

No. X.

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 Colony*
“ *of New South Wales.*” [9th October, 1835.]

SCAB IN SHEEP.

WHEREAS an Act was passed by His Excellency the Governor
of New South Wales with the advice of the Legislative
Council thereof in the third year of the reign of His present Majesty
King William the Fourth intituled “ *An Act for preventing the*
“ *extension of the infectious Disease commonly called the Scab in*
“ *Sheep or Lambs in the Colony of New South Wales*” which Act
was made perpetual by a certain other Act of the said Governor
and Council passed in the fifth year of the reign of His said
Majesty intituled “ *An Act to make perpetual an Act intituled*
“ *‘An Act for preventing the extension of the infectious Disease*
“ *commonly called the Scab in Sheep or Lambs in the Colony of New*
“ *South Wales’*” And whereas the said Acts having been found
highly beneficial in preventing the spread of the said disease in that part
of the Colony to which its operation is limited by the said first recited
Act and it is expedient to amend and extend the provisions thereof
throughout

Preamble.

3 Gul. IV. No. 5

and 5 Gul. IV. No. 19

Scab in Sheep.

extended to all parts
of the Territory.

throughout the Colony Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the first day of March one thousand eight hundred and thirty-six the said recited Acts shall be deemed and taken to be in force within all parts of the Territory of New South Wales whether within or beyond the boundaries prescribed for location to settlers except so much thereof as is hereinafter repealed.

Repealing part of
3 Gul. IV. No. 5.

2. And whereas it was in and by the said first recited Act provided That no offender should be liable to incur any penalty for the turning out keeping depasturing or conducting of sheep or lambs infected with the said disease or for permitting or suffering such sheep or lambs to be turned out kept depastured driven or conducted contrary to the provisions of the said recited Act within the period of one calendar month from and after any preceding conviction and whereas it is expedient that such provision of the said recited Act should be repealed Be it therefore further enacted That the said provision of the said recited Act be and the same is hereby repealed.

Justices to grant a
warrant for removal
of sheep.

3. 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 with the said disease or for permitting or suffering any such sheep or lambs to be turned out kept depastured driven or conducted contrary to the provisions of the said recited Acts or of this present Act 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 hereunto annexed authorizing 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 by and under the said first recited Act for turning out keeping depasturing driving or conducting such sheep or lambs contrary to the provisions thereof.

Penalty for neglect-
ing to obey such
warrant.

Justices upon in-
formation to grant a
warrant for the
examination of sheep
suspected to be
diseased.

4. And be it further enacted That upon information on oath made before any Justice of the Peace by any proprietor or overseer in charge of sheep or lambs that there is reasonable cause to suspect and believe that any sheep or lambs are infected with the said disease and are turned out kept depastured driven or conducted contrary to the provisions of the said recited Acts or of this present Act it shall be lawful for such Justice to grant a warrant under his hand to some fit and proper person to be named by such Justice in the warrant to authorize him to examine any such sheep or lambs as aforesaid and if necessary to cause the same to be driven to the nearest pen where the same are ordinarily kept for examination and any proprietor or person in the charge of such sheep or lambs who shall refuse to allow the same to be examined or shall refuse or neglect when so required to cause them to be driven to the nearest pen for examination shall be subject to such and the like fines or penalties as by the said first recited Act are imposed or inflicted for turning out keeping depasturing driving or conducting any sheep or lambs contrary to the provisions thereof.

5. And whereas by the said first recited Act it is enacted That if any person not being a transported felon or offender convicted of any offence or offences against the said Act or Ordinance before any one

Cumberland Parish Roads.

one or more Justice or Justices of the Peace should think himself or herself aggrieved by the judgment of any such Justice or Justices such person should have liberty to appeal from any such conviction to the next Court of Quarter Sessions and whereas it is expedient to limit the said appeal to certain cases Be it therefore enacted That no appeal shall be allowed from any conviction under the provisions of the said recited Acts or of this present Act in any case wherein the penalty or sum awarded to be paid shall not exceed the sum of ten pounds.

Limiting appeal to cases exceeding £10.

6. And be it further 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.

Recovery and application of penalties.

SCHEDULE REFERRED TO.

Form of Warrant for removing Sheep after conviction.

District of
In the Colony of New South Wales. }

I A. B. (or we A. B. and C. D.) Justice (or Justices) of the Peace for the District of in the Colony of New South Wales having this day convicted E. F. of (or G. H. overseer of E. F. 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 E. F. contrary to the provisions 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 in the District of where the same may be lawfully 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 sixth year of the reign of His Majesty King William the Fourth 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 Colony of New South Wales'" authorize and direct the said E. F. (or the said G. H. overseer of the the said E. F.) to drive or conduct the said sheep (or lambs) or to cause the same to be driven or conducted to aforesaid by (here point out the nearest or most convenient 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 this
day of one thousand eight hundred
and

A. B.
C. D.
