
A BILL

For the prevention of Scab in Sheep.

[MR. MORRIS;—8 February, 1861.]

WHEREAS it is necessary to renew the measures heretofore adopted Preamble.
for checking the spread among sheep of the disease called the Scab
and to extend such measures Be it therefore enacted by the Queen's Most
Excellent Majesty by and with the advice and consent of the Legislative
5 Council and Legislative Assembly of New South Wales in Parliament
assembled and by the authority of the same as follows:—

1. The following terms in inverted commas shall for the purposes Interpretation.
of this Act bear the meanings set against them respectively unless the
context otherwise indicate:—

10 "Run"—Any run station or other place where sheep are
kept and depastured.

"Owner"—Any owner proprietor lessee licensee overseer
superintendent or person in possession or charge.

"Sheep"—Any Ram Ewe Wether or Lamb.

15 "Infected Sheep"— $\left\{ \begin{array}{l} \text{Any sheep infected with a disease called} \\ \text{Scab or sheep that shall form part of a} \\ \text{flock so infected.} \end{array} \right.$

"Public Road"—Any road or other way ordinarily used by the
public for six years at least without successful opposition
20 from the owner of the land or any way over which sheep
cattle horses or drays have been usually or commonly
driven by the public.

25 "Travelling Sheep"— $\left\{ \begin{array}{l} \text{Sheep driven or carried along} \\ \text{or over any place other than the run} \\ \text{on which they are ordinarily kept} \\ \text{and depastured.} \end{array} \right.$

"Destroy"—Entirely to consume by fire or entirely to bury
three feet at least under ground.

Destruction of infected sheep.

2. All sheep infected with the disease called the Scab shall be destroyed within one month after the owner shall have become aware that such sheep have become so infected. And such owner shall be liable to a penalty not exceeding two shillings and sixpence for every such sheep not destroyed within that period. And three days at least before such 5 sheep shall be destroyed a notice in writing shall be left at each of the adjoining runs at the residence of the owner thereof stating the day hour and place at which it is intended to destroy such sheep and the number intended to be destroyed. Provided that sheep so infected may upon the station of their owner but not elsewhere be shorn or boiled down and their 10 skins fellmongered and the wool or skins securely packed in bags or bales and thereupon and so packed but not otherwise conveyed to their destination for sale or exportation. Provided also that every such bag or bale shall besides other usual marks be marked in red with the letter S.

15

Compensation for destroyed sheep.

3. Upon application made by any owner whose sheep shall have been destroyed under the last section at any time within one month thereafter any two Justices in Petty Sessions shall either at once or on some future appointed day not later than fourteen days after such application make inquiry in open Court touching the infection and 20 destruction of such sheep and the compliance of the applicant with all the provisions of this Act. And if satisfied that the required notices have been given and that any such infected sheep have been destroyed pursuant to the last section and that all other the provisions of this Act in this behalf have been complied with they shall thereupon but not otherwise sign 25 and deliver to the applicant a certificate in the form of the Schedule hereto marked A and on the presentation or transmission of such certificate to the Colonial Treasurer there shall be paid by him to the owner or his order under warrant of the Governor in Council out of the funds hereinafter mentioned a sum at the rate of four shillings for every sheep so 30 destroyed. Provided that no such certificate shall be given for sheep under the age of six months nor for any sheep which shall have been boiled down or the wool or skins thereof made use of as aforesaid nor for any sheep which shall have crossed the boundary from the Colony of Victoria within six months next previously to the day of their destruction. 35

Warrant to examine suspected sheep.

4. If it shall be made to appear to any Justice upon information on oath or affirmation or upon the view of himself or any other Justice that there is reasonable cause to believe that any sheep infected with the Scab are on any run or elsewhere contrary to this Act such Justice may

may

may issue a warrant in the form of the Schedule hereto marked B directed to some fit person therein named authorizing him to examine such sheep and if necessary to cause the same to be driven to the nearest pen where they are ordinarily kept or to some other convenient place for
5 examination And every owner of such sheep who shall refuse to allow such person to enter on any of his lands or to allow such sheep to be examined or who shall refuse or neglect when so required to cause them to be driven to the nearest pen or other convenient place for examination shall for every such offence be liable to a penalty not exceeding Twenty
10 Pounds.

5. Any Bench of Magistrates summoned for the purpose assisted
by a jury of not less than four sheep farmers or sheep managers two to be
appointed by such Bench and two by any party owning sheep arrested
under this Act may inquire into the matter And may appoint if deemed
15 necessary some fit person within their special jurisdiction to be Inspector for the purpose of examining the sheep of such suspected party and to assist generally in carrying into effect the provisions of this Act And upon a certificate under the hands of any two Justices of such Bench being produced or transmitted to the Colonial Treasurer there shall be paid
20 by him out of the fund hereinafter mentioned to Inspectors appointed under this and the preceding clause or their orders a sum at the rate of One Pound by the day for their services together with such further reasonable sum for travelling expenses as the Bench may determine and as may be mentioned in such certificates.

Special Inspector appointed in case of suspicion of infection.

25 6. Any two Justices in Petty Sessions near to the place at which
such sheep shall have been examined on receiving from any person
so appointed to examine them a certificate under his hand in the form of
the Schedule hereto marked C indorsed on the before-mentioned warrant
stating that such sheep are so infected may cause a true copy of
30 such certificate and warrant attested under their hands with a memorandum indorsed thereon stating that unless such certificate be disputed within fourteen days the said sheep will be destroyed to be served on their owner by leaving the same at his residence And if within fourteen days after such service no objection be made as hereinafter provided such
35 Justices or any other two Justices sitting in the same Petty Sessions may issue a warrant in the form of the Schedule hereto marked D directed to any person signing such certificate authorizing him forthwith to destroy such infected sheep And every person who shall resist or attempt to resist the execution of any such warrant shall be liable to a penalty not
exceeding

Proceedings after examination of sheep.

exceeding Fifty Pounds Provided that if any owner on whom any such copy certificate and warrant shall have been served shall within fourteen days after such service serve on the Justices attesting such copy a notice in writing stating that he disputes the correctness of such certificate it shall be lawful for such Justices to appoint a time to inquire into the 5 correctness of such certificate and such inquiry shall be held in open Court in Petty Sessions And if the same or any other two Justices after making such inquiry shall be of opinion that such certificate is incorrect and that such sheep are not infected as alleged therein they shall sign and deliver to their owner a certificate to that effect But otherwise they 10 shall issue such warrant and proceed in all respects as if no such notice of objection had been served upon them within the time limited for that purpose.

Certificate of cost of destruction.

7. On the destruction of any infected sheep pursuant to any such warrant any two Justices may ascertain and fix in open Court 15 in Petty Sessions whether any and what remuneration shall be paid to the person destroying such sheep and may give to any such person a certificate in the form of the Schedule hereto marked E And on the presentation or transmission of such certificate to the Colonial Treasurer the amount therein specified shall be paid by him to such person or his order out of 20 the fund hereinafter mentioned Provided that before granting any such certificate the Justices shall be satisfied by sufficient evidence of the destruction of such sheep and of the cost incurred in their destruction.

False report a misdemeanor.

8. Every person appointed by any Justice to examine sheep who shall wilfully make any false report or false certificate to any Justice 25 respecting such sheep shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

Wilfully communicating Scab a misdemeanor.

9. Every person who shall wilfully communicate or cause to be communicated to any sheep the disease called the Scab shall 30 be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

Notice to be affixed to run of Scab having broken out.

10. The owner of any sheep which shall become infected with the Scab shall immediately on such infection becoming known affix at each point of entrance of any public road which may intersect the run 35 a notice signed by him and written in distinct legible characters not less than one inch in length stating that the Scab has broken out upon such run And every such notice shall be dated on the day on which it shall be so affixed and shall be kept so affixed for six months after the destruction of the sheep so infected And 40 every

every owner of sheep which shall become so infected who shall neglect or refuse to cause such notices to be so affixed and kept affixed shall be liable to a penalty not exceeding fifty pounds.

11. Every person who shall knowingly depasture or cause or Penalty for depasturing sheep on infected runs. permit to be depastured any sheep upon any run on which any infected sheep shall have been destroyed under this Act within three months after such destruction shall for such offence be liable to a penalty not exceeding one hundred pounds and a further penalty of ten pounds for every day of such sheep being so depastured on such run after the first 10 offence.

12. All travelling sheep shall be legibly branded with pitch tar or paint in a letter or letters not less than three inches in length And every owner of sheep which shall be so travelling without being at the time so branded shall for every one of such sheep be liable to a penalty 15 not exceeding sixpence Provided that sheep driven from one run to any other run of the same owner not being more than forty miles apart shall not be deemed travelling sheep within this Act. Travelling sheep to be branded.

13. The person in charge of any sheep imported into any seaport either coastwise or from parts beyond the seas shall report in Imported sheep to be reported immediately to Inspector and not to be removed without his certificate. 20 writing the fact of such importation as soon as practicable after their arrival to some Inspector appointed as hereinafter mentioned at or nearest to such seaport and shall not remove such sheep from such seaport until they shall have been first shorn and then dressed with such medicaments as shall be directed or approved by such Inspector at 25 least three times at intervals of two days nor until a certificate to that effect and also to the effect that such sheep are not infected with the Scab shall have been delivered to the person so in charge by such Inspector and it is hereby declared to be the duty of such Inspector to make the necessary inquiry and examination and to grant such certificate 30 in all cases where the same shall be in accordance with the facts And every person who shall remove or cause to be removed any sheep so imported without having first obtained such certificate shall for every sheep so removed be liable to a penalty not exceeding thirty pounds Provided that such imported sheep although so infected if and so long as they are 35 kept in a secure stable or shed approved by such Inspector shall not be liable to destruction under this Act on account of such infection until the expiration of three months after their importation. Imported sheep to be reported immediately to Inspector and not to be removed without his certificate.

14. No sheep shall be brought across the boundary line into Sheep not to be brought across the boundary from Victoria until certificate obtained from Inspector. New South Wales from the Colony of Victoria until the owner or person 40 in charge thereof shall have first procured from some such Inspector a certificate

Proviso as to Victoria
Sheep.

certificate stating that such sheep are not infected with the Scab And it shall be the duty of the Inspector at or nearest to the place at which it is intended that any sheep shall be brought across the said boundary line to examine such sheep and to give such certificate in all cases where the same shall be in accordance with the facts And every person who shall bring or 5 cause to be brought across the said boundary line any sheep without having obtained such certificate shall for every sheep so brought be liable to a penalty not exceeding five shillings Provided that all such sheep shall before passing such boundary be legibly branded with pitch tar or paint with the letter V not less than three inches in length and that such brand 10 shall be continued or if necessary from time to time renewed during the whole period of six months after they shall have so passed the boundary in default whereof the owner shall be liable for every omission to the penalty of sixpence for each sheep Provided also that no owner of any such sheep shall be entitled to any compensation for the destruction thereof 15 under this Act at any time within such period of six months.

Inspectors to be
appointed.

15. The Governor with the advice of the Executive Council may appoint fit persons in such sea-ports towns or other places as may be deemed expedient to be Inspectors for the purpose of examining sheep and assisting generally in carrying into effect the provisions of this 20 Act And such Inspectors shall be paid out of the fund hereinafter mentioned such reasonable salary or other remuneration as the Governor with the advice of the Executive Council may direct.

Inspectors to enter
upon suspected runs
and examine sheep.

16. If such Inspector shall have reasonable grounds to suspect that any sheep are kept upon any run contrary to the provisions of this Act 25 he may enter thereupon and examine the sheep depastured there Provided that such Inspector shall have first left a notice in writing at the residence of the owner at least twenty-four hours before such entry stating his intention so to enter and examine And in the event of such Inspector finding on such run any sheep infected with the Scab he shall without 30 delay depose to the same on oath before the nearest Justice who may thereupon proceed in the matter as directed in the fifth section And every owner or other person who shall remove any sheep so that they cannot be viewed by such Inspector or in any way obstruct such Inspector in the discharge of his duty shall for every such offence be liable to a penalty 35 not exceeding twenty pounds.

Diseased sheep
travelling may be
destroyed.

17. Any Inspector either within or without the seaport town or other place for which he is appointed may stop and examine all travelling sheep and in case he shall find any such sheep infected with the Scab may cause their immediate removal to some appropriate place in the vicinity 40 where

where they can be conveniently kept until destroyed And such sheep may be destroyed accordingly upon the issuing by any two Justices of a certificate as provided by the sixth section and subject to all the provisions of the same section And every shepherd or other person in charge of travelling sheep who shall refuse to allow any such sheep to be examined or destroyed by any Inspector or in any way obstruct any Inspector in the discharge of his duty shall for every such offence be liable to a penalty not exceeding Five Pounds And every shepherd or other person who shall remove or attempt to remove any sheep detained by any Inspector for the purpose of being destroyed shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding one year with or without hard labor.

18. Every Inspector who shall refuse or wilfully neglect or unreasonably delay to perform any of the duties hereby imposed upon him or which he may be appointed to discharge under this Act or who shall be guilty of any misconduct in the performance thereof or who shall wilfully abuse the powers and authority hereby entrusted to him shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Inspector liable to penalty for delay or misconduct in the discharge of his duty.

19. For the purpose of carrying this Act into effect and paying all compensation money salaries remunerations and travelling expenses hereinbefore mentioned such and so much of the moneys paid raised or levied under the Acts of Council eighteenth Victoria number twenty-six and nineteenth Victoria number twenty-seven or either of them for the purposes thereof as still remain unapplied to such purposes or which would if the said last-mentioned Act remained in force be applicable to the purposes thereof shall be a fund out of which under warrant of the Governor which the Governor is hereby authorized to grant the Colonial Treasurer may and shall make all payments authorized to be made by this Act but no claim shall be made for any such payment after such fund shall have been exhausted.

Fund for carrying Act into effect.

20. All penalties under this Act may be recovered before two Justices and the payment thereof enforced by distress and sale as by Justices in other cases And if any penalty be not paid or sufficient goods levied upon and sold to meet the amount thereof the party convicted may by order of the same or other two Justices be imprisoned for any time not longer than six months unless the penalty and costs be sooner paid.

Recovery of Penalties.

21. This Act shall continue in force until the thirty-first day of December 1863 and shall be styled and may be cited as "The Scab in Sheep Act of 1861."

Continuance and Short Title.

SCHEDULE A.

Certificate of Destruction of Sheep.

WE the undersigned A B and C D Justices of the Peace for New South Wales do hereby certify that it has been duly proved before us that [here state number] sheep above the age of six months the property of E. F. lately depasturing at [state name of run] were 5 on the day of instant [or last] duly destroyed And we certify that also it was further proved to our satisfaction that such sheep were at the time of their destruction infected with the disease called the Scab and that previous to their destruction the notices required by law were duly served and the provisions of the Scab in Sheep Act of 1861 duly complied with by the said E. F.* 10

Dated at in the Colony of New South Wales this day of A. D. 186 .

A. B., J.P.

C. D., J.P.

* NOTE.—If the sheep destroyed had been Victoria Sheep there must be added to this Certificate the following passage :—And we further certify that it has also been duly proved before us that the said sheep (or of the said sheep) passed across the boundary from the Colony of Victoria more than six months before the day on which they were so destroyed. 15

SCHEDULE B.

Warrant to Examine Sheep.

THESE are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the sheep specified below are now running and to cause them to be driven to the most convenient part or parts of such lands for the purpose of examining them and to thereupon examine them in order to ascertain if they are infected with the disease called the Scab. 20 25

General Description of Sheep and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed Owner.

Dated at in New South Wales this day of A.D. 186 .

To Mr. and his Assistants. A. B., J.P. 30

SCHEDULE C.

Certificate of Sheep being Infected. (To be endorsed on preceding Warrant.)

I the undersigned A. B. [or we the undersigned A. B. and C. D. as the case may be] do hereby certify that pursuant to the within Warrant to me [or us] directed I [or we] this day 35 [or on the day of] examined the sheep within mentioned and I [or we] further certify that the said sheep [or thereof] [mentioning the number] are infected with the disease called the Scab.

Given under my hand [or our hands] at in New South Wales this day of A.D. 186 . 30

SCHEDULE. D.

Warrant to destroy Sheep.

WHEREAS it has been duly proved before us A.B. and C.D. Esquires Justices of the Peace for the Colony of New South Wales that the sheep specified below are infected with the disease called the Scab Now these are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the said sheep are running and to destroy them and every part of them.

General Description of Sheep and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed owner.

Given under our hands and seals at _____ in New South Wales this
 10 day of _____ A.D. 186 .
 To Mr. _____ A.B., J.P.
 and his Assistants. _____ C.D., J.P.

SCHEDULE E.

Certificate of Costs of destroying Sheep.

15 WE the undersigned A. B. and C. D. Justices of the Peace for the Colony of New South Wales do hereby certify that pursuant to a Warrant directed by us to E.F. [*or to E. F. and G. H. as the case may be*] the said E.F. [*or E.F. and G.H.*] with his [*or their*] Assistants did on the _____ day of _____ instant [*or last*] duly destroy [*here insert number*] sheep at _____ in the said Colony And we further certify that we have fixed the
 20 remuneration to be paid for the destruction of such sheep at the sum of _____

Given under our hands at _____ in New South Wales this _____ day of _____
 A.D. 186 .
 A. B., J.P.
 C. D., J. P.

65—B

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 14 February, 1861. }

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

(As amended in Committee of the Whole.)

An Act for the prevention of Scab in Sheep.

WHEREAS it is necessary to renew the measures heretofore adopted ^{Preamble.} for checking the spread among sheep of the disease called the Scab and to extend such measures Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The following terms in inverted commas shall for the purposes ^{Interpretation.} of this Act bear the meanings set against them respectively unless the context otherwise indicate:—

10 "Run"—Any run station or other place where sheep are kept and depastured.

"Owner"—Any owner proprietor lessee licensee overseer superintendent or person in possession or charge.

"Sheep"—Any Ram Ewe Wether or Lamb.

15 "Infected Sheep"— { Any sheep infected with a disease called Scab or sheep that shall form part of a flock so infected.

20 "Public Road"—Any road or other way ordinarily used by the public for six years at least without successful opposition from the owner of the land or any way over which sheep cattle horses or drays have been usually or commonly driven by the public.

25 "Travelling Sheep"— { Sheep driven or carried along or over any place other than the run on which they are ordinarily kept and depastured.

"Destroy"—Entirely to consume by fire or entirely to bury three feet at least under ground.

65—

(b)

2.

NOTE.—The words to be omitted are ruled through; the words to be inserted are printed in black letter.

Scab in Sheep Act.—1861.

2. All sheep infected with the disease called the Scab shall be destroyed within one month after the owner shall have become aware that such sheep have become so infected. And such owner shall be liable to a penalty not exceeding two shillings and sixpence for every such sheep not destroyed within that period. And three days at least before such sheep shall be destroyed a notice in writing shall be left at each of the adjoining runs at the residence of the owner thereof stating the day hour and place at which it is intended to destroy such sheep and the number intended to be destroyed. Provided that sheep so infected may upon the station of their owner but not elsewhere be shorn or boiled down within one month and their skins fellmongered and the wool or skins securely packed in bags or bales and thereupon and so packed but not otherwise conveyed to their destination for sale or exportation. Provided also that every such bag or bale shall besides other usual marks be marked in red with the letter S.

Destruction of infected sheep.

3. Upon application made by any owner whose sheep shall have been destroyed under the last section at any time within one month thereafter any two Justices in Petty Sessions shall either at once or on some future appointed day not later than fourteen days after such application make inquiry in open Court touching the infection and destruction of such sheep and the compliance of the applicant with all the provisions of this Act. And if satisfied that the required notices have been given and that any such infected sheep have been destroyed pursuant to the last section and that all other the provisions of this Act in this behalf have been complied with they shall thereupon but not otherwise sign and deliver to the applicant a certificate in the form of the Schedule hereto marked A and on the presentation or transmission of such certificate to the Colonial Treasurer there shall be paid by him to the owner or his order under warrant of the Governor in Council out of the funds herein-after mentioned a sum at the rate of four shillings for every sheep and two shillings for every lamb ~~two shillings~~ so destroyed. Provided that no such certificate shall be given for any sheep which shall have been boiled down or the wool or skins thereof made use of as aforesaid nor for any sheep which shall have crossed the boundary from the Colony of Victoria within six months next previously to the day of their destruction.

Compensation for destroyed sheep.

4. If it shall be made to appear to any Justice upon information on oath or affirmation or upon the view of himself or any other Justice that there is reasonable cause to believe that any sheep infected with the Scab are on any run or elsewhere contrary to this Act such Justice may issue a warrant in the form of the Schedule hereto marked B directed to some fit person therein named authorizing him to examine such sheep and if necessary to cause the same to be driven to the nearest pen where they are ordinarily kept or to some other convenient place for examination. And every owner of such sheep who shall refuse to allow such person to enter on any of his lands or to allow such sheep to be examined or who shall refuse or neglect when so required to cause them to be driven to the nearest pen or other convenient place for examination shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Warrant to examine suspected sheep.

5. Any Bench of Magistrates summoned for the purpose assisted by a jury of not less than four sheep farmers or sheep managers two to be appointed by such Bench and two by any party owning sheep arrested under this Act may inquire into the matter. And may appoint if deemed necessary some fit person within their special jurisdiction to be Inspector for the purpose of examining the sheep of such suspected party and to assist generally in carrying into effect the provisions of this Act. And upon a certificate under the hands of any two Justices of such Bench being produced or transmitted to the Colonial Treasurer there shall be paid by him out of the fund hereinafter mentioned to Inspectors appointed under

Special Inspector appointed in case of suspicion of infection.

Scab in Sheep Act.—1861.

under this and the preceding clause or their orders a sum at the rate of One Pound by the day for their services together with such further reasonable sum for travelling expenses as the Bench may determine and as may be mentioned in such certificates.

5 6. Any two Justices in Petty Sessions near to the place at which such sheep shall have been examined on receiving from any person so appointed to examine them a certificate under his hand in the form of the Schedule hereto marked C indorsed on the before-mentioned warrant stating that such sheep are so infected may cause a true copy of
10 such certificate and warrant attested under their hands with a memorandum indorsed thereon stating that unless such certificate be disputed within fourteen days the said sheep will be destroyed to be served on their owner by leaving the same at his residence And if within fourteen days after such service no objection be made as hereinafter provided such
15 Justices or any other two Justices sitting in the same Petty Sessions may issue a warrant in the form of the Schedule hereto marked D directed to any person signing such certificate authorizing him forthwith to destroy such infected sheep And every person who shall resist or attempt to resist the execution of any such warrant shall be liable to a penalty not
20 exceeding Fifty Pounds Provided that if any owner on whom any such copy certificate and warrant shall have been served shall within fourteen days after such service serve on the Justices attesting such copy a notice in writing stating that he disputes the correctness of such certificate it shall be lawful for such Justices to appoint a time to inquire into the
25 correctness of such certificate and such inquiry shall be held in open Court in Petty Sessions And if the same or any other two Justices after making such inquiry shall be of opinion that such certificate is incorrect and that such sheep are not infected as alleged therein they shall sign and deliver to their owner a certificate to that effect But otherwise they
30 shall issue such warrant and proceed in all respects as if no such notice of objection had been served upon them within the time limited for that purpose.

7. On the destruction of any infected sheep pursuant to any such warrant any two Justices may ascertain and fix in open Court
35 in Petty Sessions whether any and what remuneration shall be paid to the person destroying such sheep and may give to any such person a certificate in the form of the Schedule hereto marked E And on the presentation or transmission of such certificate to the Colonial Treasurer the amount therein specified shall be paid by him to such person or his order out of
40 the fund hereinafter mentioned Provided that before granting any such certificate the Justices shall be satisfied by sufficient evidence of the destruction of such sheep and of the cost incurred in their destruction.

8. Every person appointed by any Justice to examine sheep who shall wilfully make any false report or false certificate to any Justice
45 respecting such sheep shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

9. Every person who shall wilfully communicate or cause to be communicated to any sheep the disease called the Scab shall
50 be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

10. The owner of any sheep which shall become infected with the Scab shall immediately on such infection becoming known affix at
55 each point of entrance of any public road which may intersect the run a notice signed by him and written in distinct legible characters not less than one inch in length stating that the Scab has broken out upon such run And every such notice shall be dated on the day on which it shall be so affixed and shall be kept so affixed for six months after the destruction of the sheep so infected And every

Proceedings after examination of sheep.

Certificate of cost of destruction.

False report a misdemeanor.

Wilfully communicating Scab a misdemeanor.

Notice to be affixed to run of Scab having broken out.

1861--*Scab in Sheep Act.*—1861.

every owner of sheep which shall become so infected who shall neglect or refuse to cause such notices to be so affixed and kept affixed shall be liable to a penalty not exceeding fifty pounds.

11. Every person who shall knowingly depasture or cause or permit to be depastured any sheep upon any run on which any infected sheep shall have been destroyed under this Act within three months after such destruction shall for such offence be liable to a penalty not exceeding one hundred pounds and a further penalty of ten pounds for every day of such sheep being so depastured on such run after the first 10 offence.

Penalty for depasturing sheep on infected runs.

12. All travelling sheep shall be legibly branded with pitch tar or paint in a letter or letters not less than three inches in length And every owner of sheep which shall be so travelling without being at the time so branded shall for every one of such sheep be liable to a penalty 15 not exceeding sixpence Provided that sheep driven from one run to any other run of the same owner not being more than forty miles apart shall not be deemed travelling sheep within this Act.

Travelling sheep to be branded.

13. The person in charge of any sheep imported into any seaport either coastwise or from parts beyond the seas shall report in 20 writing the fact of such importation as soon as practicable after their arrival to some Inspector appointed as hereinafter mentioned at or nearest to such seaport and shall not remove such sheep from such seaport until they shall have been dressed with such medicaments as shall be directed or approved by such Inspector at least three 25 times at intervals of two days nor until a certificate to that effect and also to the effect that such sheep are not infected with the Scab shall have been delivered to the person so in charge by such Inspector and it is hereby declared to be the duty of such Inspector to 30 make the necessary inquiry and examination and to grant such certificate in all cases where the same shall be in accordance with the facts And every person who shall remove or cause to be removed any sheep so imported without having first obtained such certificate shall for every sheep so removed be liable to a penalty not exceeding thirty pounds Provided that such imported sheep although so infected if and so long as they are 35 kept in a secure stable or shed approved by such Inspector shall not be liable to destruction under this Act on account of such infection until the expiration of three months after their importation.

Imported sheep to be reported immediately to Inspector and not to be removed without his certificate.

14. No sheep shall be brought across the boundary lines into New South Wales from the Colony Colonies of Victoria or Queensland 40 respectively until the owner or person in charge thereof shall have first procured from some such Inspector a certificate stating that such sheep are not infected with the Scab And it shall be the duty of the Inspector at or nearest to the place at which it is intended that any sheep shall be brought across the said boundary lines respectively to examine such 45 sheep and to give such certificate in all cases where the same shall be in accordance with the facts And every person who shall bring or cause to be brought across the said boundary lines respectively any sheep without having obtained such certificate shall for every sheep so brought be liable to a penalty not exceeding five shillings Provided that all such sheep 50 shall before passing such boundary from the Colony of Victoria be legibly branded with pitch tar or paint with the letter V and before passing such boundary of Queensland with the letter Q not less than three inches in length respectively and that such brand shall be continued or if necessary from time to time renewed during the whole period of six months after 55 they shall have so passed the boundary in default whereof the owner shall be liable for every omission to the penalty of sixpence for each sheep Provided also that no owner of any such sheep shall be entitled to any compensation for the destruction thereof under this Act at any time within such period of six months.

Sheep not to be brought across the boundary boundaries from Victoria or Queensland until certificate obtained from Inspector.

Proviso as to Victoria and Queensland Sheep.

60 15. The Governor with the advice of the Executive Council may appoint fit persons in such sea-ports towns or other places as may be deemed expedient to be Inspectors for the purpose of examining sheep and

Inspectors to be appointed.

1861-1862 *Scab in Sheep Act.*—1861.

and assisting generally in carrying into effect the provisions of this Act. And such Inspectors shall be paid out of the fund hereinafter mentioned such reasonable salary or other remuneration as the Governor with the advice of the Executive Council may direct.

16. If such Inspector shall have reasonable grounds to suspect that any sheep are kept upon any run contrary to the provisions of this Act he may enter thereupon and examine the sheep depastured there. Provided that such Inspector shall have first left a notice in writing at the residence of the owner at least twenty-four hours before such entry stating his intention so to enter and examine. And in the event of such Inspector finding on such run any sheep infected with the Scab he shall without delay depose to the same on oath before the nearest Justice who may thereupon proceed in the matter as directed in the fifth section. And every owner or other person who shall remove any sheep so that they cannot be viewed by such Inspector or in any way obstruct such Inspector in the discharge of his duty shall for every such offence be liable to a penalty not exceeding twenty pounds.

Inspectors to enter upon suspected runs and examine sheep.

17. Any Inspector either within or without the seaport town or other place for which he is appointed may stop and examine all travelling sheep and in case he shall find any such sheep infected with the Scab may cause their immediate removal to some appropriate place in the vicinity where they can be conveniently kept until destroyed. And such sheep may be destroyed accordingly upon the issuing by any two Justices of a certificate as provided by the sixth section and subject to all the provisions of the same section. And every shepherd or other person in charge of travelling sheep who shall refuse to allow any such sheep to be examined or destroyed by any Inspector or in any way obstruct any Inspector in the discharge of his duty shall for every such offence be liable to a penalty not exceeding Five Pounds. And every shepherd or other person who shall remove or attempt to remove any sheep detained by any Inspector for the purpose of being destroyed shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding one year with or without hard labor.

Diseased sheep travelling may be destroyed.

18. Every Inspector who shall refuse or wilfully neglect or unreasonably delay to perform any of the duties hereby imposed upon him or which he may be appointed to discharge under this Act or who shall be guilty of any misconduct in the performance thereof or who shall wilfully abuse the powers and authority hereby entrusted to him shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Inspector liable to penalty for delay or misconduct in the discharge of his duty.

19. For the purpose of carrying this Act into effect and paying all compensation money salaries remunerations and travelling expenses hereinbefore mentioned such and so much of the moneys paid raised or levied under the Acts of Council eighteenth Victoria number twenty-six and nineteenth Victoria number twenty-seven or either of them for the purposes thereof as still remain unapplied to such purposes or which would if the said last-mentioned Act remained in force be applicable to the purposes thereof shall be a fund out of which under warrant of the Governor which the Governor is hereby authorized to grant the Colonial Treasurer may and shall make all payments authorized to be made by this Act but no claim shall be made for any such payment after such fund shall have been exhausted.

Fund for carrying Act into effect.

20. All penalties under this Act may be recovered before two Justices and the payment thereof enforced by distress and sale as by Justices in other cases. And if any penalty be not paid or sufficient goods levied upon and sold to meet the amount thereof the party convicted may by order of the same or other two Justices be imprisoned for any time not longer than six months unless the penalty and costs be sooner paid.

Recovery of Penalties.

21. This Act shall continue in force until the thirty-first day of December 1863 and shall be styled and may be cited as "The Scab in Sheep Act of 1861."

Continuance and Short Title.

*Scab in Sheep Act.—1861.*SCHEDULE A.
Certificate of Destruction of Sheep.

WE the undersigned A B and C D Justices of the Peace for New South Wales do hereby certify that it has been duly proved before us that [here state number] sheep above the
 5 age of six months and [here state number] lambs the property of E. F. lately depasturing at [state name of run] were on the day of instant [or last] duly destroyed
 And we certify that also it was further proved to our satisfaction that such sheep were at the time of their destruction infected with the disease called the Scab and that previous to their destruction the notices required by law were duly served and the provisions of the
 10 Scab in Sheep Act of 1861 duly complied with by the said E. F.*

Dated at in the Colony of New South Wales this
 day of A. D. 186 .

A. B., J.P.

C. D., J.P.

15 *NOTE.—If the sheep destroyed had been Victoria Sheep there must be added to this Certificate the following passage:—And we further certify that it has also been duly proved before us that the said sheep (or of the said sheep) passed across the boundary from the Colony of Victoria more than six months before the day on which they were so destroyed.

SCHEDULE B.

20 *Warrant to Examine Sheep.*

THESE are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the sheep specified below are now running and to cause them to be driven to the most convenient part or parts of such lands for the purpose of examining them and to thereupon examine them in order
 25 to ascertain if they are infected with the disease called the Scab.

General Description of Sheep and Number.	Lambs and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed Owner.

Dated at in New South Wales this day of
 A.D. 186 .

To

Mr.

30 and his Assistants.

A. B., J.P.

SCHEDULE C.

Certificate of Sheep being Infected.
 (To be endorsed on preceding Warrant.)

I the undersigned A. B. [or we the undersigned A. B. and C. D. as the case may be] do
 35 hereby certify that pursuant to the within Warrant to me [or us] directed I [or we] this day [or on the day of] examined the sheep and lambs within mentioned and I [or we] further certify that the said sheep and lambs [or thereof] [mentioning the number] are infected with the disease called the Scab.

Given under my hand [or our hands] at in New South Wales this
 30 day of A.D. 186 .

SCHEDULE

Scab in Sheep Act.—1861.

SCHEDULE. D.

Warrant to destroy Sheep.

WHEREAS it has been duly proved before us A.B. and C.D. Esquires Justices of the Peace for the Colony of New South Wales that the sheep and lambs specified below are infected with the disease called the Scab Now these are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the said sheep and lambs are running and to destroy them and every part of them.

General Description of Sheep and Number.	Lambs and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed owner.

Given under our hands and seals at _____ in New South Wales this _____ day of _____ A.D. 186 .

To Mr. _____ and his Assistants. A.B., J.P.
C.D., J.P.

SCHEDULE E.

Certificate of Costs of destroying Sheep.

WE the undersigned A. B. and C. D. Justices of the Peace for the Colony of New South Wales do hereby certify that pursuant to a Warrant directed by us to E.F. [*or to E. F. and G. H. as the case may be*] the said E.F. [*or E.F. and G.H.*] with his [*or their*] Assistants did on the _____ day of _____ instant [*or last*] duly destroy [*here insert number*] _____ sheep and lambs at _____ in the said Colony And we further certify that we have fixed the remuneration to be paid for the destruction of such sheep and lambs at the sum of _____

Given under our hands at _____ in New South Wales this _____ day of _____ A.D. 186 .

A. B., J.P.
C. D., J. P.

This Public Bill originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

CHA. TOMPSON, }
Clerk of Legislative Assembly. } Legislative Assembly Chamber,
Sydney, 14 February, 1861.

THE following Bill, intituled, "An Act to amend the Statute in that behalf made, relating to the mode of holding the Courts of Justice in this Colony," was presented to the Legislative Assembly on the 14th day of February, 1861, and, after having been read twice, and the title thereon explained, it was ordered to be printed, and to lie on the table for a week.

General Description of the Bill	Author of the Bill	Author of the Amendment	Author of the Amendment

It was then ordered, that the Bill do lie on the table until the 21st day of February, 1861.

Approved and passed in the Legislative Assembly, this 14th day of February, 1861.

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A. H. T. P.
Clerk of Legislative Assembly.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 14 February, 1861. }

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

(As amended [on Recommittal] in Committee of the Whole.)

An Act for the prevention of Scab in Sheep.

WHEREAS it is necessary to renew the measures heretofore adopted ^{Preamble.} for checking the spread among sheep of the disease called the Scab and to extend such measures Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The following terms in inverted commas shall for the purposes ^{Interpretation.} of this Act bear the meanings set against them respectively unless the context otherwise indicate:—

10 "Run"—Any run station or other place where sheep are kept and depastured.

"Owner"—Any owner proprietor lessee licensee overseer superintendent or person in possession or charge.

"Sheep"—Any Ram Ewe Wether or Lamb.

15 "Infected Sheep"— { Any sheep infected with a disease called Scab or sheep that shall form part of a flock so infected.

20 "Public Road"—Any road or other way ordinarily used by the public for six years at least without successful opposition from the owner of the land or any way over which sheep cattle horses or drays have been usually or commonly driven by the public.

25 "Travelling Sheep"— { Sheep driven or carried along or over any place other than the run on which they are ordinarily kept and depastured.

"Destroy"—Entirely to consume by fire or entirely to bury three feet at least under ground.

65—

(b)

2.

NOTE.—The words to be omitted are ruled through; the words to be inserted are printed in black letter.

Scab in Sheep Act.—1861.

2. All sheep infected with the disease called the Scab shall be destroyed within one month after the owner shall have become aware that such sheep have become so infected. And such owner shall be liable to a penalty not exceeding two shillings and sixpence for every such sheep not destroyed within that period. And three days at least before such sheep shall be destroyed a notice in writing shall be left at each of the adjoining runs at the residence of the owner thereof stating the day hour and place at which it is intended to destroy such sheep and the number intended to be destroyed. Provided that sheep so infected may upon the station of their owner but not elsewhere be shorn or boiled down within one month and their skins fellmongered and the wool or skins securely packed in bags or bales and thereupon and so packed but not otherwise conveyed to their destination for sale or exportation. Provided also that every such bag or bale shall besides other usual marks be marked in red with the letter S.

Destruction of infected sheep.

3. Upon application made by any owner whose sheep shall have been destroyed under the last section at any time within one month thereafter any two Justices in Petty Sessions shall either at once or on some future appointed day not later than fourteen days after such application make inquiry in open Court touching the infection and destruction of such sheep and the compliance of the applicant with all the provisions of this Act. And if satisfied that the required notices have been given and that any such infected sheep have been destroyed pursuant to the last section and that all other the provisions of this Act in this behalf have been complied with they shall thereupon but not otherwise sign and deliver to the applicant a certificate in the form of the Schedule hereto marked A and on the presentation or transmission of such certificate to the Colonial Treasurer there shall be paid by him to the owner or his order under warrant of the Governor in Council out of the funds herein-after mentioned a sum at the rate of four shillings for every sheep and two shillings for every lamb ~~two shillings~~ so destroyed. Provided that no such certificate shall be given for any sheep which shall have been boiled down or the wool or skins thereof made use of as aforesaid nor for any sheep which shall have crossed the boundary from the Colony of Victoria within six months next previously to the day of their destruction.

Compensation for destroyed sheep.

4. If it shall be made to appear to any Justice upon information on oath or affirmation or upon the view of himself or any other Justice that there is reasonable cause to believe that any sheep infected with the Scab are on any run or elsewhere contrary to this Act such Justice may issue a warrant in the form of the Schedule hereto marked B directed to some fit person therein named authorizing him to examine such sheep and if necessary to cause the same to be driven to the nearest pen where they are ordinarily kept or to some other convenient place for examination. And every owner of such sheep who shall refuse to allow such person to enter on any of his lands or to allow such sheep to be examined or who shall refuse or neglect when so required to cause them to be driven to the nearest pen or other convenient place for examination shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Warrant to examine suspected sheep.

5. Any Bench of Magistrates summoned for the purpose assisted by a jury of not less than four sheep farmers or sheep managers two to be appointed by such Bench and two by any party owning sheep arrested under this Act may inquire into the matter. And may appoint if deemed necessary some fit person within their special jurisdiction to be Inspector for the purpose of examining the sheep of such suspected party and to assist generally in carrying into effect the provisions of this Act. And upon a certificate under the hands of any two Justices of such Bench being produced or transmitted to the Colonial Treasurer there shall be paid by him out of the fund hereinafter mentioned to Inspectors appointed under

Special Inspector appointed in case of suspicion of infection.

Scab in Sheep Act.—1861.

under this and the preceding clause or their orders a sum at the rate of One Pound by the day for their services together with such further reasonable sum for travelling expenses as the Bench may determine and as may be mentioned in such certificates.

5 6. Any two Justices in Petty Sessions near to the place at which such sheep shall have been examined on receiving from any person so appointed to examine them a certificate under his hand in the form of the Schedule hereto marked C indorsed on the before-mentioned warrant stating that such sheep are so infected may cause a true copy of
10 such certificate and warrant attested under their hands with a memorandum indorsed thereon stating that unless such certificate be disputed within fourteen days the said sheep will be destroyed to be served on their owner by leaving the same at his residence And if within fourteen days after such service no objection be made as hereinafter provided such
15 Justices or any other two Justices sitting in the same Petty Sessions may issue a warrant in the form of the Schedule hereto marked D directed to any person signing such certificate authorizing him forthwith to destroy such infected sheep And every person who shall resist or attempt to resist the execution of any such warrant shall be liable to a penalty not
20 exceeding Fifty Pounds Provided that if any owner on whom any such copy certificate and warrant shall have been served shall within fourteen days after such service serve on the Justices attesting such copy a notice in writing stating that he disputes the correctness of such certificate it shall be lawful for such Justices to appoint a time to inquire into the
25 correctness of such certificate and such inquiry shall be held in open Court in Petty Sessions And if the same or any other two Justices after making such inquiry shall be of opinion that such certificate is incorrect and that such sheep are not infected as alleged therein they shall sign and deliver to their owner a certificate to that effect But otherwise they
30 shall issue such warrant and proceed in all respects as if no such notice of objection had been served upon them within the time limited for that purpose.

7. On the destruction of any infected sheep pursuant to any such warrant any two Justices may ascertain and fix in open Court
35 in Petty Sessions whether any and what remuneration shall be paid to the person destroying such sheep and may give to any such person a certificate in the form of the Schedule hereto marked E And on the presentation or transmission of such certificate to the Colonial Treasurer the amount therein specified shall be paid by him to such person or his order out of
40 the fund hereinafter mentioned Provided that before granting any such certificate the Justices shall be satisfied by sufficient evidence of the destruction of such sheep and of the cost incurred in their destruction.

8. Every person appointed by any Justice to examine sheep who shall wilfully make any false report or false certificate to any Justice
45 respecting such sheep shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

9. Every person who shall wilfully communicate or cause to be communicated to any sheep the disease called the Scab shall
50 be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

10. The owner of any sheep which shall become infected with the Scab shall immediately on such infection becoming known affix at
55 each point of entrance of any public road which may intersect the run a notice signed by him and written in distinct legible characters not less than one inch in length stating that the Scab has broken out upon such run And every such notice shall be dated on the day on which it shall be so affixed and shall be kept so affixed for six months after the destruction of the sheep so infected And

every

Proceedings after examination of sheep.

Certificate of cost of destruction.

False report a misdemeanor.

Wilfully communicating Scab a misdemeanor.

Notice to be affixed to run of Scab having broken out.

Scab in Sheep Act.—1861.

every owner of sheep which shall become so infected who shall neglect or refuse to cause such notices to be so affixed and kept affixed shall be liable to a penalty not exceeding fifty pounds.

11. Every person who shall knowingly depasture or cause or
 5 permit to be depastured any sheep upon any run on which any infected sheep shall have been destroyed under this Act within three months after such destruction shall for such offence be liable to a penalty not exceeding one hundred pounds and a further penalty of ten pounds for every day of such sheep being so depastured on such run after the first
 10 offence.

Penalty for depasturing sheep on infected runs.

12. All travelling sheep shall be legibly branded with pitch tar or paint in a letter or letters not less than three inches in length And every owner of sheep which shall be so travelling without being at the time so branded shall for every one of such sheep be liable to a penalty
 15 not exceeding sixpence Provided that sheep driven from one run to any other run of the same owner not being more than forty miles apart shall not be deemed travelling sheep within this Act.

Travelling sheep to be branded.

13. The person in charge of any sheep imported into any seaport either coastwise or from parts beyond the seas shall report in
 20 writing the fact of such importation as soon as practicable after their arrival to some Inspector appointed as hereinafter mentioned at or nearest to such seaport and shall not remove such sheep from such seaport until they shall have been dressed with such medicaments as shall be directed or approved by such Inspector at least three
 25 times at intervals of two days nor until a certificate to that effect and also to the effect that such sheep are not infected with the Scab shall have been delivered to the person so in charge by such Inspector and it is hereby declared to be the duty of such Inspector to make the necessary inquiry and examination and to grant such certificate
 30 in all cases where the same shall be in accordance with the facts And every person who shall remove or cause to be removed any sheep so imported without having first obtained such certificate shall for every sheep so removed be liable to a penalty not exceeding thirty pounds Provided that such imported sheep although so infected if and so long as they are
 35 kept in a secure stable or shed approved by such Inspector shall not be liable to destruction under this Act on account of such infection until the expiration of three months after their importation.

Imported sheep to be reported immediately to Inspector and not to be removed without his certificate.

14. No sheep shall be brought across the boundary lines into New South Wales from the Colony Colonies of Victoria or Queensland
 40 respectively until the owner or person in charge thereof shall have first procured from some such Inspector a certificate stating that such sheep are not infected with the Scab And it shall be the duty of the Inspector at or nearest to the place at which it is intended that any sheep shall be brought across the said boundary lines respectively to examine such
 45 sheep and to give such certificate in all cases where the same shall be in accordance with the facts And every person who shall bring or cause to be brought across the said boundary lines respectively any sheep without having obtained such certificate shall for every sheep so brought be liable to a penalty not exceeding five shillings Provided that all such sheep
 50 shall before passing such boundary from the Colony of Victoria be legibly branded with pitch tar or paint with the letter V and before passing such boundary of Queensland with the letter Q not less than three inches in length respectively and that such brand shall be continued or if necessary from time to time renewed during the whole period of six months after
 55 they shall have so passed the boundary in default whereof the owner shall be liable for every omission to the penalty of sixpence for each sheep Provided also that no owner of any such sheep shall be entitled to any compensation for the destruction thereof under this Act at any time within such period of six months.

Sheep not to be brought across the boundary boundaries from Victoria or Queensland until certificate obtained from Inspector.

Proviso as to Victoria and Queensland Sheep.

60 15. The Governor with the advice of the Executive Council may appoint fit persons in such sea-ports towns or other places as may be deemed expedient to be Inspectors for the purpose of examining sheep and

Inspectors to be appointed.

Scab in Sheep Act.—1861.

and assisting generally in carrying into effect the provisions of this Act And such Inspectors shall be paid out of the fund hereinafter mentioned such reasonable salary or other remuneration as the Governor with the advice of the Executive Council may direct.

5 16. If such Inspector shall have reasonable grounds to suspect that any sheep are kept upon any run contrary to the provisions of this Act he may enter thereupon and examine the sheep depastured there Provided that such Inspector shall have first left a notice in writing at the residence of the owner at least twenty-four hours before such entry stating his
10 intention so to enter and examine And in the event of such Inspector finding on such run any sheep infected with the Scab he shall without delay depose to the same on oath before the nearest Justice who may thereupon proceed in the matter as directed in the fifth section And every
15 owner or other person who shall remove any sheep so that they cannot be viewed by such Inspector or in any way obstruct such Inspector in the discharge of his duty shall for every such offence be liable to a penalty not exceeding twenty pounds.

Inspectors to enter upon suspected runs and examine sheep.

17. Any Inspector either within or without the seaport town or other place for which he is appointed may stop and examine all travelling
20 sheep and in case he shall find any such sheep infected with the Scab may cause their immediate removal to some appropriate place in the vicinity where they can be conveniently kept until destroyed And such sheep may be destroyed accordingly upon the issuing by any two Justices of a certificate as provided by the sixth section and subject to all the provisions of the same section And every shepherd or other person in
25 charge of travelling sheep who shall refuse to allow any such sheep to be examined or destroyed by any Inspector or in any way obstruct any Inspector in the discharge of his duty shall for every such offence be liable to a penalty not exceeding Five Pounds And every shepherd or other
30 person who shall remove or attempt to remove any sheep detained by any Inspector for the purpose of being destroyed shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding one year with or without hard labor.

Diseased sheep travelling may be destroyed.

18. Every Inspector who shall refuse or wilfully neglect or unreasonably delay to perform any of the duties hereby imposed upon him
35 or which he may be appointed to discharge under this Act or who shall be guilty of any misconduct in the performance thereof or who shall wilfully abuse the powers and authority hereby entrusted to him shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Inspector liable to penalty for delay or misconduct in the discharge of his duty.

19. For the purpose of carrying this Act into effect and paying all
40 compensation money salaries remunerations and travelling expenses hereinbefore mentioned such and so much of the moneys paid raised or levied under the Acts of Council eighteenth Victoria number twenty-six and nineteenth Victoria number twenty-seven or either of them for the purposes thereof as still remain unapplied to such purposes or which would if the
45 said last-mentioned Act remained in force be applicable to the purposes thereof shall be a fund out of which under warrant of the Governor which the Governor is hereby authorized to grant the Colonial Treasurer may and shall make all payments authorized to be made by this Act but no claim shall be made for any such payment after such fund shall have been
50 exhausted.

Fund for carrying Act into effect.

20. All penalties under this Act may be recovered before two
Justices and the payment thereof enforced by distress and sale as by
Justices in other cases And if any penalty be not paid or sufficient goods
levied upon and sold to meet the amount thereof the party convicted may
55 by order of the same or other two Justices be imprisoned for any time not longer than six months unless the penalty and costs be sooner paid.

Recovery of Penalties.

21. This Act shall continue in force until the thirty-first day of
December 1863 and shall be styled and may be cited as "The Scab in
Sheep Act of 1861."

Continuance and Short Title.

Scab in Sheep Act.—1861.

SCHEDULE A.

Certificate of Destruction of Sheep.

WE the undersigned A B and C D Justices of the Peace for New South Wales do hereby certify that it has been duly proved before us that [here state number] sheep above the age of six months and [here state number] lambs the property of E. F. lately depasturing at [state name of run] were on the day of instant [or last] duly destroyed And we certify that also it was further proved to our satisfaction that such sheep were at the time of their destruction infected with the disease called the Scab and that previous to their destruction the notices required by law were duly served and the provisions of the

10 Scab in Sheep Act of 1861 duly complied with by the said E. F.*
Dated at in the Colony of New South Wales this
day of A. D. 186 .

A. B., J.P.

C. D., J.P.

15 *NOTE:—If the sheep destroyed had been Victoria or Queensland Sheep there must be added to this Certificate the following passage:—And we further certify that it has also been duly proved before us that the said sheep (or of the said sheep) passed across the boundary from the Colony of Victoria or Queensland as the case may be more than six months before the day on which they were so destroyed.

20

SCHEDULE B.

Warrant to Examine Sheep.

THESE are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the sheep specified below are now running and to cause them to be driven to the most convenient part or parts of such lands for the purpose of examining them and to thereupon examine them in order to ascertain if they are infected with the disease called the Scab.

General Description of Sheep and Number.	Lambs and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed Owner.

Dated at in New South Wales this day of
A.D. 186 .

To

30 Mr.
and his Assistants.

A. B., J.P.

SCHEDULE C.

*Certificate of Sheep being Infected.**(To be endorsed on preceding Warrant.)*

35 I the undersigned A. B. [or we the undersigned A. B. and C. D. as the case may be] do hereby certify that pursuant to the within Warrant to me [or us] directed I [or we] this day [or on the day of] examined the sheep and lambs within mentioned and I [or we] further certify that the said sheep and lambs [or thereof] [mentioning the number] are infected with the disease called the Scab.

30 Given under my hand [or our hands] at in New South Wales this
day of A.D. 186 .

SCHEDULE

Scab in Sheep Act.—1861.

SCHEDULE. D.

Warrant to destroy Sheep.

WHEREAS it has been duly proved before us A.B. and C.D. Esquires Justices of the Peace for the Colony of New South Wales that the sheep and lambs specified below are infected
 5 with the disease called the Scab Now these are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the said sheep and lambs are running and to destroy them and every part of them.

General Description of Sheep and Number.	Lambs and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed owner.

10 Given under our hands and seals at _____ in New South Wales this
 day of _____ A.D. 186 .
 To Mr. _____ A.B., J.P.
 and his Assistants. _____ C.D., J.P.

SCHEDULE E.

Certificate of Costs of destroying Sheep.

15 WE the undersigned A. B. and C. D. Justices of the Peace for the Colony of New South Wales do hereby certify that pursuant to a Warrant directed by us to E.F. [*or to E. F. and G. H. as the case may be*] the said E.F. [*or E.F. and G.H.*] with his [*or their*] Assistants did on the _____ day of _____ instant [*or last*] duly destroy [*here insert number*]
 20 sheep and lambs at _____ in the said Colony And we further certify that we have fixed the remuneration to be paid for the destruction of such sheep and lambs at the sum of _____

Given under our hands at _____ in New South Wales this _____ day of
 A.D. 186 .
 A. B., J.P.
 C. D., J. P.

STATE OF TEXAS

COMMISSIONERS OF THE GENERAL LAND OFFICE

REPORT

FOR THE YEAR 1880

The following table shows the amount of land sold by the State of Texas during the year 1880, and the proceeds therefrom.

County	Acres Sold	Proceeds
Anderson	100	1000
Brewster	200	2000
Comanche	300	3000
Concho	400	4000
DeWitt	500	5000
Duval	600	6000
Franklin	700	7000
Haskell	800	8000
Jefferson	900	9000
Johnson	1000	10000
Kaufman	1100	11000
Kimble	1200	12000
King	1300	13000
Knox	1400	14000
LeFlore	1500	15000
Lincoln	1600	16000
Logan	1700	17000
Madison	1800	18000
Marshall	1900	19000
Mason	2000	20000
McCluskey	2100	21000
McCombs	2200	22000
McCook	2300	23000
McKenney	2400	24000
McPherson	2500	25000
Mitchell	2600	26000
Monroe	2700	27000
Morris	2800	28000
Murray	2900	29000
Nolan	3000	30000
Orange	3100	31000
Park	3200	32000
Pecos	3300	33000
Powell	3400	34000
Presidio	3500	35000
Randall	3600	36000
Reagan	3700	37000
Real	3800	38000
Rockwall	3900	39000
Rosen	4000	40000
Seminole	4100	41000
Sherman	4200	42000
Smith	4300	43000
Sutton	4400	44000
Tarrant	4500	45000
Texas	4600	46000
Throckmorton	4700	47000
Tipton	4800	48000
Tombs	4900	49000
Wade	5000	50000
Waller	5100	51000
Ward	5200	52000
Washington	5300	53000
Wheeler	5400	54000
Whitney	5500	55000
Wichita	5600	56000
Willamette	5700	57000
Willis	5800	58000
Wood	5900	59000
Woodson	6000	60000
Wright	6100	61000
Yamhill	6200	62000
Yates	6300	63000
Zavala	6400	64000
Total	65000	650000

The above table shows the amount of land sold by the State of Texas during the year 1880, and the proceeds therefrom.

STATE OF TEXAS

COMMISSIONERS OF THE GENERAL LAND OFFICE

REPORT

FOR THE YEAR 1881

The following table shows the amount of land sold by the State of Texas during the year 1881, and the proceeds therefrom.

County	Acres Sold	Proceeds
Anderson	100	1000
Brewster	200	2000
Comanche	300	3000
Concho	400	4000
DeWitt	500	5000
Duval	600	6000
Franklin	700	7000
Haskell	800	8000
Jefferson	900	9000
Johnson	1000	10000
Kaufman	1100	11000
Kimble	1200	12000
King	1300	13000
Knox	1400	14000
LeFlore	1500	15000
Lincoln	1600	16000
Logan	1700	17000
Madison	1800	18000
Marshall	1900	19000
Mason	2000	20000
McCluskey	2100	21000
McCombs	2200	22000
McCook	2300	23000
McKenney	2400	24000
McPherson	2500	25000
Mitchell	2600	26000
Monroe	2700	27000
Morris	2800	28000
Murray	2900	29000
Nolan	3000	30000
Orange	3100	31000
Park	3200	32000
Pecos	3300	33000
Powell	3400	34000
Presidio	3500	35000
Randall	3600	36000
Reagan	3700	37000
Real	3800	38000
Rockwall	3900	39000
Rosen	4000	40000
Seminole	4100	41000
Sherman	4200	42000
Smith	4300	43000
Sutton	4400	44000
Tarrant	4500	45000
Texas	4600	46000
Throckmorton	4700	47000
Tipton	4800	48000
Tombs	4900	49000
Wade	5000	50000
Waller	5100	51000
Ward	5200	52000
Washington	5300	53000
Wheeler	5400	54000
Whitney	5500	55000
Wichita	5600	56000
Willamette	5700	57000
Willis	5800	58000
Wood	5900	59000
Woodson	6000	60000
Wright	6100	61000
Yamhill	6200	62000
Yates	6300	63000
Zavala	6400	64000
Total	65000	650000

The above table shows the amount of land sold by the State of Texas during the year 1881, and the proceeds therefrom.

SCAB IN SHEEP BILL OF 1861.

*SCHEDULE of the Amendments made by the Legislative Council in the Bill, intituled,
"An Act for the prevention of Scab in Sheep,"—returned to the Legislative Assembly
with Message of 14 March, 1861.*

R. O'CONNOR,
Clerk of the Legislative Council.

- Page 2, clause 3, line 31. *After "and" insert "two shillings." After "lamb" omit
"two shillings."*
- Page 4, clause 14, line 38. *Add "s" to "line."*
- " " lines 39, 40 *Substitute "Colonies" for "Colony," and after "Victoria"
insert "or Queensland respectively."*
- " " line 44. *Add "s" to "line" and thereafter insert "respectively."*
- " " line 47. *Add "s" to "line" and thereafter insert "respectively."*
- " " line 50. *After "boundary" insert "from the Colony of Victoria."*
- " " lines 51, 52. *After the letter "V" insert "and before passing such
boundary of Queensland with the letter Q."*
- " " line 53. *After "length" insert "respectively."*
- Page 6, Schedule A, line 15. *After "Victoria" insert "or Queensland."*
- " " line 18. *After "Victoria" insert "or Queensland as the case may be."*
-

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 14 February, 1861. }

CHA. TOMPSON,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill, with amendments,
Legislative Council Chamber,
Sydney, 14 March, 1861. }

R. O'CONNOR,
Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

An Act for the prevention of Scab in Sheep.

WHEREAS it is necessary to renew the measures heretofore adopted ^{Preamble.} for checking the spread among sheep of the disease called the Scab and to extend such measures Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The following terms in inverted commas shall for the purposes ^{Interpretation.} of this Act bear the meanings set against them respectively unless the context otherwise indicate:—

10 "Run"—Any run station or other place where sheep are kept and depastured.

"Owner"—Any owner proprietor lessee licensee overseer superintendent or person in possession or charge.

"Sheep"—Any Ram Ewe Wether or Lamb.

15 "Infected Sheep"— { Any sheep infected with a disease called Scab or sheep that shall form part of a flock so infected.

20 "Public Road"—Any road or other way ordinarily used by the public for six years at least without successful opposition from the owner of the land or any way over which sheep cattle horses or drays have been usually or commonly driven by the public.

25 "Travelling Sheep"— { Sheep driven or carried along or over any place other than the run on which they are ordinarily kept and depastured.

"Destroy"—Entirely to consume by fire or entirely to bury three feet at least under ground.

65— (c) 2.

NOTE.—The words to be omitted are ruled through; the words to be inserted are printed in black letter

Scab in Sheep Act.—1861.

2. All sheep infected with the disease called the Scab shall be destroyed within one month after the owner shall have become aware that such sheep have become so infected. And such owner shall be liable to a penalty not exceeding two shillings and sixpence for every such sheep not destroyed within that period. And three days at least before such sheep shall be destroyed a notice in writing shall be left at each of the adjoining runs at the residence of the owner thereof stating the day hour and place at which it is intended to destroy such sheep and the number intended to be destroyed. Provided that sheep so infected may upon the station of their owner but not elsewhere be shorn or boiled down within one month and their skins fellmongered and the wool or skins securely packed in bags or bales and thereupon and so packed but not otherwise conveyed to their destination for sale or exportation. Provided also that every such bag or bale shall besides other usual marks be marked in red with the letter S.

Destruction of infected sheep.

3. Upon application made by any owner whose sheep shall have been destroyed under the last section at any time within one month thereafter any two Justices in Petty Sessions shall either at once or on some future appointed day not later than fourteen days after such application make inquiry in open Court touching the infection and destruction of such sheep and the compliance of the applicant with all the provisions of this Act. And if satisfied that the required notices have been given and that any such infected sheep have been destroyed pursuant to the last section and that all other the provisions of this Act in this behalf have been complied with they shall thereupon but not otherwise sign and deliver to the applicant a certificate in the form of the Schedule hereto marked A and on the presentation or transmission of such certificate to the Colonial Treasurer there shall be paid by him to the owner or his order under warrant of the Governor in Council out of the funds herein after mentioned a sum at the rate of four shillings for every sheep and two shillings for every lamb ~~two shillings~~ so destroyed. Provided that no such certificate shall be given for any sheep which shall have been boiled down or the wool or skins thereof made use of as aforesaid nor for any sheep which shall have crossed the boundary from the Colony of Victoria within six months next previously to the day of their destruction.

Compensation for destroyed sheep.

4. If it shall be made to appear to any Justice upon information on oath or affirmation or upon the view of himself or any other Justice that there is reasonable cause to believe that any sheep infected with the Scab are on any run or elsewhere contrary to this Act such Justice may issue a warrant in the form of the Schedule hereto marked B directed to some fit person therein named authorizing him to examine such sheep and if necessary to cause the same to be driven to the nearest pen where they are ordinarily kept or to some other convenient place for examination. And every owner of such sheep who shall refuse to allow such person to enter on any of his lands or to allow such sheep to be examined or who shall refuse or neglect when so required to cause them to be driven to the nearest pen or other convenient place for examination shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Warrant to examine suspected sheep.

5. Any Bench of Magistrates summoned for the purpose assisted by a jury of not less than four sheep farmers or sheep managers two to be appointed by such Bench and two by any party owning sheep arrested under this Act may inquire into the matter. And may appoint if deemed necessary some fit person within their special jurisdiction to be Inspector for the purpose of examining the sheep of such suspected party and to assist generally in carrying into effect the provisions of this Act. And upon a certificate under the hands of any two Justices of such Bench being produced or transmitted to the Colonial Treasurer there shall be paid by him out of the fund hereinafter mentioned to Inspectors appointed under

Special Inspector appointed in case of suspicion of infection.

Scab in Sheep Act.—1861.

under this and the preceding clause or their orders a sum, at the rate of One Pound by the day for their services together with such further reasonable sum for travelling expenses as the Bench may determine and as may be mentioned in such certificates.

5 6. Any two Justices in Petty Sessions near to the place at which such sheep shall have been examined on receiving from any person so appointed to examine them a certificate under his hand in the form of the Schedule hereto marked C indorsed on the before-mentioned warrant stating that such sheep are so infected may cause a true copy of
10 such certificate and warrant attested under their hands with a memorandum indorsed thereon stating that unless such certificate be disputed within fourteen days the said sheep will be destroyed to be served on their owner by leaving the same at his residence. And if within fourteen days after such service no objection be made as hereinafter provided such
15 Justices or any other two Justices sitting in the same Petty Sessions may issue a warrant in the form of the Schedule hereto marked D directed to any person signing such certificate authorizing him forthwith to destroy such infected sheep. And every person who shall resist or attempt to resist the execution of any such warrant shall be liable to a penalty not
20 exceeding Fifty Pounds. Provided that if any owner on whom any such copy certificate and warrant shall have been served shall within fourteen days after such service serve on the Justices attesting such copy a notice in writing stating that he disputes the correctness of such certificate it shall be lawful for such Justices to appoint a time to inquire into the
25 correctness of such certificate and such inquiry shall be held in open Court in Petty Sessions. And if the same or any other two Justices after making such inquiry shall be of opinion that such certificate is incorrect and that such sheep are not infected as alleged therein they shall sign and deliver to their owner a certificate to that effect. But otherwise they
30 shall issue such warrant and proceed in all respects as if no such notice of objection had been served upon them within the time limited for that purpose.

7. On the destruction of any infected sheep pursuant to any such warrant any two Justices may ascertain and fix in open Court
35 in Petty Sessions whether any and what remuneration shall be paid to the person destroying such sheep and may give to any such person a certificate in the form of the Schedule hereto marked E. And on the presentation or transmission of such certificate to the Colonial Treasurer the amount therein specified shall be paid by him to such person or his order out of
40 the fund hereinafter mentioned. Provided that before granting any such certificate the Justices shall be satisfied by sufficient evidence of the destruction of such sheep and of the cost incurred in their destruction.

8. Every person appointed by any Justice to examine sheep who shall wilfully make any false report or false certificate to any Justice
45 respecting such sheep shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

9. Every person who shall wilfully communicate or cause to be communicated to any sheep the disease called the Scab shall
50 be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

10. The owner of any sheep which shall become infected with the Scab shall immediately on such infection becoming known affix at
55 each point of entrance of any public road which may intersect the run a notice signed by him and written in distinct legible characters not less than one inch in length stating that the Scab has broken out upon such run. And every such notice shall be dated on the day on which it shall be so affixed and shall be kept so affixed for six months after the destruction of the sheep so infected. And

every

Scab in Sheep Act.—1861.

every owner of sheep which shall become so infected who shall neglect or refuse to cause such notices to be so affixed and kept affixed shall be liable to a penalty not exceeding fifty pounds.

11. Every person who shall knowingly depasture or cause or permit to be depastured any sheep upon any run on which any infected sheep shall have been destroyed under this Act within three months after such destruction shall for such offence be liable to a penalty not exceeding one hundred pounds and a further penalty of ten pounds for every day of such sheep being so depastured on such run after the first offence.

12. All travelling sheep shall be legibly branded with pitch tar or paint in a letter or letters not less than three inches in length And every owner of sheep which shall be so travelling without being at the time so branded shall for every one of such sheep be liable to a penalty not exceeding sixpence Provided that sheep driven from one run to any other run of the same owner not being more than forty miles apart shall not be deemed travelling sheep within this Act.

13. The person in charge of any sheep imported into any seaport either coastwise or from parts beyond the seas shall report in writing the fact of such importation as soon as practicable after their arrival to some Inspector appointed as hereinafter mentioned at or nearest to such seaport and shall not remove such sheep from such seaport until they shall have been dressed with such medicaments as shall be directed or approved by such Inspector at least three times at intervals of two days nor until a certificate to that effect and also to the effect that such sheep are not infected with the Scab shall have been delivered to the person so in charge by such Inspector and it is hereby declared to be the duty of such Inspector to make the necessary inquiry and examination and to grant such certificate in all cases where the same shall be in accordance with the facts And every person who shall remove or cause to be removed any sheep so imported without having first obtained such certificate shall for every sheep so removed be liable to a penalty not exceeding thirty pounds Provided that such imported sheep although so infected if and so long as they are kept in a secure stable or shed approved by such Inspector shall not be liable to destruction under this Act on account of such infection until the expiration of three months after their importation.

14. No sheep shall be brought across the boundary lines into New South Wales from the Colonies of Victoria or Queensland respectively until the owner or person in charge thereof shall have first procured from some such Inspector a certificate stating that such sheep are not infected with the Scab And it shall be the duty of the Inspector at or nearest to the place at which it is intended that any sheep shall be brought across the said boundary lines respectively to examine such sheep and to give such certificate in all cases where the same shall be in accordance with the facts And every person who shall bring or cause to be brought across the said boundary lines respectively any sheep without having obtained such certificate shall for every sheep so brought be liable to a penalty not exceeding five shillings Provided that all such sheep shall before passing such boundary from the Colony of Victoria be legibly branded with pitch tar or paint with the letter V and before passing such boundary of Queensland with the letter Q not less than three inches in length respectively and that such brand shall be continued or if necessary from time to time renewed during the whole period of six months after they shall have so passed the boundary in default whereof the owner shall be liable for every omission to the penalty of sixpence for each sheep Provided also that no owner of any such sheep shall be entitled to any compensation for the destruction thereof under this Act at any time within such period of six months.

15. The Governor with the advice of the Executive Council may appoint fit persons in such sea-ports towns or other places as may be deemed expedient to be Inspectors for the purpose of examining sheep and

Penalty for depasturing sheep on infected runs.

Travelling sheep to be branded.

Imported sheep to be reported immediately to Inspector and not to be removed without his certificate.

Sheep not to be brought across the boundary boundaries from Victoria or Queensland until certificate obtained from Inspector.

Proviso as to Victoria and Queensland Sheep.

Inspectors to be appointed.

Scab in Sheep Act.—1861.

and assisting generally in carrying into effect the provisions of this Act. And such Inspectors shall be paid out of the fund hereinafter mentioned such reasonable salary or other remuneration as the Governor with the advice of the Executive Council may direct.

5 16. If such Inspector shall have reasonable grounds to suspect that any sheep are kept upon any run contrary to the provisions of this Act he may enter thereupon and examine the sheep depastured there. Provided that such Inspector shall have first left a notice in writing at the residence of the owner at least twenty-four hours before such entry stating his
10 intention so to enter and examine. And in the event of such Inspector finding on such run any sheep infected with the Scab he shall without delay depose to the same on oath before the nearest Justice who may thereupon proceed in the matter as directed in the fifth section. And every
15 owner or other person who shall remove any sheep so that they cannot be viewed by such Inspector or in any way obstruct such Inspector in the discharge of his duty shall for every such offence be liable to a penalty not exceeding twenty pounds.

17. Any Inspector either within or without the seaport town or other place for which he is appointed may stop and examine all travelling
20 sheep and in case he shall find any such sheep infected with the Scab may cause their immediate removal to some appropriate place in the vicinity where they can be conveniently kept until destroyed. And such sheep may be destroyed accordingly upon the issuing by any two Justices of a certificate as provided by the sixth section and subject to all the provisions of the same section. And every shepherd or other person in
25 charge of travelling sheep who shall refuse to allow any such sheep to be examined or destroyed by any Inspector or in any way obstruct any Inspector in the discharge of his duty shall for every such offence be liable to a penalty not exceeding Five Pounds. And every shepherd or other
30 person who shall remove or attempt to remove any sheep detained by any Inspector for the purpose of being destroyed shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding one year with or without hard labor.

18. Every Inspector who shall refuse or wilfully neglect or unreasonably delay to perform any of the duties hereby imposed upon him
35 or which he may be appointed to discharge under this Act or who shall be guilty of any misconduct in the performance thereof or who shall wilfully abuse the powers and authority hereby entrusted to him shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

19. For the purpose of carrying this Act into effect and paying all
40 compensation money salaries remunerations and travelling expenses hereinbefore mentioned such and so much of the moneys paid raised or levied under the Acts of Council eighteenth Victoria number twenty-six and nineteenth Victoria number twenty-seven or either of them for the purposes thereof as still remain unapplied to such purposes or which would if the
45 said last-mentioned Act remained in force be applicable to the purposes thereof shall be a fund out of which under warrant of the Governor which the Governor is hereby authorized to grant the Colonial Treasurer may and shall make all payments authorized to be made by this Act but no claim shall be made for any such payment after such fund shall have been
50 exhausted.

20. All penalties under this Act may be recovered before two Justices and the payment thereof enforced by distress and sale as by
Justices in other cases. And if any penalty be not paid or sufficient goods levied upon and sold to meet the amount thereof the party convicted may
55 by order of the same or other two Justices be imprisoned for any time not longer than six months unless the penalty and costs be sooner paid.

21. This Act shall continue in force until the thirty-first day of December 1863 and shall be styled and may be cited as "The Scab in Sheep Act of 1861."

Scab in Sheep Act.—1861.

SCHEDULE A.

Certificate of Destruction of Sheep.

WE the undersigned A B and C D Justices of the Peace for New South Wales do hereby certify that it has been duly proved before us that [here state number] sheep above the age of six months and [here state number] lambs the property of E. F. lately depasturing at [state name of run] were on the day of instant [or last] duly destroyed And we certify that also it was further proved to our satisfaction that such sheep were at the time of their destruction infected with the disease called the Scab and that previous to their destruction the notices required by law were duly served and the provisions of the Scab in Sheep Act of 1861 duly complied with by the said E. F.*

Dated at in the Colony of New South Wales this day of A. D. 186 .

A. B., J.P.

C. D., J.P.

* NOTE:—If the sheep destroyed had been Victoria or Queensland Sheep there must be added to this Certificate the following passage:—And we further certify that it has also been duly proved before us that the said sheep (or of the said sheep) passed across the boundary from the Colony of Victoria or Queensland as the case may be more than six months before the day on which they were so destroyed.

20

SCHEDULE B.

Warrant to Examine Sheep.

THESE are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the sheep specified below are now running and to cause them to be driven to the most convenient part or parts of such lands for the purpose of examining them and to thereupon examine them in order to ascertain if they are infected with the disease called the Scab.

General Description of Sheep and Number.	Lambs and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed Owner.

Dated at in New South Wales this day of A.D. 186 .

To Mr. A. B., J.P.

and his Assistants.

SCHEDULE C.

Certificate of Sheep being Infected.

(To be endorsed on preceding Warrant.)

I the undersigned A. B. [or we the undersigned A. B. and C. D. as the case may be] do hereby certify that pursuant to the within Warrant to me [or us] directed I [or we] this day [or on the day of] examined the sheep and lambs within mentioned and I [or we] further certify that the said sheep and lambs [or thereof] [mentioning the number] are infected with the disease called the Scab.

Given under my hand [or our hands] at in New South Wales this day of A.D. 186 .

Scab in Sheep Act.—1861.

SCHEDULE. D.

Warrant to destroy Sheep.

WHEREAS it has been duly proved before us A.B. and C.D. Esquires Justices of the Peace for the Colony of New South Wales that the sheep and lambs specified below are infected with the disease called the Scab Now these are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the said sheep and lambs are running and to destroy them and every part of them.

General Description of Sheep and Number.	Lambs and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed owner.

Given under our hands and seals at _____ in New South Wales this
 10 day of _____ A.D. 186 .

To Mr. _____
 and his Assistants.

A.B., J.P.
 C.D., J.P.

SCHEDULE E.

Certificate of Costs of destroying Sheep.

15 WE the undersigned A. B. and C. D. Justices of the Peace for the Colony of New South Wales do hereby certify that pursuant to a Warrant directed by us to E.F. [or to E. F. and G. H. as the case may be] the said E.F. [or E.F. and G.H.] with his [or their] Assistants did on the _____ day of _____ instant [or last] duly destroy [here insert number]
 20 sheep and lambs at _____ in the said Colony And we further certify that we have fixed the remuneration to be paid for the destruction of such sheep and lambs at the sum of _____

Given under our hands at _____ in New South Wales this _____ day of _____
 A.D. 186 .

A. B., J.P.
 C. D., J. P.

This Bill originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

CHA. TOMPSON,
Clerk of Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 14 February, 1861.

The LEGISLATIVE COUNCIL has this day assented to this Bill, with amendments.

R. O'CONNOR,
Clerk of the Legislative Council.

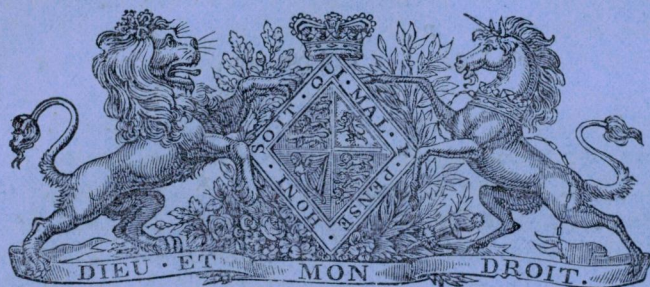
Legislative Council Chamber,
Sydney, 14 March, 1861.

Bill South Wales.

Bill Number	Author	When introduced	When passed	When assented to
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New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. IX.

An Act for the prevention of Scab in Sheep. [Assented to, 26th March, 1861.]

WHEREAS it is necessary to renew the measures heretofore adopted ^{Preamble.} for checking the spread among sheep of the disease called the Scab and to extend such measures Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The following terms in inverted commas shall for the purposes ^{Interpretation.} of this Act bear the meanings set against them respectively unless the context otherwise indicate:—

“Run”—Any run station or other place where sheep are kept and depastured.

“Owner”—Any owner proprietor lessee licensee overseer superintendent or person in possession or charge.

“Sheep”—Any Ram Ewe Wether or Lamb.

“Infected Sheep”— $\left\{ \begin{array}{l} \text{Any sheep infected with a disease called} \\ \text{Scab or sheep that shall form part of a} \\ \text{flock so infected.} \end{array} \right.$

“Public Road”—Any road or other way ordinarily used by the public for six years at least without successful opposition from the owner of the land or any way over which sheep cattle horses or drays have been usually or commonly driven by the public.

“Travelling Sheep”— $\left\{ \begin{array}{l} \text{Sheep driven or carried along} \\ \text{or over any place other than the run} \\ \text{on which they are ordinarily kept} \\ \text{and depastured.} \end{array} \right.$

“Destroy”—Entirely to consume by fire or entirely to bury three feet at least under ground.

Scab in Sheep Act.—1861.

Destruction of infected sheep.

2. All sheep infected with the disease called the Scab shall be destroyed within one month after the owner shall have become aware that such sheep have become so infected. And such owner shall be liable to a penalty not exceeding two shillings and sixpence for every such sheep not destroyed within that period. And three days at least before such sheep shall be destroyed a notice in writing shall be left at each of the adjoining runs at the residence of the owner thereof stating the day hour and place at which it is intended to destroy such sheep and the number intended to be destroyed. Provided that sheep so infected may upon the station of their owner but not elsewhere be shorn or boiled down within one month and their skins fellmongered and the wool or skins securely packed in bags or bales and thereupon and so packed but not otherwise conveyed to their destination for sale or exportation. Provided also that every such bag or bale shall besides other usual marks be marked in red with the letter S.

Compensation for destroyed sheep.

3. Upon application made by any owner whose sheep shall have been destroyed under the last section at any time within one month thereafter any two Justices in Petty Sessions shall either at once or on some future appointed day not later than fourteen days after such application make inquiry in open Court touching the infection and destruction of such sheep and the compliance of the applicant with all the provisions of this Act. And if satisfied that the required notices have been given and that any such infected sheep have been destroyed pursuant to the last section and that all other the provisions of this Act in this behalf have been complied with they shall thereupon but not otherwise sign and deliver to the applicant a certificate in the form of the Schedule hereto marked A and on the presentation or transmission of such certificate to the Colonial Treasurer there shall be paid by him to the owner or his order under warrant of the Governor in Council out of the funds hereinafter mentioned a sum at the rate of four shillings for every sheep and two shillings for every lamb so destroyed. Provided that no such certificate shall be given for any sheep which shall have been boiled down or the wool or skins thereof made use of as aforesaid nor for any sheep which shall have crossed the boundary from the Colony of Victoria within six months next previously to the day of their destruction.

Warrant to examine suspected sheep.

4. If it shall be made to appear to any Justice upon information on oath or affirmation or upon the view of himself or any other Justice that there is reasonable cause to believe that any sheep infected with the Scab are on any run or elsewhere contrary to this Act such Justice may issue a warrant in the form of the Schedule hereto marked B directed to some fit person therein named authorizing him to examine such sheep and if necessary to cause the same to be driven to the nearest pen where they are ordinarily kept or to some other convenient place for examination. And every owner of such sheep who shall refuse to allow such person to enter on any of his lands or to allow such sheep to be examined or who shall refuse or neglect when so required to cause them to be driven to the nearest pen or other convenient place for examination shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Special Inspector appointed in case of suspicion of infection.

5. Any Bench of Magistrates summoned for the purpose assisted by a jury of not less than four sheep farmers or sheep managers two to be appointed by such Bench and two by any party owning sheep arrested under this Act may inquire into the matter. And may appoint if deemed necessary some fit person within their special jurisdiction to be Inspector for the purpose of examining the sheep of such suspected party and to assist generally in carrying into effect the provisions of this Act. And upon a certificate under the hands of any two Justices of such Bench being produced or transmitted to the Colonial Treasurer there shall be paid by him out of the fund hereinafter mentioned to Inspectors appointed under this and the preceding clause or their orders a sum at the rate of One Pound by the day for their services together with such further
reasonable

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reasonable sum for travelling expenses as the Bench may determine and as may be mentioned in such certificates.

6. Any two Justices in Petty Sessions near to the place at which such sheep shall have been examined on receiving from any person so appointed to examine them a certificate under his hand in the form of the Schedule hereto marked C indorsed on the before-mentioned warrant stating that such sheep are so infected may cause a true copy of such certificate and warrant attested under their hands with a memorandum indorsed thereon stating that unless such certificate be disputed within fourteen days the said sheep will be destroyed to be served on their owner by leaving the same at his residence And if within fourteen days after such service no objection be made as hereinafter provided such Justices or any other two Justices sitting in the same Petty Sessions may issue a warrant in the form of the Schedule hereto marked D directed to any person signing such certificate authorizing him forthwith to destroy such infected sheep And every person who shall resist or attempt to resist the execution of any such warrant shall be liable to a penalty not exceeding Fifty Pounds Provided that if any owner on whom any such copy certificate and warrant shall have been served shall within fourteen days after such service serve on the Justices attesting such copy a notice in writing stating that he disputes the correctness of such certificate it shall be lawful for such Justices to appoint a time to inquire into the correctness of such certificate and such inquiry shall be held in open Court in Petty Sessions And if the same or any other two Justices after making such inquiry shall be of opinion that such certificate is incorrect and that such sheep are not infected as alleged therein they shall sign and deliver to their owner a certificate to that effect But otherwise they shall issue such warrant and proceed in all respects as if no such notice of objection had been served upon them within the time limited for that purpose.

Proceedings after examination of sheep.

7. On the destruction of any infected sheep pursuant to any such warrant any two Justices may ascertain and fix in open Court in Petty Sessions whether any and what remuneration shall be paid to the person destroying such sheep and may give to any such person a certificate in the form of the Schedule hereto marked E And on the presentation or transmission of such certificate to the Colonial Treasurer the amount therein specified shall be paid by him to such person or his order out of the fund hereinafter mentioned Provided that before granting any such certificate the Justices shall be satisfied by sufficient evidence of the destruction of such sheep and of the cost incurred in their destruction.

Certificate of cost of destruction.

8. Every person appointed by any Justice to examine sheep who shall wilfully make any false report or false certificate to any Justice respecting such sheep shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

False report a misdemeanor.

9. Every person who shall wilfully communicate or cause to be communicated to any sheep the disease called the Scab shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding two years with or without hard labor.

Wilfully communicating Scab a misdemeanor.

10. The owner of any sheep which shall become infected with the Scab shall immediately on such infection becoming known affix at each point of entrance of any public road which may intersect the run a notice signed by him and written in distinct legible characters not less than one inch in length stating that the Scab has broken out upon such run And every such notice shall be dated on the day on which it shall be so affixed and shall be kept so affixed for six months after the destruction of the sheep so infected And every owner of sheep which shall become so infected who shall neglect or refuse to cause such notices to be so affixed and kept affixed shall be liable to a penalty not exceeding fifty pounds.

Notice to be affixed to run of Scab having broken out.

11.

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Penalty for depasturing sheep on infected runs.

11. Every person who shall knowingly depasture or cause or permit to be depastured any sheep upon any run on which any infected sheep shall have been destroyed under this Act within three months after such destruction shall for such offence be liable to a penalty not exceeding one hundred pounds and a further penalty of ten pounds for every day of such sheep being so depastured on such run after the first offence.

Travelling sheep to be branded.

12. All travelling sheep shall be legibly branded with pitch tar or paint in a letter or letters not less than three inches in length And every owner of sheep which shall be so travelling without being at the time so branded shall for every one of such sheep be liable to a penalty not exceeding sixpence Provided that sheep driven from one run to any other run of the same owner not being more than forty miles apart shall not be deemed travelling sheep within this Act.

Imported sheep to be reported immediately to Inspector and not to be removed without his certificate.

13. The person in charge of any sheep imported into any seaport either coastwise or from parts beyond the seas shall report in writing the fact of such importation as soon as practicable after their arrival to some Inspector appointed as hereinafter mentioned at or nearest to such seaport and shall not remove such sheep from such seaport until they shall have been dressed with such medicaments as shall be directed or approved by such Inspector at least three times at intervals of two days nor until a certificate to that effect and also to the effect that such sheep are not infected with the Scab shall have been delivered to the person so in charge by such Inspector and it is hereby declared to be the duty of such Inspector to make the necessary inquiry and examination and to grant such certificate in all cases where the same shall be in accordance with the facts And every person who shall remove or cause to be removed any sheep so imported without having first obtained such certificate shall for every sheep so removed be liable to a penalty not exceeding thirty pounds Provided that such imported sheep although so infected if and so long as they are kept in a secure stable or shed approved by such Inspector shall not be liable to destruction under this Act on account of such infection until the expiration of three months after their importation.

Sheep not to be brought across the boundaries from Victoria or Queensland until certificate obtained from Inspector.

14. No sheep shall be brought across the boundary lines into New South Wales from the Colonies of Victoria or Queensland respectively until the owner or person in charge thereof shall have first procured from some such Inspector a certificate stating that such sheep are not infected with the Scab And it shall be the duty of the Inspector at or nearest to the place at which it is intended that any sheep shall be brought across the said boundary lines respectively to examine such sheep and to give such certificate in all cases where the same shall be in accordance with the facts And every person who shall bring or cause to be brought across the said boundary lines respectively any sheep without having obtained such certificate shall for every sheep so brought be liable to a penalty not exceeding five shillings Provided that all such sheep shall before passing such boundary from the Colony of Victoria be legibly branded with pitch tar or paint with the letter V and before passing such boundary of Queensland with the letter Q not less than three inches in length respectively and that such brand shall be continued or if necessary from time to time renewed during the whole period of six months after they shall have so passed the boundary in default whereof the owner shall be liable for every omission to the penalty of sixpence for each sheep Provided also that no owner of any such sheep shall be entitled to any compensation for the destruction thereof under this Act at any time within such period of six months.

Proviso as to Victoria and Queensland Sheep.

Inspectors to be appointed.

15. The Governor with the advice of the Executive Council may appoint fit persons in such sea-ports towns or other places as may be deemed expedient to be Inspectors for the purpose of examining sheep and assisting generally in carrying into effect the provisions of this Act And such Inspectors shall be paid out of the fund hereinafter mentioned such reasonable salary or other remuneration as the Governor with the advice of the Executive Council may direct.

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16. If such Inspector shall have reasonable grounds to suspect that any sheep are kept upon any run contrary to the provisions of this Act he may enter thereupon and examine the sheep depastured there. Provided that such Inspector shall have first left a notice in writing at the residence of the owner at least twenty-four hours before such entry stating his intention so to enter and examine. And in the event of such Inspector finding on such run any sheep infected with the Scab he shall without delay depose to the same on oath before the nearest Justice who may thereupon proceed in the matter as directed in the fifth section. And every owner or other person who shall remove any sheep so that they cannot be viewed by such Inspector or in any way obstruct such Inspector in the discharge of his duty shall for every such offence be liable to a penalty not exceeding twenty pounds.
17. Any Inspector either within or without the seaport town or other place for which he is appointed may stop and examine all travelling sheep and in case he shall find any such sheep infected with the Scab may cause their immediate removal to some appropriate place in the vicinity where they can be conveniently kept until destroyed. And such sheep may be destroyed accordingly upon the issuing by any two Justices of a certificate as provided by the sixth section and subject to all the provisions of the same section. And every shepherd or other person in charge of travelling sheep who shall refuse to allow any such sheep to be examined or destroyed by any Inspector or in any way obstruct any Inspector in the discharge of his duty shall for every such offence be liable to a penalty not exceeding Five Pounds. And every shepherd or other person who shall remove or attempt to remove any sheep detained by any Inspector for the purpose of being destroyed shall be guilty of a misdemeanor and on conviction shall be imprisoned for any period not exceeding one year with or without hard labor.
18. Every Inspector who shall refuse or wilfully neglect or unreasonably delay to perform any of the duties hereby imposed upon him or which he may be appointed to discharge under this Act or who shall be guilty of any misconduct in the performance thereof or who shall wilfully abuse the powers and authority hereby entrusted to him shall for every such offence be liable to a penalty not exceeding Twenty Pounds.
19. For the purpose of carrying this Act into effect and paying all compensation money salaries remunerations and travelling expenses herebefore mentioned such and so much of the moneys paid raised or levied under the Acts of Council eighteenth Victoria number twenty-six and nineteenth Victoria number twenty-seven or either of them for the purposes thereof as still remain unapplied to such purposes or which would if the said last-mentioned Act remained in force be applicable to the purposes thereof shall be a fund out of which under warrant of the Governor which the Governor is hereby authorized to grant the Colonial Treasurer may and shall make all payments authorized to be made by this Act but no claim shall be made for any such payment after such fund shall have been exhausted.
20. All penalties under this Act may be recovered before two Justices and the payment thereof enforced by distress and sale as by Justices in other cases. And if any penalty be not paid or sufficient goods levied upon and sold to meet the amount thereof the party convicted may by order of the same or other two Justices be imprisoned for any time not longer than six months unless the penalty and costs be sooner paid.
21. This Act shall continue in force until the thirty-first day of December 1863 and shall be styled and may be cited as "The Scab in Sheep Act of 1861."

Inspectors to enter upon suspected runs and examine sheep.

Diseased sheep travelling may be destroyed.

Inspector liable to penalty for delay or misconduct in the discharge of his duty.

Fund for carrying Act into effect.

Recovery of Penalties.

Continuance and Short Title.

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SCHEDULE A.

Certificate of Destruction of Sheep.

WE the undersigned A B and C D Justices of the Peace for New South Wales do hereby certify that it has been duly proved before us that [here state number] sheep above the age of six months and [here state number] lambs the property of E. F. lately depasturing at [state name of run] were on the _____ day of _____ instant [or last] duly destroyed And we certify that also it was further proved to our satisfaction that such sheep were at the time of their destruction infected with the disease called the Scab and that previous to their destruction the notices required by law were duly served and the provisions of the Scab in Sheep Act of 1861 duly complied with by the said E. F.*

Dated at _____ in the Colony of New South Wales this _____ day of _____ A. D. 186 .

A. B., J.P.

C. D., J.P.

* NOTE :—If the sheep destroyed had been Victoria or Queensland Sheep there must be added to this Certificate the following passage :—And we further certify that it has also been duly proved before us that the said sheep (or _____ of the said sheep) passed across the boundary from the Colony of Victoria or Queensland as the case may be more than six months before the day on which they were so destroyed.

SCHEDULE B.

Warrant to Examine Sheep.

THESE are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the sheep specified below are now running and to cause them to be driven to the most convenient part or parts of such lands for the purpose of examining them and to thereupon examine them in order to ascertain if they are infected with the disease called the Scab.

General Description of Sheep and Number.	Lambs and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed Owner.

Dated at _____ in New South Wales this _____ day of _____ A.D. 186 .

To _____ A. B., J.P.

Mr. _____ and his Assistants.

SCHEDULE C.

Certificate of Sheep being Infected.

(To be endorsed on preceding Warrant.)

I the undersigned A. B. [or we the undersigned A. B. and C. D. as the case may be] do hereby certify that pursuant to the within Warrant to me [or us] directed I [or we] this day [or on the _____ day of _____] examined the sheep and lambs within mentioned and I [or we] further certify that the said sheep and lambs [or _____ thereof] [mentioning the number] are infected with the disease called the Scab.

Given under my hand [or our hands] at _____ in New South Wales this _____ day of _____ A.D. 186 .

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SCHEDULE D.

Warrant to destroy Sheep.

WHEREAS it has been duly proved before us A.B. and C.D. Esquires Justices of the Peace for the Colony of New South Wales that the sheep and lambs specified below are infected with the disease called the Scab Now these are to authorize you and your assistants at any time within twenty-one days from the date hereof to enter (by force if necessary) on the lands on which the said sheep and lambs are running and to destroy them and every part of them.

General Description of Sheep and Number.	Lambs and Number.	Where now running or being.	Name of person in ostensible possession.	Name of supposed owner.

Given under our hands and seals at
day of A.D. 186 .

in New South Wales this

A.B., J.P.

C.D., J.P.

To Mr.

and his Assistants.

SCHEDULE E.

Certificate of Costs of destroying Sheep.

WE the undersigned A. B. and C. D. Justices of the Peace for the Colony of New South Wales do hereby certify that pursuant to a Warrant directed by us to E.F. [*or to E. F. and G. H. as the case may be*] the said E.F. [*or E.F. and G.H.*] with his [*or their*] Assistants did on the day of instant [*or last*] duly destroy [*here insert number*] sheep and lambs at in the said Colony And we further certify that we have fixed the remuneration to be paid for the destruction of such sheep and lambs at the sum of

Given under our hands at in New South Wales this day of
A.D. 186 .

A. B., J.P.

C. D., J. P.

The following table shows the results of the tests conducted on the specimens of the material under consideration. The specimens were tested in accordance with the method described in the preceding section. The results are given in the following table:

Specimen No.	Initial Length (in.)	Final Length (in.)	Change in Length (in.)	Percentage Change
1	1.000	1.000	0.000	0.0%
2	1.000	1.000	0.000	0.0%
3	1.000	1.000	0.000	0.0%
4	1.000	1.000	0.000	0.0%
5	1.000	1.000	0.000	0.0%

The results of the tests show that the material under consideration is stable under the conditions of the tests. The change in length of the specimens is negligible, indicating that the material is not subject to significant deformation under the applied load. This is in accordance with the theoretical expectations for this type of material.