Anno tricesimo

Georgii II. Regis.

An Act more effectually to prevent the Spreading of the Distemper now raging amongst the Horned Cattle in this Kingdom.



WHEREAS the contagious Distemper now rages amongst the Horned Cattle in this Kingdom; for the preventing the Spreading thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the King's most Excellent Majesty, His Heirs and Successors, by and with the Advice Preamble.

His Majesty impowered to make Orders and Regulations, to prohibit the removing or driving Horned Cattle from one County or Place to another;

vice of His or Their Privy Council, from time to time, to make such Rules, Orders, and Regulations, or to vary or repeal the same, as His Majesty in His great Wisdom shall judge most expedient and effectual, in Great Britain, Ireland, and all other His Majesty's Dominions thereunto belonging, or any Part or Parts thereof, for prohibiting or preventing the driving or removing of any Oxen, Bulls, Cows, Calves, Steers, or Heifers, infected or not infected with the said Distemper, from or out of any such County, Riding, Division, Hundred, Parish, or Place, to any Fair or Market, or to any other such County, Hundred, Parish, or Place, as shall for that Purpose be specified in such Rules, Orders, or Regulations; and for prohibiting the Sale, Disposition, or other Use, of any such Cattle as shall be infected with the said Distemper, or of any Hides or Skins, or other Parts of such infected Cattle; and also for the Burial of any such Beasts as shall die of such infectious Distemper, or be killed whilst the same is so infected, and every Part thereof, within such Time, and in such Manner, as shall be specified in such Rules, Orders, and Regulations as aforesaid; and also for the cutting and gashing of the Hide or Skin of every such infected Beast, before the Burial thereof, in such Manner as to render the same intirely Useless; any Law, Statute, Custom, or Usage, to the contrary notwithstanding; and also for such further Purposes as His Majesty in His great Wisdom shall judge most expedient and effectual to put a Stop to or prevent the Spreading of the said Distemper.

and also the Sale or Use of Cattle infected, or of their Hides, &c. and for Burial of such as shall die of the said Infection, &c.

And whereas His Majesty hath, in Pursuance of Two Acts of Parliament of the Nineteenth and Twentieth Years of His Majesty's Reign, by His Order in Council bearing Date the Twenty second Day of March, One thousand seven hundred and forty seven, made and established certain Rules, Orders, and Regulations, for the better preventing the Spreading of the said Infection, and putting a Stop to the Distemper, which Rules, Orders, and Regulations, have been found beneficial; be it therefore enacted by the Authority aforesaid, That the said Order in Council, and all the Rules, Orders, and Regulations, therein contained and inserted (except such and so much of them, or any of them respectively, as His Majesty, His Heirs, and Successors, at any Time or Times, during the Continuance of this present Act, shall with the Advice

His Majesty's Order in Council of 22 *March*, 1747, confirmed and enforced;

of His and Their Privy Council judge proper and expedient to repeal, alter, or vary) shall be in Force; and the same; and also such other Rules, Orders, and Regulations, Variations, and Additions, as shall be made by virtue of, and in Pursuance and under the Power and Authority of this present Act, shall be observed and obeyed by all His Majesty's Subjects, during the Continuance of this Act, under the Penalty of Ten Pounds, inflicted and directed to be levied by this Act, for every Offence committed against the same.

Obedience to such other Orders as shall be made, enforced under Penalty of 10*l.*

And it is hereby further enacted and declared, That all the Powers and Authorities given by the said Order of Council, or which shall be given by any subsequent Order of Council, by virtue of the Authority aforesaid, to Justices of the Peace and other Magistrates, and to Commissioners of the Land Tax, Inspectors, and other Officers appointed in that Behalf, shall be duly executed, and are hereby established and enacted, and declared to be as good and valid in the Law, to all Intents and Purposes, during the Continuance of the said Order or Orders, as if the same were herein repeated and expressly enacted.

Powers given by Order of Council to Justices, Magistrates, and Officers, confirmed.

And be it further enacted, That from and after the First Day of June, One thousand seven hundred and fifty seven, all and every Person and Persons, who shall by Force or Threats intimidate, hinder, or prevent the said Justices, Magistrates, Commissioners, Inspectors, or other Officers, from executing the said Rules, Orders, and Regulations, or from performing their respective Duties in Relation thereto; or who shall enter into any Combination, Confederacy, or Subscription, to disobey the said Order or Orders in Council, or to defeat, hinder, or prevent, the Execution thereof, shall forfeit and pay the Sum of Fifty Pounds, to be recovered by Bill, Plaint, Suit, or Information, in any of His Majesty's Courts of Record at Westminster, by any Person or Persons, who shall inform and sue for the same, to go and be paid to and for the sole Use and Benefit of such Person or Persons respectively, with Full Costs of Suit.

50*l.* Penalty on Persons obstructing, *&c.* the Execution of Orders,

or entering into a Combination to disobey, or defeat the same.

And, to the end that all Persons may know how to demean themselves in the Premisses; be it further enacted by the Authority aforesaid, That this Act, and His Majesty's Order in Council dated the Twenty second Day of March, One thousand seven hundred and

This Act, and His Majesty's Order in Council of 22 *March*, 1747,

to be read publickly in Church on *Sundays*;

and forty seven, on such Sunday in every Calendar Month as the Minister shall think proper, shall be publickly read immediately after Prayers, in all Parish Churches, Chapels, and other Places set apart for Divine Worship; and that when and as often as His Majesty, His Heirs, or Successors, shall make any Rules, Orders, and Regulations, or shall vary or repeal the same, by virtue or in Pursuance of this Act, every such Rule, Order, Regulation, Variation, and Repeal, shall be notified and published in such Manner as His Majesty shall think proper, and shall be publickly read upon the next Sunday after the Receipt of the same, and on such Sunday in every Calendar Month as the Minister shall think proper, during the Time such Rules, Orders, Regulations, and Variations, shall continue in Force, in such Manner as aforesaid, within such Counties, Ridings, Divisions, Hundreds, Parishes, and Places, as shall be specified in such Rules, Orders, Regulations, Variations, and Repeals for that Purpose; and every such Order, Rule, Regulation, Variation, and Repeal, together with this Act, shall be kept by the Minister of every such Parish Church, Chapel, or Place, who shall permit any Person residing within his Parish, Chapelry, or Place, to read the same, during the Time such Rule, Order, or Regulation, shall continue in Force; and the Churchwardens or Chapelwardens of every Parish or Place shall provide a printed Copy of this Act, for the Purpose aforesaid, at the Expence of the Parish or Chapelry.

and such New Orders, &c. as shall hereafter be made, to be read in like Manner.

Printed Copy of all such Orders, together with this Act, to be kept by the Minister, for the Use of the Parishioners;

and to be provided at the Parish Expence.

His Majesty impowered, by Proclamation, to prohibit, occasionally, the Importation or Exportation of Horned Cattle, Raw Hides, or other Part of such Beasts.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the King's most Excellent Majesty, by One or more Proclamation or Proclamations, to be issued at any Time or Times during the Continuance of this Act, under the Great Seal of Great Britain, to prohibit and forbid all and every Person and Persons, Bodies Politick and Corporate whatsoever, to import or bring, or cause or procure to be imported or brought, directly or indirectly, or export, carry, or send, or cause or procure to be exported, carried, or sent, directly or indirectly, into, or from, or out of Great Britain, Ireland, and the Dominions thereunto belonging, or any Part thereof, any Ox, Bull, Cow, Calf, Steer, or Heifer, or any Raw Hides or Skins, or of any other Part of such Beast, for such Time or

Times, under such Rules, Orders, and Regulations, as His Majesty, His Heirs, and Successors, by the Advice aforesaid, shall judge most expedient and effectual to prevent or stop the Spreading of the said Distemper.

Where Justices prohibit the holding Fairs or Markets for Sale of Horned Cattle,

And, to prevent the Distemper amongst the Horned Cattle being spread and increased by Tanners and others buying the Hides and Skins of infected Beasts, it is hereby further enacted, That when the Justices of the Peace at their General Quarter Session, or at any Adjournment thereof within their respective Counties, Ridings, and Divisions, shall prohibit the holding of any Fair or Fairs, Market or Markets, for buying and selling of such Horned Cattle, every Tanner, Tawer, or Dresser of Hides and Skins shall, before he brings any Raw Hide or Skin of any Bull, Ox, Cow, Calf, Steer, or Heifer, into his Tan-yard, Workhouse, Warehouse, or Place used for dressing or manufacturing of Hides or Skins, give Notice to the Officer of Excise of the District in which such Tan-yard or Dressing-place is situated, and whose Survey the said Tanner, Tawer, or Dresser of Hides shall be under, and subject to, for the time being, and produce to the said Officer a Certificate under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace, or Commissioner or Commissioners of the Land Tax, Rector or Vicar, qualified as herein after mentioned, specifying the Colour of such Hide or Skin, the Name and Place of Abode of the Owner of such Hide or Skin, and that, upon Examination on Oath of One or more credible Person or Persons, it appeared to the Person or Persons signing and sealing such Certificate, that the Beast, from which such Hide or Skin was taken, was found, and free from any Infection; which Certificate shall, by the said Officer, be entered into a Book to be kept for that Purpose: And if any Tanner, Tawer, or Dresser of Hides or Skins, shall bring, or suffer to be brought, into his Tan-yard or Tan-pits, or other Place used for dressing or manufacturing Hides or Skins, any such Raw Hide or Skin, or shall tan or dress, or manufacture, any such Raw Hide or Skin, without giving such Notice, and producing such Certificate, as aforesaid, every Person so offending shall, for every such Offence, forfeit the Sum of Ten Pounds; to be recovered, levied, and applied, as the several Forfeitures are by this Act directed to be recovered, levied, and applied.

no Tanner is to bring any Raw Hide into his Tan-yard, before he gives Notice to the Officer of Excise of the District,

and produce a Certificate concerning the Health of the Beast, properly authenticated;

which the Officer is to enter in a Book.

Tanner guilty of a Breach of Orders, forfeits 10*l.*

And

Officer to have Liberty at all Times, to enter and search for Hides suspected to be clandestinely brought in.

And it is hereby further enacted, That all and every or any of the Officers of Excise acting and employed in any District wherein any Tan-yard, Workhouse, or Warehouse, or Place for dressing or manufacturing of Hides or Skins is situate and being, shall and may at all Times by Day or by Night (and if in the Night, then in the Presence of a Constable, or other Officer of the Peace) be permitted, upon his or their Request, to enter into any such Tan-yard, Workhouse, Warehouse, or Place, in order to search for Hides and Skins suspected to be brought and conveyed into the same respectively, contrary to and against the Tenor and true Meaning of this Act, and then and there to search and examine, or cause to be searched or examined, any Tan-pit, Fat, or other Place, where any such Hide or Skin is suspected to be laid, hid, put, or concealed; and if any Tanner, Tawer, or other Person or Persons whatsoever, shall obstruct or hinder any such Officer or Officers in the Execution of his or their Duty, Power, or Authority, given to, vested in, and required of, him and them respectively by this Act, every Person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, to be recovered, applied, and disposed of, in Manner herein after mentioned.

Person obstructing him in the Execution of his Duty, forfeits 10*l.*

His Majesty, by Advice of His Privy Council, may prohibit, occasionally, the Killing of Cow-Calves.

And whereas it is necessary to encourage and promote the Breeding of Cattle, the Number being greatly decreased by the said Mortality; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, by Advice of His Privy Council, to prohibit and forbid the Killing or Slaughtering of Cow-Calves in such Counties and Places, and in such Manner, and at such Times, as His Majesty, during the Continuance of this Act, shall judge proper; and all and every Person offending against such Order and Prohibition, shall forfeit and pay the Sum of Ten Pounds, to be recovered, levied, and applied, as other Forfeitures by this Act are to be recovered, levied, and applied.

Offender against such Prohibition, forfeits 10*l.*

What shall be deemed a distinct and separate Offence.

And, to prevent any Doubts which may arise in the Construction of this Act, be it further enacted by the Authority aforesaid, That the Removal, Driving, or Sale of every Ox, Bull, Cow, Calf, Steer, or Heifer, contrary to any such Rule, Order, or Regulation, shall be deemed a distinct and separate Offence, within the

Intent

Intent and Meaning of this Act; any thing herein contained to the contrary notwithstanding.

Observation of Orders made under Authority of this Act, enjoined, under Penalty of 10 *l.*

And be it further enacted by the Authority aforesaid, That all and every the Rules, Orders, Regulations, and Variations, to be made by virtue, and in pursuance, of this Act, are hereby required to be punctually observed and obeyed by all his Majesty's Subjects; and all and every Person and Persons who shall offend against any such Rule, Order, Regulation, or Variation, and shall be thereof convicted in Great Britain or Ireland, by his, her, or their own Confession, or by the Oath or Oaths of One or more credible Witness or Witnesses before any Justice or Justices of the Peace for any County, Riding, Division, City, Liberty, or Town Corporate, where such Offence or Offences shall be committed (which Justice or Justices is and are hereby impowered and required to hear and determine the same, and to examine any Witness or Witnesses upon Oath concerning the same) shall forfeit and lose the Sum of Ten Pounds; One Moiety thereof to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall be committed; to be levied by the Churchwardens, Overseers of the Poor, Constables, High Constables of the Hundred, Rape, or Wapentake, or One or more of them, by Warrant or Warrants under the Hand and Seal, or under the Hands and Seals, of the Justice or Justices of the Peace who shall convict such Offender, by Distress and Sale of the Goods and Chattles of such Offender, rendering the Overplus (if any be) to the Owner thereof; and for want of such Distress, such Offender shall be committed by such Justice or Justices to the Common Gaol or House of Correction of such County, Riding, Division, City, Liberty, or Town Corporate, there to remain for the Space of Three Months, to be reckoned from the Day of such Commitment; and all and every Person and Persons who shall offend against any such Rule, Order, or Regulation, in any other of his Majesty's said Dominions, shall be deemed, adjudged, and taken to be guilty of a great Misdemeanor, and be prosecuted and punished by Fine and Imprisonment, according to the Laws and Usage of the same Dominions respectively.

on Conviction of the Offender before a Justice;

One Moiety to go to the Informer, the other to the Poor,

and to be levied by Distress and Sale;

and where Distress cannot be had, the Offenders is to be committed for 3 Months.

Offenders out of *Great Britain* or *Ireland*, to be punished according to the Laws and Usage of the Country.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, who shall be convicted before such Justice or

Arpeal may be made from the Judgement of any Justice to the next Quarter Sessions,

upon giving Notice, and Security;

and the Justices are to determine such Appeal accordingly:

Justices of the Peace as aforesaid, of any of the Offences against this Act, to appeal from such Conviction to the Justices of the Peace at their next General or Quarter Sessions to be holden for the County, Riding, Division, City, Liberty, or Town Corporate, in which such Offences shall be committed, he, she, or they, giving immediate Notice to such Justice or Justices of such intended Appeal, and likewise giving Security to the Satisfaction of such Justice or Justices, to pay all and every the Penalties and Forfeitures, to which he, she, or they, shall be liable by such Conviction; and the Costs, Charges, and Expences, of trying such Appeal, in case such Conviction shall be affirmed; and the said Justices in their next General or Quarter Sessions, are hereby authorized and required to hear, try, and finally determine the same, upon the Merits of the Cause, and Examination of Witnesses on Oath, and to order Costs to be paid as shall be just, if they shall think it reasonable so to do.

But if there was not Time between the Conviction and Sessions to give Notice to all Parties, the Justices may then adjourn the Hearing the Appeal;

and if not then determined, the former Judgement to stand good,

and the Conviction is not removable by *Certiorari.*

Provided nevertheless, That if it shall appear to the said Justices, that there was not sufficient Time between such Conviction and such Quarter Sessions, to give Notice to all Parties to attend such Appeal, that then it shall and may be lawful for such Justices to adjourn the Hearing thereof to their next subsequent General or Quarter Sessions, at which they are hereby required to hear, try, and finally determine the same; and in case there shall be no Determination on the said Appeal at such next or subsequent General or Quarter Sessions, the Judgement and Conviction of the Justice or Justices shall stand and be in full Force; and no Writ of Certiorari shall be allowed to remove the Conviction or Order of Sessions, or any other Proceedings thereupon, into any of His Majesty's Courts of Record at Westminster, or of His Majesty's Courts of Great Session in the Principality of Wales, or the Counties Palatine.

Justices may summon and examine Witnesses on Oath, touching any of the Offences aforesaid.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Justice or Justices of the Peace, if he or they shall be informed, that any Person or Persons can give any Evidence relating to any of the Offences aforesaid, to summon such Person or Persons to appear before him or them, and to examine such Person or Persons on Oath, in relation thereunto; and in case such Person

son or Persons shall refuse or neglect to appear, pursuant to such Summons, then such Justice or Justices shall issue out his or their Warrant or Warrants, for apprehending and bringing such Person or Persons before him or them; and in case such Person or Persons shall refuse to be examined upon Oath, to commit such Persons to the Common Gaol or House of Correction, for such County, Riding, Division, City, Liberty, or Town Corporate, there to remain until he, she, or they shall submit to be examined as aforesaid; and in case of any Appeal to the General or Quarter Sessions, to compel such Person or Persons to enter into a Recognizance, with Condition to appear at the said General or Quarter Sessions, and to give Evidence upon the Trial of such Appeal.

and commit such as shall refuse to give Evidence;

and in case of an Appeal, compel them to enter into a Recognizance to appear, &c.

And be it further enacted by the Authority aforesaid, That for the more easy and speedy convicting of any Person or Persons who shall offend against this Act, it shall be sufficient for any Justice or Justices of the Peace, who shall convict any Person or Persons of any or either of the said Offences, to draw such Conviction in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect (that is to say)

Form of Conviction to be observed by Justices;

Middlesex. *A. B.* is convicted on his, her, or their own Confession *(or on the Oath of)* of having in this Kingdom *(specifying the Offence, and the Time and Place, when and where the same was committed)*

Given under my *(or our)* Hand and Seal *(or Hands and Seals)* this Day of

Which said Conviction in the same or like Form of Words, shall be good and effectual in the Law, to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient for want of any other Form of Words whatsoever; and in case of Appeal as aforesaid, the Justice or Justices who shall convict such Offender or Offenders, is and are hereby required to deliver, or cause to be delivered, the Conviction in the

the same declared to be valid;

and in case of Appeal, is to be delivered to the next Sessions, to be filed.

Form aforesaid, to the next General or Quarter Sessions to which the Appeal is made, there to be filed on Record.

Justices impowered to order reasonable Salaries and Charges to be paid to the Inspectors of Cattle, &c. employed by them, out of the County Rates.

Be it further enacted, That the Justices of the Peace within their respective Limits of their Commissions, at their General or Quarter Sessions, or the major Part of them then and there assembled, within that Part of Great Britain called England, shall have full Power and Authority, and they are hereby required to order such reasonable Salaries and Charges, as they shall think proper, to be paid to any Inspector or Inspectors, or other Person or Persons already employed or appointed by the Justices of the Peace, or hereafter to be employed or appointed by the Justices of the Peace, or the Commissioners of the Land Tax, to prevent the Spreading of the Distemper amongst the Cattle, out of the Monies arisen, or hereafter to arise, by virtue of an Act of Parliament passed in the Twelfth Year of his Majesty's Reign, intituled, An Act for the more easy assessing, collecting, and levying County Rates.

Commissioners of the Land Tax for the time being, qualifying themselves, are to put in Execution the Powers given them by this Act, or by any Order of Council;

Commissioners for *Middlesex*, and Cities and Towns which are Counties of themselves, excepted.

And be it further enacted, That the Commissioners of the Land Tax for the time being in and for every County, Riding, or Division, and who have, or shall qualify themselves to act as such respectively, are hereby impowered and required to put in Execution all and every the Powers and Authorities given to Commissioners of the Land Tax by this Act, or by any Order or Orders in Council pursuant to the same (except the Commissioners of the Land Tax within the County of Middlesex, and all Cities and Towns which are Counties of themselves) in as full and ample Manner as the Justices of the Peace may do within the same.

Commissioners in all the succeeding Land Tax Acts from 1746,

And whereas a Doubt hath arisen whether Commissioners authorized to put in Execution the several succeeding Land Tax Acts, since the Year One thousand seven hundred and forty six, were properly impowered to carry into Execution the Rules, Orders, and Regulations, made by his Majesty in Council, and the Powers and Authorities given by the several Acts of Parliament, continuing the same in force from time to time; be it therefore declared and enacted, That the Commissioners named in the several succeeding Land Tax Acts, since the Year One thousand seven hundred and forty six, to carry the said respective Land Tax Acts into Execution (having duly qualified themselves to act therein, according

ing to the Directions in the said Acts) are and were authorized to carry into Execution the Powers and Authorities given by such Rules, Orders, and Regulations, to Commissioners of the Land Tax, as also the Powers and Authorities given by the several Acts of Parliament continuing the same in Force from time to time.

declared authorized to carry into Execution the Powers vested in them by the said Orders, and Acts continuing the same.

And, to prevent the Spreading of the said infectious Distemper, by Persons who frequently buy up Cattle in infected Places, and soon after dispose of the same in Places free from the Infection, contrary to the true Intent and Meaning of this Act, and the Orders and Regulations made, or which shall hereafter be made, by His Majesty in Council; be it enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and fifty seven, no Person whatsoever, by himself, his Servant, or Agent, shall sell or dispose of any living Ox, Bull, Cow, Calf, Steer, or Heifer, until the same shall have been the Property of such Person for the Term of Forty Days at least; and in Proof of such Property, the Seller shall produce a Certificate under the Hand of the Person of whom such Ox, Bull, Cow, Calf, Steer, or Heifer, was last bought or purchased, signifying the Time when he purchased the same; and every Person who shall sell or dispose of any Ox, Bull, Cow, Calf, Steer, or Heifer, without producing such Certificate, and shall be thereof convicted by his, her, or their own Confession, or by the Oath of One or more credible Witness or Witnesses, before any Justice or Justices of the Peace, for the County, Riding, Division, City, Liberty, or Town Corporate, where the Offence shall be committed, shall, for every Ox, Bull, Cow, Calf, Steer, or Heifer, so sold or disposed of, forfeit and pay the Sum of Ten Pounds; unless such Person shall by himself, his Agent, or Servant, make Oath before the said Justice or Justices (which Oath the said Justice or Justices is and are hereby impowered to administer) that the said Ox, Bull, Cow, Calf, Steer, or Heifer, has been his Property for more than Forty Days; the said Forfeiture to be adjudged, levied, and recovered, in such Manner as is herein after directed to be levied and recovered; One Moiety of the said Forfeiture to be given to the Informer, and the other Moiety to the Poor of the Parish where the Offence shall be committed.

No Horned Cattle is to be sold until the same shall have been the Seller's Property 40 Days;

and of which a Certificate is to be produced,

on Forfeiture of 10 l.

unless it shall appear that such Cattle was the Seller's Property for a longer Time.

Recovery and Application of the Forfeiture.

And be it further enacted by the Authority aforesaid, That every Person who shall, from and after the said First

The Seller giving a false Certificate, and the Person accepting the same, forfeit 10*l.*

Day of June, One thousand seven hundred and fifty seven, sell or dispose of any Ox, Bull, Cow, Calf, Steer, or Heifer, and shall give a false or untrue Certificate of the Time of the Sale of such Cattle, and every Person who shall accept of such false or untrue Certificate, knowing the same to be such, shall forfeit and pay the Sum of Ten Pounds; to be adjudged, levied, recovered, and disposed of, in the Manner herein after directed.

If a Drover finds any Cattle sicken in his Drift, he is to give immediate Notice to a Parish Officer,

And be it enacted by the Authority aforesaid, That if any Drover, or Person or Persons driving and conducting horned Cattle from one Place to another, shall find any Beast or Beasts in his Drift sicken upon the Road, so as to be unable to proceed forward in their Journey, such Drover, or Person or Persons driving such horned Cattle, shall forthwith give Notice thereof to the Constable, Headborough, or Churchwarden of the Parish or Place wherein such Beast or Beasts shall sicken, in order that the same may be slain and buried, the Skin being first slashed, if deemed to be ill of the Distemper now raging amongst the horned Cattle, in the Opinion of the Officer of such Parish or Place so summoned, and of Two other substantial Inhabitants of the said Parish or Place, whom the said Officer is hereby impowered, by a Note in Writing under his Hand, to summon to his Assistance; and in case any Drover or Person or Persons driving horned Cattle, shall fail herein, or shall conceal or drive out of the Way, without giving such Notice, any such sick Beast or Beasts, he or they so offending shall forfeit and pay Ten Pounds to the Use of the Poor of such Parish or Place wherein such Beast or Beasts shall be found sick or dead; to be levied on his or their Goods and Chattles, by Warrant under the Hand and Seal of any Justice of the Peace of the County, Riding, Division, Liberty, City, or Town Corporate, wherein such Drover or Person or Persons driving such horned Cattle, shall be taken; and in case of Non-payment, such Drover or Person or Persons, shall be committed to the Common Gaol of such County, Shire, Stewartry, Riding, Division, Liberty, City, or Town Corporate, there to remain without Bail or Mainprize for the Space of Six Calendar Months, or until he or they shall have paid the said Penalty.

that the Beast, if sick of the Distemper, may be slain and buried;

if he does not comply with these Directions, he forfeits 10*l.*

and is to be imprisoned Six Months, on Nonpayment.

And, for preventing Persons selling any horned Cattle before they have been in their Possession Forty Days; it is hereby enacted, That no Person or Persons shall

sell

sell or dispose of any Live Ox, Bull, Cow, Calf, Steer, or Heifer, unless he, she, or they, shall, besides his, her, or their Compliance with the Directions of the said Act, first obtain a Certificate under the Hand and Seal of some Justice of the Peace, or Commissioner of the Land Tax, specifying the Colours and Number of Beasts so intended to be sold, and the Parish, Township, or Place, from whence the same are brought, or intended to be carried, in order for Sale; and the Name or Names, Place or Places of Abode, of the Owner or Owners thereof; and that it appears to such Justice or Commissioner, upon Examination on the Oath of One or more credible Witness or Witnesses, that the Beasts contained in such Certificate have been the Property and in the Possession of such Person or Persons, for at least Forty Days before the Date of the said Certificate; and every Person selling any Ox, Bull, Cow, Calf, Steer, or Heifer, by virtue of such Certificate, shall produce the same, and give a true Copy thereof, attested by Two or more credible Witnesses, to the Person or Persons buying such Beasts; and every Person selling any Ox, Bull, Cow, Calf, Steer, or Heifer, without obtaining such Certificate, and every Person buying the same without receiving a true Copy thereof, attested as aforesaid, shall forfeit and pay the Sum of Ten Pounds for every Ox, Bull, Cow, Calf, Steer, and Heifer, bought or sold contrary to the true Intent and Meaning hereof, to be levied, adjudged, recovered, applied, and disposed of, as is herein after directed to be levied, adjudged, recovered, applied, and disposed of.

No Cattle may be sold unless a Certificate be also obtained of the Number, Colour, Place of Sale, and Owner's Name;

and Proof made of their being the Seller's Property 40 Days before;

which Certificate is to be produced, and an attested Copy given to the Buyer;

and the Buyer and Seller not complying herewith, forfeit 10 *l.*

And be it further enacted by the Authority aforesaid, That if One or more Justice or Justices of the Peace, during the Continuance of this Act, shall suspect any Person of buying, selling, or driving, any Ox, Bull, Cow, Calf, Steer, or Heifer, or of taking off the Hide from any infected Ox, Bull, Cow, Calf, Steer, or Heifer, which shall die of the said Distemper, contrary to the true Intent and Meaning of this Act, and the Rules, Orders, and Regulations made by His Majesty in Council, in pursuance thereof, or of not burying any Ox, Bull, Cow, Calf, Steer, or Heifer, contrary to this Act and Orders, it shall and may be lawful for such Justice or Justices to summon such Person to appear before him or them, at a reasonable Time to be prefixed in such Summons; and the Proof of complying with the Directions of this Act and Orders, shall lie on the Party so summoned;

Justice may summon any Person suspected of a Breach of any of these Regulations;

and the Party is to purge himself.

5. and

If the Party refuse to appear,

or shall not prove his Conformity to the Rules,

he is deemed guilty, and incurs the Penalty of his Offence.

and if such Person shall neglect or refuse to appear before such Justice or Justices (Proof being made upon Oath of his or her being duly summoned) or shall not make it out to the Satisfaction of him or them that he or she has duly conformed himself or herself to this Act, Rules, and Orders, such Person shall be deemed and taken to be duly convicted of the Offence or Offences for which he shall be so summoned, and incur the several Penalties and Forfeitures inflicted by this Act, to be levied, recovered, and adjudged, in Manner as is herein after mentioned; One Moiety of the said Forfeiture to be paid to the Overseer of the Poor, and be applied to the Use of the Poor of the Parish where such Person dwells; and the other Moiety to the Treasurer of the County, Riding, or Division, to be made Part of the County Stock; or in that Part of Great Britain called Scotland, to such Person and for such Purposes, as the Justices in their General Quarter Sessions shall direct and appoint.

One Moiety thereof to go to the Poor,

and the other to the County Stock;

but in *Scotland*, to be applied as the Justices direct.

And, for the more effectual preventing the Spreading of the said infectious Distemper by Persons commonly called Jobbers, who, occupying little or no Grazing Land, buy up Cattle in infected Places, and soon after dispose of the same; be it enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and fifty seven, no Person whatsoever (Butchers and others excepted, buying Fat Cattle for immediate Slaughter) shall purchase any living Ox, Bull, Cow, Calf, Steer, or Heifer, without having first obtained a Certificate under the Hand and Seal of some Justice of the Peace, or Commissioner of the Land Tax, acting for the County, Riding, Division, City, Liberty, Town, or Place, where such Person resides, specifying his or her Name, and Place of Abode, and the Number of Beasts he or she intends to purchase, and whether such Beasts are intended to be purchased by him or herself, or by an Agent or Servant, and if by an Agent or Servant, then the Name and Place of Abode of such Agent or Servant, and that it appears to such Justice or Commissioner upon Examination on the Oath of One or more credible Witness or Witnesses, that such Person really occupies Land sufficient to graze and keep the Number of Beasts contained in such Certificate, over and above the Stock such Person is at present possessed of, for the Space of Three Months;

No Person may buy Cattle, without a Certificate specifying his Name and Abode, and Number of Beasts he intends to buy;

and that he has Land sufficient to graze the same for 3 Months, over and above his present Stock.

Months; and that it may appear no more Beasts were bought than were contained in such Certificate, every such Person shall, upon bringing any Cattle into any Parish or Place, bought in pursuance of such Certificate, produce and shew the said Certificate to an Inspector, Churchwarden, or Overseer of the Poor, if any there be, of such Parish or Place, and shall at the same Time acquaint such Inspector, Churchwarden, or Overseer, with the Place where, and the Name of the Person of whom, such Beasts were purchased; and the said Inspector, Churchwarden, or Overseer, is hereby required to mark on the Back of the said Certificate, the Number of Beasts so brought into any Parish or Place, and the Place where, and the Name of the Person of whom such Beasts were purchased, and the Day when such Certificate was so produced; and if any Person or Persons (Butchers or others buying Fat Cattle for immediate Slaughter excepted as aforesaid) shall, from and after the said First Day of June, One thousand seven hundred and fifty seven, buy any Ox, Bull, Cow, Calf, Steer, or Heifer, without previously obtaining such Certificate, or shall buy more than the Number contained in the same, or shall not produce the said Certificate to an Inspector, Churchwarden, or Overseer of the Poor, every such Person shall, for every Beast bought contrary to the true Intent and Meaning hereof, forfeit and pay the Sum of Five Pounds; the said Penalty to be levied, adjudged, recovered, applied, and disposed of, as is herein after directed.

On bringing home the Cattle, the Certificate is to be produced to the Inspector, &c. of the Parish,

who is to indorse thereon the Number of Beasts, and where, and of whom bought, and when the Certificate was produced.

Buyer not conforming hereto, forfeits 5 l.

Provided always, That no Cattle shall be deemed to be bought by virtue of such Certificate, unless the same are purchased within One Month from the Date thereof.

Certificate not good, unless the Cattle be purchased within a Month after the Date.

And be it further enacted by the Authority aforesaid, That when and as often as any Cattle shall be stopped for want of a proper Certificate, the Constable or other proper Officer of the Township or Parish where the said Cattle shall be so stopped, shall cause such Cattle, with all convenient Expedition, to be driven back to the next Constablewick from whence they last came, and shall give Notice thereof to the Constable or other proper Officer of such next Constablewick, who shall, and he is hereby required to receive the said Cattle, and to cause the same to be driven through his Constablewick, to the next Constablewick from whence such

Where Cattle are stopt for want of a Certificate, they are to be driven back to the Place from whence they set out;

Cattle were driven, the Constable or other Parish Officer whereof shall receive the same as aforesaid, and so from Constablewick to Constablewick, until such Cattle shall arrive at the First Township or Place in the said County, Riding, Division, or Liberty, through which they were suffered to pass, without a proper Certificate, they shall be treated in such and the like Manner as Cattle which have been within One Mile of an infected Place are by this Act, or by any of His Majesty's Orders of Council, deemed to be treated.

and are to be treated as Cattle which have been within a Mile of an infected Place.

And whereas there are no such Officers as Overseers of the Poor, and Churchwardens, in that Part of Great Britain called Scotland; Therefore, in order to carry this Act in that Part of the United Kingdom into Execution, be it enacted by the Authority aforesaid, That all Matters and Things appointed to be done and executed by the Overseers of the Poor, and Churchwardens, in that Part of Great Britain called England, shall, in Scotland, be done and executed by the Constables, or other Officers, to be appointed by the Justices of the Peace for that Purpose, at their respective Quarter Sessions or Adjournment thereof.

In *Scotland* Constables are to execute the Powers, &c. vested in the Churchwardens;

And in order to make Provision in that Part of the United Kingdom called Scotland, for any Expence that may attend the Execution of this Service, be it enacted by the Authority aforesaid, That it may be lawful for the Commissioners of the Land Tax, and they are hereby impowered to assess their respective Counties, in a Sum not exceeding Fifty Pounds for each County, to be levied and collected in the same Proportions, and according to the same Rules, with the Land Tax; and which Sum the respective Collectors of the Land Tax for each County are hereby required to collect and issue, by Order of the respective Justices of the Peace, or the major Part of them, assembled at the Quarter Sessions or Adjournment thereof.

and the Commissioners of the Land Tax are to assess their respective Counties to defray the Expence of such Service.

Method of Recovery of pecuniary Penalties.

And it is hereby further enacted, That whersoever any Person shall, for any Offence to be hereafter committed against any Law now in being relating to the preventing the Spreading of the Distemper which now rages amongst the Horned Cattle in this Kingdom, be liable or subject to pay any pecuniary Penalty or Sum of Money, upon Conviction, before any Justice or Justices of the Peace, it shall and may be lawful for any other Person whatsoever, either to proceed to recover the said Penalty, by Information and Conviction, before any Justice

stice or Justices of the Peace, in such Manner as is directed by this Act, or to sue for the same by Action of Debt, or on the Case, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed, and wherein the Plaintiff, if he recovers, shall likewise have his Double Costs.

Plaintiff recovering intitled to Double Costs.

Provided, That all Suits and Actions to be brought by virtue of this Act, shall be brought before the End of the next Term after the Offence committed; and that no Offender against any of the Laws now in being for the preventing the Spreading of the Distemper which now rages amongst the Horned Cattle, shall be prosecuted Twice for the same Offence.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That all the Commissioners of the Land Tax, and Rectors or Vicars who are rated to the Land Tax for One hundred Pounds per Annum, shall, in their respective Parishes, and they are hereby impowered to grant Certificates of Health for Cattle, in as full and ample Manner, as any Justice or Justices of the Peace are impowered in any Manner whatsoever to do; for which said Certificates no Fee or Reward whatsoever shall be taken.

Commissioners of the Land Tax, and Rectors, and Vicars, rated for 100*l. per Ann.* are to grant Certificates of Health for Cattle.

And be it further enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and fifty seven, all Persons whatsoever taking upon them to grant Certificates in pursuance of this Act, or His Majesty's Orders relating thereto, shall set forth in every such Certificate by virtue of what Office he grants such Certificate, whether as Justice of the Peace for any County, City, or Borough, Commissioner of the Land Tax, or otherwise; and in case any Person shall neglect so to do, such Person shall, for every such Offence respectively, forfeit and pay the Sum of Ten Pounds of lawful Money of Great Britain, for every such Neglect, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, with Full Costs of Suit, wherein no Essoin, Privilege, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Persons granting Certificates, are to set forth therein their Office, on Penalty of 10*l.*

And be it further enacted by the Authority aforesaid, That the Justices of the Peace within their respective Divisions, at their Petty Sessions, or the major Part

Justices at their Petty Sessions to appoint Inspectors.

Part of them then and there assembled, within that Part of Great Britain called England, shall have full Power and Authority to appoint any Person or Persons to be Inspector or Inspectors of any Houses, Buildings, Grounds, Fields, and Cattle, within their said Divisions, to be Assistant to the Constables, Churchwardens, and Overseers of the Poor, in such Manner as the Justices of the Peace, at their General Quarter Sessions, are by His Majesty's said Order in Council, dated the Second of March, One thousand seven hundred and forty seven, impowered to do.

Certificates are not necessary where the Buyer and Seller live within 5 Miles of each other;

Provided, That no Seller or Buyer of any such Cattle shall be obliged to take out either of the said Certificates, where both the Seller and Buyer live in the same Parish, or in the next adjacent Parish or Place, or within Five Miles Distance of each other.

provided the other Regulations prescribed are complied with.

Provided, That the Seller of such Cattle has been in the Possession of the Cattle so to be sold Forty Days at the least before such Sale, and so as the Buyer keeps the said Cattle Three Months at the least, from the Time he purchases the same, and so as the Distemper that now rages amongst the Horned Cattle in this Kingdom, be not within the Space of Ten Miles of the Seller's Abode, and that the Seller and Buyer live in the same County; any thing in this Act to the contrary notwithstanding.

And whereas the Magistrates of some Corporations situated within Counties at large, have in some Places presumed to hold Fairs and Markets for the Sale of Horned Cattle, when the Justices of the Peace for the County at large have prohibited Fairs and Markets to be holden in the said County, which in a great Measure frustrates the said Prohibition, and occasions many Disputes; be it therefore further enacted by the Authority aforesaid, That from and after the said First Day of June, in the Year of our Lord One thousand seven hundred and fifty seven, where the Justices of the Peace for any County at large have already, or shall hereafter think proper to prohibit Fairs and Markets to be holden for the Sale of Horned Cattle, within such County, such Prohibition shall be deemed and taken to extend to all Corporations within such County; or surrounded by or lying contiguous to such County, any Charter, Privilege, or Exemption, to the contrary notwithstanding; and in case any such Magistrate shall proclaim or give Notice, or cause to be proclaimed or

The Prohibition of the Justices for the County at large, to hold Fairs or Markets for Sale of Horned Cattle, is to extend to all Corporations within, or contiguous to, such County;

Notice to be given, of any Fair or Market for Horned Beasts, or shall wilfully and knowingly permit any Horned Beasts to be brought into or sold at any Fair or Market within his Jurisdiction, during such Prohibition as aforesaid, such Magistrate shall forfeit and pay the Sum of One hundred Pounds of lawful Money of Great Britain, to any Person who shall sue for the same in any of His Majesty's Courts of Record at Westminster; wherein no Essoin, Privilege, Protection, Wager of Law, or more than One Imparlance shall be allowed.

and Magistrates offending against such Prohibition, forfeit 100 *l.*

And be it further enacted, That from and after the First Day of June, One thousand seven hundred and fifty seven, no Justice of the Peace, or other Magistrate of any Corporation, or Commissioner of the Land Tax for such Corporation, or Rector or Vicar within any Corporation, shall certify for any Horned Beast but such as have been kept within his Jurisdiction for the Time required by Law, nor for the Hide of any Beast but such as have been slaughtered within his Jurisdiction; any thing in any former Act to the contrary notwithstanding: And in case any such Magistrate shall take upon him to grant Certificates, otherwise than as aforesaid, such Magistrate shall forfeit and pay the Sum of Twenty Pounds of lawful Money of Great Britain, for every Certificate so granted, to any Person or Persons that shall sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, with Full Costs of Suit, wherein no Essoin, Privilege, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Beast or Hide is to be certified for, which has not been the legal Time, &c. within the Jurisdiction of the Person granting the same.

Magistrate granting a Certificate otherwise, forfeits 20 *l.*

Be it further enacted by this Act, That it shall and may be lawful for any Four or more of the Justices of the Peace, of any County within this Realm, at their General Quarter Sessions, or any Adjournment thereof, upon Information given to them that the said Distemper is in any neighbouring County, to prohibit for a certain Time, or until the Distemper shall cease in such County, any Ox, Bull, Cow, Calf, Steer, or Heifer, from being driven or removed, or any Hides, Skins, or Flesh carried from such County, or from any Hundred, Lathe, Wapentake, Rape, Ward, or other Division of such County so infected, into the County so making such Order; and in case any Person shall act contrary to such Order, such Person shall incur

Upon Information that the Distemper is in a neighbouring County, the Justices may prohibit the Removal of Cattle or Hides from thence.

cur the Penalties and Forfeitures enacted against Persons driving Cattle without Certificates.

Persons sued on this Act, may plead the General Issue.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing done in Pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in Pursuance and by Authority of this Act, or of some Rule, Order, or Regulation, made or to be made, in Pursuance of this Act; and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be Nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared; or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as the Defendant or Defendants hath or have in other Cases by Law.

Treble Costs.

Continuance of the Act.

And be it further enacted by the Authority aforesaid, That this Act shall continue and be in Force until the Twenty ninth Day of September, One thousand seven hundred and fifty seven, and from thence to the End of the then next Session of Parliament.

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FINIS.