

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
23rd June, 1880.

Hon. Mr. Whitaker.

Brands and Branding.

ANALYSIS.

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A BILL INTITULED

AN ACT to regulate the Branding of Stock, and the Registration of the Brands used for that purpose. Title.

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

1. The Short Title of this Act is "The Brands and Branding Act, 1880." It shall not come into force until the first day of *January*, in the year one thousand eight hundred and *eighty-one*. Short Title.
2. Nothing in this Act contained shall be deemed to repeal or annul any of the provisions of "The Sheep Act, 1878." Sheep Act not affected.
3. In this Act, if not inconsistent with the context,—
- "Horses" includes any horse, mare, gelding, colt, filly, or foal, also any ass or mule; Interpretation.
- "Cattle" includes any bull, cow, ox, steer, heifer, or calf;
- "Sheep" includes any ram, ewe, wether, or lamb;
- "Stock" includes horses, cattle, and sheep as herein defined, and shall apply to any one or more animals of the aforesaid several kinds;
- "Registrar" means any Registrar of Brands duly appointed under this Act;
- "Brand" means and includes a distinct and plain mark, made as follows:—
- In the case of horses or cattle, burnt with a branding-iron into the skin, or on the horn of cattle;
- In the case of sheep, a wool-brand made with pitch,
- No. 15—2.

tar, paint, raddle, or lampblack mixed with oil or tallow, or other suitable substance, in letters, figures, or otherwise, not less than two inches in length, on the sides, back, shoulders, hips, or rump, or a fire-brand on horn or cheek ;

And the word "brand" in respect of all stock includes an ear-mark made by cutting, splitting, or punching the ear, but so that in no case shall more than one-third of the whole ear be removed ;

"Stockowner" or "owner," having reference to any stock, means every person claiming jointly or in severalty (other than a mortgagee not in possession) any right, title, or interest in any stock, and every superintendent and overseer or other person in possession or charge of any stock ;

"Crown lands" includes all lands heretofore designated Crown lands, waste lands of the Crown, and confiscated lands respectively.

BRANDING OF STOCK.

Registrars of Brands.

4. The Governor may appoint as many fit and proper persons as he shall think fit to be Registrars of Brands within the colony, and may assign any part of the colony as a district to each such Registrar, and appoint a place therein at which shall be the registration office for the district.

Chief registration offices.

5. The Governor also may appoint places at which shall be chief registration offices for areas of the colony embracing as many districts as the Governor may prescribe, and may also appoint any Registrar to be in charge of such chief offices respectively, and to discharge the duties of Chief Registrar within any of the aforesaid areas.

Duplicate of registers to be sent to chief office.

6. A copy of every registration effected during the month at the office of every Registrar, and of every alteration made in any register at such office, shall be transmitted within the first week of the ensuing month by the person in charge of such office to the Registrar at the chief office of the district.

Every register shall be open for inspection, without payment, by any Justice of the Peace, constable, or officer of any County or Borough Council, and by any other person, at all reasonable times, on payment of a fee of one shilling.

Brands already registered to be valid.

7. All brands which have heretofore been duly registered under any law in force within any provincial district shall, for the purposes of this Act, be deemed to have been registered under this Act, and such registration shall, for a period of two years from the commencement of this Act, be in force within the district in which the stock bearing such brands may be depasturing at the time aforesaid.

Registrar to obtain list of brands.

The Registrar shall obtain, at the office of the person who was the Registrar of Brands in the provincial district, a copy of all the brands existing therein which at the commencement of this Act were registered for stock depasturing within the limits of the district.

Brands to be registered afresh.

Any such brand, however, shall be considered to be abandoned, if the same is not registered afresh under this Act, previous to the expiration of the aforesaid two years.

Owners of stock to register brands.

8. Every stockowner whose brand shall not have been registered before the commencement of this Act shall deliver to the Registrar of the district wherein his stock are running or are intended to run, for registration by him, a description of the brand which such owner uses or purposes to use in branding his stock, and shall deposit two correct copies or impressions of his brand with such Registrar ; and every owner neglecting to register his brand shall be liable to a penalty not exceeding five pounds.

Fee.

There shall be paid by the owner of every brand to the Registrar who shall register the same a fee of five shillings in respect of the registration of such brand.

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9. No Registrar shall register any brand likely, in his opinion, to lead to mistakes or confusion.

Similar brands not to be registered.

If any two stockowners within the same district have the same or similar brands, the Registrar at the chief office for the district may require the owner who has used the brand during the shortest period of time within the district to alter his brand.

Registrar may require brand to be altered.

In case of any dispute the same shall be determined in a summary manner by any one Justice of the Peace.

Any owner who refuses or neglects to alter his brand accordingly when duly required so to do, and afterwards uses the said brand, shall be liable to the same penalties as are herein provided in the case of any person using another person's brand.

10. Any stockowner having duly registered a brand may, by writing addressed to the Registrar at the chief office for the district, transfer his right to such brand to any other stockowner, or may relinquish his right to the said brand, and, upon the due receipt of such writing by such Registrar, he shall forthwith cause the registry of such brand in the general register of brands for the district to be transferred or cancelled, as the case may be.

Brands may be abandoned.

20 After such cancellation any other stockowner may register such brand in his own name in the office aforesaid, and with the Registrar of the subdivision wherein his stock may be running, and may cause his stock to be branded therewith, as if such brand had not been previously registered.

25 11. In case it shall be proved to the satisfaction of any Registrar that any brand registered by him has not been used by the owner thereof or by his authority for at least twelve months previously, such brand shall be considered to have been relinquished, and shall be treated accordingly, and it shall be the duty of such Registrar to publicly notify that such brand has been so relinquished.

Disused brands deemed abandoned.

30 12. After any stockowner shall have registered a brand, no other person in the same district shall, without the authority of such stockowner, brand any stock with the same brand, or with any brand bearing the same mark or one so nearly similar as in the opinion of any Registrar to be not readily distinguishable therefrom, or make or cause to be made any branding-iron bearing the same or a nearly similar brand as aforesaid; and any person offending against this enactment shall be liable to a penalty not exceeding fifty pounds.

Penalty for using another person's brand.

40 13. If any person shall brand any stock without the authority of the owner thereof, or shall deface or efface any brand or other distinguishing mark or impression upon any stock without such authority in writing, 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 stock, such information shall be dismissed.

Penalty for branding stock without authority, or defacing brands.

50 14. The mark or impression of any registered brand upon any stock shall be *prima facie* evidence of the ownership of the said stock by the person in whose name such brand shall be registered in the register of the district.

Brand evidence of ownership.

55 15. All sheep above the age of four months shall be branded with the registered brand of the owner, which shall be renewed from time to time so that the same shall be at all times legible; and for every such sheep not so branded the owner thereof shall be liable to a penalty not exceeding ten pounds.

Sheep to be branded.

16. Nothing in this Act shall be construed to oblige any one to brand any horses or cattle running upon fenced lands.

Branding horses or cattle not compulsory.

MISCELLANEOUS.

Penalty for removing
ears of animals.

17. If any person shall wilfully shorten or otherwise mark the ear of any cattle, sheep, or horse belonging to any other person, he shall be liable to a penalty of not more than *twenty* pounds for each head of cattle and for each sheep or horse in respect of which such offence has been committed. 5

Fees recoverable
summarily.

18. All fees, fines, and penalties imposed by this Act shall be recoverable in a summary manner, and shall be paid into the Public Account.

Repeals.

19. The several enactments enumerated in the Schedule hereto are hereby repealed, subject to the limitations in the said Schedule mentioned. 10

Governor in Council
may make regula-
tions.

20. The Governor in Council may from time to time make, amend, and abolish rules and regulations for the instruction and guidance of all officers appointed under this Act, and for the general management of offices, and as to all other matters for carrying this Act into full effect; and such regulations upon being gazetted shall have the force of law as if expressed in this Act. 15

Schedule.

SCHEDULE.

ACTS AND ORDINANCES REPEALED.

(1.) *Act of the General Assembly.*

1876, No. 62.—The Diseased Sheep Act, 1876.

[*So much of Part II. and of the Second Schedule as relates to Brands and Branding.*]

(2.) *Acts of the Province of Auckland.*

Sess. XIV., No. 3.—The Cattle Branding Repeal Act, 1862.

Sess. XXVI., No. 11.—The Registration of Brands Act, 1871.

Sess. XXVII., No. 4.—The Registration of Brands Act 1871 Amendment Act, 1871.

Sess. XXIX., No. 14.—The East Coast District Sheep Act, 1874.

[*So much thereof as is not already repealed.*]

Sess. XXX., No. 12.—The Sheep Act, 1875.

[*So much thereof as is not already repealed.*]

(3.) *Ordinances of the Province of Taranaki.*

Sess. XIII., No. 3.—The Branding of Cattle Ordinance, 1865.

Sess. XV., No. 2.—The Branding of Cattle Ordinance, 1866.

(4.) *Acts of the Province of Hawke's Bay.*

Sess. XXI., No. 8.—The Hawke's Bay Sheep Act, 1874.

[*So much thereof as is not already repealed.*]

Sess. XXII., No. 6.—The Hawke's Bay Sheep Act Amendment Act, 1875.

[*So much thereof as is not already repealed.*]

(5.) *Acts of the Province of Wellington.*

Sess. IV., 1857, No. 13.—An Act to provide for the Branding of Cattle, and the Destruction or other disposal of Wild Cattle.

Sess. XI., 1864, No. 5.—An Act to provide for the Branding of Horses.

Sess. XXII., No. 10.—The Diseased Sheep Act, 1872.

[*So much thereof as is not already repealed.*]

(6.) *Act of the Province of Nelson.*

Sess. XXV., No. 8.—The Cattle Branding Act, 1874.

(7.) *Act of the Province of Marlborough.*

Sess. II., No. 1.—The Cattle Branding Act, 1861.

(8.) *Ordinance of the Province of Canterbury.*

Sess. XXXVII., No. 14.—The Canterbury Sheep Ordinance, 1872.

[*So much thereof as is not already repealed.*]

(9.) *Ordinance of the Province of Otago.*

Sess. XXXIV., No. 464.—The Cattle and Sheep Ordinance, 1875.

[*So much thereof as relates to brands and branding.*]

(10.) *Ordinance of the Province of Southland.*

Sess. III., No. 24.—The Cattle Branding Ordinance 1862.