

Hon. Mr. G. F. Richardson.

CATTLE.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Saving of other Acts and by-laws. 3. Interpretation. 4. "The Sheep Act, 1878," incorporated with this Act. 5. Governor may prescribe regulations. 6. Return of cattle to be furnished annually to Inspector. 7. Yearly rate to be paid by owner of cattle. 8. Mode of proceeding when cattle to be driven through a run. 9. Penalty for driving diseased cattle. 10. Diseased cattle not on owner's land or in any public road or place may be destroyed. | <ol style="list-style-type: none"> 11. Diseased cattle on owner's land may also be destroyed. 12. Penalty for not burying or burning carcase of dead cattle. 13. Penalty for casting such carcase into the water. 14. Persons interested or Inspectors to prosecute. Information may be laid before one Justice of the Peace; hearing by two. 15. Owners of diseased cattle to be liable in damages to parties injured. 16. Penalties, how recoverable and applicable. 17. Repeals. Schedules. |
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A BILL INTITULED

AN ACT in Restriction of the Spread of Infectious Disease among Cattle, and for the Better Prevention of Cattle-stealing. 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 Cattle Act, 1890." Short Title.
- It shall come into operation on the first day of October in the year one thousand eight hundred and ninety.
- 10 2. Nothing in this Act contained shall be deemed to amend, alter, or override— Saving of other Acts and by-laws.
 - (1.) Any of the provisions of "The Diseased Cattle Act, 1881," nor of "The Impounding Act, 1884;" nor
 - (2.) Any by-law from time to time made by any local authority for regulating the driving or landing or shipping of cattle.
- 15 3. In this Act, unless the context otherwise requires,— Interpretation.

"Cattle" means all neat and horned cattle of either sex, over six months old:

"Chief Inspector" and "Inspector" respectively mean the Chief Inspector of a district or Inspector of a subdivision of a district, appointed under "The Sheep Act, 1890:"

"Diseased cattle" means any cattle affected with any disease mentioned in the First Schedule of "The Diseased Cattle Act, 1881," or from time to time proclaimed by the Governor under that Act; or with cancer or tuberculosis:

"District" means a district constituted under "The Sheep Act, 1890," as existing for the time being: 5

"Herd of cattle" means any number of cattle exceeding ten, driven in one lot:

"Local authority" has the same meaning as assigned thereto in "The Interpretation Act, 1888," and includes a Harbour Board, and every local authority exercising the functions and authorities of a Harbour Board: 10

"Minister" has the same meaning as assigned thereto in "The Sheep Act, 1890:"

"Owner of cattle" includes the person having charge, control, or management of such cattle. 15

4. "The Sheep Act, 1890," is hereby incorporated with this Act, and shall be read, *mutatis mutandis*, with this Act.

Every Chief Inspector and Inspector respectively appointed under that Act shall be a Chief Inspector and Inspector respectively under this Act, and shall have and may exercise all the powers, duties, and authorities under this Act in respect to cattle which he has in respect to sheep under the first-mentioned Act. 20

5. The Governor by Order in Council from time to time may prescribe such regulations as he shall think fit for the more efficient administration of this Act. 25

6. Every owner of cattle shall, between the first and *thirty-first* days of *May* in every year, deliver or cause to be delivered to the Chief Inspector of the district a written return, in the form provided in the *First* Schedule, of the number of cattle of each sex exceeding six months old owned by him on the *thirtieth* day of *April* preceding, specifying in such return the ear-marks and brands or permanent marks upon such cattle. Every person who refuses or neglects to deliver or cause to be delivered such return as aforesaid, or wilfully makes a false return, is liable to a penalty not exceeding *twenty* pounds for each offence. 30 35

The Chief Inspector of every district shall, in the month of *June* in every year, transmit to the Minister a statement, compiled from the returns furnished in pursuance of this section, of the whole number of cattle within his district.

7. Every owner of cattle shall, on or before the first day of September in every year, pay to the Receiver of Land Revenue, or to such other person as may be authorised by the Governor to receive the same, the sum of *twopence* for each and every head of cattle owned by him on the last day of *April* preceding, and specified in the return furnished by him as provided in the *last-preceding* section. 40 45

All and every such yearly sum or sums of money payable as aforesaid shall, in case the same be not paid on or before the said first day of September, be a debt owing by the owner of such cattle to the Crown, and may be sued for and recovered in any Court of competent jurisdiction. 50

"The Sheep Act, 1878," incorporated with this Act.

Governor may prescribe regulations.

Return of cattle to be furnished annually to Inspector.

Yearly rate to be paid by owner of cattle.

8. Any person about to drive any herd of cattle through or across any lawfully occupied land or run, or through or across any hundred, shall give to the occupier of the land or run, or to one of the Wardens of the hundred, at least twenty-four hours' previous notice in writing of the day on which such cattle are so to be driven, either by delivering such notice to him personally, or by leaving the same at the principal house or station on such land or run, indorsed with the words "Cattle Notice" on the cover or outside of such notice, with an adult inmate of such house or station, or, if no such inmate be found, leaving the same either within the said house or station if open, or below or affixed to the door thereof; and such notice shall set forth the brands on such cattle, as also the name of the owner; and such notice shall be renewed unless the cattle shall be so driven within the time above specified.

Mode of proceeding when cattle to be driven through a run.

15 Every person offending against the provisions of this enactment shall be liable to a penalty not exceeding *fifty* pounds nor less than *five* pounds, and such penalty shall be incurred and may be levied over and above any penalty incurred in virtue of any other provision herein contained: But nothing in this section contained shall apply or extend to working cattle or to milch cows.

9. Every person who, by himself, his agent, or servant, drives, depastures, or suffers to stray any diseased cattle across or upon any land not being the property of nor being rented by such person, and not being land of which he has the right of pasturage, or upon or along any highway, such highway not being within the boundaries of the run occupied by the owner of such cattle, is liable, for every day during which such cattle shall be so driven, depastured, or suffered to stray, to a penalty not exceeding *fifty* pounds nor less than *two* pounds.

Penalty for driving diseased cattle.

10. If any diseased cattle are found on any land not lawfully in the exclusive occupation of the owner of such cattle, or on a public road, or within the limits of a hundred, or in any public yard or auction-yards, or in any slaughterhouse or yards attached thereto, any Inspector, if he shall think it necessary so to do, may cause such cattle or any of them to be destroyed, and such Inspector shall keep a correct account of the number and description of cattle so destroyed, and the expenses incurred by him in destroying them.

Diseased cattle not on owner's land or in any public road or place may be destroyed.

11. If any diseased cattle are found on any land lawfully in the exclusive occupation of the owner of such cattle, any Inspector may require such owner to destroy so many of the said cattle as the Inspector shall think necessary.

Diseased cattle on owner's land may also be destroyed.

If any such owner shall dispute the Inspector's opinion as to the necessity of destroying any cattle, he may call in the evidence of any expert he may think fit, and the question of the necessity of destroying such cattle then shall be determined by a Resident Magistrate or by two Justices of the Peace upon the evidence of the Inspector who may have directed such cattle to be destroyed, and such other evidence as may be brought before him or them; and, in the event of the decision being given against the owner, the Magistrate or Justices shall order the cattle to be destroyed, and may award the costs of hearing the case, together with the amount of the expense incurred in destroying such cattle, to be paid by such owner.

Penalty for not burying or burning carcase of dead cattle.

12. Every owner who fails to consume by fire or to bury at least three feet underground, within twelve hours after death, the carcase of any cattle, or horse, or calf, or foal of any age which shall have died within half a mile of any road or thoroughfare is liable to a penalty not exceeding *five* pounds nor less *ten* shillings for each carcase not so buried or destroyed. 5

Penalty for casting such carcase into the water.

13. Every person who, by himself, his servant or agent, casts or causes to be cast the carcase of any cattle, or calf, or horse, or foal of any age into any stream or pond or other water is liable to a penalty not exceeding *twenty* pounds nor less than *five* pounds. 10

Persons interested or Inspectors to prosecute.

14. Any occupier of land or other person interested, and also any Inspector, may, and, any such occupier or person interested not prosecuting, such Inspector is hereby required, to prosecute for any fines or penalties incurred by any breach of this Act, and no abandonment of any such prosecution or compromise made by any private party shall affect the Inspector's power to prosecute for and recover any such fine or penalty. And every information under this Act may 15

Information may be laid before one Justice of the Peace; hearing by two.

be laid before and a summons thereupon issued by one Justice of the Peace, but the same shall be heard and determined by at least two Justices of the Peace. 20

Owners of diseased cattle to be liable in damages to parties injured.

15. Over and above any other penalty imposed by this Act and to which any person convicted of infringing the same shall be subjected, he shall also be liable to pay to the owner of any cattle to which any disease has been communicated by his unlawful act or omission such sum or sums of money, if demanded by the owner, as in the judgment of any two Justices of the Peace may be sufficient to reimburse such owner for any expense, loss, or damage which he may have in consequence incurred or sustained, so that such sum or each of such sums shall not in any such case exceed the sum of *one hundred* pounds. But nothing in this Act shall be construed to limit or deprive any person suffering any such loss or damage of any remedy which he might have had at law or otherwise for recovering the same if this Act had not been passed. 25 30

Penalties, how recoverable and applicable.

16. All penalties under this Act shall be recovered in a summary way before any Resident Magistrate or two Justices of the Peace, and when recovered shall go and be distributed, as to one moiety thereof, to the informer or person, other than an Inspector who shall sue for the same, and, as to the other moiety, it and all other moneys received under this Act shall be paid into the Public Account and form part of the Consolidated Fund. 35 40

Repeals.

17. The Part of an Act of the General Assembly and the several provincial ordinances mentioned in the *Second* Schedule to this Act are hereby repealed.

SCHEDULES.

Schedule

FIRST SCHEDULE.

NUMBER OF CATTLE DEPARTURING ON STATION, RUN, OR FARM ON
30TH APRIL, 189 .

Owner.	Sex.		Ear-mark or Brand.	Mark, Colour, or other Peculiarity of each Animal, if not branded.	Specify how many of the Cattle in this Return are Dairy Cows.
	Male.	Female.			

I hereby certify the above to be a true and correct return.

A.B.

SECOND SCHEDULE.

ACTS AND PROVINCIAL ORDINANCES REPEALED.

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

1876, No. 62.—The Diseased Sheep Act, 1876. So much of Part II. and the Second Schedule as relates to cattle.

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

Sess. XVIII., No. 1.—The Cattle-Landing Act, 1865.

(3.) *Act of the Province of Wellington.*

Sess. X., No. 5.—The Cattle Inspection Act, 1863.

(4.) *Ordinances of the Province of Canterbury.*

Sess. XX., No. 12.—The Cattle-Driving Ordinance, 1863.

Sess. XXIX., No. 1.—The Cattle-Rating Ordinance, 1868.

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

Sess. XXXIV., No. 464.—The Cattle and Sheep Ordinance, 1875. So much thereof as relates to cattle.

By Authority: GEORGE DIDSURRY, Government Printer, Wellington.—1890.