

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ

No. 34

An Act to regulate the Droving of Travelling Stock.

[Assented to 28th November, 1894.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement

1. This Act may be cited as 'The Droving Act, 1894,' and shall come into operation on the first day of January, 1895.

Interpretation

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively:—

'Drover'—The proprietor or any other person driving or in possession or charge of any travelling stock.

'Inspector'—Any person appointed as an inspector under any Act for the time being regulating the branding of stock.

'Manager'—The person for the time being in principal charge of any run.

'Constable'—Any officer or member of the Police Force.

'Proprietor'—The owner or proprietor, jointly or in severalty, of any stock.

'Run'—Any run, station, farm, freehold, or leasehold, where stock are kept or depastured.

'Stock'—Any horse, mare, gelding, colt, filly, ass, mule, camel, bull, cow, ox, heifer, steer, calf, ram, ewe, wether, lamb, or goat.

'Travelling Stock'—Any stock taken or driven, or about to be taken or driven, to any place more than forty miles from the run upon which such stock were depastured previous to starting.

Proprietor of travelling stock to provide himself with way bill

First Schedule

3. (1) Whenever the actual proprietor of any stock, or the manager of any such proprietor, intends to act as the drover thereof, he shall provide himself with a way bill in the form contained in the First Schedule to this Act, and signed by such proprietor or manager, in the presence of a subscribing witness.

Proprietor to provide drover with delivery note

Second Schedule

(2) Whenever any person, other than the actual proprietor, or the manager of any such proprietor of any stock, acts as the drover thereof, such proprietor or manager shall complete, sign in the presence of a subscribing witness, and deliver to such person a delivery note in the form contained in the Second Schedule to this Act.

The Droving Act, 1894

(3) If the way bill or delivery note of any such travelling stock is accidentally lost or destroyed, the drover in charge thereof shall forthwith apply in writing to the nearest Justice of the Peace, or inspector, or to the officer in charge of the nearest police station, for an interim way bill or delivery note, as the case may be.

In event of loss of way bill or note, drover to apply for interim way bill or note

(4) Such Justice of the Peace, inspector, or officer shall, on satisfactory proof of such loss, grant an interim way bill or delivery note for such stock, in the form contained in the Third Schedule to this Act, and the person so applying shall, for such interim way bill or delivery note, pay to such Justice of the Peace, or inspector, or officer the sum of One pound.

Justice of the Peace, inspector, or officer may grant interim way bill or note Third Schedule

(5) Any Justice of the Peace, or constable, or inspector, or agent of an inspector, duly authorised by an inspector on that behalf, or any occupier of any run, through or along which such stock is, or has been travelling, may inspect any travelling stock, and compare the brands or marks thereof with the brands or marks set forth in any such way bill or delivery note, or interim way bill or delivery note.

Way bill or delivery note and stock may be inspected

(6) The drover of any such stock shall, on being requested so to do, submit the stock in his charge to such inspection accordingly, and shall, when required, produce his way bill or delivery note, or interim way bill or delivery note, as the case may be.

Drover to submit stock to inspection

(7) Any proprietor, manager, or drover who fails to comply with any of the requirements of this section, or fails to assist in the inspection of such stock, shall be summarily punishable before any two or more Justices of the Peace, and liable, on conviction, for every such offence, to a penalty not exceeding Fifty pounds.

Penalty

4. (1) Any Justice of the Peace, constable, inspector, or agent inspecting travelling stock as aforesaid, and being satisfied with the correctness of the way bill or delivery note, or interim way bill or delivery note thereof, shall endorse thereon his name, designation, and address.

Endorsement of way bill or delivery note

(2) Any Justice of the Peace, upon the complaint or information on oath by the Justice of the Peace, constable, inspector, or agent inspecting such stock, that the drover had in his charge or possession stock not fully and accurately described in such way bill or delivery note, or did not produce the way bill or delivery note, or interim way bill or delivery note, relating to such stock, when required as aforesaid, may issue a summons to such drover, to appear at a time and place mentioned in such summons, before any two or more Justices of the Peace, and such drover shall be summarily punishable before such Justices, and liable, on conviction, for every such offence, to a penalty not exceeding Fifty pounds.

Drover may in certain cases be punished summarily

(3) Any person purchasing or receiving from any such drover any stock not described, or incorrectly described in any such way bill or delivery note, or interim way bill or delivery note, or from any drover who has not produced a written authority from the proprietor of such stock, or his manager, to sell, or otherwise dispose of the same, shall be summarily punishable, before two or more Justices of the Peace, and liable, on conviction, to a penalty not exceeding Fifty pounds.

Penalty for purchasing stock incorrectly described in any way bill or delivery note

The Droving Act, 1894

Travelling stock
to be moved
certain distances
per diem

5. All travelling stock shall, if consisting of horses, mares, geldings, colts, fillies, asses, mules or camels, or of bulls, cows, oxen, heifers, steers, or calves, be moved not less than eight miles per diem, and if consisting of sheep, rams, ewes, wethers, lambs, or goats, not less than five, or when through enclosed lands seven, miles per diem, towards their destination. Provided, however, that if it should be made to appear to the satisfaction of any Justice of the Peace, or inspector, or the occupier of the run through or along which such stock are travelling, that owing to some unforeseen cause the compliance with the foregoing provisions would entail unnecessary hardship, it shall be competent for any of such persons to give a written permission varying the requirements of this section in such manner as they may deem expedient.

Proviso

Drovers to give
notice before
entering a run

6. (1) Every drover, before allowing any travelling stock to approach within ten miles of the head station or homestead on any run, or the headquarters of any person in charge of stock on any part of a run, shall give the occupier of such run, or person in charge as aforesaid, not less than twenty-four hours' nor more than three days' notice of his approach, by leaving such notice at such head station, homestead, or headquarters, as the case may require, and such notice shall specify by what route such stock are about to be driven across such run. Provided further, that such notice shall not be necessary in case of horses, camels, or cattle *bonâ fide* used for saddle, packing, or draught, or where the number of horses, camels, cattle, or other stock (excepting sheep) shall not exceed twenty.

Penalty

(2) Any drover neglecting to give the notice required by this section shall be summarily punishable before any two or more Justices of the Peace, and liable, on conviction, to a penalty not exceeding Fifty pounds.

Travelling sheep
to be branded T

7. Every proprietor of travelling sheep shall cause the same to be legibly branded with the letter T on the rump with some suitable composition, such letter to be at least three inches in length, and shall keep such sheep so branded until their arrival at their destination. Every proprietor neglecting the provisions of this section shall be summarily punishable before any two or more Justices of the Peace, and liable, on conviction, to a penalty not exceeding Twenty pounds.

Sheep or cattle
returning to
same district to
pay a travelling
charge

8. (1) If any travelling sheep or cattle be brought back to the run from which they started to travel, or to any run in the same district, the proprietor of such sheep or cattle shall pay to an inspector for such district, or to the Resident Magistrate thereof, a travelling charge at the rate of Twopence per one hundred sheep, and Twopence per ten head of cattle per mile, for the whole distance such sheep or cattle shall have travelled from the time they started as aforesaid until they were brought back to either of such runs. Provided always, that the provisions of this section shall not apply to any sheep or cattle being *bonâ fide* moved to another run of the same owner for change of pasture, nor to any sheep or cattle sent *bonâ fide* to and returning unsold from market.

Exemption

Application of
charges

(2) All moneys received by inspectors or Resident Magistrates for travelling charges under this Act shall be paid by them to the Colonial Treasurer for the public uses of the Colony, and all such

The Droving Act, 1894

moneys payable by any proprietor may be recovered summarily before any Justice of the Peace in Petty Sessions, or by seizure and sale, under the written order of the Resident Magistrate, of the sheep or cattle so brought back as aforesaid. Recovery of charges

9. Sections A, E, F, G, and H of 'The Shortening Ordinance, 1853,' shall be incorporated with, and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections have been introduced and fully set forth in this Act. Sections of Shortening Ordinance to be incorporated

W. C. F. ROBINSON,
GOVERNOR.

FIRST SCHEDULE

Section 3

'DROVING ACT, 1894'

Proprietor's Way Bill

I, _____, do solemnly and sincerely declare that I am the actual proprietor [or the manager of the proprietor] of the stock named in the schedule below consisting of (*number in words*) (*description of stock*) which are travelling from _____

to _____ by _____ day of _____ 18 _____,
Signed at _____ this _____ day of _____ 18 _____,
Before me _____ (Signature)
(Witness) _____ Proprietor or Manager.

SCHEDULE REFERRED TO ABOVE

Number	Description of Stock	Brands or Marks of Stock

(Signature)
Superintendent or Proprietor.

SECOND SCHEDULE

Section 3

'DROVING ACT, 1894'

Delivery Note

This is to certify that I have here this day delivered into the charge of _____, as my drover, the (*state number in words*) (*description*)

The Droving Act, 1894

of stock) mentioned in the schedule below, for the purpose of their being
by him to at

Signed at this day of
(Signature) Proprietor or Manager.

Before me,
(Witness)

SCHEDULE REFERRED TO ABOVE

Number	Description of Stock	Brands or Marks

(Signature)
Proprietor or Manager.

Section 3

THIRD SCHEDULE

'DROVING ACT, 1894'

Interim Way Bill (or Delivery Note)

18 .

It having been represented to me that , the drover of the (state
number in words) (description of stock) belonging to
mentioned in the schedule below, has accidentally lost his way bill [or delivery
note] while travelling from to , this interim
way bill [or delivery note] is hereby granted to such drover for such stock.

(Signature)
Inspector or Officer.

SCHEDULE ABOVE REFERRED TO

Number	Description of Stock	Brands or Marks

(Signature)
Inspector or Officer.