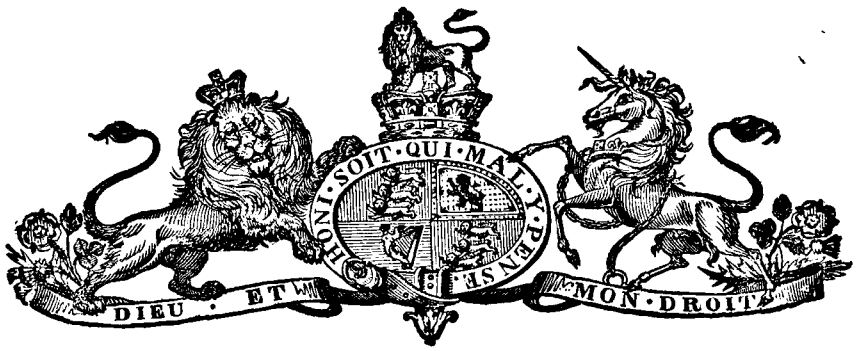


ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

CAP. XCII.

An Act for the more effectual Prevention of Cruelty to Animals. [1st *August* 1849.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto:* And whereas another Act was passed in the First Year of the Reign of our Sovereign Lady Queen *Victoria*, intituled *An Act to extend to* Ireland *the Act of the Fifth and Sixth Years of His late Majesty's Reign, consolidating and amending the Laws relating to the cruel and improper Treatment of Animals:* And whereas it is expedient to repeal the Provisions of the said recited Acts, and to make other and more effectual Provisions for promoting the Objects and Purposes of the said Acts; 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, That from and after the passing of this Act the said recited Acts (excepting so far as they, or either of them, repeal any other Act or Part of any other Act) be and the same are hereby repealed, save

5 & 6 W. 4. c. 59.

7 W. 4. & 1 Vict. c. 66.

Recited Acts repealed, save as to Offences committed before pass-

ing of this Act.

save as to any Offences committed against the Provisions of the said recited Acts, or either of them, before the passing of this Act, which Offences shall and may be dealt with, and the Offenders proceeded against and punished, as if this Act had not passed.

Penalty for Cruelty to Animals.

II. And be it enacted, That if any Person shall from and after the passing of this Act cruelly beat, ill-treat, over-drive, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any Animal, every such Offender shall for every such Offence forfeit and pay a Penalty not exceeding Five Pounds.

As to Places kept for Bull-baiting, Dog-fighting, &c.

III. And be it enacted, That every Person who shall keep or use or act in the Management of any Place for the Purpose of fighting or baiting any Bull, Bear, Badger, Dog, Cock, or other Kind of Animal, whether of domestic or wild Nature, or shall permit or suffer any Place to be so used, shall be liable to a Penalty not exceeding Five Pounds for every Day he shall so keep or use or act in the Management of any such Place, or permit or suffer any Place to be used as aforesaid; provided always, that every Person who shall receive Money for the Admission of any other Person to any Place kept or used for any of the Purposes aforesaid shall be deemed to be the Keeper thereof; and every Person who shall in any Manner encourage, aid, or assist at the fighting or baiting of any Bull, Bear, Badger, Dog, Cock, or other Animal as aforesaid shall forfeit and pay a Penalty not exceeding Five Pounds for every such Offence.

As to Damage done by Persons guilty of Cruelty to Animals.

IV. And be it enacted, That if any Person shall, by cruelly beating, ill-treating, over-driving, abusing, or torturing any Animal, do any Damage or Injury to such Animal, or shall thereby cause any Damage or Injury to be done to any Person or to any Property, every such Offender shall on Conviction of such Offence pay to the Owner of such Animal (if the Offender shall not be the Owner thereof), or to the Person who shall sustain Damage or Injury as aforesaid, such Sum of Money by way of Compensation, not exceeding the Sum of Ten Pounds, as shall be ascertained and determined by the Justice of the Peace by whom such Person shall have been convicted: Provided always, that the Payment of such Compensation, or any Imprisonment for the Nonpayment thereof, shall not prevent or in any Manner affect the Punishment to which such Person or the Owner of such Animal may be liable for or in respect of the beating, ill-treating, or abusing of the said Animal: Provided also, that nothing herein contained shall prevent any Proceeding by Action against such Offender, or the Employer of such Offender, where the Amount of Damage or Injury is not sought to be recovered under this Act.

V. And

Persons impounding Animals to provide Food and Water.

V. And be it enacted, That every Person who shall impound or confine, or cause to be impounded or confined, in any Pound or Receptacle of the like Nature, any Animal, shall provide and supply during such Confinement a sufficient Quantity of fit and wholesome Food and Water to such Animal; and every such Person who shall refuse or neglect to provide and supply such Animal with such Food and Water as aforesaid shall for every such Offence forfeit and pay a Penalty of Twenty Shillings.

Power to supply Food and Water to Animals impounded.

VI. And be it enacted, That in case any Animal shall at any Time be impounded or confined as aforesaid, and shall continue confined without fit and sufficient Food and Water for more than Twelve successive Hours, it shall and may be lawful to and for any Person whomsoever, from Time to Time, and as often as shall be necessary, to enter into and upon any Pound or other Receptacle of the like Nature in which any such Animal shall be so confined, and to supply such Animal with fit and sufficient Food and Water during so long a Time as such Animal shall remain and continue confined as aforesaid, without being liable to any Action of Trespass or other Proceeding by any Person whomsoever for or by reason of such Entry for the Purposes aforesaid; and the reasonable Cost of such Food and Water shall be paid by the Owner of such Animal, before such Animal is removed, to the Person who shall supply the same, and the said Cost may be recovered in like Manner as herein provided for the Recovery of Penalties under this Act.

26 G. 3. c. 71.

VII. And whereas by an Act of Parliament passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating Houses and other Places kept for the Purpose of slaughtering Horses*, it is enacted, that every Person and Persons licensed according to the Provisions of that Act shall cause to be painted or affixed over the Door or Gate of the House or Place where he, she, or they shall carry on the Business of slaughtering Horses or other Cattle, in large legible Characters, his, her, and their Name and Names, together with the Words "Licensed for slaughter-"ing Horses, pursuant to an Act passed in the Twenty-sixth Year of "His Majesty King *George* the Third:" And whereas no Penalty is provided by the said recited Act for the Refusal or Neglect to comply with the said Provision: For Remedy whereof be it enacted, That any Person licensed as aforesaid who shall refuse or neglect to comply with the said recited Provision of the said recited Act shall forfeit and pay for such Offence a Penalty not exceeding Five Pounds, and shall forfeit and pay a like Penalty for every Day during which such Refusal or Neglect shall continue, such Penalties to be recovered as Penalties under this Act are directed to be recovered.

Persons keeping Places for slaughtering Cattle, &c. to affix Names, &c.

VIII. And

Regulations as to Cattle sent to be slaughtered.

VIII. And be it enacted, That every Person keeping or using or acting in the Management of any Place for the Purpose of slaughtering Horses or other Cattle (not intended for Butchers Meat) shall, immediately upon any Horse or other Cattle being brought to or delivered at such Place for the Purpose of being slaughtered, cut off or cause to be cut off the Hair from the Neck of such Horse or other Cattle, and within Three Days from the Time of such Horse or other Cattle being brought or delivered as aforesaid shall kill or cause to be killed the said Horse or other Cattle, and, until such Horse or other Cattle shall be killed, shall supply such Horse or other Cattle with a sufficient Quantity of fit and wholesome Food and Water; and if any Person keeping or using or acting in the Management of any such Place shall neglect or omit to cut or cause to be cut off the Hair of the Neck of such Horse or other Cattle, or to kill or cause to be killed any such Horse or other Cattle, within the Time above limited, or shall neglect or omit to supply a sufficient Quantity of fit and wholesome Food and Water to such Horse or other Cattle as aforesaid, every such Person shall on Conviction of any or either of the said Offences be liable to a Penalty not exceeding Five Pounds.

Cattle intended for Slaughter not to be employed.

IX. And be it enacted, That if any Person keeping or using or having the Management of any Place for the Purpose of slaughtering Horses or other Cattle (not intended for Butchers Meat) shall use or employ or cause or permit to be used or employed any Horse or other Cattle brought to or delivered at, or which shall be in or upon, such Place for the Purpose of being slaughtered, or shall permit or suffer any such Horse or other Cattle to leave the said Place, to be employed in any Manner of Work, every such Person shall be liable to forfeit and pay a Penalty not exceeding Forty Shillings for every Day on which such Horse or other Cattle shall be so used or employed, or shall be absent from such Place; and every Person who shall be found using or employing any such Horse or other Cattle, or in the Possession of any such Horse or other Cattle whilst so used or employed, shall be liable to forfeit and pay a Penalty not exceeding Forty Shillings for every Day he shall use or employ or be so possessed of any such Horse or other Cattle as aforesaid.

Penalty.

Description of Cattle to be entered in a Book.

X. And be it enacted, That every Person keeping or using or having the Management of any Place for slaughtering Horses or other Cattle (not intended for Butchers Meat) shall, at the Time of receiving any Horse or other Cattle in such Place, enter in a Book such a full and correct Description of the Colour, Marks, and Gender of such Horse or other Cattle as may clearly distinguish and identify the same; and if any such Person shall refuse or neglect to make or cause to be made such Entry in a clear and distinct Manner, or shall

Penalty for Neglect.

refuse

refuse or neglect to produce such Book before any Justice of the Peace whenever required by such Justice so to do, or shall refuse to allow such Book to be inspected, and Extracts to be made therefrom, at all reasonable Times, by any Constable, or other Person duly authorized by such Justice, every such Person shall be liable to forfeit and pay a Penalty for every such Offence not exceeding Forty Shillings.

Persons licensed to slaughter Horses not to be licensed as Horse Dealers at the same Time.

XI. And be it enacted, That it shall not be lawful for any Person who shall be licensed to slaughter Horses, during the Time while such Licence shall be in force, to be licensed as a Horse Dealer, or exercise or use the Trade or Business of a Dealer in Horses, and if any Person licensed to slaughter Horses shall, while such Licence shall be in force, obtain a Licence as a Horse Dealer, every such last-mentioned Licence shall be void.

Penalty for improperly conveying Animals.

XII. And be it enacted, That if any Person shall convey or carry or cause to be conveyed or carried in or upon any Vehicle any Animal in such a Manner or Position as to subject such Animal to unnecessary Pain or Suffering, every such Person shall forfeit and pay a Penalty not exceeding Three Pounds for the First Offence, and a Penalty of Five Pounds for the Second and every subsequent Offence.

Apprehension of Offenders.

XIII. And be it enacted, That when and so often as any of the Offences against the Provisions of this Act shall happen, it shall and may be lawful for any Constable, upon his own View thereof, or upon the Complaint and Information of any other Person who shall declare his or her Name and Place of Abode to the said Constable, to seize and secure by the Authority of this Act any such Offender, and forthwith without any other Authority or Warrant to convey such Offender before a Justice of the Peace, to be dealt with by such Justice for such Offence according to Law.

Justice may hear Complaints made under this Act within One Month after Offence committed.

XIV. And be it enacted, That every Complaint under the Provisions of this Act shall be made within One Calendar Month after the Cause of such Complaint shall arise, and every Offence committed against this Act may be heard and determined by any Justice of the Peace within whose Jurisdiction such Offence shall be committed in a summary Way upon the Complaint of any Person and without any Information in Writing; and it shall be lawful for any such Justice in all Cases, where any Person complained of shall not be in Custody, to summon such Person to appear before such Justice, or before any other Justice of the Peace at a Time and Place to be named in such Summons; and on the Appearance of the Party accused, or in default of such Appearance upon Proof of the Service of such Summons, the

said Justice or any other Justice who shall be present at the Time and Place appointed for such Appearance shall proceed to examine into the Matter; and if upon the Confession of the Party accused, or on the Oath of One or more credible Witness or Witnesses, the Party accused shall be convicted of having committed the Offence charged or complained of, the Party so convicted shall pay such Penalty, Damage, or Compensation as the said Justice shall according to the Provisions of this Act adjudge, order, or award, together with the Costs of Conviction, to be settled by such Justice, or be otherwise dealt with according to the Provisions of this Act.

As to Service of Summons.

XV. And be it enacted, That any Summons issued by any such Justice, requiring the Appearance of any Party charged as an Offender against any of the Provisions of this Act, shall be deemed and taken to be well and sufficiently served in case either the Summons or a Copy thereof shall be served personally on such Person as aforesaid, or shall be left at his usual or last known Place of Abode, in whatever County or Place such Summons may be served or left.

Warrant may be issued by Justice without Summons.

XVI. And be it enacted, That any Justice of the Peace may, without issuing any such Summons as aforesaid, forthwith issue his Warrant for the Apprehension of any Person charged with any Offence against the Provisions of this Act, whenever good Grounds for so doing shall be stated on Oath before such Justice.

Justices may summon Witnesses to appear.

XVII. And be it enacted, That any Justice of the Peace may summon any Witness to appear and give Evidence before him upon the Matter of any Offence against the Provisions of this Act; and if any such Witness shall, after Tender of his reasonable Expenses in that Behalf, neglect or refuse to attend at the Time and Place stated in such Summons, then, Proof on Oath being first given of the personal Service of the Summons upon such Witness, such Justice may issue his Warrant for the Apprehension of such Witness, and such Justice may commit any Witness appearing or being brought before him who shall refuse to give Evidence to the House of Correction or Common Gaol within the Jurisdiction of such Justice, there to remain without Bail or Mainprize for any Time not exceeding Twenty-one Days, or until such Witness shall sooner submit himself to be examined and to give Evidence; and in case of such Submission the Order of such Justice shall be a sufficient Warrant for the immediate Discharge of such Witness from Custody.

Offenders not paying Penalty may be committed.

XVIII. And be it enacted, That in every Case of a Conviction under this Act, where the Sum imposed as a Penalty, or the Amount awarded for Compensation or Damage, together with Costs (if any), by any Justice of the Peace, for or in respect of any Offence

against the Provisions of this Act, shall not be paid immediately upon the Conviction, or within such Time as the convicting Justice shall, in the Exercise of his Discretion, appoint and limit in that Behalf, it shall be lawful for such Justice and he is hereby required to commit the Offender to the House of Correction, there to be imprisoned, with or without hard Labour, for any Time not exceeding Two Calendar Months, unless Payment be sooner made: Provided always, that if such Conviction shall take place before Two Justices or before One of the Police Magistrates sitting at any Police Court within the Metropolitan Police District it shall be lawful for such Justices, or such Police Magistrate, if they or he shall think fit, instead of imposing a pecuniary Penalty, forthwith to commit any such Offender to the House of Correction, there to be imprisoned with, or without hard Labour, for any Time not exceeding Three Calendar Months.

Vehicles, &c. may be detained.

XIX. And be it enacted, That whenever any Person having Charge of any Vehicle or any Animal shall be taken into Custody by any Constable for any Offence against the Provisions of this Act, it shall be lawful for such Constable to take charge of such Vehicle or Animal, and deposit the same in some Place of safe Custody as a Security for Payment of any Penalty to which the Person having had Charge thereof, or the Owner thereof, may become liable, and for Payment of any Expenses which may have been or may be necessarily incurred for taking charge of and keeping the same; and it shall be lawful for any Justice of the Peace before whom the Case shall have been heard to order such Vehicle or such Animal to be sold for the Purpose of satisfying such Penalty and reasonable Expenses, in default of Payment thereof, in like Manner as if the same had been subject to be distrained and had been distrained for the Payment of such Penalty and Expenses.

Penalty for obstructing Constables.

XX. And be it enacted, That in case any Person shall at any Time or in any Manner unlawfully obstruct, hinder, molest, or assault any Constable or Keeper of a Pound while in the Exercise of any Power or Authority under or by virtue of this Act, every such Person shall forfeit and pay a Penalty not exceeding Five Pounds for every such Offence.

Distribution of Penalties.

XXI. And be it enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the Provisions of this Act shall be respectively divided, paid, and distributed in the following Manner; (that is to say,) one Moiety thereof to the Overseers of the Poor of the Parish in which the Offence shall have been committed, to be by such Overseers applied in aid of the Rates of their respective Parishes, and the other Moiety thereof to the Person who shall complain and prosecute for the same, or

to

to such other Person as to such Justice shall seem fit and proper; and that every Sum of Money which shall or may be ascertained, determined, adjudged, and ordered by any Justice of the Peace under the Authority of this Act to be paid as the Amount of any Damage or Injury occasioned by the Commission of any of the Offences herein-before mentioned shall be paid to the Person who shall or may have sustained such Damage or Injury, according to the Order or Determination and Discretion of such Justice: Provided always, that the Moiety of Penalties hereby directed to be paid to the Overseers of the Poor shall, if recovered before any Justice of the Peace under the Provisions of this Act upon Convictions of Offences committed in *Ireland*, be paid to such Hospital, Dispensary, or Infirmary as the Justice before whom the Conviction shall have taken place may direct, to be by the Treasurer thereof applied in aid of the Funds maintaining such Institution.

Proprietors of public Vehicles may be summoned to produce their Servants.

XXII. And be it enacted, That when any Complaint shall be made before any Justice of the Peace against the Driver or Conductor of any Hackney Carriage, or the Driver or Conductor of any Stage Carriage, or the Driver of any Cart, Waggon, Van, or other Vehicle, for any Offence committed by him against the Provisions of this Act, it shall be lawful for such Justice, if he shall think proper, forthwith to summon the Proprietor of such Hackney or Stage Carriage, or the Owner of such Cart, Waggon, Van, or other Vehicle, to produce before him the Driver, Conductor, or other Servant by whom such Offence was committed, to answer such Complaint; and in case such Proprietor or Owner, after being duly summoned, shall fail to produce the Driver, Conductor, or Servant, it shall be lawful for the Justice of the Peace before whom such Driver, Conductor, or Servant shall be required to be produced, if he shall think fit, to proceed, in the Absence of such Driver, Conductor, or Servant, to hear and determine the Case, in the same Manner as if he had been produced, and to adjudge Payment, by the Proprietor or Owner, of any Penalty or Sum of Money and Costs in which the Driver, Conductor, or Servant shall be convicted; and any Sum of Money which shall be so paid by the Proprietor or Owner shall and may be recovered in a summary Way from the Driver, Conductor, or Servant through whose Default such Sum shall have been paid, upon Proof of Payment thereof, and of such Servant's refusing or neglecting to be produced pursuant to the Order of the Justice, in the same Manner as Penalties are to be recovered under the Provisions of this Act: Provided always, that if the said Justice of the Peace shall deem it proper, it shall be lawful for him, when such Proprietor or Owner shall fail to produce his Driver, Conductor, or Servant, without any satisfactory Excuse, to be allowed by such Justice, to impose a Fine of Forty Shillings upon such Proprietor or Owner, and so from Time to Time as often as he shall

shall be summoned in respect of such Complaint, until he shall produce the said Driver, Conductor, or Servant.

Form of Conviction.

XXIII. And be it enacted, That every Conviction for any Offence against this Act may be drawn and made according to the following Form or to the Effect thereof, or as near thereto as the Case shall permit:

'to wit. } BE it remembered, That on the Day of in the Year of our Lord A.B. 'is brought before me [*or* us] *C.D. et cætera*, a Justice [*or* Justices] 'of the Peace for the [*here insert the County, Borough, or other 'Jurisdiction of the Justice or Justices*], and is charged before me '[*or* us] with having [*here describe the Offence*], contrary to the 'Provisions of a certain Act [*here insert the Title of this Act*], and 'it appearing unto me [*or* us] upon the Confession of the said *A.B.* '[*or* upon the Oath of a credible Witness or Witnesses, *as the Case 'may be*,] that the said *A.B.* is guilty of the said Offence, I do 'therefore adjudge the said *A.B.* [*here insert the Adjudication, and, 'in the Case of a Second or subsequent Offence, add these Words,* 'the same being the Second [*or any subsequent*] Offence against the 'Provisions of the said Act]. Given under my [*or* our] Hand [*or* 'Hands] at [*here insert the Place where the Justice or Justices may 'be*], the Day and Year first above written.'

Convictions to be transmitted to General or Quarter Sessions.

XXIV. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next General or Quarter Sessions which shall be holden for the County, Borough, or other Jurisdiction wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the said Court; and upon any Complaint or Proceeding against any Person for a subsequent Offence a Copy of such Conviction certified by the proper Officer of the said Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

Appeal.

XXV. And be it enacted, That in all Cases where the Sum adjudged to be paid on any Conviction shall exceed Two Pounds, and in all Cases where Imprisonment shall be adjudged, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Fourteen Days after the Day of such Conviction for the County, Borough, or other Jurisdiction wherein the Cause of Appeal shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after

after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody, and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein as to the Court shall seem meet, and in case of the Dismissal or Nonprosecution of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be thereby awarded, and also the Costs of such Appeal, or incident thereto or occasioned thereby, and shall, if necessary, issue Process for enforcing such Judgment: Provided always, that it shall be lawful for the said Court to adjourn the Hearing of any such Appeal to any succeeding Sessions, if such Court shall think fit; and such Court, in the event of such Postponement, may make any Order for the Payment of Costs by either Party to the other as to such Court shall seem reasonable.

Convictions not to be removed.

XXVI. And be it enacted, That no Conviction made under the Authority of this Act, nor any Order, Judgment, or Proceeding relative thereto, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment under the Provisions of this Act shall be held void by reason of any Defect therein, provided it be therein alleged that the Party committed has been convicted, and there be a good and valid Conviction to sustain the same.

As to Actions.

XXVII. And be it enacted, That no Action shall be brought against any Justice of the Peace or other Person for anything done in pursuance or under the Authority of this Act, unless such Action shall be commenced within Two Calendar Months next after the Fact committed, and no such Action shall be commenced until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to the Defendant, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Attorney or Agent, in which said Notice the Cause of Action shall be clearly and explicitly stated, and upon the Back thereof shall be endorsed the Name and Place of Abode of the Parties so intending to sue, and also the Name and Place of Abode or of Business of the said Attorney or Agent, if such Notice have been served by such Attorney or Agent; and in every such Action the Venue shall be laid in the County where the Act complained of

was committed, or, in Actions in the County Court, the Action shall be brought in the Court within the Jurisdiction of which the Act complained of was committed; and the Defendant in any such Action shall be allowed to plead the General Issue therein, and to give any special Matter of Defence, Excuse, or Justification in Evidence under such Plea, at the Trial of such Action; and in every such Case, after Notice of Action shall be given as aforesaid, and before such Action shall be commenced, the Defendant to whom such Notice shall be given may tender to the Party complaining, or to his Attorney or Agent, such Sum of Money as he may think fit, as Amends for the Injury complained of in such Notice; and after such Action shall have been commenced, and at any Time before Issue joined therein, such Defendant, if he have not made such Tender, shall be at liberty to pay into Court such Sum of Money as he may think fit; and which said Tender and Payment of Money into Court, or either of them, may afterwards be given in Evidence by the Defendant at the Trial under the General Issue aforesaid; and if it shall be found at the Trial that the Plaintiff is not entitled to Damages beyond the Sum tendered or paid into Court, or beyond the Sums so tendered and paid into Court, the Defendant shall be entitled to a Verdict, and the Plaintiff shall not be at liberty to elect to be nonsuit, and the Sum of Money, if any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the Defendant's Costs in that Behalf, shall thereupon be paid out of Court to him, and the Residue, if any, shall be paid to the Plaintiff; or if, where Money is so paid into Court in any such Action, the Plaintiff shall elect to accept the same in satisfaction of his Damages in the said Action, he may obtain from any Judge of the Court in which such Action shall be brought an Order that such Money shall be paid out of Court to him, and that the Defendant shall pay him his Costs, to be taxed; and thereupon the said Action shall be determined, and such Order shall be a Bar to any other Action for the same Cause.

Venue in Actions.

XXVIII. And be it enacted, That if at the Trial of any such Action the Plaintiff shall not prove that such Action was brought within the Time herein-before limited in that Behalf, or that such Notice as aforesaid was given One Calendar Month before such Action was commenced, or if he shall not prove the Cause of Action stated in such Notice, or if he shall not prove that such Cause of Action arose in the County or Place laid as Venue in the Margin of the Declaration, or when such Plaintiff shall sue in the County Court within the District for which such Court is holden, then and in every such Case such Plaintiff shall be nonsuit, or the Defendant shall be entitled to a Verdict; and the Defendant shall in all Cases where he shall obtain Judgment, upon Verdict or otherwise, be entitled to his full Costs in that Behalf, to be taxed as between Attorney and Client.

Costs.

XXIX. And

Meaning of certain Words.

XXIX. And be it enacted, That for the Purposes of this Act the following Words and Expressions are intended to have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; (that is to say,)

The Word "Justice" shall be taken to mean a Justice of the Peace or Magistrate for the County, City, Borough, Liberty, Cinque Port, Riding, or other Jurisdiction in which any Offence against this Act shall be committed, or in which the Matter requiring the Cognizance of any Justice of the Peace or Magistrate shall arise:

The Word "Animal" shall be taken to mean any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Hog, Pig, Sow, Goat, Dog, Cat, or any other domestic Animal:

The Word "Constable" shall be taken to mean any Headborough, Parish Beadle, Peace Officer, Special Constable, or any Person belonging to the Metropolitan or City of *London* Police Forces, or any Constabulary Force in any Part of the United Kingdom:

The Expression "House of Correction" shall be taken to mean the House of Correction or Common Gaol for the County, City, Borough, Liberty, Cinque Port, Riding, or other Jurisdiction for which the Justice of the Peace by whom any Person shall be committed under the Provisions of this Act shall act:

And, subject to the Context and to the Nature of the Subject Matter, Words denoting the Singular Number are to be understood to apply also to a Plurality of Persons, Animals, or Things; and Words denoting the Masculine Gender are to be understood to apply also to Persons and Animals of the Feminine Gender; and the Word "over-drive" shall also signify override.

Act not to extend to Scotland.

XXX. And be it enacted, That this Act shall not extend or apply to *Scotland*.

Act may be amended, &c.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.