



ANNO QUINTO

EDWARDI VII REGIS.

A.D. 1905.

No. 889.

An Act to amend the Law relating to Brands, and for other purposes.

[*Assented to, December 9th, 1905.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Brands Act Amendment Act, 1905," and shall be read and incorporated with "The Brands Act, 1879," and all Acts incorporated therewith.

Short title.

2. Any owner delivering any horses, cattle, or sheep to any drover to be travelled or driven to any place distant fifty miles or more from the place of departure of such horses, cattle, or sheep, shall, at the time of delivery of such horses, cattle, or sheep, give to such drover a waybill in the form contained in the First Schedule hereto, and setting forth the particulars therein required.

Waybill for travelling stock.

New.

3. Every drover (whether the owner or not) in charge of any horses, cattle, or sheep being driven or travelled to any place distant fifty miles from the place of the departure of such horses, cattle, or sheep shall have with him at all times a waybill relating to such horses, cattle, or sheep, in the form in the First Schedule hereto, and shall produce such waybill on demand at all reasonable times to any Justice of the Peace, Inspector of Stock, or police constable, and also to the owner or occupier of any land over which he may be travelling the horses, cattle, or sheep mentioned in such waybill.

Drover to produce waybill on demand.

New.

4. Any

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Power to examine
waybill and stock.
New.

4. Any Inspector, Justice of the Peace, or police constable may examine the waybill relating to any horses, cattle, or sheep, and may compare such waybill with the horses, cattle, or sheep in charge of the drover producing the same, and if any horses, cattle, or sheep are found amongst the horses, cattle, or sheep in charge of such drover which are not described in such waybill, and such drover shall not give a reasonable account, to the satisfaction of such Inspector, Justice of the Peace, or police constable, as to how he became possessed of the same, or as to how the same came to be in his charge, such Inspector, Justice of the Peace, or police constable may seize such horses, cattle, or sheep not described in such waybill and impound them in the nearest public pound, there to be kept, or where there is no public pound within ten miles, to detain them until a Justice of the Peace shall order the same to be delivered up to some person, or otherwise disposed of as such Justice shall think proper.

Fees to be paid
before delivery.

5. The stock so impounded or detained shall not be delivered to the owner or any 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 the owner may recover from any drover in charge if the owner of the travelling stock prove himself blameless; and any Justice of the Peace, upon complaint or information on oath by such inspector, Justice of the Peace, or police constable, that such drover had in his charge or possession stock not fully and accurately described in the waybill, or did not produce the same when called upon as aforesaid, shall issue a warrant to apprehend and bring such drover, at the time and place mentioned in such warrant, before any two Justices of the Peace, and such drover shall, on conviction for every such offence, forfeit and pay a sum not exceeding Fifty Pounds; and any person purchasing or receiving from any such drover any stock not described or incorrectly described in such waybill, or from any drover who shall not have produced 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 a sum not exceeding Fifty Pounds.

Lost waybills.

6. Whenever a waybill of travelling stock has been accidentally lost or destroyed the drover in charge shall forthwith apply in writing to the nearest inspector, Justice of the Peace, or police constable, or to the officer in charge of the nearest police station, for an interim waybill, and such inspector or officer shall, on satisfactory proof of such loss, grant an interim waybill for such stock in the form of the Second Schedule hereto; and the person so applying shall, for such interim waybill, pay to such inspector or officer the sum of One Pound, to be applied by the Treasurer for the purposes of this Act.

Sheep introduced
from any other State
to be earmarked.

7. No person shall introduce any sheep into the State of South Australia from any other State marked by a straight cut off the ear
or

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or cropped. Any person offending against the provisions of this section shall be liable to a penalty of not exceeding Five Pounds for each sheep so introduced.

8. The Governor may make any regulations for any of the purposes mentioned in or authorised by this Act, and more particularly—

Governor may
make regulations.
Sec. 35, Act 152
of 1879.

For the inspection and examination of waybills and travelling stock ;

Waybills, &c.

For the execution of all other matters and things arising under and consistent with this Act, and not herein expressly provided for ; and

All other matters.

For fixing fees, providing schedules, and otherwise fully and effectually carrying out and giving force and effect to the various objects, powers, purposes, and authorities of this Act, and guarding against evasions and violations thereof ;

Fees, schedules, &c

and may by such regulations impose penalties not exceeding for any one offence Fifty Pounds. In the construction of this section general words shall not be cut down or controlled by particular words.

Penalties.

9. Every regulation made by the Governor shall be laid before Parliament within fourteen days after the publication thereof if Parliament be then sitting, or if Parliament be not then sitting within fourteen days after the commencement of the then next Session of Parliament And every such regulation shall have the effect of law unless it shall be disapproved of by either House of Parliament within thirty days after the same shall have been laid before Parliament.

Regulations to be
laid before
Parliament.

New.

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

GEORGE R. LE HUNTE, Governor.

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THE FIRST SCHEDULE.

"The Brands Act Amendment Act, 1905."

Waybill of Travelling Stock.

I [*name in full of owner, agent, manager, or overseer*] declare I am (*or* is) the owner of the travelling stock more particularly described in the schedule below, and I further declare the stock are to be started this day by [*set out by whom*] from , and are intended to be driven to , by the following route, namely , and are to be delivered there to .

No. of Stock.	Description of Stock.	Sex.	Brands and Marks.	Health.

[*Signature of owner, agent, manager, or overseer.*]

Dated this day of , 190 .

Witness—

THE SECOND SCHEDULE.

Interim Waybill (or Delivery Note).

It having been represented to me that , the drover of the [*state number in words*] cattle (*or* horses) 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 for such cattle (*or* horses) for the route and destination herein mentioned.

, Justice of the Peace (Inspector, *or* Constable).

SCHEDULE ABOVE REFERRED TO.

Number.	Description, Brands, and Marks of Stock.

, Justice of the Peace (Inspector, *or* Constable).