Anno tertio

Georgii III. Regis.

CAP. VI.

An Act for explaining and amending an Act made in the Thirty firſt Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the due making of Bread, and to regulate the Price and Aſſize thereof, and to puniſh Perſons who ſhall adulterate Meal, Flour, or Bread;* ſo far as the ſame relates to that Part of *Great Britain* called *Scotland;* and for rendering the ſaid Act more effectual in that Part of the United Kingdom.

Preamble.



WHEREAS by an Act of Parliament made in the Thirty first Year of the Reign of His late Majesty King George the Second, intituled, An Act for the due Making of Bread, and to regulate the Price and Assize thereof; and to punish Persons who shall adulterate Meal, Flour, or Bread; certain Powers are granted to the several Courts, Magistrates, and Justices of the Peace therein mentioned, to set, ascertain, and appoint, the Assize and Weight of Bread which shall be made for Sale, or exposed to Sale, and the Price to be paid for the same respectively, within the Bounds of their several Jurisdictions, from time to time, as they shall think proper: And it is thereby enacted, That in every Assize of Bread which shall be so set and appointed, Respect shall, from time to time, be had to the Price which the Grain, Meal, or Flour, whereof such Bread shall be made, shall bear in the publick Market or Markets in or near the publick Place or Places for which any such Assize shall be so, at any Time, set; and, for ascertaining such Price of Grain, Meal, or Flour, from time to time, the several Courts, Magistrates, and Justices of the Peace therein mentioned, are thereby impowered, from time to time, as there shall be Occasion, within their several Jurisdictions, to cause the respective Prices which the several Sorts of Grain, Meal, and Flour, shall, from time to time, bona fide, sell for in such publick Markets, to be given in and certified upon Oath unto such Court, Magistrates, or Justices of the Peace respectively, within their several Jurisdictions, by the Clerk of the Market, or by such Person or Persons, and in such Manner, and on such Day of the Week, as they shall respectively appoint within their several Jurisdictions; and the Price which shall be so certified, shall, from time to time, be entered by the respective Person or Persons who shall certify the same, in a Book or Books to be provided and kept by him or them

them for that Purpose, in the Form and Manner as therein directed: And whereas the above Method of ascertaining the Price of Wheat and Rye, and the Flour and Meal made of those Grains, cannot take Place within that Part of Great Britain called Scotland, by reason that there are few publick Markets for such Grains, Flour, or Meal, within that Part of the United Kingdom; and where there are publick Markets for Grain, Flour, or Meal of any Kind, there is no such Officer as Clerk of the Market, who can certify to the Magistrates or Justices of the Peace the respective Prices which the several Sorts of Grain, Meal, and Flour, sell for in such publick Markets; whereby the salutary Effect, and Execution of the said Act made for the whole United Kingdom, is prevented and totally disappointed within that Part thereof called Scotland: For Remedy whereof, be it enacted by the King'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 in Place of the Method prescribed and laid down in the said Act for ascertaining the Price of the several Kinds of Grain, Meal, and Flour, it shall and may be lawful, in that Part of Great Britain called Scotland, for the Magistrates and Justices of the Peace who are by the said Act authorized to set the Assize of Bread, from time to time, and so often as they shall judge proper, within their respective Jurisdictions, to enquire into and take Proof of the Prices, which the several Sorts of Grain, Meal, and Flour, fit and proper to make the several Sorts of Bread which shall be allowed to be made by them, shall bona fide sell for in the publick Markets in or near the City, Borough, or Place, for which they are respectively authorized to set the Assize of Bread; or where there are no publick Markets for any particular Species of Grain, Meal, or Flour, in or near such City, Borough, or Place, to inquire into and take Proof of the present or last selling Price of such Species of Grain, Meal, or Flour, whether of the Growth of the Country or brought from distant Places; to which selling Price or prime Cost shall be added such an Allowance for the

Magistrates and Justices to enquire into, and take Proof of, the Prices which the several Sorts of Bread Corn, Meal, and Flour, sell for in the publick Markets;

and where there are no publick Markets, then to take Proof of the present or last selling Price thereof;

Expence and Risk of Carriage or Transportation, as, from the Enquiry and Proof, shall, to the said Magistrates and Justices of the Peace appear just and reasonable; so as that the Price of such Grain, Meal, or Flour, be, from time to time, ascertained according to what those several Species do or may truly cost the Bakers before they can manufacture the same into Bread.

so as to ascertain the Price the same costs the Baker;

they giving previous Notice to the Deacon of the Bakers Company, or to 2 reputable Bakers, to attend the taking of such Proof.

And be it further enacted by the Authority aforesaid, That previous to the Proof to be taken in the several Cases aforesaid, Notice in Writing shall be given to the Deacon of the Incorporation of Bakers, or, where there is no such Incorporation, to any Two reputable Bakers within the City, Borough, or Place, where such Proof is to be taken, Forty eight Hours at least before taking the same, to the end that the Bakers of Bread within such City, Borough, or Place, may, if they think proper, attend the taking such Proof, and suggest such Questions, as may be proper to be put to the Witnesses summoned by the Magistrates or Justices of the Peace respectively, or offer such other Witnesses or Evidence, as may appear proper for proving the Prices of the Grain, Meal, or Flour in Question.

The Proof to proceed upon the Oaths of 2 Witnesses conversant in the Prices;

And be it further enacted by the Authority aforesaid, That such Proof shall only proceed upon the Oaths of Two or more credible Witnesses, conversant in the Prices of the several Sorts of Grain, Meal, or Flour, which shall be the Subject of such Enquiry, or by Writings legally proved; and that it shall and may be lawful to the said Magistrates and Justices of the Peace, within their respective Jurisdictions, to summon such Person or Persons as to them shall appear most proper for that Purpose, and to compel them to appear, and give their Evidence; and that either by such Remedies, and under such Penalties, as are provided by the said Act, in the Case of Persons duly summoned to give Evidence, touching the Rates and Prices of the several Sorts of Grain, Meal, and Flour, where the Return of the Prices of such Grain, Meal, or Flour, shall be suspected as not truly and bona fide made, or by such Remedies as are competent by the Common Law of Scotland, for compelling Witnesses to

who may be summoned, and compelled to appear, and give Evidence;

appear

appear and give Evidence in any judicial Trial, before a competent Court.

Provided always, That the Person or Persons so summoned, be not obliged to travel above Five Miles from the Place of his, her, or their Abode. so as they be not obliged to travel above 5 Miles from Home.

And be it further enacted by the Authority aforesaid, That the whole Evidence to be taken as above, shall be fairly ingrossed in a Book to be kept for that Purpose, by the Town Clerks of the several Cities and Boroughs, where such Proofs shall be taken by the Magistrates, or by the Clerk of the Peace where the Proof shall be taken by the Justices of the Peace; and the Evidence as taken down in such Book shall be duly signed by the several Witnesses, and by the Magistrates or Justices of the Peace who shall take the same respectively, according to the Practice of the Law of Scotland; and that so often as such Proof shall be taken, the Magistrates or Justices of the Peace, before whom the same shall be taken respectively, shall, immediately after closing the Evidence, or as soon as it can conveniently be done, declare the Prices of the several Kinds of Grain, Meal, or Flour, concerning which the Enquiry has been made, according as these shall appear to them to be proved, from considering the whole Evidence; and which Declaration shall be ingrossed in the Book appointed to be kept as aforesaid, immediately after the Evidence, and shall be signed by the Magistrates or Justices of the Peace respectively, before whom such Proof shall be taken; and which Book containing the Evidence and Declaration aforesaid, shall be open, and patent, to the Inspection of the Makers of Bread, and all other Persons, without Fee or Reward; and shall, to all Intents and Purposes, be deemed and taken to be, equivalent to the Returns or Certificates of the Market Prices of all Kinds of Grain, Meal, or Flour, appointed to be taken by the said Act: And the Magistrates and Justices of the Peace in that Part of Great Britain called Scotland, shall thereupon proceed to set, ascertain, and appoint, the Assize and Weight of all Sorts of Bread, which shall be made for Sale, or exposed to Sale, and the Price to

Evidence to be ingrossed in a Book,

and signed by the Witnesses, and Magistrates taking the same;

and the respective Prices to be declared,

and entered in the said Book, and signed by the Magistrates;

which is to be free to publick Inspection.

The Assize and Weight of Bread for Sale, to be ascertained according thereto.

be paid for the same, within their respective Jurisdictions, when and as often, from time to time, as they shall think fit, according to the Directions, and agreeable to the Tables enacted and referred to by the said Act.

The Assize not liable to be varied, but to continue in Force till a new one is made.

Provided always, and be it enacted by the Authority aforesaid, That when and so often as any Assize of Bread shall be set, ascertained, and appointed, for any City, Borough, or Place, within that Part of Great Britain called Scotland, by the Magistrates or Justices of the Peace impowered for that Purpose, such Assize shall not be limited to endure for any certain Time, but shall continue and stand in Force until a new Assize of Bread be set, ascertained, and appointed, by the said Magistrates or Justices of the Peace, for such City, Borough, or Place respectively; any thing in the aforesaid Act of the Thirty first Year of the Reign of His late Majesty, to the contrary notwithstanding.

Upon Application and Proof offered of a sufficient Variation of the Price of any Species of the said Grain, by any 2 Inhabitants or Bakers, since the last Assize,

And be it further enacted by the Authority aforesaid, That upon an Application in Writing by any Two or more of the Inhabitants or Bakers, within any City, Borough, or County, where such Assize of Bread shall be set, to the Magistrates or Justices of the Peace who set the last Assize, or to the Magistrates or Justices of the Peace of such City, Borough, or County, for the time being, setting forth, and offering to prove, by proper Evidence, that the Price of any of the Species of Grain before-mentioned, has rose or fallen since the last Assize of Bread was set, so as to authorize an Alteration of such last Assize, according to the aforesaid Act of His late Majesty, and Tables therein referred to; in every such Case, the Magistrates or Justices of the Peace, to whom such Application shall be made, shall, within their respective Jurisdictions, be obliged to take Evidence of the then current Prices, in the

fresh Evidence is to be taken of the current Price, and a new Assize to be made conformable thereto.

Manner before directed; and if, upon advising such Proof, they shall find such a Variation of the Prices since the last Assize, as described in the said Act, they shall immediately set and ascertain a new Assize of Bread, which shall remain till altered agreeable to the Directions herein before given.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons shall be convicted of any of the Offences mentioned in the said Act, or in this present Act, before any Magistrate or Magistrates, Justice or Justices of the Peace, in that Part of Great Britain called Scotland, such Conviction shall proceed and be drawn up in the Form commonly used and practised before such Magistrates or Justices of the Peace, in Convictions for other Offences of the like Nature; any thing in the said Act to the contrary notwithstanding. Method of Proceeding in case of Conviction of Offenders in the recited or present Act.

And whereas it may happen, that the Magistrates of some of the Cities or Boroughs in that Part of Great Britain called Scotland, may neglect to execute the Powers committed to them, of setting and appointing the Assize of Bread, within their respective Cities and Boroughs; be it therefore enacted by the Authority aforesaid, That in case of such Neglect of the Magistrates of any such City or Borough, to set an Assize of Bread, or to alter any former Assize set by them by a new Assize, when such Alteration in the Price of Wheat or other Grain shall occur as is sufficient to authorize an Alteration of the last Assize of Bread according to the said Act, it shall and may be lawful for any Two or more of the Justices of the Peace, of the County within which such City or Borough lies, to require the Chief Magistrate of such City or Borough, by a Writing under their Hands, to set the Assize of Bread, or to alter any former Assize of Bread, according as the Case shall occur; and in case such Chief Magistrate, or the other Magistrates of the said City or Borough, shall refuse or neglect, for the Space of Ten Days after such Requisition, to set such Assize, or to alter any Assize then in force, when the Alteration of the Price of Wheat or other Grain does permit the same, then and in every such Case, any Two or more Justices of the Peace of such County shall have Power, and are hereby authorized, after taking Proof of the Prices of the several Kinds of Grain, Meal, or Flour, in Manner above directed, to set, ascertain and appoint, an Assize of Bread for such City or Borough, which shall remain in full Force until altered by the Magistrates thereof, or, in case of their Neglect, by any Two or more of the said Justices of Peace. Where the Magistrates of any City or Borough neglect their Duty in setting the due Assize of Bread,

2 Justices of the County, &c. may require them to set or alter the same;

and on their Neglect to comply therewith, within 10 Days, they may then settle such Assize themselves.

The recited Act, where not altered by this Act, to extend to, and be in Force within *Scotland*.

And be it further enacted by the Authority aforesaid, That every Clause, Matter, and Thing, contained in the aforesaid Act of the Thirty first Year of His late Majesty's Reign, shall remain and continue in full Force, in that Part of the Kingdom of Great Britain called Scotland, except in so far as the same is altered by this Act.

FINIS.