CAP. XCII.

An Act for the more effectual Prevention of Cruelty to Animals in *Scotland*.

[14th *August* 1850.]

'WHEREAS it is expedient to prevent wanton Cruelty in the Treatment of Horses, Cattle, and other domestic Animals, in *Scotland*:' 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 any Person who shall from and after the passing of this Act cruelly beat, ill-treat, over-drive, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any Animal, shall be guilty of an Offence, and shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for ill-treating, over-driving, &c. Animals.

II. And be it enacted, That every Person who shall keep or use or act in the Management of any Place for the Purpose of fighting or baiting any Bull, Bear, Badger, Dog, Cock, or other Kind of Animal, whether of domestic or wild Nature, or shall permit or suffer any Place to be so used, shall be guilty of an Offence, and every such Offender shall be liable to a Penalty not exceeding Five Pounds for every Day he shall so keep or use or act in the Management of any such Place, or permit or suffer any Place to be used as aforesaid: Provided always, that every Person who shall receive Money for the Admission of any other Person to any Place kept or used for any of the Purposes aforesaid shall be deemed to be the Keeper thereof; and every Person who shall in any Manner encourage, aid, or assist at the fighting or baiting of any Bull, Bear, Badger, Dog, Cock, or other Animal as aforesaid, shall be guilty of an Offence, and be liable for every such Offence to a Penalty not exceeding Five Pounds.

Penalty on Persons keeping Places for Bull-baiting, Dog-fighting, &c.

III. And be it enacted, That no Person shall keep or use any House or Place for the Purpose of slaughtering or killing any Horse or other Animal (which shall not be intended for Butchers Meat) without first taking out a Licence for that Purpose, which Licence every Sheriff within his own County is hereby authorized to grant, upon being satisfied that the Person applying for such Licence is a proper Person for keeping such House or Place, and upon Payment of a Sum not exceeding Five Shillings to the Sheriff Clerk for making out and recording such Licence; and a Copy of such Licence shall be recorded in the Sheriff Clerk's Books; and any Person shall at all reasonable Hours be entitled to inspect such Books, and to make any Extract relating to such Licence therefrom, upon Payment to the Sheriff Clerk of Sixpence for such Inspection and Extract; and every Person so licensed shall cause to be painted in large legible Characters on a Board to be affixed over the Gate or Door of such House or Place his or her Name, with the Words "Licensed for slaughtering Horses, pursuant to an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her Majesty Queen *Victoria*;" and any Person failing so to do shall be guilty of an Offence, and shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a farther Penalty of Five Pounds for every Day during which such Board shall not be so affixed.

Keepers of Slaughter-houses for killing Horses to be licensed.

Persons licensed to affix over Door, &c. a Board with the Words "Licensed for slaughtering Horses."

IV. And be it enacted, That every Person keeping or using or having the Management of any Place for slaughtering Horses or other Cattle (not intended for Butchers Meat) shall, at the Time of receiving any Horse or other Cattle in such Place, enter in a Book such a full and correct Description of the Colour, Marks, and Gender of such Horse or other Cattle as may clearly distinguish and identify the same; and if any such Person shall refuse or neglect to make such Entry in a clear and distinct Manner, or shall refuse or neglect to produce such Book before any Magistrate, whenever required by such Magistrate so to do, or shall refuse to allow such Book to be inspected, and Extracts to be made therefrom, at all reasonable Times, by any Constable or other Person duly authorized by such Magistrate, every such Person shall be guilty of an Offence, and be liable to a Penalty for every such Offence not exceeding Forty Shillings.

Description of Cattle received for slaughtering to be entered in a Book.

Penalty for Neglect.

V. And be it enacted, That it shall not be lawful for any Person who shall be licensed to slaughter Horses during the Time such Licence shall be in force to be licensed as a Horse Dealer,

Persons licensed to slaughter Horses not to

be licensed as Horse Dealers at same Time.

Dealer, or exercise or use the Trade or Business of a Dealer in Horses; and if any Person licensed to slaughter Horses shall while such Licence shall be in force obtain a Licence as a Horse Dealer, every such last-mentioned Licence shall be void.

Apprehension of Offender.

VI. And be it enacted, That when and so often as any of the Offences against the Provisions of this Act shall be committed, it shall and may be lawful for any Constable, upon his own View thereof, or upon the Complaint and Information of any other Person who shall declare his or her Name and Place of Abode to the said Constable, to seize and secure, by the Authority of this Act, any Offender, and forthwith, without any other Authority or Warrant, to convey such Offender before a Magistrate, to be dealt with for such Offence according to Law.

Time of preferring Complaint, and before whom and how to be disposed of.

VII. And be it enacted, That every Complaint under the Provisions of this Act shall be made within One Calendar Month after the Cause of such Complaint shall arise; and where such Complaint shall be made to the Sheriff it shall be competent to such Sheriff to proceed in and to try and to dispose of the same in the same Way and Manner, or as nearly as may be in the same Way and Manner, as any summary Criminal Case may be proceeded in, tried, and disposed of by any Sheriff in *Scotland*; and where such Complaint shall be made to a Justice of the Peace or other Magistrate, it shall be competent to such Justice or Magistrate to proceed in and to try and to dispose of the same in the same Way and Manner, or as nearly as may be in the same Way and Manner, as Justices of the Peace or other Magistrates in *Scotland* may proceed in, try, and dispose of summarily any Offence against Police, or any Breach of the Peace.

Magistrate empowered to adjudge Offender to be imprisoned or fined.

VIII. And be it enacted, That in every Case of a Conviction under this Act, where the Sum imposed as a Penalty, together with Costs (if any) awarded, by any Magistrate, for or in respect of any Offence against the Provisions of this Act, shall not be paid immediately upon the Conviction, or within such Time as the convicting Magistrate shall in the Exercise of his Discretion appoint and limit, it shall be lawful for such Magistrate and he is hereby required to adjudge the Offender to be imprisoned for any Time not exceeding Two Calendar Months, unless Payment be sooner made: Provided always, that it shall be lawful for such Magistrate, if he shall think fit, instead of imposing a pecuniary Penalty, forthwith to adjudge any such Offender to be imprisoned for any Time not exceeding Three Calendar Months.

Vehicles may be detained.

IX. And be it enacted, That whenever any Person having charge of any Vehicle or any Animal shall be taken into Custody by any Constable for any Offence against the Provisions of this Act, it shall be lawful for such Constable to take charge of such Vehicle or Animal, and deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had charge thereof, or the Owner thereof, may become liable, and for Payment of any Expenses which may have been or may be necessarily incurred for taking charge of and keeping the same; and it shall be lawful for any Magistrate before whom the Case shall have been heard to order such Vehicle or such Animal to be sold, for the Purpose of satisfying such Penalty and reasonable Expenses, in default of Payment thereof.

As to Actions.

X. And be it enacted, That no Action shall be brought against any Magistrate or other Person for anything done in pursuance or under the Authority of this Act, unless such Action shall be commenced within Two Calendar Months next after the Fact committed, and no Action shall be commenced until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to the Defender, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Agent, in which Notice the Cause of Action shall be clearly and explicitly stated, and upon the Back thereof shall be endorsed the Name and Place of Abode of the Parties so intending to sue, and also the Name and Place of Abode or of Business of such Agent, if such Notice shall have been served by such Agent.

Construction of Terms.

XI. And be it enacted, That the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The

The Word "Magistrate" shall be taken to mean a Sheriff or Justice of the Peace or other Magistrate for the County, City, Burgh, Stewartry, or other Jurisdiction in which any Offence against this Act shall be committed, or in which the Matter requiring the Cognizance of such Sheriff, Justice of the Peace, or Magistrate shall arise:

The Word "Animal" shall be taken to mean any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Hog, Pig, Sow, Goat, Dog, Cat, or any other domestic Animal:

The Word "Constable" shall be taken to mean any Sheriff Officer, Police Officer, Special Constable, Justice of Peace Constable, or any Person belonging to any Constabulary Force in any Part of the United Kingdom:

Words denoting the Singular Number shall include the Plural Number, and Words denoting the Masculine Gender shall include Persons and Animals of the Feminine Gender:

The Word "over-drive" shall also signify "over-ride."

Nothing in this Enactment to interfere with Prosecutions at Common Law.

XII. And be it enacted, That nothing contained herein shall prevent any Act which may be an Offence under this Act, but which could have been prosecuted and punished as an Offence at Common Law, or under any Act, if this Act had not passed, from being so prosecuted and punished as if this Act had not passed.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XCIII.

An Act for improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline in the Merchant Service. [14th *August* 1850.]

'WHEREAS it is expedient to make Provision for improving the Condition of Masters, Mates, and Seamen, and for maintaining Discipline, in the *British* Merchant Service:' Be it 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,

I. *Short Title.*

1. That this Act may be cited as "The Mercantile Marine Act, 1850."

II. *Interpretation.*

2. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; (that is to say,)

Number and Gender:

Words of One Number or Gender shall import all Numbers and Genders:

"Her Majesty:"

The Expression "Her Majesty" shall include Her Majesty, Her Heirs and Successors:

"Her Majesty's Dominions:"

The Expression "Her Majesty's Dominions" shall include Her Majesty's Dominions strictly so called, and all Territories under the Government of the *East India* Company, and all other Territories (if any) governed by virtue of any Charter or Licence from the Crown or Parliament of *Great Britain*:

"United Kingdom:"

The Expression "United Kingdom" shall include *Great Britain* and *Ireland*:

"Board of Trade:"

The Expression "Board of Trade" shall mean the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"Consular Officer:"

The Word "Consular Officer" shall include Consul-General, Consul, and Vice-Consul:

"Ship:"

The Word "Ship" shall include every Description of Sea-going Vessel:

"Home Trade Ship:"

The Expression "Home Trade Ship" shall include every "Ship" to which this Act applies employed in trading or going within the following Limits; (that is to say,) the Coasts of the United Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe*, between the River *Elbe* and *Brest* inclusive:

The