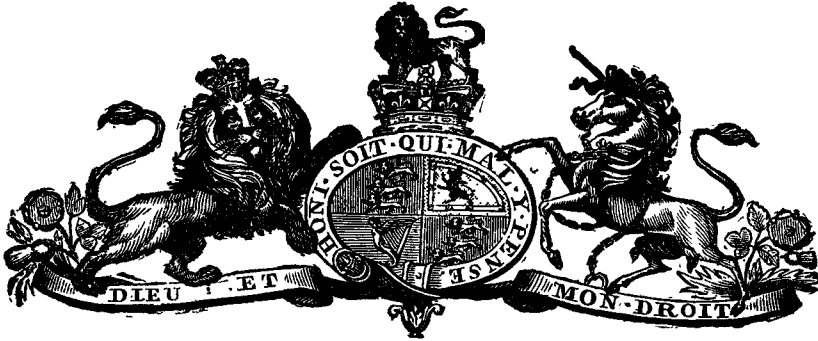


## NEW ZEALAND.



TRICESIMO QUINTO

## VICTORIÆ REGINÆ.

No. XXXV.

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Title.

AN ACT to consolidate and amend the Law for preventing the Introduction or Spread of Infectious Diseases among Cattle. [14th November 1871.]

## PRELIMINARY.

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

Short Title.

1. The Short Title of this Act shall be "The Diseased Cattle Act 1871" and the same shall come into operation on such day as shall be fixed by the Governor whereof proclamation shall be made and published in the *New Zealand Gazette*.

Repeal of "The Diseased Cattle Act 1861" and "The Diseased Cattle Act Amendment Act 1865."

2. "The Diseased Cattle Act 1861" and "The Diseased Cattle Act Amendment Act 1865" shall be and the same are hereby repealed. Provided that such repeal shall not take effect until the proclamation of this Act as aforesaid. Provided further that until other provision shall be made in that behalf all Orders in Council Proclamations and Regulations made or issued by the Governor or the Superintendent of any Province or the Chairman of the County Council of the County of Westland under or in pursuance of any power delegated to them respectively under the powers of delegation in the said hereby repealed Acts contained shall remain in full force and operation. And nothing herein contained shall be deemed to repeal alter or affect any such Orders in Council Proclamations and Regulations made or published under the authority of the said hereby repealed Acts until and except as under the powers hereby created the same may be annulled altered varied or made anew. Provided also that all offences against the said hereby repealed Acts or either of them and all penalties awarded or incurred thereunder or under any regulations or under any prohibitory or other declarations lawfully made under the said Acts or either of them and all proceedings acts and things lawfully had commenced or done under and by virtue of the said hereby repealed Acts or either of them or any such regulations or declarations as aforesaid before the coming into operation of this Act may and shall respectively be prosecuted recovered enforced and continued and be of the same force and effect as if this Act had not been passed.

Proviso as to offences and penalties under repealed Acts.

3. The following terms in inverted commas shall for the purposes of this Act unless the context otherwise indicate bear the meanings set against them respectively:—

Interpretation.

"District"—Any Province County or other division or part of the Colony constituted a district under this Act.

"Foreign district"—Any country colony or place outside the Colony of New Zealand.

"Board"—The Local Board hereinafter authorized to be appointed under this Act.

"Inspector"—Any Cattle Inspector now acting under any of the Acts hereby repealed or that may hereafter be appointed under this Act and also any Deputy Inspector appointed under this Act.

"Owner"—Any owner whether jointly or in severalty (other than a mortgagee not in possession) and the superintendent manager foreman or person in possession or charge of any cattle.

"Occupier"—Any owner or other adult person who may be in charge or possession of any premises as herein defined.

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- “Premises”—Any station run paddock farm-yard cowhouse shed building or place where cattle are depastured kept or housed.
- “Cattle”—Any bull cow ox heifer and calf whether living or dead and any hide horn hoof hair offal or other parts of such cattle.
- “Imported cattle”—Any cattle within the meaning of the definition thereof hereinbefore given which may be brought into any port town or place in the Colony by any sea-going or coasting vessel or by any lighter or boat from such vessel from any district or from any foreign district as hereinbefore respectively defined.
- “Disease”—The disease called pleuro-pneumonia rinderpest foot and mouth disease or any other infectious or contagious diseases which may hereafter be brought under this Act by Proclamation in the *New Zealand Gazette*.
- “Infected place”—Any district or part of a district and any town or street therein that may be declared by any lawful authority to be infected with disease as defined by this Act.
- “This Act”—In addition to the enactments herein contained any general or special regulations which may be made thereunder and any Orders in Council or Proclamations giving effect thereto.

4. The Governor by Proclamation to be published in the *New Zealand Gazette* may from time to time establish and define such and so many districts as he shall think fit to be districts under this Act and to each such district there shall in the Proclamation defining it be attached such name as the Governor shall think fit and by which name it shall thereafter be called. And he may also by Proclamation as aforesaid from time to time declare what diseases affecting cattle shall be diseases under this Act. Every such district may from time to time in like manner be altered or constituted anew in such manner as the Governor may think fit.

The Governor may define districts.

APPOINTMENT OF LOCAL CATTLE BOARDS AND INSPECTORS FOR DISTRICTS.

5. The Governor may from time to time by warrant under his hand in and for each district to be constituted under this Act appoint not less than three nor more than five fit and proper persons to be called the “Local Cattle Board for the District” [*naming it*] and such local Board shall have perform and exercise all the functions and powers hereinafter mentioned. The Governor may from time to time remove any one or all of the members of such Board and appoint another or others in his or their stead. Any two of the members of such Board may constitute a Board and such Board shall meet together at such times and places as may be appointed from time to time by the Chairman.

Governor may appoint local Boards in each district.

6. The Governor may appoint one of the members of the said Board to be the Chairman thereof and upon him shall be imposed the duty of calling the Board together and generally of carrying this Act into execution within the district for which he shall be appointed. Provided that in case of the illness or absence of such Chairman any act which is required to be done by him may be done by any member of the Board.

Governor may appoint Chairman of such Board.

7. The Governor may from time to time by warrant under his hand appoint for each district a fit and proper person to be the Cattle Inspector of such district who shall be paid such salary as the

Governor may appoint Inspectors for districts.

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Governor may think proper out of moneys to be appropriated by the General Assembly for the purpose. Such Inspector shall have an office at such place in the district for which he may be appointed as the Governor shall direct and shall perform the duties and shall have and may exercise the powers conferred upon him by this Act and every such Inspector may from time to time be removed from his office by the Governor who may appoint another like person in his stead. Provided that all Inspectors of Diseased Cattle who may have been appointed under the provisions of the Acts hereby repealed shall be deemed to have been appointed under this Act.

Proviso as to appointments under repealed Acts.

Deputy Inspectors may be appointed.

8. It shall be lawful for the Governor in manner aforesaid to appoint one or more fit and proper persons to be Deputy Inspectors under this Act and such Deputy Inspectors shall act under the orders of the Inspector and during the illness or absence of the Inspector shall act in the stead of the Inspector and perform and discharge all acts and duties pertaining to the office of Inspector.

Appointments of Boards and Inspectors to be notified.

9. The appointment resignation or removal of every such Board or of the Chairman or any member thereof and of any such Inspector or Deputy Inspector shall be notified in the *New Zealand Gazette* and the production of a copy of the said *Gazette* containing a notification thereof shall for all purposes and in all proceedings in any Court of Law be deemed sufficient evidence of such appointments resignation or removal as the case may be.

Inspector not to be interested.

10. No Inspector shall be either directly or indirectly an owner of or dealer in cattle or shall act as the agent of an owner of or dealer in cattle and no Inspector shall receive any payment or consideration for the performance of any act matter or thing authorized or directed by this Act under a penalty not exceeding twenty pounds. Provided always that nothing in this Act contained shall prevent any Inspector from demanding or receiving any fees and charges authorized by this Act or any regulations to be made thereunder.

GOVERNOR MAY MAKE GENERAL OR SPECIAL REGULATIONS.  
QUARANTINE GROUNDS.

Governor may make general regulations.

11. It shall be lawful for the Governor by Order in Council at any time after the coming into operation of this Act to make general regulations with respect to all cattle whatsoever and whether imported cattle or not for all or any of the purposes hereinafter mentioned (that is to say)—

For the care custody and treatment of cattle affected with disease within infected places or elsewhere.

For prohibiting the removal transportation or driving of cattle from one district to another or from one part of the Colony to another.

For prohibiting the removal transportation or driving of cattle from or into any infected place or from one part of any infected place to another part of such place.

For the slaughter of cattle affected with disease in any infected place or elsewhere and the disposal of the same in such manner as shall be thought expedient.

For destroying any hay straw fodder or other article in any infected place or elsewhere whereby any contagious or infectious disease may be conveyed.

For the purifying of any premises being or within an infected place as defined by this Act.

For the management of quarantine grounds.

For regulating the duties of Inspectors.

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For regulating the duties of masters of ships or vessels in respect to imported cattle.

For prescribing the fees to be taken by Inspectors for the inspection of cattle (whether arriving by sea or in any district) and also the allowances to be made to such Inspectors as and for travelling expenses.

For prescribing the course of procedure of Boards and the forms of notices and proceedings whether of Boards or Inspectors under this Act.

And generally to make such provisions as shall seem best calculated to prevent the introduction or spread of disease in the Colony.

**12.** Such regulations shall be called "The Diseased Cattle Regulations" and shall take effect from and after such day (being a day not less than thirty days from the first publication thereof) on which the same shall come into operation and such regulations shall be published in the *New Zealand Gazette* and on being so published shall have the force of law as fully as if the same had been inserted in this Act. Provided that such of the said regulations as are specially applicable to infected places shall come into operation only as to such places as may be declared to be infected places under the twenty-first section of this Act and shall continue in operation therein only so long as such places shall continue to be infected places within the meaning of this Act.

To be published in *Gazette*.

**13.** The Governor by Order in Council may in like manner for all or any of the purposes aforesaid from time to time as occasion shall require make any special regulations modifying altering or repealing any of the said general regulations either wholly or in respect of any matters which shall seem to be necessary to be made in respect of any Province or other part of the Colony or of any particular district or any part thereof and all such special regulations shall take effect from and after such day being a day not less than thirty days subsequent to the first publication thereof and shall in like manner be published in the *New Zealand Gazette* and on being so published shall have the force of law.

Governor may make special regulations.

**14.** In and by any such regulations as aforesaid (whether general or special) it shall be lawful for the Governor to prescribe penalties for the breach thereof and every such regulation shall be so framed as to allow the Resident Magistrate or any two or more Justices before whom any such penalty may be sought to be recovered to order a part only of such penalty to be paid if he or they shall think fit. Provided that no penalty to be prescribed by such regulations shall exceed in any case five hundred pounds.

Regulations may prescribe penalties.

**15.** It shall be lawful for the Governor if he shall deem it expedient to do so to direct that all Orders in Council and regulations so made by him under this Act shall be published in any one or more of the *Government Gazettes* of the Provinces or other divisions of the Colony and in any newspapers that he may think fit as well as in the *New Zealand Gazette* as aforesaid but the publication thereof shall not be necessary nor shall the omission thereof invalidate any such orders or regulations.

Orders in Council and regulations may be published in Provincial Government *Gazettes*.

**16.** The Governor may from time to time in each port or place within the Colony by Proclamation in the *New Zealand Gazette* set apart and define quarantine grounds and from time to time may vary alter or re-define any such quarantine grounds and may authorize the erection of all necessary yards or sheds which may be required for the purposes of such quarantine ground and the cost of which shall be defrayed out of any moneys that from time to time may be appropriated by the General Assembly for the purposes of this Act.

Governor may define quarantine grounds.

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## DISCOVERY AND PREVENTION OF DISEASE.

Inspector to visit place where disease exists.

17. An Inspector of any district on receiving information of the supposed existence of disease or having reasonable ground to suspect that disease exists in any place within his district shall proceed to that place with all practicable speed and execute and discharge the powers and duties conferred or imposed upon him by or under this Act as such Inspector.

May enter lands and premises.

18. An Inspector may at any time enter any premises within his district where he has reasonable grounds for supposing that any cattle affected with disease are to be found for the purpose of executing this Act but shall if required by the owner or occupier thereof state in writing the grounds on which he has so entered and on such entry may search for and examine any cattle therein or in any shed outhouse or building. If any person refuses admission to such Inspector acting under this Act or to permit such search or examination he shall be liable to a penalty not less than ten pounds and not exceeding one hundred pounds.

If Inspector finds disease exists he may make declaration to that effect.

19. If upon such entry and examination as aforesaid the Inspector finds that disease exists among such cattle he shall forthwith make a declaration thereof under his hand and shall deliver a copy thereof to the owner or occupier of the premises where the disease is found and the delivery of such declaration shall constitute the place or premises where disease may be found an infected place within the meaning of this Act. Such declaration may be served upon the owner or occupier either personally or by leaving the same at his last known abode or with some adult inmate thereof.

May declare adjoining premises infected.

20. Where an Inspector makes a declaration which constitutes a place an infected place within the meaning of this Act he may also if the circumstances of the case appear to him so to require deliver a notice under his hand of such declaration to the occupiers of all lands and premises adjoining thereto any part whereof respectively lies within three miles of the boundaries of the infected place in any direction.

Board to be called together.

21. Forthwith after such search and examination the Inspector shall transmit such declaration to the Chairman of the Board of the district where such disease shall have been found whose duty it shall be so soon thereafter as conveniently may be to call a meeting of the Board who shall inquire into the existence of disease in the place where it shall be declared to exist or in any other place and for that purpose shall have and may exercise the powers hereinafter set forth. And if it appears to them that disease exists among such cattle or in the place or district inspected or examined by such Inspector they shall so determine and shall declare such place to be an infected place and in such case such of the Diseased Cattle Regulations as may be specially applicable to infected places or any special regulations that may be made in respect of the district where such disease exists as the case may be shall take effect provisionally and shall be enforced and made applicable within the district or part of a district or the place or premises to which the declaration relates for such period as hereinafter mentioned. But if in such case it appears to the Board that disease did not exist as declared by the Inspector then the Board shall so determine and thereupon any declaration made or notice given by any Inspector as aforesaid shall cease to operate or take effect in relation thereto.

Board may examine parties as to existence of disease.

22. For the purposes of any such inquiry the Board may call upon all persons concerned in or having the charge control or management of any such cattle to give evidence before them as to the

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facts within their knowledge relating to such cattle and if any person after having received written notice to attend for that purpose shall refuse or neglect to attend or to answer any inquiries put to him by the Board under the authority of this Act he shall be liable to a penalty not exceeding twenty pounds. And if any person in giving such evidence or in answering such inquiries shall make any statement knowing the same to be false he shall on conviction thereof before a Resident Magistrate or any two Justices of the Peace be liable to a penalty not exceeding one hundred pounds or to be imprisoned for a period not exceeding six calendar months. Provided always that nothing herein contained shall be construed to require any person to give any evidence or answer any inquiry which would render him liable to any criminal prosecution.

**23.** Upon making a declaration as aforesaid that disease exists in the district or any part of the district the Board shall forthwith cause notice thereof to be published in such newspapers circulating in the district or place where the disease has been ascertained to exist as they think fit and such notice shall be signed by the Chairman of the Board and shall particularly describe the district or place intended to be affected by the declaration of the Board and for a period of twenty-eight days thereafter such place or district shall be deemed to be an infected place.

Board to cause declaration thereof to be published.

**24.** The Board shall also forthwith transmit to the Governor a certificate in writing signed by the Chairman and by the Inspector stating what has been done in respect of any such declaration examination or inspection as aforesaid and if the Governor shall think fit he may confirm the decision of the Board and shall cause a notice to that effect to be published in the *New Zealand Gazette* and if he shall think fit may order that such notice shall be published in the *Government Gazette* of the Province or County where such disease exists and in one or more newspapers circulating therein and if the Governor shall not so confirm the decision of the Board then from and after the expiration of such period of twenty-eight days the declaration made by the Board shall cease to have any effect.

Board to certify the existence of disease to the Governor.

**25.** The Governor may upon receiving a certificate from the Board of any district under the hand of the Chairman thereof and under the hand of the Inspector of such district to the effect that any place declared to have been an infected place is free from disease by Proclamation in the *New Zealand Gazette* declare the district or any part thereof to be free from disease and thereupon as from the time specified in any such Proclamation such district or part thereof shall cease to be an infected place within the meaning of this Act.

Governor may declare district free from disease.

**26.** From and after the service of a notice or declaration by an Inspector as aforesaid upon any owner or occupier of any land or premises within a place declared to be an infected place within the meaning of this Act and thereafter during the period that any infected place shall be provisionally declared to be infected as aforesaid and until such district shall be declared to be free from disease as hereinbefore provided no person shall move or suffer to be moved any cattle affected with disease from the land or premises where they may be at the time of such declaration or from any premises contiguous thereto in the same occupation without the written authority of an Inspector.

Infected cattle not to be moved without leave.

**27.** Other cattle in any such infected place and not infected or supposed not to be infected with disease shall not be moved from any land or premises where they may be at the time of any such declaration by an Inspector or from any premises contiguous thereto in the same occupation without a license signed by an Inspector certifying

Cattle not infected not to be moved without leave.

*Diseased Cattle.*

that the cattle moved are not affected with disease and have not been in the same herd or in contact with cattle so affected.

Sheds &c. to be cleansed.

**28.** All sheds cowhouses and places used by cattle infected with disease shall from time to time be cleansed and disinfected at the expense of the owner of such cattle or at the expense of the owner or occupier of the sheds or places where such cattle may be kept and to the satisfaction of the Inspector. Every owner of diseased cattle and every owner or occupier of any such shed who shall neglect or refuse to obey any directions of such Inspector in respect of such cleansing or disinfection shall be liable to a penalty not exceeding fifty pounds and not less than ten pounds.

## IMPORTATION OR EXPORTATION OF CATTLE.

Governor may prohibit importation of cattle from foreign district.

**29.** Whenever it shall be made to appear to the Governor that disease has broken out in any foreign district it shall be lawful for the Governor by Order in Council to declare that such foreign district is infected within the meaning of this Act and to prohibit the importation of cattle into the Colony from such district and the landing of such cattle.

Governor to prohibit exportation of cattle from infected district.

**30.** If it shall appear to the Local Cattle Board or Inspector of any district that disease exists or has broken out in some other district or part of the Colony such Board or Inspector may report the same to the Governor and if at any time it shall be made to appear to the Governor on the representation or report of any Local Cattle Board or Inspector or other satisfactory evidence without any such representation that disease has broken out in any district within the Colony it shall be lawful for the Governor by Order in Council to declare that such district is infected within the meaning of this Act and from time to time to prohibit the removal of cattle from any such district to any other part of the Colony.

Duties of Inspectors.

**31.** With respect to cattle imported from any foreign district or exported from any district within the Colony to any other part of the Colony and subject to such Orders in Council as may be made under the two last preceding sections the duties of an Inspector of Diseased Cattle shall be as follows:—

- (a.) When any ship or vessel having cattle on board shall arrive within any port or place in the Colony the Inspector shall forthwith or as soon as conveniently can be go on board such ship or vessel and by inspecting such cattle or otherwise satisfy himself whether such cattle or any of them are or may be reasonably suspected to be infected with disease or whether the same are free from disease.
- (b.) If such Inspector shall be satisfied that such cattle are free from disease and were not imported from any district where disease shall be known to prevail he shall give to the master of such ship or vessel a certificate to that effect after which certificate so obtained but not before such cattle may be landed.
- (c.) If such Inspector shall be satisfied that such cattle or any of them are actually infected with such disease he shall forthwith give notice to that effect to the master of such ship or vessel and it shall be the duty of such master within twenty-four hours after such notice to destroy the same without suffering the same to be landed.
- (d.) If such cattle shall have been imported from any district where disease shall be known to prevail or if such Inspector shall have reasonable ground to suspect that the same cattle or any of them are infected with disease.



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he may give such master a certificate to that effect (to be termed a Quarantine Certificate) and shall therein specify some place at which the same cattle may be landed and the quarantine ground to which the same may be driven after which certificate so obtained the said master may land such cattle or cause the same to be landed at such place so named in such quarantine certificate but at no other place and may drive such cattle or cause the same to be driven to the said place so appointed as a quarantine ground but to no other place and no master of such ship or vessel shall permit or suffer such cattle to be so landed or driven otherwise than in accordance with such quarantine certificate.

- (e.) The Inspector shall make a report from time to time of all things done by him under this part of this Act which report shall be made in the first instance to the Local Board of the District where such cattle may arrive and the Chairman of the Board shall forthwith transmit the same to the Governor.

**32.** When any vessel or ship having cattle on board shall arrive in any port or place within the Colony it shall be the duty of the Harbour Master or Collector of Customs or some person to be appointed in that behalf by the Governor at such port or place immediately to furnish the master of such ship or vessel with a copy of this Act and of any regulations made thereunder in force in the port or place where such vessel may arrive and also to give information to the Inspector of Cattle of the arrival of such ship or vessel.

Copy of Act to be furnished to masters of vessels.

**33.** Every master of a ship or vessel who shall land or suffer to be landed any cattle without having obtained such certificate as aforesaid or shall refuse or neglect to destroy cattle according to any such notice as aforesaid or shall otherwise offend against the provisions of this Act hereinbefore contained shall forfeit and pay any sum not exceeding five hundred pounds.

Penalty for landing cattle.

**34.** If any person lands or attempts to land any cattle in contravention of this Act such cattle shall be forfeited in like manner as goods the importation whereof is prohibited by the Acts relating to the Customs are liable to be forfeited and the person so offending shall be liable to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by the Acts relating to the Customs without prejudice to any proceeding against him under this Act or any such order but so that no person be punished twice for the same offence.

Cattle landed in contravention of Act to be forfeited.

## COMPENSATION.

**35.** Upon the application of any owner of cattle whose cattle shall have been destroyed under the authority of this Act if made within three calendar months thereafter any Resident Magistrate or any Court of Petty Sessions shall forthwith or at any time within fourteen days after such application upon inquiry in open Court touching the destruction of such cattle and if satisfied that the cattle in respect of which application is made were diseased or reasonably supposed to be diseased and were duly destroyed (and of such disease or supposed disease a certificate under the hand of the Inspector or other authority who may have caused them to be destroyed shall be sufficient evidence) the Resident Magistrate or Court of Petty Sessions shall thereupon deliver to the applicant a certificate in the form or to the effect hereinafter contained as follows:—

Certificate that cattle have been destroyed may be issued on application.

*Diseased Cattle.**Certificate of Destruction of Cattle.*

I the undersigned A.B. Resident Magistrate for the District of \_\_\_\_\_ in the Colony of New Zealand do hereby certify that it has been duly proved before me that \_\_\_\_\_ head of cattle above the age of six months the property of E.F. lately depasturing at [*Name of run or describing place where the cattle were at the time of their destruction*] were on the \_\_\_\_\_ day of \_\_\_\_\_ duly destroyed And I certify that it was also further proved to my satisfaction that such cattle were at the time of their destruction infected with the disease called \_\_\_\_\_ or were reasonably supposed to be so diseased and that previous to their destruction all things required by "The Diseased Cattle Act 1871" and the regulations issued thereunder had been duly performed by the said E.F.

Dated at \_\_\_\_\_ in the Colony of New Zealand this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and seventy-

A.B.

Resident Magistrate.

*N.B.—This Form may be altered as circumstances require.*

Compensation to be paid.

**36.** On the presentation or transmission of any such certificate to the Colonial Treasurer there shall be paid by him unto or to the order of the applicant out of special rates to be raised for the purpose as hereinafter provided that during the period of one year from the date of the passing of this Act a sum at the rate of forty shillings and afterwards at the rate of thirty shillings for every head of cattle so destroyed but no compensation shall be given in respect of any calves under the age of six months Provided that no such compensation shall be awarded to any owner of imported cattle so destroyed in respect thereof unless such cattle shall have been depastured within the Colony for one year before the date of such destruction Provided always that during one year in special cases of an exceptional character it shall be lawful for the Governor in Council to give any further compensation not exceeding in the aggregate five pounds per head for every head of cattle so destroyed as in his opinion the circumstances of the case may demand.

Power to Governor to proclaim special rates.

**37.** Whenever any compensation shall have become payable to any owner of cattle by reason of the destruction thereof in accordance with the provisions of this Act and in order to provide for the sums by the last section authorized to be paid as compensation for the destruction of such cattle it shall be lawful for the Governor from time to time as occasion shall require by Proclamation to be published in the *New Zealand Gazette* to make amend revoke alter or vary regulations for all or any of the purposes hereinafter mentioned that is to say—

For prescribing the mode of levying a special rate or assessment upon the owners of cattle within the district in which such compensation shall have become payable as aforesaid Provided that in any case where there shall not be within any one district a sufficient number of cattle to produce the sum required to pay such compensation then that the Governor shall have power to include in such special rate or assessment the cattle of one or more next adjoining districts and such rate shall be leviable not oftener than once in every six months.

For defining the amount of such special rate or assessment not exceeding the sum of one shilling for every head of cattle in any such district or next adjoining district or districts as the case may be.

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For appointing a day time and place for the payment of such special rate or assessment and to appoint by whom the same shall be collected.

For requiring the owners of cattle within any such district to furnish lists or inventories of all their cattle with such particulars as may be thought requisite to such person or officer as may be named in such Proclamation and in case of the neglect or refusal of any owner to furnish such list or inventory or other particulars for authorizing any Inspector or other person to enter upon the premises of any owner of cattle for the purpose of making such list or inventory and obtaining such particulars as may be necessary.

For prescribing all necessary notices and forms which may be required for the purposes of such regulations and for prescribing penalties for the breach of any such regulations Provided that no penalty shall exceed the sum of twenty pounds and every such regulation shall be so framed as to allow the Justice before whom any such penalty may be sought to be recovered to order a part only of such penalty to be paid if such Justice shall think fit.

And all such regulations being so published in the *New Zealand Gazette* shall take effect as from the publication thereof and shall have the force of law as if the same were incorporated in this Act.

**38.** It shall be lawful for any Inspector or any other person authorized in that behalf by any such regulations in any Court of competent jurisdiction to sue for and recover any special rate or assessment which may be levied or fixed by any such Proclamation and that by an action of debt to be brought in the proper name of such Inspector or other person and production of a copy of the *Gazette* containing such proclaimed regulations shall be sufficient evidence of his authority so to sue and recover as aforesaid. Inspector may sue for rate.

**39.** All special rates and moneys collected under any regulations to be made under this Act for the purpose of providing such compensation as aforesaid shall be paid into the Colonial Treasury to an account to be called the "Cattle Assessment Account" Provided that it shall be lawful for the Governor if in any case he shall think fit by warrant under his hand to authorize the Colonial Treasurer out of any moneys which may be appropriated for that purpose by the General Assembly to advance and pay to the person entitled thereto the amount of any compensation awarded to him under this Act And in case any such advance shall be so made then upon receipt and recovery of such special rate or assessment it shall be lawful for the Colonial Treasurer out of such special rate or assessment to repay to the Colonial Treasury an amount equal to the amount so advanced as aforesaid. Application of rate.

## MISCELLANEOUS.

*Fees. Protection of Officers &c. Recovery of Penalties.*

**40.** All fees payable to Inspectors under this Act shall be received and collected by them and shall be paid into the Colonial Treasury and shall form part of the Consolidated Revenue of the Colony In case of the non-payment of any fees so payable as aforesaid the Inspector to whom the same shall be payable may recover the same from the person liable to pay or satisfy the same by summary proceedings under "The Justices of the Peace Act 1866" before a Resident Magistrate or any two Justices of the Peace together with such reasonable costs and expenses as the Resident Magistrate or Justices may allow. Fees.

*Diseased Cattle.*

Constable may apprehend persons in certain cases.

**41.** Any Police Constable may proceed as follows :—

(1.) He may apprehend any person found committing an offence against this Act with respect to infected places and he shall take any person so apprehended as soon as conveniently may be before a Justice of the Peace to be examined and dealt with according to law and a person so apprehended shall not be detained in custody by any Constable without the order of a Justice longer than is necessary for bringing him before a Justice or than twenty-four hours at longest.

(2.) He may require that any cattle animal or thing moved out of an infected place in contravention of this Act be forthwith taken back within the limits of that place and may enforce and execute such requisition.

Actions not to be brought without notice.

**42.** No action or proceeding shall lie against any Inspector or other person acting or intending to act under the authority or in execution or pursuance of this Act for any alleged irregularity or trespass or other act or thing done or omitted by him under this Act unless notice in writing (specifying the cause of the action or proceeding and the name and residence of the intending plaintiff or prosecutor and of his solicitor in the matter) is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action or proceeding nor unless the action or proceeding is commenced within three months next after the act or thing complained of is done or omitted or in case of a continuation of damage within three months next after the doing of such damage has ceased.

Plea and evidence.

**43.** In any such action the defendant may plead generally that the act or thing complained of was done or omitted by him when acting or intending to act under the authority or in execution or pursuance of this Act and may give all special matter in evidence. On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action not stated in his notice.

Plaintiff not to succeed if tender of amends made.

**44.** The plaintiff in any such action shall not succeed if tender of sufficient amends is made by the defendant before the commencement of the action and in case no tender has been made the defendant may by leave of the Court in which the action is brought pay into the Court such sum of money as he thinks fit whereupon such proceeding and order shall be had and made in and by the said Court as may be had and made on the payment of money in an ordinary action therein.

Costs of defendant.

**45.** If in any such action the plaintiff does not succeed in obtaining judgment the defendant shall receive such full and reasonable indemnity as to all costs charges and expenses incurred in and about the action as may be taxed and allowed by the proper officer subject to review and though a verdict is given for the plaintiff in the action he shall not have costs against the defendant unless the Judge before whom the trial is had certifies his approval of the action and verdict.

Report.

**46.** At the expiration of six months from the date of the coming into operation of this Act and thereafter at the end of each succeeding six months every Inspector shall furnish a report to the Governor of all things done by him in the exercise of his duties as such Inspector and shall prepare and forward with such report and in such form as may from time to time be approved by the Governor a return of the number of cattle brought by sea to any port within the district of such Inspector which on inspection on landing within the then last preceding six months have been found to be affected with any contagious or infectious disease specifying the disease and the ports from which and to which such animals are brought and the mode in which

*Diseased Cattle.*

such animals have been disposed of and also a like return of the number of cattle which shall have been inspected by him within his district not brought by sea within the then last preceding six months which have been found to be infected as aforesaid and specifying the disease and the mode in which such animals have been disposed of and every such report and return may be published in the *New Zealand Gazette* if the Governor shall so think fit.

47. Penalties under this Act or under the regulations authorized by this Act shall be recoverable only in a summary way before any Resident Magistrate or any two Justices of the Peace for the use of Her Majesty by any person who may sue for the same.

Penalties how recoverable.

48. The Governor may by any Order in Council from time to time annul make void or alter or vary and make anew any Orders in Council regulations appointments or prohibitory or other declarations made and published by the Governor under the authority of the Act hereby repealed or either of them or by the Superintendent of any Province or by the Chairman of the County Council of the County of Westland in pursuance of any power delegated to them respectively under any of the powers of delegation contained in the said Acts or any general or special regulations Orders in Council Proclamations or notices made proclaimed or given under the authority of this Act and that either with reference to the whole or any part of any district within the Colony or any foreign district.

Governor may annul or vary declarations and prohibitions.

49. Nothing herein contained shall be construed to take away from or lessen the effect of the sixteenth section of "The Diseased Cattle Act 1861" which shall for the purposes therein mentioned be still deemed to be in as full force and operation as if the same were re-enacted by this Act and formed part thereof.

Sixteenth section of Act of 1861 to continue in force.

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