

ANNO QUINTO
GULIELMI IV. REGIS.

No. I.

CATTLE
SLAUGHTERING.

An Act for regulating the slaughtering of Cattle.
[4th July, 1834.]

Preamble.

11 Geo. IV. No. 4.

Slaughtering-houses
or places to be
licensed.

Penalty for
slaughtering without
license.

Licenses to be applied
for in the month of
August next to the
nearest Bench of
Justices.

Fee.

Proviso.

Bench of Justices to
grant licenses at any
meeting.

WHEREAS an Act was passed by the Governor of New South Wales with the advice of the Legislative Council in the eleventh year of the reign of His late Majesty King George the Fourth intituled "*An Act for regulating the slaughtering of Cattle and for preventing the improper driving of the same through the Streets of Sydney and for other purposes*" And whereas the said recited Act has been continued by two several Acts of the Governor with the advice of the Legislative Council passed in the second and fourth years of the reign of His present Majesty respectively but will expire on the thirty-first day of August in this present year one thousand eight hundred and thirty-four And whereas it is expedient to continue such of the provisions of the said recited Act as relate to the slaughtering of Cattle and to amend the same Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council That from and after the said thirty-first day of August one thousand eight hundred and thirty-four no person shall keep a slaughter-house or place for slaughtering cattle intended for sale or barter or for shipping without being duly licensed and that if after the said thirty-first day of August one thousand eight hundred and thirty-four any person or persons shall slaughter or cause to be slaughtered any cattle as aforesaid in any house or place not licensed as directed by this Act such person or persons shall forfeit and pay the sum of ten pounds for each and every head of cattle so slaughtered.

2. And be it further enacted That any person or persons who may be desirous of obtaining a license for a slaughter-house or place for slaughtering cattle shall on some day in the said month of August next apply for the same in writing to the Bench of Justices of the Peace nearest to his her or their usual place of residence and such Bench of Justices two or more being present if they be satisfied that such applicant or applicants is or are of unexceptionable character shall issue and deliver to the person or persons so applying a license under the hands of any two of them in manner and form hereinafter set forth to be in force until the thirty-first day of December next the person or persons so applying paying into the hands of the Clerk of the said Bench of Justices the sum of two shillings and sixpence for every such license Provided always that every such application for a license shall particularly specify and describe the house or place intended to be so licensed and that the Justices shall consider that the situation of such house or place shall not be objectionable.

3. And be it further enacted That it shall and may be lawful for any Bench of Justices two or more being present to grant in manner as aforesaid a license for a slaughter-house or place for slaughtering cattle within the district of such Bench to any unexceptionable person

Cattle Slaughtering.

person who may or shall apply for the same at any meeting of such Bench and such license shall remain in force until the thirty-first day of December following.

4. And be it further enacted That it shall be lawful for His Excellency the Governor to appoint or cause to be appointed within the towns of Sydney Parramatta Liverpool Windsor and Richmond Bathurst and Maitland respectively and also within such other towns or districts as the said Governor shall from time to time appoint by a notice to be published in the *Government Gazette* some persons to be called "Inspectors of Slaughter-Houses and of Cattle intended for Slaughter" and every person who shall be so appointed shall and he is hereby required and directed to repair without delay to the place or places within his district at which he shall have information of any cattle having been slaughtered or of any cattle being intended to be slaughtered and also in all cases in which notice shall have been given to him or left at his place of residence of the intention to slaughter any cattle and every such Inspector shall examine the said cattle slaughtered or so intended to be slaughtered in his district and shall take a particular description thereof with the colour mark or marks brand or brands sex and apparent age together with the name of the owner or owners thereof and of the time or place of slaughter which particulars he shall carefully enter or cause to be entered in a book to be kept by him for that purpose and which book such Inspector shall produce for examination to the Justices assembled at every Court of Quarter Sessions for his said district and for the information of any Justice or Justices within the said district whenever he shall be so required and such Inspector shall also make a weekly return to the Bench of Justices of the district of the number of cattle so slaughtered as aforesaid.

Inspectors to be appointed by the Governor

who are to be notified in the *Government Gazette*.

Duties of such Inspectors.

5. And be it further enacted That every person intending to slaughter any cattle in any town or district in which an Inspector shall be appointed as aforesaid shall first give twelve hours notice in writing to such Inspector of the cattle intended to be so slaughtered specifying the place and time under the penalty of five pounds for each and every head of cattle which shall be so slaughtered without such notice having been given thereof as last mentioned unless it shall be made to appear to the Justices before whom such fine shall be sought to be recovered that such notice could not have been given and that owing to some unforeseen accident it was necessary that such cattle should have been immediately slaughtered and in all cases in which any cattle shall have been slaughtered within any such town or district without having been previously inspected as aforesaid notice thereof shall be immediately given to the said Inspector and the skins of such cattle shall be kept or preserved for three days and be produced upon demand at the place of slaughter to the Inspector for the town or district wherein such cattle shall have been slaughtered under the penalty of five pounds for every skin so neglected to be preserved and produced.

Notice of intention to slaughter cattle to be given to the Inspectors in any town or district where such may be appointed. Penalty for default.

Except in cases of necessity when skins to be produced.

6. And be it further enacted That every keeper of a licensed house or place for slaughtering cattle excepting in any of the towns or districts for which Inspectors shall be appointed as aforesaid shall keep a book in which he or she shall enter a particular account and description of all cattle slaughtered in such house or place specifying the colour mark or marks brand or brands sex and apparent age of such cattle and if purchased containing the name of the person from whom the same shall have been so purchased and the time of slaughter and a report of all cattle slaughtered with the particulars above stated is to be transmitted monthly in writing under the hand of such keeper of each slaughter-house to the Bench of Justices of the district

Keeper of a licensed house or place in any situation where Inspectors are not appointed to keep records of all cattle slaughtered

and make returns thereof.

Cattle Slaughtering.

Penalty.

Not to extend to slaughtering cattle for family use.

Magistrates may demand the skins of cattle slaughtered or an account thereof.

Penalty.

No person shall destroy the brand upon any skin.

Penalty.

Tanners shall not purchase hides from which the brand shall be cut or defaced.
Penalty.

Justices &c. may enter licensed premises on suspicion of stolen cattle slaughtered.

Penalty for opposing entrance of Justices &c. into licensed premises.

Inspectors to receive a certain sum for inspection.

Situation of slaughter-houses.

district and if any such keeper of a licensed slaughter-house shall neglect to keep such book or record or shall make a false entry therein or shall fail or refuse to make such monthly report to the Bench of Justices of the district or to produce such book or record when so required by any Justice he or she for every such offence shall forfeit and pay a sum not exceeding five pounds.

7. And be it further enacted That nothing hereinbefore contained shall extend to any person or persons slaughtering at his her or their own residences or farms cattle for his her or their family servants or laborers.

8. And be it further enacted That it shall and may be lawful for any Justice of the Peace to demand the skins of any cattle whatsoever that may have been slaughtered within one month previous to the date of such demand or a full and satisfactory account to whom the skin has been sold or in what manner disposed of and any person or persons who upon such demand shall refuse or neglect to produce the skins of any cattle that have been slaughtered or in case the same cannot be produced to give a full and satisfactory account of how and in what manner the skins have been disposed of shall on conviction of every such offence forfeit and pay a sum not exceeding ten pounds.

9. And be it further enacted That if any person shall cut out burn or otherwise destroy or deface any brand which shall have been upon any skin or shall be in the possession of any such skin from which the brand shall have been cut or burnt or otherwise destroyed or defaced without being able to give a satisfactory account thereof every such person shall upon conviction of every such offence forfeit and pay a fine of ten pounds.

10. And be it further enacted That every tanner or other person purchasing a raw hide or skin from which any brand shall have been cut or burnt out or destroyed or otherwise defaced shall upon conviction of any such offence forfeit and pay a fine of ten pounds.

11. And be it further enacted That it shall and may be lawful from and after the said thirty-first day of August next for any Justice of the Peace Inspector or any Constable to enter any house or place licensed as aforesaid at any time of the day or night where there shall be good cause to suspect that stolen cattle have been slaughtered and to make such search and enquiry therein as shall seem necessary for the discovery of the offence and of the offender.

12. And be it further enacted That if there shall be any obstruction or hindrance given to any Justice of the Peace Inspector or Constable so as to prevent him or them or any of them from entering any premises licensed as aforesaid for the purpose of examining any cattle or skins the person or persons so offending shall be deemed and taken to be guilty of a misdemeanor and shall be dealt with accordingly as in cases of misdemeanor at common law.

13. And be it further enacted That it shall be lawful for any such Inspector appointed or to be appointed as aforesaid to ask demand and receive the sum of threepence for each and every head of cattle or skin inspected by him under the authority of this Law or Ordinance to be paid by the keeper of such licensed house or place and to be recovered before any one or more Justice or Justices of the Peace.

14. And be it further enacted That no slaughter-house or place for slaughtering cattle shall be licensed in any town unless within sixty feet of an accessible creek or river or if a sea-port on the sea-beach within a like distance of high-water mark and if not on the banks of such waters or if there should be no such waters as aforesaid within or adjoining any such town then not within the boundaries thereof.

Cattle Slaughtering.

15. And be it further enacted That for preserving cleanliness in towns and the health of persons residing therein it shall be lawful for any Justice of the Peace and for any Constable authorized and deputed by any writing under the hand of any Justice from time to time and when and as often as he or either of them shall see occasion to visit and inspect any butcher's shamble or licensed slaughter-house which may be situate within the reputed boundaries of any town and to give such directions concerning the cleansing any such shamble or slaughter-house both within and without as to him shall seem needful and any butcher and the owner or occupier of any such shamble or slaughter-house who shall obstruct or molest any Justice or Constable in the inspection thereof or who shall refuse or neglect to comply with such directions within a reasonable time shall upon the view of such Justice or on conviction on the complaint of any such Constable forfeit and pay for every such offence a sum not exceeding two pounds.

Butchers' shambles and slaughter-houses in towns may be inspected and ordered to be cleansed.

16. And be it further enacted That if any person or persons shall discharge any gun or pistol or any kind of fire-arms in any road street or market-place or in any town for the purpose or under the pretence of killing or maiming any cattle every person so offending shall upon conviction of every such offence forfeit and pay a fine not exceeding five pounds or be subject to imprisonment for a term not exceeding one month.

No fire-arms to be discharged in any town for killing cattle.

17. And be it further enacted That in all offences committed against the directions of this Act except as hereinbefore provided it shall be lawful for any Justice of the Peace to issue his summons commanding the person against whom information has been given to appear before any two or more Justices who are hereby authorized to hear and determine the case in a summary way and on conviction thereof to order and direct the offender or offenders to forfeit and pay such sum as they in their discretion shall think proper according to the limitations and provisions of this Act respectively mentioned and in case such sum so adjudged to be paid by such offender or offenders be not paid within three days it shall and may be lawful for such Justices or either of them to issue their or his warrant to levy the same by distress of the offender's goods or effects and in default of effects to commit the offender or offenders to the nearest common gaol within the said Colony for a term not exceeding three months and if any person convicted as aforesaid shall hold a license under this Act such license shall become null and void from and after the date of such conviction.

How offenders to be proceeded against.

Penalties recoverable by distress

Or imprisonment of the offenders.

18. And be it further enacted That when any offence against this Act shall be committed by a transported felon or offender such felon or offender being convicted of the said offence shall and may at the discretion of the Justice or Justices before whom such conviction shall take place be punished for the same as any transported felon or offender convicted of a misdemeanor or of disorderly conduct is liable to be punished.

Offences against this Act by convicts to be punished as a misdemeanor.

19. And be it further enacted That if any person not being a transported felon or offender convicted of any offence or offences punishable by this Act before any one or more Justice or Justices of the Peace as aforesaid shall think himself or herself aggrieved by the judgment of such Justice or Justices such person shall have liberty to appeal from any such conviction to the next Court of Quarter Sessions of the Peace which shall be held nearest to the place where such offence shall have been committed and that the execution of every judgment so appealed from shall be suspended in case the person so convicted

Offenders not convicts may appeal to Quarter Sessions

In the mean while execution of judgment suspended

Cattle Slaughtering.

On security being
given for prosecuting
appeal and abide by
the result.

convicted shall with two sufficient sureties immediately before such Justice or Justices enter into a bond or recognizance to His Majesty His Heirs and Successors in the penal sum of double the amount of the penalty so incurred or forfeited which bond or recognizance respectively such Justice or Justices is and are hereby authorized and required to take and such bond or recognizance shall be conditioned to prosecute such appeal with effect and to be forthcoming to abide the judgment and determination of the said Court of Quarter Sessions and to pay such costs as the said Court should award on such occasion and the Justices of the said Court of Quarter Sessions are hereby authorized and required to hear and determine the matter of the said appeal and to award such costs as to them shall appear just and reasonable to be paid by either party and such decision shall be final between the said parties to all intents and purposes.

Convictions not to
be quashed for want
of form or removed
to Supreme Court

Nor warrant or
commitments held
void by any defect
therein.

20. And be it further enacted That no conviction before any Justice or Justices under this Act nor any adjudication made on appeal therefrom shall be quashed for want of form or be removed by writ of *certiorari* or otherwise into the Supreme Court and no warrant or commitment shall be held void by reason of any defect therein provided it be therein alleged that the party has been convicted and that there be good and valid conviction to sustain the same.

Application of fines.

21. And be it further enacted That all fines and forfeitures levied or paid under and by virtue of this Act shall at the discretion of the Justices be paid half to the informer or a part thereof and the remaining part together with such sums as may be received for licenses under this Act be appropriated to the use of His Majesty His Heirs and Successors for the public uses of the Colony and the support of the Government thereof.

SCHEDULE REFERRED TO.

FORM OF LICENSE.

NEW SOUTH WALES.

License for slaughtering Cattle.

We the undersigned being _____ of His Majesty's Justices of the Peace for the Territory of New South Wales do certify that by virtue of the authority vested in us by an Act of the Governor and Council passed in the fifth year of the reign of His Majesty King William the Fourth intituled "*An Act for regulating the slaughtering of Cattle*" Mr. _____ is hereby licensed to slaughter Cattle in his _____ situated and being in _____ and that this license is to remain in force from the date hereof until the thirty-first day of December one thousand eight hundred and _____

Given under our hands and seals at
this _____ day of _____ one
thousand eight hundred and _____

Registered by
A. B.
Clerk to the Magistrates.