

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXXXIII.

An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles. [25th *August* 1857.]

WHEREAS it is expedient to give additional Powers for the Suppression of the Trade in Obscene Books, Prints, Drawings, and other Obscene Articles: Be it 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:

Justices, &c. may authorize Search of suspected Premises.

I. It shall be lawful for any Metropolitan Police Magistrate or other Stipendiary Magistrate, or for any Two Justices of the Peace, upon Complaint made before him or them upon Oath that the Complainant has Reason to believe, and does believe, that any Obscene Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations are kept in any House, Shop, Room, or other Place within the Limits of the Jurisdiction of any such Magistrate or Justices, for the Purpose of Sale or Distribution, Exhibition for Purposes of Gain, lending upon Hire, or being otherwise published

for Purposes of Gain, which Complainant shall also state upon Oath that One or more Articles of the like Character have been sold, distributed, exhibited, lent, or otherwise published as aforesaid, at or in connexion with such Place, so as to satisfy such Magistrate or Justices that the Belief of the said Complainant is well founded, and upon such Magistrate or Justices being also satisfied that any of such Articles so kept for any of the Purposes aforesaid are of such a Character and Description that the Publication of them would be a Misdemeanor, and proper to be prosecuted as such, to give Authority by Special Warrant to any Constable or Police Officer into such House, Shop, Room, or other Place, with such Assistance as may be necessary, to enter in the Daytime, and, if necessary, to use Force, by breaking open Doors or otherwise, and to search for and seize all such Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations as aforesaid found in such House, Shop, Room, or other Place, and to carry all the Articles so seized before the Magistrate or Justices issuing the said Warrant, or some other Magistrate or Justices exercising the same Jurisdiction; and such Magistrate or Justices shall thereupon issue a Summons calling upon the Occupier of the House or other Place which may have been so entered by virtue of the said Warrant to appear within Seven Days before such Police Stipendiary Magistrate or any Two Justices in Petty Sessions for the District, to show Cause why the Articles so seized should not be destroyed; and if such Occupier or some other Person claiming to be the Owner of the said Articles shall not appear within the Time aforesaid, or shall appear, and such Magistrate or Justices shall be satisfied that such Articles or any of them are of the Character stated in the Warrant, and that such or any of them have been kept for any of the Purposes aforesaid, it shall be lawful for the said Magistrate or Justices, and he or they are hereby required, to order the Articles so seized, except such of them as he or they may consider necessary to be preserved as Evidence in some further Proceeding, to be destroyed at the Expiration of the Time herein-after allowed for lodging an Appeal, unless Notice of Appeal as herein-after mentioned be given, and such Articles shall be in the meantime impounded; and if such Magistrate or Justices shall be satisfied that the Articles seized are not of the Character stated in the Warrant, or have not been kept for any of the Purposes aforesaid, he or they shall forthwith direct them to be restored to the Occupier of the House or other Place in which they were seized.

Tender of Amends, &c.

II. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Authority hereby given, if Tender of sufficient Amends shall have been made by

by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

III. No Action, Suit, or Information, or any other Proceeding, of what Nature soever, shall be brought against any Person for anything done or omitted to be done in pursuance of this Act, or in the Execution of the Authorities under this Act, unless Notice in Writing shall be given by the Party intending to prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, One Calendar Month at least before prosecuting the same, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act or Omission complained of, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing such Damage shall have ceased.

Appeal.

IV. Any Person aggrieved by any Act or Determination of such Magistrate or Justices in or concerning the Execution of this Act, may appeal to the next General or Quarter Sessions for the County, Riding, Division, City, Borough, or Place in and for which such Magistrate or Justices shall have so acted, giving to the Magistrate or Justices of the Peace whose Act or Determination shall be appealed against Notice in Writing of such Appeal, and of the Grounds thereof, within Seven Days after such Act or Determination and before the next General or Quarter Sessions, and entering within such Seven Days into a Recognizance, with sufficient Surety, before a Justice of the Peace for the County, City, Borough, or Place in which such Act or Determination shall have taken place, personally to appear and prosecute such Appeal, and to abide the Order of and pay such Costs as shall be awarded by such Court of Quarter Sessions or any Adjournment thereof, and the Court at such General or Quarter Sessions shall hear and determine the Matter of such Appeal, and shall make such Order therein as shall to the said Court seem meet; and such Court, upon hearing and finally determining such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and if such Appeal be dismissed or decided against the Appellant or be not prosecuted, such Court may order the

the Articles seized forthwith to be destroyed: Provided always, that it shall not be lawful for the Appellant on the Hearing of any such Appeal to go into or give Evidence of any other Grounds of Appeal against any such Order, Act, or Determination than those set forth in such Notice of Appeal.

Act not to extend to Scotland.

V. This Act shall not extend to *Scotland*.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1857.