

1882.  
NEW ZEALAND.

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# LIVE STOCK AND RABBITS.

REPORT OF PUBLIC PETITIONS COMMITTEE OF HOUSE OF REPRESENTATIVES ON PETITION FROM MARLBOROUGH SHEEPOWNERS FOR SUSPENSION OF SECTION 23, "SHEEP ACT, 1878," AND SUPERINTENDING SHEEP INSPECTOR BAYLY'S REPORT ON SCAB IN MARLBOROUGH DISTRICT.

*Presented to both Houses of the General Assembly by Command of His Excellency.*

## ORDER OF REFERENCE.

*Extract from the Journals of the House of Representatives.*

WEDNESDAY, THE 23RD DAY OF AUGUST, 1882.

*Ordered*, "That the petition of C. Redwood and others, together with the report of the Public Petitions Committee thereon, be referred to the Government."—(*Mr. Kelly.*)

## REPORT on the PETITION of C. REDWOOD and OTHERS, of the MARLBOROUGH DISTRICT.

THE petitioners state that they are sheepfarmers in the Provincial District of Marlborough; that, owing to the mountainous and rough character of the land, and the difficulties of fencing the same, they find a great difficulty in eradicating the scab upon some of their runs. They state that the power vested in Inspectors by section 23 of "The Sheep Act, 1878," to determine arbitrarily whether or not reasonable exertions have been made by the owners to clean infected sheep operate harshly upon many of the occupiers of the aforesaid land. They suggest that the discretion so vested should be vested in the Court hearing the information, and not leave in the hands of the Inspector the almost absolute power of saying whether or not the said persons should be fined.

They pray that the House will grant them relief.

I am directed to report: The Committee are of opinion that the petition be referred to the Government for favourable consideration.

THOMAS KELLY,  
Chairman.

23rd August, 1882.

## PETITION of C. REDWOOD and OTHERS.

To the Honorable the Speaker and Members of the House of Representatives of New Zealand in Parliament assembled.

THE petition of the undersigned sheepfarmers, occupying land in the Provincial District of Marlborough, humbly sheweth:—

That your petitioners are in occupation of lands in the said provincial district as sheepfarmers.

That large areas of land within the said provincial district used as sheep-farms are of a mountainous and rough character, of great altitude.

That, in consequence of the character of most of the said country, neither packing materials nor fencing operations can be carried on for a period of about five months in each year, and that, with the best and most persevering efforts to clean sheep upon some country in the said provincial district, the object cannot be accomplished without great patience and ample time.

Your petitioners would bring under the notice of your honorable House that, even in some parts of the provincial district which are comparatively easily worked, some clean certificates have only recently been issued.

That your petitioners fully recognize the advantage to be derived from the eradication of scab, and the preservation of the flocks in a clean state; and that, if effect be given to the suggestions herein contained, your petitioners believe they will be able ultimately to accomplish the desired end without undue harshness.

Your petitioners desire to bring under the notice of your honorable House that the power vested in Inspectors by section 23 of "The Sheep Act, 1878," to determine arbitrarily whether or not reasonable exertions have been made by the owners thereof to clean infected sheep, operates harshly upon many of the occupiers of the said country.

That it would be more consonant with the administration of justice, and more satisfactory to sheepowners and Inspectors, if the discretion so vested as aforesaid were vested in the Court hearing the information; and, upon the defendant proving to the satisfaction of the Court that reasonable exertions had been made to clear infected sheep, that there should be in such case no conviction.

That the provision of the said 23rd section of the Act, providing that "if at the expiration of three months next following such period of six months such sheep shall, in the opinion of the Inspector, still be infected sheep, the owner thereof shall, upon conviction, be liable to a penalty of not less than 3d. nor exceeding 1s. for every such infected sheep," also operates harshly upon the owners of sheep before mentioned, as leaving in the hands of the Inspector the almost absolute power of saying whether or not the said persons should be fined.

That in this latter case a proviso should be added so that there should be no conviction if the defendant could prove to the satisfaction of the Court that he had made reasonable exertions to clean his infected sheep.

Your petitioners therefore humble pray your honorable House will grant such relief in the premises as to your honorable House may seem meet.

And your petitioners, as in duty bound, will ever pray, &c.

C. REDWOOD, and 27 others.

Mr. B. P. BAYLY, Superintending Inspector of Sheep, to the Hon. the COLONIAL SECRETARY.

SIR,—

Wellington, 25th August, 1882.

As directed, I herewith furnish report upon the petition from certain sheepowners in the Marlborough District, praying for the non-enforcement of the 23rd section of "The Sheep Act, 1878," the penalties of which become absolute after the 30th September next in all cases where flocks were continuously infected prior to the 1st January, 1882, and are so still.

I herewith attach statement showing the number of infected sheep in the Marlborough District when the Act came into force, and the number infected at the end of the quarter for June in the present year. From this it will be seen that more than 580,000 have been cleaned since September, 1879.

I also attach quarterly return of infected sheep and runs in the Marlborough District for the quarter ending the 30th June, 1882. The names of those erased are owners of flocks who, in the opinion of the Inspectors, are practically clean, but cannot obtain a clean certificate because the character of the country renders it impossible for them to muster their sheep for examination by the Inspectors until the spring is well advanced. In some cases December is the earliest date upon which a clean muster could be insured. This, in my opinion, is the strongest ground upon which the petitioners can ask for any relaxation of the existing law. The remaining petitioners ground their claims upon the fact that the natural features of their runs have precluded them from taking the steps which others, having more accessible country, have been enabled to do.

Having reported last session upon the difficulty of defining any locality to which a special extension of time should be granted, I can only reiterate what was then my opinion: that the physical features of the country are so graduated, and surrounding conditions so similar, that to grant concessions to a part of the Marlborough District, to which others similarly situated consider themselves equally entitled, would be inadvisable.

Feeling strongly the necessity that no relaxation of the efforts made during the last twelve months should be permitted, yet at the same time being aware that the petitioners are unable, owing to the season of year, to muster their flocks for inspection so as to obtain clean certificates within the period allowed by law, I would suggest that an alteration of the law should be effected, by which the time for producing a clean certificate in these cases referred to should be extended to March next, by which time a thorough muster of this country can be effected. It should then be thoroughly understood that under no circumstances will any further extension of time be granted.

I have, &c.,

BENJAMIN P. BAYLY,

Superintending Inspector.

The Hon. the Colonial Secretary, Wellington.

STATEMENT compiled from Quarterly Returns of Infected Sheep in Marlborough District.

	Sept., 1879.	Dec., 1879.	March, 1880.	June, 1880.	Sept., 1880.	Dec., 1880.	March, 1881.	June, 1881.	Sept., 1881.	Dec., 1881.	March, 1882.	June, 1882.
Kaikoura ...	220,878	222,438	207,884	199,590	200,949	198,543	188,211	138,268	142,698	130,948	124,958	124,598
Awatere ...	245,533	210,573	207,480	157,307	165,341	165,341	165,341	147,369	166,332	239,357	229,311	119,869
Blenheim ...	193,031	189,355	139,873	152,041	149,182	142,871	145,736	154,477	145,230			
Picton ...	18,437	16,320	13,682	9,571	9,671	7,354	5,578	4,950	5,388	5,188	122,138	20,150
Amuri ...	174,837	136,837	135,237	106,752	106,752	137,952	150,452	106,955	127,447	128,447	122,138	20,150
Waiau ...	...	28,667	29,867	1,300	1,300	11,000	11,000	...	...	...	...	...
Totals ...	852,716	804,190	734,023	626,561	633,195	663,061	666,318	552,019	587,095	503,940	476,407	264,617

Colonial Secretary's Office, Wellington, 19th July, 1882.

THE following returns of runs or farms on which there were infected sheep during the quarter ended the 30th June, 1882, are published in accordance with section 19 of "The Sheep Act, 1878."

THOMAS DICK.

MARLBOROUGH SHEEP DISTRICT.

Name of Owner and Run or Farm.	Particulars of Flock or Flocks.	No.
<i>Blenheim, Awatere, and Picton Subdivisions.</i>		
<del>Carter Brothers, Hillensden, Wantwood, and Richmondale</del> ...	<del>Merino</del> ...	<del>23,000</del>
<del>Dillon, P. G. Leafield</del> ...	<del>"</del> ...	<del>10,000</del>
<del>N.Z.L. and M. A. C., Birch Hill</del> ...	<del>"</del> ...	<del>18,000</del>
<del>Clifford and Weld, Benmore</del> ...	<del>"</del> ...	<del>11,000</del>
<del>Green, James B., Upeot</del> ...	<del>"</del> ...	<del>11,780</del>
<del>McRae, P. R., Blairich and Weld's Hill</del> ...	<del>"</del> ...	<del>26,500</del>
<del>Mowat, K. P., Middlehurst</del> ...	<del>"</del> ...	<del>12,990</del>
<del>Otterson, H., Mount Gladstone</del> ...	<del>"</del> ...	<del>5,500</del>
<del>Mills Brothers, Homewood</del> ...	<del>"</del> ...	<del>450</del>
<del>Houghton, J., Kenepuru</del> ...	<del>"</del> ...	<del>27</del>
<del>Witney, G., Skiddaw</del> ...	<del>"</del> ...	<del>462</del>
<del>Mills, John, Ferndale</del> ...	<del>"</del> ...	<del>160</del>
<i>Kaikoura Subdivision.</i>		
<del>Aldridge, R., Mount Fyffe</del> ...	<del>Merino</del> ...	<del>4,500</del>
<del>Gibson, G., Waipapa</del> ...	<del>"</del> ...	<del>9,500</del>
<del>Ingles, A. and H., Kincaid</del> ...	<del>"</del> ...	<del>9,200</del>
<del>Wood, J. D., Syncombe</del> ...	<del>"</del> ...	<del>6,398</del>
<del>Symons (Trustees), Kekorangu and Ottely Fells</del> ...	<del>"</del> ...	<del>50,000</del>
<del>Gibson, W., Warden and Tytler</del> ...	<del>"</del> ...	<del>45,000</del>
<i>Amuri Subdivision.</i>		
<del>Adams, W. A. B., Tarndale</del> ...	<del>Merino</del> ...	<del>19,000</del>
<del>Dalgety and Co., Hopefield</del> ...	<del>"</del> ...	<del>500</del>
<del>Mackay, George, Rogerson Valley</del> ...	<del>"</del> ...	<del>650</del>

NOTE.—The names not erased are, in the opinion of the different Inspectors, the only ones that will not be clean after next shearing.

B. P. BAYLY.

