CAP. LXXXIII.

An Act to explain an Act of the Eighteenth and Nineteenth Years of Her present Majesty enabling Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage. [6th *August* 1860.]

'WHEREAS an Act was passed in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Forty-three, intituled *An Act to enable Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage:* And whereas Doubts have been entertained as to the Power of the Court of Chancery in *Ireland* to give such Approbation, and it is expedient that such Doubts should be removed:' 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, as follows: 18 & 19 Vict. c. 43.

The Words "Court of Chancery" in the said Act shall include Court of Chancery in Ireland.

I. In the Interpretation of the said recited Act, and for all the Objects and Purposes thereof, the Words "Court of Chancery" shall include and be taken to include the Court of Chancery in *Ireland*, and all Orders made and Approbations already given by the Court of Chancery in *Ireland*, in Cases provided for and contemplated by the said Act, shall be as valid and binding in Law as if the Words "the Court of Chancery in *Ireland*" had been expressly contained in the said Act in all Places where the Words "the Court of Chancery" are mentioned therein.

CAP. LXXXIV.

An Act for preventing the Adulteration of Articles of Food or Drink. [6th *August* 1860.]

'WHEREAS the Practice of adulterating Articles of Food and Drink for Sale, in fraud of Her Majesty's Subjects, and to the great Hurt of their Health, requires to be repressed by more effectual Laws than those which are now in force for that Purpose:' 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, as follows:

Penalty on Persons selling Articles of Food or Drink knowing the same to be injurious to Health.

As to subsequent Offences.

I. Every Person who shall sell any Article of Food or Drink with which, to the Knowledge of such Person, any Ingredient or Material injurious to the Health of Persons eating or drinking such Article has been mixed, and every Person who shall sell as pure or unadulterated any Article of Food or Drink which is adulterated or not pure, shall for every such Offence, on a summary Conviction of the same before Two Justices of the Peace at Petty Sessions in *England*, and in *Scotland* before Two Justices of the Peace in Justice of the Peace Court, or before the Sheriff Substitute of the County, or before Justices at Petty Sessions or a Divisional Justice in *Ireland*, forfeit and pay a Penalty not exceeding Five Pounds together with such Costs attending such Conviction as to the said Justices shall seem reasonable; and if any Person so convicted shall afterwards commit the like Offence it shall be lawful for such Justices to cause such Offender's Name, Place of Abode, and Offence to be published, at the Expense of such Offender, in such Newspaper or in such other Manner as to such Justices shall seem desirable.

Power to appoint Analysts.

II. In the City of *London* and the Liberties thereof the Commissioners of Sewers of the City of *London* and the Liberties thereof, and in all other Parts of the Metropolis the Vestries and District Boards acting in execution of the Act for the better Local Management of the Metropolis in *England* and *Ireland*, the Court of Quarter Sessions of every County,

County, and the Town Council of every Borough having a separate Court of Quarter Sessions, and in *Scotland* the Commissioners of Supply at their Ordinary Meetings for Counties, and Town Councils within their several Jurisdictions, may, from Time to Time for their respective City, Districts, Counties, or Boroughs, appoint and remove One or more Persons possessing competent medical, chemical, and microscopical Knowledge as Analysts of all Articles of Food and Drink purchased within the said City, Metropolitan Districts, Counties, or Boroughs, and may pay to such Analysts such Salary or Allowances as they may think fit; but such Appointments and Removals shall at all Times be subject in *Great Britain* to the Approval of One of Her Majesty's Principal Secretaries of State, and in *Ireland* to that of the Lord Lieutenant.

Protection against Articles of Food and Drink being tampered with by Purchaser.

III. On the Hearing by the Justices of any Complaint under this Act in any District, County, or Borough wherein any Analyst shall have been appointed, the Purchaser shall prove to the Satisfaction of such Justices that the Seller of the Article of Food or Drink alleged to be adulterated, or his Servants, had such Notice of the Intention of the Purchaser to have such Article analysed, and also such Opportunity of accompanying the Purchaser to an Analyst appointed by this Act, as the Justices shall think reasonable, in order to secure such Article from being tampered with by the Purchaser.

Power to Purchasers of Articles of Food and Drink to have them analysed.

IV. Any Purchaser of any Article of Food or Drink in any District, County, City, or Borough, where there is any Analyst appointed under this Act shall be entitled, on Payment to the Analyst of a Sum not less than Two Shillings and Sixpence nor more than Ten Shillings and Sixpence, to have any such Article analysed by any Analyst who may be appointed for such District, County, City, or Borough, and to receive from such Analyst a Certificate of the Result of his Analysis, specifying whether in his Opinion such Article is adulterated, and also whether it is so adulterated as to be injurious to the Health of Persons eating or drinking the same; and such Certificate duly signed by such Analyst shall, in the Absence of any Evidence to the contrary, be sufficient Evidence before the Justices or in any Court of Justice of the Matters therein certified, and the Sum so directed to be paid for such Certificate shall be deemed Part of the Costs.

Certificate of Analyst made Evidence.

Power to Justices to have Articles of Food and Drink analysed.

V. The Justices before whom any Complaint may be made under this Act may, in their Discretion, cause any Article of Food or Drink to be examined and analysed by such skilled Person as they may appoint for that Purpose, who may be required to give Evidence of the same at the Hearing of the Case; and the Expense thereof, and of such Examination and Analysis, if not paid by the Complainant or Party complained against, shall be deemed Part of the Expenses of executing this Act, but nevertheless such Expense may be ordered by such Justices to be paid by the Party so complaining or complained against, as they shall think proper.

Appeal to Quarter Sessions.

VI. Any Person who has been convicted of any Offence punishable by this Act by any Justices may appeal to the next General or Quarter Sessions of the Peace which shall be held for the City, County, Town, or Place wherein such Judgment or Conviction shall have been made, or in the Case of the Conviction having been before a Sheriff Substitute in *Scotland*, then the Appeal shall be to the Sheriff of the County, provided that such Person enter into a Recognizance within Two days next after such Conviction, with Two sufficient Sureties, conditioned to try such Appeal, and to be forthcoming to abide the Judgment and Determination of the Court at such General or Quarter Sessions, or Sheriff, and to pay such Costs as shall be by such Court awarded; and the Justices before whom such Conviction shall be had are hereby empowered and required to take such Recognizance; and the Court at such General or Quarter Sessions, or Sheriff, are hereby authorized and required to hear and finally determine the Matter of every such Appeal, and may award such Costs to the Party appealing or appealed against as they shall think proper.

Where Conviction within Six Days of Quarter Sessions, Time al-

VII. If any such Conviction or Judgment or Order of Forfeiture shall happen to be made within Six Days before any General or Quarter Sessions of the Peace shall be held for the City, County, Town, or Place wherein such Conviction shall have been made, the Person who shall think himself aggrieved by any such Conviction may, on entering into a Recognizance

Recognizance in manner and for the Purposes before directed, be at liberty to appeal either to the then next or next following General or Quarter Sessions of the Peace which shall be held for any such City, County, Town, or Place wherein any such Conviction shall have been made, on giving Six Days Notice to the Complainant of his Intention to appeal. lowed for Appeal.

VIII. Any Person who shall have been convicted by any Justices or Sheriff Substitute of any Offence punishable by this Act, in respect of the selling of any Article of Food or Drink which shall have been manufactured according to any Process patented before the passing of this Act, either by the Patentee or Owner of the Patent, or by any Person carrying on his Business or otherwise claiming under him during the Continuance of such Patent, may, instead of appealing to the General or Quarter Sessions of the Peace or Sheriff of the County, apply in Writing within Five Days after such Conviction to the Justices or Sheriff Substitute, to state and sign a Case for the Opinion of One of the Superior Courts of Law thereon, in like Manner as under the Statute of the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-three, he might have applied to the Justices to state and sign a Case, and thereupon all such Proceedings shall take place upon and in relation to such Application, and all such Provisions shall be applicable thereto as would have taken place upon and in relation thereto, and been applicable thereto, under the Provisions of the said last-mentioned Act; and in *Scotland*, for the Purposes of such Appeal, the Justices or Sheriff Substitute may state and sign a Case for the Opinion of the Court of Session, in like Manner as the Justices in *England* and *Ireland* may for the Opinion of the Superior Courts of Law under the said Act, and the Court of Session shall have in relation thereto the like Powers as the Superior Courts have under the said Act, and all the other Provisions of the said Act shall be applicable to such Appeals. Persons convicted of selling adulterated patented Article may have a Case stated for Opinion of Superior Court.

IX. In *England* the Provisions in the Nuisances Removal Act for *England*, 1855, as to Procedure, and the Provisions of the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace and of Session within* England *and* Wales *with respect to summary Convictions and Orders*, and in *Scotland* the ordinary Rules regulating the Procedure of Justices of the Peace, so far as the same are respectively applicable, shall extend and apply to Cases arising under this Act in *England* or *Scotland*; and all Monies arising from Penalties under this Act in any County, City, District, or Borough where there are Analysts appointed under this Act shall, when paid or recovered, be paid in *England* and *Ireland* to the Vestry, District Board, Commissioners, County Treasurer, or Town Council for such County, City, District, or Borough respectively, to be applied for the general Purposes of such Vestry, District Board, Commissioners, County, City, or Borough respectively, and to the Collector of Rogue Money for each County in *Scotland*. Procedure in Cases under this Act. Application of Monies.

X. All Proceedings under this Act in *Ireland* as to compelling the Appearance of any such Person or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of such Orders, and as to the Applications of Fines, Amerciaments, and forfeited Recognizances imposed or levied under this Act at Petty Sessions, shall be subject in all respects to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," as the same is amended by "The Petty Sessions Clerk (*Ireland*) Act, 1858," (when the Case shall be heard in any Petty Sessions District,) and to the Provisions of the Acts relating to the Divisional Police Offices (when the Case shall be heard in the Police District of *Dublin* Metropolis), so far as the said Provisions shall be consistent with any special Provisions of this Act; and when any Fine or Penalty is imposed at any of the Divisional Police Offices of *Dublin* Metropolis, or by the Justices in any Corporate Town, under the Provisions of this Act, such Fines and Penalties shall be paid over to the same Purposes and appropriated and applied in the same Manner as is now by Law authorized in respect of Fines and Penalties imposed at such Divisional Police Offices, or by the Justices in any such Corporate Town respectively. Proceedings in Ireland as to Complaints, &c. to be subject to Provisions of 14 & 15 Vict. c. 93. and 21 & 22 Vict. c. 100.

XI. In *Ireland* any Person who has been convicted of any Offence punishable by this Act may appeal to the next Court of Quarter Sessions to be held in the same Division of the County where the Order shall be made by any Justice or Justices in any Petty Sessions Appeal to Quarter Sessions.

District, or to the Recorder at his next Sessions where the Order shall be made by the Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town when the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case, if the Appellant sees fit, the Appeal may be made to the next succeeding Sessions to be held for such Division or Town); and it shall be lawful for such Court of Quarter Sessions or Recorder, as the Case may be, to decide such Appeal, if made in such Form and Manner, and with such Notices, as are required by the Petty Sessions Acts respectively herein-before mentioned as to Appeals against Orders made by Justices at Petty Sessions; and all the Provisions of the said Petty Sessions Acts respectively as to making Appeals and as to executing the Orders made on Appeal, or the original Orders where the Appeals shall not be duly prosecuted, shall also apply to any Appeal or like Order to be made under the Provisions of this Act.

As to Expenses of executing Act.

XII. The Expense of executing this Act shall be borne, in the City of *London* and the Liberties thereof, out of the Consolidated Rates raised by the Commissioners of Sewers of the City of *London* and the Liberties thereof, and in the rest of the Metropolis out of any Rates or Funds applicable to the Purposes of the Act for the better Local Management of the Metropolis, and in Counties out of the County Rate, and in Boroughs out of the Borough Fund, or out of the Rogue Money in Counties in *Scotland*.

Indictment or other Remedy not affected.

XIII. Nothing in this Act contained shall be held to affect the Power of proceeding by Indictment, or to take away any other Remedy against any Offender under this Act.

Interpretation of Terms.

XIV. In the Construction of this Act the Words "Articles of Food or Drink" shall (if not inconsistent with the Context or Subject Matter) include not only all alimentary Substances, whether Solids or Liquids, but also all Eatables or Drinkables whatsoever not being Medical Drugs or Articles usually taken or sold as Medicines, but this Act shall not be construed so as to affect the ordinary Reduction of the Strength of Foreign, *British*, or Colonial Spirits by Persons licensed and paying Duties under the Excise.

CAP. LXXXV.

An Act to amend Two Acts of the Seventeenth and Eighteenth Years, and of the Eighteenth Year, of Her present Majesty, relating to the Registration of Births, Deaths, and Marriages in *Scotland*. [6th *August* 1860.]

17 & 18 Vict. c. 80.
18 & 19 Vict. c. 29.

'WHEREAS it is expedient to alter and amend the Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to provide for the better Registration of Births, Deaths, and Marriages in* Scotland, and the Act passed in the Eighteenth Year of the same Reign, intituled *An Act to make further Provision for the Registration of Births, Deaths, and Marriages in* Scotland:' 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, as follows:

Certain Sections of recited Acts repealed.

I. Sections Eighteen, Nineteen, Forty-two, and Fifty-four of the first-recited Act, and Section One of the second-recited Act, are hereby repealed.

Register of Neglected Entries.

II. It shall be competent for any Person on Payment of a Fee of Five Shillings to register in a Book to be kept for the Purpose in the General Registry Office, to be called "The Register of Neglected Entries," any Birth, Death, or Marriage which shall have taken place in *Scotland* between the Thirty-first Day of *December* One thousand eight hundred and the First Day of *January* One thousand eight hundred and fifty-five: Provided always, that in order to such Registration there shall be produced to the Registrar General a Warrant to that Effect by the Sheriff of the County in which such Birth, Death, or Marriage