

1885.

NEW ZEALAND.

REMISSION OF SHEEP FINES

(PARTICULARS AND CORRESPONDENCE RELATING TO).

Return to an Order of the House of Representatives, dated 2nd July, 1885.

Ordered, "That there be laid upon the table a return of all particulars and correspondence relating to the remission of sheep fines, amounting to the sum of £1,161 12s., mentioned in the Superintending Inspector's Report."
—(MR. W. C. BUCHANAN.)

RETURN of all Particulars and Correspondence relating to the Remission of Sheep Fines, amounting to the Sum of £1,161 12s., mentioned in the Superintending Inspector's Report.

| Date of Fine. | Name. | Sheep District. | Section of Act. | Amount of Fine. | Amount of Remission. | Date of Remission. |
|-----------------|------------------|-----------------|-----------------|-----------------|----------------------|--------------------|
| | | | | £ s. d. | £ s. d. | |
| 24th Jan., 1882 | E. Roose ... | Auckland ... | 24 | 10 0 0 | 5 0 0 | 11th Aug., 1882 |
| 27th Jan., 1882 | E. Gunson ... | Auckland ... | 24 | 10 0 0 | 5 0 0 | 11th Aug., 1882 |
| 27th Jan., 1882 | A. McDonald ... | Auckland ... | 24 | 10 0 0 | 5 0 0 | 11th Aug., 1882 |
| 1st Oct., 1880 | P. Barker ... | Napier ... | 23 | 82 10 0 | 41 5 0 | 18th Jan., 1883 |
| 1st Oct., 1880 | D. Doull ... | Napier ... | 23 | 156 5 0 | 78 2 6 | 18th Jan., 1883 |
| 1st Oct., 1880 | J. Seymour ... | Napier ... | 23 | 100 0 0 | 50 0 0 | 18th Jan., 1883 |
| 1st Oct., 1880 | Loisel and Cooke | Napier ... | 23 | 43 15 0 | 21 17 6 | 18th Jan., 1883 |
| 26th Jan., 1882 | A. Campbell ... | Napier ... | 35 | 100 0 0 | 90 0 0 | 27th Mar., 1882 |
| 5th March, 1884 | A. Drake ... | Rangitikei ... | 41 | 100 0 0 | 100 0 0 | 17th May, 1884 |
| 2nd Oct., 1882 | J. D. Busby ... | Marlborough | 46 | 10 0 0 | 10 0 0 | 24th Nov., 1882 |
| 29th May, 1883 | A. W. Ingles ... | Marlborough | 23 | 112 10 0 | 107 10 0 | 5th June, 1884 |
| 29th May, 1883 | G. Gibson ... | Marlborough | 23 | 118 5 0 | 113 5 0 | 5th June, 1884 |
| 10th July, 1883 | W. Gibson ... | Marlborough | 23 | 500 0 0 | 495 0 0 | 2nd Aug., 1883 |
| 26th Oct., 1882 | W. L. Fowler ... | Marlborough | 49 | 14 16 0 | 14 16 0 | — April, 1883 |
| 26th Oct., 1882 | W. L. Fowler ... | Marlborough | 49 | 14 16 0 | 14 16 0 | — April, 1883 |
| 20th Dec., 1884 | C. Godfrey ... | Marlborough | 24 | 10 0 0 | 10 0 0 | — April, 1885 |
| | | | | 1,392 17 0 | 1,161 12 0 | |

NOTE.—Correspondence attached.

Colonial Secretary's Office,
Wellington, 30th July, 1885.

G. S. COOPER,
Under-Secretary.

Re ROOSE, GUNSON, and McDONALD, Farmers, of Auckland.

SIR,—

Pukekohe, Auckland, 2nd February, 1882.

We, the undersigned, being settlers residing in the Pukekohe District, having been recently fined for a breach of "The Sheep Act, 1878," beg respectfully to submit our cases for your consideration.

We have to state that the Chief Inspector, after a minute and careful inquiry, stated that he did not believe we were aware of the nature of the disease; and, also, that ever since he took the case in hand we have done our utmost to carry out his instructions as fully and faithfully as possible. We have had heavy expenses entailed upon us by the erection of the necessary apparatus, the purchase of dipping materials, and through the operation of the stringent prohibitory clauses of the Act in relation to the breeding and sale of sheep. We therefore trust that, in consideration of our ignorance and the almost ruinous outlay we have had to meet, you will be pleased to exercise your prerogative, and grant us the remission of the fine. There were three of us who joined in getting up this memorial, but now, when it comes to signing, one (Elijah Roose) has unfortunately lost his reason under the pressure of the anxiety and worry he has undergone. Perhaps you will kindly include him in any arrangement you may think proper to make.

We have, &c.,
GEORGE GUNSON,
A. McDONALD.

The Hon. J. Hall.

MEMORANDUM from F. C. LEWIS, Sheep and Cattle Inspector, and Registrar of Brands,
Auckland.

The Hon. the Colonial Secretary, Wellington.

21st March, 1882.

THE statements made by Messrs. Gunson and McDonald in their letter of the 2nd February, addressed to the Hon. the Premier, are correct. Messrs. Roose, Gunson, and McDonald, all of whom occupy adjoining farms, had dressed their sheep for the destruction of lice, and were not aware of the existence of scab, and did not suspect it until it was pointed out to them by me. They were quite unable to account for the presence of the disease in their flocks. At the hearing in the Police Court I thought it advisable to press, in each case, for a conviction and consequent fine; but, if the minimum fine had been £5 instead of £10, I would have considered that the lower sum would have satisfied the ends of justice.

F. C. LEWIS.

MEMORANDUM from F. C. LEWIS, Chief Sheep and Cattle Inspector, Registrar of Brands,
Auckland.

The Hon. the Colonial Secretary, Wellington.

22nd April, 1882.

I BEG to submit an additional statement of facts in the matter of the petition from Messrs. Gunson and McDonald.

Sheep belonging to each of those persons were inspected by me on the 14th December last. Sheep belonging to Mr. Elijah Roose, who occupies a farm adjoining Messrs. Gunson and McDonald's farms, and whose name is mentioned in the petition, were also inspected by me on the 14th December. On Mr. Roose's farm I examined on that day about two hundred sheep, all of which, he said, had been dipped some months previously. On a few of the sheep (about seven) I found dead scab; and on one of the animals there was a small patch of fresh scab, in which I found acari. Mr. McDonald informed me that his sheep had been dipped about four weeks previously; and on several I found patches of dead scab. Mr. Gunson also informed me that his sheep had been dipped. I found fresh scab on one animal, and I did not see any old scab. Each of these three sheepowners assured me that the dipping had been resorted to solely for the purpose of destroying lice.

The charge laid under the Sheep Act, and upon which each of the three defendants was convicted, was that he, "being the owner of certain sheep which he had reasonable grounds to suspect had become infected within the meaning of the said Act, did not, within forty-eight hours thereafter, give notice thereof to the Inspector appointed under the authority of the said Act."

The Magistrate before whom the cases were heard is Mr. Macdonald, R.M. The charge against Mr. Roose was heard on the 24th January last, and those against the other two on the 27th. Each of the defendants declared to the Bench that he had not (in each case I proved that the sheep were so infected) suspected the existence of scab. In each case the minimum fine of £10 was inflicted. On the same 27th of January, before the hearing of the cases against Messrs. Gunson and McDonald, I also laid an information against Mr. Gunson for having, on the 12th of December ultimo, driven infected sheep on the highway; and against Mr. McDonald for having, on the 5th December ultimo, negligently suffered infected sheep belonging to him to stray upon land not in his possession. With the concurrence of the Crown Prosecutor, these charges, as had been intended, were withdrawn when the before-mentioned convictions were obtained.

All of these three persons are of high reputation, and I fully believe the statement made by them, that they did not know or suspect the existence of the scab. Having made inquiry of several of their neighbours, I have not found any person who had suspected the infection.

Attached is a copy of the informations above referred to.

F. C. LEWIS, Chief Inspector.

TELEGRAM to RESIDENT MAGISTRATE, Auckland.

Does he advise that fines inflicted on Gunson, McDonald, and Roose be remitted or deducted. Have the fines been paid? No. 578.—3rd August, 1882.

C. J. A. Haselden, Esq, Wellington.

Auckland, 4th September, 1882.

THERE were two charges against each party except as to Roose, but only one case proceeded with, and then the minimum penalty only imposed (the fines have been paid). Cannot point to any ground for remission except that the penalties in the Sheep Act are severe, but perhaps necessarily so.

J. E. MACDONALD, R.M.

Re BARKER, DOULL, SEYMOUR, and LOISEL and COOKE, Farmers, Gisborne.

MEMORANDUM from EDWARD ORBELL, Inspector of Sheep, Gisborne.

2nd October, 1880.

The Under-Secretary, Colonial Secretary's Department, Wellington.

Re prosecution cases under the 23rd section Sheep Act: Mr. Barker, fined £82 10s.; Mr. Doull, £156 5s.; Mr. Seymour, £100; and Messrs. Loisel and Cook, £43 15s.; Mr. Chamber, under the 26th section, £10.

Messrs. Barker and Doull's flocks have been infected with scab for some years, and from these infected flocks the scab has spread in Poverty Bay Subdivision. Since my appointment of Inspector of Sheep they have carried out my instructions, and very little scab is now visible in these flocks. I may say they have used their best endeavours to clean their sheep; the adverse weather during the dippings made it difficult to cure the scab, and the scrubby nature of their runs prevented them making clean musters. Messrs. Loisel and Cook and Seymour's flocks were infected from Doull's

sheep straying upon their runs. I am sure they have done all they possibly could to clean their flocks, but the difficulty has been in mustering. These runs are equally as bad to muster as the runs in Marlborough District.

I consider it is necessary to inflict a penalty. The flockowners would always be bringing these cases forward if they were too leniently dealt with. It is imperative to carry the Act out with a firm hand to stamp out this scab disease. A few examples made will have a great effect; I notice it already by the fines inflicted last week. In these cases of Messrs. Barker, Doull, Loisel, and Cook and Seymour, I have the honour to recommend that, owing to the extenuating circumstances, a remission of one half of the fine might be made in each case, should you consider it prudent to do so. Mr. Brassey engaged as counsel for the prosecution, his fee being £3 3s. in each case.

EDWARD ORBELL, Inspector of Sheep.

SIR,—

20th August, 1882.

About eighteen months since I was fined by the Gisborne Sheep Inspector in the sum of £82, in consequence of my sheep being scabby. The circumstances of the case are as follow: The year previous to my being fined my sheep were dipped eight times, while my neighbour's sheep, which were rotten with scab and had not been dipped by their owners, escaped the fine, but I dipped them since at my own expense, for my own safety. Under these circumstances I consider that the sum I was fined should be returned to me.

I have, &c.,

G. S. Cooper, Esq.

P. BARKER.

Presented by W. MACKENZIE, 1st September, 1882.

To His Excellency the GOVERNOR of the Colony of NEW ZEALAND, in Council assembled.

THE humble petition of DAVID DOULL, formerly of Poverty Bay, now of Wyndham, Otago, sheweth:—

1. Your petitioner having bought Wainui Run, took delivery of it in June, 1878, and found that, contrary to his expectations, it was infected with scab. He immediately dipped all the sheep on the run twice, and as it was midwinter and the fleece well grown, an immensely greater amount of dipping material had to be purchased, and also the cold after dipping caused the death of great numbers of the sheep.

2. To prevent the infected sheep from straying and spreading infection, he, at great expense that otherwise would have been unnecessary, had to erect twelve miles of new fencing, and repair ten miles of fencing that was found insufficient when the run was delivered.

3. As one-third of the run was covered with bush and scrub, and infested with wild dogs, the mustering of the sheep for dipping purposes was extremely difficult and expensive.

4. He engaged a man of great experience to see the dipping done properly. This man by an unfortunate accident had his foot and leg severely scalded in the dipping-tanks, and lay for months before he got better, and during this time your petitioner had to pay him wages.

5. Your petitioner was prohibited from breeding while his sheep were scabby, and on this account he lost an increase to his flock that might fairly be estimated at three thousand five hundred lambs.

Your petitioner reckons that in cleaning his run he lost on the whole nearly £500 for dipping material, nearly £500 for labour in mustering and dipping, about four thousand five hundred sheep killed in the process of mustering and dipping, and the above-mentioned three thousand five hundred lambs reckoned under the head of increase, and before your petitioner got a clean certificate he was fined £156 12s. sterling, for having scab on his run, and as he has received word from Mr. Allan McDonald, M.H.R., that the Government has agreed to refund said fine owing to the hardship of the case, and been instructed by him to apply at once for the refund of it; he therefore humbly prays you to consider his case and refund said fine, or grant such other relief as you may deem just and proper.

DAVID DOULL.

MEMORANDUM from EDWARD ORBELL, Inspector of Sheep.

The Under-Secretary, Stock Branch, Wellington.

4th August, 1882.

THE enclosed is an application for a refund of fine under the 23rd section of "The Sheep Act, 1878." Mr. Seymour, on the 1st October, 1880, having been fined £100 and by the advice of Mr. Allan McDonald, M.H.R., Mr. Seymour makes this application. It is rumoured here the Government will return one-half of the fine upon application.

EDWARD ORBELL, Inspector of Sheep.

SIR,—

Gisborne, 4th August, 1882.

On the 5th October, 1880, Mr. James Seymour was fined in the Resident Magistrate's Court £100 and costs for having scabby sheep amongst the flock at Whangara, which sum I paid.

I hear that the Government are willing to refund the sums paid as fines, and beg to make application for that paid by me—viz., £102, and shall feel obliged by your forwarding my application to the head of your department.

I have, &c.,

E. Orbell, Esq., Sheep Inspector.

CHAS. SEYMOUR, Agent for James Seymour.

SIR,—

Department of Justice, Wellington, 10th August, 1882.

I have the honour to inform you that Mr. James Seymour has applied for a remission of the fine of £100 inflicted upon him in October, 1880, for a breach of "The Sheep Act, 1878." I am directed to inquire whether you see any objection to remitting this fine, or any portion of it.

I have, &c.,

C. J. A. HASELDEN,

(For the Under-Secretary.)

The Resident Magistrate, Gisborne.

SIR,—

Resident Magistrate's Office, Gisborne, 17th August, 1882.

In reply to your letter (C.S. 82/3635, No. 1135), I have the honour to state that I desire to throw no objections in the way of a remission of portion of the fine in the case of Seymour for a breach of the Sheep Act. But, as I considered at the time, and do so still, that the penalty inflicted was not too severe, bearing in mind the then scabby condition of the sheep throughout the district, I must leave it to the Government to determine to what extent the fine shall be reduced, who before doing so will, I have no doubt, consider the question whether in cases of this kind it is advisable to make any remission.

I have, &c.,

The Under-Secretary, Department of Justice, Wellington.

W. PRICE, R.M.

MEMORANDUM from EDWARD ORBELL, Inspector of Sheep, Gisborne.

The Under-Secretary, Stock Branch, Wellington.

15th August, 1882.

MR. LOISEL has requested me to forward you the enclosed application for the remission of his fine of £43 for a breach of the Sheep Act, under the 23rd section, which he had to pay on the 1st October, 1880. Of course it is not my place to say anything in the matter when it is the intention of the Government to remit the fines for breaches of the Sheep Act committed in this subdivision. These cases were heard before Mr. Price, Resident Magistrate, and his decision and judgment were just; and my duties pertaining to my office were also faithfully discharged. I only say, be just to all, and hope the precedent now about to be made will not in the future lead to any confusion in carrying out impartially the provisions of "The Sheep Act, 1878."

EDWARD ORBELL.

SIR,—

Puatae, 16th August, 1882.

Having been informed that it is the intention of the Government to remit the fines for breaches of the Sheep Act, I therefore beg to make an application for £43 which I had to pay on the 1st October, 1880, for not having my sheep clean.

I have, &c.,

E. Orbell, Esq.

H. LOISEL.

Re CAMPBELL, Captain of s.s. "Oreti," Auckland.

MEMORANDUM from R. C. PASLEY, Chief Inspector of Sheep, Napier.

Chief Inspector of Sheep v. Alexander Campbell, Master of s.s. "Oreti." Breach of the 37th Section, "Sheep Act, 1878."

The Hon. the Colonial Secretary, Wellington.

26th January, 1881.

THE above case came on for hearing this morning. The defendant admitted the offence, and was fined £100 and costs under section 37. No discretion as to the amount of the penalty is given to the Magistrate. The defendant stated that he did not know the ram was on board until he got out of Auckland Harbour, the mate having received the ram. I understand that the master of s.s. "Oreti" intends to apply to the Government for a mitigation of the penalty. In the event of his doing so, I would strongly recommend that his application be granted.

R. C. PASLEY, Chief Inspector of Sheep.

SIR,—

Napier, 14th March, 1882.

We have the honour, on behalf of our client Mr. Alexander Campbell, captain of the s.s. "Oreti," to apply for a remission of the penalty of £100 inflicted upon him at the Police Court at Napier, on the 26th of January last, for a breach of section 35 of "The Sheep Act, 1878." The grounds upon which the application is made are—(1) That the act for which the defendant was fined was really the act of the mate, and the defendant was ignorant that a breach of the law had been committed until after he left the Port of Auckland, where the ram was shipped; (2) that in doing, as he believed, his duty at Napier—by sending information to the Sheep Inspector and landing the sheep for his inspection—he unwittingly placed himself within the reach of the law; (3) that every precaution was used by the defendant to prevent the dissemination of scab by keeping the sheep in close custody until the arrival of the Inspector. Our statement of the facts of the case will, we are sure, be borne out by the Chief Inspector here and the Justices who heard the case, and under these circumstances we have the honour to request that the penalty imposed be remitted.

We have, &c.,

The Hon. the Colonial Secretary, Wellington.

CORNFORD AND DEWES.

GENTLEMEN,—

Colonial Secretary's Office, Wellington, 30th March, 1882.

In reply to your letter of the 14th instant, applying on the part of Captain Campbell, of s.s. "Oreti," for remission of the penalty of £100 inflicted on him for a breach of section 35 of "The Sheep Act, 1878," I am directed to inform you that His Excellency the Governor has been pleased to reduce the penalty to £10.

I have, &c.,

Messrs. Cornford and Dewes, Napier.

G. S. COOPER.

Re DRAKE, Farmer, near Foxton.

SIR,—

Otaki, 10th March, 1884.

I have the honour to bring before your notice the following circumstances, and to request your favourable consideration of the same. On the 21st February, this year, I left my run in Patea with twelve sheep for the purpose of removing them to a run occupied by me at Waikawa, near Otaki, and, previous to starting, I applied to the Inspector of the Patea District for a certificate that

the sheep were free from disease, and was informed by him that such certificate was not required. The sheep were accordingly sent by train to Foxton, and were there detained by order of the Inspector for that district on the grounds that I had neglected to give him seven days' notice of my intention to remove sheep from one district to another as provided by "The Sheep Act, 1878," section 41. The boundaries of the Sheep Districts of Wanganui and Rangitikei were proclaimed in the *New Zealand Gazette* of the 7th February, 1884, and that I had no knowledge of such Proclamation, or any means of hearing the same. That previous to such Proclamation in the *Gazette* the Wanganui Sheep District included both Patea and Foxton, and that consequently but for such Proclamation of the 7th February no notice would have been required. That immediately after the detention of the sheep as above mentioned, I telegraphed to the Inspector at Patea, advising him of the fact, and I received from him in reply a telegram, of which the following is a copy: "Patea, 22nd February, 1884. Arthur Drake, Foxton. Have wired Simpson sheep are clean. Did not understand you were going past Wanganui by rail.—ALEX. MUNRO, Sheep Inspector." That I also sent a letter to the Sheep Inspector at Patea, of which the following is a copy: "Mr. A. Munro, Otaki. Dear Sir,—You will perceive by this letter and the wire I sent you from Foxton that I have got into sad trouble with the Sheep Inspector for this district through not complying with section 41 of the Sheep Act. I remember well asking you for a certificate, and you saying that I did not require one; the conversation took place at the ram and ewe fair on the 19th instant, two days before I left; and the sheep referred to were, as you know, in the yards at the sale—viz., five rams in one pen and seven ewes in another; and I certainly remember when pointing them out to you saying, that I should be starting to Otaki with them either the next day or the one following, and I had better have a certificate for them, not knowing at the time there would be any other trouble in store for me. I feel sure it must have been an oversight on your part not to have given me proper instructions and a clean certificate. I have had to provide paddocking for them in Foxton for about a fortnight, and to dip them twice before they come on, besides paying a man to attend to and water them every day; this will be quite enough expense, without the hundred pounds. I do not know yet when the case will come off, but I think you will have to come down to help me through.—Yours faithfully, A. DRAKE." That I received in reply from the said Sheep Inspector at Patea, a telegram, of which the following is a copy: "1st March, 1884. Arthur Drake, Otaki. Letter received. Have wired Inspector, was oversight, new districts.—ALEX. MUNRO, Patea." That I was on the 5th instant summoned before Mr. Ward, Resident Magistrate at Foxton, to answer to the charge of having neglected to give to the Inspector the necessary notice provided by the Act, and that the said Resident Magistrate then and there inflicted a penalty of £100. That between the dates of the said Proclamation in the *Gazette* of the 7th February and the date of my sending the sheep—viz., the 21st February, was a period of only fourteen days, and that I received no notice, or had any means of hearing of such Proclamation, and that to the best of my belief no notice thereof was given in any of the local papers.

After consideration of the above facts, I would respectfully request that the above penalty, or such part thereof as you should upon inquiry deem fair and reasonable, be remitted.

I have, &c.,

ARTHUR DRAKE.

The Hon. the Colonial Secretary, Wellington.

REFERRED to Mr. Ward, R.M., for any remarks he may have to make on the case.—G. S. COOPER.
1st April, 1884.

Mr. Cooper.

4th April, 1884.

MR. DRAKE was charged before me at Foxton on the 5th March with having introduced by land the sheep he mentions, from an infected into a clean district without having given to the Inspector of the district into which such sheep were to be introduced seven days' previous notice of his intention so to introduce them. Mr. Drake pleaded guilty to the charge, but said he committed the offence unwittingly. It did not occur to him that it was necessary to give this notice or that the Wanganui and Rangitikei had been declared separate districts. He understood they were still subdivisions of the Wellington District. Looking at the *New Zealand Gazette* I saw that the District of Wanganui and Rangitikei were published as separate districts on the 7th February, and that the Rangitikei was declared a clean and the Wanganui an infected district by notification dated the 19th February, and were published on the 21st of that month. Therefore these sheep were introduced into the clean from an infected district on the very day of publishing the Proclamation determining the character of these districts. Although I was perfectly satisfied the defendant did not intend to infringe the requirements of law, yet as the offence had been committed I had no option but to inflict the penalty of £100. Under the peculiar circumstances of this case I venture respectfully to say that I shall be glad if the Government can see its way to remit or considerably lessen the fine I was compelled to inflict.

ROBERT WARD, R.M.

SIR,—

Colonial Secretary's Office, Wellington, 30th May, 1884.

I have the honour to inform you that, under the circumstances set forth in your letter of the 10th March, his Excellency the Governor has been pleased to remit the fine of £100 inflicted upon you for a breach of the Sheep Act.

Arthur Drake, Esq., Otaki.

I have, &c.,

G. S. COOPER.

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.

Re WALTER GIBSON, Runholder, Kaikoura.

SIR,—

Resident Magistrate's Court, Kaikoura, 10th July, 1883.

At a sitting of the Court to-day, the case of A. H. Passau (Sheep Inspector) *v.* W. Gibson, for a breach of "The Sheep Act, 1878," section 23, was brought before us, the undersigned Justices. The defendant admitted the charge, but requested permission, which was given him by the Bench, to produce evidence in extenuation, showing that only a certain portion of the flock (about ten thousand in number) were infected, and only a very small number of these (having escaped the last muster) were actually diseased. That he had used every possible exertion and spared no expense in fencing the run and mustering and dipping the sheep, which was admitted by the Inspector; but, owing to the unusually long continuation of bad weather, he had been unable to clean the infected portion of his sheep, which, it was shown, he would have accomplished if the season had been an ordinarily favourable one. This also was admitted by the Inspector, who had previously asked that the minimum fine only should be inflicted.

The Bench inflicted the minimum fine of 3d. per sheep on the whole flock, amounting, with the costs of the Court, to the sum of £500 7s.

The whole circumstances of the case considered—the exceptional nature of the case, the serious disadvantages with which the defendant has had to contend, the magnitude of the fine, and the crippling effect the full payment thereof would have upon his means of continuing his endeavours to effect the cleaning of his sheep—we therefore beg deferentially to recommend that His Excellency the Governor be advised to exercise his prerogative and make the fine a nominal one, as we are satisfied the case merits this recommendation.

At the close of the case we mentioned to the Inspector our intention to make this recommendation, which he said he concurred in, and would make a similar representation to the Sheep Department.

We have, &c.,

A. W. INGLES, J.P.

WILLIAM SMITH, J.P.

The Hon. the Minister of Justice, Wellington.

GENTLEMEN,—

Department of Justice, Wellington, 3rd August, 1883.

I have the honour to acknowledge the receipt of your letter of the 10th July, and, in reply, am directed to inform you that His Excellency the Governor has been pleased to reduce the fine imposed on Mr. Walter Gibson for a breach of "The Sheep Act, 1878," to £5.

I have, &c.,

A. W. Inglis, Esq., J.P., and

W. Smith, Esq., J.P., Kaikoura.

C. J. A. HASELDEN,

Acting Under-Secretary.

SIR,—

Colonial Secretary's Office, Wellington, 6th August, 1883.

I have the honour, by direction of the Colonial Secretary, to inform you that, taking into consideration the circumstances of the case, His Excellency the Governor has been pleased to reduce the fine imposed upon you for a breach of "The Sheep Act, 1878," from £500 to £5.

I have, &c.,

Walter Gibson, Esq., Kaikoura.

G. S. COOPER.

SIR,—

Colonial Secretary's Office, Wellington, 6th August, 1883.

I have the honour to acknowledge the receipt of your letter of the 11th ultimo, and, in reply, to inform you that, under the circumstances, His Excellency the Governor has been pleased to reduce the fine imposed on Mr. Walter Gibson for a breach of "The Sheep Act, 1878," from £500 to £5.

I have, &c.,

Sheep Inspector Passau, Kaikoura.

G. S. COOPER.

NOTE.—Letter of the 11th July referred to contained a report of the Court case when fine was imposed.

Re W. L. FOWLER, Runholder, Marlborough.

SIR,—

Hereford Street, Christchurch, 11th January, 1883.

On behalf of Mr. William Longney Fowler of the Amuri, sheepfarmer, I beg to forward herewith petition by him for the remission of fines inflicted upon him under the provisions of "The Sheep Act, 1878," together with a recommendation for such remission signed by the principal sheepfarmers in the district.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

T. WALTER SPRINGER.

The Hon. Thomas Dick, Colonial Secretary, Wellington.

THE humble petition of WILLIAM LONGNEY FOWLER, of Stanley Vale, Amuri, Sheepfarmer, sheweth:—

That your petitioner for some years past has been the owner and occupier of the Stanley Vale Run, situate in the Amuri Subdivision of the Marlborough Sheep District. That in the latter part of the year 1881 your petitioner purchased the Tophouse Run, situate in the Blenheim and Picton Subdivision of the said Marlborough Sheep District. That, being desirous of removing sheep from Stanley Vale to Tophouse, your petitioner had several interviews with Inspectors Knyvett and Blundell relative to such removal, and in the month of January, 1882, your petitioner received a communication from Inspector Blundell, of which the following is a copy: "Memorandum from A. K. Blundell, Sheep and Cattle Inspector and Registrar of Brands, Blenheim, 18th January, 1882, to W. L. Fowler, Stanley Vale, Amuri.—I am in receipt of a letter from Mr. Wieslnhavon, in which he informs me that you wish to remove some sheep from Stanley Vale to the Tophouse.

I have also seen your son Stanley on the subject, and informed him that the sheep could only come under the following conditions: First, you will have to comply with any conditions imposed by Inspector Knyvett with regard to the driving of the sheep; and, in the second place, I could not allow any sheep to be brought on to the Tophouse Run from the South until such time as you have a fence erected across the upper end of the Tophouse Flat so as to prevent any sheep from straying back. You are no doubt aware that sheep cannot be removed from Stanley Vale until such time as you obtain a clean certificate for the flock.—ARTHUR K. BLUNDELL, Inspector of Sheep.” That your petitioner erected the fence as required by Inspector Blundell, and used his best endeavours to obtain a clean certificate for his flock at Stanley Vale. That in the month of February, 1882, your petitioner received a communication, of which the following is a copy: “Memorandum from W. H. Knyvett, Sheep and Cattle Inspector and Registrar of Brands, Amuri, 4th February, 1882, to Mr. W. L. Fowler, Stanley Vale, Amuri. Dear Sir,—In our several conversations in re driving sheep from Stanley Vale to Tophouse, you will remember I informed you that I was not quite sure upon one point—namely, whether in the meaning of “The Sheep Act, 1878,” the Amuri Subdivision was or was not included in the Provincial District of Marlborough. You will also remember that I told you I was in communication with the Chief Inspector about the matter, and would let you know, either personally or by letter, the result of such communication. I am now in receipt of Mr. Bayly’s reply, and take the earliest opportunity of letting you know how matters stand. I find that, as I had expected, the Amuri is not included in the Marlborough Provincial District, consequently section 69 of the Act does not apply to the case. Section 40 of the Act will show you that you cannot remove sheep for which no clean certificate is in force; which means that, as you do not hold a clean certificate for the Stanley Vale flock, you will not be allowed to drive any portion of that flock to Tophouse or elsewhere.—W. H. KNYVETT, Inspector of Sheep, Amuri.” That in the month of May, 1882, your petitioner received a communication from Inspector Knyvett, of which the following is a copy: “Wednesday, 18th May, 1882. Mr. W. L. Fowler. Sir,—I have been instructed by the Chief Inspector not to grant any certificate until I have seen the whole of the sheep from Messrs. McArthur’s back country. It is also my intention to see Tarndale sheep, which are running on the country through which you would have to travel, if you get a clean certificate. The Tarndale sheep were to have been in on the 19th, but the bad weather will have stopped them. I should advise you to turn the sheep out on your own run, as it will be too late to risk driving after all the sheep work is done at Tarndale. Your son Stanley will tell you where I shall be should you wish to see me.—Yours truly, W. H. KNYVETT, Inspector of Sheep, Amuri.” That on the 28th day of June, 1882, at Jollie’s Pass, your petitioner obtained from Inspector Knyvett a clean certificate for his Stanley Vale Run, and thereupon applied to the said Inspector for permission, under section 46 of “The Sheep Act, 1878,” to drive a mob of sheep from Stanley Vale across Tarndale Run (then an infected run within the meaning of the Act) to the Tophouse Run. That the said Inspector at first refused, but afterwards agreed to grant such permission, and arranged to meet your petitioner at Stanley Vale on the 29th day of June, 1882, for the purpose of seeing the said sheep start from Stanley Vale to the Tophouse. [See evidence of Knyvett, page 2; W. L. Fowler, page 7; Tom Fowler, page 8; and McArthur, page 9.] That on the said 29th day of June your petitioner caused the sheep intended to be removed as aforesaid to be mustered, and held them ready for the inspection of the said Inspector. That the said Inspector did not attend at Stanley Vale as arranged; and, after holding such sheep on the 29th and 30th days of June and the 1st day of July, your petitioner started on the 2nd day of July to drive the said sheep to Tophouse, fully believing that he had the Inspector’s permission so to do, and that the only reason the Inspector did not attend at Stanley Vale, as arranged, was that the latter did not consider it necessary to inspect the said sheep before their removal, he having inspected them shortly before granting your petitioner the said clean certificate. That in driving the said sheep your petitioner had to cross the Tarndale Run, and your petitioner telegraphed to his son, who was in charge of the Tophouse Run, that the latter should give Mr. Sim, the manager of the said Tarndale Run, the notice required to be given in such case by section 49 of the said Sheep Act. That your petitioner’s said son gave a personal verbal notice to Mr. Sim, with which Mr. Sim expressed himself satisfied. [See Mr. Sim’s evidence, page 5.] That in driving such sheep your petitioner also crossed a small portion of the Clarence Run, but, at the time of driving such sheep, your petitioner was not aware that he was crossing the said Clarence Run, as the boundary-fence between the said Tarndale and Clarence Runs was erected in such a way as to lead the general public to believe that the part of the said Clarence Run crossed by your petitioner was in reality part of the Tarndale Run. [See evidence of Mr. Low, page 6.] That, being under the impression that your petitioner had not to cross any part of the said Clarence Run, he gave no notice to the owner or occupier of the said run. That on the 28th day of August Inspector Knyvett laid three informations against your petitioner for breaches of the Sheep Act: (1) For driving 1,184 sheep through an infected run, to wit, the Tarndale Run, without the permission of an Inspector, contrary to section 46 of the said Sheep Act; (2) for driving 1,184 sheep through Tarndale Run without giving the notice required by the 49th section of the said Act; (3) for driving 1,184 sheep through Clarence Run without giving the notice required by the 49th section of the said Act. That the said informations were tried before Caleb Whitefoord, Esq., at Waiau, on the 26th day of October last, and, after the evidence (of which a copy is hereunto annexed) had been taken, your petitioner was convicted upon the said informations and adjudged to pay fines and costs, amounting in the whole to the sum of £77 10s., particulars whereof are also hereto annexed. That the smallest fine allowed by the said Act was inflicted upon your petitioner by the said Magistrate, because, as the latter stated in his judgment, he considered that, with reference to driving the said sheep without the permission of the Inspector, your petitioner had been misled by the said Inspector, and with reference to driving the said sheep through the Tarndale Run your petitioner had committed a mere technical breach of the Act, inasmuch as the personal notice mentioned in

the said section 49 is by the interpretation clause of the said Act defined to be a written notice, and, with reference to driving the said sheep through the Clarence Run, that the boundary-fence was so erected that, in common with others of the public, your petitioner could not have been aware that he was crossing the said Clarence Run. That under the circumstances before set out your petitioner would respectfully solicit that the fines imposed upon him as aforesaid be remitted and your petitioner would respectfully beg to point out:—

As regards the information under section 46 of the said Act for driving the said sheep without the permission of the Inspector: (1.) That it was always represented to your petitioner that he should be allowed to remove the said sheep when he obtained a clean certificate for his run at Stanley Vale. [See letters of Blundell and Knyvett, set out in pages 1 and 2.] (2.) That Inspector Knyvett led your petitioner to believe that, having obtained a clean certificate, there was then no objection to your petitioner removing the said sheep; and, further, that he himself pointed out to your petitioner that, by section 40 of the Act, notice should be given to Inspector Blundell that your petitioner was going to bring sheep into the district inspected by said Inspector Blundell, and advised your petitioner to telegraph to Inspector Blundell that the sheep were coming, and also read and approved the telegram before it was transmitted by your petitioner. [See evidence of Knyvett, page 2; W. L. Fowler, page 7; and F. Green, page 9.] (3.) That Inspector Knyvett himself contemplated that the sheep would be removed by your petitioner. [See evidence of Thomas Fowler, page 8; and John McArthur, page 9.]

As to crossing Tarnedale without notice: That, although your petitioner did not give to Mr. Sim, the manager of the said run, the strict legal notice required by the Act, your petitioner gave him such a notice as satisfied him, and therefore put him in the same position as he would have been had your petitioner given him a strict legal notice. [See Mr. Sims's evidence, page 5.]

As to crossing the Clarence Run without notice: That your petitioner was not aware he was crossing this run, as the boundary fence between it and the Tarnedale Run was so erected as to mislead the public.

Your petitioner therefore prays that the penalties before mentioned may be remitted to him, and you petitioner will ever pray.

W. L. FOWLER.

Copy of Evidence.

William H. Knyvett: I am Inspector of Sheep for the Amuri Subdivision of the Marlborough Sheep District, and I have been so for the past twelve months; I know defendant, Fowler. I know his run and flock. His sheep have been infected. The run of defendant is known as Stanley Vale, and is in the Amuri Subdivision of Marlborough District. The defendant's sheep were infected up to the 28th June last. I gave defendant a clean certificate on the 28th June, 1882. I believe defendant removed some sheep about the 3rd July, and that the sheep left the homestead on the 2nd July. The defendant took the sheep to the Tophouse, which is not in the Stanley Vale Run. I gave the defendant no written permission to remove these sheep. The sheep, before removal, were not dipped to my satisfaction or approval. In driving from Stanley Vale to Tophouse it is necessary to cross Tarnedale Run. [Admitted sheep crossed Tarnedale Run.] Tarnedale is an infected run, and was on the 2nd July. I gave defendant no permission to drive any sheep across Tarnedale Run. Tarnedale is in the Amuri Subdivision of the Marlborough District. The sheep Mr. Fowler drove were part of the flock that had been infected up to the 28th June, and for which I gave Fowler (defendant) a certificate on that date.

Examined by Mr. Stringer: I only fix the date on which Fowler started from the date sheep arrived at Tophouse. Tophouse is not in any subdistrict. Fowler applied for some time for a clean certificate and for permission to remove these sheep. I wrote letters [put in] 4th February and May. I saw McArthur's sheep, and gave clean certificate to them 28th June, 1882, same day Fowler got his. 12th June [letter read], 27th June [letter read]. [Clean certificate put in by defendant.] I gave no permission to cross Tarnedale to go from defendant's to Tophouse, at Jollie's Pass. I gave defendant no permission of any kind to remove sheep. I tried to persuade the defendant not to remove the sheep on account of the weather and the risk to the neighbours in case sheep had to be abandoned on account of bad weather. I said afterwards if I was satisfied with the weather I would allow the sheep to go. I was not satisfied with the weather, which looked like snow. I said I would go to Fowler's next day. I did not go, and sent word to Fowler. I am not sure it was next day. I spoke to Fowler about sending a telegram to Inspector of Tophouse District. I said it would be necessary to telegraph to Inspector Blundell. The telegram was read to me. I may have suggested he ought to state in telegram the number of sheep. I also advised to send telegrams to his son, and how to send them. I knew purport of telegram to Stanley Fowler. I went towards St. James's next day with defendant. I was going there, and from thence to Stanley Vale. I overtook McArthur. I told McArthur. I did not say to him I was going to see Fowler's sheep start. [See McArthur's evidence, page 10.] I said I would let the sheep go if I was satisfied with the weather. At Jollie's Pass I spoke to Thomas Fowler, and said it was unwise to remove the sheep. I asked Thomas Fowler what Inspector Cook required about the removal of sheep, and then said I would let his father's sheep go if I was satisfied with the weather. I might have said I had a good mind to enclose a written permit for the removal of Fowler's sheep to Duncan McGillvray, who would have to see that no weak sheep went. Duncan McGillvray is in the employment of McArthur Brothers. I was at Stanley Vale some three or four weeks before the 28th June. I said if I was satisfied with the weather I would give permission to take sheep to Tophouse. Every Inspector has a broad-arrow brand, to be used on removal from infected district to clean district. It is used when sheep are removed. I use the brand according to my judgment. The joint muster was to my satisfaction. I gave the Government brand to Mr. Fowler. I told him to brand the sheep with it that he was going to remove. I was going to Christchurch,

and said I would go up to Fowler's when I returned. I went to his woolshed, and sent the note the 18th of May. I thought sheep would start as soon as I was satisfied with the joint muster. I was at Tarndale about the 17th October. I examined several mobs of sheep there. I got the telegram from defendant 25th May. I sent reply 26th May.

Arthur K. Blundell: I am Inspector of Sheep for the Blenheim and Picton Subdistrict of the Marlborough Sheep District. About 29th June I got the telegram [put in]. I went to Tophouse, which is my subdistrict. I got there in the evening of the 7th of July. I found 1,184 sheep there in charge of Mr. Stanley Fowler. They were dipped and turned out on Tophouse Flat. They were branded F in circle, and some had the broad-arrow brand on. I asked Stanley Fowler for his permit to drive the sheep, and he said he had none, but showed me a clean certificate. He said his father had started with 1,212, and some were killed on the road and the rest were drowned in crossing the river. He said the sheep had left the Stanley Vale woolshed on the Sunday previous; that would be the 2nd July, 1882. The sheep got to the yards at the Island Saddle on Tarndale Run the same night that they crossed the Clarence, at the mouth of the Serpentine. Next day they got to the old Tarndale Station, and were yarded there on the 3rd July. Tarndale Run is infected. He said that he (Stanley Fowler) met the sheep there, and gave notice to the Tarndale manager same day. On the 4th July the sheep got to the Rainbow (97 miles from Tarndale), on the 5th part of the way down the Gorge, and on the 6th July they got to Tophouse, and were put in paddock until I arrived, and I made them dip them. Tophouse was held under a clean certificate at that time. It has not in consequence been declared infected.

William Sim: I am manager of the Tarndale Run. I remember Sunday, the 2nd July. I was at the Waiau, and returned home between eight and nine o'clock at night. I saw Stanley Fowler between the Rainbow and Tophouse. He said he was going for sheep—to meet them or going for them. I got no legal notice from Stanley Fowler about the sheep. On Monday, the 3rd July, I saw Stanley Fowler. He said the sheep had passed about four miles from the station. I got a verbal notice that Stanley Fowler was taking sheep through the run. I was satisfied with it. I had no sheep to my knowledge when Fowler passed with the sheep. I did not think it necessary to send a man. Fowler said he was on his way to meet the sheep at Stanley Vale, and the sheep would go through the run in two or three days from the 2nd July. I had had a verbal notice before about the sheep going through the run. I got it about a month before. Defendant was at Tarndale on the Monday with Stanley Fowler, and from them I learnt the sheep were passing through the run on the 3rd July. In September I found there were 153 of my sheep in the country Fowler passed through with his sheep.

William Anderson Low: I own the Clarence Station. I believe the sheep driven by Fowler from Stanley Vale on the 2nd July must have passed through part of my run. I got no notice from defendant. I heard the route described by witness. A fence was put up as a boundary jointly by Adams, owner of Tarndale, and Clarke, acting for me. I do not admit the fence as a boundary. If it was the boundary the sheep would not have been on my run. Adams has not occupied the country.

W. H. Knyvett: I know the country as the Serpentine. If sheep crossed there they must go on Mr. Low's run, which is in Amuri Subdivision.

S. Fowler: I am the defendant. I saw Inspector Knyvett at Jollie's Pass. I got a clean certificate. I asked about removal of sheep. Knyvett said I could not take sheep; and then Knyvett said, "You shall take the sheep; I will go and see Tom" (my son). He went and returned. I went to Stanley Vale. I said Knyvett had given permission. Knyvett said he would come to Stanley Vale to see the sheep. I arranged for a horse for Knyvett next day. Knyvett came into my room and told me to send a telegram by the coachman. I sent telegrams. I read them to Knyvett; he told me to fill in the number. I put in 1,500. I had got the Government brand from Knyvett a month before, and branded two thousand sheep with it, and mixed them up with the others. Green was present. We started to go home, Knyvett with us. Knyvett left to see McArthur, and promised to be at Stanley Vale that night. He did not come. I removed the sheep on Sunday. On Saturday we took them out of the woolshed. We kept them till Saturday night, and started on Sunday. We waited for Knyvett on Saturday and Sunday. I got the letter on the Tuesday on my return. When I got the Government brand it was arranged to muster my run and McArthur's as one, and the Inspector would then give a certificate. If Knyvett was satisfied with St. James's he would give a clean certificate. Knyvett was to go to Christchurch, and on his return see the sheep I had put the Government brand on. He did not come; I got a pencil note. No stipulation was made with regard to weather. Weather was good all the time, except a little rain on Saturday. I took the sheep to Tarndale. I did not think I was in the Clarence Run, where the Knee is. No stipulation was made with regard to weather. When I got the brand from Knyvett in May it was arranged I should take the sheep to Tophouse on the 29th June. I expected, when Knyvett came up, to get formal permission to removal of sheep. Knyvett spoke about dipping. I was only two days down in bad country.

Tom Fowler: I was at Jollie's Pass on the 28th June. I spoke to Knyvett. He said he would let the sheep go. He spoke about Duncan McGillivray. He asked if I thought McGillivray would be a fit person to count the sheep, and keep out any weak ones. I said, "Yes." He said he would send the permit to McGillivray to fill up as his horse was tired with long journeys. I went with Knyvett to my father. Knyvett left and said, "You have no need to fear, I will be at Stanley Vale to-morrow." Knyvett said at Jollie's Pass he would like to see the sheep before they started. My father said, "Don't disappoint me, for I shan't wait."

John McArthur: I got the clean certificate on the 26th June. I saw Knyvett at St. Helen's, on the plain. Knyvett went to the ferry to give me the certificate. He said he was going back to Stanley Vale to see sheep that Fowler was going to remove to Tophouse.

F. Green: I was at Jollie's Pass. I heard Knyvett say Fowler could not remove the sheep. Afterwards, next day, Knyvett was present when Fowler read telegrams. Knyvett called Fowler to send telegrams.

A.

MEMORANDUM from W. H. KNYVETT, Inspector of Sheep, Amuri.

SIR,—

12th June, 1882.

Before you can obtain a clean certificate it will be necessary that you call at my office and make a declaration, see section 15 of "The Sheep Act, 1878," Schedule B. I received your last (Tophouse) telegram some three days after it was sent, to which I did not reply as it would only be running you to unnecessary expense. You will not be able to obtain a clean certificate until Messrs. McArthur Brothers obtain theirs, which, in all probability, will not be until the 4th day of August, 1882; but at any time you like to call at Waiau, if I am at home, you can make the declaration before me. I shall not visit Stanley Vale again before spring.

W. L. Fowler, Esq., Stanley Vale, Amuri.

W. H. KNYVETT, Inspector of Sheep.

B.

MEMORANDUM from W. H. KNYVETT, Inspector of Sheep, Amuri.

SIR,—

27th June, 1882.

I shall be at Jollie's Pass Hotel on Wednesday, the 28th instant, and it is absolutely necessary that you meet me there.

W. H. KNYVETT, Inspector.

W. L. Fowler, Esq., passenger per coach to Upper Ferry.

C.

A. K. Blundell, Blenheim.

Hurunui, 29th June, 1882.

I shall be Tophouse with sheep from Stanley Vale, 1,500, 7th July.

W. L. FOWLER.

REGINA v. FOWLER.—For crossing Tarndale—convicted, and fined 3d. per sheep on 1,184 sheep, £14 16s.; costs of Court, information, summons, and service, 5s.; extra mileage for service of same, £2 8s.; eight witnesses, summons at 2s., 16s.; extra mileage for service of same, £9 8s.; conviction, 2s.; solicitor's fee, £1 1s., one witness, Mr. Blundell, £11 10s.: total, £40 6s. For crossing Clarence—convicted, and fined 3d. per sheep on 1,184 sheep, £14 16s.; costs of Court, summons, &c., 5s.; extra mileage for service of same, £2 8s.; conviction, 2s.; solicitor's fee, £1 1s.: total, £18 12s. For driving without permit—convicted, and fined 3d. per sheep on 1,184 sheep, £14 16s.; costs of Court, information, summons, and service, 5s.; extra mileage for service of same beyond two miles, £2 8s.; conviction, 2s.; solicitor's fee, £1 1s.: total, £18 12s. Grand total, £77 10s. as follows: Costs of Court, £18 9s.; witness, £11 10s.; fines, £44 8s.; solicitor's fee, £3 3s.

WE, the undersigned runholders and sheep-farmers in the districts set opposite our respective names, do hereby respectfully represent as follows:—

That we were present on the 26th day of October, 1882, at the Resident Magistrate's Court, Waiau, at the trial of certain informations against William Longney Fowler, of Stanley Vale, in the Amuri Subdivision of the Marlborough Sheep District, for breaches of "The Sheep Act, 1878," and heard the evidence adduced upon such trial, and the judgment of the Resident Magistrate upon such informations; that in our opinion the fines imposed upon the said William Longney Fowler in respect of the said informations should be remitted.

1. As to the information under section 46, for having driven 1,184 sheep through Tarndale Run without the permission of an Inspector, on the following grounds: (a.) That the Inspector (W. H. Knyvett) by his conduct towards and correspondence with the said William Longney Fowler led the said William Longney Fowler to believe that he (Fowler) would be able to obtain the necessary permission to drive the said sheep as soon as he (Fowler) obtained a clean certificate for the Stanley Vale Run, from which run it was proposed to drive such sheep. (b.) That the said William Longney Fowler obtained a clean certificate for his said run on the 28th day of June, 1882; and the said Inspector, by his conduct towards and conversation with the said William Longney Fowler, after the latter had obtained a clean certificate, led the said William Longney Fowler to believe that he (Fowler) had permission to drive the said sheep.

2. As to the information under section 49 of the said Act for having driven the said sheep through the Tarndale Run without having given the notice in that behalf required by the last-mentioned section on the following grounds—namely: (a.) That the said William Longney Fowler gave to the manager of the said Tarndale Run (Mr. Sim) an actual verbal notice of his intention to drive the said sheep through the said run, and the said manager was satisfied with such notice. (b.) That, although the said William Longney Fowler committed a technical breach of the said Act in not giving the "personal notice" required by the last-mentioned section of the said Act (and which personal notice is defined by the interpretation clause of the said Act to mean a "notice in writing"), he conformed to the spirit of the said Act by informing the manager of the said Tarndale Run that he was about to drive the said sheep as aforesaid.

3. As to the information, also under section 49 of the said Act, for driving the said sheep through the Clarence Station without having given the necessary notice on that behalf, on the following grounds—namely: (a.) That the said Tarndale and Clarence Runs adjoin. (b.) That a

fence has been erected on the said runs in such a manner as to convey the impression that the said fence is a boundary-fence between the said runs. (c.) That, assuming the said fence to be a boundary-fence (as it appears to be), the said William Longney Fowler did not drive the said sheep across the said Clarence Run, and therefore did not require to give any notice to the manager or owner of the said Clarence Run.

W. A. Lowe, St. Helen's, Amuri.
 John McArthur, St. James, Amuri.
 Geo. Rutherford, Leslie Hills, Amuri.
 James Garland, Achway, Amuri.
 Edgar Jones, Rotherham, Amuri.
 Wm. Thomson, Balmoral, Amuri.
 Geo. W. R. Rae, Glens of Tekoa, Amuri.

The ACTING UNDER-SECRETARY, Department of Justice, Wellington, to the RESIDENT
 MAGISTRATE, Kaiapoi.

HAVE the fines inflicted on W. L. Fowler for a breach of the Sheep Act been paid? If so, please send a voucher for a refund of £29 12s.

Wellington, 26th February, 1883.

C. J. A. HASELDEN.

Re C. GODFREY, Farmer, Picton.

MEMORANDUM from R. HALL, Blenheim.

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

3rd February, 1885.

I BEG to enclose letter received from Charles Godfrey, of Okukari, asking for a remission of the fine imposed on him in the Resident Magistrate's Court, Picton, for breach of the Sheep Act in not reporting scab on his run. As I have already made you acquainted with the nature of this case, I will only add that I think it is a case that might meet with favourable consideration, as I believe it was done with no intention of deceiving the department, but entirely through ignorance of the necessity of complying with the Act, a copy of which he did not then possess.

RICHARD HALL, Inspector, Picton Subdivision.

SIR,—

Okukari, 30th January, 1885.

As I acted quite in error, and not intentionally to deceive, and that the sheep was a wild unmarked one and the skin a dry one when it was sent to me, and that where the sheep was killed was nowhere near my flock, I ask you to represent my case to the Chief Inspector, and ask for a remission of the fine inflicted on the 20th. I have men employed killing the wild sheep now.

I have, &c.,

Mr. Hall.

CHARLES GODFREY.

[Approximate Cost of Paper.—Preparation, not given; Printing (1,225 copies), £7 13s. 6d.]

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1885.