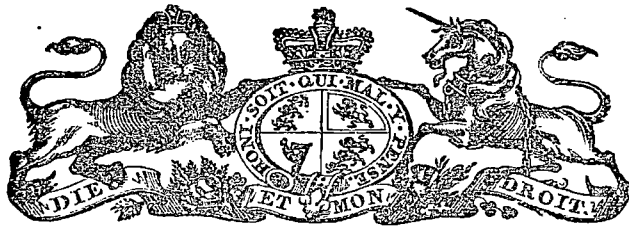


(No. 64.)



1869.

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T A S M A N I A.

LEGISLATIVE COUNCIL.

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SCAB IN SHEEP BILL, (No. 7).

CORRESPONDENCE.

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Laid upon the Table by Mr. Whyte, September 8; and ordered by the Council to be printed, September 9, 1869.



*Oatlands, 3rd September, 1869.*

SIR,

As the Scab Act will probably be introduced to Parliament in a short time, we, the undersigned, are desirous of expressing our belief that it will be of great benefit to the Colony.

We know that great loss arises from Scab; and also that sheep in Tasmania can be as easily cleaned and kept so as in the adjoining Colonies.

We have considered the Bill in question, and have suggested some alterations in detail, but, as a whole, we believe it is one calculated to work advantageously.

We know of nothing in this climate, or the nature of scab, to prevent the flocks being cleaned thoroughly in two years, if active measures are adopted; and we consider that a Dipping Act, as a preliminary to the more stringent measures proposed, will be most desirable.

We have the honor to be,

Sir,

Your obedient Servants,

R. Harrisson, Bowsden, Jericho.  
Thos. Littlechild, Hilly Park, Oatlands.  
Geo. Wilson, jun., Huntworth, ditto.  
Daniel Burbury, Oatlands.  
William Burbury, Inglewood.  
Thos. Burbury, Oatlands.

James Wilson, Ashgrove.  
George Wilson, senior, Mount Seymour  
(by permission).  
John Wilson, Springfield (by permission).  
Samuel Salmon, Woodstock (by permission).

*To the Hon. JAMES WHYTE, Esq., M.L.C.*

*Hamilton, 19th August, 1869.*

SIR,

As in all probability the Scab Act will be brought under notice of Parliament at an early day, we wish to express our belief that the measure in question will be a benefit to the Colony.

We know that great loss is occasioned to the sheepowners from scab; and some of us know from actual experience that sheep in this Colony can be as easily cleaned, and kept clean, as they can in the adjoining Colonies.

We have carefully considered the provisions of the Bill in question, and have suggested a few alterations in the minor details, but, on the whole, we think the Bill one that can be useful.

We cannot see anything in the climate, or nature of the scab, in this Colony to prevent all the sheep in it being cleaned in two years, provided sheepowners will act with energy, and see that their sheep are properly dipped in such preparations as have been proved successful in Australia and New Zealand.

We have the honor to be,

Sir,

Your obedient Servants,

T. L. Gellibrand.  
Hein. Nicholas.  
Edward M'Killop.  
John C. Bethune.  
W. R. M. Bethune.  
Wm. K. Dixon.

Hunter Young.  
T. C. H. Marzetti..  
W. P. Latham, late Scab Inspector  
in New Zealand for 4½ years.  
Nicholas J. Brown.

*To the Honorable JAMES WHYTE, Esq., M.L.C.*

*Ballochmyle, Tunbridge, 4th May, 1869.*

MY DEAR SIR,

Yours of yesterday duly to hand. I am glad you have licked a Scab Act into shape.

In reference to the cost of cleaning sheep per 1000, in a solution of tobacco and sulphur, £12 10s., or 2½d. per sheep, immediately after shearing: at this season, much more,—the wool being longer the sheep take away much more of it. I dipped my young sheep last week, and it took at least a gallon per sheep; labour, say, £1 additional.

Of course the cost is greater with small flocks in proportion than with large ones. An owner of 20,000 or 30,000 sheep, I dare say 2d. per sheep, exclusive of labour, would cover the cost at shearing time.

Thanks for your promise of the Draft Bill when printed.

Believe me,

My dear Sir,

Yours faithfully,

J. MACLANACHAN.

*The Hon. JAMES WHYTE, Esq.*

*Glen Connell, Ross, 29th June, 1869.*

DEAR CLARK,

In answer to your question as to what I think of the introduction of a Compulsory Dipping Act, in my opinion, if such an Act was enforced, I think that in two years scab would (I am confident it might) be thoroughly eradicated. Having dipped with arsenic, sulphur and soda, Hood's specific, and tobacco water with sulphur, I find that the last mentioned, of the strength of ½lb. of good Colonial (Knock-me-down) tobacco to the gallon, and sulphur in addition at the rate of 10 lbs. to the 100 gallons, constitutes the best dip, as it contains every curative and disinfectant property that is required, and will not stain or injure the wool in the least. Such is the dip I use; and my sheep, dipped twice in the year in this solution, come invariably to the shearing board without a broken fleece: if my sheep are thoroughly clean when dipped, I only dip them once.

Trusting that my answer will be satisfactory,

I remain,  
Sir,

Yours truly,

HARRY SCOTT HEWITT.

CHAS. CLARK, Esq.

P.S.—I think Mr. Whyte's estimate that sheep may be dipped at the rate of £3 or £4 per 1000 per annum is erroneous (as I compute that each sheep would cost 3½d. at least for the solution alone, exclusive of labour and preparation, which would amount to £14 11s. 8d. per 1000, if dipped in good tobacco water), unless he means to use some cheap chemical agent.

*Ellinthorp Hall, Ross, 16th May, 1869.*

DEAR SIR,

I SHOULD have attended to your request sooner had not my overseer, whom I wished to consult upon the subject, been away at the Lakes. I find that it costs me as follows to keep down the scab in 10,000 sheep:—

	£	s.	d.
1500 lbs. Sheepwash Tobacco, at 4d. ....	25	0	0
Extra Man. ....	60	0	0
250 lbs. Sulphur. ....	4	10	0
Say .....	£89	0	0

I do not know the price of sulphur here, but that you can easily fill in.

I have read with much interest your valuable letter, and am glad that something will be done next Session to bring in some measure for the eradication of scab. I shall be glad to have a copy of the proposed Act. You are perfectly right in stating that the neighbouring Colonies would take large numbers of rams: could they be certain of getting them clean.

I am,  
Sir,

Yours faithfully,  
CHARLES CLARK.

*The Hon. JAMES WHYTE, New Town.*

*New Norfolk, 6th July, 1869.*

MY DEAR SIR,

I HAVE again to thank you for your "Scab Bill," and am of opinion that it is in all respects a much more valuable and workable one than its predecessor. The penalties may, in some cases, be severe. As long a time as possible should be given before it is brought into operation, and thus enable flockmasters to prepare. Of the ultimate beneficial result I have no doubt.

Yours very truly,  
W. A. B. JAMIESON.

*To the Hon. JAMES WHYTE, Esq.*

*Inglewood, 30th June, 1869.*

DEAR SIR,

MR. WILSON forwarded me for perusal copy of your proposed "Scab Act," requesting me to assist, if possible, in advising you. I have looked carefully over it, and think, with some slight alterations, it is just what is wanted.

In Section 5, I think the 1st March ought to be the day for annual returns, instead of 1st January.

Section 6. Fine ought not to be imposed without proof that the owner knew his sheep were scabby.

Section 15. Inspector's permit ought to clear fat sheep to market; or some clause inserted giving the owner of sheep redress against any person wrongfully detaining sheep. It might so happen that a lot of fat sheep were detained on the road for the purpose of keeping the market up, to make another lot bring higher prices.

Section 17. In this section the penalty for wrongful detention is too small: £5 would be no compensation to the owner for having a large flock of sheep kept waiting about perhaps two or three days in bad weather.

Section 18. Sheep should only be destroyed by the owner, or agent actually in occupation, or by some person when in his presence.

Section 31. Rewards to informers ought only to be given upon recommendation from the Inspector and the Justices before whom the conviction has been obtained.

I would also suggest to you that, as the powers of the Inspectors are very great for gaining information, they should be bound not to divulge anything.

Hoping your Bill may become law, and finally eradicate the scab from our flocks,

I am,  
Dear Sir,  
Your obedient Servant,  
WILLIAM BURBURY.

JAS. WHYTE, Esq.

*Native Point, 29th June, 1869.*

SIR,

I FEEL thankful to you for sending me a copy of the Scab Bill you purpose bringing before Parliament the coming Session: you will also receive my warmest thanks for the trouble you are taking in the matter. I have always been an advocate for a Scab Act. I think the altered Bill I have just received more suitable to the Colony for some time, and will no doubt answer all the ends required. The saving to many, and the Colony at large, I believe, will be very great, as I have found by dipping it does not cost me one-third, as when I had to be dressing all the year round. For some years past I have dipped all my sheep about 14 days after shearing: by so doing we have kept the sheep clean,—in fact, a great portion of them have never been infected; and when such happens, it is through mixing with scabby sheep. I have now one small flock of 400 ewes which caught the scab through mixing with other sheep, causing us more trouble and expense than 10,000 (ten thousand), besides great loss in fleece.

I think the Inspector should be bound to give notice so many days before visiting a flock; and the brands should not be more than 2 inches, as there is great objection to much branding.

I am,

My dear Sir,  
Yours truly,

WILLIAM GIBSON.

Hon. JAMES WHYTE.

*Lake River, 24th June, 1869.*

DEAR SIR,

I BEG to acknowledge the receipt of your note 3rd instant, together with Draft Bill of Scab Act. I have looked over the Bill, and do not think there is anything that I could suggest that would improve it, as there are no material money penalties for 12 months, and any person who likes to set about cleaning his sheep can do so in 12 months,—this I know from experience in my own flock,—and then all the pains and penalties go for nothing. The average wages paid to shepherds in this neighborhood is about £30 per annum, with rations; and my opinion is that the average cost of shepherding and dressing, under the present system, would be from £20 to £25 per 1000 per annum: assuming that all sheep were clean, the saving in labour and material for dressing would be about two-thirds, say from £6 to £8 per 1000. I return you the Draft Bill.

I remain,

Dear Sir,  
Yours truly,

JOHN GATENBY.

JAMES WHYTE, Esq.

*Valleyfield, Longford, 15th July, 1869.*

MY DEAR SIR,

I WAS very much annoyed this morning to find amongst my papers a letter, dated 10th May last, in reply to yours dated 3rd of the same month, relative to the proposed Scab Act. I can't understand how the mistake occurred, but I trust the explanation will be sufficient for you to forgive my seeming rudeness. I wish you every success with your Scab Act; and I am endeavouring to impress the necessity of such a measure upon all interested. You must stick to a *stringent* Act,—nothing modified will do. All the other Colonies have been great losers by adopting the latter in the first instance. You ask for information as to the present outlay per 1000 sheep entailed through scab. I have had no scab for years, consequently I cannot answer the question. There is no doubt sheep-owners could manage with one-fourth the labour if scab was eradicated from the Colony.

I remain,

Yours faithfully,

GEORGE GIBSON.

The Hon. JAMES WHYTE, Esq.

Cheshunt, 15th July, 1869.

MY DEAR SIR,

I HAVE been working at the Scab Bill, but am waiting for some information.

You will require an interpretation of "diseased" and "infected," which I suggest to you on the next leaf. You will see that I stand out for the shortest possible *necessary* time for sheep to be considered infected, to save loss to sheepowners, and especially to farmers and graziers having fat sheep. It would not do to dip *fat* sheep before going to market, for the heat makes them waste greatly.

An appeal from the decision of Inspectors ought to be provided for the protection of the farmers in certain cases. They give an appeal to the Directors in New South Wales. I don't think the notices both on the borders of runs and in the newspapers necessary: one would be sufficient,—the local notice, I think.

If you will let me have two more copies of the Bill, I will return you one of them with my suggestions as soon as I can.

The dipping ought to effect a great deal; and, as you say, will prepare sheepowners for the more stringent provisions after the 18 months.

I approve generally of the Bill.

Yours very truly,

W. ARCHER.

The Hon. JAS. WHYTE, M.L.C.

P. S.—Excuse haste, for I am very busy just now.

The word "diseased" shall mean actually affected with the disease called the "Scab."

The word "infected" shall apply to all sheep that are diseased; all sheep in any flock in which there are one or more diseased sheep; all sheep that have been within two months (or ten weeks) in any such flock of infected sheep as last aforesaid; all sheep that have been in yards or enclosures, or kept on runs in or on which any diseased sheep have been within two months (or ten weeks); all sheep that within two months (or ten weeks) have been dressed for "the Scab;" and all sheep branded with the letter S on the rump.

Belle Vue, 16th August, 1869.

MY DEAR SIR,

THE reason I have not written to you before this, in reference to your proposed Scab Bill, is, that I was present when the Bill was considered at Campbell Town, and Mr. Maclanachan carefully took down all the proposed alterations at such meeting to forward to you, with the names of the gentlemen present. You would see by this that I had agreed to the proposed alterations, and I fear you would think we had condemned more of the Clauses than we should have done. If you can pass the Act with the dipping and driving Clauses proposed by you, the benefit the Colony would derive from such, properly carried out under Inspectors, would be endless.

You could at a future time introduce other and more stringent Clauses.

I am, my dear Sir,

Yours very truly,

JAMES GIBSON.

The Hon. JAMES WHYTE, Esq.

St. Johnstone, 29th June, 1869.

MY DEAR SIR,

I BEG to acknowledge receipt of your communication, together with a Draft Bill of a Scab Act, and am sorry that I am so late in doing so. The delay, however, has arisen from a desire to discuss the several provisions of the Bill with older and more experienced sheep-breeders in this district. But I hear that another Draft is about to be prepared substituting dipping Clauses in place of some to which there are objections. This, I believe, would make it unobjectionable to some now opposed, and add to its efficacy.

I concur with Messrs. Smith, Maclanachan, Keach, Gibson, and others in the observations they have made and the Clauses they have struck out. You will be acquainted with the nature of these observations in this. I am unable to say the cost per thousand sheep for dressing; it would vary so

much under different circumstances and in different localities. My sheep are dipped after passing the shears, and I have not had occasion to use dressing for years. I will be willing to use my humble endeavours to forward this object.

I believe that the introduction of a Scab Act will be the best thing that has ever been done for the Pastoral interests of Tasmania.

I am, my dear Sir,

Yours very truly,

DAVID TAYLOR.

Hon. JAMES WHYTE, M.L.C., New Town.

1st July, 1869.

MY DEAR SIR,

MR. NICHOLAS gave me your former letter, and I forwarded to him my remarks upon it, which I suppose he has not forwarded to you as yet. I do not think fat sheep could be dipped without great injury being done them; nor do I see what is to prevent them being dipped at shearing and kept clean while they are fattening. The idea that sheep dipped and put in paddocks to fatten will get scabby if not joined by scabby sheep, is merely an excuse; and I fear if fat sheep are exempt, there will be a loophole left for store sheep that will prevent any convictions.

Clause 13.—This Clause, a copy of Victorian Act, must be altered. The recent decision of the Judges in Melbourne on appeal has ruled that penalty can only be recovered on sheep actually scabby, and not upon the whole flock. Before altering the Clause as I suggested, it would be better to see Mr. Dobson and ascertain whether this alteration would do.

I have read your calculations in the paper as to the profit and loss question. I cannot help thinking you are mistaken on this point. While fully sensible of the saving both to the sheep and in a money point of view, I feel sure you are too sanguine as to the profits.

I cannot understand Reid's objections.

Twenty-eight years ago I cleaned a flock of 1300 sheep at the South Arm (as scrubby a run as can be found) by dressing all over twice after shearing; the sheep were as scabby as they could well be, and had not been in a yard for six months; and for the five years I remained at South Arm I never used a bottle of tobacco water.

My run here is not an open one; but I know the sheep can be got in in two or three days; and I know one dipping, if done properly, will cure any flock. It has been done in New Zealand; and if it can be done there on open runs, it can be done here where our runs are fenced into runs of 2 or 3000 acres.

The question is a very simple one:—Is the whole Colony to suffer a loss of, say £100,000 a year, so that a few lazy people can drive, say, 20,000 scabby fat sheep to market, when they can clean them at an expense of £7 per thousand?

There is no law that does not injure some people; but the gain to the many must be thought of, not the loss to the few.

The greatest objection to the Act I have heard is, that there must be a permanent staff, and consequently permanent taxation. I think if you exempt all sheep as they become clean from tax it would remove opposition, and the loss in receipts could be met by putting higher assessment on scabby sheep, and by altering the penalty in Clause 13, as there is no reason to give more than six months at 3d. per head; for if a man cannot clean his sheep in that time it must be his own fault, and he ought to suffer for it, and not those who clean their sheep at once. N.B.—The penalty ought not to be left to the discretion of the Inspector: it would place him in an invidious position.

In conclusion, I would merely state that I have had 28 years' practical experience in the management of sheep in the settled districts and in the roughest parts of the New Country, and I am firmly persuaded every sheep in the Colony could be cleaned by next June if sheepowners would go to work in earnest.

I am,

Yours very sincerely,

T. L. GELLIBRAND.

Hon. JAMES WHYTE, Esq., M.L.C.

*Meadsfield, 30th August, 1869.*

MY DEAR SIR,

I PERCEIVE that you have brought in a Bill to eradicate the disease in sheep called scab. I hope you will be able to get such a Bill as will be of benefit to the sheepowners. I shear from 15 to 20,000 annually, and I would rather shear about a third less, providing they were always free from scab; and I believe it would be of equal benefit to all sheepowners to keep less sheep. Some of my neighbours are for a Scab Act, and some against it; but nearly all say that there should be a compulsory Dipping Act, so as to compel all parties to dip their sheep annually twice after shearing.

Yours very truly,

E. NICHOLAS.

*The Hon. JAMES WHYTE, Esq.*

*Belgrove, Green Ponds, 2nd September, 1869.*

SIR,

I SHOULD have written you before this respecting the Scab Act, only for consulting many sheepowners in my neighbourhood. I find the majority in favour of a Scab Act; and having given the matter due consideration, I am of opinion that a Scab Act should be made law. It would, no doubt, affect many parties renting land, and also parties paying heavy interest for money: but it is impossible to make a law that will suit all concerned. I have dipped my sheep for the last two seasons in the ordinary tobacco mixture, using sulphur as a preventative. The first season I only dipped the sheep once, a few days after shearing. All sheep above four-tooth remained perfectly clean till the next shearing; the two-tooth sheep and lambs showed scab about the month of June; and although spotting them they remained scabby till shearing. Last shearing I dipped all the sheep directly they were sheared; the two-tooth sheep and lambs I dipped a second time in March; and up till this date my sheep are all perfectly clean; and I feel convinced that if all sheep were carefully dipped twice within fourteen days after shearing, that scab would soon be unknown in Tasmania.

I have the honor to be,

Sir,

Your obedient Servant,

JAMES BROCK.

*To the Hon. JAMES WHYTE.*

*Huntworth, Oatlands, 30th August, 1869.*

DEAR SIR,

I HAVE perused carefully the Draft of the Scab Act; and taking it as a whole, consider it a most valuable one.

The objections urged against it have not induced me to alter my opinion that the more stringent the Act, the better it will be for the flockowners.

Notwithstanding that a large portion of our land is of a very rough character, we have repeatedly cleaned our sheep, and found no difficulty in keeping them so—except where neighbours' sheep have come in and infected them again. It no doubt takes trouble to collect, in rough land: we have been able to do so, with proper management.

As introductory to a Scab Act, I believe a compulsory Dipping Act would be of great service for a period, and would, in my opinion, lessen the difficulty of working the more stringent Clauses of the Act; as, before the Scab Act actually came into operation, people would begin to find that there is an advantage in having clean sheep.

So long as the public are not compelled to use measures to eradicate scab, it is almost hopeless for any one to attempt to deal with the difficulty.

I observed a flock of sheep lately, within the last ten days, herded upon the Township of Oatlands, in the most infamous condition as regards scab,—proving to my mind that a Scab Act is highly necessary.

I remain, my dear Sir,  
Yours faithfully,

GEO. WILSON, JUN.

*To the Hon. JAMES WHYTE, Esq.*



Panshanger, 7th June, 1869.

MY DEAR SIR,

IN accordance with your wish, I will endeavour to give you my opinion as to your calculations published in *The Mercury* of 10th May, and also suggest a few alterations in the Act itself. With respect to your first statement: "Increased quantity of wool, say 500,000 lbs. at 1s. 3d., £31,250." Now, it appears to me, in this calculation you seem to infer that the greater part of the sheep in this Island are scabby; but I am under the impression that, for some years past, not more than one-third have been so badly diseased as to make any material difference in the value of the wool. I can vouch for this being the case with all large flockowners in this part of the country. Your calculation will give an increase of nearly  $\frac{1}{4}$  lb. per sheep throughout the Colony, which I think is far too much. In present state of the wool market, 1s. 3d. per lb. is quite high enough as an average.

"Increased value of present quantity, as shipped in 1867, at 2d. per lb., £39,051." For the same reasons I have just given, I think this amount over-estimated by at least one-third. Your calculation is based upon  $2\frac{1}{2}$  lbs. per fleece.

"Saving in sheep-dressing, tobacco, labour, &c., £20,000." According to your calculation, every sheep in the Colony is costing at the present time about  $2\frac{1}{2}$  d. for dressing per annum. Now, from my own experience, when my sheep were scabby, it did not cost me more than £5 per 1000 to keep it down, so that I had very few broken fleeces at shearing: I mean £5 per 1000 in addition to the ordinary shepherding. Your estimate is more than £10 per 1000 on the whole of the sheep in the Colony, say 1,800,000. It would cost, perhaps, 6d. per head to clean a very scabby flock.

"Smaller amount of labour if sheep when clean, £12,500." I think you are quite within the mark here.

"Increased number of fat sheep for the market, £10,000." That would be, say, 20,000 fat sheep at 10s. In my opinion there would be a very small (if any) increase in fat sheep, but the store sheep would be in much better condition.

You ask what I think would be the cost of sheep-dressing in small and badly managed farms. As the sheep would be seldom, if ever, dressed, the cost of dressing would be small, but the loss in wool, and condition of sheep, very great.

Very truly yours,

JOSEPH ARCHER.

The Hon. JAMES WHYTE, Esq.

Panshanger, 18th June, 1869.

MY DEAR SIR,

I AM in receipt of your long and painstaking letter of the 14th instant, and hope all flockmasters will appreciate your efforts in trying to initiate a workable Scab Act. I quite agree with you that the more stringent Clauses of the Bill should not come into operation for some time after the passing of the Act. Now, with regard to the most important question broached in your letter,—viz., "compulsory dipping,"—I must say I feel inclined to kick against it, for it seems to me rather hard that those who have clean sheep should be compelled to dip them two or three times. There is not only the useless expense of dipping (which is considerable), but the sheep must be a good deal knocked about, and I am convinced the wool would be injured.

My present system is to dip *once* about *two months* after shearing, in tobacco water and sulphur. This year I did not dip until March, and the wool has not recovered it yet: I mean the yolk has not risen, and the wool in consequence is dry and harsh. I am also of opinion that the sheep suffer more from the wet weather after late dipping. When sheep are scabby I think they should be dipped immediately after shearing, for they would have to be dipped again shortly; but I hold that the dipping is likely to prove more efficacious when the sheep have a little wool on them.

But to return to the compulsory clause. Let the one dipping be made compulsory, but where sheep are known to be clean, I am opposed to having to dip a second time. However, I must do as others do.

I am,

My dear Sir,

Very truly yours,

JOSEPH ARCHER.

The Hon. JAMES WHYTE, Esq.

MY DEAR SIR,

I DULY received your kind favour of the 12th July. I delayed writing to you, although you kindly desired me to do so, until I had seen a copy of your Act, and also knowing the multiplicity of your correspondence I felt a delicacy in troubling you. Having seen the Act, I feel perfectly convinced and satisfied that it embraces *all* that is required for the prevention of Scab in Tasmania; and it is high time such an Act was in force.

My son purchased a number of sheep at what he considered a low figure: this was last year. I was confined to my bed with rheumatic fever, and did not see the sheep until the arrangement was completed. When they arrived, I found to my cost that they were drawn with poverty, plucking all over, and had commenced lambing in their wretched state. I dare not dip them in the month of June, and the result was, after five dressings they had lost the principal part of their fleece, a number died, and also 50 per cent. of the lambs; and at shearing the average was under one pound of wool per sheep. Had your Act been in force, a serious loss would have been prevented.

I am now collecting and dressing three times a month, in consequence of having rotten sheep mixing with mine. Having paid for my whistle in scabby sheep, I conscientiously consider the passing of a Scab Act will prove one of the greatest blessings to Tasmania. We will have fatter sheep for the butcher, more wool, more lambs, fewer losses, and require less labour. After the above facts, need I say more relating to the necessity and utility of such an Act?

You must expect the most irritating opposition, but I sincerely trust the good CAUSE will strengthen your endeavours. Leave no stone unturned to carry the Act through the House. We are surrounded with men blind to their own interests, and consequently to their neighbours', who look upon every improvement as an innovation of their rights and privileges. God help them! and give them more wisdom and understanding. Finally, my dear Sir, hang tenaciously to the Act in question. If not now, believe me you will receive the just reward of all your labour—if no more than the thanks and gratitude of every flock-holder in the Colony—when every sheep in Tasmania is free from infection.

Believe me,

My dear Sir,

Yours very truly,

R. HEPBURN.

*The Honorable JAMES WHYTE, Esq., New Town.*

P.S.—Many are finding great fault with the penalties; they are the main-spring: withdraw them, and the utility of the Act is gone.

*Dunmore, Belfast, 23rd July, 1869.*

DEAR SIR,

I HAVE much pleasure in complying with your request, that I would give my opinion of the Scab Bill which you purpose to introduce into your Parliament. The fact, which you mention, of the almost universal prevalence of Scab throughout Tasmania of course renders it necessary to suit the provisions of the Bill to the peculiarities of the case.

Under the circumstances, it seems almost impossible to avoid a certain degree of delay in getting rid of the disease, without interfering most seriously with the commercial relations of the country. Therefore I think you have done wisely by providing, in Clause 15, that during a period of eighteen months after passing of the Act a certain latitude shall be allowed as to travelling sheep. Under the existing circumstances of any of the other Colonies, the Bill would certainly be too lax.

But in the state you describe Tasmania to be, to attempt to make it as stringent at first as you may hereafter be enabled to do, would only cause opposition to the passing of the Bill, and perhaps lead to the failure in the working of the Act.

I do not, however, think that the most prejudiced can allege that the measure you have framed is at all oppressive in its provision. In fact, as a whole it seems, so far as I can judge, to meet the requirements of the case remarkably well. But as you have done me the honor to request an opinion, I will frankly state wherein the Bill appears to me to be defective. Clause 30 gives to an offender under the Act the power of appeal from the decision of the Magistrates. Our existing Act contains the same power. Our existing Act has notoriously broken down, and become practically annulled. And it is equally notorious that this utter failure has been caused by the power of appeal. In legislating on the subject of any infectious disease which can certainly be cured, it should never be forgotten, that the occasion for the legislation should be regarded as a temporary and abnormal state of things, and not a permanent and normal condition; and that the measures adopted ought to

be of a sharp and decided character, so as to stamp it out without delay. As a general rule in legislation, it is right that such a power should exist, but legislation on such matters as that now under review must be regarded as of an exceptional nature. Appeals involve delay and doubt. They paralyze the powers of Inspectors, and discourage them. There are no penalties in the Bill but such as can be avoided by care and energy. And if the Act be effective, the deprivation of the power of appeal will only last a short time, for the cause of penalties will be destroyed.

It should also be borne in mind, that it is extremely improbable that any bench of Magistrates in your Colony will strain the Act in an unjust or oppressive manner, seeing that all Benches will probably be composed of owners of sheep which are all in a similar condition at present. And if a change for the better is caused by this Bill, it seems to me that it would be impossible, without departing altogether from its provisions, to enforce such a measure too strictly. Be that as it may, however, a power of appeal in an Act for such a purpose must always prove ruinous to its successful operation. There is none in our new Act which has just passed the Assembly.

This is the most material defect I see in your Bill. In Clause 13 it provides that a flock shall be "deemed" diseased in which one or more infected sheep shall be found. This same phraseology has been found to defeat the object of the Bill in our present Act. To make the provisions effective the words of our new Act, 31 Clause, should be adopted—proof that any one sheep of a flock is diseased shall for all purposes be conclusive evidence that "all the sheep in such flock are diseased." I think, too, it is necessary you should import the 34 Clause of our new Act; viz.—Proof that "on any given day any sheep were infected sheep," shall be *prima facie* evidence that the owners of such sheep "had previously become aware that the said sheep were infected." The owner is thus permitted to bring rebutting evidence. But the *onus probandi* is thrown on him to show that he was not aware. In clause 17 both the person detaining, and the owner of the sheep should be obliged to send notice to the Inspector. The want of this provision has caused a failure in several cases under our present Act. The improvement I mention has been introduced into our new Bill. In your interpretation Clause the word "flock" is so defined, that if there are any sheep running on an unenclosed run, they will not be included in the definition: perhaps there are none. The definition of the word "owner" does not include mortgagee and mortgagor in possession, as in ours. This may have been an intentional omission. Our object in including these, is to prevent the evasion of penalties by fraudulent assignments, as well as to ensure recovery from some person or other: without this, the Act would be of little avail here. I think you have done wisely in not adopting the system of Boards. The principle when applied to the class, against which the Act, which is penal,—is directed, is obviously radically wrong. It is a totally different application of the principle from that which takes place in the Local Government Act, which is essentially an administrative, not a penal, enactment. Under the Scab Act any sheep-owner may at any time become the subject of the Inspector's actions in the performance of his duty.

The Boards are composed of sheep-owners. And to make the Inspector in any way dependent on a person who may be at some future time affected by the performance of the Inspector's duty, is plainly to place both in a false position, from which evil must almost of necessity follow, human nature being what it is. If it be replied, that it is unlikely that persons in power would use their power for purposes of either self-interest or revenge, I need only refer to a trial which has very recently occupied the Supreme Court in Adelaide for a convincing proof that it is but too true that such uses are made of power.

It has been argued that the system has worked well in New South Wales, but I maintain that the truth is simply that the circumstances there have been such that the evil inherent in the system have not been brought out.

In that Colony the clean owners were in a large majority, the diseased, in a small minority. In fact, prevention, not cure, has almost always been the requirement of New South Wales. Moreover, the climate is unfavourable to the *Acarus*. I therefore believe that the freedom from disease enjoyed by that Colony is in no degree to be placed to the credit of the system of Boards, which in that case from peculiar circumstances have merely not proved injurious,—as under any other circumstances they would almost certainly have done. Had the majority of owners held diseased sheep, the result would have been very different. Still more disastrous would they have been, if, as in this Colony, a large proportion were small holders of diseased sheep, and belong to the class which furnishes our free selectors. And as you inform me that in Tasmania the disease is almost universal; to have confided the working of the Act to Local Boards would, I think, have been to display an amount of ignorance of human nature as great as would be shown by giving the inmates of a penal establishment the control of those placed in authority over them. It will afford me great pleasure if the remarks I have made should prove of any service to you. I trust you will be successful in carrying your proposed measure, and that it will fully answer the end for which it is intended. On the preceding sheets I have sent my remarks on your Bill, and you are most welcome to make any use you think proper of them. Your name is familiar to me as one of the old Portland Bay Settlers, more particularly as having had a very fine-woolled flock of sheep. I have seen samples of your wool, which was beautiful. I also understand that Shaw got rams and some ewes from you, which

have contributed to the formation of his and the Ercildoune flocks. I believe that your sheep were originally descended from those of the Hampton Court flock imported to Tasmania. I should be glad to know if this is the case. I have a very fine stud flock of the pure Camdens, which of course are of unmixed Spanish blood, and they show their breeding. If the Scab was exterminated out of all the colonies, it would be a vast advantage for those who wish to buy, as well as for those who wish to sell rams. I shall be glad to hear of the success of your Bill.

Believe me,

My dear Sir,

Yours very truly,

CHARLES MACKNIGHT.

Hon. JAMES WHYTE, Esq.

Fingal, 5th August, 1869.

MY DEAR SIR,

I DID not receive your last letter with amended Scab Act for some days after the Meeting of Sheep-owners of this District, which was held at Avoca, not Fingal, on 21st July instant.

Mr. Swan, M.H.A., attended that meeting, and furnished a few copies of the amended Bill. I regret to say that, after many hours' deliberation and warm discussion, and various amendments and erasures having been proposed and carried, the meeting closed with a Resolution to the effect that the Bill in its present form was not approved of, as being too stringent, cumbersome, and expensive to work. I may say that I stood alone in support of the Act. The old, and I consider absurd, arguments as to difficulty of collecting sheep, the cost of cleaning, the objection to Inspector's powers, and the heavy expense of carrying out the Act, were freely used; and, as Mr. Swan was at this time absent, I unfortunately was placed in the Chair, and thereby prevented to some extent from expressing my opinions on the subjects under discussion as fully and frequently as I could have wished, but before the final Resolution was put to the meeting I claimed to be heard, that it might not be supposed that I coincided with the views of those forming the meeting, but that I stood alone in support of the Bill. I approve of your Bill most strongly in all the most important Clauses, and quite agree with the general spirit and proposed working of the Act.

I may say that, after the condemnation of your Act, opinions were expressed in favour of a very modified measure, but such a one as in my opinion would be utterly worthless.

I cannot agree with Messrs. Maclanachan, Keach, and others, that Clauses 21, 22, and 23 should be struck out, for without these the Bill would be incomplete.

It was suggested at the meeting that fat sheep should be subject to the same inspection as store sheep (see Clause 15). I concur in this view, and cannot see that the labours of the Inspectors would be much increased thereby; for as a general rule in this country, except just at stated periods of public sale, fat sheep are the only sheep constantly moving about. As far as the public are concerned, inconvenient or otherwise, I look upon this as of minor importance, as it is not proposed that the public shall pay for the benefit of Sheep-owners or the working of the Act.

The question was raised in favour of giving power to Sheep-owners over Inspectors of their Districts, and New South Wales was quoted; but Flock-owners in New South Wales and Tasmania are in very different positions, inasmuch as I think it would be impolitic, and even ridiculous, to expect that the Flock-owners in Tasmania would impartially administer a law which they had unanimously condemned: and, moreover, the sheep in New South Wales being with rare exceptions all clean, and the sheep in Tasmania being, with rare exceptions, *all scabby*,—the former in great dread and fear of the serious consequences of the Scab disease, the latter as a body perfectly indifferent to its effects; and, moreover, believing that it is impossible to eradicate scab, and that it is as natural to sheep as the wool on their backs. Further comment on your Bill is unnecessary.

Your letter of 11th or 12th May last, as published in the *Mercury* and other papers, I have studied with peculiar interest, and have most carefully gone over your calculations as to the annual loss to the Sheep-owners in Tasmania from scab, and I am confident that they are excessively moderate, with the exception of one item which I give further on, and which I give as the annual cost to me of keeping my sheep clean, the item being based on the same number of sheep in the Colony and the same quantity of wool exported as fixed by you.

My calculations for drugs, additional labour, and dressing are £8 for 1000 sheep, making £13,600 as against your £20,000.

My estimate of annual saving of labour for shepherding and management of sheep, supposing *all clean*, would be £21,000 against your £12,500.

This estimate is based upon the number of shepherds I now employ with the sheep *all but clean*; viz., one man to 4000 sheep; but if the sheep throughout the Colony *were thoroughly clean*, and the disease totally eradicated, the annual saving of labour might be *doubled*, as I consider that one man could shepherd 8000 sheep as well as he can now shepherd 4000, besides being employed on other work.

Again, my estimate of increased quantity of wool, supposing no scab in sheep, is considerably more than yours, and I feel sure that mine is considerably below the reality.

	£
I have calculated 850,000 lbs. of Wool, at 1s. per lb. ....	42,500
Against your estimate of 500,000 ditto, at 1s. 3d. per lb. ....	36,250
Difference .....	<u>£6250</u>
I estimate increased value of Wool shipped in 1867, if no scab, at .....	68,576
Against your estimate of .....	39,051
Difference .....	<u>£29,525</u>

The loss to the country by being debarred from exporting rams on account of scab has been very serious, and I speak from experience.

If the settlers in this country could only be made to see and understand the heavy annual taxation derived indirectly from scab, I think they would submit to a stringent Scab Act, such as that proposed to be brought by you before Parliament.

The frightful and sudden depreciation of the value of wool makes it still more imperative on Flock-owners to study economy in its production; and, under the present expensive system of management consequent on scab, I am convinced that sheep-farming on many properties cannot be profitably continued.

The cry that it is impossible thoroughly to eradicate scab in consequence of the alleged impossibility of collecting all sheep cannot, I think, be reasonably maintained if the settlers once make up their minds to grapple with the difficulty; and although it may take some time in isolated cases to make the sheep clean, I can say from my experience (which embraces the management of difficult sheep-runs) that the sheep *can* be made clean, although my success has been of short duration in consequence of infection from diseased flocks not my own. As to the expense of dipping, which frightens many who have never tried the experiment, I am satisfied that the present and usual mode of dressing sheep is quite three times as expensive as dipping. I may conclude that no Act will be of service to this Colony that does not enforce dipping, and which is not worked by a sufficient staff of Inspectors not engaged in sheep-farming in this Island, and who should be perfectly free from local influence or interference.

I wish you every success with your Bill, and should it become Law you will certainly deserve the best thanks of the Flock-owners of Tasmania.

Yours very truly,

ROBERT CLERK.

Honorable JAMES WHITE, Esq., M.L.C., New Town.

ADDENDA TO CORRESPONDENCE ON SCAB IN SHEEP BILL,  
PAPER No. 64.

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*Belle Vue, 19th June, 1869.*

MY DEAR SIR,

I HAVE delayed answering your letter in reference to the Scab Bill you have prepared, and of which you kindly sent me a copy. The reason of my delay in answering is, that I might go carefully through the same with as many sheepowners as possible.

I returned last evening from the Midland District, where I met (at Syndal) Mr. P. T. Smith, James Maclanachan, Geo. Keach, Thos. Parramore, and Mrs. Horton's manager, to consider the Bill, and had before that time gone carefully through it with Mr. David and John Taylor, also with my nephew, Mr. W. H. Gibson; but I now find from letters you have written to Mr. Smith and Mr. Maclanachan that it is your intention to introduce into the Bill some dipping clauses, so will not forward the Bill I now have until I hear from you again.

You ask me to give you an estimate of what I conceive is the annual cost per 1000 sheep for dressing under the present system, but regret to say I could not answer the question, as there are so many different systems. I have had clean sheep for years, and my plan has been to dip immediately from the shearing board, so that the cost is a mere nothing. I would consider it ruinous to go back to the old system of having the sheep yarded every week or ten days for the purpose of dressing.

The loss to the Colony through Scab must be immense, and I believe that your calculations of annual loss to the Colony are not beyond the mark.

Trusting you may be successful in carrying the Bill through Parliament,

I am,

My dear Sir,

Yours very truly,

JAMES GIBSON.

JAMES WHYTE, *Esq., M.L.C., New Town.*

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*Ellinthorp Hall, Ross, 28th July, 1869.*

MY DEAR SIR,

I AM in receipt of your letters of the 13th and 15th instant, and now send you a few remarks upon the Bill you sent me last. It is clear that any Bill for eradicating Scab must press heavily upon somebody, and that for the sake of public benefit all must put up with temporary inconvenience. The great difficulty, I think, will be found in getting competent Inspectors. If incompetent men are appointed from political motives, the object of the Bill must be defeated. I have read the Bill over carefully, and now send you the remarks I made as I went along. The clauses I have taken no notice of I think ought to stand as they are.

No. 2. I don't agree with Mr. Gibson that notice should be given in writing, unless the Inspector can at any time pounce unexpectedly upon suspected animals which might be driven away and hidden. Any man ought to be able and willing to go on to a run and point out his sheep at a moment's notice.

No. 3. I think that each letter and number of the brand ought not to be less than 2 inches long. A brand might be 2 inches long, and still each letter composing it smaller.

No. 4. I think that 2 years might be substituted for 18 months.

No. 6. This clause, of course, does not apply during the time the licence to dip exists.

No. 7. I think this clause ought to be retained.

No. 8. I think the following ought to be added—"or yards in the same yards that have contained inspected sheep or uninspected sheep." There is more Scab propagated by yarding than in any other way, especially at sales.

No. 9. This clause, of course, does not apply during the 18 months.

No. 10. This clause, I think, ought to be inserted for the protection of proprietors of clean sheep.

No. 11. As in original.

No. 12. Three days appear rather short notice; say one week (7), within which time the required return is to be sent to the Inspector's residence.

No. 13. I think two full years ought to be given.

No. 14. I think that 6 months ought to elapse before this certificate is given.

No. 15. The dipping composition ought to be fixed by the Act, and not left to the Inspector, who might have an interest in recommending some nostrum, such as Hood's Specific. Sulphur and tobacco are acknowledged to be a certain cure, and understood better than anything else; say 1 lb. of good colonial tobacco and  $\frac{1}{4}$  lb. sulphur to 4 gallons water. If American fig tobacco, say 1 lb. to 8 gallons water. I think it is a mistake to dip directly after shearing, because there is no wool to hold the stuff. I always dress wool directly after shearing, and dip three months after.

No. 17. I think if the sheep are proved to be not infected, the owner ought to get such damages as may be assessed by any two parties. A vindictive fellow might do a man no end of damage, and be willing to pay the sum of £10 for the satisfaction of injuring an enemy.

No. 16. Owners of ewes about to lamb and lambing ought not to be obliged to dip.

No. 18. This clause ought to be made to apply to people putting strange sheep on to a neighbour's run. It is the custom here, and a very bad one it is, for a shepherd finding strange sheep to pass them on in order to get rid of them.

No. 23. Of course, during the 18 months given to clean this does not apply, and the whole country will be looked upon as a scabby district.

No. 24. I think it ought to be. The Governor may, from time to time after the expiry of the 18 months or 2 years, as the case may be, by notice, &c.

I hope I have been explicit, and I trust that the Act will pass in some shape or other: that it will meet with opposition I am sure. I should like to hear the debate upon it.

I am,  
My dear Sir,  
Yours very truly,  
CHARLES CLARK.

*The Hon. JAMES WHYTE, Esq.*

*Plassy, June 28th, 1869.*

DEAR SIR,

IN reply to your letter received on Saturday last, I beg to say that I would be very glad to see the Scab eradicated from our flocks by means of a dipping clause in the proposed Act; and if such would meet the necessity of the case, have no objection to agree with you in recommending it.

I remain,  
Dear Sir,  
Yours faithfully,  
WM. M. FERRAR.

CHARLES CLARK, *Esq.*

HAVING made some observations upon the Scab Bill now before the Legislative Council, I beg to hand them for thy consideration, and shall feel obliged by their being placed before the Members of the Council.

As a Draft Scab Act has of late obtained much attention from the public and is now before the Legislative Council, it may not be out of place to offer the following observations, comparing, in a brief manner, the relative condition of Flockmasters and of the management of Sheep in New Holland and in Tasmania, with the view more particularly of drawing the attention of our Legislators thereto.

I. The mode of Sheep-farming in Tasmania is widely different from that which obtains in New South Wales, Victoria, Queensland, and South Australia, where Scab Acts are in force; and the relative positions of sheep-holders in New Holland and Tasmania are also dissimilar.

II. The sheep in New Holland, except where their owners are freeholders and the land on which the sheep graze is fenced in, are followed (or tailed) all day by the shepherds, and at night brought to the station and yarded.

III. By far the larger portion of the land depastured consists of plains or hills of moderate elevation, more or less free from timber, and belongs chiefly to the Crown. As the sheep are "tailed," there is great temptation at times to the shepherds to encroach on the grass of an adjoining Crown tenant—there being no fences. Again, shepherds may be careless, and leave their sheep for a while; some may stray and join the sheep of another proprietor; and, if the stray sheep be scabby, loss may ensue.

IV. Sheep-farming in the countries named is generally a business of itself. The proprietor of the sheep depends on his wool for income, and he is the holder of many thousands. It is needful that he should be protected from loss through diseased sheep trespassing on his land and infecting his flock. Heavy fines, such as those named in the Draft Scab Act, are therefore only reasonable in the countries named. In South Australia one establishment was reported as having shorn 220,000 sheep in the season of 1867.

V. In addition to a generally well-grassed country, where sheep can be gathered without difficulty, as they are all usually in sight, the climate affords every facility for the care and good management of sheep. Under these circumstances, and the sheep being brought to the station every night, to have scabby sheep in the flock may be well adjudged criminal.

VI. Notwithstanding all the natural and other advantages above referred to, it is notorious that scab still exists among the sheep in Victoria, nor is it entirely eradicated in South Australia.

I. In Tasmania the sheep, with the exception of 115,062 (*vide* Nowell's Statistics), are depastured on the freehold lands of the Colonists, and are within fences, erected at a great outlay of money. Some sheep-runs are in all respects excellent, but the majority are otherwise. The sheep cannot be "tailed" and brought to the yards every evening, but must be allowed free access to the herbage night and day, or they would starve. Neither, if they were "tailed," could they be kept in sight by the shepherd, both on account of the timber and scrub, and the rocky and mountainous nature of the country. The sheep would inevitably break away from the shepherd; and such a mode of management would cause the death of many of the sheep. Flocks are collected for examination, (weather permitting), at intervals varying from three to five weeks, and are usually drafted into other runs.

II. Sheep-farming, with a few exceptions, is not a business in Tasmania. The number of sheep in the Island (1,569,809, *vide* Nowell's Statistics) would barely suffice to compare with the aggregate flocks of some dozen proprietors on the other side of the Straits. A large proportion of the sheep in this Island are held by small proprietors as auxiliary to the agriculture of the farms, and supply of meat for farm use (a fact which it is desirable to impress strongly on the Legislature). The surplus, if any, are sold as store sheep, or fatted for sale (as well as use) in the cultivated paddocks.

III. From the nature (geological features) of a large portion of the land on which the sheep are depastured, to collect all in any reasonable time is an impossibility: more is this so in bad seasons. Some sheep are too weak to travel, and will not be driven; others will hide in the scrubs; and others, again, defy the dogs, and run off into the deep scrubby ravines. Once in the year only—that is at shearing—can all the sheep be mustered with certainty,—the stragglers being picked up by the shorn sheep: it may occupy months, and in some instances much longer time. So that to carry out some of the provisions of the Draft Scab Act on such runs is a physical impossibility. To give account of the correct number of sheep they possess is also beyond the power of some sheep-owners—they can say what number they ought to have. Nor can they account for deficiencies. Deaths—never discovered—are, doubtless, numerous: some are killed by vermin, and some probably are stolen.

IV. On the whole, would it not be better for the Legislature, as in the Mother Country, to leave the sheep-owners to look after their own interests and property? There are laws already enacted sufficient for the control of scabby sheep. Possibly sheep proprietors might form themselves into associations, and enter into compacts to do whatever more can be done constitutionally for the eradication of scab; and this might lead to the drawing up by them of regulations, to be submitted to the Legislature for approval. The sheep-owners are, indeed, the persons chiefly interested in the management of sheep, and who thoroughly understand the subject. Possibly in accordance with the principles of *The Impounding Act*, whereby damages are assessed by arbitration, injuries sustained through stray scabby sheep could be most satisfactorily and equitably redressed at a small cost.



V. But above all, the rights of property and the liberty of individuals must be protected. In Law a fence is a wall; and fenced in freehold land cannot legally be trespassed upon by a Scab Inspector or anybody else.

VI. Without specially referring to the various despotic clauses in the Draft Scab Act—to the fines, devoid alike of mercy and justice—to the creation of a race of informers—to imprisonment whereby a farmer is to be torn from his family and business, (in addition to being heavily fined),—and for what? Why—for misfortunes beyond the control of, at least, some proprietors; (and be it remembered that the losses sustained by scab are his own, and concern his own property). It is proper to notice that one difficulty is not provided for in the Act—that of collecting ewes when heavy with lamb, and during the time of lambing, when they ought not to be disturbed for six weeks or two months. This gathering and getting in of flocks has no existence on the other side of the Straits—not even in the time of lambing—which can be readily explained.

VII. In New Holland, where there are not permanent streams, after the surface waters are dried up the sheep are watered artificially, and gather instinctively to the water troughs—so that to collect them is not a matter of difficulty there; but the scab law is rather to prevent their dispersion, simply to compel the bringing in for inspection. It is therefore evident that any Scab Act passed in Tasmania requires very different provisions from those suited to the Provinces of New Holland, not only in the physical aspects of the question, but also in regard to the different positions of the majority of the sheep-holders in Tasmania to those of the wealthy proprietors in the countries indicated.

I remain,  
Very respectfully,  
Thy Friend,

FRANCIS COTTON.

To JAMES WHYTE, *M.L.C.*, Chairman of Committees,  
Hobart Town.

Hobart Town, 14th September, 1869.

DEAR SIR,

I AM in receipt of your observations on the Scab Bill now before Parliament, which you desire me to place before the Members of the Legislative Council.

I have no hesitation whatever in complying with your request; but, as I conceive you are in error in most of the statements you have advanced, I must beg leave to offer a few remarks upon them *seriatim*. However much your opinions differ from my own, and the opinions of others who have had as extensive experience in sheep-farming as either you or myself, I have no desire to prevent your views upon the question from going before the Members of the Council.

In paragraph I. you state that “the relative positions of sheepholders in New Holland and Tasmania are dissimilar;” and in paragraph II. that “the sheep in New Holland, except where their owners are freeholders, and the land on which the sheep graze is fenced in, are followed (or tailed) all day by the shepherds, and at night brought to the station and yarded.

In this you are in error: the great bulk of the sheep in New South Wales, Victoria, and South Australia are not “followed” or “tailed” all day by the shepherds, but run loose on fenced runs in much the same manner as in Tasmania. The only difference being that generally the runs are larger in those Colonies than they are in Tasmania.

Paragraph III. You appear to be unacquainted with the nature of a very large proportion of the lands in the neighbouring Colonies where sheep are depastured. You appear to think that the greater portion of the country occupied by sheep in those Colonies consists of open plains “more or less free from timber;” and again, you argue on the assumption that sheep are “tailed.” You are in error on both these points, inasmuch as a very large proportion of the country does not consist of open plains, nor are the sheep tailed. You are evidently thinking of a state of things which existed 20 years ago.

Paragraph IV. Here again I think you are mistaken. Sheep-farming is quite as much a “business of itself” in Tasmania as it is in New South Wales, Victoria, or South Australia, in proportion to population. The instance you give of a flock in South Australia numbering 220,000 is the exception, not the rule. The great majority of sheepholders in Victoria and South Australia possess flocks ranging from 2000 up to 10,000,—15,000,—20,000; and on private property a large number of sheepowners possess flocks even smaller than the first-mentioned number.

In New South Wales there are 1,811,255 sheep depastured on private property, and in Victoria, 2,022,924. In South Australia I believe that upwards of 1,200,000 run on private property, but the Return I am now referring to does not give the exact number.

Paragraph V. As millions of sheep in New South Wales, Victoria, and South Australia run loose on fenced runs, many of them thickly timbered, it follows that if it be "criminal," as you state, to have scabby sheep there, it must be equally so here. I do not consider it a crime certainly, only a great mistake, resulting from the want of knowledge generally of how the question has been dealt with elsewhere, and the absence of a Scab Act.

Paragraph VI. You state that, "notwithstanding all the natural and other advantages above referred to, it is notorious that Scab still exists among the sheep in Victoria, nor is it entirely eradicated in South Australia."

With reference to South Australia you are in error. The last report of the Chief Inspector states that the Province is free from Scab. As regards Victoria, it is quite true that in that Colony there are still about 2,000,000 of sheep scabby out of 9,653,637, and you state this as a "notorious fact." It is equally "notorious" that in 1851, when the gold discovery took place, the whole of the sheep in Victoria were free from Scab with the exception of about 30,000 in three or four flocks in different parts of the country. The men all went to the "diggings," the sheep were mixed up and spread abroad all over the country: and hence a large proportion of them became again infected with Scab. The number of diseased sheep in Victoria has been reduced within the last few years to about 2,000,000; and the best authorities state that if it had not been for the defective nature of the Acts of 1862 and 1864 the whole country would have been clean years ago. It is anticipated that under the Act now passing the Parliament of Victoria the Scab will be eradicated in about eighteen months or two years.

Paragraph I., page 3. There is no necessity to "tail" sheep in order to clean them; and I believe that on every run in the Colony they can, with care and energy, be collected at shearing time. In this opinion I am borne out by such old and experienced Settlers as the Messrs. Nicholas of Hamilton and Bothwell, the Messrs. Wilson of Oatlands, and others equally experienced, who possess some runs as rough as any in the Colony.

In paragraph II. you again assert that sheep-farming "is not a business in Tasmania," and refer to the smallness of the number of sheep to prove it. You are not quite right as to the number. If you refer again to Nowell's Statistics, which you quote from, you will find that an error had been corrected which shows that the number of sheep in the country is not 1,569,809 but 1,715,617, —a larger number of sheep in proportion to population than in New South Wales, Victoria, and South Australia. In New South Wales, with a population of between 500,000 and 600,000, there are 8,132,511 sheep; and in Victoria, with a population of 700,000, there are 9,653,637 sheep: here we have 1,715,617, with a population of 100,000. Instead of your position being borne out that sheep-farming is not a business in Tasmania, but in a great "measure auxiliary to the agriculture of the farms," the facts are just the other way. There are very few sheep in the Agricultural Districts compared with districts of an almost purely Pastoral character. More than 1,200,000 of our sheep are held by purely pastoral farmers.

Paragraph III. What you state to be an impossibility, other gentlemen of experience, such as those I have previously referred to, think not only possible but easy, if properly set about.

Paragraph IV. The Mother Country does not leave sheep and cattle owners to "look after their own interests and property" where infectious diseases exist. With reference to both sheep and cattle, Laws exist in England which interfere quite as much with the liberty of the farmer as any provisions in any Scab Act in Australia; and even at the present moment there is a Bill before the Imperial Parliament in which powers are conferred upon the Executive Government to make regulations and give powers to Inspectors quite as inquisitorial as any power proposed to be given to Inspectors under the Scab Bill.

What you say about settlers combining to effect the object proposed to be accomplished by the Scab Act, is so much opposed to the experience we have derived from the past, that it is difficult for me to think you can be serious. For instance,—how could there be any combination of sheep-farmers on the East Coast for the purpose of eradicating scab and awarding compensation to persons who may be injured by scabby neighbours, if we take it for granted that there are a few here and there who with yourself hold the opinion that scab cannot be eradicated because it is spontaneous, and if cured to-day will break out again from natural causes not under the control of the farmer? It would be a manifest impossibility under such circumstances to get the settlers to combine to cure what some of them consider incurable.

Paragraph V. It is unnecessary for me to remark upon what you say about the infringement of the rights of property, further than to state that what you complain of exists in every Colony in this quarter of the world, and in England itself, with reference to both cattle and sheep, where infectious diseases of any kind exist; so I really cannot see how it can be "unconstitutional."

With reference to gathering flocks when they are lambing, and "tearing farmers from their families and business" to send them to gaol, it is really such a fancy picture that I am again almost constrained to doubt if you are serious.

Flocks are not lambing at shearing time when they will be collected ; and as to sending persons to gaol it is purely imaginary. There has been a Scab Act in New South Wales ever since 1832, much more stringent in its provisions than the one now before Parliament, but I never heard of a settler, or any one else, having been sent to gaol under it. In the present Bill a man who breaks the law by refusing to show his permit, or to follow the instructions of an Inspector in cases where sheep are stopped by the way, may be imprisoned for any period not more than one month ; and an Inspector giving a false certificate, knowing it to be false, may be imprisoned for three months and fined £100. Surely these provisions cannot be considered as oppressive to the farmers.

Paragraph VII. It is quite apparent to me, my dear Sir, that you are not so well acquainted with New Holland as I am. You must not suppose that there are no running streams there in summer, and that water is, generally, scarce. You are taking the exception, and not the rule.

In many portions of New Holland, and in extensive tracts of country in Victoria, the country is quite as well watered as it is here in the principal sheep districts. There is no connection whatever between the scarcity of water in New Holland and the working of the Scab Act. Some person must have given you most erroneous information both with reference to the nature of the country in the neighbouring Colonies, and the working of the Scab Acts there.

Your premises being erroneous in almost every particular with reference to the country and mode of sheep-farming in Australia, your conclusion, in my opinion, is equally so. My own personal experience, and actual knowledge of the countries you have referred to, teaches me that you are labouring under a complete misconception of the conditions which exist in New Holland with regard to sheep-farming at the present day. My own experience also proves to me that, notwithstanding your having been a practical sheep-farmer in Tasmania for 40 years or more, you are labouring under a grievous error when you believe that Scab cannot be eradicated, inasmuch as it is spontaneous. You are under the impression that poverty produces Scab. There have been ample opportunities in New South Wales and Victoria to prove that this is not the case. Although poverty will aggravate the disease, as it does many other diseases animals are subject to, it will not produce Scab in sheep that are absolutely clean. In recent years sheep have perished by thousands in various parts of New Holland from poverty, without any single instance of Scab having been produced thereby amongst the survivors.

I am sorry we cannot agree on this subject, but I am quite sure that you will accord to me the same freedom in expressing my views to you that you have yourself exercised in your several communications to me. If we differ in opinion on this subject I am glad to think that we agree on many others, and I hope and trust are both old enough and wise enough to differ in opinion without the disturbance of our feelings of mutual respect and regard.

I am,

My dear Sir,

Yours very sincerely,

JAMES WHYTE.

FRANCIS COTTON, *Esq.*, *Kelvedon, Glamorgan.*