



ANNO QUINQUAGESIMO PRIMO ET QUINQUAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1888.

No. 443.

An Act to provide against the Introduction and Spread of Contagious and Infectious Diseases affecting Horses, Cattle, Sheep, and Other Animals, and for other purposes.

[Assented to, December 8th, 1888.]

WHEREAS it is expedient to provide against the introduction Preamble.
and spreading of contagious and infectious diseases affecting horses, cattle, sheep, and other animals, and to repeal the Act No. 12 of 1861, the "Scab Act, 1863," and the "Proclamation of Scab Districts Act, 1867," and to make other provisions in lieu thereof—
Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

PRELIMINARY.

PRELIMINARY.

1. The several Acts mentioned in Schedule A hereto are hereby Repeal.
repealed: Provided that nothing herein contained shall affect the validity of any indemnity or protection given, or any act or thing lawfully done or made under the said Acts or any of them, or of any Proclamations made in pursuance of such Acts or any of Exception.
them respectively, or prevent any penalty being imposed, enforced, or recovered, or any punishment being inflicted for any offence heretofore committed against the said Acts or any of them; and all proceedings *bonâ fide* commenced, and now depending under the said repealed Acts or any of them, shall proceed in every respect as if this Act had not been passed.

2. This

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Short title.

2. This Act may be cited for all purposes as “The Stock Diseases Act, 1888.”

Interpretation clause.

3. In the construction of this Act, except where the subject matter or context or other provisions thereof require a different construction, the following terms, in inverted commas, shall bear the meanings set against them respectively—

“Camel.”—Any camel of any age or sex :

“Carcass.”—The carcass of any stock, or the whole or any part of the flesh, wool, skin, hide, bones, hair, horns, hoofs, or other portion of the carcass :

“Cattle.”—Any bull, cow, ox, steer, heifer, or calf, and the carcass or any portion of the carcass thereof respectively :

“Chief Inspector.”—The Chief Inspector of Stock under this Act, or any person for the time being performing the duties of the Chief Inspector :

“Commissioner.”—The Commissioner of Crown Lands and Immigration for the time being :

“Conveyance.”—Any dray, cart, carriage, truck, horsebox, wagon, vehicle, or vessel which is or has been used for the conveyance of, or has come into contact with, any diseased, infected, or suspected diseased or infected stock :

“Destroy.”—To entirely consume by fire or to bury at a depth of not less than three feet under ground ; or, in the case of sheep, if permitted by an Inspector, to consume the wool and skin by fire, and to boil down the remainder of the carcass :

“Disease.”—Any of the diseases known as glanders, farcy, equine fever, rinderpest, pleuro-pneumonia, tuberculosis, anthrax, scab, sheep-pox, foot and mouth disease, catarrh, swine fever, trichinosis, rabies, and any other disease affecting stock which the Governor shall hereafter, by notice in the *Government Gazette*, declare to be an infectious or contagious disease for the purposes of this Act :

“Diseased Stock.”—All stock actually suffering from or affected with any disease as hereinbefore defined :

“Drove.”—Any number of horses or cattle in one lot, or in charge of the same person, or in one paddock or enclosure, and any travelling stock :

“Fittings.”—Any stall, stable, sheep-pen, cow or cattle house, horsebox, or other premises for keeping or confining stock, and any halters, brushes, clothes, buckets, or other articles or things whatsoever which shall have been brought into contact with any stock :

“Flock.”—Any number of sheep in one lot, or in the charge of the same person, or in one paddock or enclosure :

“Fodder.”

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- “Fodder.”—Any hay, straw, grass, green crop, root, vegetable, grain, corn, litter, manure, or any other thing used for the food or litter of stock, or found with or about stock :
- “Horse.”—Any horse, mare, gelding, colt, filly, foal, ass, or mule, or the carcass, or any portion of the carcass thereof respectively :
- “Infected Stock.”—All stock not actually diseased, which forms, or during the preceding three months has formed, part of a lot containing any diseased stock or which has during the preceding three months been in contact with diseased stock or with stock dressed, dipped, or otherwise treated for the cure of any disease ; but no stock shall be considered “infected stock” by reason only of forming part of a lot affected or infected with a disease to which such stock are not liable :
- “Inspector.”—The Chief Inspector, Deputy Chief Inspector, or any Inspector of Stock under this Act :
- “Land.”—Any land, run, station, farm, yard, stable, building, paddock, road, or other premises, where stock are or have been kept or depastured, or over which stock is being or has, during the preceding three months, been travelled :
- “Lot.”—Any number of stock depastured or kept together on the same land, or in the same drove or flock, or in charge of the same person, or conveyed at one time on the same vessel :
- “Owner.”—Any owner or joint owner, and any superintendent, overseer, agent, or carrier, and any master or captain of any vessel, and any consignee, and any person in possession or charge of any stock, conveyance, fodder, or fittings :
- “Proprietor.”—Any proprietor, lessee, licencee, or occupant, and the known agent of any proprietor, lessee, licencee, or occupant, and any overseer, superintendent, or person in possession or charge of any land :
- “Quarantine Grounds.”—Any land or vessel proclaimed by the Governor to be a quarantine ground, or any land appointed by an Inspector as a quarantine ground for particular stock :
- “Regulations.”—The regulations for the time being in force under this Act :
- “Road.”—Any main or district road, or any road or way dedicated to the public, or which has been ordinarily used by the public for three years at least :
- “Sheep.”—Any ram, ewe, wether, or lamb, and the carcass or any portion of the carcass thereof respectively :
- “Stock.”—All camels, horses, cattle, and sheep, as hereinbefore respectively defined, and all goats, deer, dogs, and swine of any age or sex, and all other animals to which the Governor shall at any time, by notice in the *Government Gazette*, declare that the provisions of this Act, or any of them, shall apply, and shall include the carcass or any portion of the carcass of any stock :
- “Stray

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“Stray Stock.”—Any stock not in the custody or charge of any person :

“Travelling Stock.”—All stock, including working stock, whilst in, upon, or at any conveyance, land, or place whatsoever other than on the land on which such stock is ordinarily kept or depastured :

“Vessel.”—Any ship, steamer, lighter, launch, boat, punt, or ferry.

PROCLAMATIONS.

Governor's powers.

4. The Governor may, from time to time, by Proclamation in the *Government Gazette*:—

Prohibit or restrict importation of stock into the province.

i. Prohibit or put restriction on the importation or introduction of stock, or of any one or more kinds of stock, or of any fodder or fittings, into the province, or any part thereof, either generally or from such countries, colonies, or places and during such periods as may appear to him necessary or expedient for the purpose of preventing the introduction into the province of any disease affecting stock :

Prohibit or restrict movements of stock within the province

ii. Prohibit or put restrictions on the introduction, removal, travelling, or moving of stock, or of any one or more kinds of stock into, from, and within such districts, grounds, and places within the province, and during such times as may appear to him necessary or expedient, for the purpose of preventing the spread within the province of any disease affecting stock :

Prohibit or restrict removal of fodder and fittings.

iii. Prohibit or put restrictions on the removal or moving of any fodder or fittings from or within any such districts, grounds, or places :

Appoint quarantine districts.

iv. Appoint quarantine districts within the province from which no stock, or no one or more kinds of stock, and no fodder or fittings, shall be removed, except in accordance with the regulations.

Appoint quarantine grounds.

v. Appoint quarantine grounds for the reception, detention, and treatment of diseased and infected stock, and of stock suspected to be diseased or infected :

Extend Act, &c., to Northern Territory.

vi. Extend the provisions of this Act and the regulations, or any of such provisions and regulations, to the Northern Territory, or any part thereof, during such periods as he may deem necessary or expedient :

And may by a similar Proclamation, from time to time, rescind or vary any such Proclamation.

Proclamations to be laid before Parliament.

5. Every such Proclamation shall be laid before both Houses of Parliament within fourteen days after the publication thereof, if Parliament be then sitting, or, if not then sitting, within fourteen days after

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after the next sitting of Parliament, and shall take effect from a date to be named in such Proclamation, and shall remain in full force and effect until rescinded by Proclamation or disallowed by resolution of both Houses of Parliament.

REGULATIONS.

6. The Governor may from time to time, by Proclamation in the *Government Gazette*, make, alter, vary, or revoke such regulations as he may deem necessary or expedient for all or any of the following purposes—

Governor may make regulations.

- I. For restricting the introduction into the province, either by land or water, of stock, or of any one or more kinds of stock :
- II. For the inspection of stock introduced, or about to be introduced, into the province :
- III. For the description of the several diseases affecting stock :
- IV. For the eradication and for preventing the spread of any disease :
- V. For placing diseased and infected stock, and stock suspected to be diseased or infected, in quarantine grounds, and for prescribing the period or periods during which such stock respectively shall remain in quarantine :
- VI. For prescribing the treatment and remedial measures to be adopted and taken in respect of diseased or infected stock, and for stock suspected of being diseased or infected, or of any one or more kinds of such stock :
- VII. For the seizure and destruction of diseased stock :
- VIII. For prescribing the manner in which land and conveyances travelled over, or used by, diseased or infected stock shall be cleansed and disinfected :
- IX. For restricting the introduction, removal, travelling, or moving of stock, or of any one or more kinds of stock, or of fodder or fittings into, from, and within quarantine districts :
- X. For the regulation, management, and control of quarantine grounds, and for prescribing the disposal and treatment therein of quarantine stock :
- XI. For requiring certificates of health from the authorities of the colony from which stock are intended to be introduced, the issue of a permit for stock to enter the province, and the production of such permit to the proprietor or manager of any run the owner of such stock may enter or propose to enter with such stock, or to any stock-inspector, or police officer :

XII. For

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- xii. For restricting the introduction into the province of any fodder or fittings, and for the seizure, destruction, or sale of any fodder or fittings improperly introduced or moved or found with or about any diseased or infected stock.
- xiii. For restricting and regulating the moving and for prescribing the remedial measures to be taken in respect of diseased or infected travelling stock :
- xiv. For the seizure, destruction, and disposal of stray stock :
- xv. For the inspection of dairies and for providing for remedial and precautionary measures to be taken by the owners and occupiers thereof against disease :
- xvi. For providing for the issuing of certificates to Inspectors :
- xvii. For prohibiting or regulating the manner in which proprietors of land traversed by any portion of the boundary of the province, or by the twenty-sixth parallel of south latitude shall drive or allow stock to pass across such boundary or parallel :
- xviii. For imposing fees and charges for anything authorised by this Act or the regulations, and for prescribing by and to whom and when such fees and charges shall be paid :
- xix. And generally such regulations as he may deem necessary or expedient for carrying out the objects and purposes of this Act in all matters of detail whatsoever.

Existing orders and regulations to continue.

7. Until other regulations shall be made under the authority hereof, and, in so far as such regulations when made shall not repeal or vary the same, the regulations and orders made under "The Public Health Act," dated respectively the twentieth day of February, one thousand eight hundred and seventy-eight, the eleventh day of October, one thousand eight hundred and eighty-one, the twenty-sixth day of December, one thousand eight hundred and eighty-three, the twenty-third day of July, one thousand eight hundred and eighty-four, the twenty-third day of February, one thousand eight hundred and eighty-seven, the twenty-fourth day of August, one thousand eight hundred and eighty-seven, the twenty-sixth day of October, one thousand eight hundred and eighty-seven, and the eighth day of February, one thousand eight hundred and eighty-eight, shall be the regulations under this Act in respect of the several subject-matters to which such orders and regulations respectively relate.

Future regulations to be laid before Parliament.

8. All regulations hereafter made shall be published in the *Government Gazette*, and shall be laid before Parliament within fourteen days after the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within fourteen days after the commencement of the then next Session of Parliament.

APPOINTMENT

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INSPECTORS.

- 9.** The Governor may from time to time appoint and remove a Chief Inspector of Stock, Deputy Chief Inspector of Stock, Inspectors of Stock, and temporary Inspectors, and such other officers as may be necessary to carry out the provisions of this Act. The Chief Inspector of Sheep, Deputy Chief Inspector, and Inspectors holding office under the authority of the "Scab Act, 1859," shall, until other appointments are made, be respectively Chief Inspector of Stock, Deputy Chief Inspector of Stock, and Inspectors of Stock under this Act, and shall, for the purposes of this Act, be considered duly qualified and certificated inspectors.
- Governor in Council to appoint inspectors and other persons.
- 10.** All quarantine grounds, and all erections, buildings, yards, sheds, and appurtenances thereon, shall be under the charge of the Chief Inspector.
- Quarantine grounds to be under charge of Chief Inspector.
- 11.** Every Inspector shall have power to enter at any time into any conveyance, or upon any land, for the purpose of inspecting any stock, and shall have all such other powers and authorities as may be necessary for enabling him to enforce the provisions of this Act and the regulations, and may direct the owner of any diseased or infected stock to place such stock in a quarantine ground, to be appointed by the Inspector, and to take such measures as regards their treatment, or to do such other acts as in the opinion of the Inspector shall be necessary to eradicate or check the spread of disease.
- Powers of Inspector.
- 12.** Every Inspector is hereby empowered, in case of resistance, to use all necessary force to effect an entry upon any land or into any conveyance, and to obtain and, for the purposes of this Act and the regulations, maintain possession of any stock, carcass, fodder, or fittings there found.
- In case of resistance Inspector to use all necessary force.
- 13.** If, upon examining any stock, an Inspector shall believe the same to be diseased, he is hereby authorised and empowered to kill one of such stock or to kill two head of stock forming part of a lot exceeding one hundred in number, for the purpose of deciding whether such stock are diseased or infected with an infectious or contagious disease, and if found to be affected with disease he may place the remainder of such lot or drove of stock in quarantine on the owner's property; or, if the stock are travelling or astray, on the nearest available land: Provided that if there are more than one hundred head of stock in any lot he may kill in addition two head in every hundred or part of a hundred of the excess.
- Inspector may kill one or more head of stock.
- 14.** In event of pleuro-pneumonia being discovered in any lot or herd of cattle, the Chief Inspector may cause such cattle to be inoculated by some competent person, at the cost of the owner, and all inoculated cattle shall be marked by an up-cut in the dewlap.
- Infected cattle to be inoculated.

15. Any

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Inspector may employ assistant.

15. Any Inspector may, whenever necessary, employ any person or persons to assist him in carrying out the provisions of this Act and the regulations, and may pay such remuneration to such person or persons as he may deem reasonable, and the owner through whose neglect, omission, or other default, or by reason of the infection or removal of or other dealing with whose stock the expenses of such employment shall have been incurred, shall repay the same to the Chief Inspector on demand; and in default of payment such expenses may be recovered before any two Justices of the Peace in a summary way by or on behalf of an Inspector, or such stock, or a sufficient number thereof, or any other stock of the same owner, may be seized and sold by order of the Chief Inspector to pay such expenses, together with the costs of seizure and sale.

Inspector may destroy diseased, stray, and travelling stock, and stock ordered by the Commissioner to be destroyed.

16. Any Inspector may seize and destroy any diseased stray stock, or diseased travelling stock, and shall keep a record of all stock so destroyed, with descriptions, brands, and marks thereof, the name of the disease, and locality where destroyed: Provided that no Inspector shall authorise the destruction of stock unless he is duly qualified and certificated in manner to be provided by regulation.

Proviso.

Penalty for obstructing, &c., Inspectors.

17. Any person who shall obstruct or hinder any Inspector in the exercise of his powers or in the performance of his duty, or who shall fail or neglect to obey any lawful direction of an Inspector, shall, on conviction thereof, forfeit and pay for every such offence a penalty not exceeding Fifty Pounds.

GENERAL PROVISIONS FOR PREVENTING THE SPREAD OF DISEASES IN STOCK.

Commissioner may order destruction of diseased stock.

18. The Commissioner, whenever he is satisfied that any stock is diseased and that it is desirable, in order to eradicate the disease or to prevent its spread, that the diseased stock should be destroyed may order that such stock shall be forthwith destroyed by the owner, under the direction of an Inspector.

Duties of owners of diseased stock.

19. Every owner of diseased stock shall, within twenty-four hours from the time when such stock shall have been discovered to be diseased, forward by post in a prepaid letter notice thereof, in the form of Schedule B hereto, to the nearest Inspector, and also to the Chief Inspector at Adelaide, and shall keep the diseased stock from coming into contact with stock belonging to other persons, and shall also, if so ordered by a duly qualified Inspector, forthwith destroy the diseased stock. Every person offending against or violating the provisions of this section shall, on conviction, be liable to a penalty of not less than One Pound and not exceeding Twenty Pounds for each and every day that he shall neglect or omit to perform the duty hereby imposed upon him.

20. Any

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20. Any person desirous of crossing any run, or lands leased from the Crown, or any Crown lands within any hundred, other than travelling stock reserves, with a flock of sheep, or drove of cattle or horses, shall, before entering upon any such run, leased lands, or Crown lands, give to the proprietor of such run, or leased lands, or, as to the Crown lands within hundreds, to the nearest police constable or Crown lands ranger, not less than twenty-four hours' nor more than seven days' notice in writing of his intention so to enter or cross, and shall in such notice specify the place from which such sheep, cattle, or horses started, and their destination, which shall be by some recognised route, and the number and description of the horses, cattle, or sheep in such drove or flock, and the points and dates at which such person proposes to enter and leave such run, leased lands, or Crown lands which shall be on some recognised route ; and the person so entering shall drive or conduct such flock or drove in the direct course of their destination, as specified in such notice, a distance of not less than five statute miles on each day whilst crossing such run, leased lands, or Crown lands, and shall securely close all gates on the line of route ; and any person offending against or violating the provisions of this section without reasonable excuse shall, on conviction, be liable to a penalty of not less than Two Pounds nor more than One Hundred Pounds, and in default of payment to be imprisoned with or without hard labor for any period not exceeding six months.

Persons driving stock across runs to give notice, and travel not less than five miles a day.

Extending powers given under 3 of No. 8 of 1863 to horses and cattle.

Extending powers given under No. 19 of 1859 to all stock.

21. Any proprietor may detain and examine travelling stock being upon any part of his land upon reasonable suspicion of their being diseased, and, upon his giving the owner of such stock a written notice of his intention, he may detain them until such owner shall call in the nearest Inspector to examine such stock and determine whether or not they are diseased ; and if the owner of such stock shall prevent them from being detained or examined as aforesaid, or impede or hinder such proprietor in detaining or examining them, or shall not, within twenty-four hours after their detention, forward to the nearest Inspector written notice thereof by post, or telegraph, or deliver such notice to him personally or at his residence, such owner shall, for every such offence, incur a penalty not exceeding One Hundred Pounds.

Proprietor may detain and examine travelling stock, and their owner to give Inspector notice of detention.

Extending powers given under No. 19 of 1859 to all stock.

22. Any proprietor so detaining any travelling stock shall, until the arrival of the Inspector, either keep such stock on his own land, or make such arrangements as shall prevent the further spread of the disease, under a penalty not exceeding One Hundred Pounds ; and if such stock shall be diseased, all necessary expenses incurred by such proprietor in the detention and keep of such stock shall be paid to him by their owner, to be recovered by action-at-law in any Court of competent jurisdiction, and such proprietor shall have a first charge on such stock for recovery of such expenses and legal costs incurred in suing for them : Provided, however, that if the stock so detained shall be found, on examination by a duly qualified Inspector, not to be diseased, and that the proprietor detaining

Proprietor detaining travelling stock to guard against the spread of infection.

Extending powers given under No. 19 of 1859 to all stock.

Proprietor detaining stock without cause to pay £100, besides loss and expense.

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detaining them had no reasonable grounds for suspecting them to be diseased, he shall pay to the owner of such stock a sum not exceeding One Hundred Pounds, and also the expense occasioned by such detention, to be recovered by action-at-law in any Court of competent jurisdiction.

Expenses of treatment of diseased stock to be borne by the owner.

23. The costs and expenses of and attendant upon the placing and treatment of diseased or infected stock in quarantine grounds, or under restrictions, for the purpose of eradicating disease or preventing its introduction or spread, shall in every case be borne by the owner of the diseased or infected stock so dealt with.

Stock illegally introduced, &c., may be seized and forfeited.

24. All stock introduced into the province, or introduced, driven, travelled, removed, or moved into, from, or within any district, ground, or place, and all fodder and fittings removed, or moved from or within any district, ground or place, contrary to this Act or any Proclamation under it, or contrary to the regulations, and all stock straying across the border into the province, may be seized by any Inspector, and shall be forfeited and destroyed, sold, or otherwise disposed of, as the Commissioner shall direct.

Penalty for breach of Proclamation or regulations, &c.

25. Any person who shall commit, or attempt to commit, or be concerned in committing or attempting to commit, a breach or violation of any of the provisions of this Act, or any Proclamation or regulation under this Act, for which no special penalty is provided, shall, for every such offence, upon conviction thereof, be liable to a penalty of not less than Five Pounds nor more than One Hundred Pounds, or to be imprisoned, with or without hard labor, for any term not exceeding twelve months.

How quarantine land may be released.

26. Any land placed in quarantine under the provisions of this Act may be released therefrom by the certificate of an Inspector that such land is clean, and such certificate shall be advertised by the Chief Inspector in the *Government Gazette*.

Leaving diseased stock on land destroyed—penalty.

27. Any person leaving any diseased stock on any road or land without destroying the same shall be liable to a penalty of Ten Pounds for every animal so left.

Flock or drove to be deemed infected if diseased stock found therein.

28. In any proceedings under this Act proof that any sheep in a flock, or any stock in any herd, drove, or team, is affected with any of the infectious or contagious diseases named in the Schedule C hereto, or any other disease which the Governor may proclaim to be an infectious or contagious disease for the purposes of this section, shall be sufficient proof that all the sheep in such flock or all the stock in such herd, drove, or team are infected.

No compensation payable in respect of stock, &c., destroyed under authority.

29. No compensation whatever shall be payable to, or recoverable by, any person for or in respect of the forfeiture, killing, or destruction of any stock, fodder, or fittings, forfeited, killed, or destroyed under the authority of this Act or the regulations: Provided that

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that full compensation shall be paid to the owner for all stock destroyed under the provisions of section 13, and which shall be found to be free from infectious or contagious disease."

30. The proprietor of any land which may be declared a quarantine ground on account of the presence thereon of diseased stock, such stock not being the property of such proprietor, shall be paid reasonable compensation by the owner of such diseased stock for the damage or loss he may sustain through such declaration: Provided always that the proprietor of any land claiming compensation under this section shall give written notice of his claim stating the amount thereof within one month from the time when such land has been released from quarantine.

Compensation to proprietor.

31. No stock shall be introduced by land, except by the points of entry fixed upon and proclaimed for that purpose; and no stock shall be introduced affected or suffering from any contagious or infectious disease: Provided that any Inspector may authorise the crossing of any lot or drove at other than the point fixed.

No introduction of stock except at certain points of entry

LEGAL PROCEDURE AND GENERAL MATTERS.

32. The production of the *Government Gazette* containing notice of the appointment or removal of any person to or from the office of Chief Inspector, Deputy Chief Inspector, or Inspector, shall be conclusive evidence of such appointment or removal respectively.

Gazette conclusive evidence of appointment of Inspectors.

33. The production of the *Government Gazette* containing any Proclamation or regulation under this Act shall be conclusive evidence of the existence of such Proclamation or regulation, and that the requirements of this Act in respect of such Proclamation or regulation have been complied with.

Gazette conclusive evidence of Proclamation and regulation.

34. All fines and penalties for any offence against this Act or the regulations, in respect of anything done or omitted to be done under any of the provisions thereof, and all costs and expenses which by this Act or the regulations are required to be paid by any owner, may be recovered before any two or more Justices of the Peace in a summary way on an information by or on behalf of any Inspector.

Fines and penalties recoverable before two Justices.

35. When, on the hearing of any proceedings under this Act, the person charged as owner of any stock, fodder, or fittings shall dispute that he is the owner, or if it appear that he is a servant of the true owner, or if it shall be uncertain who is the owner, the Justices may give judgment against the owner of the stock, fodder, or fittings in respect of which such proceedings shall have been instituted by such description as owner merely, and may direct the penalty, or other moneys ordered to be paid, and the costs of and attending the recovery thereof, to be levied by seizure and sale of such stock, fodder, or fittings, or of such portion thereof as shall be sufficient

Where ownership is disputed or unknown, &c., penalties, &c., may be recovered by sale of stock, &c.

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sufficient to satisfy the same, and the brand on any such stock shall be *prima facie* evidence of the ownership of such stock.

Application of No. 6
of 1850.

36. The proceedings before Justices shall be conducted as appointed by, and shall be regulated under, the Ordinance No. 6 of 1850, intituled “ An Ordinance to facilitate the performance of the Duties of Justices of the Peace out of Sessions with respect to summary convictions and orders,” or of any other Act for the time being in force relating to the duties of Justices with respect to summary convictions and orders, and the payment of any fines, penalties, moneys, or expenses payable under this Act may be enforced by distress or imprisonment, or both, as provided by the said Ordinance or other Act.

Appeal to Local Court
of Full Jurisdiction,
or to Adelaide Local
Court of Full Juris-
diction.

37. There shall be an appeal from any conviction by Justices for any offence against this Act or the regulations, or from any order made by Justices under this Act, or from any order dismissing any information or complaint; which appeal shall be to the nearest Local Court of Full Jurisdiction, or by the consent of both parties to the Local Court of Adelaide of Full Jurisdiction, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or any other Act in force regulating such appeals; but the Local Court may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Local Court may state
special case.

38. The Local Court, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make such order as to costs of any special case as to the said Court shall appear just; and any Justices, or the Local Court, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, which order of the Justices or Local Court shall be enforceable in manner provided for the enforcement of orders of Justices, under the said Ordinance, No. 6 of 1850, or other Act as aforesaid; and, save as herein provided, no order or proceeding of Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari* or otherwise into the Supreme Court.

Appropriation of
penalties.

39. All moneys received for penalties imposed for offences against this Act or the regulations shall be paid to the Treasurer, on behalf of Her Majesty, Her heirs and successors, for the public uses of the said province, and in support of the Government thereof.

Protection to Inspec-
tors and others acting
in execution of this
Act.

40. All actions against any Inspector, or other person acting in the execution of this Act, for anything done in pursuance of or authorised by this Act, shall be commenced within four months after

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after the happening of the cause of action, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action, and the defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if after action brought the defendant shall pay into Court sufficient amends; but in such last-mentioned case the plaintiff shall recover his costs of suit up to the time of payment into Court; and if the defendant shall obtain a verdict, or the plaintiff become nonsuit or discontinue, or the defendant shall otherwise recover judgment, he shall recover full costs as between attorney and client upon such judgment.

41. This Act shall not (except when extended thereto by the Governor, as hereinbefore provided) apply to the Northern Territory.

Act not to apply to Northern Territory, except when extended thereto.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. C. F. ROBINSON, Governor.

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SCHEDULES REFERRED TO.

SCHEDULE A.

Acts Repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
12 of 1861	An Act to enable the Governor to prevent the importation of Cattle into South Australia under certain circumstances, and for other purposes.	The whole.
8 of 1863	The "Scab Act, 1863."	The whole.
1 of 1867	The "Proclamation of Scab Districts Act, 1867."	The whole.

SCHEDULE B.

"The Stock Diseases Act, 1888."

Notice of Stock being Diseased.

To (1) and to the Chief Inspector of Stock, at Adelaide.
I hereby give you notice that my stock, more particularly specified in the Schedule hereunder, are diseased.

Dated this day of 18 ,

The Schedule above referred to.

No.	Description.	Brands or Marks.	Place where situate.

(Signature)

Owner, or Superintendent, as the case may be.

(1). Name of nearest Inspector.

N.B.—Neglect to send this notice renders the owner liable to a penalty of £20 per diem.

SCHEDULE C.

Infectious and Contagious Diseases.

Glanders	Foot and mouth disease
Farcy	Scab or Scabies
Contagious equine fever	Catarrh
Rinderpest	Sheep-pox
Pleuro-pneumonia	Swine fever.