CHAPTER 66.

An Act to enlarge the Jurisdiction of the Civil Bill Courts in Ireland in respect to the recovery of Balances due on partnership Accounts, and in respect of Actions involving Questions of Title to corporeal and incorporeal Hereditaments. [7th August 1874.]

WHEREAS it is expedient to enlarge the jurisdiction of the Civil Bill Courts in Ireland in respect to the recovery of balances due on partnership accounts, and in respect of actions involving questions of title to corporeal or incorporeal hereditaments:

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 the present Parliament assembled, and by the authority of the same, as follows:

Balances of partnership accounts, whether ascertained or not at the time of the issuing process, not exceeding 40*l.*, and actions involving title to corporeal or incorporeal hereditaments, may be brought in the civil bill court, but decrees in the latter cases shall not be evidence of title in other actions.

1. The chairmen of every county in Ireland shall have jurisdiction to try by civil bill actions for the recovery of any debt or demand not exceeding forty pounds alleged to be due as the balance of a partnership account, whether the balance shall have been ascertained or not previous to the issuing of the civil bill; and such chairmen shall, in addition to any jurisdiction in respect of lands and hereditaments which they already possess, also have jurisdiction to try by civil bill actions in which the title to any corporeal or incorporeal hereditament shall come in question, when the value of the land in dispute, or in respect of which an easement or license is claimed, or on, through, over, or under which such easement or license is claimed, shall not exceed twenty pounds by the year as valued under the Acts relating to the valuation of rateable property in Ireland; but the decision of the chairmen in any action in which the title to any corporeal or incorporeal hereditament shall be in question shall not be evidence of title between the parties or their privies in any other action relating to any other corporeal or incorporeal hereditament, although the same may depend in the whole or in part on the same title: Provided however, that this section shall not extend to any action in which title to any fishery or right of fishing shall come in question.

Proceedings in cases involving title to corporeal or incorporeal hereditaments may be stayed in the civil bill court and ordered to be heard in the superior courts by order of the judge.

2. The defendant in any civil bill in which the title to a corporeal or incorporeal hereditament shall be in question may, at any time after the service of the civil bill on him, apply to a judge of one of Her Majesty's Superior Courts of Common Law in Ireland for a summons to the plaintiff to show cause why such action shall not be tried in one of the Superior Courts of Common Law in Ireland on the ground that the title to lands or hereditaments of greater annual value than twenty pounds as before defined would be affected by the decision in such action, or on any other ground which may make it more proper to have the case tried in any of such Courts; and on the hearing of such summons the judge may, if he think expedient, order, on such terms as he may think proper to impose, that the proceedings in the civil bill court shall be discontinued, and that such action shall be tried in one of the Superior Courts of Common Law in Ireland.

When the Act shall come into force, and how it is to be construed.

3. This Act shall come into force on the first day of December one thousand eight hundred and seventy-four, and shall be construed as one Act with the Act of the fourteenth and fifteenth year of Her Majesty, chapter fifty-seven, and the several Acts amending or altering the same.

CHAPTER 67.

An Act to regulate and otherwise deal with Slaughter-houses and certain other Businesses in the Metropolis. [7th August 1874.]

WHEREAS it is expedient to amend the law in the Metropolis relating to slaughter-houses and certain other businesses herein-after specified:

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:

Preliminary.

Short title of Act.

1. This Act may be cited for all purposes as the Slaughter-houses, &c. (Metropolis) Act, 1874.

Regulations as to Businesses.

Absolute prohibition against establishing anew certain businesses.

2. If any person establishes anew within the limits of this Act the following businesses or any of them; that is to say, the business of—

Blood boiler, or
Bone boiler, or
Manure manufacturer, or
Soap boiler, or
Tallow melter, or
Knacker,

he shall incur a penalty not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on the same when established shall incur a penalty not exceeding fifty pounds for every day during which he so carries on the same.

Certain businesses may be established anew with sanction of local authority.

3. If any person establishes anew within the limits of this Act, without the sanction of the local authority, the following businesses or any of them; that is to say, the business of—

Fellmonger, or
Tripe boiler, or
Slaughterer of cattle, or
Any other business which the local authority may declare by order confirmed by the Local Government Board and published in the London Gazette to be an offensive business,

he shall incur a penalty not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on the same when established shall incur a penalty not exceeding fifty pounds for every day during which he so carries on the same.

The sanction of the local authority shall be given by order certified under their seal, or under the hand of their clerk, but previously to making any such order, the local authority shall give notice thereof to the vestry of the parish within which the premises are situate at least fourteen days before such application is considered, and also give notice by advertisement of the time and place at which they will be willing to hear all persons objecting to such order, and shall take into their consideration any objections made at such time and place, and shall grant or withhold such sanction as they may think expedient.

Power of local authority to make byelaws.

4. The local authority may from time to time make, alter, and repeal byelaws for regulating the conduct of any businesses specified in this Act, which are for the time being lawfully carried on within their jurisdiction, and the structure of the premises on which such business is being carried on, and the mode in which application is to be made to the local authority for their sanction to establish anew any business under this Act:

Pecuniary penalties (to be recovered before a court of summary jurisdiction) may be imposed by any such byelaws on persons breaking any byelaw regulating the conduct of any of the said businesses, provided that no penalty exceeds for any one offence the sum of five pounds, or in the case of a continuing offence, the sum of one pound for every day during which such offence is continued after conviction for the first offence.

Also power may be given by any such byelaw as last aforesaid to a court of summary jurisdiction by summary order to suspend or deprive any person altogether of the right of carrying on any business to which such byelaw relates as a penalty for breaking the same.

Any byelaw made in pursuance of this section, and any alteration made therein, and any repeal of a byelaw, shall not be of any validity until it has been confirmed by the Local Government Board.

A byelaw made under this Act shall not nor shall any alteration therein or repeal thereof be confirmed by the Local Government Board until the expiration of one month after notice of the intention to apply for confirmation of the same has been given by the local authority in one or more newspapers circulating in the Metropolis; and any vestry or district board or person aggrieved by any such proposed byelaw or alteration in or repeal of a byelaw may forward notice of his objection to the Local Government Board, who shall take the same into consideration.

If for a period of four months after the passing of this Act the local authority fail in exercising the powers of making byelaws given by this Act, the Local Government Board may, by order to be published in such manner as that Board may direct, make such byelaws of their own motion, and may by a like order alter and repeal such byelaws and make other byelaws in lieu thereof; and all byelaws so made shall have the same effect and may be enforced in like manner as byelaws made by the local authority and duly confirmed by the Local Government Board.

Legal Proceedings and Miscellaneous.

Legal proceedings.

5. All offences and penalties under this Act, or any byelaw made in pursuance of this Act, may be prosecuted and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Act.

The term "The Summary Jurisdiction Act," means 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," inclusive of any Acts amending the same:

The term "Court of Summary Jurisdiction" means and includes any justice or justices of the peace, lord mayor or alderman of the city of London, or metropolitan police magistrate.

The Court of Summary Jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted in some one of the following manners; that is to say, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of one of the magistrates herein-after mentioned sitting alone or with others at some court or other place appointed for the administration of justice, that is to say, the Lord Mayor, or any alderman of the city of London, or a metropolitan police magistrate.

Any person disobeying any summary order of a court of summary jurisdiction made in pursuance of this Act shall incur a penalty not exceeding fifty pounds for every day during which disobedience continues.

Appeal to quarter sessions.

6. If any party feels aggrieved by any order or conviction made by a court of summary jurisdiction under or in pursuance of this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision of the court from which the appeal is made:

(2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow:

(4.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Byelaws to be printed.

7. All byelaws made by the local authority under this Act shall be printed, and a copy thereof shall be delivered to any person carrying on any of the businesses specified in this Act within the limits of this Act, upon his application for the same, without payment of any fee, and to any other person, on payment of such sum, not exceeding one shilling, as the local authority may from time to time prescribe.

Evidence of byelaws.

8. Any byelaw or order made by the local authority in pursuance of this Act may be proved by the production of a printed copy of such byelaw or order purporting to be certified by the clerk of the local authority to be a true copy, or purporting to be sealed by the seal of the local authority; and any such byelaw or order shall, until the contrary is proved, be deemed to have been duly made and confirmed in pursuance of this Act.

Fees for sanction of local authority.

9. There shall be charged for an order sanctioning the establishment anew of any one of the said businesses, permitted to be established anew, such fee not exceeding ten shillings as the local authority may prescribe.

Any such fees shall be carried to such account for the benefit of the local authority as that authority may prescribe, and shall be applicable to the purposes for which the local rate is applicable.

Amendment of law as to renewal of licenses for slaughter-houses in special session under "Metropolis Management Amendment Act, 1862."

10. Where the sanction of the local authority has been given under this Act to a slaughterer of cattle to establish his business anew on any premises within the limits of this Act, a license to use such premises as a slaughter-house shall be granted as a matter of course by the justices assembled at the first special sessions for licensing slaughter-houses held after the grant of such sanction, in pursuance of section ninety-three of "The Metropolis Management Amendment Act, 1862."

Before any license by the justices assembled at special sessions for the use of any premises as a slaughter-house is renewed under the last-mentioned section, fourteen days' previous notice of the intention to apply for such license to be renewed shall be served on the Metropolitan Board of Works as well as on the other parties in the said section in that behalf mentioned, to the intent that such Board may, if they think fit, show cause against such license being renewed, in like manner as such other parties are empowered by that section to show cause.

An objection shall not be entertained to a license under the said section for the use of any premises as a slaughter-house being renewed unless seven days previous notice has been served on the applicant of the intention of the objector to bring forward such objection, with this exception, that notwithstanding notice has not been given, the justices may, if they think it just so to do, on an objection being made, and notice of such objection being served on the applicant, adjourn the question as to renewing any license to a future day, and require the attendance of the holder of the license on such day, when the case shall be heard and the objection considered as if the notice herein-before directed had been given.

A license under the said section ninety-three for the use of premises as a slaughter-house shall, for the purposes of this Act, be deemed to be renewed in all cases where a further license is granted under the said section in immediate succession to a prior license being granted for the use of the same premises as a slaughter-house.

Power of inspectors of Privy Council to enter slaughter-houses and knackers yards for detection of disease.

11. Any person for the time being appointed by the Privy Council an inspector for the purposes of the Contagious Diseases (Animals) Act, 1869, may enter on the premises occupied by any slaughterer of cattle or knacker, within the limits of this Act, and inspect any live or dead animals therein for the purpose of detecting the presence of any contagious or infectious disease, and any person obstructing any such inspector in entering such premises or placing any obstacle in the way of his making such inspection as aforesaid, shall incur a penalty not exceeding twenty pounds.

Definitions.

Definitions.

12. In this Act, if not inconsistent with the context, the following expressions shall have the meanings herein-after respectively assigned to them; that is to say,

"The Metropolis" means the parishes and places mentioned in the Schedules A, B, and C, annexed to the Metropolis Management Act, 1855, and any parish to which such Act may be extended by Order in Council in manner in the said Act provided; also the city of London and the liberties of the said city:

"The local authority" means, as respects the parishes and places mentioned in the Schedules A, B, and C, annexed to the Metropolis Management Act, 1855, and any parish to which such Act may be extended by Order in Council in manner in the said Act provided, the Metropolitan Board of Works, and as respects the city of London and the liberties thereof, the Commissioners of Sewers:

"The clerk of the local authority" means as respects the Metropolis, "the clerk of the Metropolitan Board of Works," and as respects the city of London, "the chief clerk of the Commissioners of Sewers:"

"The limits of this Act" means the area of the Metropolis as herein-before defined:

"The local rate" means, as respects the Metropolis, "the rate or fund applicable to the payment of the general expenses of the Metropolitan Board of Works;" as respects the city of London, the "consolidated sewer rate:"

"Slaughterer of cattle" means a person whose business it is to kill any description of cattle, including sheep, goats, or swine, which is killed for the purpose of its flesh being used as butchers meat:

"Knacker" means a person whose business it is to slaughter any horse, ass, or mule, or any cattle, sheep, goat, or swine which is not killed for the purpose of its flesh being used as butchers meat.

When a business to be deemed established anew.

13. A business shall be deemed to be established anew if it is removed from any one set of premises to any other premises, or if it is renewed on the same set of premises after having been discontinued for a period of nine months or upwards, or if any premises on which it is for the time being carried on are enlarged without the sanction of the local authority; but a business shall not be deemed to be established anew by reason only that the ownership of such premises is wholly or partially changed, or by reason only that the building on which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Repeal and Saving Clauses.

Repeal of Acts.

14. There shall be repealed the following enactments; that is to say,

(1.) Sections 55 and 56 of the Act of the session of the seventh and eighth years of the reign of Her present Majesty, chapter eighty-four, and intituled "An Act for "regulating the construction and use of buildings in the Metropolis and its "neighbourhood," so far as relates to the several businesses of a soap boiler, tallow melter, knacker, fellmonger, tripe boiler, or slaughterer of cattle.

Provided that the repeal enacted in this Act shall not affect—

(1.) Anything duly done or suffered under any enactment hereby repealed; or

(2.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence against any enactment hereby repealed; or

(3.) The institution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

Continuance byelaws.

15. All byelaws and regulations in force at the time of the passing of this Act, in relation to any of the businesses, for the regulation of which a power of making byelaws is given by this Act, shall continue in force until repealed by byelaws made in pursuance of this Act, power being given to repeal, in relation to any such last-mentioned business, by byelaw made in pursuance of this Act, any byelaw or regulation in force in relation to

such business at the time of the passing of this Act. But from and after the passing of this Act the local authority shall not have power to make any byelaws or regulations in respect of any business which they are empowered to regulate by byelaw under this Act, except by byelaw made in pursuance of this Act.

Exemption regarding the Metropolitan Cattle Market, &c.

16. Nothing in this Act shall render it necessary for the mayor, aldermen, and commons of the city of London, or their tenants, to make application to the local authority for an order to enable them to slaughter cattle at the Metropolitan Cattle Market, or at the cattle market at Deptford, or enable the local authority to make byelaws affecting those markets or the slaughter-houses now erected or that may be erected at either of these markets.

Saving.

17. Nothing in this Act contained shall affect the general law of nuisance, or make legal any act or default which would have been illegal if this Act had not passed, or, save as in this Act expressly provided, affect any Act of Parliament relating to any business specified in this Act.

CHAPTER 68.

An Act to amend the Law relating to Attorneys and Solicitors.

[7th August 1874.]

23 & 24 Vict. c. 127. s. 10.

WHEREAS by the Act twenty-three and twenty-four Victoria, chapter one hundred and twenty-seven, intituled "An Act to amend the laws relating to attorneys, "solicitors, proctors, and certificated conveyancers" (in this Act referred to as the Act of 1860), it is (section ten) enacted that no person thereafter bound by articles of clerkship to any attorney or solicitor shall, during the term of service mentioned in such articles, hold any office or engage in any employment whatsoever other than the employment of clerk to such attorney or solicitor and his partner or partners (if any) in the business, practice, or employment of an attorney or solicitor, save as by the Act six and seven Victoria, chapter seventy-three (in this Act referred to as the Act of 1843), or by the Act of 1860, otherwise provided; and that every person bound as aforesaid shall, before being admitted an attorney or solicitor, prove by the affidavit required under the fourteenth section of the Act of 1843 that he has not held any office or engaged in any employment contrary to the enactment now in recital, and that the form of such affidavit as aforesaid shall be varied by such addition thereto as may be necessary for that purpose:

And whereas it is expedient that the restriction contained in the recited enactment should not be enforced in cases in which such consent and sanction as by this Act provided are obtained:

23 & 24 Vict. c. 127. s. 24.

And whereas by the Act of 1860 (section twenty-four) it is further enacted that where the name of any attorney or solicitor is ordered to be struck off the roll of attorneys or solicitors of any court, on his own application or on the application of any other person, the rule or order for that purpose shall forthwith and before the same is acted upon be produced to the registrar of attorneys and solicitors (in this Act referred to as the registrar), and that the registrar shall enter a note or minute of the rule or order in connexion with the name of such attorney or solicitor on the roll of attorneys and solicitors kept by the registrar, and shall strike the name off the roll, and shall mark the rule or order as having been entered:

And whereas it is expedient that where application is intended to be made by any third person to strike the name of any attorney or solicitor off the roll of attorneys or solicitors of any court notice of the intended application be given to the registrar, and that such power as is in this Act in that behalf contained be conferred upon the registrar in respect thereof: