

Re BUSBY, Runholder, Marlborough.

MEMORANDUM from A. K. BLUNDELL, Sheep and Cattle Inspector and Registrar of Brands, Blenheim.

B. P. Bayly, Esq., Superintendent-Inspector, Wellington.

7th October, 1882.

THE enclosed letter was handed to me by Mr. Busby, with a request that I would forward it to you for your favourable consideration.

I believe the following are the circumstances under which the sheep were driven: Mr. Busby sold to Mr. Parker 150 sheep, delivery to be taken at the Dungle Yards, to reach which from Upton Downs it was necessary they should be driven through a portion of the Blainich Run (which is infected), and Parker promised Busby that he would see the Inspector and obtain a driving permit (this he neglected to do), and Busby, relying upon this, drove the sheep and thereby committed a breach of section 46 of the Sheep Act. From my personal knowledge of Mr. Busby I am quite satisfied that it was entirely owing to Parker's neglect that he was led to commit a breach of the Act. As instructed by you I explained the circumstances of the case to the Resident Magistrate, and asked that he would let the defendant off by his paying the costs, but this he told me he had not the power to do, as the lowest penalty for a breach of the section under which the information was laid was £10. And this he must inflict. I therefore have much pleasure in forwarding Mr. Busby's letter, and respectfully ask that you will use your best endeavours to have the fine remitted.

ARTHUR BLUNDELL.

SIR,—

Blenheim, 4th October, 1882.

I have the honour to draw your attention to the fact that on an information by Mr. Blundell I have been fined by the Resident Magistrate here in the sum of £10 under the Sheep Act. I need not go into the merits of the case, of which you are fully informed; but I beg to submit that, under the circumstances, the punishment is excessive, and to request that you will use your influence to have the amount of the fine remitted.

I have, &c.,

B. P. Bayly, Superintending-Inspector of Sheep, Wellington.

J. D. BUSBY.

Re INGLES and G. GIBSON, Runholders, Kaikoura.

THREE cases under the Sheep Act, and two under the Rabbit Act, were heard at Kaikoura before C. Whitefoord, Esq., Resident Magistrate, and as two convictions under the Sheep Act are of a special nature I deem it necessary that I should bring the whole matter under the notice of the Government. The cases against Messrs. Ingles, of Kincaid, and G. Gibson, of Waipapa, were both of a similar nature, and in both cases the fines at 3d. per head on over nine thousand sheep mean a penalty in each case of more than £100. These properties, I believe, are already mortgaged to the utmost; there is nothing to levy upon, the sheep being infected are marketably valueless, consequently the only course open is, in event of fine not being paid, imprisonment in default of distress. Carrying matters to this extremity will not clean the country, nor was it with this view I brought the cases on, but more with the view to thoroughly ventilate the matter and bring these cases prominently before the public. I further beg to attach a letter I received from the presiding Magistrate, and can say that I thoroughly agree with his recommendation. At the same time a certain penalty must be inflicted. I think a fine of £5 would be quite enough in these cases, and further that the Clerk of the Court at Kaikoura be instructed to stay proceedings in issuing distress.

1st May, 1883.

B. P. BAYLY.

Colonial Secretary agreed on 1st June, 1883, to reduce the fines in each case to £5.—
1st June, 1883.

PARRAN versus INGLES.

SIR,—

Resident Magistrate's Office, Kaikoura, 30th May, 1883.

I have the honour to bring the facts of this case, as disclosed in evidence yesterday in this Court, under your notice, with a view of obtaining a remission of the penalty I felt bound under the Act to inflict.

You are aware that the defendant was fined under section 23 of "The Sheep Act, 1878," and that this clause of the Act leaves no alternative as to amount of fine to be inflicted, otherwise I should have mulcted the defendant in a very much smaller amount than 3d. per head on nine thousand sheep. The Inspector never seems to have informed the defendant at any time that the system he adopted was one of which the Inspector did not approve; and indeed the Inspector in his reports from time to time has stated that the defendant was doing all in his power to clean his sheep; and he, the Inspector, seems to have, to a certain extent, led the defendant to understand that he approved of what was being done, and certainly never led him to suppose an alteration of treatment was necessary.

I feel very strongly that this is a case in which the Government should be advised that a nominal penalty would meet the merits of the case, and with this view I lay the matter under your notice.

I have, &c.,

C. ALEXANDER WHITEFOORD, R.M.

B. P. Bayly, Esq., Chief Inspector Sheep, Wellington.