Proviso as to rents reserved in certain cases.

such entire portions as aforesaid if entitled thereto respectively; provided that persons liable to pay rents reserved out of or charged on lands or other hereditaments of any tenure, and the same lands or other hereditaments, shall not be resorted to for any such apportioned part forming part of an entire or continuing rent as aforesaid specifically, but the entire or continuing rent, including such apportioned part, shall be recovered and received by the heir or other person who, if the rent had not been apportionable under this Act, or otherwise, would have been entitled to such entire or continuing rent, and such apportioned part shall be recoverable from such heir or other person by the executors or other parties entitled under this Act to the same by action at law or suit in equity.

Interpretation of terms.

5. In the construction of this Act—

The word "rents" includes rent service, rentcharge, and rent seck, and also tithes and all periodical payments or renderings in lieu of or in the nature of rent or tithe.

The word "annuities" includes salaries and pensions.

The word "dividends" includes (besides dividends strictly so called) all payments made by the name of dividend, bonus, or otherwise out of the revenue of trading or other public companies, divisible between all or any of the members of such respective companies, whether such payments shall be usually made or declared at any fixed times or otherwise; and all such divisible revenue shall, for the purposes of this Act, be deemed to have accrued by equal daily increment during and within the period for or in respect of which the payment of the same revenue shall be declared or expressed to be made, but the said word "dividend" does not include payments in the nature of a return or reimbursement of capital.

Act not to apply to policies of assurance;

6. Nothing in this Act contained shall render apportionable any annual sums made payable in policies of assurance of any description.

nor where stipulation made to the contrary.

7. The provisions of this Act shall not extend to any case in which it is or shall be expressly stipulated that no apportionment shall take place.

CHAP. 36.

An Act to amend "The Cattle Disease Act (Ireland), 1866."

[1st August 1870.]

WHEREAS it is expedient to amend "The Cattle Disease Act (Ireland), 1866:"

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; (that is to say,)

Extending provisions of 29 & 30 Vict. c. 4. relating to providing and applying fund for extinguishing Rinderpest to all cases of contagious or infectious Cattle Disease.

1. The provisions of sections ten, eleven, and twelve of the said "Cattle Disease Act (Ireland), 1866," relating to the providing a fund for the purposes in section ten of the said Act mentioned, in case the Cattle Disease known as the Rinderpest should appear in Ireland, and to the application of such fund, shall extend and apply to the providing and application of a fund for all or any of the additional purposes following; (that is to say,)

(1.) For preventing the introduction into Ireland of the cattle disease known as the "cattle plague," or "rinderpest;" and,

(2.) For preventing the introduction into Ireland, the occurrence or the spreading therein, of any infectious or contagious disease of cattle, sheep, swine, or other animals.

Power to Lord Lieutenant and Privy Council to make rules to carry Act into effect.

2. The Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, may, from time to time, make such orders as they may think expedient for all and any of the purposes following; (that is to say,)

For insuring for animals brought by sea to ports in Ireland, or shipped from any port in Ireland to any part of England, Wales, or Scotland, a proper supply of food and water during the passage and on landing:

For protecting such animals from unnecessary suffering during the passage and on landing:

For protecting animals from unnecessary suffering during inland transit:

For prohibiting or regulating the movement of animals, and the removal of dead animals or parts thereof, and of hay, straw, litter, dung, and other things likely to spread contagious or infectious diseases among animals:

For requiring the cleansing and disinfecting of yards, sheds, stables, fields, and other premises:

For regulating the disposal of animals dying while affected with a contagious or infectious disease:

For requiring notice of the appearance of any such disease among animals:

For prohibiting or regulating the holding of markets, fairs, exhibitions, or sales of animals:

And generally any orders whatsoever which they think it expedient to make for the better execution of this Act, or for the purpose of in any manner preventing the introduction or spreading of contagious or infectious disease among animals in Ireland (whether any such orders are of the same kind as the kinds enumerated in this section or not), and may in any such order direct or authorise the slaughtering of animals that are affected with any contagious or infectious disease, or that have been in contact with animals so affected; and may in any such order direct or authorise the payment of compensation for any animals so slaughtered; and may in any such order impose penalties for offences against the same, not exceeding the sum of twenty pounds for any such offence, and so that in every such order provision be made that a penalty less than the maximum may be ordered to be paid; and this section shall extend to horses and all ruminating animals not within the definition of animals in this Act.

Every such order shall have the like force and effect as if it had been enacted by this Act.

Steamboat company and other companies to cleanse and disinfect, &c.

3. Every steamboat company, railway company, and other company, and every person carrying animals for hire to or from or in any part of Ireland, shall thoroughly cleanse and disinfect in such manner as the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, from time to time by order may direct, all steamers, vessels, boats, pens, carriages, trucks, horse boxes, and vehicles used by such company or person for the carrying of animals.

If any company or person on any occasion fails to comply with the requisitions of any such order, such company or person shall on every such occasion be deemed guilty of an offence against this Act.

Water and food to be provided by railway companies.

4. Every railway company shall make a provision, to the satisfaction of the Lord Lieutenant and Her Majesty's Privy Council in Ireland, of water and food, or either of them, at such stations as they from time to time, by general or specific description, direct for animals carried or about to be or having been carried on the railway of the company; and such water and food, or either of them, shall be supplied to any such animal by the company carrying it, on the request in writing of the consignor thereof, or on the request of any person in charge thereof; and the company so supplying water and food, or either of them, may make in respect thereof such reasonable charges, if any, as the Lord Lieutenant and Her Majesty's Privy Council in Ireland may by order approve, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals; and the amount of such additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them, by proceedings in any court of competent jurisdiction, and the company shall have a lien for the amount thereof on the animal in respect of which the same accrued due, and on any other animal at any time consigned by the same person to be carried by the company.

If any company on any occasion fails to comply with the requirements of this section they shall, on every such occasion, be deemed guilty of an offence against this Act. If in the case of any animal such a request as aforesaid is not made, so that the animal remains without a supply of water for a longer time than twelve consecutive hours, the consignor,

and the person in charge of the animal, shall each be deemed guilty of an offence against this Act; and it shall lie on the person accused to prove the time within which the animal has had a supply of water.

Animals landed in contravention of order to be forfeited.

5. If any person lands or attempts to land in any port or place in Ireland, or ships or attempts to ship from any port or place in Ireland to any part of England, Wales, or Scotland, any animal or thing in contravention of any order under this Act, such animal or thing shall be forfeited in like manner as goods the importation whereof is prohibited by the Acts relating to the customs are liable to be forfeited; and the person so offending shall be liable to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by the Acts relating to the customs, without prejudice to any proceeding against him under this Act or under any such order, but so that no person be punished twice for the same offence.

Evidence of orders.

6. An order or regulation made or issued by the Lord Lieutenant by and with the advice of Her Majesty's Privy Council in Ireland under this Act, or the "Cattle Disease (Ireland) Act, 1866," may be proved as follows:—By the production of a printed copy of such order or regulation purporting to be certified to be a true copy by the clerk of the said Council, or the person for the time acting as such.

And any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the time at which it bears date.

Certain acts to be offences under this Act.

7. If any person does any of the following things, he shall be guilty of an offence against this Act:

(1.) If he does anything for which a licence is requisite under this Act, or any order under this Act, without having obtained a licence:

(2.) If where such a licence is requisite, having obtained a licence in that behalf, he does the thing licensed after the licence has expired:

(3.) If he uses, or offers or attempts to use, as such a licence, an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows, to the satisfaction of the justice before whom he is charged, that he did not know of such incompleteness or untruth, and that he could not with reasonable diligence have obtained such knowledge:

(4.) If he fabricates or alters, or offers or utters, knowing the same to be fabricated or altered, any licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act, or any such order:

(5). If for the purpose of obtaining any licence, certificate, or instrument, under or for the purposes of any such provision, he makes a declaration or representation false in any material particular, unless he shows, to the satisfaction of the justice before whom he is charged, that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge:

(6.) If he obtains or endeavours to obtain any such licence, certificate, or instrument, by means of any false pretence, unless he shows to the satisfaction of the justice before whom he is charged, that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge:

(7.) If he grants or issues any such licence, certificate, or instruments, being false in any material particular, unless he shows, to the satisfaction of the justice before whom he is charged, that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge:

And in such case he shall be liable, on conviction, in the discretion of the justice, to be imprisoned for any term not exceeding three months, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Penalty for contravening provisions of this Act, or orders made in

8. If any person acts in contravention of any provisions in this Act contained, or if any person is guilty of any offence against this Act, 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 or offence 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. pursuance thereof.

Where any such offence is committed in relation to offal, dung, hay, straw, litter, or other thing, a further penalty not exceeding ten pounds may be imposed in respect of every half ton in weight of such offal or other thing after the first half ton.

9. Every penalty recoverable under the provisions of this Act shall be recovered and applied in the same manner as penalties are recovered and applied under section five of the "Cattle Disease (Ireland) Act, 1866." Recovery and application of penalties.

10. For the purpose of proceedings under this Act, or any order made hereunder, or under the "Cattle Disease (Ireland) Act, 1866," or any order made thereunder, every offence against this Act, or any such order or regulation, shall be deemed to have been committed, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be. Proceedings.

11. The certificate of an inspector, authorised to act as such under the said "Cattle Disease (Ireland) Act, 1866," or under this Act, that an animal is affected with an infectious or contagious disease, shall for the purpose of the said Acts be conclusive evidence in all courts of justice. Certificate of inspector under the "Cattle Disease (Ireland) Act, 1866," or this Act.

12. In this Act, or Orders in Council made thereunder,— Interpretation.

The term "Lord Lieutenant" shall mean the Lord Lieutenant of Ireland, and the Lords Justices or other chief governor or governors of Ireland for the time being:

The term "cattle" means bulls, cows, oxen, heifers, and calves:

The term "animal" means, except where it is otherwise expressed, cattle, sheep, goats, and swine:

The term "foreign," as applied to cattle or animals, means brought from any place out of the United Kingdom of Great Britain and Ireland:

The term "contagious or infectious disease" includes cattle plague, pleuro-pneumonia, foot and mouth disease, sheep-pox, sheep-scab, and glanders, and any disease which the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, may from time to time, by order, declare to be a contagious or infectious disease for the purpose of this Act:

The term "railway company" includes a company or person working a railway under a lease or otherwise:

The term "person" includes a body corporate or incorporate:

The word "month" shall include a calendar month.

13. This Act and the said Cattle Disease Act (Ireland), 1866, shall be construed together, and all provisions of the said recited Act shall remain in full force, save to the extent to which they have been modified or altered by this Act. This Act to be construed with Act of 1866.

14. This Act may be cited for all purposes as "The Cattle Disease (Ireland) Amendment Act, 1870." Short title.

CHAP. 37.

An Act to enable the senior Magistrate of populous Places in Scotland to act ex officio as a Justice of the Peace and Commissioner of Supply for the County in which the said populous Place is situated. [1st August 1870.]

WHEREAS an Act was passed in the twenty-fifth and twenty-sixth years of Her present Majesty, chapter one hundred and one, intituled "An Act to make more "effectual provision for regulating the police of towns and populous places in Scotland,