



ANNO QUINTO

VICTORIÆ REGINÆ.

No. 9.

*AN ACT to amend and extend the provisions of an Act intituled  
"An Act for preventing the extension of the infectious disease  
commonly called the Scab in Sheep or Lambs in the Province of  
South Australia."*

**W**HEREAS an Act was passed by His Excellency the Governor of South Australia with the advice of the Legislative Council thereof in the fourth year of her present Majesty's reign intituled "An Act for preventing the extension of the infectious disease commonly called the Scab in Sheep or Lambs in the Province of South Australia" And whereas it is expedient to amend and extend the provisions thereof—

**BE IT THEREFORE ENACTED** by His Excellency GEORGE GREY Esquire Governor and Commander-in-Chief of the Province of South Australia by and with the advice and consent of the Legislative Council thereof as follows That is to say—

I. That it shall be lawful for the inspector of the district or such other proper officer as may be appointed in terms of the said Act and he is hereby required to prosecute and sue for the penalties by this and the said recited Act imposed and to execute the several powers and duties thereby committed to him of his own motive and knowledge without the necessity of any previous complaint or information being lodged or made and without the necessity of reporting to the Commissioner of Police and such inspector or other proper officer aforesaid is also authorised and required to inspect periodically and exercise a vigilant superintendance over the flocks depasturing within the district to take efficient means for ensuring the eradication of the said disease and from time to time subject to the approval of the Governor in Council to make issue and enforce and alter cancel and again renew proper rules and regulations for that purpose the same not being inconsistent with the provisions

visions of this Act and the said inspector or other proper officer is also authorised and required to afford every necessary information to the owners of sheep infected with the said disease as to the most approved means of cure and to point out to any sheep owner requiring him so to do a proper place or places within his knowledge on the waste or unsurveyed land in the said province to which such owner may remove or on which he may depasture his flocks without being subjected to the penalties of this or the said recited Act it being the intent thereof to afford protection to the owners of clean flocks and give every facility and assistance to the owners of diseased flocks for the eradication of the said disease.

Penalty on importation of diseased sheep reduced.

II. And whereas the penalty imposed by the said recited Act (second section) on the importation of diseased sheep has been found excessive and it is expedient the same should be altered Be it therefore Enacted That from and after the passing of this Act in lieu of the said penalty the proprietor or party under whose charge any flock of diseased sheep shall be imported or introduced into the Province shall on conviction in terms of this and the said recited Act forfeit and pay a penalty of one shilling for every sheep or lamb composing the flock in which the same are found.

III. And whereas the penalty imposed by the said recited Act (sixth section) on wilfully setting at large diseased sheep is considered inadequate Be it Enacted that if any person shall wilfully set at large and abandon any sheep or lamb infected or tainted with the said disease to the danger of infecting other sheep with such disease every person so offending shall be liable upon complaint made upon oath by any proprietor or overseer in charge of any sheep and upon conviction before any one or more Justices of the Peace to forfeit and pay a penalty of fifty pounds for every such sheep or lamb so set at large and abandoned.

Depasturing diseased sheep on land unless the property of or rented by owner. Penalty not more than £10.

IV. And be it Enacted That if any person shall after the twenty-fifth day of November next turn out keep depasture drive or conduct or permit or suffer to be turned out kept depastured driven or conducted any sheep or lambs infected with the said disease upon any land whatsoever within the boundaries of this Province not being the property of such person or rented by him or assigned to him as a run under any license or authority which may be issued under the sanction of the Government in that behalf or if any person shall drive or conduct or permit or suffer to be driven or conducted any sheep or lambs so infected as aforesaid upon any public road or way used as a public way for driving sheep from one part of the Province to another and not crossing or passing through land owned or rented or assigned as a run to such person every such person shall upon the complaint upon oath of any proprietor or overseer in charge of any sheep and upon conviction before one or more Justice or Justices of the Peace for the Province be liable to forfeit and pay for every such offence a penalty or sum not exceeding ten pounds nor less than twenty shillings together with all reasonable costs and charges to be ascertained by the Justice or Justices before whom the conviction shall take place.

Exception of month of February.

V. Provided always that nothing in this or the said recited Act contained shall prevent any person from driving or conducting or permitting or suffering to be driven or conducted any sheep or lambs so infected as aforesaid the same being duly shorn and dressed upon any public road or way used as a public way for the driving of sheep from one part of the Province to another during the month of February in each and every year or under the sanction of the inspector or other proper officer obtained in manner aftermentioned.

VI. Provided

VI. Provided also and be it further Enacted That when and so often as it may be necessary to remove any flock containing diseased sheep from one part of the Province to another at any time other than within the said month of February the owner or person in charge of such flock or some person authorised by him shall cause the same to be duly shorn and dressed and shall at least a fortnight previously to such intended removal apply in writing to the inspector or other proper officer as aforesaid stating the place to which and the route by which it is intended to remove the said sheep or lambs and the necessity or sufficiently urgent reason of such removal and it shall be lawful for such inspector or other proper officer on proof to his satisfaction of such necessity or reason and of the said flocks being duly shorn and dressed as aforesaid to grant a warrant under his hand in the form of the schedule A hereto annexed authorising the removal of the said sheep or lambs within the time mentioned and to cause an advertisement of such removal to be inserted for at least one week previously in the Government Gazette of the Province in which warrant and advertisement respectively shall be stated the place to which and the route by which the said sheep or lambs are to be removed and the time for which such warrant is granted not exceeding one calendar month from the date of such advertisement and in case any person shall remove any such sheep or lambs without any such warrant or contrary to the directions thereof such person shall be subject and liable to the penalties imposed and inflicted upon persons for turning out keeping depasturing driving or conducting such sheep or lambs contrary to the provisions of this and the said recited Act.

For removal at any other time inspector may on proof of necessity and of flocks being duly shorn and dressed and on previous advertisement grant warrant of removal within a stated time.

VII. And be it further Enacted That when and so often as any offender shall be convicted before any Justice or Justices for turning out keeping depasturing driving or conducting of sheep or lambs infected as aforesaid or for permitting or suffering any such sheep or lambs to be turned out kept depastured driven or conducted contrary to the provisions of this or the said recited Act and it shall be made to appear to such Justice or Justices at the time of such conviction that it is necessary to remove the said sheep or lambs to some place where the same may be lawfully turned out kept or depastured it shall be lawful for such Justice or Justices to grant a warrant under his or their hand or hands in the form in the schedule B hereunto annexed authorising the removal of the said sheep or lambs and in every such warrant there shall be stated the place to which and the route by which the said sheep or lambs shall be removed and the time for which the same is granted not exceeding one calendar month And in case any person shall detain or continue any such sheep or lambs on any lands or shall turn out keep depasture drive or conduct any such sheep or lambs without such warrant or contrary to the directions thereof such person shall be subject and liable to the penalties imposed and inflicted upon persons for turning out keeping depasturing driving or conducting such sheep or lambs contrary to the provisions of this and the said recited Act.

Justices may grant warrant for removal.

VIII. And be it Enacted That in order to meet the expenditure requisite for carrying this and the said recited Act into execution it shall be lawful for the Collector of Internal Revenue or such other person as may in that behalf be authorised by the Governor to levy collect and receive from every owner or the representative in the Province of every owner having charge or possession of sheep a tax or duty of tenpence for and in respect of every score of sheep so owned or possessed by him which tax or duty shall be paid at the office in Adelaide of the said Collector of Internal Revenue or such other person authorised as aforesaid on or before the first day of February in every year and shall thereafter be paid to the Colonial Treasurer to be appropriated to the expenditure for carrying this and the said recited Act into

into execution and to the public uses of the Province and support of the Government thereof and if any person liable to the payment of such tax or duty shall after demand thereof made neglect or refuse to pay the same or any part or parts thereof it shall be lawful for any Resident Magistrate or two Justices for the Province on application by or on behalf of the Collector of Internal Revenue or other person in that behalf authorised as aforesaid to examine the matter on the oath of the parties or other witnesses and determine the amount due and to issue his or their warrant to levy such amount and costs if found due by seizure and distress of the sheep in respect of which such tax or duty may be payable or of the other goods and chattels of the party liable therein and in case such tax or duty and costs or any part thereof and the reasonable charges of such seizure and distress shall not be paid within the space of four days next after such seizure and distress by sale thereof or of a sufficient part thereof returning the overplus if any and what shall remain unsold to the owner thereof or his agent after deducting the amount so due and costs and charges as aforesaid.

IX. And be it Enacted That all offences against this Act shall be heard and determined and all fines and penalties incurred under the same shall be levied recovered and appropriated as in and by the said first recited Act is directed.

GEORGE GREY,  
Governor of South Australia.

*Passed in the Legislative Council this Twenty-sixth day of }  
October, One Thousand Eight Hundred and Forty-one. }*

A. M. MUNDY,  
Clerk of Council.

SCHEDULE A, REFERRED TO IN THIS ACT.

DISTRICT OF \_\_\_\_\_ IN THE PROVINCE OF SOUTH AUSTRALIA.

I A.B. Inspector for the said district appointed in pursuance of an Act of the Governor in Council passed in the Fourth year of Her present Majesty's reign intituled "An Act for preventing the extension of the infectious disease commonly called the Scab in Sheep or Lambs in the Province of South Australia" and of another Act passed in the Fifth year of the same reign intituled "An Act to amend and extend the provisions of an Act intituled "An Act for preventing the extension of the infectious disease commonly called the Scab in Sheep or Lambs in the Province of South Australia" having had proof made to my satisfaction of sufficient reason for the removal of certain Sheep [or Lambs as the case may be] infected with the said disease belonging to or under the charge of \_\_\_\_\_ now depasturing at \_\_\_\_\_ and that the said flocks have been duly shorn and dressed do hereby in pursuance of the powers by the said recited Acts in me vested hereby authorise the said \_\_\_\_\_ or his overseers to drive or conduct the said sheep or lambs being \_\_\_\_\_ in number to [specify the place] by [here point out the route being the nearest or most convenient or that by which the said sheep or lambs are the least likely to spread the infection] advertisement of the time and route of such removal being inserted for at least one week previously in the Government Gazette of the Province This warrant to be and continue in force for one calendar month after the date of such advertisement.

Given under my hand at \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_ day 18 \_\_\_\_\_

Repealed by Act 3/44

SCHEDULE B.

DISTRICT OF

IN THE PROVINCE OF

SOUTH AUSTRALIA.

I  
 for the district of  
 having this day convicted  
 [or overseer of  
 of having turned out [kept depastured driven or conducted as the case may  
 be] certain sheep [or lambs] infected with the disease called the Scab the  
 property of the said  
 of the Acts of the Governor and Council in such case made and provided  
 And it having been made to appear to my [or our] satisfaction that it is  
 necessary to remove the said sheep [or lambs] to  
 district of  
 turned out kept and depastured do hereby in pursuance of the authority in  
 me [or us] vested by a certain Act of the said Governor and Council passed  
 in the 5th year of Her present Majesty's reign intituled "An Act to amend  
 and extend the provisions of an Act intituled an Act for preventing the  
 extension of the infectious disease commonly called the Scab in Sheep or  
 Lambs in the Province of South Australia" authorise and direct the said  
 [or the said  
 overseer of the said  
 sheep [or lambs] or to cause the same to be driven or conducted to  
 route or that by which the said sheep or lambs are the least likely to spread  
 the infection]. This warrant to be and continue in force from the date thereof  
 until the  
 day of  
 Given under my hand [or our hands] at  
 day of  
 and  
 Justice [or Justices] of the Peace  
 in the colony of South Australia  
 of  
 of  
 contrary to the provisions  
 in the  
 where the same may be lawfully  
 in  
 the most convenient  
 thereon  
 this  
 hundred