CHAP. 112.

An Act to prevent the Adulteration of Seeds.

A.D. 1869.

[11th August 1869.]

WHEREAS the practice of adulterating seeds, in fraud of Her Majesty's subjects, and to the great detriment of agriculture, 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:

Title of Act.

1. This Act may be cited as "The Adulteration of Seeds Act, 1869."

Interpretation of terms.

2. In this Act—

The term "to kill seeds" means to destroy by artificial means the vitality or germinating power of such seeds:

The term "to dye seeds" means to give to seeds by any process of colouring, dyeing, sulphur smoking, or other artificial means the appearance of seeds of another kind.

Offences in relation to seeds.

3. Every person who, with intent to defraud or to enable another person to defraud, does any of the following things; that is to say,

(1.) Kills or causes to be killed any seeds; or,

(2.) Dyes or causes to be dyed any seeds; or,

(3.) Sells or causes to be sold any killed or dyed seeds,

shall be punished as follows; that is to say,

(1.) For the first offence he shall be liable to a penalty not exceeding five pounds;

(2.) For the second and any subsequent offence he shall be liable to pay a penalty not exceeding fifty pounds:

Moreover, in every case of a second or any subsequent offence against this Act, it shall be lawful for the court, besides inflicting upon the person guilty of such offence the punishment directed by

A.D. 1869.

this Act, to order the offender's name, occupation, place of abode, and place of business, and particulars of his punishment under this Act, to be published, at the expense of such offender, in such newspaper or newspapers, or in such other manner as the court may think fit to prescribe.

Summary proceedings for offences, penalties, &c.

4. Any forfeiture or penalty under this Act may be recovered, enforced, and applied as follows:

In England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices "of the peace out of sessions within England and Wales with "respect to summary convictions and orders," and any Act amending the same:

In Scotland, in manner directed by The Summary Procedure Act, 1864, and any Act amending the same, or by any police or other Act for the time being in force in any place, and providing for the recovery of forfeitures and penalties:

In Ireland, in manner directed by The Petty Sessions (Ireland) Act, 1851, and any Act amending the same; and in Dublin by the Acts regulating the powers of justices of the peace, or of the police of Dublin metropolis.

Any jurisdiction by this section authorized to be exercised by two justices may be exercised by any of the following magistrates within their respective jurisdictions; that is to say,

As to England, by any metropolitan police magistrate sitting alone at a police court or other appointed place, or by the Lord Mayor or any alderman of the city of London, sitting alone or with others within the said city:

As to Scotland, by the sheriff or sheriff substitute, or by any police magistrate of a burgh:

As to Ireland, by any one or more divisional magistrate of police in the police district of Dublin, and elsewhere by one or more justice or justices of the peace in petty sessions.

The term "court" shall include the justices, magistrate, or other person or persons before whom proceedings may be had for the recovery of any forfeiture or penalty.

Intent to defraud particular person need not be alleged.

5. In any proceeding for any offence against this Act, it shall be sufficient to allege that the party accused did the act charged with intent to defraud or to enable some other person to defraud, without alleging an intent to defraud any particular person or an intent to enable any particular person to defraud any particular person; and

on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person or an intent to enable any particular person to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud or with intent to enable some other person to defraud, or with the intent that any other person might be enabled to defraud.

Appeal from summary conviction.

6. In England where the person who is convicted under this Act thinks himself aggrieved by the conviction, such person may appeal to the next Court of General or Quarter Sessions held not less than twelve days after the day of such conviction for the county or place where the conviction is had, in manner and upon the conditions in and upon which a person aggrieved by a summary conviction under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six, may appeal in pursuance of the one hundred and tenth section of the said Act.

In Scotland and Ireland, in like cases as in England, an appeal shall lie in manner in that behalf provided by the law of Scotland and of Ireland respectively.

A summary conviction under this Act in England shall not be quashed for want of form or be removed by certiorari; and a warrant of commitment on any such conviction shall not be held void by reason of any defect therein, if it is therein alleged that the person therein named has been convicted, and there is a good conviction to sustain the same.

Limiting time for proceedings under this Act.

7. Every complaint under this Act against any person in respect of selling or causing to be sold any killed or dyed seeds shall be commenced within twenty-one days from the time of the commission of the offence complained of.

Court may order prosecutor to pay costs of unreasonable prosecution.

8. Whenever any complaint is preferred against any person under this Act, and the court upon the hearing thereof determines that it is not bonâ fide made upon reasonable and probable cause, it shall be lawful for the court in its discretion to direct and order that the prosecutor or other person by whom or at whose instance such complaint has been preferred shall pay unto the accused person the just and reasonable costs, charges, and expenses, to be settled by the court, of such accused person and his witnesses, occasioned by or consequent upon the preferring of such complaint; and upon nonpayment of such costs, charges, and expenses within fourteen days after the date of such direction and order, it shall be lawful for the court to enforce payment of the same in the same manner as if such costs were a penalty incurred by the person liable to pay the same.

A.D. 1869.

Other remedies not to be affected.

9. Nothing in this Act contained shall prejudice or affect the power of proceeding by indictment or libel in respect of any offence herein provided for, nor shall any proceeding, conviction, or judgment to be had or taken under the provisions hereof against any person prevent, lessen, or impeach any remedy by civil process at law or in equity which any party aggrieved by any offence against this Act might have had if this Act had not been passed.

Commencement of Act.

10. This Act shall commence and take effect on the first day of May one thousand eight hundred and seventy.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.