

No. XXX.

An Act to amend the Law relating to the slaughtering of Sheep Cattle and other Animals within certain Towns in the Colony of New South Wales and for the prevention and removal of certain Nuisances therein. [1st October, 1850.]

CATTLE
SLAUGHTERING.

WHEREAS by an Act of the Governor and Legislative Council of New South Wales passed in the fifth year of the reign of His late Majesty King William the Fourth intituled "An Act for regulating the slaughtering of Cattle" certain provisions were made for the licensing of slaughter houses and places for slaughtering cattle. And whereas it is expedient to alter the law in this respect in manner following. Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act no house or premises situated

Preamble.
5 Will. IV. No. 1.
limits of any city or
town not to be
licensed as a slaughter-house.

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situated within the limits or reputed limits of any city or town to which this Act may be extended as hereinafter mentioned or within the distance of one mile from the limits of such city or town shall be licensed as a slaughter house or place for slaughtering cattle anything in the said recited Act to the contrary notwithstanding Provided always that nothing herein contained shall be construed to prevent the renewal of any license already issued in pursuance of the said Act subject nevertheless to the provision hereinafter contained with respect to existing slaughter houses and places for slaughtering cattle.

Existing license may be renewed.

Where cattle may be slaughtered skinned scalded or dressed.

Penalty for offending.

After five years no license to slaughter to be issued or renewed for any city or town.

Certain businesses not to be carried on within the limits of any city or town under a penalty not exceeding £50.

Further penalty of 40s. each day.

Business of an obnoxious or unwholesome nature shall not be newly established within the limits of any city or town under a penalty not exceeding £50.

Further penalty of 40s. each day.

Justices to determine what is obnoxious or unwholesome.

Discontinuance of obnoxious trade.

Renewal of obnoxious trade.

2. And be it enacted That it shall not be lawful for any person to slaughter skin scald or dress or cause to be slaughtered skinned scalded or dressed any animal in any house or place within the limits or reputed limits of any city or town to which the provisions of this Act shall be extended as hereinafter provided other than in such slaughter houses or places for slaughtering as are now licensed and shall continue to be licensed under the provisions of the said recited Act and every person who shall so offend shall forfeit and pay on conviction for every such offence any sum not exceeding ten pounds.

3. And be it enacted That from and after the expiration of five years next after the extension of this Act to any city or town in manner hereinafter mentioned no such license shall be issued or renewed for any slaughter house or place for slaughtering which at the date of such extension may have been established and licensed within the limits or reputed limits of such city or town or within the distance of one mile therefrom.

4. And be it enacted That the business of a blood boiler bone boiler fellmonger slaughterer of horses or boiler or steamer of animals or parts of animals for extracting the tallow or fat therefrom shall not be carried on in any building or place within the limits of any city or town to which this Act shall be extended and whosoever offends against this enactment shall forfeit and pay on conviction for every such offence before any two or more Justices of the Peace in a summary way any sum not exceeding fifty pounds and a further penalty of forty shillings for each day during which the offence is continued.

5. And be it enacted That the business of a soap boiler tallow melter tripe boiler tanner or currier or any other trade or manufacture of an obnoxious or unwholesome nature dangerous to the health of the inhabitants shall not be newly established or carried on in any building or place within the limits or reputed limits of any such city or town as aforesaid and that from and after the first day of January in the year of our Lord one thousand eight hundred and fifty-six the business of a soap boiler tallow melter tripe boiler tanner or currier or other trade or manufacture as aforesaid which has been already established shall not be continued or carried on in any building or place within the limits or reputed limits of any such city or town as aforesaid and whosoever offends against this enactment shall forfeit and pay on conviction for every such offence before any two or more Justices of the Peace in a summary way any sum not exceeding fifty pounds and a further penalty of forty shillings for each day during which the offence is continued.

6. Provided always and be it enacted That if any question shall arise whether any trade or manufacture is of an obnoxious or unwholesome nature dangerous to the health of the inhabitants the same shall be determined by the Justices as incident to the case Provided also that notice in writing shall be given to the person engaged in such trade or manufacture and if he shall discontinue the same after six months after the receipt of such notice he shall not be liable to any penalty in that regard and if any person after having received such notice and discontinued such trade or manufacture shall again renew or

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or re-establish the same he shall be liable to the penalties in that regard imposed by this Act.

7. And be it enacted That if upon the certificate of any two Justices may give legally qualified medical practitioners verified on oath it shall appear notice to cleanse to any two Justices of the Peace that any shop building stall or place buildings used in kept or used for the sale of butchers' meat or as a slaughter house or any place used for carrying on the business of a soap boiler tallow melter or tripe boiler or any place used for carrying on the business of a tanner or currier or the premises occupied with the same or appurtenant thereto within the limits of such city or town is in such a filthy or unwholesome condition that the health of any person is likely to be affected or endangered thereby or that the whitewashing cleansing or purifying of any such place premises or appurtenances would tend to prevent or check infectious or contagious disease the said two Justices shall give notice in writing to the owner or occupier of such place or premises to whitewash cleanse or purify the same as the case may require and if the person to whom notice is so given fail to comply therewith within such time as shall be specified in the said notice he shall be liable to a penalty not exceeding ten pounds for every day during which he continues to make default and every such notice may be served by affixing a copy thereof on a conspicuous part of the house place or premises directed to be whitewashed cleansed or purified as aforesaid.

8. And be it enacted That whenever it shall be made to appear on oath to the satisfaction of any Justice of the Peace that there is reasonable ground for believing that any such shop building stall or place as is hereinbefore mentioned is in a filthy or unwholesome condition it shall be lawful for such Justice to grant a warrant under his hand authorizing any Inspector of Slaughter houses or any Inspector of Police or Chief Constable with such assistance as may be necessary to enter into such shop building stall or place as aforesaid in the day time and view the same and the state and condition thereof.

9. And be it enacted That the said Justices may if they shall think fit cause such slaughter houses and other places premises or appurtenances as aforesaid or any part thereof to be whitewashed cleansed or purified and the expense incurred by them in so doing shall be repaid by the owner or occupier thereof and in default of repayment shall be recoverable in the summary manner hereinafter provided for the recovery of penalties incurred under this Act.

10. And be it enacted That any Inspector or Chief Constable of the Police Force of such city or town may and they are hereby respectively empowered at all reasonable times with or without assistants to enter into and inspect any shop building stall or place kept or used for the sale of butchers' meat or as a slaughter house and to examine any animal carcass meat or flesh which may be therein and in case any animal carcass meat or flesh appear to him to be intended for the food of mankind and to be unfit for such food the same may be seized and if it appear to a Justice of the Peace upon the evidence of a competent person that any such animal carcass meat or flesh is unfit for the food of mankind he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food and the person to whom such animal carcass meat or flesh belongs or in whose custody the same is found shall be liable to a penalty not exceeding ten pounds for every animal or carcass piece of meat or flesh so found.

11. And be it enacted That every slaughter house within the limits of any such city or town shall be thoroughly washed and cleansed within one hour after any animal or animals shall be slaughtered therein and that the blood offal and filth of all such animals as may

Penalty for non-compliance.

Justice may issue warrant authorizing Inspector of Police &c. to enter and inspect buildings used in certain businesses.

Or Justices may cause such buildings to be cleansed at expense of owner or occupier.

Power to Inspectors of Police &c.

Slaughter houses to be cleansed within one hour after animals slaughtered therein under a penalty.

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be slaughtered in any slaughter house or the premises or appurtenances thereunto belonging shall be removed once at least in every twenty-four hours and any owner or occupier of any slaughter house who shall neglect to comply with this enactment shall forfeit and pay on conviction for every such offence before any two or more Justices of the Peace in a summary way any sum not exceeding ten pounds.

Animal found on premises under certain circumstances shall be deemed evidence of slaughtering.

Act not to affect present law as to nuisances.

5 Will. IV. No. 1 not repealed except as herein specified.

Public meeting may be convened by Police Magistrate or Bench of Magistrates on application in writing signed by not less than twenty-five inhabitants.

Persons entitled to vote at such meeting.

Who shall preside at such meeting.

Governor may extend the provisions of this Act to any city or town.

Presiding Magistrate may call for a show of hands.

12. And be it enacted That the finding of any animal on the premises of any butcher or other person under circumstances denoting an intention of slaughtering such animal shall be deemed evidence of such slaughtering unless otherwise disproved by the person accused.

13. And be it declared and enacted That nothing in this Act shall be construed to render lawful any act matter or thing whatsoever which but for this Act would be deemed to be a nuisance nor to exempt any person from any action liability prosecution or punishment to which such person would have been otherwise subject in respect thereof.

14. And be it enacted That nothing in this Act contained shall be construed to repeal or alter the provisions of the said recited Act passed in the fifth year of His late Majesty's reign in any other particular than is herein specified.

15. And be it enacted That whenever application to that effect in writing shall be made to the Police Magistrate or the Bench of Magistrates of any city or town (except the City of Sydney) such application being signed by not less than twenty-five inhabitants of less than twenty-five such city or town qualified in manner hereinafter mentioned it shall be lawful for such Police Magistrate or Bench of Magistrates to call a public meeting of the inhabitants of such city or town being qualified nevertheless in manner hereinafter mentioned at such time and place therein as he or they may deem most convenient for taking into consideration the expediency of extending to such city or town the operation of this Act and public notice of every such meeting shall be given at least seven days before the holding thereof by posting the same on the Court House or otherwise as he or they shall direct.

16. And be it enacted That the persons entitled to sign such application as aforesaid and the persons entitled to vote at any such meeting shall be those persons who at the time of such signing or voting reside within the limits of such city or town and whose names appear on the list in force for the time being of persons entitled to vote at elections for Members of the Legislative Council.

17. And be it enacted That the Police Magistrate if there be one or if there be no Police Magistrate then the Senior Magistrate or any other Magistrate usually attending the Petty Sessions of such city or town shall preside at such meeting.

18. And be it enacted That if at such public meeting a resolution be adopted by a majority in number thereof in favor of the extension of the provisions of this Act to such city or town the same shall be forthwith communicated by the Police Magistrate Magistrate or other person presiding at such meeting to the Colonial Secretary for the information of His Excellency the Governor and thereupon it shall be competent for the Governor with the advice of the Executive Council in his discretion nevertheless to issue a Proclamation under his hand extending the provisions of this Act to such city or town and upon and after the publication in the *New South Wales Government Gazette* of such Proclamation as aforesaid all and singular the provisions of this Act shall apply to the city or town therein named as fully in all respects as if such city and town had been specifically named in this Act.

19. And for the purpose of determining whether the majority in number at any such meeting is in favor of the extension of the provisions

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sions of this Act to such city or town Be it enacted That the Police Magistrate or presiding Magistrate shall call for a show of hands of those respectively who are in favor of and opposed to the extension of the Act aforesaid and he shall declare which has the majority and his decision shall be final unless a scrutiny be demanded.

20. Provided always and be it enacted That if a scrutiny be then and there demanded by not less than five persons duly qualified to vote at such meeting as aforesaid the fact of such qualification to be decided by the Police Magistrate or presiding Magistrate then the said Police Magistrate or presiding Magistrate shall cause a scrutiny to be made in manner following that is to say the said Police Magistrate or presiding Magistrate shall appoint from amongst the persons present and qualified to vote two scrutineers one from amongst those who are favorable to the extension of this Act as aforesaid and one from amongst those opposed to such extension and the scrutineers so appointed shall thereupon take an account of the number of persons voting for and against such extension as aforesaid and return the same to the Police Magistrate or presiding Magistrate who shall from the numbers so returned to him declare which has the majority Provided further that in case of an equality of votes the Police Magistrate or presiding Magistrate shall have a casting vote and that the decision so given in either case shall be final.

21. And be it enacted That if any question arise as to the right of any person present at such meeting to vote thereat in manner aforesaid the same shall for the purposes of this Act be determined in a summary way by the scrutineers appointed as aforesaid Provided always that in case of a difference of opinion between the scrutineers in respect of any of the matters aforesaid the fact or question shall be finally determined by the Police Magistrate or presiding Magistrate as the case may be.

22. And be it enacted That it shall be competent to His Excellency the Governor for the time being to declare by notice in the *New South Wales Government Gazette* what shall for the purposes of this Act be the boundaries of any city or town to which this Act shall be or shall have been so extended.

23. And be it enacted That all actions or suits in respect of any matter or thing done in pursuance of the provisions of this Act shall be brought within three calendar months after the cause thereof and the defendant may plead the general issue and give the special matter in evidence and if the plaintiff shall become nonsuited or shall discontinue the action or if upon a verdict or demurrer judgment shall be given against the plaintiff the defendant shall receive treble costs and have remedy of the plaintiff as any defendant can have in other cases where costs are given by law.

24. And be it enacted That no prosecution suit or complaint shall be brought under or by virtue of this Act by reason of the breach of any of the provisions thereof after the lapse of three months from the occurrence of the matter or thing to which such prosecution suit or complaint may relate.

25. And be it enacted That all offences against this Act not otherwise provided for may be heard and determined and every forfeiture and penalty in respect thereof be awarded and imposed by or before any two Justices or (where this Act so directs) by and before any one Justice in a summary way in the manner prescribed by the Act of the Governor and Legislative Council of New South Wales passed in the fifth year of the reign of His late Majesty King William the Fourth intituled "An Act to regulate summary proceedings before Justices of the Peace" or according to the law in force for the time being regulating summary proceedings before Justices of the Peace and

Scrutineers to be appointed if a scrutiny demanded.

Right of voting to be determined summarily by scrutineers

or if scrutineers differ in opinion by presiding Magistrate.

Governor may declare what shall for the purposes of this Act be the boundaries of any city or town.

Actions to be brought within three months.

Treble costs if plaintiff nonsuited.

Actions cannot be brought after the lapse of three months.

Manner of proceeding for recovery of penalties.

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Appeal given.

and any person feeling aggrieved by any summary judgment or conviction under this Act may appeal therefrom in the manner provided by the said Act or any other law in force for the time being in that behalf. Provided always that in all cases in which any penalty or forfeiture hereby imposed is made recoverable before any Justice or Justices of the Peace it shall and may be lawful for any Justice to whom complaint shall be made of any offence against this Act to summon the party complained against before him or any other Justice or Justices and on such summons such Justice or Justices are hereby empowered to hear and determine the matter of such complaint and on proof of the offence to convict the offender and to adjudge him to pay the penalty or forfeiture incurred and to proceed to recover the same although no information in writing shall have been exhibited or taken by or before such Justice or Justices and all such proceedings by summons without information shall be as good valid and effectual to all intents and purposes as if an information in writing had been exhibited and in all proceedings under this Act the informer or party prosecuting shall be deemed and taken to be a competent witness.

Informer a competent witness.

Form of information and conviction.

26. And be it enacted That any Justice or Justices of the Peace before whom any information shall be laid in writing against any person or before whom any person shall be convicted in respect of any offence against this Act may cause the information and the conviction to be drawn up according to the forms respectively given in Schedule to this Act annexed or any other forms to the same effect as the case may require. Provided always that this enactment shall not invalidate any information or conviction laid or drawn in any other form which may be specially suited to the case or may be provided by law and in every information in writing and in every conviction for an offence contrary to this Act it shall be sufficient if the offence shall be stated in the words thereof declaring the offence or attaching any penalty thereto.

Proceedings not to be quashed for want of form.

No *certiorari* allowed.

Appropriation of fines and penalties.

Interpretation clause.

Act not to extend to Port Phillip.

27. And be it enacted That no information conviction or other proceeding before or by any Justice or Justices of the Peace or on appeal therefrom for any offence under this Act shall be quashed or set aside or adjudged void or insufficient for want of form or be removed by *certiorari* or otherwise into Her Majesty's Supreme Court for the said Colony.

28. And be it enacted That all fines forfeitures and penalties imposed by this Act shall be paid one moiety to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in the support of the Government thereof and shall be applied in such manner as may be from time to time directed by any Acts of the said Governor and Legislative Council and the other moiety to the use of the informer or party prosecuting who shall be entitled to his or her costs and charges over and above such fines forfeitures and penalties to be ascertained and assessed by the Justice or Justices before whom the case is heard.

29. And be it enacted That the word "animal" in this Act shall be deemed to include any horse mare gelding colt filly ass mule bull cow ox heifer steer calf ram ewe sheep lamb goat or pig and the words "slaughter house" shall include boiling down establishments or places at which any animals are slaughtered for the purpose of being converted into tallow and throughout this Act every word and term used in the singular number or masculine gender only shall be construed equally to imply and include the plural number and females as well as males and *vice versa* unless there be something in the context repugnant to such construction.

30. And be it enacted That nothing contained in this Act shall apply or be deemed to apply to any city or town within that part of the said Colony known as the District of Port Phillip.

Sydney University.

SCHEDULE REFERRED TO.

Form of Information.

New South Wales }
to wit. }

BE it remembered that of in the Colony of New South Wales cometh on the day of in the year of our Lord before me (or us) J. P. one (or more) of Her Majesty's Justices of the Peace assigned to keep the peace in and for the Colony of New South Wales and giveth me (or us) to understand and be informed that hath been guilty of (here describe the offence).

Form of Conviction.

Given under my (or our) hand (or hands) the day and year first above written.