ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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C A P. CVII.

An Act to prevent, until the First Day of *September* One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals. [4th *September* 1848.]

WHEREAS a contagious or infectious Disorder, known or described as the Sheep Pox or Variola Ovina, now prevails among the Sheep in some Parts of the United Kingdom, and it is necessary to take Measures to prevent such Disorder from spreading: Be it therefore enacted by the Queen'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 in case any Sheep or Lambs infected with or labouring under the said Disorder, or any Disorder of the like Nature, be exposed or offered for Sale, or be brought or attempted to be brought for the Purpose of being so exposed or offered for Sale, in any Market, Fair, or other open or public Place where other Animals are commonly exposed for Sale, then and in any such Case it shall be lawful for any Clerk or Inspector or other

Infected Sheep exposed for Sale may be seized and destroyed, together with Pens, Hurdles, &c.

other Officer of such Fair or Market, or for any Constable or Policeman, or for any other Person authorized by the Mayor, or by any Two Justices of the Peace having Jurisdiction in the Place, or for any Person authorized or appointed by Her Majesty in Council, to seize the same, and to report such Seizure to the Mayor or any Justice of the Peace having Jurisdiction in the Place; and it shall be lawful for such Mayor or Justice either to restore the same, or to cause the same, together with any Pens, Hurdles, Troughs, Litter, Hay, Straw, or other Articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of in such Manner as he shall deem proper, or as may be directed in manner herein-after provided; and any Person bringing or attempting to bring any Sheep, Lambs, Oxen, Bulls, Cows, Calves, or other horned Cattle, into any such Market, Fair, or open or public Place as aforesaid, knowing such Sheep, Lambs, or Cattle to be infected with or labouring under either of such Disorders as aforesaid, shall, upon Conviction thereof, forfeit and pay for each and every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Parties exposing Cattle for Sale, knowing them to be diseased.

II. And be it enacted, That if any Person turn out, keep, or depasture any Sheep or Lambs infected with or labouring under the said Disorder in or upon any Forest, Chase, Wood, Moor, Marsh, Heath, Common, waste Land, open Field, Road Side, or other undivided or uninclosed Land, such Person shall, on Conviction thereof, forfeit and pay any Sum not exceeding Twenty Pounds.

Penalty on Persons depasturing diseased Sheep, &c.

III. And whereas it is expedient for the Preservation of the public Health to make more effectual Provision for preventing the Exposure for Sale of any Meat unfit for Human Food: Be it enacted, That if any Meat unfit for Human Food be exposed or offered for Sale in any Market, Fair, or other open or public Place, it shall be lawful for such Clerks, Inspectors, Constables, Policemen, or other Persons authorized as aforesaid to seize the same, and to report such Seizure to such Mayor or Justice as aforesaid; and such Mayor or Justice may either order the same to be restored, or to be destroyed or otherwise disposed of as aforesaid; and any Person publicly exposing or offering such Meat for Sale shall, upon Conviction, forfeit and pay for each and every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Persons exposing for Sale Meat unfit for Human Food.

IV. And for the more effectually preventing the spreading of contagious or infectious Disease, be it enacted, That it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any Two or more of them, from Time to Time to make such Orders and Regulations as to them may seem necessary for the Purpose of prohibiting or regulating the Removal, to or from such Parts or Places as they may designate in such Order or Orders, of Sheep, Cattle, Horses, Swine, or other Animals, or of Meat, Skins, Hides, Horns, Hoofs, or other Parts of any Animals, or of Hay, Straw, Fodder, or other Articles likely to propagate Infection; and also for the Purpose of purifying any Yard, Stable, Outhouse, or other Place, or any Waggons, Carts, Carriages, or other Vehicles; and also for the Purpose of directing how any Animals dying in a diseased State,

Privy Council may make Regulations as to Removal of Sheep, &c.;

as to purifying Yards, Stables, &c.;

as to Disposal of Animals dying

or

or any Animals, Parts of Animals, or other Things seized under the Provisions of this Act, are to be disposed of; and also for the Purpose of causing Notices to be given of the Appearance of any Disorder among Sheep, Cattle, or other Animals, and to make any other Orders or Regulations for the Purpose of giving Effect to the Provisions of this Act, and again to revoke, alter, or vary any such Orders or Regulations; and all Provisions for any of the Purposes aforesaid in any such Order or Orders contained shall have the like Force and Effect as if the same had been inserted in this Act; and all Persons offending against the same shall for each and every Offence forfeit and pay any Sum not exceeding Twenty Pounds, or such smaller Sum as the said Lords or others of Her Majesty's Privy Council may in any Case by such Order direct.

in an infected State; and as to giving Notice of Appearance of Disease, &c. Penalty for offending against the same.

V. And be it enacted, That all Orders and Regulations made under the Authority of this Act shall, within Fourteen Days after the issuing thereof, be twice published in the *London Gazette*; and in case such Orders or Regulations apply to any particular Places or Districts, then the same shall also be twice published, within Fourteen Days as aforesaid, in some Newspaper or Newspapers circulating in the County or Counties within which each of such Places or Districts, or any Part or Parts thereof respectively, is or are situated.

Orders, &c. to be published in Gazette, and in Country Newspapers;

VI. And be it enacted, That a Copy of every such Order or Orders shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if Parliament be not then sitting, then within Six Weeks after the Commencement of the then next Session of Parliament.

and to be laid before Parliament.

VII. And be it enacted, That in case any Person wilfully obstruct or impede any Person acting under the Authority of this Act, or of any Order or Regulation made in pursuance of this Act, every Person so offending, and all others aiding and assisting therein, shall and may be seized and detained by such Person so acting under the Authority of this Act as aforesaid, or any Person or Persons he may call to his Assistance, until such Offender or Offenders can be conveniently taken before some Justice of the Peace having Jurisdiction in the County or Place wherein such Offence shall be committed, and when convicted before such Justice as aforesaid (who is hereby authorized and required, upon Complaint to him upon Oath, to take cognizance thereof, and to act summarily in the Premises,) shall, in the Discretion of such Justice, forfeit any Sum not exceeding Five Pounds, and in default of Payment thereof shall and may be imprisoned for any Term not exceeding Two Calendar Months, unless the Amount of the Penalty shall have been sooner discharged.

Penalty for obstructing Persons in the Execution of this Act.

VIII. And be it enacted, That every Penalty or Forfeiture imposed by this Act may be recovered by summary Proceeding before Two Justices; and upon the Exhibition of any Information in Writing before any Justice such Justice shall issue a Summons requiring the Party complained against to appear before Two Justices having Jurisdiction, at a Time and Place to be named in such Summons; and

Penalties to be summarily recovered before Two Justices.

and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate, at his last or usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the Service of such Summons, it shall be lawful for any Two Justices having Jurisdiction to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay such Penalty as may seem fit, and not greater than the Penalty or Forfeiture specified in this Act, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

IX. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices, or either of them, or any other Justice having Jurisdiction as aforesaid, shall issue their or his Warrant of Distress accordingly.

In default of Distress, Justices may commit the Offender to Prison.

X. And be it enacted, That it shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day being not more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Distress, how to be levied.

XI. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expenses of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

XII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in

in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Application of Penalties.

XIII. And be it enacted, That all Penalties and Forfeitures recovered under this Act shall be applied as follows; one Half thereof shall be paid to the Person who shall sue or proceed for the same, and the other Half to Her Majesty's Use, and shall be paid to the Sheriffs of the County, City, or Town where the same shall have been imposed, and shall have been duly accounted for by him; and that all Convictions before Justices, and all Fines, Forfeitures, or Penalties imposed in consequence of such Convictions, shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.*

Convictions to be returned to Quarter Sessions under 3 G. 4. c. 46.

Penalties to be sued for within Two Months after Commission of Offence.

XIV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Two Months next after the Commission of such Offence.

Penalty on Witnesses making default.

XV. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined on Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Proceedings not to be quashed for Want of Form, nor removed by Certiorari.

XVI. And be it enacted, That no Warrant of Commitment consequent upon any summary Conviction under this Act shall be held void by reason of any Defect in such Warrant, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same; nor shall any Conviction, Order, or other Proceeding in pursuance of this Act be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Parties aggrieved may appeal to Quarter Sessions, on giving Security.

XVII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months

next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court may make such Order as they think reasonable.

XVIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

If Suit brought on account of Seizure, and the Judge shall certify that there was probable Cause, Plaintiff to have 2*d.* Damages, and Defendant fined not more than 1*s.*

XIX. And be it enacted, That in case the Mayor or Justice to whom the Seizure of any Sheep, Lambs, or Cattle supposed to be infected as aforesaid, or of any Meat supposed to be unfit for Human Food, may have been reported, shall upon Inquiry order the same to be restored, and in case it appear to such Mayor or Justice that there was a probable Cause of Seizure, then and in such Case such Mayor or Justice shall grant a Certificate to the Party making the Seizure that there was such probable Cause, and in such Case the Person or Persons who made such Seizure, being a Person or Persons acting under the Authority of this Act, or of any Order made in pursuance hereof, shall not be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and in case any Action, Indictment, or other Suit or Prosecution shall be commenced and brought to Trial against any Person or Persons, being a Person or Persons acting under such Authority as aforesaid, on account of the Seizure of any Animals, Parts of Animals, Hay, Straw, Fodder, or other Articles seized as forfeited under the Provisions of this Act, or of any Order or Orders made under the Authority of the same, wherein a Verdict shall be given against the Defendant or Defendants, if the Court or Judge before whom such Information or Suit shall have been tried shall have certified on the said Record that there was a probable Cause for such Seizure, then the Plaintiff, besides the Things seized or the Value thereof, shall not be entitled to above Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant or Defendants in such Prosecution be fined above One Shilling.

Act to continue in force for Two Years.

XX. And be it enacted, That this Act shall continue in force until the First Day of *September* in the Year of our Lord One thousand eight hundred and fifty, and if Parliament be then sitting then further until the End of the then Session.

XXI. And

XXI. And be it enacted, That nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London* or their Successors, or the Lord Mayor of the said City for the Time being, nor prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being, possess, by Custom, Charter, or otherwise, for the Regulation, Management, and Control of Markets, or the Sale of infected Meat, Hides, Skins, Horns, Hoofs, or other Part of any infected Animal, or infected Hay, Straw, Fodder, or other Article, or the Lord Mayor and Court of Aldermen, or the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, under or by virtue of any Act of Parliament, did or might lawfully claim, use, or exercise. Act not to affect the Rights, &c. of the City of London

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

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