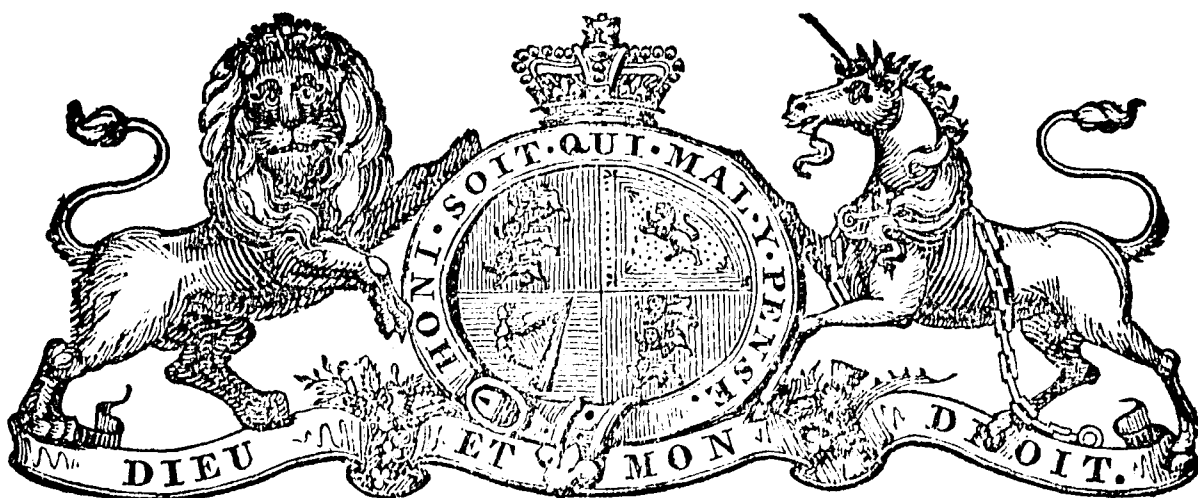


VICTORIA.



ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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No. CXCIX.

An Act to Consolidate the Laws relating to the  
Abattoirs and the Slaughtering of Cattle.

[20th April, 1864.]

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows—

1. This Act shall be called and may be cited as "*The Licensed Butchers and Abattoirs Statute 1864*" and is divided into two Parts whereof the First Part contains provisions applicable to the city of Melbourne and the Second Part contains provisions generally applicable.

Title and division of Act.

2. The several Acts mentioned in the first schedule to this Act shall be and the same are hereby repealed but all offences against any of the said repealed Acts may be prosecuted and all things done and proceedings taken or commenced by virtue of the said repealed Acts shall be valid and may be continued and all rights accrued under the said repealed Acts may be enforced as if such Acts were not repealed.

Acts repealed.

3. All officers appointed and in office and all by-laws in force at the time of the commencement and coming into operation hereof shall continue as if the same had been appointed and made respectively under this Act.

Present officers and by-laws to continue.

PART I.—PROVISIONS APPLICABLE TO THE CITY OF MELBOURNE.

4. The council of the city of Melbourne may erect and establish one or more public abattoirs within the said city and also one or more public abattoirs in any place beyond but not exceeding the distance of ten miles from the limits of the said city.

Abattoirs to be erected.

5. No

*Licensed Butchers and Abattoirs Statute.*

Consent of corporate  
body.

5. No such public abattoir as last aforesaid shall be erected or established by the said council within the limits or jurisdiction of any other corporate body without the consent of such body.

Expense of erecting  
abattoirs.

6. The council of the said city may defray any expense which may be incurred in the erection of the said abattoirs and appurtenances and in the management and maintenance of the same out of the "Town Fund" of the said city.

Slaughtering else-  
where.

7. If any person slaughter or cause to be slaughtered any neat cattle sheep lamb pig or goat within the boundaries of the said city of Melbourne or within one mile thereof (either in existing abattoirs or elsewhere) except at the public abattoirs erected by the said city or any municipal council or at any slaughter-house or place for slaughtering cattle provided or erected by the council of any borough he shall forfeit and pay for every such offence any sum not exceeding ten pounds.

By-laws and rates of  
fees.

8. The council of the said city may from time to time make alter or amend by by-law such regulations as to them shall seem meet for regulating the abattoirs erected and established under this or any of the said repealed Acts in respect to cleanliness and otherwise and for the good government of all parties using the same and may fix by by-law from time to time the rates of slaughtering fees or dues (not exceeding the sums respectively mentioned in the second schedule hereunto) to be paid for the use of such abattoirs and appurtenances by parties slaughtering or causing to be slaughtered live stock therein.

Keeping swine or  
goats.

9. If any person breed or keep any kind of living swine or any goat in such portions of the said city as may from time to time be fixed by any by-law to be for that purpose passed by the council of the said city he shall forfeit and pay on conviction for every such offence any sum not exceeding five pounds.

Unwholesome meat.

10. If within the said city any butcher or dealer in meat or other person keep offer or expose for sale in his shop stall or premises as and for human food any unsound or unwholesome meat unfit for such purpose he shall forfeit and pay on conviction for every such offence any sum not exceeding ten pounds.

## PART II.—PROVISIONS GENERALLY APPLICABLE.

Penalty for slaughter-  
ing without license.

11. If any person without being duly licensed shall keep a slaughter-house or place for slaughtering cattle or other animals intended for sale or barter or for shipping such slaughter-house or place being outside and beyond one mile of the boundaries of the city of Melbourne and outside the limits of any borough or if any person shall slaughter or cause to be slaughtered any cattle or any sheep lamb pig or goat so intended as aforesaid in any such house or place not duly licensed such person shall forfeit and pay the sum of ten pounds for each and every head of cattle sheep lamb pig or goat so slaughtered.

Licenses to be applied  
for in the month of  
August next to the  
nearest bench of  
justices.

12. Any person who may be desirous of obtaining a license for such slaughter-house or place shall apply for the same in writing particularly specifying and describing the house or place intended to be so licensed if such slaughter-house or place be within the limits of the town of Geelong to the council of the said town and if elsewhere and outside and beyond one mile of the boundaries of the city of Melbourne and outside the limits of any borough to the bench of justices nearest to his usual place of residence and such bench of justices two or more being present if they be satisfied that such applicant is of unexceptionable character and that the situation of such house or place is not objectionable and upon payment of the sum of two shillings and sixpence to the clerk of

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*Licensed Butchers and Abattoirs Statute.*

of petty sessions for such license may issue and deliver to the person so applying a license under the hands of any two of them in the form set forth in the third schedule hereunto and such license shall remain in force until the thirty-first day of December following.

13. Certain persons to be called inspectors of slaughter houses and of cattle intended for slaughter may be appointed in manner following In such cities or towns as have been or hereafter may be incorporated such inspectors may be appointed by the mayor and council of such city or town and such appointments shall be notified in the *Government Gazette* and within such other towns or districts as the Governor has heretofore or shall hereafter from time to time appoint by notice published in the *Government Gazette* such inspectors shall be appointed by the Governor in Council.

Appointment of inspectors.

14. Every person so appointed shall repair without delay to the places within his district at which he shall have information of any cattle having been slaughtered or of any cattle being intended to be slaughtered and also at which it shall appear by notice given to him or left at his place of residence that it is intended to slaughter any cattle and every such inspector shall examine the said cattle slaughtered or so intended to be slaughtered in his district and shall take a particular description thereof with the color marks brands sex and apparent age the name of the owner thereof and of the time or place of slaughter and he shall carefully enter or cause to be entered the said particulars in a book to be kept by him for that purpose and such inspector whenever he shall be required so to do shall produce such book for examination to the court of general sessions having jurisdiction in his said district or for the information of any justice.

Duties of inspectors.

15. Every person intending to slaughter any cattle in any city town or district in which an inspector shall be appointed as aforesaid shall first give twelve hours' notice in writing to such inspector of the cattle intended to be so slaughtered specifying the place and time under the penalty of five pounds for each and every head of cattle which shall be so slaughtered without such notice having been given thereof unless it shall be made to appear to the justices before whom such fine shall be sought to be recovered that such notice could not have been given and that owing to some unforeseen accident it was necessary that such cattle should have been immediately slaughtered and in all cases in which any cattle shall have been slaughtered within any such city town or district without having been previously inspected as aforesaid notice thereof shall be immediately given to the said inspector and the skins of such cattle shall be kept or preserved for three days and be produced upon demand at the place of slaughter to the inspector for the city town or district wherein such cattle shall have been slaughtered under the penalty of five pounds for every such skin so neglected to be preserved and produced.

Notice of intention to slaughter cattle to be given to the inspectors.

Penalty for default.

Except in cases of necessity when skins to be produced.

16. Every keeper of a licensed house or place for slaughtering cattle except in any of the cities towns or districts for which inspectors may have been or may be appointed as aforesaid shall keep a book in which he shall enter a particular account and description of all cattle slaughtered in such house or place specifying the color marks brands sex and apparent age of such cattle and if purchased containing the name of the person from whom the same shall have been so purchased and the time of slaughter and a report of all cattle slaughtered with the particulars above stated shall be transmitted monthly in writing under the hand of such keeper of every such slaughter-house to the nearest court of petty sessions and if any such keeper of a licensed slaughter-house shall neglect

Keeper of a licensed house or place in any situation where inspectors are not appointed to keep records of all cattle slaughtered

and make returns thereof.

*Licensed Butchers and Abattoirs Statute.***Penalty.**

neglect to keep such book or record or shall make a false entry therein or shall fail or refuse to make such monthly report to the nearest court of petty sessions or to produce such book or record when so required by any justice he for every such offence shall forfeit and pay a sum not exceeding five pounds.

Not to extend to slaughtering cattle for family use.

17. Nothing in this Part of this Act before contained shall extend to any person slaughtering at his own residence or farm cattle or other animals for his family servants or laborers.

Magistrates may demand the skins of cattle slaughtered or an account thereof.

18. Any justice may demand the skins of any cattle whatsoever that may have been slaughtered within one month previous to the date of such demand or a full and satisfactory account showing to whom any such skin has been sold or in what manner disposed of and any person who upon such demand shall refuse or neglect to produce such skin or in case the same cannot be produced to give a full and satisfactory account of how and in what manner the same has been disposed of shall on conviction of every such offence forfeit and pay a sum not exceeding ten pounds.

**Penalty.**

No person shall destroy the brands upon any skin.

19. If any person shall cut out burn or otherwise destroy or deface any brand which shall have been upon any such skin or shall be in the possession of any such skin from which the brand shall have been cut or burnt or otherwise destroyed or defaced without being able to give a satisfactory account thereof every such person shall upon conviction of every such offence forfeit and pay a fine of ten pounds.

**Penalty.**

Tanners shall not purchase hides from which the brands shall be cut or defaced.

20. Every tanner or other person purchasing a raw hide or skin from which any brand shall have been cut or burnt out or destroyed or otherwise defaced shall upon conviction of any such offence forfeit and pay a fine of ten pounds.

**Penalty.**

Justices &c. may enter licensed premises on suspicion of stolen cattle slaughtered.

21. Any justice inspector or constable may enter any house or place licensed as aforesaid at any time of the day or night where there shall be good cause to suspect that stolen cattle have been slaughtered and may make such search and enquiry therein as shall seem necessary for the discovery of the offence and of the offender.

**Obstructing officers**

22. If any person shall obstruct or hinder any justice inspector or constable so as to prevent him from entering any premises licensed as aforesaid for the purpose of examining any cattle or skins of cattle the person so offending shall be deemed guilty of a misdemeanor and shall be dealt with accordingly as in cases of misdemeanor at common law.

Inspectors to receive a certain sum for inspection.

23. Any such inspector may ask demand and receive the sum of threepence for each and every head of cattle and every such skin inspected by him under the authority of this Act and such sums shall be paid by the keeper of such licensed house or place and may be recovered before any justice.

Situation of slaughter-houses.

24. Except as hereinbefore provided no slaughter-house or place for slaughtering cattle shall be licensed in any town unless within sixty feet of an accessible creek or river or if a seaport on the sea beach within a like distance of high water mark.

No fire-arms to be discharged in any town for killing cattle.

25. If any person shall discharge any gun or pistol or any kind of fire-arms in any road street or market place or in any town for the purpose or under the pretence of killing or maiming any cattle he shall upon conviction of every such offence forfeit and pay a fine not exceeding five pounds or be subject to imprisonment for a term not exceeding one month.

**Penalty.**

Recovery of fees and fines.

26. All fees dues fines penalties and forfeitures imposed by the First Part of this Act or by any by-law made in pursuance thereof shall be recoverable in a summary way before any justice upon the information or complaint of an inspector of slaughter-houses or city inspector



*Licensed Butchers and Abattoirs Statute.*

inspector duly appointed by the council of the city of Melbourne to prosecute offenders and all offences against the Second Part of this Act except as hereinbefore provided shall be prosecuted in a summary way before any two justices.

27. If any person convicted under this Act shall hold a license under this Act or under any of the Acts hereby repealed such license shall become null and void from and after the date of such conviction.

Person convicted to  
forfeit license.

28. No conviction before any justice for any offence under the Second Part of this Act nor any adjudication made on appeal therefrom shall be quashed for want of form or be removed by writ of *certiorari* or otherwise into the Supreme Court and no warrant of commitment shall be held void by reason of any defect therein provided that it be therein alleged that the party has been convicted and that there be a good and valid conviction to sustain the same.

Convictions not to be  
quashed for want  
of form or removed  
to Supreme Court.

No warrant or com-  
mitments held void  
by any defect  
therein.

29. All fees and dues and a moiety of every fine penalty or forfeiture accruing under the First Part of this Act shall be paid to the Treasurer of the city of Melbourne and shall be by him carried to the credit of the "Town Fund."

Appropriation of fees  
and fines under  
First Part.

30. One half (or a part thereof) of all fines forfeitures and penalties under the Second Part of this Act shall at the discretion of the justices be paid to the informer.

Of fines under Second  
Part.

31. Nothing in this Act shall be deemed to repeal or alter the provisions of any Acts now or hereafter to be in force relating to slaughter-houses and slaughtering within boroughs or shires and nothing in this Act shall be deemed to affect the power of the councils of the city of Melbourne and town of Geelong respectively to make publish alter modify amend and repeal by-laws for regulating the quality and the place and manner of selling butchers' meat and for regulating slaughter-houses.

Certain Acts not re-  
pealed.

32. Where in any Act heretofore passed any of the Acts hereby repealed or any part thereof is cited or referred to such first-mentioned Act shall be read as if this Act or the corresponding portions hereof had been so cited or referred to instead of such repealed Act or part thereof.

This Act substituted  
for repealed Acts.

33. This Act shall commence and come into operation on the first day of January next after the passing hereof and not before.

Commencement of  
this Act.

**SCHEDULES.**

Licensed Butchers and Abattoirs Statute.

SCHEDULES.

FIRST SCHEDULE.

Date.	Title of Acts.
Section 2. 5 Wm. IV. No. 1 ... ..	"An Act for regulating the slaughtering of cattle."
7 Victoria No. 2 ... ..	"An Act to amend 'An Act for regulating the "slaughtering of cattle.'"
14 Victoria No. 17... ..	"An Act to provide for the establishment of public "abattoirs in the city of Melbourne and for prevent- "ing certain nuisances therein."
18 Victoria No. 18... ..	"An Act to amend an Act intituled 'An Act to provide "for the establishment of public abattoirs in the "city of Melbourne and for preventing certain "nuisances therein.'"

SECOND SCHEDULE.

Section 8.							s.	d.
	For every ox cow bull heifer steer or calf	...	...	...	...	...	2	0
	For every sheep or lamb or goat	..	...	...	...	...	0	6
	For every head of swine	...	...	...	...	...	1	0

THIRD SCHEDULE.

(Form of License.)

VICTORIA.

LICENSE FOR SLAUGHTERING.

Section 12. We the undersigned being of Her Majesty's justices of the peace for  
by virtue of the authority vested in us by "*The Licensed Butchers  
and Abattoirs Statute 1864*" do hereby license  
of to slaughter cattle and sheep lambs pigs and goats in his  
situated and being in

This License shall remain in force from the date hereof until the thirty-first day of  
December One thousand eight hundred and

Given under our hands at this day of  
18 .

Registered by  
A.B.  
Clerk of Petty Sessions.

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.