

No. , 1898.

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## A BILL

To consolidate and amend the law relating to the Branding  
and Marking of Stock.

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

*Registrars and inspectors, their powers and duties.*

1. (1) The chief inspector of sheep for the time being appointed under the Diseases in Sheep Act of 1866 shall be the registrar of brands and marks under this Act. Registrar of brands.

5—A (4)

(2)

*Brands.*

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(2) The chief inspector of sheep shall also be chief inspector <sup>Chief and other</sup> under this Act, and in every district where there is an inspector of <sup>inspectors.</sup> sheep such inspector shall be an inspector of brands and marks under this Act, and the Governor may, where necessary, appoint persons other than inspectors of sheep to be inspectors of brands and marks.

(3) Members of the police force shall be inspectors of brands <sup>Police.</sup> and marks.

2. (1) In addition to the powers conferred upon inspectors by <sup>Powers of inspectors.</sup> this Act, any inspector—

- (a) may, on stating in writing at the request of the proprietor or owner, his authority and object, enter with or without assistants upon any run for the purpose of inspecting any stock, brand, or mark, or any branding or marking instrument, or any hide, skin, or wool; or he may enter any premises or conveyance on which he has reason to suspect that there are hides, skins, or wool, with respect to which any breach of this Act or the regulations has been or is being committed;
- (b) may seize and detain any instrument for branding or marking not authorised by this Act;
- (c) may take possession of any stock, hides, skins, or wool, in respect of which any breach of this Act or the regulations has been committed;
- (d) may employ any person where necessary to assist him in carrying out this Act and the regulations;
- (e) may recover from the owner of any stock, hides, skins, or wool any expense incurred by him in carrying out the provisions of this Act or the regulations with respect to such stock, hides, skins, or wool;
- (f) may require any person to furnish such information as such person may possess as to the ownership of any stock or of any branding or marking instrument, or of any hides, skins, or wool, and as to where the same then are; and
- (g) may require any person who has it in his power to do so to produce any stock, or any branding, or marking instrument, or any hides, skins, or wool, or any book, certificate, permit, travelling statement, or other document for the purpose of this Act or the regulations.

And any person who, on request being made as in the two last preceding subsections provided, neglects or refuses to furnish the information required, or to produce the stock, instrument, hides, skins, wool, book, certificate, permit, statement, or other document required to be produced, shall be liable to a penalty not exceeding                      pounds.

*Description*

*Brands.*

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*Description of brands and marks.*

3. Brands and marks branded or made under this Act shall be of three classes, namely, "owners," "store," and "distinctive," and they shall be held to be of either class according as they are branded or marked on the positions specified in the respective Schedules to this Act, from A to O inclusive, and according as the stock to be branded or marked are horses, camels, cattle, sheep, or goats.

Brands to be "owners," "store," and "distinctive."

4. In the case of all stock, owner's and store brands may be either fire or tattoo brands, or both fire and tattoo brands; and in the case of sheep and goats, owner's and store brands may be paint brands, with or without fire or tattoo brands.

Fire and tattoo brands.

5. Every brand registered after the day of the commencement of this Act shall be of the description, form, and size, and shall consist of the number of letters, signs, characters, and figures, and placed in the positions prescribed.

Description of brands.

6. Every mark registered after the said day shall be of the description, form, and size, and shall be of the number of cuts, arranged in the order and marked in the positions prescribed.

Description of marks.

*Allotment and registration of brands and marks.*

7. Every owner of camels, sheep, or goats who has not before the day of the commencement of this Act registered an owner's brand for such camels, sheep, or goats, shall within three months from the said day, make an application and pay the prescribed fee for the allotment and registration of such brand.

Brands for camels, sheep, and goats to be registered.

8. (1) All applications for the registration of brands and marks, and for the transfer or cancellation thereof shall be made to the registrar, or to such persons as he may direct by notice in the Gazette.

Applications for brands and marks.

(2) The registrar shall keep the necessary registers in which all applications for the registration, transfer, and cancellation of all classes of brands and marks shall be entered in the order in which they are received, together with the names and addresses of the applicants, and the brands and marks allotted, registered, transferred, and cancelled.

Registers.

9. The registrar, on application being made as prescribed for an owner's or store brand or mark, and on payment of the prescribed fee may, subject to the provisions of this Act and the regulations, allot to the applicant the brand or mark applied for, or a modification thereof: Provided that a store brand shall only be allotted to a person who has a registered owner's brand.

Allotment of owner's and store brands and marks.

10. Only one owner's fire and tattoo brand and one owner's mark may be allotted for large stock, and one owner's fire, tattoo, and paint brand and one owner's mark for sheep and goats to any one applicant,

What owner's brands and marks may be allotted.

*Brands.*

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applicant, unless he occupies more than one run, and each of such runs comprises an area of more than two thousand acres, in which case he may be allotted one owner's fire and tattoo brand and one owner's mark for large stock, and one owner's fire, tattoo, and paint brand, and one owner's mark for sheep and goats on each of such runs.

Where a brand or mark has been allotted under this section in respect of any specified run, the said brand or mark shall not be used for stock on any other run, except with the sanction of the registrar.

11. (1) Where the owner's brand or mark applied for is similar to a brand or mark already registered, or to a brand or mark used in any of the colonies of Where owner's brand or mark is similar to another brand or mark., or where the allotment of any particular brand or mark would in the opinion of the registrar be likely to cause confusion or dispute, or be in any other way objectionable, the registrar may offer to the applicant such a modification of his brand or mark as he may think proper, and the applicant shall within fourteen days after receipt of the said offer accept the modification offered or propose another brand or mark for the approval of the registrar. And if within thirty days from the receipt of the offer, another brand or mark is not so proposed, or having been proposed is not approved by the registrar, the modification offered by the registrar shall be held to be the brand or mark of the applicant, and shall be allotted and registered accordingly.

(2) If any owner of large stock has before the day of the commencement of this Act registered an owner's sheep mark, the said mark shall not be allotted as an owner's mark for large stock to any other owner of such stock until after the expiration of three months from the said day. Where mark applied for the same as a sheep mark.

(3) The registrar may refuse to allot a brand to an applicant if such brand is similar to any brand used in any of the Colonies of Where similar to brand in another Colony.

(4) The registrar may, on application and on the payment of the special fee prescribed, allot an owner's or store ear-mark consisting of more than two cuts if he approves of such mark. Ear-mark of two or more cuts.

12. The registrar may on application for the allotment of one or more of the distinctive brands and marks authorised by this Act, and on payment of the prescribed fees by a person who has registered an owner's brand for stock, allot the brands or marks applied for or such modifications thereof as the registrar may consider fit. Allotment of distinctive brands and marks.

13. If the registrar is satisfied that an application for a brand or mark is in conformity with the provisions of this Act and the regulations, and that the allotment of such brand or mark has been made in accordance therewith, he may register such brand or mark as the brand or mark of the person to whom the same has been allotted, and shall thereupon deliver or transmit to him a certificate of registration. Registration of brands and marks.

*Branding*

*Brands.*

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*Branding stock.*

14. (1) Every owner's brand shall be branded on one of the positions specified in Schedules A, B, and D respectively, and every store brand on one of the positions specified in Schedules F, G, and J respectively; and all owner's and store brands shall be branded in the order of rotation following the numerical order of the positions set out in those Schedules, but the first position shall follow and be next in order of rotation to the last position. Position of owner's and store brands.

(2) The first owner's or store brand may be branded on any one of the positions set out as aforesaid; but where an owner's brand is immediately subsequent to a brand branded before the commencement of this Act, it shall be branded directly underneath the last-mentioned brand. First brands. Where previous brand branded before commencement of Act.

(3) Any second or subsequent owner's or store brand shall where there is space sufficient for that purpose, be branded on the same position as, and at a distance of not less than two inches and not more than three inches from, and directly underneath, the brand which, in the order of rotation of branding, is the immediately preceding owner's or store brand; and where there is not space sufficient for the second or subsequent brand on the said position, then such brand shall be branded on the position next in order of rotation to the position of the immediately preceding brand. Subsequent brands.

(4) If the purchaser of stock bearing a store brand desires to brand the stock with an owner's brand, he shall, before doing so, cancel the store brand by branding the dot brand immediately under, and not more than two inches from, the centre of the said brand; and thereupon the owner's brand of such purchaser shall, when branded, be held and deemed to be the last brand on such stock. Branding owner's brand after store brand.

(5) The store brand if not cancelled shall be deemed to be the last brand. Store brand deemed last brand.

15. Notwithstanding anything to the contrary hereinbefore contained, the breeder or person branding the first owner's brand upon any large stock may imprint any numerals under such brand for the purpose of any reference to any stud or herd-book containing a description of such stock: Provided that such numerals shall in every such case be reversed numerals, and shall be imprinted at a distance of not less than one-and-a-half nor more than two inches from and directly under such owner's brand. Numerals may be imprinted by breeder or under first brand on large stock.

16. (1) All camels, sheep, and goats above the age of six months shall be branded and kept legibly branded by the owner thereof with his registered owner's brand: Camels, sheep, and goats to be branded with owner's brand.

(2) Provided that where travelling sheep are sold it shall not be necessary for the purchaser to brand them with his owner's brand while travelling if they are legibly branded with the registered brand of a previous owner. Travelling sheep.

*Brands.*

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17. Every distinctive brand shall be branded on one of the positions specified in Schedules L, M, N, and O. Distinctive brands and marks.

*Marking stock.*

18. All pliers and other marking instruments, and the cutting or marking portions thereof, shall be of the prescribed shape and size. Marking instruments.

19. The marks shall be made in the manner prescribed on the positions specified in Schedules C and E respectively with respect to owner's marks, in Schedules H and K respectively with respect to store marks, and in Schedules N and O respectively with respect to distinctive marks. No mark when made shall be altered or otherwise interfered with. Manner and place of marking.

Ear-marks shall be made with pliers, and shall not be made with a knife. The tip or point of the ear shall in no case be cut or cropped off, except where the cutting or cropping is part of an authorised mark; neither shall any person in ear-marking cut or crop off more than one-fourth of the ear.

No more than two cuts shall be made on any ear in ear-marking, except where a mark consisting of more than two cuts is allotted under subsection (4) of section eleven.

*Transfer, cancellation, and modification of brands and marks.*

20. (1) Any owner contracting to transfer to any person the right to his brand or mark shall forthwith join with such person in making and signing before a justice of the peace an application in the form prescribed to transfer such brand or mark, and shall transmit the same to the registrar together with the prescribed fee. The registrar shall, on receipt of the application and fee, cancel the registration of the brand or mark, and re-register it in the name of the transferee, and deliver or transmit to the transferee a certificate of transfer. Transfer of brand or mark on agreement to transfer.

(2) No transfer of the right to any registered owner's or store brand or mark shall be made by any person unless all such brands and marks registered in the name of such person and used on the run on which the brand or mark to be transferred is used are transferred at the same time to the same person. All brands and marks to be transferred together.

(3) Notwithstanding the transfer of any run or portion of a run the person to whom the same has been transferred shall not use the registered brand or mark of the transferor for the stock on such run or portion of a run until an application to transfer the brand or mark has been duly executed and transmitted to the registrar. Transferee may not use brand until transferred.

(4) If an owner of a brand or mark sells or otherwise disposes of or abandons any run or portion of a run, he shall, unless he has applied to cancel or transfer the brand or mark, forthwith notify such sale or disposal to the registrar. Notification of sale or abandonment of run.

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(5) If a person purchases or otherwise acquires a run or portion of a run, and only a portion of the stock thereon, and has not obtained a transfer of the brand and mark of the former proprietor of the run or portion of a run and used thereon, he shall forthwith rebrand the stock purchased or acquired by him; and if he is not the owner of a brand shall apply for a brand. On sale of portion stock on run.

21. The registrar may, on application by the owner of any owner's, store, or distinctive brand or mark, cancel the registration thereof, and thereupon such brand or mark shall be again open to allotment. Cancellation of brand or mark.

22. The death of a person who is the registered owner of a brand or mark shall cancel the registration thereof, and the registrar shall re-register such brand or mark in the name of the person who he considers is best entitled to the use of the same. Cancellation on death of owner.

23. If it is reported by an inspector that the registered owner's or store brand or mark of any person is in disuse for more than two years, the registrar may notify to such person his intention to cancel the registration of the said brand or mark in two issues of the Gazette, and of a newspaper circulating in the district in which the brand or mark was used; and if no objection to the cancellation is lodged with the registrar within three months from the date of the last notification as aforesaid in the Gazette, the brand or mark may be cancelled accordingly and may thereafter be registered in the name of some other person on application as prescribed. Cancellation on disuse of owners or store brand or mark.

24. If it is found that any registered brand or mark is objectionable through being the same as, or similar to, or easily convertible into, some other brand or mark used in the same locality or district, or similar to a brand or mark used in any of the colonies of \_\_\_\_\_, the registrar may give the owner of such brand or mark notice that his brand or mark is objectionable, and may, unless cause to the contrary is shown to the satisfaction of the registrar within thirty days after the giving of such notice, cancel such brand or mark and allot and register another brand or mark, and shall give the owner notice to that effect, and thereupon such last-mentioned brand or mark shall be deemed to be the brand or mark of the owner. Cancellation and modification of objectionable brand or mark.

*Brands directories.*

25. (1) At the termination of every month, or as soon as possible thereafter, the registrar shall transmit to the Government Printer a statement of the owner's and store brands and marks registered up to the last day of such month, together with the names and addresses of the persons in whose names such brands and marks are registered, and such statement shall be published in the Gazette. Monthly publication of registered brands and marks.

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(2) From such monthly statements the registrar shall, as soon as possible after the thirty-first day of December in each year, compile and cause to be published a directory, to be termed "the large stock brands and marks directory," containing the owner's and store brands and marks registered for large stock during the previous year, together with the names and addresses of their registered owners; and another directory, to be termed "the sheep and goats brands and marks directory," containing the owner's and store brands and marks registered for sheep and goats during the previous year, together with the names and addresses of their registered owners.

Brands directories.

(3) Copies of Gazettes containing the monthly statements of brands and marks and copies of the brands directories shall be transmitted by the Government Printer to all inspectors of stock, officers in charge of police stations, and poundkeepers, who shall permit such Gazettes and directories to be searched at all reasonable hours free of charge.

Copies to be sent to inspectors and other persons.

*Stock with blotched or altered brands or marks.*

**26.** (1) If any stock are found bearing a brand or mark partially or wholly defaced or altered, or branded or marked otherwise than prescribed by this Act or by any enactment hereby repealed, or having the ear or other mark cut or cropped contrary to this Act or any enactment hereby repealed, and not on account of disease, then any member of the police force, or inspector, or, where such stock are trespassing, the proprietor of land on which such stock are found, shall cause the same to be impounded in the nearest public pound, but it shall not be incumbent on the proprietor to impound if the stock are more than fifteen miles from a pound: Provided that this enactment shall not apply with respect to hoof or tattoo brands on unbroken large stock.

Impounding of stock with blotched brands or marks.

The person so impounding shall deliver to the poundkeeper a statement in writing signed by him that the stock are impounded under the authority of this section.

(2) No stock impounded under this section or stated as aforesaid to be so impounded, shall be delivered to any person claiming the same unless such person makes a statutory declaration that he has seen the said stock and that he is the owner thereof, and unless he pays the pound fees and all other charges and expenses; and any such impounded stock may be dealt with in accordance with the provisions of the Impounding Act of 1865 and any enactments amending the same.

Delivery to owner and sale of such stock.

*Impounding and slaughtering of stock.*

**27.** When any stock are impounded, the poundkeeper shall forthwith refer to the proper brands directories, and (unless he has good reason for believing that the owner appearing in the directories

On impounding, notice to be sent to owner of last brand.

as

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as the owner of the last brand on the stock is not then the owner of such stock) shall send notice of the impounding to the owner of the last brand: Provided that this section shall not apply with respect to hoof or tattoo brands on unbroken large stock.

28. The inspectors of slaughter-houses and of cattle intended for slaughter, appointed under the Acts fifth William the Fourth number one and seventh Victoria number two, shall, once in each week, furnish the inspector of brands for the district in which any slaughter-house is situate, with a list of the brands and marks of the stock slaughtered during the week preceding, and of the stock about to be slughtered at such slaughter-house.

Inspector of slaughter-houses to furnish brands of stock slaughtered.

*Regulations and penalties.*

29. The Governor may make regulations—
- (a) prescribing the duties of inspectors of brands and marks, and of inspectors of slaughter-houses under this Act, and regulating the performance of those duties;
  - (b) prescribing and regulating the manner and form in which brands and marks shall be applied for, modified, and altered, the manner and form in which they shall be allotted and registered, and the form of certificates of registration;
  - (c) prescribing the form in which brands and marks shall be published in the Gazette, and in the Brands Directories;
  - (d) prescribing the size, shape, and kind of the instruments for branding and marking stock.
  - (e) prescribing in respect of each kind of stock the class, description, form, and size of brands and marks, the number and size of the letters, signs, figures, characters, or cuts composing the brands or marks, and the positions in which the the same shall be branded or marked;
  - (f) prescribing the order of rotation of brands;
  - (g) prescribing and regulating the mode in which the right to registered brands and marks may be transferred and cancelled;
  - (h) prescribing the fees not exceeding those mentioned in Schedule P hereto, to be charged for the registration and transfer of brands and marks and for their publication in the Gazette;
  - (i) amending the Schedules to this Act in any of the particulars above-mentioned;
  - (j) for carrying this Act into full effect; and
  - (k) imposing any penalty not exceeding twenty pounds for any breach of regulations made as aforesaid.

Regulations may be made by the Governor.

All such regulations on being published in the Gazette shall, if not inconsistent with the provisions of this Act, have the force of law,

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law, and shall be laid before both Houses of Parliament within one month after such publication, if Parliament is then sitting, but if not, then within one month after the next sitting of Parliament.

30. Any person who—

- (a) knowingly and unlawfully inserts, or causes or permits to be inserted, any false entry of any matter relating to any brand or mark in any register, certificate, directory, monthly or other statement of brands or marks, or in any certified extract therefrom; or
- (b) with intent to defraud, forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any such register or any certified extract therefrom or any such certificate; or
- (c) with intent to defraud, destroys, defaces, or alters, or causes to be destroyed, defaced, injured, or altered, any such register, certificate, directory, extract or entry, or any part thereof; or
- (d) with felonious intent, uses the brand of any proprietor without his authority

Penalty for making false entry in register.

shall on conviction for every such offence be deemed guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the Court, to imprisonment, with or without hard labour, for a period not exceeding months.

31. (1) Every person found guilty of any of the following offences shall, on conviction thereof, be liable to a penalty not exceeding *one hundred* pounds, or, at the discretion of the court, to imprisonment with or without hard labour for any period not exceeding *six* months:—

Offences and penalties.

- (a) wilfully or negligently branding or marking with his own registered brand or mark any stock of which he is not the owner, or wilfully or negligently causing or permitting any such stock to be branded or marked with his registered brand or mark;
- (b) wilfully or negligently cutting off, destroying, defacing, or altering any brand or mark on any stock, or on the hide, skin, wool, or hair of any stock, or being privy to such destruction, defacement, or alteration;
- (c) wilfully cutting from any hide or skin any of the branded or marked portions thereof other than those removed in slaughtering;
- (d) cropping or cutting off more than one-fourth of the ear in marking any stock;
- (e) making a subsequent mark on that portion of the ear of stock set apart for the owner's mark;
- (f) using the brand or mark of any person without his permission;
- (g)

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(g) using any brand or mark (other than the inoculation mark), not registered as the brand or mark of the person by or for whom such brand or mark is used;

(h) using any instrument not authorised to mark the ear or other portion of any stock;

(2) The fact of any stock bearing any defaced or altered brand or mark being on the run of any person for two months without his having given notice thereof to the rightful owner of such stock, or to the officer in charge of the nearest police station, or to the nearest inspector, or the fact that stock bearing such brand or mark had been claimed by any person as his property, shall be *primâ facie* evidence of such person having wilfully defaced or altered the brand or mark in breach of this section.

(3) Provided that the provisions of this section relating to the cutting or cropping of the ears of stock shall not apply where it is proved that the ears of such stock have been cropped or cut on account of disease. *Proviso.*

**32.** Any person who fails to comply with or contravenes any of the provisions of this Act, or the regulations with respect to any of the following matters or things, shall be guilty of an offence against this Act:— *Penalty for breach of Act or regulations.*

(a) The description, form, and size of any brands or marks.

(b) The size, shape, and kind of instrument for branding or marking.

(c) The nature and colour of materials with which stock may be branded or marked.

(d) The manner in which stock may be branded and marked, the portions of the stock on which the brands and marks are to be branded and marked, and the order in which the brands are required to be branded.

And such person shall, on conviction, be liable to a penalty not exceeding *fifty* pounds; but if the Court considers that the offence was committed with intent to defraud or steal, the offender shall, on conviction, be liable to a penalty not exceeding *one hundred* pounds.

**33.** Any person who hinders, or in any way interferes with an inspector or his assistants in the execution of his duty under this Act or the regulations, or personates an inspector, shall be liable to a penalty not exceeding *fifty* pounds; and if any force or violence is used, to a penalty not exceeding *one hundred* pounds, or to imprisonment for a period not exceeding *six* months. *Penalty for obstructing inspector.*

**34.** Any person who commits a breach of the provisions of this Act, or of the regulations for which a penalty is not specially provided, shall on conviction be liable to a penalty not exceeding *twenty* pounds. *Penalty for breach of Act or regulations.*

*Legal*

*Brands.*

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*Legal proof and proceedings.*

**35.** (1) Subject to the provisions of this Act, stock shall be deemed to have been last branded with the brand last in the order of rotation prescribed. Evidence of last branding.

(2) Proof that the brand last in the order of rotation prescribed is the registered brand of any person shall be prima facie evidence in any proceedings under this Act or the regulations that such stock is the property of such person. Last owner's brand evidence of ownership.

(3) Any entry in a brands directory or in any statement of brands or marks registered during the currency of any year, whether such directory or statement was published under this Act, or under any of the enactments hereby repealed, shall, if it purport to have been printed by the Government Printer, be in any legal proceedings prima facie evidence of the matters therein contained. Brands directory and monthly statements evidence.

(4) A copy of every entry in or any extract from any register or directory or statement as aforesaid, or in any poundbook, or in any book of account or register kept by the registrar or by an inspector or poundkeeper under the authority of this Act or the regulations, shall, if certified, as the case may be, by the registrar, inspector, or poundkeeper, be prima facie evidence of the matters therein contained. Certified copy of entry evidence.

(5) A certificate or notice purporting to be made in pursuance of this Act or the regulations shall in any legal proceedings be prima facie evidence of the facts therein stated. Certificate or notice evidence.

**36.** Where by any of the provisions of this Act it is necessary to give any notice or send any document to any person, such notice or document may be served by post by registered letter, or delivered to such person, or left at his usual or last known place of abode or business. Service of notices.

**37.** (1) All penalties for offences against this Act, other than such as are herein declared to be misdemeanours, and all fees and other moneys payable by this Act or the regulations may be recovered in a summary way before a stipendiary or police magistrate or two justices of the peace at any time within twelve months after the liability to the penalty or the obligation to pay the fees or moneys first accrued. Recovery of penalties.

(2) All penalties recovered under this Act shall be placed to the credit of the Brands Fund. Payment of penalties to Brands Act Fund.

**38.** (1) All actions and prosecutions against the registrar or any deputy registrar or inspector or any person acting under the authority of the registrar or any deputy registrar or inspector for anything done or purporting to have been done in the execution of this Act or the regulations shall be commenced within three months from the arising of the cause of action or the committing of the offence and not otherwise, and notice in writing of such action or prosecution and the cause thereof

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thereof shall be given to the defendant one calendar month at least before the commencement of the action or prosecution; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into Court after action brought.

(2) An information for a breach of any of the provisions of section thirty-one must be laid within one month from the discovery of the breach. Limitation of proceedings under section 30.

**39.** Where any owner of stock in respect of which an offence not being an indictable offence is alleged to have been committed under this Act or the regulations is unknown to the prosecutor, proceedings may be taken against the person in charge or appearing to be in charge of the stock who shall for the purposes of such proceedings be deemed to be the owner, but the said person shall not, unless he is the owner of the stock, be personally liable for any penalty imposed. Where name of owner of stock is unknown.

**40.** (1) If the justices before whom any person is charged with any offence punishable summarily under this Act are of opinion that there ought to be a prosecution for felony, they may abstain from adjudicating, and deal with the case as one to be prosecuted on indictment. Justices may commit for trial instead of adjudicating summarily.

(2) If the jury, upon the trial of any person charged with the offence of stealing or receiving any horse, cattle, or sheep are of opinion that such person did not commit the felony charged, but did commit an offence against this Act or the regulations, it shall be lawful for the jury to acquit such person of the felony, and to find him guilty of such last-mentioned offence; and he shall thereupon receive sentence accordingly. Person charged with horse or cattle stealing may be found guilty of an offence against this Act.

**41.** An appeal shall lie under the Act fifth William the Fourth number twenty-two from any conviction by justices for any offence against this Act or the regulations. Appeal under 5 Wm. IV No. 22.

*Receipts and expenditure.*

**42.** In order to provide a fund for carrying into effect the provisions of this Act and to defray the expenses connected therewith, fees not exceeding the rates fixed by Schedule P hereto shall be payable for the services therein mentioned, and the fees so paid, and all other sums collected under this Act, and all penalties recovered under this Act or the regulations, shall be paid to the Colonial Treasurer or to any persons whom he may appoint in that behalf. Fees to be paid to Colonial Treasurer.

**43.** The Colonial Treasurer shall keep a separate account of all moneys received as aforesaid, and the fund arising from such moneys shall be intituled the "Brands Fund," and shall, on the termination of each quarter of the year, be by him transferred to the credit of the Sheep Account constituted by the Diseases in Sheep Acts Amendment Act of 1878. Brands fund.

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44. The Colonial Treasurer is hereby authorised to refund <sup>Refunds.</sup> through the registrar to any person who in error has paid a fee for the registration or transfer of any brand or mark the fee so paid.

45. The Colonial Treasurer shall, under warrant of the Governor, <sup>Expenditure out of sheep account.</sup> pay out of the Sheep Account hereinbefore mentioned, or if such account is inadequate, out of such moneys as may be appropriated by Parliament for the purpose, all expenses incurred under this Act for salaries, wages, and otherwise.

*Supplemental and repeal.*

46. Nothing herein contained shall affect any mortgage or other <sup>Saving clause.</sup> security under any Act relating to the mortgage of stock, stations, or runs.

47. In this Act, unless the context, otherwise requires, the <sup>Definitions.</sup> following expressions shall have the meanings set opposite to them respectively—

“Brands”—The impression of any letter, sign, figure, or character on any stock, or on any portion of the body thereof, including the horns (if any) and the hoof by burning, tattooing, or with paint, pitch, tar, raddle, lampblack, or other material; such brands being termed respectively “fire,” “tattoo,” and “paint” brands.

“Cattle”—Bulls, cows, oxen, heifers, steers, and calves.

“Directories” and “Brands Directories”—The directories published under this Act.

“Distinctive brands or marks”—Brands or marks to denote the age, class, or any other matter or thing with respect to stock which the owner thereof desires to denote, except the ownership thereof.

“District”—Sheep district defined in any proclamation under the Diseases in Sheep Act of 1866, or any Act amending the same.

“Horses”—Horses, mares, geldings, colts, fillies, and foals.

“Inoculation mark”—The mark in the ear known as the “punch-hole,” made to denote that the cattle bearing the same have been duly inoculated.

“Inspector”—Chief inspector of brands and marks or any inspector of brands and marks under this Act.

“Large stock”—Horses, asses, mules, camels, and cattle.

“Mark”—Any mark made on the ear or other portion of stock to denote the ownership, breed, class, age, sex, or any other matter or thing relating to stock.

“Minister”—Minister for the time being charged with the administration of this Act.

“Owner”

*Brands.*

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- “Owner”—Owner jointly or in severalty of any stock or of any brand or mark registered under this Act, or the authorised agent or superintendent of such owner.
- “Owner’s brands or marks”—Brands or marks to denote the ownership of stock.
- “Paint”—Any substance or mixture of any colour used in branding sheep.
- “Positions”—Certain parts or portions of stock on which brands or marks may be branded or marked.
- “Prescribed”—Prescribed by this Act or by regulations under this Act.
- “Proprietor”—Owner, proprietor, occupier, or lessee, jointly or in severalty of any land or run.
- “Registers”—Registers directed by this Act to be kept.
- “Registered”—Registered under this Act or under the enactments hereby repealed.
- “Registrar”—Registrar of brands and marks under this Act.
- “Regulations”—Regulations made under this Act.
- “Run”—Run, station, farm (freehold or leasehold), or any premises thereon.
- “Sheep”—Rams, ewes, wethers, or lambs.
- “Stock”—Any horse, ass, mule, camel, head of cattle, sheep, or goat.
- “Store brands or marks”—Brands or marks to denote that the stock on which such brand or mark is branded or marked are the property of the registered owner of such brand.
- “Tattoo brand”—Impression of any letter, sign, or character made by puncturing and staining the skin of stock.
- “Travelling sheep”—Sheep driven to any place not upon the run on which they were depastured previous to starting to travel.

48. (1) The Registration of Brands Act of 1866, the Registration of Brands Act Amendment Act of 1874, and sections thirty-one to forty inclusive of the Diseases in Sheep Acts Amendment Act of 1878 are hereby repealed. Repeal.

(2) All brands and marks registered or recorded under any of the enactments hereby repealed shall be held and deemed to have been registered under this Act. Brands registered under repealed enactments deemed to be registered under this Act.

49. This Act shall commence on the \_\_\_\_\_ day of \_\_\_\_\_ and may be cited as the \_\_\_\_\_ Commencement and short title.

“Brands Act, 189 .”

## SCHEDULES.

*Brands.*

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**SCHEDULES.**

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**SCHEDULE A.***Owner's brands on horses, asses, mules, and camels, their positions, and order of rotation.***Fire-brands.**

- Position 1, embracing the near cheek.
- Position 2, embracing the off cheek.
- Position 3, embracing the near neck.
- Position 4, embracing the off neck.
- Position 5, embracing the near shoulder.
- Position 6, embracing the off shoulder.
- Position 7, embracing the near quarter.
- Position 8, embracing the off quarter.
- Position 9, embracing the near rump.
- Position 10, embracing the off rump.

**Tattoo-brands.**

- Position 1, embracing the inner side of the near ear.
- Position 2, embracing the inner side of the off ear.
- Position 3, embracing the under side of the tail.
- Position 4, embracing on ribs underneath near forearm.
- Position 5, embracing on ribs underneath off forearm.

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**SCHEDULE B.***Owner's brands on cattle, their position and order of rotation.***Fire-brands.**

- Position 1, embracing the near cheek.
- Position 2, embracing the near shoulder.
- Position 3, embracing the near ribs.
- Position 4, embracing the near rump.
- Position 5, embracing the near hip.
- Position 6, embracing the off neck.
- Position 7, embracing the off shoulder.
- Position 8, embracing the off ribs.
- Position 9, embracing the off rump.
- Position 10, embracing the off hip.

**Tattoo-brands.**

- Position 1, the inner side of the near ear.
- Position 2, the inner side of the off ear.
- Position 3, the under side of the tail.
- Position 4, on ribs underneath near forearm.
- Position 5, on ribs underneath off forearm.

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**SCHEDULE**

*Brands.*

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SCHEDULE C.

*The position of owner's marks on cattle.*

The portions of the ears of cattle hereby set apart as the positions on which owner's marks shall be made are the following:—

1. The front or upper-side or edge of the near ear.
2. The tip or point of the near ear.
3. The front or upper-side or edge of the off ear.
4. The tip or point of the off ear.

And in making any owner's ear-mark on cattle the same may be made on one or other or on any two of the said positions; and where a mark consists of two cuts such mark may be either made on one or two positions, and if on two positions they may be on different ears: But in making an owner's cattle-mark it is not required that any order of rotation shall be observed.

SCHEDULE D.

*The branding of owner's brands on sheep and goats—their position and order of rotation.*

Fire-brands.

- Position 1, embracing the near side of nose or face.
- Position 2, embracing the middle or front of face.
- Position 3, embracing the off side of face.

Paint-brands.

- Position 1, embracing the neck.
- Position 2, embracing the near shoulder.
- Position 3, embracing the off shoulder.
- Position 4, embracing the near ribs.
- Position 5, embracing the off ribs.

Tattoo-brands.

- Position 1, the inner side of the near ear.
- Position 2, the inner side of the off ear.
- Position 3, the under side of the tail.
- Position 4, the ribs under the near forearm.
- Position 5, the ribs under the off forearm.

SCHEDULE E.

*The position of owners' marks on sheep.*

1. Ear-marks.

The owners' sheep ear-marks shall in every case be made on the near ear of male sheep, and the off ear of female sheep, and the following are the positions on which such marks shall be made:—

1. The front or upper side or edge of the ear.
2. The tip or point of the ear.
3. The back or lower side or edge of the ear.
4. The centre of the ear.

And in making any owner's ear-mark on sheep, the same shall be made on one or other or any two of the said positions according as the mark consists of one or two cuts: Provided that it is not necessary that any order of rotation should be observed in marking owners' marks on sheep.

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*Brands.*

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2. Nose-mark.

The button-mark made by detaching a portion of the skin of the nose of the sheep and allowing it to hang down.

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SCHEDULE F.

*Store brands on horses, asses, mules, and camels—their position and order of rotation.*

- Position 1, embracing the near fore hoof.
- Position 2, embracing the off fore hoof.
- Position 3, embracing the near forearm.
- Position 4, embracing the off forearm.
- Position 5, embracing the near thigh.
- Position 6, embracing the off thigh.

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SCHEDULE G.

*Store brands on cattle—their position and order of rotation.*

- Position 1, embracing the off cheek.
- Position 2, embracing the near forearm.
- Position 3, embracing the near loin.
- Position 4, embracing the off loin.
- Position 5, embracing the off forearm.

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SCHEDULE H.

*The positions of store marks on cattle.*

The portions of the ears of cattle which are set apart as the positions on which store marks shall be made are the following:—

1. The back or lower side or edge of the near ear of cattle.
2. The back or lower side or edge of the off ear of cattle.
3. The centre of the near ear of cattle.

And all store marks intended to be marked on cattle shall be so on one or other or both the said positions.

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SCHEDULE J.

*Store brands on sheep and goats—their position and order of rotation.*

Paint-brands.

- Position 1, embracing the near rump.
- Position 2, embracing the off rump.

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SCHEDULE K.

*The positions of store marks on sheep and goats.*

Store marks on sheep and goats shall be made on the following positions:—

On the ears of male sheep or goats.

1. On the back or lower side or edge of the off ear.
2. In the centre of the off ear.

On the ears of female sheep or goats.

1. On the back or lower side or edge of the near ear.
2. In the centre of the near ear.

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SCHEDULE

*Brands.*

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SCHEDULE L.

*Positions of distinctive brands on horses, asses, mules, and camels.*

A brand denoting the number of the horse in the breeder's stud-book immediately under the owner's brand.

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SCHEDULE M.

*Positions of distinctive brands on cattle.*

The age-brand, denoting the year in which the animal was branded, shall be branded on the near cheek.

The brand, denoting the number of an animal in the breeder's stud-book, shall be branded immediately under an owner's brand.

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SCHEDULE N.

*The positions of distinctive marks on large stock.*

Distinctive marks on large stock shall be made on the following position :—

1. In the centre of the off ear.
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SCHEDULE O.

*The positions of distinctive marks on sheep.*

Distinctive marks on sheep shall be made on the following positions :—

On ear of male sheep.

1. On the front or upper side or edge of the off ear.
2. On the tip or point of the off ear.

On ears of female sheep.

1. On the front or upper side or edge of the near ear.
  2. On the tip or point of the near ear.
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SCHEDULE P.

*Scale of fees.*

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