

*Scab in Sheep.*

## No. X.

SCAB IN SHEEP.

An Act to prevent the travelling of Sheep or Lambs infected with Scab on public roads and thoroughfares and for other purposes.  
[27th October, 1845.]

Preamble.

Scabbed sheep not to travel on any public road.

WHEREAS it is expedient to prevent Sheep or Lambs infected with the Scab from being driven on public roads during the month of February Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That no person shall drive or conduct or permit or suffer to be driven or conducted any sheep or lambs infected with scab upon any public road or way used as a public way for the driving of sheep from one part of the Colony to another during the month of February in each year or at any other time anything in any other Act to the contrary notwithstanding.

Penalties under this Act.

2. And be it enacted That all penalties now in force for turning out keeping depasturing driving conducting or permitting or suffering to be turned out kept depastured driven or conducted any sheep or lambs infected with the scab upon any lands whatever whether within or beyond the boundaries of the Colony prescribed for location to settlers shall from the passing of this Act cease and determine and that instead thereof there shall be payable for every such offence a penalty or sum of not less than five pounds nor more than fifty pounds.

Recovery of fines.

3 Wm. IV. No. 5.

5 Wm. IV. No. 19.

6 Wm. IV. No. 10.

5 Wm. IV. No. 22.

Indemnifying Justices.

3. And be it enacted That all fines forfeitures or penalties sued for under this Act or under an Act of the said Governor and Council passed in the third year of the reign of His late Majesty King William the Fourth intituled "*An Act for preventing the extension of the Disease commonly called the Scab in Sheep or Lambs in the Colony of New South Wales*" or any other Act making the said Act perpetual or amending or extending the provisions thereof shall be heard and determined by any two or more Justices of the Peace in a summary way and that all such proceedings shall be regulated according to the provisions of an Act of the said Governor and Council passed in the fifth year of the reign of His said late Majesty intituled "*An Act to regulate summary proceedings before Justices of the Peace*" so far as the same shall be applicable.

4. And whereas doubts have arisen as to the power of Justices of the Peace to adjudicate in a summary way under the said recited Act or Acts as aforesaid and it is equitable and just that the Justices who may have so adjudicated should be protected from any action suits or other proceedings in respect to any matter or thing so done by them Be it enacted That no action suit information indictment prosecution or other proceeding shall be commenced or prosecuted in any manner whatsoever against such Justice or Justices for any matter or thing done by him or them under the said recited Act or any Act making perpetual the same or amending and extending the provisions thereof as aforesaid previous to the passing of this Act by reason of the want of power or authority in such Justice or Justices to hear and determine such matter or thing in a summary way and if any action suit information indictment prosecution or proceeding whatsoever shall be commenced or prosecuted against any such Justice or Justices or against any Sheriff gaoler constable bailiff or other person acting under and in obedience to any warrant order or conviction of any such Justice or Justices in respect of his or their want of summary

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*Imperial Capital Punishment Abolition Act Partial Re-enactment.*

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summary jurisdiction under the said recited Act or Acts as aforesaid it shall be lawful for the defendant or defendants to apply to the Supreme Court or any Judge thereof to stay proceedings and such Court or Judge respectively is hereby required to stay such proceedings as to the said Court or Judge shall seem fit.

5. And be it enacted That all penalties or fines which may be recovered by virtue of this Act shall be paid one-half to the prosecutor if demanded and the other half or the whole (if the other half be not demanded by the prosecutor) to the Public Treasury for the purposes of the General Revenue of the said Colony. .

Penalties how applied.

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