CAP. IV.

An Act to amend the Law relating to Contagious Diseases amongst Cattle and other Animals in *Ireland*. [6th *March* 1866.]

11 & 12 Vict. c. 107.

'WHEREAS an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, for the more effectually preventing the spreading of Contagious or Infectious Disease amongst Cattle, Sheep, Horses, Swine, or other Animals:

16 & 17 Vict. c. 62.

'And whereas the said Act has been extended and continued by an Act passed in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Sixty-two, and has by sundry Acts been further continued as so extended, and is now in force until the First Day of *August* One thousand eight hundred and sixty-six and the End of the then next Session of Parliament: And whereas it is expedient, so far as *Ireland* is concerned, to amend the said Act:'

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:

Powers by said Acts vested in Privy Council may be exercised by the Lord Lieutenant, &c.

1. The several Powers and Authorities by the said recited Acts vested in the Lords and others of Her Majesty's Privy Council shall and may be exercised by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of Her Majesty's Privy Council in *Ireland*.

The Lord Lieutenant, with the Advice of Privy Council in Ireland, may make Orders and Regulations for the Purposes of the recited Acts and this Act.

2. It shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of Her Majesty's Privy Council in *Ireland*, from Time to Time to make such Orders and Regulations as to him or them may seem necessary for the Purposes in the said recited Acts mentioned, and for the Purpose of regulating the Embarkation and Landing of Persons in charge of Cattle or Sheep or other Animals, and of prohibiting and regulating the Importation into *Ireland* of Cattle, Dogs, and other Animals, and of all other Articles likely to carry or communicate Infection, and all such Orders and Regulations as to him or them may seem necessary (including the compulsory Slaughter and Burial of Animals in an infected State or likely to propagate Infection), for the Purpose of preventing the Introduction of the Cattle Plague into *Ireland*, and for the Purpose of preventing the spreading of the same in case it should appear in *Ireland*, and of making all other Orders or Regulations for enforcing and giving better Effect to this or the said recited Acts; and such Orders and Regulations, when made, and published in the *Dublin Gazette*, as herein-after mentioned, shall have the same Force as if they had been inserted in this Act.

All Orders and Regulations made under this Act shall be published in the Dublin Gazette.

3. All Orders and Regulations made under the Authority of this Act shall, within One Week after the making thereof, be published in the *Dublin Gazette*; and Copies of the said Orders and Regulations shall be posted at such Places and in such Manner as the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, may direct.

Dublin Gazette shall be Evidence of all Orders or Regulations found therein.

4. In all Courts of Justice a Copy of the *Dublin Gazette*, purporting to be printed by the Queen's Authority, shall be conclusive Evidence of the due making and Publication of the Orders or Regulations which may be found therein, and it shall not be necessary to prove any other Publication or the posting of the said Orders and Regulations.

Recovery and Application of Penalties.

5. All Penalties imposed by this Act or the recited Acts, save as herein-after provided, may be recovered in *Ireland* before a Justice at Petty Sessions, in the Manner directed by the Acts regulating Petty Sessions in *Ireland*; and all Penalties shall be applied as follows, that is to say, a Part thereof not exceeding One Third may be awarded to the Informer, and the rest to Her Majesty, to be applied in aid of the Fund by this Act created.

6. If

Penalty for contravening Provisions of this Act, or Orders made in pursuance thereof.

6. If any Person acts in contravention of any Provisions in this Act contained, or any Order made in pursuance of this Act, he shall for each Offence incur a Penalty not exceeding Twenty Pounds, and where any such Act is committed with respect to more than Four Animals, a Penalty not exceeding Five Pounds for each Animal may be imposed instead of the Penalty of Twenty Pounds.

Power of Constable or Police Officer appointed to carry into effect the Purposes of this Act.

7. If any Person moves or otherwise deals with any Animal, Matter, or Thing, in contravention of this Act or any Order or Regulation made in pursuance thereof, or if any Drover or Person in charge of any such Animal, Matter, or Thing acts in contravention of any such Order or Regulation, any Inspector or other Officer appointed for carrying into effect the Purposes of this Act, or any Constable or Police Officer, may take such Offender into Custody, and detain him for such Time as may be necessary to bring him before any Justice of the Peace, who shall thereupon be authorized to adjudicate in a summary Manner on the Penalty to be paid by him; any such Officer may also seize any Animal, Matter, or Thing in the Charge of the Offender, and take them to some Place where they can be safely kept, and there detain them until he can obtain an Order of a Justice respecting them.

Power of Justices herein.

Any Justice to whom Application is made for an Order respecting any Animal, Matter, or Thing detained under this Section may order same to be detained or disposed of in such Manner as may be directed by any Orders or Regulations to be made in pursuance of this Act; provided that no Right of Compensation shall be given in respect of Animals, Matters, or Things seized or disposed of under this Section.

Recovery of Expenses incurred under previous Section.

8. Any Expenses incurred under this last Section may be recovered in a summary Manner from the Owner of the Animal, Matter, or Thing in respect of which such Expenses have been incurred, and the Animal, Matter, or Thing may be detained until all such Expenses have been defrayed; and if such Expenses are not paid within Four Days, the same may be sold by Public Auction or Private Contract, and the Monies arising from such Sale applied in Payment of the said Expenses, including the Expenses of the Sale, and the Overplus (if any) be returned to the Owner or Person in charge thereof.

Orders of Privy Council shall remain in force until modified, &c.

9. All Orders heretofore made by Her Majesty's Privy Council shall be and remain in force and effect unless and until the same shall be modified or altered, so far as relates to *Ireland*, by the Lord Lieutenant and Privy Council, under the Powers of this Act.

A Fund to be provided for defraying Expenses of this Act, to be assessed by the Poor Law Commissioners on Unions.

10. 'And whereas it is expedient, in case the Cattle Disease now prevailing in *Great* 'Britain, known as the Rinderpest, should appear in *Ireland*, to provide a Fund for 'defraying the Expenses of carrying this Act into execution, and for compensating the 'Owners of Cattle the Slaughter of which may be compelled by Authority:' Be it further enacted, That on Receipt of the Certificate of the Chief Secretary or Under Secretary of the Lord Lieutenant to the Effect that a Sum equivalent to a certain Poundage, to be specified in said Certificate, on the net annual Value of the Property rateable to the Poor in all the Unions in *Ireland* is required for the Purpose aforesaid, it shall be lawful for the Commissioners for administering the Laws for Relief of the Poor in *Ireland* to assess such Sum, by an Order under their Seal, upon the several Unions, in proportion to the net annual Value of the rateable Property therein, according to the Valuation in force for the Time being; and the said Commissioners shall make such Order, and shall transmit to the Board of Guardians, and likewise to the Treasurer of each Union, a Copy thereof, stating the Amount so assessed on such Union; provided that no such Certificate or Order shall authorize the Assessment of more than One Halfpenny in the Pound on the net annual Value of the rateable Property as aforesaid.

Treasurers of Unions shall pay over Amount so assessed to Bank of Ireland.

11. Forthwith on the Receipt of such Order the Treasurer of the Union shall, out of the Funds then lying in his Hands to the Credit of the Guardians, or, if there shall be then no sufficient Assets, out of the Monies next received by him, and placed to the Credit of the Guardians, pay over the Amount so assessed on the Union to the Bank of *Ireland*, to be there placed to a separate Account, to be entitled the "Cattle Plague Account;" and the Guardians of the Union shall in their Account with the Electoral Divisions of the Union

debit each Electoral Division with its Proportion of the said Sum, according to the net annual Value for the Time being of the rateable Property situate in each such Division.

All Claims for Compensation to be sent to Office of the Chief Secretary of Lord Lieutenant.

12. All Claims for Compensation for Cattle which shall have been compelled to be slaughtered as aforesaid shall be sent to the Office of the Chief Secretary of the Lord Lieutenant in *Dublin*, and shall be there dealt with and disposed of in accordance with the Regulations in that Behalf to be made and approved by the Lord Lieutenant and Privy Council; provided that in the Case of Cattle affected with the Disease no greater Amount shall be paid as Compensation than One Half of the actual Value thereof immediately before being attacked by the Disease, such Value to be ascertained, certified, and reported as in the said Regulations shall be provided, the Sum in no Case to exceed the Sum of Twenty Pounds for each Animal, and in the Case of such Cattle being insured, and the Insurance receivable by the Owner, no more than the Difference, if any, between the One Half of the actual Value thereof so limited, and to be ascertained as aforesaid, and the Amount of Insurance so receivable; and in case of Animals compelled to be slaughtered by reason of having been in the same Shed or Stable, or in the same Herd or Flock, or in contact with any Animal infected with the Disease, no greater Amount shall be paid as Compensation than Three Fourths of the actual Value of the Animal so slaughtered, not to exceed the Sum of Twenty-five Pounds for each Animal, and in the Case of Cattle insured, and for which Insurance is receivable by the Owner, no more than the Difference, if any, between the Three Fourths of the actual Value thereof so limited and to be ascertained as aforesaid and the Amount of Insurance so receivable.

If a further Sum required the same to be certified to the Commissioners and assessed by them.

13. If after the Disbursement of the said Fund in the Manner aforesaid a further Sum shall be required for like Purposes, such further Sum shall be certified to the said Commissioners, and assessed by them, and paid to the same Account as herein-before enacted; provided that no larger Sum shall be levied under the Authority of this Act than shall be equivalent in the whole to a Poundage of Fourpence in the Pound on the net annual Value of the rateable Property in the Unions in *Ireland*.

If Occasion shall not arise for Application of Sums assessed the Fact to be certified to the Commissioners.

14. If after the Assessment and Payment of any such Sum or Sums as aforesaid into the Bank of *Ireland* Occasion shall not arise for the Application of the whole or any Part thereof to the Purpose aforesaid, the Fact shall be certified, as herein-before provided, to the said Commissioners, who shall thereupon ascertain the Amount of the remaining Balance, and make and issue an Order under their Seal assigning the Proportions returnable to each Union, according to its net annual Value, and the Bank of *Ireland* shall, on receiving Direction to that Effect from the Chief Secretary or Under Secretary of the Lord Lieutenant, remit the Sums so assigned to the Treasurers of the said Unions respectively, and the Guardians of each Union shall, on the Treasurer's Receipt of the Sums so assigned, credit each Electoral Division with its Proportion according to the net annual Value of the rateable Property situate in each.

This Act and recited Acts to be construed together.

15. This Act and the said recited Acts shall be construed together, and all Provisions of the said recited Acts shall remain in full Force save to the Extent to which they have been modified or altered by this Act.

Interpretation.

16. The Words "Justice of Peace" shall mean, within the Police District of *Dublin* Metropolis, One of the Divisional Justices of said District.

Short Title.

17. This Act may be cited as "The Cattle Disease Act (*Ireland*), 1866."

To extend to Ireland only.

18. This Act shall extend to *Ireland* only.