

1878.
NEW ZEALAND.

CASE AGAINST MR. JOLLY OF HAMILTON, WAIKATO

(DEPOSITIONS AND CORRESPONDENCE IN THE, FOR ALLEGED BREACH OF SCAB ACT).

Laid on the table by the Hon. Mr. Sheehan, with leave of the House.

DEPOSITIONS taken at the Police Court, Auckland, before ROBERT CLAPHAM BARSTOW, Esq., Resident Magistrate, and BENJAMIN MACLEAN, Esq., Justice of the Peace, in the case of FRANCIS CHARLES LEWIS, Inspector of Sheep, Auckland District, *versus* THOMAS JOLLY, of Hamilton, Waikato, for a breach of "The Sheep Act, 1875."

18th MAY, 1878.

George Calwell, sworn :—Am Station Master at Hamilton. On 27th of April sheep were sent by defendant to Remuera Station. There were sixty-six sheep consigned by him to Hunter & Nolan. His were the only sheep sent that day, I believe.

Robert Cleave, sworn :—On the 27th ult. I was Station Master at Remuera. There was a truck of sheep consigned to Messrs. Hunter and Nolan. I delivered them to Messrs. Hunter and Nolan's man Olney. No other sheep arrived that day; Olney took them away.

Richard Olney, sworn :—On the 27th ult. I received sixty-six sheep at the Remuera station from defendant, for my employers Messrs. Hunter and Nolan. I drove them to the foot of Farmer's hill on Saturday. The 30th was Tuesday, Hunter & Nolan's sale day. On that day I drove those sheep to Hunter & Nolan's yard, along the Great South Road, and penned them in the yard by myself. Inspector Lewis was there that day. I put the sheep in two or three pens for sale. Then Inspector Lewis told me to shift them on account of scab, and I put them all into one pen. They were carted away next morning.

Examined by Mr. Hesketh :—Defendant was not with me, nor any one, when I drove the sheep. I put them in one pen in the same yard, not on the road. They were carted away, not driven. I was told not to drive them. I was drafting sheep when the Inspector came to me. Sixty-four were carted away. No one was with me when I drove them. I was in the employ of Messrs. Hunter & Nolan.

Re-examined by Mr. Brookfield :—I got my instructions from Messrs. Hunter & Nolan—W. J. Hunter.

David Nolan, sworn :—I am one of the firm of Hunter & Nolan. On the 27th ult. sheep were sent to us by the defendant for sale. We have been selling for some time for him. Olney gets general instructions to meet the sheep when they are coming. I saw these sheep in one pen, and was told that Mr. Lewis had condemned them.

Examined by Mr. Hesketh :—Four or five weeks before, I had been selling sheep for the defendant—six sales, this would have been the seventh—60 to 80 per week. They came down exactly the same way. Eventually these sheep were sold by us on account of defendant to Clayton for Hulme, the butcher. I attended the six previous sales. I did not see Mr. Lewis in the yard: he visits the yard each sale day. We sold the sheep subject to their being carted away.

Francis Charles Lewis, sworn :—I am Inspector of Sheep, Auckland District. It is my duty to inspect sheep. On the 30th ult. I was at Hunter & Nolan's yards. I saw some sheep there, said to be defendants. Olney told me so. The sheep were being drafted into three lots. Saw the sheep in the lane, they looked suspicious, and I followed them. I afterwards told Olney to put them in one pen as they were scabby. Those were the only sheep so located there. One of these sheep had a patch of scab on the shoulder as large as the palm of my hand. I shewed it to Trotter and Ferguson: they examined it and agreed with me. Trotter had seen it before. Schmiedle (Mr. Buckland's man) had no doubt about it. There was a small patch on the hinder part of the same sheep. One sheep infects a flock. The Great South Road at Epsom is in the Auckland Sheep District. Hunter's yards are also in the district.

Examined by Mr. Hesketh :—I examined only one sheep of the lot. I did not examine any more. There was a red mark on back, and illegible brand on rump of the sheep I examined. I believe a scab the size of a five shilling piece had been on the sheep some months, and had been insufficiently dressed, not cured, and broke out again. If shewn to me that these sheep had not been dressed, it would not alter my opinion as to its being scab. If not dressed might have come to that state in a month, might have taken three months. In summer and winter the disease spreads more slowly than in spring and autumn. Scab spreads more quickly on a sheep that is not folded with others. I certainly expect that the flock had been affected if undressed. With spot undressed think infection must have spread to others. For certificate, examine both sides of each sheep. I don't handle any unless I see any indication of scab.