



WESTERN AUSTRALIA.

ANNO SEPTIMO,

VICTORIÆ REGINÆ.

No. XV.

An Act to prevent the spreading of the Infectious Disease called the Scab in Sheep in the colony of Western Australia.

WHEREAS it is expedient to prevent the spreading of the Preamble.
infectious disease called Scab or Mange in sheep:—Be it
enacted by His Excellency the Governor of Western Australia, by
and with the advice and consent of the Legislative Council thereof,
that from and after the passing of this Act any proprietor or per-
son having the charge or management of sheep, who shall know-
ingly or wilfully turn out, keep, depasture, drive, or conduct, or
permit or cause to be turned out, kept, depastured, driven, or

Any person driving or suffering sheep or lamb infected with scab to stray on the land of any other person, shall forfeit and pay a sum not exceeding £10.

conducted, or shall carelessly or negligently suffer to stray, any sheep or lamb, infected with the disorder called scab or mange upon any land whatsoever, except the land belonging to and farmed or rented, or occupied under license, by such person, shall on conviction thereof before any one or more Justice or Justices of the Peace of the said colony, forfeit and pay for every such offence any sum not exceeding ten Pounds, together with all reasonable costs and charges, to be ascertained by the Justice or Justices before whom such conviction shall take place.

Not to prevent the driving to or from market, &c.

Provided notice shall have been given to the occupier of lands on which there are flocks.

II. AND be it enacted, that nothing in this Act shall be taken to apply to the driving of any such sheep or lambs either to or from any market or place of purchase or sale, or from any place where such sheep or lambs may have been imported to their grazing station, or from one grazing station to another belonging to or rented, or occupied by license by the same individual—Provided always, that in every such case a cautionary notice shall have been given beforehand by the person so driving such sheep or lambs to the owner or occupier of any lands upon which there may be any flocks, apprising him of the day and time in which he intends to drive such sheep or lambs over such lands as aforesaid.

Penalty for abandoning infected sheep.

III. AND be it enacted, that if any person shall wilfully set at large and abandon any sheep or lamb infected with the said disease called the scab 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 Justice or Justices of the Peace, to forfeit and pay a penalty or sum not exceeding Twenty Pounds.

Persons suffering infected sheep to mix with the flocks of other persons, so as to communicate the disease, liable to reimburse such other persons.

IV. AND be it enacted, that if any proprietor or person having the charge or management of any sheep or lambs infected with the said disease shall permit or suffer such infected sheep or lambs to mix with the sheep or lambs of any other person, and thereby communicate the said disease to any such sheep or lambs of any such other person or persons, then and in every such case such proprietor or person having the charge or management of sheep or lambs so infected as aforesaid, shall notwithstanding he shall have given any such notice as aforesaid, be subject and liable over and

above any other penalty imposed by this Act, to forfeit and pay to the person or persons to whose sheep or lambs such disease shall be so communicated, such sum of money in the judgment and discretion of the Justice or Justices before whom complaint shall be made as shall be sufficient to reimburse such person or persons for the losses and expenses which he, she, or they shall have incurred or been put to thereby, so as that such sum shall not in any one case exceed the sum of Fifty Pounds; and such sum shall be recovered upon complaint brought by or on behalf of the injured person or persons, and duly proved before any two or more Justices of the Peace, in like manner as any fine or penalty imposed by this Act—Provided always, however, that every such complaint as last aforesaid shall be brought within three calendar months next after the cause of such complaint shall have arisen; and provided also, that no action or suit at law shall be brought in any court of the said colony for or in respect of any loss expense, or damage which shall or may be incurred as aforesaid after the cause shall have been heard and determined in a summary way as hereby provided; and if any such action or suit shall be brought for such cause it shall be lawful for the defendant or defendants to apply to the court wherein such action or suit shall be brought to stay proceedings, and such court is hereby required to stay proceedings accordingly, and to award such reasonable costs as shall be thereby incurred by such defendant or defendants.

Proviso limiting the time of bringing such complaint, and the amount of forfeiture.

V. AND be it enacted, that if any person convicted of any offence or offences, or adjudged to pay any sum under the provisions of this Act, by any Justice or Justices of the Peace as aforesaid, shall think himself or herself aggrieved by the judgment of such Justice or Justices, such person shall have liberty to appeal from any such conviction or judgment to the next Court of Quarter Sessions of the Peace. Appeal.

VI. AND be it enacted, that no conviction shall be had under this Act on any case which may have happened more than three months before the time of laying the complaint. Limitation of proceedings.

VIII. AND be it enacted, that all fines, forfeitures, and penalties imposed by this Act shall be sued for and recovered before one or more Justice or Justices of the Peace, according to the provisions of the Act of Council to regulate summary proceedings before Justices of the Peace. Recovery and appropriation of penalties.

7th Vict. No. 15.

1844.

Act may be amended.

VIII. AND be it enacted, that this Act may be altered, amended, or repealed by any Act to be passed during the present Session.

JOHN HUTT,
GOVERNOR.

*Passed the Council the 13th
day of June, 1844.*

EDWARD C. SOUPER,
Clerk of Council.