No. 22.

Receipts and expenditure.

45. In order to provide a fund for carrying into effect the provisions of this Act and to defray the expenses connected therewith, fees not exceeding the rates fixed by Schedule Q hereto shall be payable for the services therein mentioned, and the fees so paid, and all other Fees to be paid to Colonial Treasurer.

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other sums collected under this Act, and all penalties recovered under this Act or the regulations, shall be paid to the Colonial Treasurer or to any persons whom he may appoint in that behalf.

46. The Colonial Treasurer shall keep a separate account of all moneys received as aforesaid, and the fund arising from such moneys shall be intitled the "Brands Fund," and shall, on the termination of each quarter of the year, be by him transferred to the credit of the Sheep Account constituted by the Diseases in Sheep Acts Amendment Act of 1878. Brands fund.

47. The Colonial Treasurer is hereby authorised to refund through the registrar to any person who in error has paid a fee for the registration or transfer of any brand or mark the fee so paid. Refunds.

48. The Colonial Treasurer shall, under warrant of the Governor, pay out of the Sheep Account hereinbefore mentioned, or if such account is inadequate, out of such moneys as may be appropriated by Parliament for the purpose, all expenses incurred under this Act for salaries, wages, and otherwise. Expenditure out of sheep account.

Supplemental and repeal.

49. Nothing herein contained shall affect any mortgage or other security under any Act relating to the mortgage of stock, stations, or runs. Saving clause.

50. In this Act, unless the context otherwise requires, the following expressions shall have the meanings set opposite to them respectively— Definitions.

"Brands"—The impression of any letter, sign, figure, or character on any stock, or on any portion of the body thereof, including the horns (if any) and the hoof by burning, tattooing, or with paint, pitch, tar, raddle, lampblack, or other material; such brands being termed respectively "fire," "tattoo," and "paint" brands.

"Cattle"—Bulls, cows, oxen, heifers, steers, and calves.

"Directories" and "Brands Directories"—The directories published under this Act.

"Distinctive brands or marks"—Brands or marks to denote the age, class, or any other matter or thing with respect to stock which the owner thereof desires to denote, except the ownership thereof.

"District"—Sheep district defined in any proclamation under the Diseases in Sheep Act of 1866, or any Act amending the same.

"Horses"—Horses, mares, geldings, colts, fillies, and foals.

"Inoculation mark"—The mark in the ear known as the "punch-hole," made to denote that the cattle bearing the same have been duly inoculated. "Inspector"—

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- “Inspector”—Chief inspector of brands and marks or any inspector of brands and marks under this Act.
- “Large stock”—Horses, asses, mules, camels, and cattle.
- “Mark”—Any mark made on the ear or other portion of stock to denote the ownership, breed, class, age, sex, or any other matter or thing relating to stock.
- “Minister”—Minister for the time being charged with the administration of this Act.
- “Owner”—Owner jointly or in severalty of any stock or of any brand or mark registered under this Act, or the authorised agent or superintendent of such owner.
- “Owner’s brands or marks”—Brands or marks to denote the ownership of stock.
- “Paint”—Any substance or mixture of any colour used in branding sheep.
- “Positions”—Certain parts or portions of stock on which brands or marks may be branded or marked.
- “Prescribed”—Prescribed by this Act or by regulations under this Act.
- “Proprietor”—Owner, proprietor, occupier, or lessee, jointly or in severalty of any land or run.
- “Registers”—Registers directed by this Act to be kept.
- “Registered”—Registered under this Act or under the enactments hereby repealed.
- “Registrar”—Registrar of brands and marks under this Act.
- “Regulations”—Regulations made under this Act.
- “Run”—Run, station, farm (freehold or leasehold), or any premises thereon.
- “Sheep”—Rams, ewes, wethers, or lambs.
- “Stock”—Any horse, ass, mule, camel, head of cattle, or any sheep, goat, or pig.
- “Store brands or marks”—Brands or marks to denote that the stock on which such brand or mark is branded or marked are the property of the registered owner of such brand or mark.
- “Tattoo brand”—Impression of any letter, sign, or character made by puncturing and staining the skin of stock.
- “Travelling stock”—Any stock other than stock in actual work taken or driven to any place not upon the run on which they were depastured previous to starting to travel.

51. (1) The Registration of Brands Act of 1866, the Registration of Brands Act Amendment Act of 1874, and sections thirty-one to forty inclusive of the Diseases in Sheep Acts Amendment Act of 1878 are hereby repealed. Repeal.

(2) Subject to the provisions of this Act, all brands and marks registered or recorded under any of the enactments hereby repealed shall be held and deemed to have been registered under this Act. Brands registered under repealed enactments deemed to be registered under this Act.

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52. This Act shall commence on the
one thousand eight hundred and ninety-
“ Brands Act, 1899.”

day of
and may be cited as the

Commencement and
short title.

SCHEDULES.

SCHEDULE A.

Owner's brands on horses, asses, mules, and camels, and their positions, and order of rotation.

Fire-brands.

- 1, the near shoulder.
- 2, the off shoulder.
- 3, the near quarter.
- 4, the off quarter.
- 5, the near rump.
- 6, the off rump.

Tattoo-brands.

- 1, the inner side of the near ear.
- 2, the inner side of the off ear.
- 3, the under side of the tail.
- 4, on ribs underneath near forearm.
- 5, on ribs underneath off forearm.

SCHEDULE A 1.

Owner's fire-brands on horses, asses, mules, and camels, and their positions, and order of rotation.

- 1, the near cheek.
- 2, the off cheek.
- 3, the near neck.
- 4, the off neck.

SCHEDULE B.

Owner's brands on cattle, and their positions, and order of rotation.

Fire-brands.

- 1, the near ribs.
- 2, the near rump.
- 3, the near hip and thigh.
- 4, the off neck.
- 5, the off shoulder.
- 6, the off ribs.
- 7, the off rump.
- 8, the off hip and thigh.

Tattoo-brands.

- 1, the inner side of the near ear.
- 2, the inner side of the off ear.
- 3, the under side of the tail.
- 4, on ribs underneath near forearm.
- 5, on ribs underneath off forearm.

5—B

SCHEDULE

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SCHEDULE B 1.

Owner's fire-brands on cattle, and their positions, and order of rotation.

- 1, the near cheek.
 - 2, the near neck.
 - 3, the off neck.
-

SCHEDULE C.

The positions of owner's marks on cattle.

Owner's marks on cattle may be made on the near ear on any one or two of the following positions :—

- The front or upper-side or edge of the ear.
 - The tip or point of the ear.
 - The back or lower-side or edge of the ear.
-

SCHEDULE D.

The positions of owner's brands on sheep and goats.

Fire-brands.

- The near side of nose or face.
- The middle or front of face.
- The off side of face.

Paint-brands.

- The neck.
- The near shoulder.
- The off shoulder.
- The near ribs.
- The off ribs.
- The off rump.

Tattoo-brands.

- The inner side of the near ear.
 - The inner side of the off ear.
 - The under side of the tail.
 - The ribs under the near forearm.
 - The ribs under the off forearm.
-

SCHEDULE E.

The positions of owners' marks on sheep.

1. Ear-marks.

The owners' sheep ear-marks shall in every case be made on the near ear of male sheep, and the off ear of female sheep, and the following are the positions on which such marks shall be made :—

- The front or upper side or edge of the ear.
- The tip or point of the ear.
- The back or lower side or edge of the ear.

And in making any owner's ear-mark on sheep, the same shall be made on one or other or any two of the said positions according as the mark consists of one or two cuts : Provided that it is not necessary that any order of rotation should be observed in marking owners' marks on sheep.

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2. Nøse-mark.

The button-mark made by detaching a portion of the skin of the nose of the sheep and allowing it to hang down.

SCHEDULE F.

The positions of store brands on horses, asses, and mules.

The near fore hoof.
The off fore hoof.
The near forearm.
The off forearm.
The near thigh.
The off thigh.

The positions of store brands on camels are positions 3 to 6 inclusive.

SCHEDULE G.

Store brands on cattle—their positions and order of rotation.

1, embracing the near loin.
2, embracing the off loin.

SCHEDULE H.

The positions of store marks on cattle.

The portions of the ears of cattle which are set apart as the positions on which store marks shall be made are the following:—

The front or upper side or edge of the off ear.

The back or lower side or edge of the off ear.

And all store marks intended to be marked on cattle shall be so on one or other or both the said positions.

SCHEDULE J.

The positions of store brands on sheep and goats.

Paint-brands.

The near rump.
The off rump.

SCHEDULE K.

The positions of store marks on sheep and goats.

Store marks on sheep and goats shall be made on the following positions:—

On the ears of male sheep or goats.

On the back or lower side or edge of the off ear.

In the centre of the off ear.

On the ears of female sheep or goats.

On the back or lower side or edge of the near ear.

In the centre of the near ear.

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SCHEDULE L.

The positions of distinctive brands on horses, asses, mules, and camels.

A brand denoting the number of the horse in the breeder's stud-book on any part of the animal.

SCHEDULE M.

The positions of distinctive brands on cattle.

The age-brand, denoting the year in which the animal was branded, shall be branded on the near cheek.

Reversed numerals, denoting the number of an animal in the breeder's stud-book, may be branded on any part of the animal.

SCHEDULE N.

The positions of distinctive marks on cattle.

Distinctive marks on cattle shall be made on the following position:—
In the centre of the off ear.

SCHEDULE O.

The positions of distinctive marks on sheep.

Distinctive marks on sheep shall be made on the following positions:—

On ear of male sheep.

On the front or upper side or edge of the off ear.

On the tip or point of the off ear.

On ears of female sheep.

On the front or upper side or edge of the near ear.

On the tip or point of the near ear.

SCHEDULE P.

Scale of fees.