ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

C A P. LIX.

An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto. [9th *September* 1835.]

WHEREAS frequent Accidents arise from improperly driving Cattle, and many and great Cruelties are practised by improperly driving and conveying Cattle to, at, and from public Markets and otherwise, as well as in slaughtering and keeping and detaining the same without Food and Nourishment, to the great and needless Increase of the Sufferings of dumb Animals and to the Demoralization of the People, and whereby the Lives and Property of His Majesty's Subjects are greatly endangered and injured: And whereas it is expedient to reduce into One Act, and to alter, amend, and enlarge the Powers and Provisions of several Acts now in force relating to the cruel and improper Treatment of Cattle, and the Mischiefs arising from the driving thereof, and also to prevent as far as possible the cruel and improper Treatment of Cattle and other Animals, and to make divers Provisions in regard thereto: Be it therefore 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 the Act herein-after mentioned, (that is to say,) an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to prevent the cruel and improper Treatment of Cattle*, and so much of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for the more effectual Administration of Justice in the Office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual Prevention of Depredations on the River* Thames *and its Vicinity for Three Years*, as recites and enacts as follows, (that is to say,) " And whereas divers Places in and about the Metropolis are kept and used for the Pur-

The Act 3 G. 4. c. 71. and Part of the Act 3 W. 4. c. 19. repealed.

pose of fighting or baiting of Bears or other Animals, at which Places idle and disorderly Persons commonly assemble, to the Interruption of good Order and the Danger of the public Peace; be it therefore enacted, that any Person who shall, within Five Miles of *Temple Bar*, keep or use or shall act in the Management or conducting of any Premises or Place whatsoever for the Purpose of fighting or baiting of Bears, Cock-fighting, baiting or fighting of Badgers or other Animals, shall, on Conviction thereof before any One Justice of the Peace, forfeit any Sum not exceeding Five Pounds, and in default of immediate Payment shall be liable to be imprisoned and kept to hard Labour for any Time not exceeding Two Months, unless the said Penalty shall be sooner paid," shall be and the same are hereby severally repealed, and made null and void to all Intents and Purposes, save and except as to any Penalties or Forfeitures incurred and not recovered, and to any Offences or other Matters committed and done before the passing of this Act.

Any Person wantonly and cruelly beating or otherwise ill-treating any Cattle, &c. or improperly driving the same, whereby any Mischief shall be done, shall, upon Conviction, be fined or committed to Prison.

II. And be it further enacted, That if any Person shall from and after the passing of this Act, wantonly and cruelly beat, ill-treat, abuse, or torture any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Dog, or any other Cattle or domestic Animal, or if any Person who shall drive any Cattle or other Animal shall, by Negligence or ill Usage in the driving thereof, be the Means whereby any Mischief, Damage, or Injury shall be done by any such Cattle or other Animal, every such Offender, being convicted of any or either of the said Offences before any One Justice of the Peace for the City, Town, or County in which any such Offence shall have been committed, shall for every such Offence forfeit and pay (over and above the Amount of the Damage or Injury (if any) done thereby, which Damage or Injury shall and may be ascertained and determined by such Justice) such a Sum of Money, not exceeding Forty Shillings nor less than Five Shillings with Costs, as to such Justice shall seem meet; or the Offender shall, in default of Payment, be committed to the Common Gaol or House of Correction for the City, Town, or County in which such Offence shall have been committed, there to be imprisoned for any Time not exceeding Fourteen Days; provided that nothing in this Act contained shall prevent or abridge any Remedy by Action against the Employer of any such Offender where the Amount of the Damage is not sought to be recovered by virtue of this Act.

Persons keeping Pits for fighting Dogs or baiting Bears, &c. guilty of a Nuisance, and liable to Penalties.

III. And whereas Cruelties are greatly promoted and encouraged by Persons keeping Houses, Rooms, Pits, Grounds, or other Places for the fighting or baiting of Dogs, Bulls, Bears, or other Animals, and for fighting Cocks, and by Persons aiding or assisting therein, and the same are great Nuisances and Annoyances to the Neighbourhood in which they are situate, and tend to demoralize those who frequent such Places; be it therefore enacted, That from and after the passing of this Act, if any Person shall keep or use any House, Room, Pit, Ground, or other Place for the Purpose of running, baiting, or fighting any Bull, Bear, Badger, Dog, or other Animal (whether of domestic or wild Nature or Kind), or for Cock-fighting, or in which any Bull, Bear, Badger, Dog, or other such Animal shall be baited, run, or fought, every such Person shall be liable to a Penalty not exceeding Five Pounds nor less than Ten Shillings for every Day in which he

shall so keep and use such House, Room, Pit, Ground, or Place for any of the Purposes aforesaid: Provided always, that the Person who shall act as the Manager of any such House, Room, Pit, Ground, or other Place, or who shall receive any Money for the Admission of any Person thereto, or who shall assist in any such baiting or fighting, or Bull-running, shall be deemed and taken to be the Keeper of the same for the Purposes of this Act, and be liable to all such Penalties as are by this Act imposed upon the Person who shall actually keep any such House, Room, Pit, Ground, or other Place for the Purposes aforesaid.

The Person who shall be the Manager of such House to be deemed the Keeper.

IV. And whereas great Cruelties are practised by reason of keeping and detaining Horses, Asses, and other Cattle and Animals impounded and confined without Food frequently for many Days; for Remedy whereof, be it enacted, That from and after the passing of this Act every Person who shall impound or confine, or cause to be impounded or confined, any Horse, Ass, or other Cattle or Animal, in any Common Pound, open Pound, or close Pound, or in any inclosed Place, shall and he is hereby required to find, provide, and supply such Horse, Ass, and other Cattle or Animal so impounded or confined, daily with good and sufficient Food and Nourishment for so long a Time as such Horse, Ass, or other Cattle or Animal shall remain and continue so impounded or confined as aforesaid; and every such Person who shall so find, provide, and supply any such Horse, Ass, or other Cattle or Animal, with such daily Food and Nourishment as aforesaid, shall and may and he and they are hereby authorized and empowered to recover of and from the Owner or Owners of such Cattle or Animal not exceeding Double the full Value of the Food and Nourishment so supplied to such Cattle or Animal as aforesaid by proceeding before any One Justice of the Peace within whose Jurisdiction such Cattle or Animal shall have been so impounded and supplied with Food as aforesaid, in like Manner as any Penalty or Forfeiture, or any Damage or Injury, may be recovered under and by virtue of any of the Powers or Authorities in this Act contained, and which Value of the Food and Nourishment so to be supplied as aforesaid such Justice is hereby fully authorized and empowered to ascertain, determine, and enforce as aforesaid; and every Person who shall have so supplied such Food and Nourishment as aforesaid shall be at liberty, if he shall so think fit, instead of proceeding for the Recovery of the Value thereof as last aforesaid, after the Expiration of Seven clear Days from the Time of impounding the same, to sell any such Horse, Ass, or other Cattle or Animal, openly at any public Market (after having given Three Days public printed Notice thereof) for the most Money that can be then got for the same, and to apply the Produce in discharge of the Value of such Food and Nourishment so supplied as aforesaid, and the Expences of and attending such Sale, rendering the Overplus (if any) to the Owner of such Cattle or Animal.

Parties impounding Cattle to provide sufficient Food for them.

Remedy for the Recovery thereof.

V. And be it further enacted, That in case any Horse, Ass, or other Cattle or Animal shall at any Time so remain impounded or confined as aforesaid without sufficient daily Food or Nourishment more than Twenty-four Hours, it shall and may be lawful to and for any Person or Persons whomsoever from Time to Time and as often as shall be necessary to enter into and upon any such Common Pound, open Pound, or close Pound, or other inclosed Place in which any

Persons may enter Pounds for the Purpose of feeding Cattle.

any such Cattle or Animal shall be so impounded or confined, and to supply such Cattle or Animal with such good and sufficient Food and Nourishment during so long a Time as such Cattle or Animal shall so remain and continue impounded or confined as aforesaid, without being liable to any Action of Trespass or other Proceeding by any Person or Persons whomsoever for or by any reason of such Entry or Entries for the Purposes aforesaid.

Penalty on Parties neglecting to feed impounded Cattle.

VI. And be it further enacted, That in case any such Person who shall so impound or confine, or cause to be impounded or confined, any such Horse, Ass, or other Cattle or Animal as aforesaid, shall refuse or neglect to find, provide, and supply such daily good and sufficient Food and Nourishment to such Cattle and Animal so impounded or confined as aforesaid, he and they shall for every Day during which he or they shall so refuse or neglect to find, provide, and supply the same as aforesaid, forfeit and pay the Sum of Five Shillings; which last Sum and Sums of Money shall and may be recoverable by proceeding before any One Justice of the Peace in like Manner as herein-before provided for the Recovery of any Penalty, Forfeiture, Damage, or Injury as herein-before mentioned.

As to slaughtering Horses, &c.

VII. And whereas great Cruelty is practised by reason of diseased, old, and worn-out Horses sold or taken to Knackers or Slaughtermen for the Purpose of Slaughter, being frequently resold or compelled to work, or kept without sufficient Food; for Remedy whereof be it further enacted, That if any Person keeping or using any House or Place for the Purpose of slaughtering or killing any Horse or Cattle (which shall not be for Butcher's Meat) shall at any Time hereafter slaughter or kill any Horse or Cattle (not being for Butcher's Meat) without having previously taken out a Licence for that Purpose, and without having previously affixed over the outer Gate or Entrance from the public Highway to said licensed Premises the Board and Inscription in manner and form prescribed according to the Provisions of an Act of Parliament passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for regulating Houses and other Places kept for the Purpose of slaughtering Horses*, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings, or be liable to such Punishment as in the said Act is provided.

26 G.3. c. 71.

Horses to be slaughtered within Three Days after Purchase, and in the meantime to be provided with Food.

VIII. And be it further enacted, That every Person so keeping or using any House or Place for the Purpose of slaughtering or killing Horses or other Cattle shall kill and slaughter every such Horse or Cattle within Three Days next after such Horse or other Cattle shall have been purchased by or brought and delivered to him, or any Person in his Service or Employ, for the Purposes of Slaughter as aforesaid, and shall also in the meantime, and until such Horse or other Cattle shall have been so slaughtered, find and provide such Horse or other Cattle with good and sufficient daily Food and Nourishment, and shall also, at the Time of receiving such Horse or Cattle for the Purposes aforesaid, enter in the Book which by the said Act of the Twenty-sixth of *George* the Third is required to be kept by such Person for the Purposes in the said Act mentioned, a correct Description of the Colour and Gender of the Horse so purchased by or delivered to him for the Purposes aforesaid, with the Date of receiving the same; and if any such Horse or other Cattle so received

for

for the Purpose of being slaughtered as aforesaid shall be employed in any Manner of Work, or shall not be supplied with good and sufficient Food during the Time he shall survive, every such Person so receiving every such Horse or other Cattle shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Five Shillings for every Day on which such Offence shall be committed or continued.

Any Constable or Peace Officer, or the Owner of any Cattle, may seize Offenders.

IX. And, for the more easy and effectual Apprehension of all Offenders against this Act, be it further enacted, That when and so often as any of the said Offences shall happen it shall and may be lawful to or for any Constable or other Peace Officer, or for the Owner of any such Cattle or Animal, upon View thereof, or upon the Information of any other Person (who shall declare his, her, or their Name or Names and Place or Places of Abode to the said Constable or other Peace Officer), to seize and secure by the Authority of this Act, and forthwith and without any other Authority or Warrant to convey any such Offender before any One Justice of the Peace within whose Jurisdiction the Offence shall have been committed, to be dealt with according to Law, and such Justice shall forthwith proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching any such Offence (which Oath the said Justice is hereby authorized and empowered to administer).

As to Names of Offenders.

X. And be it further enacted, That if any Person who shall be apprehended for having committed any Offence against this Act shall refuse to discover his Name and Place of Abode to the Justice before whom he shall be brought, such Person refusing shall immediately be delivered over to a Constable or other Peace Officer, and shall by him be conveyed to the Common Gaol or House of Correction for the City, Town, or County within which the Offence shall have been committed, or in which the Offender shall have been apprehended, there to remain for a Space not exceeding One Calendar Month, or until he shall make known his Name and Place of Abode to the said Justice.

Limitation as to summary Proceedings.

XI. And be it further enacted, That the Prosecution of every Offence punishable under this Act shall be commenced within Three Calendar Months next after the Commission of the Offence, and not otherwise; and the Evidence of the Party complaining shall be admitted in Proof of the Offence, and also the Evidence of any Overseer or Inhabitant of the Parish in which the Offence shall have been committed, notwithstanding any Forfeiture or Penalty incurred by the Offence may be payable to the Overseers of the Poor of such Parish.

As to Convictions.

XII. And be it further enacted, That in every Case of a Conviction under this Act, where the Sum which shall be awarded for the Amount of the Damage or Injury done, or which shall be imposed as a Penalty by any such Justice as aforesaid for any Offence contrary to this Act, shall not be paid either immediately upon or after the Conviction, or within such Period as such Justice shall at the Time of the Conviction appoint, it shall be lawful for such Justice (unless where otherwise specially directed) to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of such

Justice, for any Term not exceeding Fourteen Days, where the Amount of the Sum awarded, or the Penalty imposed or both (as the Case may be), together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Two Calendar Months where the Amount, with Costs, shall exceed Five Pounds; the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Sum or Sums awarded and Costs.

Mode of proceeding for Penalties, &c.

XIII. And be it further enacted, That it shall be lawful for any One such Justice as aforesaid, in all Cases in which no other Mode of proceeding is specially provided or directed by this Act, or in any Case where any Person shall not be conveyed before any Justice by the Authority of this Act, upon Information or Complaint made by any Person of any Offence against the Provisions of this Act, within Fourteen Days next after the Commission of any such Offence to summon the Party accused to appear before such Justice, or before any other Justice of the Peace, at a Time and Place to be by him named; and either on the Appearance of the Party accused or in default thereof it shall be lawful for such Justice or any other Justice, at the Time and Place to be appointed for such Appearance, to proceed to examine into the Matter, and upon due Proof made thereof by voluntary Confession of the Party, or by Oath of One or more credible Witness or Witnesses, to award, order, give Judgment, or convict for the Damage or Injury, Penalty or Forfeiture, as the Case may be.

Form of Conviction.

XIV. And be it further enacted, That in every Case where there shall be a Conviction for any Offence contrary to this Act the same shall be drawn or made out according to the Form following, or to the Effect thereof, or as near thereto as the Case shall require; (*videlicet*,)

'County [*or as the Case may be*] of } BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or as the Case may be*] of *A. B.* is convicted before me *J. P.*, one of His Majesty's Justices of the Peace for the said County [*or as the Case may be*], for that he the said *A. B.* on the Day of in the Year at in the said did [*here specify the Offence, and on a Second Conviction state the First,*] and I the said *J. P.* do adjudge the said *A. B.* for his said Offence to forfeit and pay the Sum of [*here state the Penalty actually imposed, or the Penalty and also the Amount of the Injury done, or as the Case may be*], and also to pay the Sum of for Costs, and in default of immediate Payment of the said Sums to be imprisoned in the [*or, in case of a Second or subsequent Conviction*, to be there kept to hard Labour] for the Space of unless the said Sums shall be sooner paid; and I direct that the said Sum of [*the Penalty*] shall be paid as follows; that is to say, one Moiety thereof to the Overseers of the Poor of the said Parish of to be by them applied according to the Directions of the Statute in that Case made and provided, and the other Moiety thereof to *C. D.* of [*the Prosecutor, or as the Case may be*]; and that the said Sum of [*the Sum for the Amount of Injury done, if any Sum is awarded,*] shall be paid to *E. F.* [*or* the said *C. D., as the Case may be*]; and I order that the said Sum of for Costs shall be paid to the said *C. D.*

'Given

'Given under my Hand and Seal the Day and Year first above 'mentioned.'

Service of Justice's Summons.

XV. And be it further enacted, That any Summons issued by any such Justice requiring the Appearance of any Defendant against any of the Provisions of this Act, shall be deemed and taken to be well and sufficiently served in case either the Summons or Copy thereof be served personally on such Person as aforesaid, or be left at his usual or last known Place of Abode, in whatever County the same may be so served or left.

Penalty on Constable refusing or neglecting to serve Summons, &c.

XVI. And be it further enacted, That if any Constable or other Peace Officer shall refuse or neglect to serve or execute any such Summons or Warrant granted or issued by any Justice of the Peace pursuant to any of the Provisions of this Act, every such Constable or Peace Officer so offending, and being convicted thereof upon the Information of any Person before any Justice of the Peace, shall forfeit any Sum not exceeding Five Pounds as shall be awarded by such Justice, and in default of Payment thereof shall be committed by such Justice to the County Gaol or House of Correction of the City, Town, or County in which such Justice has Jurisdiction, there to be kept for the Space of Time not exceeding One Calendar Month, unless such Penalty shall be sooner paid.

Distribution of Penalties, &c.

XVII. And be it further enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the Provisions of this Act shall respectively be divided, paid, and distributed in the following Manner; (that is to say,) one Moiety thereof to the Overseers of the Poor of the Parish in which any of the Offences aforesaid shall have been committed, to be by such Overseers applied in aid of the Rates of their respective Parishes, and the other Moiety thereof, with full Costs, to the Person who shall inform and prosecute for the same, or to such other Person as to such Justice shall seem fit and proper; and that all and every Sum or Sums of Money which shall or may be ascertained, determined, adjudged, and ordered by any Justice of the Peace, under the Authority of this Act, to be paid as the Amount of any Damage or Injury occasioned by the Commission of any of the Offences herein-before mentioned, shall be paid to the Person who shall or may have sustained such Damage or Injury according to the Order or Determination, and at the Discretion of any such Justice.

Informants or Complainants not disqualified.

XVIII. And be it further enacted, That upon the hearing of any Information or Complaint exhibited or made under any of the Provisions of this Act, any Person giving or making such Information or Complaint, or other Person, shall be deemed and is hereby declared to be a competent Witness, notwithstanding he may be entitled to any Part of the pecuniary Penalty, on the Conviction of any Offender, upon any such Information or Complaint as aforesaid.

Limitation of Actions.

XIX. And be it further enacted, That all Actions and Prosecutions which may be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act shall be commenced within One Calendar Month next after the Fact committed, and not afterwards, and shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and Notice in Writing of any such Action, and specifying

cifying the Cause thereof, shall be given to the Defendant Fourteen clear Days at least before the Commencement of any such Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from or in respect of any Matter or Thing done in pursuance and by the Authority of this Act, or if any such Action shall be brought after the Expiration of One Calendar Month, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become Nonsuit, or shall discontinue any such Action, or if, on Demurrer or otherwise, Judgment shall be given against him, the Defendant shall recover his full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as every Defendant may have for Costs of Suit in other Cases at Law; and although a Verdict shall be given for the Plaintiff in any such Action such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action and of the Verdict obtained thereon.

Parties dissatisfied with Adjudication of any Justice may appeal to Quarter Sessions.

XX. And be it further enacted, That in case any Person shall consider himself aggrieved by any Adjudication or Conviction made by any Justice of the Peace under the Authority of this Act, such Party shall and may appeal against such Adjudication or Conviction on giving Fourteen Days Notice of such Appeal, and the Cause and Matter thereof, to such Justice, to the next Quarter Sessions to be held next after the Expiration of the said Fourteen Days in or for the Town, City, Riding, County, or Division within which such Adjudication or Conviction shall have been made; and such Court of Quarter Sessions shall hear and determine the said Appeal, and award to the Party appealing against or supporting such Adjudication or Conviction such Costs as to them shall seem reasonable.

Construction of Terms used in this Act.

XXI. And in order to avoid the Repetition, and to prevent any Misconstruction of the Terms and Expressions used in this Act, be it further enacted, That whenever in this Act, with reference to any Person, Cattle, Animal, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine or Feminine Gender only, yet such Word or Words shall be understood to include several Persons or Animals as well as One Person or Animal, and Females as well as Males, and several Matters or Things as well as One Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that where the Word "Cattle" is used alone in this Act the same shall be understood and taken for any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, or Lamb, or any other Cattle or domestic Animal.

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