



ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1878.

No. 111.

*An Act to provide for the due Registration of Brands on Horses,
Cattle, and Sheep.*

[Assented to, 30th November, 1878.]

WHEREAS it is expedient to provide for the registration of brands used in branding horses, cattle, and sheep—Be it Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province in this present Parliament assembled, as follows:

Preamble.

PART I.

PART I.

PRELIMINARY.

1. So much of section 17 as relates to the Inspector serving a notice upon the owner of imported stock, requiring the brand, sex, and age of each of the cattle, and the penalty for non-compliance within fourteen days of the demand, and sections 18, 19, 20, 21, 22, 23, 24, and 25 of Act No. 5 of 1840, being "An Act to Regulate the Slaughtering and Prevent the Stealing of Cattle," are hereby repealed: Provided that nothing herein contained shall affect the validity of any act or thing lawfully done or made under the said sections hereby repealed or any of them.

Repeal of sections 17 (in part), 18, 19, 20, 21, 22, 23, 24, and 25 of 5 of 1840.

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

Definition of terms used in this Act.

"Brand"—Any letter, figure, sign, mark, or character impressed or intended to be impressed upon any stock:

"Brand Directory"—The list of brands to be compiled by the Registrar of Brands, and published by the Government Printer, in pursuance of this Act:

"Cattle"

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- “Cattle”—Any one or more camels, bulls, cows, oxen, heifers, steers, or calves:
- “Distinctive brand or mark”—Any brand, other than a registered brand, which the owner is empowered by this Act to brand upon the neck, cheek, horns, or hoofs of any horses or cattle to denote the ownership of the individual members of a family, or a partnership where a general family or partnership brand is used, or to mark the class, age, or description of horses or cattle, or any other circumstance which the owner may require to mark, or any mark or cut upon the ear or dewlap of any cattle, or any mark or cut upon the ear of any horses:
- “Drover”—Any person driving, or in the possession or charge of any travelling stock:
- “Horse”—Any one or more horses, mares, geldings, colts, fillies, asses, or mules:
- “Inspector”—The Chief Inspector, or any Inspector of Sheep already or hereafter to be appointed, or any Inspector or Sub-Inspector of Brands to be appointed under this Act:
- “Owner”—Any proprietor of stock, or his agent, manager, or overseer, or any person authorised to act, or usually acting on the proprietor’s behalf:
- “Register”—The register books kept in pursuance of this Act, containing a list of the brands of horses, cattle, and sheep registered thereunder:
- “Registrar”—The Registrar of Brands, or any Deputy Registrar of brands, under this Act:
- “Run”—Any run, station, farm, or place where stock are placed or depastured:
- “Stock”—Any one or more horses, cattle, or any sheep or goats, as defined by this Act, of any age:
- “Sheep”—Any one or more rams, ewes, wethers, lambs, goats, or kids:
- “Travelling Stock”—Any stock taken or driven, or about to be taken or driven, to any place more than five miles distant from the run upon which they were depastured previous to starting.

PART II.**PART II.****INSPECTORS OF BRANDS.**

Inspector of Sheep to
be Inspector of
Brands.

3. The Chief Inspector of Sheep for the Province of South Australia shall be the Chief Inspector of Brands under the provisions of this Act, and all other Inspectors of Sheep appointed at the time of the passing of this Act, or thereafter to be appointed, shall be

Inspectors

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Inspectors of Brands under this Act: Provided always, that the Governor may appoint such other Inspectors of Brands as may be deemed advisable.

PART II.

4. Every inspector is hereby empowered to enter upon any land or premises in order to inspect any stock or branding iron or instrument for branding, and to take possession of and drive away any stock in respect of which the owner has committed or may be committing any breach of this Act, and, where necessary, to employ any person or persons to assist him in carrying out the provisions of this Act. And any person hindering or impeding, or attempting to hinder or impede, any inspector in the execution of his duty, or refusing to produce any branding iron or instrument for branding, or to permit such inspector to inspect any stock or branding iron or instrument for branding, shall for every such offence on conviction forfeit and pay any sum not exceeding Fifty Pounds.

Power of inspector to enter on runs and property.

PART III.

BRANDS AND BRANDING IRONS.

PART III.

5. Every owner of horses or cattle may within six months after the coming into operation of this Act obtain from the Chief Inspector of Brands a certificate of the registration of any brand which such owner may select pursuant to this Act for the purpose of branding his horses or cattle with a brand distinct from that of owners of other horses or cattle. Any owner of horses or cattle who shall after the expiration of six months from the coming into operation of this Act brand or permit or allow or suffer to be branded any of his horses or cattle with any brand (unless as herein-after provided) in respect of which he shall not previously have obtained a certificate of registration as hereinbefore provided shall for every such offence incur a penalty of not less than Fifty nor more than Two Hundred Pounds.

Owners to register brands within six months.

6. Every horse or cattle brand registered as is by this Act provided shall consist of not more nor less than one letter and two figures or of one sign or character and two figures, and the shape or pattern of such letters, signs, or characters and of such figures and their arrangement shall be fixed and determined by the Registrar of Brands, in such positions as he may decide.

Description of brands to be used under this Act.

7. One horse and cattle brand, and no more, shall be allowed to each person, unless he is the proprietor of more runs than one not adjoining each other, when he may, in the discretion of the Registrar, be allotted one brand for each of such runs.

Only one brand to be allowed to each person.

8. Every person possessed of both horses and cattle shall use the same brand for horses as he uses for cattle: Provided that the brand used for horses shall not be less than one and one-quarter inches, and the brand for cattle not less than two inches in length.

Same brand for horses as for cattle, and length of brand for each.

9. All

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Distinctive brands.

9. All distinctive brands shall be imprinted on horses and cattle as hereinafter provided, and no such brands shall be used except by the owner of a registered brand: Provided always that such owner may use as many distinctive brands as he requires.

Distinctive brand to be registered.

10. Every person, before using any distinctive brand on horses or cattle, shall intimate his intention of doing so, in writing, to the Registrar, forwarding the fees as provided in the Fourth Schedule hereto, and the Registrar shall register the said brand in a book to be kept by him for that purpose; but he may, in the case of two or more owners intimating the same distinctive brands, allot such modifications thereof to one or more owners as shall render such brands dissimilar: Provided that no distinctive brand shall be allotted to any person who is not the owner of a registered brand.

First brander may imprint stud or herd-book numbers under his registered brand.

11. Notwithstanding anything to the contrary contained in the clause 9 it shall be lawful for the breeder or person imprinting the first registered brand upon any horses or cattle to imprint any figures under his registered brand for reference to any stud or herd-book containing a description of such horses or cattle. But such figures shall not be imprinted at a less distance than one and a-half nor more than two and a-half inches from and directly underneath such registered brand.

Penalty on breach of above sections for using brand not issued to user.

12. Any person who shall fail to comply with or act in contravention of any of the provisions of the seven preceding sections hereof, or who shall use, or attempt to use, or knowingly permit to be used, any branding instrument by which any brand other than the brand or brands which he is entitled to use as herein provided, may be impressed upon stock shall, on conviction for every such offence, forfeit and pay any sum not exceeding Fifty Pounds.

PART IV.**PART IV.****REGISTRATION OF BRANDS.**

Registrar and Deputy Registrars of Brands.

13. The Governor may appoint a Registrar of Brands and also, from time to time, one or more Deputy Registrars, whose acts, under the direction of the Registrar, shall have the same force and effect as if done by him.

Register to be kept.

14. The Registrar shall keep a register, in the form of Part I., in the First Schedule hereto, of all brands allotted by virtue of this Act. and also a register in the form of Part II., in the First Schedule hereto, of all sheep brands allotted by virtue of this Act.

Mode of obtaining brands.

15. On and after this Act shall come into force, by proclamation in the *Government Gazette*, any person requiring a brand for horses or cattle

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cattle shall deliver or transmit to the Registrar an application in the form of Part 1 in the Third Schedule hereto, accompanied by the fees as provided in the Fourth Schedule hereto: And the Registrar shall allot to such applicant the brand so applied for, if the same shall not have been previously allotted; and if the same shall have been previously allotted the Registrar may allot to such applicant such brand as he may deem advisable, and he shall thereupon register the brand to such applicant accordingly in the form of the First Schedule hereto, as the case may require; and the Registrar shall also mark upon the said application the design of the brand allotted to such applicant.

16. Any owner of sheep may apply to the Chief Inspector of Brands for a certificate of the registration of any pitch or paint brand which such owner may be desirous of using for his sheep.

Owner may register brand for sheep.

17. Every application to register a brand for sheep shall be in the form provided in Part 2 of the Third Schedule hereto, and shall be accompanied by a fee of Twenty Shillings.

Form of application.

18. The Registrar shall have power to refuse any application for a certificate of registration of any brand whenever he may in his discretion see fit: Provided that the Registrar shall allot a brand in lieu of the brand so refused.

Power to refuse to register.

19. Any person who, after the publication as hereinafter provided of any statement in the *Government Gazette* of the brands registered in pursuance of this Act, shall brand any sheep with a brand or mark of a similar design to any registered brand of which he is not the registered owner shall for every sheep so branded forfeit a penalty of not exceeding Ten Pounds.

Penalty for using registered brand.

20. Upon the registration of any brand as aforesaid the Registrar shall deliver or transmit to the applicant to whom such brand is allotted, a certificate of the registration thereof in the form of the Second Schedule hereto.

Certificate of Registration.

21. Any person who shall brand, or direct, aid, or assist to brand, any horses or cattle on any position thereof with a brand which shall not have been registered in accordance with this Act shall, on conviction for every such offence, forfeit and pay any sum not exceeding Fifty Pounds.

Penalty for using un-registered brand.

22. The Registrar shall at the end of every quarter, or so soon thereafter as possible, transmit to the Government Printer for publication in the *Government Gazette*, a statement, in the forms in the Fifth Schedule hereto, of all brands respectively registered under this Act up to the last day of such quarter, and the names and addresses of their respective owners. And from such quarterly publications the Registrar shall, so soon as possible after the 31st December in each year, cause a Brand Directory, containing all the brands

Quarterly statement of brands registered to be published in *Gazette*. Brands Directory to be published yearly.

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brands respectively registered up to that date to be compiled and published in the respective forms in the said Fifth Schedule provided, and shall cause copies thereof to be transmitted to each keeper of a public pound and Deputy Registrar or inspector in the province as soon after publication as possible; and any such Brand Directory or printed copy thereof, shall, in any action, suit, prosecution, or trial, if the same purport or appear to have been printed by the Government Printer, be received in evidence, without proof, as *prima facie* evidence of the matters, statements, and things contained therein.

PART V.

Memorandum of transfer to be transmitted to Registrar who shall cancel original registration and re-register new owner.

PART V.

TRANSFERS.

23. Any person wishing to transfer the right to any brand registered under the provisions of this Act, and the person to whom such right is intended to be transferred, shall make and sign, in the presence of a magistrate, a memorandum in the form set forth in the Sixth Schedule hereto, and shall transmit the same to the Registrar of Brands, together with the fees chargeable on such transfer as set forth in the Fourth Schedule hereto. And the Registrar shall, upon the receipt of such memorandum and fees cancel the original registration of such brand standing in the name of the transferor, and shall re-register such brand in the name of the transferee, and such transferee shall thereafter be deemed to be the person having the exclusive right to use such brand as aforesaid.

Registrar to keep transfer book.

24. The Registrar shall keep a book in which all such transfers shall be recorded, and he shall notify the same as they occur in the *Government Gazette* immediately after the quarterly statements of brands registered.

PART VI.

Order of imprinting brands.

PART VI.

RULES OF BRANDING.

25. All brands shall be imprinted on cattle or horses as follows, namely:

- (A.) Every brand shall be imprinted on one or other of the positions allotted in the Seventh Schedule hereto and in the consecutive order therein indicated:
- (B.) The breeder or person imprinting the first brand upon any horses or cattle may brand on any position he thinks fit; and the position shall follow in consecutive order, position one succeeding position six:
- (C.) Every second or subsequent brand intended to be imprinted, upon any horses or cattle shall be imprinted on the next position that is in accordance with the order of branding prescribed by this Act:

(D.) Every

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(D.) Every distinctive brand shall be imprinted or made on the neck, cheek, ear, dewlap, horn, or hoof:

PART VI.

And all horses or cattle shall be deemed to have been last branded with the registered brand which shall appear to be the last brand upon such stock according to the order hereinbefore prescribed; and any person failing to comply with, or offending against, any of the provisions of this section shall, on conviction for every such offence, forfeit and pay any sum not exceeding Fifty Pounds.

Penalty:

PART VII.

PART VII.

DROVERS.

26. Whenever the actual proprietor of any stock, or the superintendent of any such proprietor, intends to act as the drover thereof, he shall provide himself with a waybill in the form in the Eighth Schedule hereto; and if it is intended that any person other than the actual proprietor or superintendent as aforesaid of such stock shall act as the drover thereof, such proprietor or superintendent shall complete and deliver to such person a delivery-note in the form in the Ninth Schedule hereto; and any magistrate or inspector, or member of the police force, or overseer of run may inspect any travelling stock, and compare the brands thereof with the brands set forth in any such waybill or delivery-note, and the drover thereof shall, on being requested so to do, submit the stock in his charge to such inspection accordingly, and shall when required produce his waybill or delivery note as the case may be: Provided always that should the waybill or delivery note of any such travelling stock be accidentally lost or destroyed, the drover in charge thereof shall forthwith apply in writing to the nearest justice of the peace, inspector, or to the officer in charge of the nearest police station, for an interim waybill or delivery note as the case may be; and such inspector or officer shall, on satisfactory proof of such loss, grant an interim waybill or delivery note, for such stock in the form in the Tenth Schedule hereto; and the person so applying shall, for such interim waybill or delivery note pay to such justice of the peace, inspector, or officer the sum of One Pound. Any proprietor or drover failing to comply with any of the requirements of this section, or failing to assist in the inspection of such stock, shall on conviction for every such offence forfeit and pay any sum not exceeding Fifty Pounds.

Owners of travelling stock to give waybill or delivery note to drover, who must produce same when properly called on to do so. In event of loss of waybill, interim certificate may be obtained.

27. Any magistrate, overseer of run, inspector, or member of police force inspecting travelling stock as aforesaid, and being satisfied with the correctness of the waybill or delivery note thereof, shall endorse such waybill or delivery note with his name, designation, and address. But should any such travelling stock not be fully and accurately described in any such waybill or delivery note as aforesaid, or satisfactorily accounted for to the satisfaction of such magistrate, inspector, or member of police force, then such magistrate, inspector,

Indorsement of waybill.

If not correct, stock may be impounded and penalty imposed upon drover.

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PART VII.

Owner, when he claims stock, to pay poundage fees, &c.

Proprietor or drover may in certain cases be apprehended.

Penalty for purchasing stock incorrectly described in way-bill or delivery note.

inspector, or member of police force shall cause all such stock as is not fully and accurately described, to be impounded in the pound nearest to the place where the said inspection was made in the direction in which the same are travelling, unless such pound be double the distance from the nearest pound, in which event the same shall be driven to the actually nearest pound, and kept there at the expense of the proprietor of such stock until claimed by him or some person duly authorised on his behalf, and until the requirements of this Act with respect thereto shall have been complied with, and a waybill or delivery note fully and accurately describing such travelling stock shall be produced and shown to the keeper of such pound: Provided always, that such stock shall not be delivered to the proprietor or duly authorised person claiming them on his behalf until he shall have paid the poundage fees and all other charges and disbursements incurred in respect thereof, which amount any proprietor may recover from any drover in charge, if such proprietor prove himself blameless: And any proprietor or drover having in his charge or possession stock not fully and accurately described in such waybill or delivery note, or who does not produce the same when called on as aforesaid, or any person purchasing or receiving from such proprietor or drover any stock not described or incorrectly described in any such waybill or delivery note, or from any drover selling without producing a written authority from the actual owner of such stock to sell or otherwise dispose of the same, shall, on conviction for every such offence, forfeit and pay any sum not exceeding Fifty Pounds.

PART VIII.

PART VIII.
MISCELLANEOUS.

Poundkeepers to keep copy of Directory and *Gazettes* open for inspection.

Distinguishing brand to be used by each public pound.

28. Every poundkeeper, deputy registrar, inspector, and constable in charge of a police station shall keep copies of the latest edition of the Brand Directory, and copies of the *Government Gazettes*, containing the quarterly statement of registered brands not included in such directories, and shall, on the receipt of a fee of one shilling, permit a search in such Brand Directory and *Government Gazettes* at all reasonable hours.

29. The Registrar of Brands shall allot to each public pound throughout the province, now established, or which may be hereafter established therein, a brand for such public pound, in such form as the Registrar may think fit, and shall register the same accordingly; and the keeper of such public pound shall, on the sale of any stock impounded in such public pound, brand the same with such brand on the position and in the order prescribed by this Act, in such manner as to show that the said brand is the last brand imprinted at that time on such stock. And the poundkeeper who shall fail to comply with the provisions of this section of this Act, shall, on conviction for every such offence, forfeit and pay any sum not exceeding Fifty Pounds.

30. When

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30. When any horses or cattle are impounded, the poundkeeper shall forthwith send notice thereof to the owner of the brand, which shall appear last in order on such horses or cattle as by this Act provided. When any sheep are impounded, the poundkeeper shall forthwith send notice thereof to the owner of the brand with which such sheep shall be branded, and if such sheep shall be unbranded to the supposed owner thereof, and when the poundkeeper has any reason to suppose that any stock impounded belong to a person other than the owner of the brand with which such stock are branded, such poundkeeper shall, in every such case, send notice of the impounding both to the owner of such brand and the supposed owner of such stock; and every poundkeeper who shall neglect or delay to send any notice required to be sent by this section shall, on conviction for every such offence, forfeit and pay any sum not exceeding Twenty Pounds.

Poundkeeper to give notice of impounded stock.

31. If any person shall wilfully brand any stock of which he is not the rightful owner, or shall wilfully cause, direct, or permit any stock of which he is not the owner to be branded with his brand, such person shall, on conviction of every such offence, be liable to be imprisoned for any term not exceeding two years.

Persons branding stock not their property guilty of felony.

32. No person shall brand any sheep with any letter or mark with any mixture of a red color upon the rump, except as required under Act No. 19 of 1859, or as instructed by an Inspector of Sheep. Any person branding sheep with such color upon the rump for any other purpose, shall be liable to a penalty not exceeding Fifty Pounds for every sheep so branded.

Red brand not to be used for sheep.

33. Any person who shall wilfully blotch, deface, or otherwise render illegible or alter any brand upon any stock, or wilfully direct, cause, or permit any such brand to be blotched, defaced, or otherwise rendered illegible or altered, or shall wilfully mark, or cause, direct, or permit any stock other than sheep to be marked on the ear or dewlap by cropping or cutting off the whole or part of the ear by a straight cut, shall, on conviction for every such offence, forfeit and pay any sum not exceeding Two Hundred nor less than Five Pounds for every head of stock on which the brand shall have been so defaced, blotched, rendered illegible, or altered, or on which the ear or dewlap shall have been cut or cropped contrary to this section, or shall be liable to be imprisoned for any term not exceeding six months.

Penalty for blotching or defacing brands.

34. Any cattle or horses bearing only one brand which shall have been wilfully altered, blotched, defaced, or rendered illegible, contrary to this Act, shall be held to be unbranded, and may be impounded by any justice, inspector, or member of the police force; and all such stock shall be dealt with in the manner set forth in the Act or Acts at that time in force to regulate the impounding of stock.

Stock on which brand has been wilfully altered or blotched to be held to be unbranded.

35. Any

*Brands Act.—1878.***PART VIII.****Ear cropping sheep.**

35. Any person who shall destroy, deface, or alter any carmark or be party to the destruction, defacement, or alteration thereof, or who shall crop or cut the ear straight across, or slice off by a straight cut any part of the ear of any sheep, or who shall make an earmark on sheep exceeding half an inch in length, width, or diameter, shall, on conviction, for every such offence incur a penalty not exceeding One Hundred Pounds, nor less than Five Pounds, for every sheep with respect to which any such offence shall have been committed, or at the discretion of the Court such person may on conviction for every such offence be imprisoned with or without hard labor for any period not exceeding eighteen calendar months.

Punishment for forged or false registrations, directory, or other matter in this Act referred to.

36. Any person who shall knowingly and unlawfully insert, or cause, or permit to be inserted any false entry of any matter relating to any brand in any register, certificate, brand directory, quarterly statement of brands, waybill, or delivery note, or in any extract from any register, certificate, brand directory, or list, or statement of brands, waybill, or delivery note, or who shall forge, or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, with intent to defraud any such register, certificate, directory, statement, waybill, or delivery note, or any extract therefrom, or that which purports to be such extract or entry, or delivery note, or who shall wilfully and unlawfully destroy, deface, injure, or alter, or cause to be destroyed, defaced, injured, or altered, any such brand, register, certificate, directory, statement, waybill, or delivery note, extract or entry, or any part thereof with such intent, or who shall knowingly and wilfully with felonious intent use the brand of any proprietor without his authority, shall, on conviction for every such offence, be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable at the discretion of the Court to imprisonment with or without hard labor for any period not exceeding three years.

Not to affect mortgages under No. 4 of 1855-6

37. Nothing herein contained shall affect any mortgage or other security under the provisions of Act No. 4 of 1855-6, or any Act relating to the mortgage of stock, stations, or runs.

Governor may make regulations.

38. The Governor may from time to time make regulations not inconsistent with the provisions of this Act, for carrying into effect the provisions thereof in respect to any of the following matters or things, namely :

- I. The powers and duties of Inspectors or Registrars of Brands :
- II. The mode of registering or recording brands :
- III. The form of brands and distinctive brands, and the mode and order of branding and marking :
- IV. The registering or recording of distinctive brands :
- V. The driving of stock :
- VI. The infliction of penalties not exceeding Fifty Pounds for the breach of any such regulations :

And

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And all such regulations shall, when published in the *Government Gazette* have the force of law, and the production of a paper purporting to be the *Government Gazette*, and purporting to contain any such regulation, shall be *primâ facie* evidence of such regulation, and that the same has been duly and properly made, and any penalty inflicted for the breach of any such regulation may be recovered in the same manner as if the same had been inflicted for a breach of the provisions or some one of the provisions of this Act.

39. The Governor may, by Proclamation, divide the province into districts for the purpose of this Act, and such districts shall be defined in the *Government Gazette* once every year, and may be altered or rescinded by the Governor as may be deemed desirable, and such districts shall be termed "Brands Districts."

Brand Districts may be declared.

LEGAL PROCEDURE.

40. All fines and penalties for any offence against this Act may be recovered before any two or more justices of the peace in a summary way.

Fines against provisions of Act may be recovered before two justices.

41. The proceedings before justices shall be conducted as appointed by, and shall be regulated under the Ordinance No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of justices of the peace out of sessions with respect to summary convictions and orders."

Proceedings before justices to be regulated by Ordinance No. 6 of 1850.

42. In every case of the adjudication of a fine or pecuniary penalty under this Act, and of the nonpayment of such fine or penalty, any special magistrate or two justices of the peace may commit the offender or person making default in payment to any gaol in the said province for any time not exceeding six calendar months; the imprisonment to cease on payment of the sum due, and the costs of such proceedings as may have been taken for the recovery thereof, but this section shall not affect any remedy under the said Ordinance No. 6 of 1850.

On nonpayment of penalties, &c., Justices may imprison.

43. For the purposes of any prosecution or action under this Act, a registered brand upon any horses, cattle, or sheep shall be *primâ facie* evidence that the horses, cattle, or sheep bearing such brand are the property of the owner of the registered brand which has been last imprinted in accordance with the provisions of this Act.

Brand *primâ facie* evidence of ownership.

44. Upon the trial of any person charged with stealing any cattle, horses, or sheep, the prosecutor for the Crown may bring evidence of the brands on such cattle, horses, or sheep, and the jury may take such evidence into consideration in determining the question of the ownership of the cattle, horses, or sheep alleged to have been stolen.

Jury may take brand into consideration in trial for stealing cattle, horses, or sheep.

45. If the justices before whom any person shall be brought charged with any offence punishable under this Act shall be of opinion

Justices may commit for trial, and jury may find guilty of offences punishable by fine.

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opinion that such person has been guilty of a misdemeanor or felony, it shall be lawful for such justice to abstain from adjudicating in a summary manner thereon, and to commit any such person for trial before the Supreme Court. And if the jury upon the trial of any such person shall be of opinion that such person did not commit the misdemeanor or felony with which he is charged, but did commit one of the minor offences punishable under this Act by a fine or fines, it shall be lawful for the jury to acquit such person of the misdemeanor or felony, and find him guilty of such minor offence or offences; and the presiding judge shall thereupon inflict the penalty or penalties by this Act provided for such offence or offences.

Protection to officers.

46. All actions and prosecutions to be commenced against any person acting in the execution of this Act, for anything done in pursuance, thereof shall be commenced within six months after the first committal, and not otherwise; and notice in writing of such action and the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be heard thereon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money has been paid into Court after such action brought; and if a verdict shall pass for the defendant, or the plaintiff shall have become nonsuited or discontinued any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall receive his full costs of suit as between attorney and client, and have the like remedy therefor as any successful defendant hath for costs in other cases.

Commencement of Act.

47. This Act shall come into force on and after a date to be named, not being less than three months, in a Proclamation by the Governor to be published in the *Government Gazette*.

Short title.

48. This Act may be cited as the "Brands Act, 1878."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

*Brands Act.—1878.***THE FIRST SCHEDULE.**

Brands Act, 1878.

Part I.

Brands registered.	No. of Certificate.	Former brands.		Proprietor.		
		Horses.	Cattle.	Name.	Run where brand is to be used.	Nearest post town to run.

Part II.

Sheep brand registered.	No. of Certificate.	Number of Sheep at time of application.	Proprietor.		
			Name.	Run where brand is to be used.	Nearest post town to run.

THE SECOND SCHEDULE.

Brands Act, 1878.

No. *Part I.—Certificate of Registration.* [Date.]

This is to certify that the brand mentioned in the margin hereof was this day duly registered as the brand of _____, in the terms of the above-named Act.

Registrar.

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No. *Part II.—Certificate of Registration.* [Date.]

This is to certify that the sheep brand mentioned in the margin hereof was this day duly registered as the brand of _____, in the terms of the above-named Act.

Registrar.

THE

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THE THIRD SCHEDULE.

Brands Act, 1878.

Part I.—Application for Brand.

[Date.]

To the Registrar of Brands.

Sir— enclose herewith the authorised fee of 20s., and request that you will allot and register a brand to

Name of Applicant.	Run or farm upon which the brand is to be used.	Post Address of farm or run.	Horses.		Cattle.	
			Number.	Former brand (to be described in writing as well as by diagram).	Number.	Former brand (to be described in writing as well as by diagram.)

I, _____, solemnly declare that the several matters and things contained in the above application are true to the best of my knowledge and belief.

Signed at _____ the _____ day of _____, 187 . Applicant.

A list of combinations of one letter and two figures is here appended, and request that you will allot a brand containing the first available combination in the consecutive order of such list standing unallotted in the Register.

Brands Act, 1878.

Part II.—Application of Brand.

[Date.]

To the Registrar of Brands.

Sir— enclose herewith the authorised fee of 20s., and request that you will allot and register a brand to

Name of Applicant.	Description of Brand.	Run or farm upon which the brand is to be used.	Post Address of run or farm.	Number of Sheep at time of application.

I, _____, of _____, in the Province of South Australia, solemnly declare that the several matters and things contained in the above application are true to the best of my knowledge and belief.

Signed at _____ the _____ day of _____, 187 . Applicant.

THE

*Brands Act.—1878.***THE FOURTH SCHEDULE.***Schedule of Fees to be collected under Brands Act, 1878.*

For every first registration of a brand, 20s. (twenty shillings).
 For every transfer of a brand 20s. (twenty shillings).
 For every sign or character brand,
 other than a brand of letters or
 figures required to be registered . . 40s. (forty shillings.)

THE FIFTH SCHEDULE.

Brands Act, 1878.

Part I.—List for Gazette and Brands Directory.

Brands registered.	No. of Certificate.	Former brands.		Proprietor.		
		Horses.	Cattle.	Name.	Run where brand is to be used.	Nearest post town to run.

Part II.—List for Gazette and Sheep Brand Directory.

Sheep brand registered.	No. of Certificate.	Number of Sheep at time of application.	Proprietor.		
			Name.	Run where brand is to be used.	Nearest post town to run.

THE SIXTH SCHEDULE.

Brands Act, 1878.

Memorandum of Transfer.

To the Registrar of Brands—

I (or we) being the registered proprietor (or proprietors) of the brand mentioned in the margin hereof, having transferred the same to _____ do hereby request that you will make the necessary transfer to _____ of such brand in your register, and enclose herewith the sum of twenty shillings as the authorised fees of such transfer.

Witness

J.P.

Owner.

Transferee.

THE

Brands Act.—1878.

THE SEVENTH SCHEDULE.

Brands Act, 1878.

Position and order of brand on Horses.

- First position — “Near shoulder.”
- Second ditto — “Near saddle,” or “near ribs.”
- Third ditto — “Near quarter.”
- Fourth ditto — “Off shoulder.”
- Fifth ditto — “Off saddle,” or “off ribs.”
- Sixth ditto — “Off quarter.”

Position and order of brand on Cattle.

- First position — “Off rump, hip and thigh.”
- Second ditto — “Off ribs.”
- Third ditto — “Off shoulder.”
- Fourth ditto — “Near rump, hip and thigh.”
- Fifth ditto — “Near ribs.”
- Sixth ditto — “Near shoulder.”

THE EIGHTH SCHEDULE.

Brands Act, 1878.

Proprietor's Waybill.

I do solemnly and sincerely declare that I am the actual proprietor (or the superintendent of the proprietor) of the stock named in the schedule below, consisting of (number in words) cattle (or horses) or sheep, which are travelling from _____ to _____ by _____

Signed at _____ this _____ day of _____ 187

Witness

(Signature)

Schedule referred to above.

Numbers.	Description, brands, and marks of stock.

Superintendent or Proprietor.

THE NINTH SCHEDULE.

Brands Act, 1878.

Delivery Note.

This is to certify that I have here this day delivered into the charge of _____ as my drover the [state number in words] cattle (or horses) or sheep mentioned in the schedule below for the purpose of their being _____ by him to _____ at _____, and such _____ will travel by _____ and _____

Signed at _____, this _____ day of _____, before _____, Proprietor.

Witness—

Schedule referred to above.

Number.	Description.	Brands and marks of stock.

_____, Proprietor.

Witness—

Brands Act.—1878.

THE TENTH SCHEDULE.

Brands Act, 1878.

Interim Waybill (or Delivery Note).

It having been represented to me that _____¹⁸ the drover of the
 [state number in words] cattle (or horses) or sheep belonging to
 mentioned in the schedule below, has accidentally lost his Waybill (or Delivery
 Note) while travelling from _____ to _____, this interim
 Waybill (or Delivery Note) is hereby granted to such drover of such cattle (or
 horses) or sheep for the route and destination herein mentioned.

_____, Inspector or Member of Police Force

Schedule above referred to.

Number.	Description.	Brands and marks of stock.

_____, Inspector or Member of Police Force.