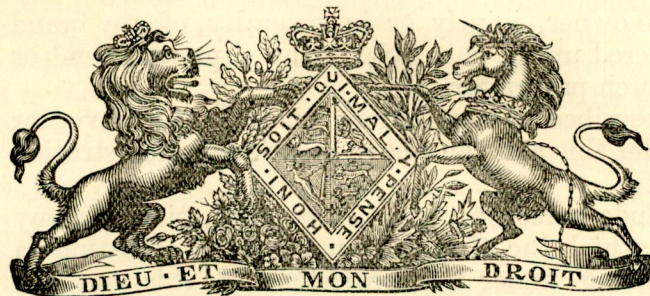


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 8 May, 1895.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. .

An Act to amend the "Registration of Brands Act of 1866"
and the "Registration of Brands Act Amendment Act
of 1874."

WHEREAS it is expedient to amend the Registration of Brands Preamble.
Act of 1866 and the Registration of Brands Act Amendment
Act of 1874: Be it therefore enacted by the Queen's Most Excellent
Majesty, by and with the advice and consent of the Legislative Council
5 and Legislative Assembly of New South Wales in Parliament assembled,
and by the authority of the same, as follows:—

1. This Act may be cited as the "Registration of Brands Acts Title and commence-
Amendment Act of 1895," and shall come into force on the first day of ment.
July, one thousand eight hundred and ninety-five, and shall be read and
10 construed with the Registration of Brands Act of 1866, and the
Registration of Brands Act Amendment Act of 1874.

2. For the purposes of this and the above-mentioned Registra- Interpretation.
tion of Brands Acts, the following terms in inverted commas shall,
unless the context otherwise indicate, bear the meanings set against
15 them respectively:—

"Brand"—The impression of any letter, sign, character, or
numeral branded or tattooed on any stock.

"Camels"—Any one or more camels or dromedaries.

506—

"Distinctive"

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- “Distinctive”—As applied to a brand or mark shall mean any brand or mark which the proprietor is entitled under this Act to brand or mark, to denote the class or age of stock, or any other matter or thing relating to stock, except the ownership thereof.
- 5 “Drover”—The owner or other person driving or in the possession or charge of travelling stock.
- “Mark”—Any ear or other mark required or permitted to be registered under this or the above-mentioned Registration of Brands Acts.
- 10 “Owner’s Brand or Mark”—The brand or mark which is registered to denote the ownership of the stock on which it is branded or marked.
- 15 “Proprietor”—The owner, jointly or in severalty, of any brand or mark registered under this Act, or the superintendent or agent of any such proprietor.
- “Prescribed”—Prescribed by regulations made by the Governor in Council under this and the above-mentioned Registration of Brands Acts.
- 20 “Stock” shall include horses, camels, cattle, goats, pigs, and any other animals which the Governor may, by notification in the *Gazette*, bring under the provisions of this and the above-mentioned Registration of Brands Acts.
- 25 “Store Brand or Mark”—The brand or mark branded or marked on stock to denote that the proprietor of such brand or mark had purchased such stock, and that they are his property.
3. Notwithstanding anything contained in section six of the Registration of Brands Act of 1866, and Schedules C and D thereto, Portions of body upon which branding of horses and cattle to be made.
- 30 the portions of the body upon which horses and cattle shall, after this Act comes into operation, be branded, shall be the portions set out in Schedules L and M hereto: But the portions set out in such last-mentioned Schedules may be altered, and other portions added as shall be prescribed; and all brands or marks hereafter branded or marked on
- 35 portions not prescribed by this Act or regulations shall be held and deemed to be unregistered brands and marks.
4. All brands before being branded on stock, and all ear and other marks before being marked on stock, shall be registered with the Registrar of Brands, who shall record the applications for the registra- Brands and marks to be registered before being used.
- 40 tion of brands and marks in the order in which they are received, and shall notify the registration of all such owners and store brands and marks in the *Gazette*.
- Regulations.*
5. The Governor may, from time to time, make regulations Regulations may be made.
- 45 for the purpose of carrying out the provisions of this and the above-mentioned Registration of Brands Acts, in respect to any of the following matters or things, namely:—
- (I) The mode in which all brands and marks shall be applied for, Mode of application and registration.
- 50 and where necessary modified or altered, and registered, and rendering compulsory the re-registration of existing brands within twelve months after this Act comes into operation, and every tenth year thereafter.
- (II) The description, form, and size of all brands and marks. The description, &c., of brands and marks.
- (III) The form and size of the branding irons, pliers, or other The form of branding or marking instruments.
- 55 instrument for branding or marking stock, and the production thereof.
- (IV) The part of the stock on which all such brands or marks shall be branded or marked. The portions to be branded or marked.

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- (v) For prescribing the order in which all such brands and marks shall be branded or marked. The order of branding or marking.
- (vi) The fees to be charged for the registration of such marks. The fees for registration, &c.
- 5 (vii) The mode in which the right to registered brands and marks may be transferred, and in which such brands and marks may be altered, modified, or cancelled. The mode of transfer.
- And may impose a penalty not exceeding twenty pounds for any breach of such regulations; and such regulations shall on being published in the *Government Gazette* be valid in law, and shall have the same effect Penalty.
- 10 as if they had been enacted by this Act. And all such regulations shall be laid before Parliament forthwith, if then sitting, and if not within one month after the commencement of the then next session.
6. For the purposes of this and the above-mentioned Acts and of any prosecution or suit thereunder, a registered owners' brand or Brands and marks to be prima facie evidence for purposes of Act.
- 15 mark shall be *prima facie* evidence that the registered proprietor of the brand or mark is the owner of such stock, and also that he branded or marked such stock.
7. (i) Notwithstanding anything contained in section twenty of the Registration of Brands Act of 1866, every person found guilty Penalties for the following offences.
- 20 of any of the following breaches of this or of the above-mentioned Acts shall on conviction for every such offence be liable to a penalty not exceeding one hundred pounds, or at the discretion of the court such person may on conviction for every such offence be liable to imprisonment with or without hard labour for any period not exceeding six
- 25 months, namely—
- (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 Misbranding or mismarking.
- 30 brand or mark.
- (b) Wilfully or negligently cutting off, destroying, defacing, or altering any brand or mark on any stock, or being privy to the destruction, defacement, or alteration thereof. Defacing or altering brands or marks.
- (c) Wilfully cutting from any hide or skin any of the branding or marking portions thereof other than those removed in Cutting off branding portions.
- 35 slaughtering.
- (d) Cropping or cutting off more than one-fifth of the ear in marking any stock. Ear cropping.
- (e) Making a subsequent mark other than the inoculation mark on that portion of the ear of stock set apart as prescribed for Remarking of owner's portion.
- 40 the owner's mark.
- (f) Using the brand or mark of any proprietor without his permission. Using brand without authority.
- (g) Using any unregistered brand or mark, or any brand or mark which is not prescribed or which is contrary to any regulations Using unregistered brand or mark.
- 45 hereunder.
- (h) Using any knife or instrument other than a pliers or other instrument of the prescribed shape and size to mark any stock. Using a knife, &c.
- (i) Or in any other way offending against any of the provisions Any other offence.
- 50 of this Act or of the above-mentioned Registration of Brands Acts, or the regulations made thereunder, connected with branding or marking stock bearing any destroyed, defaced, or altered brand or mark, or any stock, the ears of which have been cut or cropped contrary to the provisions of such Acts or regulations.
- 55 (ii) And the fact of any stock being on the run of any person for two months without his having given notice to the rightful owner of the same, or to the officer in charge of the nearest police station, or to the nearest inspector, of such misbranding, defacing, alteration,

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alteration, cropping, cutting, or mismarking, or the fact that stock bearing such brand or mark had been claimed by any person as his property, or been in his yard, or been used by him in any way as his property, shall be *prima facie* evidence of such person having committed a breach of this section; and any such stock wherever found may be impounded by any inspector, constable, or magistrate, and shall, if not claimed and released, be dealt with as if the same had been impounded for trespass. Stock may be impounded.

(III) Provided that this section shall not apply to any owner who can prove that the ears of any stock have been cropped or cut off on account of disease. Exemption.

8. Every person who shall commit a breach of any of the provisions of this or of the above-mentioned Registration of Brands Acts, or of any regulations made under this or the last-mentioned Acts, for which a penalty is not specially provided shall, on conviction for every such offence, be liable to a penalty not exceeding fifty pounds. General penalty.

SCHEDULES.

SCHEDULE L.

Position and order of brands on horses.

20	Portion	I.—Embracing	the near cheek.
		II.	the off cheek.
		III.	the near neck.
		IV.	the off neck.
		V.	the near shoulder and forearm.
25		VI.	the off shoulder and forearm.
		VII.	the near thigh.
		VIII.	the off thigh.

SCHEDULE M.

Position and order of brands on cattle.

30	Portion	I.—Embracing	the near cheek.
		II.	the near neck.
		III.	the near shoulder and forearm.
		IV.	the near thigh.
		V.	the off cheek.
35		VI.	the off neck.
		VII.	the off shoulder and forearm.
		VIII.	the off thigh.