



111-1878

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ANNO QUARTO

VICTORIÆ REGINÆ.

No. 5.

An Act to Regulate the Slaughtering, and prevent the Stealing of Cattle.

WHEREAS it is expedient to make provision for regulating the Slaughtering and preventing the Stealing of Cattle within this Province: Preamble.

Be it therefore Enacted by His Excellency Lieutenant-Colonel George Gawler Knight of the Royal Hanoverian Guelphic Order Governor and Commander-in-Chief of the Province of South Australia by and with the advice and consent of the Legislative Council thereof as follows:—

I. That from and after the first day of January in the year of our Lord one thousand eight hundred and forty-one no person shall keep a slaughter-house or place for slaughtering cattle intended for sale barter shipping or exportation without its being duly licensed: And if thereafter any person shall slaughter or cause to be slaughtered any cattle as aforesaid in any house or place not licensed as directed by this Act such person shall forfeit and pay the sum of Ten Pounds for each and every head of cattle so slaughtered. Slaughter-houses to be licensed for cattle.

£10 penalty.

II. And be it Enacted That it shall be lawful for His Excellency the Governor in Council when and so often as he shall think fit from time to time direct and declare that one or more slaughter-house or slaughter-houses within Adelaide or near thereto shall be a public slaughter-house or slaughter-houses for such period as he shall in that behalf appoint and by such order in Council to direct that all cattle slaughtered in Adelaide or within three miles from the Governor in Council to appoint slaughter-houses in or near Adelaide.

Penalty for slaughtering elsewhere £10 per head.

the exterior boundary of the Park Lands thereof for the purpose of sale barter shipping or exportation shall be slaughtered at such slaughter-house or slaughter-houses only and that after such order in Council shall have been made and published any person who shall slaughter or cause to be slaughtered any cattle as aforesaid in any house or place in Adelaide or within three miles of the exterior boundary of the Park Lands thereof such person shall forfeit and pay the sum of Ten Pounds for each and every head of cattle so slaughtered: Provided always, that until such order or orders in Council shall have been made and published slaughter-houses in Adelaide and its vicinity may be licensed as is by this Act directed.

Bench of Magistrates to grant licences.

III. And be it Enacted That any person who shall be desirous of obtaining a licence for a slaughter-house or place for slaughtering cattle shall ten days before any annual or quarterly meeting of the Bench of Magistrates nearest to his usual place of residence give to the Clerk of such Bench of Justices in writing a notice of his intention to apply to the said Bench for such licence and he shall describe in such notice the house or place intended to be licensed and such Bench of Justices so assembled as aforesaid two or more being present shall consider such application and if they be satisfied that the applicant is a person of unexceptionable character and that the place proposed to be licensed as a slaughter-house is in a convenient and desirable situation they shall issue and deliver to the person so applying a licence under the hands of any two of them in the manner and form hereinafter set forth in such licence to be in force for one year and the person so licensed shall pay to the Clerk of the Bench of Justices the sum of Two Shillings and Sixpence for every such licence.

Colonial Secretary to grant licences in particular cases.

IV. And whereas it may be necessary in the case of stock arriving overland or otherwise that temporary licences should be procurable to be in force in the interval between respective quarterly meetings of Magistrates: Be it therefore Enacted That the Colonial Secretary of the Province shall have power and he is hereby authorized on the application of any person in charge of cattle arriving in any district or part of the Province or otherwise desirous of obtaining such temporary licence as aforesaid to grant and issue licences for slaughter-houses under the provisions of this Act which shall be valid and effectual until the next quarterly meeting of Magistrates authorized to grant annual licences under this Act and no longer.

Governor to appoint persons at a distance to licence slaughter-houses.

V. And whereas it is expedient and necessary that provision should be made for licensing slaughter-houses at distant places within this Province: Be it therefore Enacted That it shall be lawful for the Governor in Council to nominate and appoint any one or more person or persons at distant places within this Province to issue licences for slaughter-houses under the provisions of this Act and that such licences so issued by such person shall be as valid and effectual to all intents and purposes as if the same were issued in the manner by this Act before specified for that purpose: Provided that

that every person to whom such a licence shall be so granted as aforesaid shall in all respects comply with and be subject and liable to the same rules regulations penalties and disabilities and shall do and perform all things which persons licensed under this Act are required to do or to which such persons are made subject and liable.

VI. And be it Enacted That it shall be lawful for His Excellency the Governor from time to time to appoint within such towns or districts or parts of districts as to him shall seem fit by a notice to be published in the *Government Gazette* Inspectors of slaughter-houses and of brands and of the skins of slaughtered cattle and every person who shall be so appointed shall and he is hereby required and directed to repair without delay to the place within his town or district or part of a district at which he shall have information of any cattle having been slaughtered or of any cattle being intended to be slaughtered and also in all cases in which notice shall have been given to him or left at his place of residence of the intention to slaughter any cattle and every such Inspector shall examine the said cattle so slaughtered or so intended to be slaughtered in his town district or part of a district and shall take a particular description thereof with the color mark or marks brand or brands sex and apparent age together with the name of the owner thereof and of the time and place of slaughter which particulars he shall carefully enter or cause to be entered in a book to be kept by him for that purpose and which book such Inspector shall produce for examination to the Justices assembled at every annual or quarterly meeting in his said town district or part of a district and for the information of any Justice within the said town or district or part of a district whenever he shall be so required and such Inspector shall also make a weekly return to the Bench of Justices of the district of the number of cattle so slaughtered as aforesaid.

Governor to appoint Inspectors of slaughter-houses of brands and skins.

Notice given Inspector to attend.

Book to be inspected by the Justices quarterly.

Weekly return to the Justices of the number of cattle slaughtered.

VII. And be it Enacted That every person intending to slaughter any cattle in any town or district in which an Inspector shall be appointed as aforesaid shall first give twelve hours' notice in writing to such Inspector of the cattle intending to be so slaughtered specifying the place and time under the penalty of Five Pounds for each and every head of cattle which shall be so slaughtered without such notice having been given hereof as last mentioned unless it shall be made to appear to the Justices before whom such fine shall be sought to be recovered that such notice could not have been given and that owing to some unforeseen accident it was necessary that such cattle should have been immediately slaughtered and in all cases in which any cattle should have been slaughtered within any such town or district without having been previously inspected as aforesaid notice thereof shall be immediately given to the said Inspector and the skins of such cattle shall be kept or preserved for seven days and be produced upon demand at the place of slaughter to the Inspector for the town or district or part of a district wherein such cattle shall have been slaughtered under the penalty of Five Pounds for every skin so neglected to be preserved and produced.

Notice to be given of cattle to be slaughtered.

Penalty.

Skins to be preserved seven days.

Penalty.

VIII. And

Licensed keeper of a slaughter-house out of a district of an Inspector to keep a book.

VIII. And be it Enacted That every keeper of a licensed house or place for slaughtering cattle excepting in any of the towns or districts or parts of districts for which Inspectors shall be appointed as aforesaid shall keep a book in which he or they shall enter a particular account and description of all cattle slaughtered in such house or place specifying the color mark or marks brand or brands sex and apparent age of such cattle and if purchased containing the name of the person from whom the same shall have been so purchased and the time of slaughter and shall transmit a report of all cattle slaughtered with the particulars above stated monthly in writing under the hand of such keeper of each such slaughter-house to the Bench of Justices of the District and if any such keeper of such slaughter-house shall neglect to keep such book or record or shall make a false entry therein or shall fail or refuse to make such monthly report to the Bench of Justices of the district or to produce such book or record when so required by any Justice he shall for every such offence forfeit and pay a sum not exceeding Five Pounds.

Report to be sent monthly to the Bench of Justices.

Penalty for false record.

Persons allowed to slaughter their own cattle for domestic use.

IX. And be it Enacted That nothing hereinbefore contained shall extend to any person or persons slaughtering at his own residence or farm cattle for his own domestic consumption or for the consumption of his servants or laborers.

Justices of the Peace may require the skin or account of its disposal.

X. And be it Enacted That it shall and may be lawful for any Justice of the Peace to demand the skins of any cattle whatsoever that may have been slaughtered within one month previous to the date of such demand or a full and satisfactory account to whom the skins have been sold or in what manner disposed of and any person who upon such demand shall refuse or neglect to produce the skins of any cattle that have been slaughtered or in case the same cannot be produced to give a full and satisfactory account of how and in what manner the skins have been disposed of shall on conviction of every such offence forfeit and pay a sum not exceeding Ten Pounds.

Penalty.

Defacing a brand £10 penalty.

XI. And be it Enacted That every person who shall cut or burn or otherwise destroy or deface any brand which shall have been upon any skin or shall be in possession of such skin from which the brand shall have been cut or burnt or otherwise destroyed or defaced without being able to give a satisfactory account thereof shall upon conviction of every such offence forfeit and pay a fine of Ten Pounds : Provided always that nothing in this Act contained shall prevent the proprietor of any cattle from superinducing a cancelling mark in the form of a bar six inches long and a quarter of an inch broad horizontally across the brands of previous proprietors in such manner always as that such previous brand shall not be more than necessarily defaced or rendered unintelligible.

Cancelling mark allowed.

Tanner purchasing a hide with defaced brand penalty £10.

XII. And be it Enacted That every tanner or other person purchasing a raw hide or skin from which any brand shall have been cut or burnt out or destroyed or otherwise defaced unless in the manner authorized by this Act as a cancelling brand on all but the brand

brand of the last proprietor shall upon conviction of every such offence forfeit and pay a fine of Ten Pounds.

XIII. And be it Enacted That it shall and may be lawful from and after the first day of January next for any Justice of the Peace or Inspector to enter at any time of the day or night any house or place licensed as aforesaid where there shall be good cause to suspect that stolen cattle have been slaughtered and to make such search and inquiry therein as shall seem necessary for the discovery of the offence and of the offender.

Inspector may enter any licensed slaughter-house day or night.

XIV. And be it Enacted That if there shall be any obstruction or hindrance given to any Justice of the Peace or Inspector so as to prevent him or them from entering any premises licensed as aforesaid for the purpose of examining any cattle or skins the person or persons so offending shall be deemed guilty of a misdemeanor and shall be dealt with accordingly as in the case of a misdemeanor at common law.

Prevention of entry a misdemeanor.

XIV. And be it Enacted That it shall be lawful for any such Inspector appointed or to be appointed as aforesaid to ask demand and receive the sum of Threepence for each and every head of cattle or skin inspected by him under the authority of this Act to be paid by the keeper of such licensed house or place and to be recovered before any one or more Justice or Justices.

Inspector to demand 3d. for every head of cattle inspected.

XVI. And be it Enacted That for the preserving cleanliness in towns and the health of persons residing therein it shall be lawful for any Justice of the Peace and for any Inspector of Slaughter-houses and for any Constable authorized and deputed by any writing under the hand of any Justice from time to time when and so often as he or either of them shall see occasion to visit and inspect any butcher's shamble or licensed slaughter-house which may be situate within the reputed boundaries of any town and to give such directions concerning the cleansing of any such shamble or slaughter-house both within and without as to him shall seem needful and any butcher and the owner or occupier of any such shamble or slaughter-house who shall obstruct or molest such Justice Inspector or Constable in the inspection thereof or who shall refuse or neglect to comply with such directions within a reasonable time shall upon the view of such Justice or on conviction on the complaint of any such Constable forfeit and pay for such offence a sum not exceeding Two Pounds: And it shall not be lawful to slaughter cattle at any such slaughter-house or other place situated in or near any town except on working days and at the hours following viz.—during the summer months from November to March inclusive between the hours of five and eight o'clock of the morning or evening and during the winter months from April to October inclusive between the hours of six and nine o'clock of the morning and between the hours of three and six o'clock of the evening: And any person who shall slaughter cattle at any such slaughter-house or other place situated

Justice Inspector or Constable authorized may examine the cleanliness of butchers' shambles and licensed slaughter-house.

And give directions for cleansing.

Penalty.

Hours for slaughter appointed.

in

Penalty.

in or near any town at any other hour than is hereby permitted shall on conviction of every such offence forfeit and pay a fine of not less than Twenty Shillings nor more than Five Pounds.

On importation of stock Inspector to serve a notice requiring the brand sex age of each of the cattle.

Repealed by Act.

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Non-compliance with-
in 14 days penalty of
£10 to £50.

Stray cattle not
branded to be the pro-
perty of the Govern-
ment.

XVII. And be it Enacted That the Inspectors appointed under this Act aforesaid shall so soon as conveniently may be after the importation or arrival of any herd of cattle within their respective districts or parts of districts serve a notice upon the owner or the person having charge of such herd requiring him to furnish forthwith a return of the brands descriptions and number of the cattle in such herd and the brand or brands sex and apparent age of each of such cattle and that any person neglecting to comply with such notice for the space of fourteen days after he shall have been served with the same shall forfeit and pay a penalty of not less than Ten Pounds nor more than Fifty Pounds and service of the said notice upon any servant in charge of the station at which the said cattle are kept shall be deemed good service thereof for the purposes of this Act.

And be it Enacted That all stray cattle found at large above the age of twelve months which shall not be marked with any brand shall be and be held to be the property of the Colonial Government and all persons finding such cattle shall forthwith give information to the nearest Inspector: And any person so finding such unbranded stray cattle and taking the same into his possession without so informing the nearest Inspector of Brands within fourteen days after the same shall have been found shall for every such offence or omission forfeit and pay a penalty of Ten Pounds for every such head of cattle besides forfeiture of the animal so found and taken: And every person giving up such stray unbranded cattle or causing the same to be delivered to the Inspector shall receive for every head of such cattle so delivered a reward of Twenty Shillings to be paid by the Colonial Treasurer on the order of the Colonial Secretary for the time being.

Cattle Registry Office.

Repealed by Act.

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Brand to be assigned.

Penalty for using
another brand.

Fee 2s. 6d.

XVIII. And be it Enacted That there shall be established at Adelaide and at each of such other towns as the Governor by notice in the *Government Gazette* of this Province shall from time to time appoint and direct a public office to be called the "Cattle Registry Office" and the said office shall be under the superintendence of an Inspector of Brands appointed as aforesaid and the said Inspector is hereby required to assign a particular brand to every person requiring the same and to register the same brand in a book to be kept for that purpose in the said office and to publish in the *Government Gazette* as soon as conveniently may be the said brand and the name of the person to whom the same has been assigned and any other person making use of the said brand after the said assignment and publication thereof shall forfeit and pay a penalty of not less than Twenty-five Pounds nor more than Two Hundred Pounds and every person to whom such brand shall be assigned shall pay at the said Registry Office a fee of Two Shillings and Sixpence in addition to the actual cost of the branding iron if provided by the Inspector.

XIX. And

XIX. And be it Enacted That every person within the Province owning or having in his possession on the first day of December and first day of June respectively in any year any number of cattle whatsoever shall at least once in every half-year on or before the first day of January and the first day of July respectively transmit to the Cattle Registry Office as aforesaid a correct list or return of the cattle so owned or possessed by him with a particular description thereof specifying the brand or brands sex and apparent age of each of such cattle together with the date when the same came respectively into his possession and shall certify the correctness of such list or return by affixing his signature thereto and if any person shall possess any head or number of cattle without so transmitting such return he shall for every such offence forfeit and pay a penalty according to the number of cattle so owned or possessed by him as follows namely if under five head the sum of Ten Shillings if under ten head the sum of One Pound if under fifty head the sum of Two Pounds if under one hundred head the sum of Five Pounds and if under five hundred head the sum of Thirty Pounds: Provided always that the Inspector of Brands at Adelaide or for the district of the Province in which such person owning or possessing such cattle as aforesaid shall be resident shall cause to be inserted at least once in the *Government Gazette* and each of the Adelaide newspapers published at least a month before each of the first day of January and first day of July a notice intimating that the returns hereby required will then be due and calling upon all parties concerned to furnish such returns in terms of this Act.

Return to be made by the cattle-holder half yearly to Registry Office specifying brands and particulars.

Penalty for not transmitting return.

Repealed by Act.

XX. And be it Enacted That the Inspector as soon as conveniently may be after the certified lists or returns of cattle by this Act required shall be lodged, shall cause to be entered in a book to be kept for that purpose, correct copies of the same for public inspection, the said entries to be made in alphabetical order, according to the first letter in the surname of the party owning or possessing such cattle, and shall file and carefully keep the originals and produce the same or the copies thereof whenever required by any party having interest, upon payment of a fee of Two Shillings and Sixpence.

Return of cattle to be entered in a book.

XXI. And be it Enacted That the Cattle Registry Office established under the provisions of this Act shall be kept open at such hours as the Governor by public notice in the *Gazette* shall appoint, and that during those hours all persons paying a fee of One Shilling shall be at liberty to inspect the books in which the registry of brands are entered.

Office to be kept open at such hours as the Governor shall appoint.

Fee of 1s. for inspection.

XXII. And in order to prevent as far as possible the resort of cattle-stealers and lawless persons in the interior: Be it Enacted That it shall be lawful for His Excellency the Governor in Council when and so often as he shall think fit to declare and appoint districts extending to certain distances or bounded by certain limits, within which cattle or home stations may be formed without restriction and from time to time to alter the boundaries of the said districts

Governor to declare districts in the interior.

Persons forming a cattle station in those districts within thirty days to give notice in writing.

Description of cattle to be taken to such station.

Penalty from £50 to £500.

districts in such manner as may be required in consequence of the increase of settlements and of located territory and from and after thirty days after such districts are declared every person intending to form or having already formed a cattle or home station beyond the boundaries of the said privileged districts shall give notice in writing to the nearest Inspector of Brands of such intention before the formation of such cattle stations or such cattle stations having been formed and such notice shall contain an accurate description of the cattle which he purposes to take to such station or which at the time of giving such notice are upon the runs near such station with the brand or brands sex and apparent age of each of such cattle and shall certify the correctness of the same by affixing his signature thereto and if any person after the said thirty days forming such cattle station as is above specified or having already formed such station shall not comply with the provision herein contained he shall forfeit and pay a penalty of not less than Fifty Pounds nor more than Five Hundred Pounds.

Addition of cattle to a station to be reported to the Inspector. Description given.

Repealed by Act
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Penalty from £20 to £100.

XXIII. And be it Enacted That when and so often as cattle shall be added to any station already reported to the Inspector of Brands by such notice as is by this Act required the proprietor or person to whom such station belongs shall within fourteen days after such stock shall have been procured or purchased forward to the Inspector of Brands a further written notice giving such description as is by this Act required of all cattle added to such station and the places and proprietors from which such have been procured certified by the signature of the person to whom the station belongs and if any such proprietor or person shall omit or neglect to forward such further notice, he shall for every such offence forfeit and pay a penalty of not less than Twenty Pounds nor more than One Hundred Pounds.

Proprietor to keep a book to register his cattle.

Penalty for neglecting to keep or not to produce £20 to £100.

XXIV. And be it Enacted That the proprietor of every such station shall keep at such station a book in which he shall register in legible characters such description as is by this Act required of all the cattle at such station according to the notice which shall have been forwarded to the Inspector of Brands and such proprietor or his agent or overseer present at such station shall produce on demand such registry for the inspection of any Commissioner Superintendent or Inspector of Police or any other person empowered by warrant from the Governor to demand inspection thereof and every such proprietor or other person neglecting to keep such register book or refusing to produce the same as aforesaid shall for every such offence forfeit and pay a penalty of not less than Twenty Pounds nor more than One Hundred Pounds.

Proprietor to muster his cattle on demand of an authorized person and produce his registry book.

XXV. And be it Enacted That such proprietor or his agent or overseer present at such station shall moreover on demand by any Commissioner Superintendent or Inspector of Police or by any person producing warrant from the Governor for that purpose muster all the cattle at such station for examination and such Commissioner

missioner Superintendent or other person as aforesaid is hereby required after so examining the said cattle according to the book of registry at such station to certify in such registry to what extent he is satisfied with the correctness of the same and every such proprietor or other person neglecting or refusing so to muster cattle as aforesaid shall for every such offence forfeit and pay a penalty of not less than One Hundred Pounds nor more than Five Hundred Pounds.

~~Repealed by Act~~

Penalty for neglecting from £100 to £500.

Mode of obtaining payment of penalties.

XXVI. And be it Enacted That all offences committed against this Act for which the penalty to be recovered shall exceed the sum of Fifty Pounds shall be tried and determined before the Supreme Court at the suit of the Advocate-General or of any other person authorized by the Governor: And in all cases in which the penalty shall not exceed the said sum it shall be lawful for any Justice of the Peace to issue his summons commanding the person against whom information has been given to appear before himself or any Justice or Justices any of whom are hereby authorized to hear and determine the case in a summary way and on conviction thereof to order and direct the offender or offenders to forfeit and pay such sum as he or they in his or their discretion shall think proper according to the limitations and provisions of this Act respectively and in case such sum adjudged to be paid by such offender or offenders be not paid within three days it shall and may be lawful for such Justice or Justices or either of them to issue his or their warrant to levy the same by distress of the offender's goods or effects and in default of such goods or effects to commit the offender or offenders to the nearest common gaol within the said Province for a term not exceeding three months and if any person convicted as aforesaid shall hold a licence under this Act such licence shall be null and void from and after the date of such conviction.

XXVII. And be it Enacted That no conviction before any Justice or Justices under this Act shall be quashed for want of form or be removed by writ of *certiorari* or otherwise into the Supreme Court and no warrant of commitment shall be held void by reason of any defect therein provided it be thererein alleged that the party has been convicted and that there be a good and valid conviction to sustain the same.

No conviction by a Justice to be quashed for want of form.

XXVIII. And be it Enacted That all fines and forfeitures levied or paid under or by virtue of this Act shall together with such sums as may be received for licences under this Act be paid and appropriated to the use of Her Majesty Her Heirs and Successors for the public uses of this Province and the support of the Government thereof.

Fines and forfeitures and payment for licences to go to the Government.

XXIX. And be it Enacted That all fines penalties and forfeitures imposed by this Act may be remitted in the whole or in part by the Governor.

Fines, &c. may be remitted by the Governor.

XXX. And

Construction.

XXX. And be it Enacted That throughout this Act unless where such construction is evidently excluded by the context every word in the singular number shall be construed to include the plural and every word in the masculine gender to include the feminine and *vice versa* and the term Governor shall be construed and deemed to mean the officer for the time being lawfully administering the Government.

GEORGE GAWLER.

*Passed in Council this eighth day
of December, 1840.*

GEORGE HALL,
Clerk of Council.

SCHEDULE REFERRED TO.

Form of Licence.

LICENCE FOR SLAUGHTERING CATTLE.

We the undersigned being _____ of Her Majesty's Justices of the Peace for the Province of South Australia do certify that by virtue of the authority vested in us by an Act of the Governor and Council passed in the fourth year of the reign of Her Majesty Queen Victoria No. 5 intituled "An Act to regulate the Slaughtering and prevent the Stealing of Cattle" Mr. _____ is hereby licensed to slaughter cattle in his _____ situate and being in _____ and that this licence is to remain in force from the date hereof until the _____ day of _____ one thousand eight hundred and _____ this _____ day of _____ one thousand eight hundred and _____

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