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ANNO UNDECIMO

VICTORIÆ REGINÆ

No. 4.

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*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land
and its Dependencies, with the Advice of the Legislative
Council.*

***AN ACT for preventing the Extension in the Island of
Van Diemen's Land of the infectious Disease in Sheep
commonly called the Scab.***

WHEREAS a certain infectious disease commonly called the Scab has heretofore been and is prevalent amongst Sheep in this Colony to the great injury of divers individuals and of the general interests of the Colony and it is expedient to prevent as far as possible the further communication and extension of the said disease—**BE IT THEREFORE ENACTED** by His Excellency Sir WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that from and after the time when this Act shall come into operation if any person shall turn out keep depasture drive or conduct or permit or suffer to be turned out kept depastured driven or conducted any Sheep infected with the said disease called the Scab within a quarter of a mile of any public road or way used as a public way such public road or way not being so fenced off from the land on which the said Sheep are so turned out kept driven depastured or conducted as to prevent the egress thereof of the said Sheep or if any person shall turn out keep depasture drive or conduct or permit or suffer to be turned out kept depastured driven or conducted any Sheep infected with the said disease upon any land whatsoever not being in the actual possession and occupation of such person or if any

PREAMBLE.

Any person turning out infected Sheep upon land near a public road or suffering them to stray upon land not in the occupation of such person liable to a penalty.

person shall negligently carelessly or wantonly by any means whatsoever permit suffer or occasion any Sheep infected as aforesaid to roam wander or stray upon any land in the lawful possession and occupation of any other person every such person shall in any such case forfeit and pay for every such offence a penalty or sum of not less than Five Pounds nor more than Fifty Pounds.

Person driving infected Sheep upon road liable to a penalty.

II. AND BE IT ENACTED that if any person shall drive or conduct or permit or suffer to be driven or conducted any Sheep infected as aforesaid upon or along any public road or way used as a public way he shall forfeit and pay for every such offence any sum not less than Five Pounds nor more than Fifty Pounds.

When infected Sheep kept upon land crossed by a public way notice to be affixed at each end of such way. Person failing to do so liable to a penalty.

III. AND BE IT ENACTED that whenever any Sheep infected as aforesaid shall be turned out kept or depastured upon any land which may be intersected or crossed by any unfenced public road or way used as a public way it shall be the duty of the proprietor or person in charge of such Sheep to cause public notice to be given of such infection by affixing such notice in writing in distinct legible characters at some conspicuous place at each point of entrance of such road or way into the said land and every such notice shall be kept and continued so affixed so long as any Sheep infected as aforesaid shall be kept or depastured on such land and if any proprietor or person in charge of any such infected Sheep shall wilfully omit or neglect to cause notice to be affixed and continued as aforesaid he shall forfeit and pay for every such offence any sum not less than Five Pounds nor more than Ten Pounds.

Penalty for abandoning infected Sheep.

IV. AND BE IT ENACTED that if any person shall wilfully set at large or abandon any Sheep infected as aforesaid he shall forfeit and pay for every Sheep so set at large or abandoned any sum not less than One Pound nor more than Fifty Pounds.

Person throwing the carcass of an infected Sheep into any stream or water-hole liable to a penalty.

V. AND BE IT ENACTED that if any person shall cast or throw or cause permit or suffer to be cast or thrown into any stream or water-hole therein or any other water-hole whatsoever to which the Sheep of any other person may lawfully have access the carcass or any part thereof of any Sheep which at the time of its death was infected as aforesaid he shall forfeit and pay for every such carcass or part thereof so cast or thrown as aforesaid any sum not less than One Pound nor more than Five Pounds.

Justice of the Peace to issue a warrant for the examination of Sheep suspected to be diseased.

VI. AND BE IT ENACTED that if from any information on oath made before any Justice of the Peace by any proprietor or overseer in charge of sheep it shall appear to such Justice that there is reasonable cause to suspect and believe that any infected Sheep are turned out kept depastured driven or conducted or permitted or suffered so to be contrary to the provisions of this Act it shall be lawful for such Justice after notice in that behalf to the proprietor overseer or person in charge of such Sheep to issue a warrant under his hand to some fit and proper person to be named in such warrant thereby authorising him to capture and examine any such Sheep and if necessary such person so named in the said warrant may cause such Sheep to be driven to the nearest pen where the same are ordinarily kept or to some other convenient place for examination and if such Sheep shall appear or be found to be infected as aforesaid they shall be detained until any information that may be filed under the provisions of this Act in respect

of such Sheep shall be heard and determined provided such information be exhibited within at least forty-eight hours after such Sheep shall have been discovered to be infected as aforesaid and any proprietor or person in charge of such Sheep who shall refuse to allow the same to be so captured and examined or shall refuse or neglect when so required to cause them to be driven to the nearest pen or to some other convenient place for examination as aforesaid shall forfeit and pay for every such offence any sum not less than Five Pounds nor more than Twenty Pounds.

Person obstructing examination liable to a penalty.

VII. AND BE IT ENACTED that if any person shall have in his possession for the purpose of slaughtering for sale or shall slaughter or cause or knowingly permit to be slaughtered for sale any Sheep infected as aforesaid or shall expose the carcass or any part thereof in any public shop stall market or other place he shall for every such offence forfeit and pay any sum not less than Ten Shillings nor more than Ten Pounds and it shall be lawful for the convicting Justices to direct that the flesh of all such infected Sheep so slaughtered as aforesaid shall be seized condemned and destroyed in such manner as they may think fit.

Persons slaughtering infected Sheep for sale liable to a penalty and carcass to be destroyed.

VIII. AND BE IT ENACTED that any breach either by way of commission or omission of any or either of the provisions of this Act shall be deemed and taken to be an offence against this Act and all offences against this Act shall upon information in that behalf exhibited be heard and determined in a summary way by and before any two Justices of the Peace in the mode prescribed by the Act of this Island intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and all penalties imposed or forfeitures incurred by or under this Act shall be recovered levied and paid in the manner provided by the said Act so intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and every person aggrieved by any conviction under this Act may appeal therefrom in the manner provided by the said recited Act.

Offences to be determined in a summary way.

IX. AND BE IT ENACTED that all fines penalties and forfeitures imposed or incurred by or under this Act shall be paid as to three-fourths part thereof to Her Majesty Her Heirs and Successors for the public uses of this Territory and in support of the Government thereof the same to be applied in such manner as may from time to time be directed in that behalf by any Act or Acts of the Lieutenant-Governor and Legislative Council of this Island and as to the remaining fourth part thereof to the use of the informer or party prosecuting who shall also be entitled to his or her costs and charges over and above such fines penalties and forfeitures which said costs and charges shall be ascertained and assessed by the Justices before whom the case is heard.

Appropriation of fines and penalties.

X. AND BE IT ENACTED that no conviction made under this Act shall be removed by writ of *certiorari* or otherwise into the Supreme Court of this Island.

No conviction to be removed by *certiorari*.

XI. AND BE IT ENACTED that in the interpretation of this Act the word "Sheep" shall be held to include and embrace lambs and every other animal comprehended under the generic term Sheep and the words "public road or way used as a public way" shall for the purposes of this Act be construed to mean any road or way now lawfully used as such or which may have been used by the Public as such

Interpretation of terms.

for not less than six years without opposition from the proprietor occupier or possessor of the land over or through which such road or way passes and wherever any word shall be used importing the singular number or the masculine gender only the same shall be understood to include several matters as well as one matter several persons as well as one person and females as well as males unless there be something in the context repugnant to such understanding and the word "person" shall be construed to mean and include as well the person actually doing or omitting to do any act matter or thing contrary to or enjoined by the provisions of this Act as the person by whose order direction or authority it shall be proved to the satisfaction of the convicting Justices such act matter or thing shall have been so done or omitted to be done and also that all Sheep shall be deemed to be "infected" within the meaning of this Act which shall within six weeks previously have been infected as aforesaid or mixed with Sheep infected as aforesaid.

Commencement
of Act.

XII. AND BE IT FURTHER ENACTED that this Act shall not come into operation or take effect until the first day of May which shall be in the year one thousand eight hundred and forty-nine.

W. T. DENISON.

Passed the Legislative Council this twentieth day of March, one thousand eight hundred and forty-eight,

J. W. KIRWAN, *Clerk of the Council.*