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THE REGISTRATION OF LIVE STOCK BRANDS ORDINANCE, 1928.

Western Samoa.

No. 3, 1928.



An Ordinance

made by the Administrator of the Territory of Western Samoa, with the advice and consent of the Legislative Council of that Territory and in pursuance of the Samoa Act, 1921.

Enacted

1. This Ordinance may be cited as "The Registration of Live Stock Brands Ordinance, 1928."

Enacted

2. For the purposes of this Ordinance "Brand" means a distinct and plain mark burnt with a branding iron into the skin of not less than 2 inches in length; to which may be added an ear mark made by cutting, splitting or punching the ear, but so that in no case shall more than one fourth of the ear be removed; or a tattoo mark imprinted on any part of the skin, or a metal clip affixed to the ear.

"Stock" means any horse, mare, gelding, colt, filly, foal, ass, mule, bull, cow, ox, steer, heifer, calf, sheep, goat or pig of any age and includes the carcase or any portion of the carcase thereof respectively.

Enacted

3. (1) Every owner of stock whose brand has not been registered shall apply to the Director of Agriculture for a brand for registration by him, and shall on such application deposit two correct copies or impressions of his brand on the form supplied to him for the purpose.
- (2) There shall be paid by the owner of every brand to the Director of Agriculture a fee of two shillings for the registration of the same.
- (3) Every owner who neglects to register his brand shall be liable to a fine not exceeding five pounds.

Branding not
compulsory

4. Nothing in this Ordinance shall be construed to oblige anyone to brand stock.

Similar brands
not to be re-
gistered

5. (1) The Director of Agriculture shall not register any brand which in his opinion is likely to lead to mistakes or confusion
- (2) If any two owners of stock have the same or similar brands, the Director of Agriculture may require the owner of the brand last registered to alter his brand
- (3) 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 to a fine not exceeding £25.

Using another
person's brand

6. (1) After any owner of stock has registered a brand no other person in Western Samoa 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 Director of Agriculture to be not easily 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 to a fine not exceeding £50 and not less than £5.

Brand evidence
of ownership

7. 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.

Defacing
brands

8. Every person who destroys, defaces or alters the brand on any stock, or is a party to the destruction, defacement or alteration thereof, unless he is the lawful owner of such stock, is liable to a fine not exceeding £50 and not less than £5 for each head of stock in respect of which such offence has been committed, or at the discretion of the convicting Judge to imprisonment with hard labour for a period not exceeding two years.

Using unregis-
tered brand

9. Every person who brands any stock with a brand which is not registered, or of which he is not the registered owner is liable to a fine not exceeding 10/- and not less than 1/- for each head of stock in respect of which such offence has been committed.

Assented to this 20th day of April, 1928.

[L.S.] J. W. HUTCHEN,

Acting Administrator.