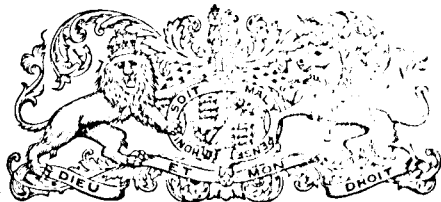


WESTERN PACIFIC HIGH COMMISSION.

No. 1 of 1924



[L.S.]

C. H. RODWELL,

High Commissioner.

January 10th, 1924.

KING'S REGULATION

WITH REGARD TO THE TRESPASS OF STOCK AND THE
REGISTRATION OF BRANDS.

Made by His Britannic Majesty's High Commissioner for the
Western Pacific under the provisions of the Pacific Order in
Council 1893.

In the name of His Majesty GEORGE THE FIFTH, by the Grace of
God of the United Kingdom of Great Britain and Ireland
and of the British Dominions beyond the Seas King, Defender
of the Faith, Emperor of India

1. This Regulation may be cited for all purposes as the Trespass SHORT TITLE.
and Branding Regulation 1924.

2. In this Regulation and in the Schedules hereto unless other- INTERPRETATION
wise provided the expression "stock" means and includes any
horse mare gelding colt filly ass mule bull cow ox steer heifer calf
goat or sheep.

The expression "animal" means and includes any kid lamb
hog sow pig or any other great or small animal as well as any
"stock."

The expression "fence" shall have any of the following mean-
ings:—

- (1) A post and rail fence at least three feet six inches in height
of substantial material firmly erected with no greater
distance between the rails or the bottom rail and the
ground than one foot and the posts not more than nine
feet apart:

- (2) a substantial wire fence at least three feet six inches in height having wires tightly stretched with no greater distance between each of the three lowest wires or the bottom wire and the ground than seven inches and the posts not more than eleven feet apart with straining posts not more than one hundred yards apart;
- (3) a wall of stone or other substantial material at least four feet in height and not less than two feet wide at the bottom and nine inches at the top;
- (4) a substantial paling fence at least three feet six inches in height with no greater distance between the palings than four inches;
- (5) such other fence erected in such manner and with such material as the Resident Commissioner may from time to time prescribe either in substitution for or in addition to any of the fences described in (1) (2) (3) and (4) of this section.

The expression "brand" means a distinct and plain mark burnt with a branding iron into the skin of not less than two inches in length.

OWNER OF LAND
TRESPASSED
UPON TO RECEIVE
COMPENSATION.

3. The owner or occupier of any cleared or cultivated land trespassed upon by any animal shall be entitled to receive from the owner or person having the charge management or control of such animal payment of a compensation according to the rates fixed in Schedule A to this Regulation. Such compensation shall be payable in respect of every trespass although no damage may have been caused thereby and may be recovered by summons before the Court in a summary way together with the amount of any damage not exceeding twenty pounds which the trespass of such cattle may have occasioned and such costs as the Court may deem reasonable.

COMPENSATION
IN CASE OF
SUBSEQUENT
TRESPASS.

4. In the case of a second or subsequent trespass of any animal of the same owner or person as aforesaid upon the same cultivated or cleared land or any part thereof at any time within one year of the previous trespass double the amount of the compensation rate together with damages and costs as aforesaid shall be recoverable against such owner or person.

STOCK BECOMING
A NUISANCE IN
ANY DISTRICT
COURT MAY
ORDER OWNER
TO FENCE.

5. If upon complaint being made by not less than two separate non-native owners or occupiers of land or of three members of a native community owning land it shall appear to the Court that any stock constitute a public nuisance by reason of trespass committed by them the Court may issue an order that the owner or person having the charge management or control of such cattle do within a time to be named in the order either cause them to be confined by a fence or to be destroyed or removed out of the district. In case of disobedience of any such order the owner or person as aforesaid shall be liable on summary conviction to a fine not exceeding twenty-five pounds and it shall be lawful for the Court in addition to imposing such fine to take steps to procure the immediate destruction of the stock and the disposal of their carcasses in such manner as the Court may think fit.

PENALTY FOR
MALICIOUS
INTENT TO CAUSE
INJURY TO
PERSON OWNING
STOCK.

6. Any person who maliciously intending to injure or annoy any other person by rendering him subject to any penalty forfeiture or order provided for by this Regulation shall employ control or dispose of any animal belonging to another person in such a manner as to render such other person liable to any such penalty forfeiture or order shall be liable on summary conviction to imprisonment with or without hard labour for any term not exceeding six months and in addition to or in lieu of any such imprisonment to a fine not exceeding fifty pounds.

7. On and after the first day of June, 1924, it shall not be lawful to keep any bull cow ox steer heifer sheep goat or any calf over six months old unless the same be marked with a brand of its owner registered as hereinafter provided. On the change of ownership of any of the animals specified in this section such animal shall be branded afresh with the registered brand of its new owner. A failure to comply with the provisions of this section shall render the offender liable on summary conviction to a fine not exceeding five pounds.

OWNER TO
BRAND CERTAIN
STOCK.

8. Brands for stock may be registered at the office of the Collector of Customs upon payment of a fee of five shillings. Provided that any person using a sign or character other than letters or numerals as a brand or part of a brand shall defray the expense of procuring a type or block for the purpose of publication.

REGISTRATION
OF BRANDS.

9. The person requiring the registration shall fill up and sign in duplicate a form of request similar to that in Form A of Schedule B to this Regulation and shall deliver the same at the office of the Collector of Customs together with the fee mentioned in the last preceding section.

FORM OF APPLI-
CATION FOR
REGISTRATION.

10. Upon registration the Collector of Customs shall forward one of the duplicate forms of request to the District Officer of the applicant's district such District Officer shall thereupon file the same in book form which shall be open to the inspection of any person at any reasonable time which shall be convenient to the District Officer.

DUPLICATE OF
APPLICATION TO
BE SENT TO
DISTRICT
OFFICER.

11. A general register of all stock brands in the Protectorate shall be kept in the office of the Collector of Customs and shall be open to the inspection of any person during office hours upon payment of a fee of one shilling. Such general register shall be in the form contained in Form B of Schedule B to this Regulation.

GENERAL
REGISTER
OF BRANDS TO BE
KEPT AND TO BE
OPEN TO INSPEC-
TION.

12. In addition to any penalty or liability incurred by reason of the trespass of any stock under this or any other Regulation any bull cow ox steer heifer sheep goat or any calf over six months old not branded with a brand registered by the owner thereof may if found trespassing upon any land under cultivation be killed by the owner or occupier of the land trespassed upon or by any person acting on his behalf.

UNBRANDED
STOCK TRESPAS-
SING MAY BE
DESTROYED.

13. Upon the entering of any brand in the general register the Collector of Customs shall cause the brand together with the name and address of the owner thereof to be published in the Gazette. The registration fee shall cover the expenses of such publication.

REGISTERED
BRAND, ETC. TO
BE PUBLISHED
IN GAZETTE.

14.—(1) The Collector of Customs shall refuse to register any brand likely in his opinion to lead to mistakes or confusion of any brand not in accordance with the provisions of this Regulation.

SIMILAR BRAND
NOT TO BE
REGISTERED.
COLLECTOR OF
CUSTOMS MAY
REQUIRE BRANDS
TO BE ALTERED.

(2) If any two owners of stock have the same or similar brands the Collector of Customs may require the owner of the brand last presented for registration to alter his brand.

(3) In case of any dispute the same shall be determined by the District Officer for the district in which the owner of the brand resides.

(4) Any owner who refuses or neglects to alter his brand accordingly when duly required to do so and afterwards uses the said brand shall be liable on summary conviction to the same fines as are hereinafter provided in the case of any person using another person's brand.

15.—(1) Where it is proved to the satisfaction of the Collector of Customs that any brand registered by him has not been used by the owner thereof or by his authority for at least two years previously such brand shall be considered to have been relinquished and shall be cancelled and removed from the register.

IF A BRAND
REGISTERED
HAS NOT BEEN
USED.

(2) After such cancellation and removal any other owner of stock may on payment of a fee of five shillings register such brand in his own name with the Collector of Customs and may cause his stock to be branded therewith as if such brand had not been previously registered.

USING ANOTHER
PERSON'S
BRAND.

16.—(1) After any owner of stock has registered a brand no other person shall without the authority of such stock-owner brand any stock with the same brand or with any brand bearing the same mark or one so nearly similar as in the opinion of the Collector of Customs to be not readily distinguishable therefrom or make or cause to be made any branding-iron bearing the same or a nearly similar brand as aforesaid.

(2) Every person who offends against this section shall be liable on summary conviction to a fine not exceeding ten pounds in respect of each head of stock so treated.

BRAND EVIDENCE
OF OWNERSHIP.

17. The mark or impression of any registered brand on any stock shall be *prima facie* evidence of the ownership of the said stock by the person in whose name such brand is registered in the general register of stock brands.

DEFACING BRAND

18. Every person who destroys defaces or alters the brand on any stock or is party to the destruction defacement or alteration thereof unless he is the lawful owner of such stock shall be liable on summary conviction to imprisonment with hard labour for any period not exceeding six months or to a fine not exceeding twenty pounds for each head of stock in respect of which such offence has been committed.

USING UNRECI-
TERED BRAND

19. Every person who brands any stock with a brand which is not registered or of which he is not the registered owner without the authority of such owner shall be liable on summary conviction to a fine not exceeding one pound for each head of stock in respect of which such offence has been committed.

MODE OF
BRANDING.

20. — (1) All stock required by section 7 of this Regulation to be branded shall be branded upon the portions of the body indicated by the forms C and D of the Schedule to this Regulation and each succeeding brand other than upon the same portion of the body shall be in the order therein stated.

(2) Every succeeding brand on the same portion of the body shall be lower than and not less than an inch apart from the immediately preceding brand and stock shall be deemed to be branded with the particular brand which appears to be the last in order upon such stock according to the order hereinbefore prescribed.

(3) Any person failing to comply with any requirements of this section shall be liable on summary conviction to a fine not exceeding ten pounds for each head of stock in respect of which such offence has been committed.

SCHEDULE A (Section 3).

COMPENSATION RATE TO BE CHARGED FOR THE TRESPASS OF ANIMALS.

	s.	d.
For every horse mare gelding colt filly ass mule bull cow		
ox steer heifer calf goat sheep kid lamb hog sow pig		
or any other great or small animal	1	0

SCHEDULE B.

FORM A (Section 9).

I _____ of _____ in the British Solomon Islands Protectorate request the registration of the form of brand for cattle herein set forth as my brand for the purpose of distinguishing stock owned by me.

Form of brand

(Signed).....
(Applicant's signature).

FORM B (Section 11).

General Register of Stock Brands.

No. entered consecutively.	Name of registering owner.	Address of registering owner.	Form of brand.	Date of registration.

FORM C (Section 20).

Position and order of Brands on Horses.

- Position 1.—Embracing the near shoulder.
- Position 2.—Embracing the off shoulder.
- Position 3.—Embracing the near rump, hip and thigh.
- Position 4.—Embracing the off rump, hip and thigh.
- Position 5.—Embracing the near ribs and saddle.
- Position 6.—Embracing the off ribs and saddle.

FORM D (Section 20).

Position and order of Brands on other Stock.

- Position 1.—Embracing the near rump, hip and thigh.
- Position 2.—Embracing the off rump, hip and thigh.
- Position 3.—Embracing the near back and ribs.
- Position 4.—Embracing the off back and ribs.
- Position 5.—Embracing the near shoulder.
- Position 6.—Embracing the off shoulder.
- Position 7.—Embracing the near loin.
- Position 8.—Embracing the off loin.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this tenth day of January one thousand nine hundred and twenty-four.

By Command,

ROGER GREENE,

Secretary to His Britannic Majesty's High
Commissioner for the Western Pacific.

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