ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. LXXXVI.

An Act to prevent Abuſes and Frauds in the Packing, Weight, and Sale of Butter; and to repeal certain Acts relating thereto. [14th *May* 1796.]

WHEREAS, to prevent Abuſes and Frauds in the Packing, Weight, and Sale of Butter, various Proviſions were made, by a Statute, paſſed in the Thirteenth and Fourteenth Years of the Reign of His Majeſty King *Charles* the Second, and intituled, *An Act for reforming of the Abuſes committed in the Weight and falſe Packing of Butter*; and by another Statute, made in the Fourth Year of the Reign of King *William* and Queen *Mary*, and intituled, *An Act to prevent Abuſes committed by the Traders in Butter and Cheeſe*: And whereas the Proviſions of the ſaid Two Statutes are found to be defective and inſufficient; and therefore it may be expedient to make new Regulations in reſpect to the Packing, Weight, and Sale of ſuch Butter: Preamble. 13 and 14 *Car.* II, Cap. 26, and 4 *Will.* & *Mary*, Cap. 7, recited.

Regulations for making Veſſels for packing of Butter.

Be it therefore 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 every Cooper, or other Perſon who ſhall make any Veſſel for the Packing of Butter, ſhall make the ſame of good and well-ſeaſoned Timber, and tight, and not leaky, and ſhall grove in the Heads and Bottoms thereof; and every Veſſel which ſhall be made for the Packing of ſuch Butter ſhall be a Tub, Firkin, or Half Firkin, and no other; and every Tub, Firkin, and Half Firkin, ſhall, at the Time the ſame ſhall be delivered out of the Poſſeſſion of the Cooper, or other Perſon making the ſame, be of the Weight and Proportion, and capable of containing the ſeveral Quantities of Butter herein-after mentioned; (that is to ſay), Every Tub ſhall weigh of itſelf, including the Top and Bottom, not leſs than Eleven Pounds, and not more than Fifteen Pounds Avoirdupois Weight; and neither the Top nor the Bottom of any ſuch Tub ſhall be more than Five Eighth Parts of an Inch in Thickneſs in any Part thereof; and every ſuch Tub ſhall be capable of containing Eighty-four Pounds Avoirdupois Weight of Butter, and not leſs: Every Firkin ſhall weigh of itſelf, including the Top and Bottom, not leſs than Seven Pounds, and not more than Eleven Pounds, Avoirdupois Weight; and the Top and Bottom of each ſuch Firkin ſhall not be more than Four Eighth Parts of an Inch each in Thickneſs in any Part thereof; and every ſuch Firkin ſhall be capable of containing Fifty-ſix Pounds Avoirdupois Weight of Butter, and not leſs: And every Half Firkin ſhall weigh of itſelf, including the Top and Bottom thereof, not leſs than Four Pounds, and not more than Six Pounds, Avoirdupois Weight; and the Top and Bottom thereof ſhall not be more than Three Eighth Parts of an Inch each in Thickneſs in any Part thereof; and every Half Firkin ſhall be capable of containing Twenty-eight Pounds Avoirdupois Weight of Butter, and not leſs; upon Pain and Penalty that the Cooper, or other Perſon or Perſons who ſhall make any ſuch Veſſel in any Reſpect contrary to the Directions aforeſaid, ſhall forfeit and pay for every ſuch Veſſel, ſo made contrary to the Directions aforeſaid, the Sum of Ten Shillings.

Penalty of 10s. for each Veſſel made contrary to the above Directions.

Veſſels to be branded with the Name of the Maker and the Weight, on Penalty of 10s.

II. And be it further enacted, That every Cooper, or other Perſon making a Veſſel for packing ſuch Butter as aforeſaid, before ſuffering any ſuch Veſſel to go out of his Poſſeſſion, ſhall, on the Bottom of ſuch Veſſel, on the Outſide, with an Iron, brand his Chriſtian Name and his Surname at Length, and in permanent and legible Letters, to denote that it is the Mark of the Cooper or Maker of the Veſſel, together with the exact Weight or Tare thereof, or in Default thereof, for every ſuch Offence ſhall forfeit and pay, for every ſuch Veſſel not marked according to the Directions aforeſaid, the Sum of Ten Shillings.

Directions for packing of Butter;

III. And be it further enacted, That every Dairy Man, Farmer, or Seller of Butter, or other Perſon who ſhall pack any Butter for Sale, ſhall pack the ſame in Veſſels ſo made and marked as aforeſaid, and no other, and ſhall properly ſoak and ſeaſon every Veſſel wherein he ſhall pack any Butter, before the packing thereof; and when ſuch Veſſel ſhall have been ſo ſoaked and ſeaſoned, ſhall on the Bottom thereof, on the Inſide, and on the Top of every ſuch Veſſel, on the Outſide, with an Iron, brand his Chriſtian Name and his Surname at Length, in permanent

and legible Letters; and ſhall alſo, with an Iron, brand on the Top, on the Outſide, and on the Bouge or Body of every ſuch Veſſel, the true Weight or Tare of ſuch empty Veſſel, when the ſame ſhall have been ſoaked and ſeaſoned; and ſhall alſo, with an Iron, brand his Chriſtian Name and his Surname at Length, in permanent and legible Letters, on the Bouge or Body of every ſuch Veſſel, acroſs Two different Staves at leaſt, to prevent ſuch Staves from being taken out and changed; and alſo ſhall diſtinctly, and at Length, imprint his Chriſtian Name and Surname upon the Top of the Butter contained in every ſuch Veſſel when ſo filled; upon the Pain and Penalty that every Dairy Man, Farmer, or Seller of Butter, or other Perſon who ſhall offend in packing Butter for Sale, in any Veſſel not made and marked by the Cooper or Maker thereof as aforeſaid, or not ſoaked and ſeaſoned as aforeſaid, or in not branding the Weight of ſuch Veſſel, after the ſame ſhall be ſo ſoaked and ſeaſoned as aforeſaid, or in not branding his Chriſtian Name and Surname at Length on every ſuch Veſſel as aforeſaid, or in not imprinting his Chriſtian Name and Surname on the Butter packed therein as aforeſaid, ſhall for every ſuch Offence forfeit the Sum of Five Pounds.

Penalty of 5 *l.* for not conforming to them.

IV. And be it further enacted, That every Dairy Man, Farmer, or Seller of Butter, or other Perſon who ſhall pack any Butter for Sale, ſhall pack in every Tub, Firkin, and Half Firkin, (excluſive of the Tare of the Caſk or Veſſel), the ſeveral and reſpective Quantities of good and merchantable Butter herein-after mentioned; (that is to ſay), in every Tub Eighty-four Pounds Avoirdupois Weight net, and not leſs, (beſides the Tare of the Caſk), of good and merchantable Butter; in every Firkin Fifty-ſix Pounds Avoirdupois Weight net, and not leſs, (beſides the Tare of the Caſk), of good and merchantable Butter; and in every Half Firkin Twenty-eight Pounds Avoirdupois Weight net, and not leſs, (beſides the Tare of the Caſk), of good and merchantable Butter; and that no Butter which is old or corrupt ſhall be mixed or packed up into any Tub, Firkin, or Half Firkin whatſoever, with any Butter which is new and ſound; nor ſhall any Whey Butter be packed or mixed with any Butter that is made of Cream, but the ſaid reſpective Sorts of Butter ſhall be packed up ſeverally and apart by themſelves, and ſhall not be mixed one with another; and every Tub, Firkin, or Half Firkin, of Butter, ſhall be of One Sort and Goodneſs throughout ſuch Tub, Firkin, or Half Firkin; and that no Butter ſhall be ſalted with any Great Salt, but all Butter ſhall be ſalted and ſaved with Small fine Salt; nor ſhall more Salt be intermixed with the Butter than ſhall be needful for its Preſervation; upon Pain and Penalty that every Dairy Man, Farmer, or Seller of Butter, or other ſuch Perſon as aforeſaid, who ſhall offend, by not putting up in each Tub, Firkin, and Half Firkin, of Butter to be ſold, or to be expoſed to Sale reſpectively, ſuch Quantities as aforeſaid, or by mixing Butter, or ſalting it contrary to the Directions aforeſaid, ſhall for every Offence forfeit and pay the Sum of Five Pounds.

Quantities to be packed in each Veſſel.

Butter not to be mixed,

nor ſalted with Great Salt.

Penalty of 5 *l.* for each Offence.

V. And be it further enacted, That if any Change, Alteration, Fraud, or Deceit ſhall be made, uſed, or practiſed, by any Farmer, Dairy Man, and Seller of Butter, or Factor for the Sale or buying thereof, or any other Perſon or Perſons whomſoever, either in the Veſſel wherein Butter ſhall be packed for Sale as aforeſaid, or in the Butter itſelf therein contained,

Penalty of 30 *l.* for any Fraud in Sale of Butter, &c.

tained, whether in Quantity, Quality, Weight, or otherwiſe, or in any of the Brands or Marks directed to be placed on ſuch Veſſel as aforeſaid, or in any of the Staves whereon ſuch Brands or Marks ſhall be placed, or in any other Manner howſoever, after the packing of any Butter for Sale in any ſuch Veſſel as aforeſaid, all and every Perſon or Perſons who ſhall be concerned in making any ſuch Change, Alteration, or in uſing or practiſing ſuch Fraud or Deceit, ſhall forfeit and pay for every ſuch Offence the Sum of Thirty Pounds.

The full Quantity of Butter to be delivered in Veſſels.

VI. And, to the Intent that the Benefit intended by this Act may be extended with full Effect to all Perſons who do either cut out Butter by Retail or expend it, be it further enacted, That every Cheeſemonger, Dealer in Butter, or other Perſon or Perſons who ſhall ſell to any Perſon or Perſons any Tub or Tubs, Firkin or Firkins, Half Firkin or Half Firkins of Butter, ſhall deliver in every ſuch Tub, Firkin, and Half Firkin, the full and due Quantity appointed by this Act, and not leſs, or in Default thereof ſhall be liable to make Satisfaction to the Perſon or Perſons who ſhall buy the ſame for what ſhall be wanting, according to the Price for which the ſame was ſold; and ſhall be liable to an Action on the Caſe for Recovery of ſuch Satisfaction, together with Coſts of Suit.

Satisfaction for Default may be recovered with Coſts.

Penalty of 5*l.* for re-packing in any Veſſel Butter for Sale again.

VII. And be it further enacted, That no Cheeſemonger, Dealer in Butter, or other Perſon or Perſons whomſoever, ſhall re-pack for Sale any Butter, in any ſuch Tub, Firkin, or Half Firkin as aforeſaid, upon Pain and Penalty that every Cheeſemonger, or other Perſon or Perſons, who ſhall re-pack any Butter into any Tub or Tubs, Firkin or Firkins, or Half Firkin or Half Firkins, to ſell the ſame again, ſhall, for every Tub, Firkin or Half Firkin, ſo re-packed, forfeit and pay the Sum of Five Pounds.

Foreign Butter may be re-packed in Veſſels uſed for *Britiſh* Butter under certain Reſtrictions.

VIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to make any Cheeſemonger, or Dealer in Butter, or other Perſon or Perſons whomſoever, liable to any of the Penalties of this Act, for uſing any of the Tubs, Firkins, or Half Firkins aforeſaid, after the *Britiſh* Butter packed in ſuch Veſſels ſhall have been taken thereout, for the re-packing for Sale of any Foreign Butter, as do and ſhall, before he, ſhe, or they, ſo re-pack ſuch Foreign Butter, entirely cut out or efface the ſeveral Names of the original Dairyman, Farmer, or Seller of Butter, from and out of every ſuch Veſſel leaving the Name and Tare of the Cooper, and the Tare of the original Dairyman, Farmer, or Seller of Butter thereon; and after the Names are ſo taken out and effaced, do and ſhall, with an Iron, brand his, her, or their Chriſtian Name and Surname, or Chriſtian Names and Surnames, in Words at Length, and the Words "Foreign Butter" in permanent and legible Letters, upon the Bouge or Body of every ſuch Veſſel or Veſſels, acroſs Two Staves at leaſt, to denote that ſuch Butter is Foreign Butter.

Penalty of 40*l.* for counterfeiting

IX. And whereas divers Frauds and Abuſes are daily practiſed in the Sale of Butter, in counterfeiting and forging the Names and Marks of

Owners and Farmers, and of particular Dairy Men upon Veſſels wherein Butter is packed: For preventing thereof in future, be it further enacted, That if any Perſon ſhall be hereafter convicted of counterfeiting or forging any of the Names or Marks of any ſuch Owners, Farmers, or Dairy Men, as aforeſaid, or of cauſing the ſame, or any of them, or any Part thereof, to be counterfeited or forged, the Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Forty Pounds. Names or Marks of Farmers, &c. on Veſſels.

X. And be it further enacted, That all and every Offence and Offences committed againſt, or alledged to be committed againſt this Act, the Mode of determining which is not herein-before preſcribed, and where the Penalty for the Offence ſhall not exceed the Sum of Five Pounds, ſhall be inquired of, ſued for, heard, and determined before One or more Juſtice or Juſtices of the Peace for the County, Riding, City, Borough, Town, Liberty, or Diviſion, wherein ſuch Offence ſhall be committed, or alledged to be committed; and upon Proof thereof, by One or more credible Witneſs or Witneſſes upon Oath, before ſuch Juſtice or Juſtices, the Penalties and Forfeitures thereby incurred ſhall or may be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal of ſuch Juſtice or Juſtices, the Overplus (after deducting the Charges of diſtraining and Coſts) being to be rendered to ſuch Offender; and that ſuch Penalties and Forfeitures ſhall be to the Uſe of the Informer or Informers; and that in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice or Juſtices, and he or they is and are hereby authorized and required, by Warrant under his Hand and Seal or their Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place where ſuch Offence ſhall be committed, there to remain without Bail or Mainprize, for any Term not exceeding Three Calendar Months, nor leſs than Twenty-eight Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied. Recovery and Application of Penalties, not exceeding 5*l.*

XI. And be it further enacted, That the Juſtice or Juſtices before whom any Perſon ſhall be convicted in Manner preſcribed by this Act ſhall cauſe ſuch reſpective Conviction to be drawn up in the Form or to the Effect following; (that is to ſay),

'to wit. } BE it remembered, That on this Day of *A. B.* is convicted before of His Majeſty's Juſtice or Juſtices of the Peace for the ſaid County of [*or*, for the Riding or Diviſion of the ſaid County, of *or*, for the City, Liberty, or Town of *as the Caſe ſhall happen to be*] for that the ſaid *A. B.* on [*Time of committing Offence*], at [*Place of committing Offence*], did [*here ſtate the Offence againſt the Act according to the Fact*], contrary to the Form of the Statute in that Caſe made and provided; and the ſaid adjudge him or her to pay and forfeit for the ſaid Offence the Sum of Given under my Hand and Seal, [*or* our Hands and Seals], the Day and Year Firſt above mentioned.' Form of Conviction.

And

Convictions to be transmitted to the Quarter Seſſions, who may determine Appeals.

And the ſaid Juſtice or Juſtices before whom ſuch Conviction ſhall be had ſhall cauſe the ſame, ſo drawn up in the Form aforeſaid, to be fairly written upon Parchment, and tranſmitted to the next General or Quarter Seſſion of the Peace to be holden for the County, Riding, Diviſion, City, Town, Liberty, or Place, wherein ſuch Conviction was had, to be filed and kept amongſt the Records of the ſaid General or Quarter Seſſion; and in caſe any Perſon or Perſons ſo convicted ſhall appeal from the Judgement of the ſaid Juſtice or Juſtices, to the ſaid General or Quarter Seſſion, the Juſtices in ſuch General or Quarter Seſſion are hereby required, upon receiving the ſaid Conviction, drawn up in the Form aforeſaid, to proceed to the Hearing and Determination of the Matter of the ſaid Appeal, according to the Directions of this Act; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

Appeal may be made to the Quarter Seſſions.

XII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Determination of any Juſtice or Juſtices of the Peace, who ſhall at any Time act in purſuance of the Power to him or them given by this Act, it ſhall and may be lawful to and for ſuch Perſon or Perſons to appeal to the next General or General Quarter Seſſion of the Peace to be holden for the County or Place where the ſaid Offence ſhall be committed, or alledged to be committed, and the Juſtices aſſembled, preſiding at ſuch General or General Quarter Seſſion, are hereby empowered to award Coſts to either Party, as to them ſhall ſeem meet in reſpect of ſuch Appeal.

Convictions not to be ſet aſide for Want of Form, nor removeable into any Court at *Weſtminſter*.

XIII. Provided alſo, and be it further enacted, That no ſuch Conviction made, or Judgement given as aforeſaid, ſhall be ſet aſide by the ſaid Court of General or General Quarter Seſſion for Want of Form, if the material Facts alledged in ſuch Conviction or Judgement, and on which the ſame ſhall be grounded, be proved to the Satisfaction of the ſaid Court; nor ſhall any ſuch Conviction or Judgement, or any Order or Proceedings of the ſaid Court, be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Cuſtom to the contrary notwithſtanding.

Recovery and Application of Penalties exceeding 5 *l.*

XIV. And be it further enacted, That all ſuch Fines, Penalties, and Forfeitures, impoſed by this Act, as amount to more than the Sum of Five Pounds, ſhall be ſued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter* reſpectively; and that every ſuch Fine, Penalty, or Forfeiture, laſt mentioned, ſhall be to the Uſe of him, her, or them, who ſhall inform or ſue for the ſame, with Coſts of Suit.

General Iſſue may be pleaded.

XV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time be ſued, moleſted, or proſecuted, for any Thing by him or them done in purſuance or by Colour of this Act, or of any Matter or Thing in this Act contained, ſuch Perſon and Perſons ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence in his or their Defence or Defences; and if afterwards a Ver-

dict

dict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become Nonſuited, or diſcontinue his, her, or their Action or Proſecution, or Judgement ſhall be given againſt him, her, or them, upon Demurrer or otherwiſe, then ſuch Defendant or Defendants ſhall have Double Coſts awarded to him or them againſt ſuch Plaintiff or Plaintiffs.

Act not to extend to Veſſels containing not more than 14 *lb.*

XVI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to the Packing of Butter in any Pot or other Veſſel which ſhall not be capable of containing more than Fourteen Pounds Avoirdupois Weight of Butter.

Limitation of Actions.

XVII. Provided always, That every Information, Proſecution, or Suit, which ſhall be laid or brought for any Offence committed againſt this Act, ſhall be commenced within Four Months after the Offence committed.

Certain Acts recited;

XVIII. And whereas an Act was made in the Ninth Year of King *George* the Firſt, intituled, *An Act for the better preventing Abuſes committed in Weighing and Packing of Butter in the City of* York: And whereas another Act was made in the Seventeenth Year of King *George* the Second, intituled, *An Act to prevent the committing of Abuſes in the Weighing and Packing of Butter in the Town and Borough of* New Malton, *in the County of* York: And whereas another Act was made in the Thirtieth Year of the Reign of His preſent Majeſty, for eſtabliſhing a Market at *Milford*, intituled, *An Act to enable Sir* William Hamilton, *Knight of the Moſt Honourable Order of the Bath, his Heirs and Aſſigns, to make and provide Quays, Docks, Piers, and other Erections, and to eſtabliſh a Market, with proper Roads and Avenues thereto reſpectively, within the Manor of* Hubberſton *and* Pill, *in the County of* Pembroke: And whereas all the ſaid Three ſeveral Acts laſt mentioned contain a Clauſe referring to the ſaid Act of the Thirteenth and Fourteenth of *Charles* the Second, and to the Penalties in the ſame Act; be it further enacted, That ſo much of the ſaid Act of the Ninth of King *George* the Firſt, and of the ſaid Act of the Seventeenth of King *George* the Second, and of the ſaid Act of the Thirtieth of His preſent Majeſty, reſpectively, as ſeverally refers to the ſaid Act of King *Charles* the Second, and alſo ſo much of the ſame Three ſeveral Acts reſpectively as mentions Pots of Butter, ſhall be, and the ſame are hereby repealed; but the ſame Three ſeveral Acts reſpectively, in other Reſpects, ſhall be and remain as if this Act had not been made.

and ſo much thereof as refers to the recited Act of 13 & 14 *Car.* II, or as mentions Pots of Butter, repealed.

Act to commence *July* 1, 1796, and Act 13 & 14 *Car.* II, and Part of 4 *Wil.* & *Mary*, to be repealed.

XIX. And be it further enacted, That this Act ſhall commence and begin to be in Force on the Firſt Day of *July* in the Year One thouſand ſeven hundred and ninety-ſix; and from and immediately after the Commencement of this Act the ſaid Statute of the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, and alſo ſo much of the ſaid Statute of the Fourth Year of the Reign of King *William* and Queen *Mary*, as diſcharges any Perſon from the Effect of any Part of the ſaid Act of the Thirteenth and Fourteenth of King *Charles* the Second, expreſſed to be for preventing any Fraud in the Seller of Butter,

after the Factor or Buyer hath contracted for the ſame, ſhall be, and the ſame are and is hereby repealed.

Act not to extend to *Scotland.*

XX. Provided always, and be it further enacted, That nothing contained in this Act ſhall extend to that Part of *Great Britain* called *Scotland.*

FINIS.