

T A S M A N I A.



1875.

ANNO TRICESIMO-NONO

VICTORIÆ REGINÆ,

No. 20.



AN ACT for the Prevention of the Disease in A.D. 1875.  
Sheep called Scab. [30 September, 1875.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Scab Act, 1875."

Short title.

2 In this Act—

Interpretation.

"Sheep" includes Rams, Wethers, Ewes, and Lambs :

"Inspector" means the Chief Inspector or any Inspector of Sheep appointed under any Act hereby repealed, or this Act ; and in case Inspectors are appointed for particular Sheep Districts or parts of *Tasmania* the words "the Inspector" shall, as to all Sheep within any such Sheep District or part of *Tasmania*, and as to all notices, penalties, and other matters with reference to such Sheep and the owners thereof, mean the Inspector for such Sheep District or part of *Tasmania* :

"Flock" means any Sheep shepherded or running in one flock, and any Sheep within the bounds of one paddock or enclosure or run used for one flock :

"Brand" means a distinct and plain mark made with pitch, tar, paint, or other suitable substance, in letters or figures, or otherwise, if approved of by the Chief Inspector, not less than Two inches in length, on the sides, back, shoulders, hips, or rump of any Sheep :

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“Sheep-owner” and “Owner” having reference to any Sheep mean every person claiming jointly or in severalty any right, title, or interest in any Sheep, and every superintendent and overseer or other person in possession or charge of any Sheep :

“Diseased” means actually infected with the disease called “the Scab,” and where the *Acarus* or Scab insect has been found :

“Infected” applies to all Sheep that are diseased, all Sheep in any flock in which there are one or more diseased Sheep, all Sheep that have been within Two months in any flock of Sheep such as last aforesaid, and all Sheep that within Two months have been dipped or dressed for “the Scab.”

“Abandoned” means left or forsaken :

“Road” means any main, cross, or bye road, or any proclaimed, reserved, or other road, or highway, and includes any land over which any Sheep have been commonly driven :

“Destroy” means to kill and bury at a depth of not less than Two feet under the ground, or consume by fire, or boil down :

“Stray Sheep” means Sheep not in the immediate keeping of any person upon any road or upon land not in the occupation of the owner of such Sheep :

“Travelling Sheep” applies to any Sheep, whether alive or dead, which are driven or carried by land or water, or which within One month have been driven or carried along or over any place whatsoever other than the land or run on which such Sheep are ordinarily kept or depastured :

“Driven” means driven or carried or removed or conducted in any manner whatsoever :

“Dipped” and “dip” mean plunged or immersed in some effective Scab-destroying preparation.

Delivery of Notices.

**3** Where by this Act any notice, return, or other document is authorised or required to be given by or to any Inspector, Sheep-owner, or other person, the same may be given either by delivering the same personally, or by leaving the same at, or posting the same addressed to, the usual or last known place of abode in *Tasmania* of such Inspector, Sheep-owner, or person.

Appointment of Inspectors.

**4** The Governor in Council may from time to time, by Notice in the *Gazette*, appoint a Chief Inspector of Sheep, and such other Inspectors of Sheep for *Tasmania* or any part thereof, or any Sheep District, as he deems necessary, and may from time to time dismiss or remove such Chief or other Inspectors as he sees fit.

Every person appointed Chief Inspector, or an Inspector under any Act hereby repealed, shall be deemed to have been duly appointed under this Act, unless his appointment has been revoked before the commencement hereof.

Powers of Inspectors.

**5** Every Inspector shall have, exercise, and discharge the several powers, authorities, and duties hereinafter mentioned, and may at any time inspect any Sheep in any part of *Tasmania*; and if any person refuses to allow any Inspector to enter at any reasonable time upon his pasturage or out-door premises, or to examine any Sheep being therein

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or thereon and belonging to him or in his care or possession, or refuses to give the Inspector all reasonable assistance necessary for the proper inspection of the said Sheep, or impedes or hinders or attempts to impede or hinder the Inspector from examining such Sheep upon such pasturage or premises, such person shall forfeit and pay a penalty not exceeding Twenty Pounds.

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**6** The Governor in Council may from time to time make, alter, and rescind Regulations for the instruction of Inspectors, and as to all other matters of detail for carrying this Act into full effect, so far as the same are consistent herewith and are not herein provided for by express enactment; and such Regulations upon being published in the *Gazette* shall have the force of Law, and copies thereof shall be laid before both Houses of Parliament forthwith if sitting, and if not sitting, then within Fourteen days after the commencement of the next Session.

Regulations.

**7** The Governor in Council may, by Notice in the *Gazette*, divide the Colony into Sheep Districts, and define the boundaries thereof, and may alter such districts from time to time; and if the boundary or boundaries of any District intersect any run, the Chief Inspector shall determine in what District such run shall be included; and notice thereof having been given by the Chief Inspector in the *Gazette*, such run shall be included in such District as though it had been so ordered by the Governor in Council.

Sheep Districts.

No alteration of any Sheep District or change of Inspector shall affect any right, liability, or proceeding under this Act, but the Inspector for the time being of any Sheep District shall be deemed to have done and permitted all acts and things lawfully done and permitted within such Sheep District by any previous Inspector thereof.

All Sheep Districts in existence when this Act takes effect shall be deemed to have been created under this Act.

**8** The Chief Inspector, with the consent of the Governor in Council, may rent in any Sheep District sufficient land whereon to erect Quarantine Yards or Paddocks, which Yards or Paddocks shall be securely fenced.

Chief Inspector may erect Quarantine Yards.

**9** It shall be lawful for the Chief Inspector, with the sanction of the Governor in Council, to erect and maintain in each Sheep District such and so many Public Dips as he deems necessary at such places as he sees fit, and the Governor in Council shall prescribe the charges to be made for the use of any such Dip; and if any person using any such Dip neglects or refuses to pay upon demand any such charge, the same may be recovered by complaint before any Justice of the Peace.

Chief Inspector may erect Public Dips.

**10** The Governor in Council may, by Notice in the *Gazette*, declare any portion of the Colony to be a "Clean Sheep District," and may from time to time alter the boundaries thereof, or revoke such notice; and no Sheep shall enter the same until such Sheep have been examined by an Inspector, who shall within Ten days after receiving notice examine the same, and, if he sees fit, order the same to be dipped to his satisfaction; and every person who offends against this Section shall be liable to a penalty not exceeding One hundred Pounds.

"Clean Sheep Districts."

**11** Any run depastured by Sheep, the owner of which holds a Licence to cleanse the same, shall, until such Sheep have been pro-

"Quarantine Sheep Districts."

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A.D. 1875. nounced clean by the Inspector, be deemed a "Quarantine Sheep District;" and no Sheep shall be removed from any such run without a special permit from the Inspector; and every person who offends against this Section shall forfeit and pay a penalty not exceeding One hundred Pounds.

Contribution to  
Scab Act Fund.

**12** There shall be payable to "The Scab Act Fund," upon and in respect of every Sheep possessed by One Sheep-owner, and depastured and kept in any part of *Tasmania* or its Dependencies, a contribution of a sum not exceeding One Farthing per annum for every Sheep possessed by such Sheep-owner, the amount of such contribution in any one year to be fixed by the Governor in Council by Proclamation published in the *Gazette*; and such contribution shall be paid to the Chief Inspector on the First day of *January* in every year, and shall be calculated for each year upon the number of Sheep possessed by such Sheep-owner on the said day.

The sum of money hereinbefore mentioned may, if the Governor in Council sees fit, be increased from a sum not exceeding One Farthing to any sum not exceeding One Half-penny for the years 1876 and 1877 but no longer.

All moneys paid to the Chief Inspector on account of such fund shall be by him paid into the Colonial Treasury to the credit of "The Scab Act Fund Account."

Provided that, if at any time it is certified by the Colonial Treasurer that it appears to him upon balancing such account that a certain proportion only of such contribution will be necessary for the purposes of this Act during the then current year, it shall be lawful for the Governor, by Proclamation in the *Gazette*, to direct that the proportion so certified, and no more, of such contribution shall be payable in respect of such year.

Return of Sheep  
for contribution.

**13** Every Sheep-owner, when paying such contribution, shall deliver to the Chief Inspector a Return in the form in the Schedule (A.), stating the number and description of all Sheep in his possession on the First day of *January* in such year; and every Sheep-owner who refuses or neglects to make such return shall forfeit and pay a penalty not exceeding Ten Pounds.

Contribution not  
paid in time.

**14** Every Sheep-owner who omits to pay the contribution due from him on or before the First day of *March* in any year shall pay an additional amount equal to One-fourth part of such contribution; and if any Sheep-owner after the said First day of *March* omits or refuses to pay the contribution payable by him, then it shall be lawful for the Chief or any Inspector to sue for and recover such contribution at any time not being more than one year after the time when such contribution should have been paid.

Payments from  
Scab Act Fund.

**15** There shall be applied out of "The Scab Act Fund" such sums of money as shall be approved by Parliament for the purposes of this Act, and the Colonial Treasurer for the time being is hereby authorised and empowered to appropriate and issue such sums accordingly; but subject, nevertheless, to the provisions of any Act in force for the time being with reference to the Audit of Public Accounts.

Return of Sheep  
and description to

**16** Every Sheep-owner shall, whenever thereunto required by the Inspector by notice in writing, deliver to such Inspector a correct account

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of all Sheep in his possession or charge at a time to be specified in such notice, and where depasturing or kept; and if any such owner, within Fourteen days after the delivery of such notice, neglects to deliver such account, he shall forfeit and pay for every such offence a penalty not exceeding Ten Pounds.

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be furnished when called for by Inspector.

**17** Every Sheep-owner immediately after dipping his Sheep shall make a Return to the Chief Inspector, or to the Inspector of the Sheep District in which the said Sheep have been dipped, in the form in the Schedule (B); and any Sheep-owner neglecting or refusing to make such Return shall be liable to a penalty of not more than Ten Pounds.

Return of Sheep dipped.

**18** All Returns required to be furnished by Sheep-owners under this Act shall be verified by Declaration in the form in the Schedule (C) made before any Justice of the Peace, (for which no fee shall be paid) that the matters contained in such Return are true; and any person wilfully making such declaration falsely shall be deemed guilty of a Misdemeanor. In any case in which it is made to appear to the Chief Inspector that such Declaration cannot be made without special inconvenience, he may, if he thinks fit, receive a Return not verified as aforesaid.

Returns to be verified.

Every person who wilfully makes any false Return under this Act shall forfeit and pay a penalty not exceeding Fifty Pounds.

False Return.

**19** Every Sheep-owner shall deliver to the Chief Inspector for registration by him a description of the brand which such Sheep-owner uses or purposes to use in marking or branding his Sheep; and all Sheep above the age of Six months kept or depastured on any land shall be branded with such brand as aforesaid.

Registration of brands.

If any two Sheep-owners in the same Sheep District have similar brands, the said Inspector may require one of such Sheep-owners to alter his brand to prevent mistakes or confusion, and the mark or impression of any registered brand upon any Sheep shall, for the purposes of this Act, be *prima facie* evidence of the ownership of such Sheep in respect of the person in whose name such brand has been registered.

Every Sheep-owner who refuses or neglects to register or deliver such description in manner aforesaid, or to brand such Sheep and to keep them conspicuously branded, or to alter the brand, when required by the Inspector as aforesaid, shall forfeit and pay a penalty not exceeding Twenty Pounds.

Any person who purchases Sheep privately or at auction shall, within Ten days after their removal, brand the said Sheep, and give notice of the same in writing to the Inspector; and any person refusing or neglecting to brand the said Sheep, and give notice of the same to the Inspector as aforesaid, shall forfeit and pay a penalty not exceeding Twenty Pounds.

**20** In the following case Sheep shall be deemed to be infected:—

Sheep to be deemed infected in a certain case.

If the owner of any Sheep shall not hold a "Certificate of Clean-ness" for such Sheep.

**21** The Chief Inspector shall, on application being made, issue to any owner of infected Sheep a licence in the form in the Schedule (D) to cleanse the same; and every such licence shall be in force for a period of Three months: Provided that, if on the expiration of such licence such Sheep are found to be still infected, the Chief Inspector shall demand and receive from the owner of such Sheep a penalty of Sixpence

Chief Inspector to issue licences to cleanse infected Sheep.

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for every such Sheep infected, and on payment of such penalty of Sixpence shall renew such licence for a further period of Three months.

Sheep-owner holding licence to cleanse Sheep may apply at any time for a Certificate of Cleanness.

**22** Every Sheep-owner who holds a licence to cleanse infected Sheep may at any time apply for a Certificate of Cleanness for such Sheep, and thereupon such Sheep shall be examined by an Inspector, who shall, if satisfied that the said Sheep have been thoroughly clean for a period of Two months and are free from disease or infection, grant a Certificate of Cleanness in the form in the Schedule (E) in respect of such Sheep; but where the Inspector refuses to grant such Certificate in any case he shall forthwith report in writing to the Chief Inspector his reasons for refusing to grant such Certificate.

It shall not be lawful to remove the said Sheep from the place where the same are depastured or kept until they have been examined by the Inspector, who shall, within Fourteen days after receiving Notice, examine the same; and any person who removes such Sheep before examination or without a written permit from the Inspector, (unless the Inspector shall, for the space of Twenty-one days after such Notice is given, neglect or omit to examine the same,) shall be liable to a penalty not exceeding Fifty Pounds.

Persons in possession of infected Sheep liable to penalty.

**23** If any person is found in the possession of diseased or infected Sheep, he shall, unless he holds or has applied in writing to the Chief Inspector for a licence to cleanse the same, be liable to a penalty not exceeding Fifty Pounds.

Diseased or infected Sheep may be seized, detained, and dipped.

**24** If any Sheep are at any time found to be diseased or infected, the owner thereof not holding a licence to cleanse the same, and not having applied in writing to the Chief Inspector for such licence, it shall be lawful for any Inspector to seize and detain the same where found or in some secure place as he sees fit; and such Inspector shall forthwith report the same to the Chief Inspector in writing, who may appoint a time within which such Sheep shall be dipped, or may direct such other measures to be taken for the purpose of cleansing the same as the Chief Inspector deems necessary; and if such owner refuses or neglects to dip the same Sheep within the time appointed, or otherwise to comply with any directions of the Chief Inspector, or to afford all reasonable assistance to the person appointed by the Chief Inspector to collect and dip such Sheep, he shall be liable to a penalty not exceeding One hundred Pounds.

Sheep to be dipped.

**25** Every owner of Sheep depastured or kept in any part of *Tasmania*, not being within a "Clean Sheep District," shall dip the said Sheep at least twice immediately after shearing at intervals of not less than Ten nor more than Fourteen days, in some reputed effective Scab-destroying preparation; but Sheep removed to the *Lake* Districts after shearing shall be dipped within Eight days before their removal.

Every owner of Sheep as aforesaid shall Seven days before dipping the same give notice in writing to the Inspector of his intention to dip the said Sheep; and the Inspector shall satisfy himself that the said Sheep have been duly dipped; and any owner of Sheep who neglects or refuses to satisfy the Inspector that the said Sheep have been duly dipped, shall forfeit and pay a penalty of not more than Fifty Pounds. Provided that every Sheep-owner holding a Clean Certificate for the Sheep in his possession shall not be compelled to dip the said Sheep more than once, unless the Inspector has reason to think

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there exists a doubt as to the cleanness of the said Sheep, when in such case he shall report the same to the Chief Inspector who may direct the said Sheep to be dipped twice. A.D. 1875.

This provision shall only remain in force until the Governor in Council determines, by notice published in the *Gazette* and in one newspaper published in *Hobart Town* and in one newspaper published in *Launceston*, that compliance with this provision is, in certain Districts to be named in such notice, no longer necessary.

**26** The expression "immediately after shearing," used in the preceding Section in relation to dipping, shall mean that the Sheep shall be first dipped directly from the shearing board; and in case such Sheep cannot be then conveniently dipped, then the said Sheep shall be kept in a securely fenced paddock or paddocks, or if the Inspector approves, in a run which is open and free from timber and scrub, and shall not be turned out of such paddock or paddocks or run until they have been dipped the first time; and the word "shearing," used in the said Section in relation to the period of the year when Sheep are shorn, shall mean any time between the First day of *October* in any year and the Thirty-first day of *January* in any succeeding year; and any Sheep-owner who refuses or neglects to shear his Sheep, (except those Lambs that he may intend to keep as Hoggets,) within the periods hereinbefore specified shall be liable to a penalty not exceeding Twenty-five Pounds. Definition of certain terms.

**27** All Sheep placed in any Public Sale-yards not being within a Clean Sheep District shall, if the Inspector has any reason to believe that any of the said Sheep are infected or diseased, be dipped, if the Inspector shall so direct, at a Public Dip before they are driven to their destination, or be dipped after they have arrived at their destination; and every person who offends against this Section shall forfeit and pay a penalty not exceeding Twenty-five Pounds. Store Sheep to be dipped when sold.

**28** If the owner of any diseased or infected Sheep refuses or neglects to collect and dip such Sheep in such manner as the Inspector directs within Ten days after written notice requiring him so to do has been served upon him by the Inspector, he shall upon conviction be liable to a penalty not exceeding Fifty Pounds, and for a second refusal or neglect after a further written notice as aforesaid to a penalty of not less than Twenty Pounds and not exceeding One hundred Pounds. Penalty on persons refusing to dip diseased or infected Sheep.

After the expiration of the periods aforesaid it shall be lawful for the Chief Inspector to cause such Sheep to be collected and dipped as he may think fit.

**29** If the owner of any Sheep refuses or neglects, within Thirty days after written notice requiring him so to do has been served upon him by the Inspector, to provide and maintain upon his premises or run a Dip or other necessary means to the satisfaction of the Inspector for dipping and cleansing such Sheep, such Sheepowner shall be liable to a penalty not exceeding Fifty Pounds; and if a Dip or other necessary means to the satisfaction of the Inspector is not provided by such owner at the expiration of Thirty days after any conviction under this Section, such owner shall be further liable to a like penalty. Penalty on persons refusing to erect a dip.

If any diseased or infected Sheep are at any time found in the possession of any Sheep-owner who has refused or neglected to comply with this provision, then the same may be seized by an Inspector and dipped if the Chief Inspector so directs.

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Removing  
infected Sheep  
without authority  
of Inspector.

**30** If any infected Sheep are without the authority in writing of the Inspector removed from any place, and driven upon or along any road, or upon, over, or across any land not being in the actual occupation of the owner of such Sheep, the owner of such Sheep shall be liable to pay a penalty not exceeding Fifty Pounds; and if the person in charge of such Sheep refuses to produce the authority in writing of the Inspector, on being required to do so by any Sheep-owner or person duly authorised on his behalf, every person so offending shall be liable to a penalty not exceeding Twenty Pounds; and if any Inspector grants an authority in respect of any Sheep which he knew to be actually diseased at the time of granting the same, or without having ascertained by personal inspection whether such Sheep were then infected or not, he shall be liable to a penalty of Fifty Pounds, and on conviction shall forfeit his office.

If any Sheep-owner holding a Licence to cleanse his Sheep occupies land on both sides of a public road, he may drive such Sheep over or across the said road in such manner and with such precautions as the Inspector sees fit.

Penalty on persons  
concealing  
infected Sheep,  
&c.,

**31** If the owner of any diseased or infected Sheep separates, by himself or by any other person, such Sheep from any other Sheep which are not visibly diseased, and afterwards by himself or by any other person drives the Sheep not visibly diseased along any road, or offers or exposes the same for sale in any manner by himself or by any other person, such owner shall, upon conviction, be liable to a penalty not less than Ten Pounds nor more than Two hundred Pounds.

or substituting in-  
spected for unin-  
spected Sheep.

Any Sheep-owner who removes Sheep that have not been inspected, from an enclosure or run, and substitutes for them other Sheep that have been inspected, for the purpose of deceiving the Inspector, shall forfeit and pay a penalty not less than Ten Pounds and not exceeding One hundred Pounds.

Every person who knowingly aids or assists in doing any act in this Section mentioned shall be liable to a penalty not exceeding Ten Pounds.

Punishment of  
shepherd conceal-  
ing fact of Sheep  
having become  
diseased.

**32** If any shepherd or other person in charge of Sheep knowingly and wilfully conceals from his master or employer the fact of such Sheep having become diseased or infected he shall, upon conviction, be liable to forfeit all wages then due to him, and also to a penalty not exceeding Ten Pounds.

Sheep-owner  
whose Sheep have  
been dipped may  
detain diseased  
Sheep found in  
his flock the pro-  
perty of another.

**33** If any Sheep-owner, who has dipped his Sheep to the satisfaction of the Inspector, finds diseased Sheep the property of another in his flock prior to the time when an Inspector may lawfully grant a Certificate of Cleanness in respect of such Sheep, such owner may detain the said diseased Sheep; and if the Inspector certifies that, to the best of his belief, but for contact of the Sheep that had been dipped to his satisfaction with the said diseased Sheep such owner would have been entitled to a Certificate of Cleanness at the time prescribed in this Act, in respect of the last mentioned Sheep, the owner of the said diseased Sheep shall on conviction be liable to a penalty not exceeding Fifty Pounds, and in addition thereto the adjudicating Justices shall order him to pay forthwith to the owner of the said Sheep such sum of money, not exceeding Fifty Pounds, as they may consider a reasonable amount to cover the cost of again dipping the Sheep which had been previously dipped to the satisfaction of the Inspector.



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**34** If any diseased or infected Sheep are found upon the run of any Sheep-owner holding a Certificate of Cleanness he may detain such Sheep until they have been examined by an Inspector, who may order such Sheep to be dipped (if practicable whilst on such run), and give such other directions for the removal and dipping of such Sheep as he may think fit; and the owner of such diseased or infected Sheep shall be liable to a penalty not exceeding One hundred Pounds; and if such diseased or infected Sheep infect the Sheep of the said Sheep-owner, then any Two Justices of the Peace shall, in addition to any other penalty they may inflict upon the owner of the said diseased or infected Sheep, order him to pay such sum of money not exceeding Twenty-five Pounds as they may consider a reasonable amount to cover the cost of dipping and cleansing the Sheep which have become infected, and in addition thereto such Justices may award such other compensation not exceeding One hundred Pounds as they may deem sufficient to cover the injury otherwise caused to the said Sheep by their having been infected as aforesaid, which sum of money shall be forthwith paid to the owner thereof; and if any person against whom any order or award mentioned in this Section has been made pays the whole amount ordered or awarded to be paid and the amount of any penalty imposed upon him he shall be entitled to a certificate from the convicting Justices of such conviction and payment, and such certificate shall be a bar to all further or other proceedings civil or criminal for the same cause.

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Owner of diseased Sheep found upon land of another whose Sheep are clean, liable in damages.

**35** It shall be lawful for the Justices who adjudicate upon any information laid against any Sheep-owner under either of the last two preceding Sections to make any order or award as therein mentioned, notwithstanding that such information has been laid by an Inspector.

Compensation may be awarded although information laid by Inspector.

**36** If any diseased or infected stray Sheep are found upon any land not occupied by the owner of such Sheep, the occupier of such land, or his agent, may take possession of such Sheep and detain them on the land of such occupier until the Inspector has examined them; and if any diseased or infected Sheep are found upon any street, road, or public reserve, or any unoccupied land, an Inspector may seize such Sheep and drive them to and detain them in some secure place, and shall report such seizure in writing forthwith to the Chief Inspector. The said Chief Inspector may order any such diseased or infected stray Sheep mentioned in this Section to be dipped, and may direct such other measures to be taken for the purpose of dipping and the removal of such Sheep as he sees fit, and the owner of such Sheep shall be liable to a penalty not exceeding Fifty Pounds; and in the event of no owner being found for such Sheep within a period of Fourteen days after the same shall be so seized and detained, then the Chief Inspector may cause such Sheep to be destroyed, or may direct and order the sale and disposal of such Sheep after they have been dipped and cleansed, and the proceeds arising from such sale shall be paid into the Colonial Treasury to the credit of the Scab Act Fund.

As to straying diseased Sheep.

If any Sheep-owner finds stray Sheep in his flock, he shall not return them to the land or flock from whence they came without giving notice to the owner or person in charge; and any Sheep-owner who acts contrary to this provision shall, upon conviction, be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds.

**37** If any person drives or causes any diseased or infected Sheep to be driven either to a Public Pound, or from a road to any other road,

Persons driving infected Sheep liable to a penalty.

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or to a public sale yard or any other place, without a permit from an Inspector, he shall be deemed to be the owner of such Sheep, and upon conviction shall be liable to a penalty not exceeding Twenty Pounds.

The Inspector may cause any such Sheep driven as aforesaid to be detained in some secure place and be dipped, and the Chief Inspector may give such other directions as to the removal and dipping of such Sheep as he may think fit; and if any person obstructs the Inspector in examining the said Sheep, or, being the owner or person in charge of such Sheep, refuses to obey any directions given to him by the Inspector regarding the removal or dipping of such Sheep, he shall upon conviction be liable to a penalty not exceeding Twenty Pounds.

Travelling Sheep  
may be examined,

and stopped for  
Inspection.

Inspector may  
cause Sheep to be  
returned to place  
from whence they  
came.

**38** Every occupier of lands, or any person duly authorised in writing on his behalf, may examine any travelling Sheep which are driven through, or over, or are found upon, any part of the lands occupied by him, or upon any road or roads running through or past such lands, and if such Sheep or any of them are, upon examination, considered to be diseased or infected, then such occupier or person may detain and keep possession, upon the land of such occupier, as well of the Sheep so diseased or infected as of the whole flock in which such Sheep are found, until the Inspector examines such Sheep and decides whether or not the same are diseased or infected; and the owner or person in charge of such Sheep shall forthwith give notice of such detention to the Inspector, who is hereby required to repair without delay to the place where such Sheep are detained, and to examine the same and ascertain whether or not such Sheep are diseased or infected; and if upon such examination the said Sheep or any of them are found by the Inspector to be diseased or infected, he shall report thereon to the Chief Inspector, who may order such Sheep to be returned by the owner thereof to the place or run from whence they had been removed, or he may allow them to proceed to their place of destination, and in every such case the owner thereof shall be liable to pay a penalty not exceeding Fifty Pounds; and in case the person in charge of or driving Sheep through, over, or upon the lands of any other person, or upon any road running through or past such lands, refuses to permit such Sheep to be examined, or detained in manner aforesaid, or if the person in charge of such Sheep, not being the owner thereof, refuses or neglects to comply with the directions of the Inspector in respect to taking the said Sheep to the place or run from whence they came, or to the place of their destination, every person so offending shall be liable to a penalty not exceeding Fifty Pounds.

If the said Sheep are not removed by the owner thereof from the said place or land, to be taken back to the place from whence they came, or to the place of their destination, as the case may be, within Thirty hours from the time of their being examined by the Inspector, it shall be lawful for the Chief Inspector to cause the said Sheep to be taken and driven to the place so directed by him, and the owner thereof shall also be liable to a further penalty not exceeding Fifty Pounds.

If upon examination by the Inspector the Sheep so detained by such occupier or person are found not to be diseased or infected, then such occupier or person shall forfeit and pay such amount not exceeding Twenty Pounds as the Chief Inspector may deem sufficient to reimburse the owner of the said Sheep for any expense he may have been put to in consequence of their having been detained for examination by the Inspector.

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**39** If any person driving or in charge of Sheep travelling to market or sale-yards, or from one part of the Colony to another, finds any of the said Sheep unable to travel, he shall either take the same on in a cart or other conveyance, or destroy it, or leave it in the care of some person who will take charge of the said Sheep so that it may not be left upon any road or the land or run of any Sheep-owner through whose land the same are being driven; and any person infringing this provision shall on conviction forfeit and pay a penalty not exceeding Twenty Pounds.

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Disposal of Sheep  
unable to travel.

**40** Any Sheep-owner or person in charge of Sheep who wilfully abandons any Sheep upon any road or any land not in the occupation of the owner of such Sheep, shall forfeit and pay a penalty not exceeding Five Pounds nor less than One Pound for every Sheep so abandoned, and such Sheep may be destroyed by any Sheep-owner or his agent, in the presence of any Magistrate, Inspector, or Police Officer, or by the Inspector.

Wilfully abandon-  
ing Sheep.

**41** It shall be lawful for the Chief or any Inspector, by notice in writing under his hand, to require the owner or person in charge of any Sheep to wash or otherwise disinfect any building, enclosure, yard, or vehicle in which any diseased or infected Sheep may have been found, or which have been recently used or occupied by any such Sheep; and if any such owner or person, upon being so required, refuses or omits so to do, he shall on conviction forfeit and pay for every such offence a penalty not exceeding Ten Pounds.

Disinfection of  
places and articles  
in which diseased  
Sheep have been  
found or kept.

**42** Any person who wilfully communicates or causes to be communicated to any Sheep the disease called Scab, or wilfully causes any flock of Sheep to be infected, shall be guilty of a Misdemeanor, and shall be liable to imprisonment for any period not exceeding Three years, and any conviction for such offence shall not prejudice any civil proceeding against such person.

Causing disease to  
be communicated.

**43** The Governor may from time to time, by Proclamation published in the *Gazette*, prohibit the importation of Sheep into this Colony from any of the Colonies of *New South Wales*, *New Zealand*, *Queensland*, *South Australia*, *Victoria*, or *Western Australia* without a Permit from the Chief Inspector or other person duly authorised by him to issue Permits; and the Governor may also at any time in like manner remove such prohibition.

Governor may  
prohibit importa-  
tion of Sheep.

There shall be paid to the Inspector who inspects the same a fee of One Half-penny for every imported Sheep inspected by him.

Fee for inspecting  
imported Sheep.

**44** If any person commits any of the following offences he shall be liable to a penalty not exceeding One hundred Pounds:—

Landing and  
driving imported  
Sheep without a  
permit.

Imports into this colony any infected Sheep :

Causes, suffers, or permits any Sheep to be landed without a written permit from an Inspector :

Drives inland any imported Sheep until the same have been dipped in some effective Scab-destroying preparation.

And any Inspector may seize such Sheep if infected and cause such measures to be taken as he may deem fit for the cleansing of any such Sheep, if infected, or the Chief Inspector may grant a Licence to the owner of the said Sheep to cleanse the same if they can be removed to a convenient place for that purpose.

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As to landing  
Sheep from  
Islands.

**45** If any person commits any of the following offences, he shall be liable to a penalty not exceeding One hundred Pounds:—

1. Lands upon any part of the coasts of the Main Land of this Colony from any Island forming part of its dependencies any Sheep, or causes, suffers, or permits the same to be landed as aforesaid without the authority in writing of an Inspector:
2. Drives inland any Sheep landed as aforesaid without the authority of an Inspector:

And any Inspector may seize the said Sheep if infected, and adopt such measures for cleansing the same as he sees fit; or the Chief Inspector may grant to the owner of the said Sheep a Licence to cleanse the same, if they can be removed to a convenient place for that purpose.

Sheep not to be  
exported unless  
certified to be  
clean.

**46** No person shall ship Sheep for the purpose of exporting the same from this Colony until he has given at least Three days notice in writing to an Inspector of his intention to ship Sheep for the purpose aforesaid, and has obtained from such Inspector a Certificate of Cleanness in respect of the same Sheep; and any person who ships Sheep contrary to this Section shall be liable to a penalty of Fifty Pounds.

Matters to be done  
at the cost of  
owner of Sheep.

**47** Where in any case the Chief Inspector or any Inspector orders or directs any Sheep to be collected, dipped, or driven, such Sheep shall be collected, dipped, or driven by or at the cost of the owner thereof; and where the owner of such Sheep, or any person in charge thereof, refuses to collect, dip, or drive such Sheep when ordered or directed by the Chief Inspector or any Inspector, all reasonable expenses incurred in collecting, dipping, or driving such Sheep shall be recovered by complaint before any Two Justices of the Peace.

Recovery of  
penalties, &c.

**48** All offences against this Act shall, except where otherwise directed, be heard and determined, and all penalties, amounts of contribution, and sums of money imposed or made payable by this Act shall be recovered, in a summary way by and before any Two Justices of the Peace in manner directed by *The Magistrates Summary Procedure Act*; and an information may be laid by an Inspector against any person for any offence against this Act.

Appeal.

Every person who deems himself aggrieved by any summary conviction order or award under this Act may appeal therefrom in the manner provided by *The Appeals Regulation Act*.

Onus of proof  
upon defendant,  
who shall be  
competent to give  
evidence.

**49** In all legal proceedings taken against any person for any breach of or non-compliance with the provisions of this Act, the *onus* of proving that such person was duly licensed, or was otherwise exempted from the operation of any penalty imposed by the said Act, shall, in all such cases, rest upon the defendant, who shall in all such proceedings be competent to give evidence, anything contained in any law or practice to the contrary notwithstanding.

Who shall be  
taken as owner  
of Sheep.

**50** If any person against whom any proceedings may be taken under this Act as owner of any Sheep disputes his ownership thereof, or if it is uncertain who is the owner of any Sheep in respect of which any proceedings have been instituted under this Act, the adjudicating Justices may give judgment against the owner of the Sheep in respect

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of which such proceedings have been instituted by such description merely, and may direct that the penalty or sum of money ordered to be paid or such penalty and sum of money, and the costs of and attending the recovery thereof, shall be levied by seizure and sale of such Sheep, or of so many of such Sheep as may be necessary to satisfy the same; and if the amount realised from the sale of such Sheep is not sufficient to satisfy the judgment, then the difference may be recovered by a levy upon any other property the owner of the said Sheep may be found to possess.

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**51** When any order or conviction is made under this Act in respect of any Sheep, or any matter or thing done or omitted to be done with reference to such Sheep, such Sheep shall, for the purposes of any warrant of distress following within Ten days upon such order or conviction, be conclusively deemed and taken (notwithstanding any sale, assignment, or other dealing with such Sheep,) to be of the goods and chattels of the person against whom such order or conviction is made.

Sheep to be goods and chattels of person against whom a conviction has been made.

**52** All penalties and sums of money imposed or made payable by this Act shall, when recovered, be paid into the Colonial Treasury to the credit of "The Scab Act Fund;" and it shall be lawful for the Governor to authorise any sum to be paid to any person as compensation or reimbursement for expenses incurred, and in every such case such sum shall be paid to such person.

Appropriation of penalties, &c.

**53** No plaintiff shall recover in any action commenced against any person for anything done in pursuance of this Act unless such action is commenced within Three months after the cause of action has accrued, and unless notice in writing has been given to the defendant One month at least before such action is commenced, of such intended action, signed by the attorney of the plaintiff, specifying the cause of action; nor shall the plaintiff recover in any such action if tender of sufficient amends has been made to him or his attorney by or on behalf of the defendant before such action brought; and in case no such tender is made, it shall be lawful for the defendant in any such action, at any time before issue joined, to pay into Court such sum of money as he thinks proper; and the defendant in every such action may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of this Act; and if the same appears to have been so done, or if such action or suit has been brought before the expiration of One month next after such notice has been given as aforesaid, or after sufficient satisfaction made or tender as aforesaid, or after the time limited for bringing the same as aforesaid, then and in every such case the jury shall find a verdict for the defendant; and upon such verdict, or if the plaintiff is nonsuited or discontinues his action, or if upon demurrer or otherwise judgment is given against the plaintiff, then and in every such case the defendant shall have double costs, and shall have the same remedy for recovering the same as any defendant has for his costs in any other cases by law.

Limitation of actions.

**54** The Acts set forth in the Schedule (F) are hereby repealed, except as to any thing duly done, any liability accruing, and any penalty forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act takes effect, and the institution of any legal proceeding, or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

Repeal.

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## SCHEDULE.

(A.)

## THE SCAB ACT, 1875.

Section 13.

*RETURN of Number of Sheep by Owner to Chief Inspector or other person duly authorised, to be declared to before a Justice of the Peace.*

RETURN of Number of Sheep owned by the undersigned on the 1st day of January, 187 .

Name of Run.	Name and Address of Owner and Person in charge.	Description of Sheep and Lambs.	Number of each description.	Brands and other Marks.	Under Clean Certificate.	Under Licence.	Remarks.

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several matters therein set forth, all which matters I conscientiously believe to be true; and I make this declaration under the provisions of the Act of this Island, intituled "An Act for the Abolition of extra-judicial and unnecessary Oaths."

*Sheepowner.*

Taken before me this \_\_\_\_\_ day of \_\_\_\_\_ 187

J.P.

(B.)

## THE SCAB ACT, 1875.

Section 17.

*RETURN of Sheep dipped to be given to Inspector, to be declared to before a Justice of the Peace.*

RETURN of Sheep dipped by the Undersigned.

Name of Run.	Name and Address of Owner and Person in charge.	Description of Sheep.	Number of each Description.	Brands or Marks.	Nature of Mixture.

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several matters therein set forth, all which matters I conscientiously believe to be true; and I make this declaration under the provisions of the Act of this Island, intituled "An Act for the Abolition of extra-judicial and unnecessary Oaths."

*Sheepowner.*

Taken before me this \_\_\_\_\_ day of \_\_\_\_\_ 187

J.P.

*Scab in Sheep.*

(C.)

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I, \_\_\_\_\_ of \_\_\_\_\_ do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several matters therein set forth, all which matters I conscientiously believe to be true; and I make this declaration under the provisions of the Act of this Island, intituled "An Act for the Abolition of extra-judicial and unnecessary Oaths."

Section 18.

*Sheepowner.*

Taken before me this \_\_\_\_\_ day of \_\_\_\_\_ 187

*J.P.*

(D.)

THE SCAB ACT, 1875.

Section 21.

*Licence to Cleanse Sheep.*

THESE are to certify that \_\_\_\_\_ of \_\_\_\_\_ in Tasmania, the owner of the Sheep mentioned in the Schedule below, which have been found to be infected with Scab, has this day received a licence to keep such Sheep for a period of \_\_\_\_\_ months from this date, for the purpose of cleansing them.

Dated the \_\_\_\_\_ day \_\_\_\_\_ 18

*Chief Inspector of Sheep.*

*Schedule referred to above.*

Number.	Description.	Brands or Marks.	Name and Address of Owner and of Person in charge.	Name of Run and of portion of Run where Sheep are kept.

(E.)

THE SCAB ACT, 1875.

Section 22.

*Certificate of Cleanness.*

I, the undersigned, Inspector of Sheep for \_\_\_\_\_, having this day carefully examined the Sheep mentioned in the Schedule below, and made due enquiry concerning them, do hereby certify that such Sheep are not now infected Sheep within the meaning of "The Scab Act, 1875."

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18

*Inspector of Sheep.*

*Schedule referred to above.*

Number.	Description.	Brands or Marks.	Name and Address of Owner and of Person in charge.

*Scab in Sheep.*

A.D. 1875.

(F.)

Section 54.

## ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>
33 Vict. No. 2.	"The Scab Act, 1870."
34 Vict. No. 7.	"The Scab Act Amendment Act."
35 Vict. No. 1.	"The Scab Act Amendment Act, No. 2."
36 Vict. No. 21.	"The Scab Act Amendment Act, No. 3."
37 Vict. No. 18.	"The Scab Act Amendment Act, No. 4."
38 Vict. No. 22.	"The Scab Act Amendment Act, No. 5."