

No. IV.

AN ORDINANCE to prevent the Extension of the Infectious Disease called the Scab, as well as the Disease called the Influenza or Catarrh, in Sheep or Lambs. [23rd August, 1849.]

SCAB.

WHEREAS it is expedient to prevent as much as possible the extension of the infectious disease called scab, as well as the disease called influenza or catarrh, in sheep or lambs: Preamble.

1. Be it therefore enacted by the Lieutenant-Governor of New Munster, by and with the advice and consent of the Legislative Council thereof, as follows,—That if any person shall himself, or by means of any one under his control, after the first day of October next, turn out depasture drive conduct or suffer to stray any sheep or lambs infected with any of the above diseases upon any land, such land not being the property of such person or rented by him, or along any road or public way within the Province of New Munster, he shall be liable to a penalty of not more than ten pounds nor less than twenty shillings: Provided always that nothing in this provision shall extend to infected sheep or lambs driven or conducted along any road or public way during the month of January in every year. Penalty on persons suffering their diseased sheep to run at large.

2. Be it enacted, That if any person, after the first day of October next, shall himself, or by means of any one under his control, land or cause to be landed from any ship boat or other vessel, any sheep or lambs infected with either of the above diseases, he shall be liable to a Penalty on persons landing diseased sheep from vessels &c.
penalty

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ORDINANCES.*Scab.*Inspectors of Sheep
to be appointed.Their duties and
regulations.Duty of Inspectors
on the arrival of
vessels freighted with
sheep.Inspector to consult,
as far as possible,
convenience of
owners of sheep.Time within which
flocks shall be
deemed infected.When infected sheep
kept on land crossed
by a public way, notice
to be given.Penalty for abandon-
ing diseased sheep.Power to Justices to
assess damages caused
by communicating
infection.

penalty of two shillings for every sheep or lamb in the flock among which there may be found any sheep or lambs infected with either of the aforesaid diseases.

3. Be it enacted, That it shall be lawful for His Excellency the Lieutenant-Governor to appoint competent persons to be Inspectors of Sheep landed from any ship boat or vessel, and to authorize such Inspectors to examine all newly-landed sheep; and for this purpose every such Inspector shall keep a sufficient number of clean wooden hurdles wherewith to construct a pen or pens for the purpose of examining the sheep as aforesaid; and if the sheep or lambs thus examined are found to be free from disease, it shall then be the duty of the Inspector to grant a certificate to that effect to the master or supercargo or other person having charge of the aforesaid sheep; but if they shall prove to be infected with either of the aforesaid diseases, the circumstance shall be reported by the Inspector to the Resident Magistrate; and after every such examination, the aforesaid Inspector shall carefully wash, or cause to be washed, the hurdles which have been used, with a proper mixture of quick-lime and water, failing to do which he shall be liable to a penalty of not less than two pounds for each offence.

4. Be it enacted, That every Inspector appointed as aforesaid shall, as soon as practicable after the arrival of any ship or vessel containing sheep or lambs which it is intended to land, repair on board of any such ship or vessel, and shall point out to the master, supercargo, or owner of such sheep or lambs the place where they shall be landed and examined, and any master of a vessel, supercargo, or owner or other person in charge of such sheep, refusing to conform to such directions or obstructing any Inspector in the discharge of his duty, shall be liable to a penalty of not less than five pounds nor more than twenty pounds: Provided always that in giving directions as to where sheep shall be landed and the examination of them conducted, every such Inspector shall consult as far as possible the convenience of the master, owner, or supercargo, and use every precaution to avoid the risk of their being exposed to the infection of diseased flocks which may have been previously landed.

5. Be it enacted, As regards the disease called the influenza or catarrh, that all sheep or lambs belonging to any one flock in which there shall be at the time or may have been within three months previously any sheep or lambs infected with the said disease, shall be deemed to be infected within the meaning of this Ordinance.

6. Be it enacted, That if any person himself, or by means of any one under his control, shall turn out keep or depasture any sheep or lambs infected with either of the said diseases on any land intersected or crossed by any public road, and shall fail to affix a notice of the existence of such infection in some conspicuous place at each end of such public road where it intersects such land, or to renew or replace such notice as often as need be during the time of the existence of such infection, he shall be liable to a penalty of not more than ten pounds and of not less than two pounds.

7. Be it enacted, That if any person shall wilfully set at large and abandon any sheep or lambs infected with either of the said diseases, he shall be liable to a penalty of not less than five pounds and not more than twenty pounds.

8. Be it enacted, That if any person himself, or by means of any one under his control, shall by infraction of any provision of this Ordinance respecting the turning out depasturing driving conducting or suffering to stray of infected sheep or lambs cause the communication of either of the said diseases to any other sheep or lambs, he shall over and

above

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above any other penalty imposed by this Ordinance be liable to pay to the owners of any sheep or lambs to which either of the said diseases shall have been communicated, such sum of money as in the judgment of any two Justices of the Peace may be sufficient to reimburse such owner for any loss or damage which he may have sustained by such infectious communication, so that such sum shall not in any case exceed the sum of fifty pounds: Provided always, firstly, that no conviction for this offence as regards the disease called influenza or catarrh shall take place in any case where it shall appear that the infected sheep or lambs had become so after they had been turned out depastured driven or conducted along the road, and not been infected or mixed with infected sheep or lambs within three months previous to the alleged offence; secondly, where the disease called influenza or catarrh shall break out in any sheep or lambs when depastured upon the accustomed run where the same or other sheep or lambs of the same owner have been ordinarily kept, unless they shall have been removed thereto or therefrom so as to endanger the flocks of any other person.

9. Be it enacted, That if the owner of any sheep or lambs infected with the disease called influenza or catarrh at the time of its death shall fail to consume the carcase by fire, or fail to bury it at least three feet under the ground, within twelve hours after the discovery of the death of such sheep or lamb, he shall be liable to a penalty of not less than ten shillings and not more than five pounds for each carcase.

Penalty for not destroying infected carcasses.

10. Be it enacted, That if any person himself, or by means of any one under his control, shall cast the carcase of any sheep or lamb infected with the disease called influenza or catarrh at the time of its death into any stream or pond or other water, he shall be liable to a penalty of not less than five pounds and not more than twenty pounds.

Penalty for casting infected carcasses into running streams.

11. Be it enacted, That whenever, upon conviction of any person of an infraction of any of the provisions of this Ordinance respecting the turning out depasturing driving conducting or suffering to stray of infected sheep or lambs, it shall appear to any two Justices before whom such conviction shall have been had that it is necessary to remove the infected sheep or lambs to some place where they may be lawfully turned out or kept, such two Justices may grant a warrant, in the form in the Schedule hereunto annexed, authorizing the removal of such sheep or lambs; and any person disobeying or failing to obey such warrant shall be liable to a penalty of not less than twenty shillings and not more than ten pounds.

Power to Justices to remove sheep by warrant.

12. Be it enacted, That any Justice of the Peace having reasonable ground, from information stated on oath before him, to suspect that sheep or lambs infected with either of the said diseases are turned out kept depastured conducted or suffered to stray, contrary to any of the provisions of this Ordinance, may grant a warrant authorizing the examination by such competent person as he may appoint of any suspected sheep or lambs, or if necessary ordering their removal to the most convenient place for the purpose of examination, and may remunerate the individual so employed at the rate of five shillings per diem; and in case of such sheep or lambs proving to be infected, the expense of examination shall be borne by the owner, but if they should prove to be uninfected, then in that case by the informant.

Power to Justices to cause examination of suspected sheep.

13. Be it enacted, That if any person shall have in his possession for the purpose of slaughtering, or shall have slaughtered, or shall expose for sale, the carcase or any part thereof of any sheep or lamb infected with either of the said diseases, he shall be liable to a fine of not less than five or more than twenty shillings for each offence, one-half of the penalty to go to the informer, and such infected carcase or parts thereof shall

Penalty on any person having carcase of infected sheep &c. in his possession.

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shall be destroyed in such manner as any Justice of the Peace may direct.

Mode of procedure.

14. Be it enacted, That all proceedings under this Ordinance shall be regulated by Ordinance No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace.

Commencement of
Ordinance.

15. Be it enacted, This Ordinance shall take effect from the first day of October, one thousand eight hundred and forty-nine.

SCHEDULE.

Form of warrant.

FORM OF WARRANT FOR REMOVING SHEEP AFTER CONVICTION.

PROVINCE OF } I, A.B., [*or we, A.B. and C.D.,*] Justice [*or Justices*] of the Peace for
NEW MUNSTER } the Province of New Munster, having this day convicted E.F. [*or*
TO WIT. } G.H., shepherd of E.F.,] of having turned out [*kept, depastured,*
driven, or conducted, or suffered to stray, *as the case may be,*] certain sheep [*or lambs*]
infected with the disease called the scab [*or influenza or catarrh, as the case may be*]
the property of the said E.F., contrary to the provisions of the Ordinance in such case
made and provided, and it having been made to appear to my [*or our*] satisfaction that
it is necessary to remove the said sheep [*or lambs*] to _____, in the district of _____,
where the same may be lawfully turned out kept and depastured, do hereby, in pursu-
ance of the authority in me [*or us*] vested by a certain Ordinance of the Lieutenant-
Governor and Legislative Council, entitled, "*An Ordinance for preventing the Extension*
of the Infectious Disease called the Scab, as well as the Disease called the Influenza or
Catarrh, in Sheep or Lambs, in the Province of New Munster," authorize and direct the
said E.F. [*or the said G.H., shepherd to the said E.F.*] to drive or conduct the said
sheep [*or lambs*] or to cause the same to be driven or conducted to _____ aforesaid.
[*Here point out the nearest or most convenient route or that by which the said sheep (or*
lambs) are the least likely to spread the infection.]

This warrant to be and continue in force from the date hereof until the
day of _____

Given under my hand [*or our hands*] at _____, this _____ day of _____, one
thousand eight hundred and forty-