ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. CXLIII.

An Act to explain and amend an Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectual Prevention of the Uſe of defective Weights, and of falſe and unequal Balances.* [20th *July* 1797.]

Preamble.

WHEREAS by an Act, paſſed in the Thirty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectual Prevention of the Uſe of defective Weights, and of falſe and unequal Balances*; it was (among other Things) enacted, That it ſhould and might be lawful for the Juſtices, at every Quarter Seſſions of the Peace for any County, Riding, Liberty, or Diviſion, in *England* or *Wales*, to appoint certain Perſons to examine the Weights and Balances within their reſpective Diſtricts, and that the Perſons ſo appointed ſhould, Once in every Month at the leaſt, examine ſuch Weights and Balances; and the Perſons in whoſe Poſſeſſion any falſe Weights or Balances ſhould be found, were ſubjected to a Penalty, not exceeding Twenty Shillings, nor leſs than Five Shillings, to be paid to the Treaſurer of the County, Riding, or Diviſion, and be applied by him for the Purpoſes therein particularly deſcribed: And whereas the ſaid Act might be more conveniently executed, if ſome of the Powers thereof were veſted in the

35 *Geo.* III. Cap. 102, recited.

Juſtices of the Peace at their ſeveral and reſpective Petty Seſſions; and it is expedient that certain other Alterations ſhould be made in the ſaid Act: May it therefore pleaſe Your Majeſty that it may be enacted; and 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, from and after the Tenth Day of *July* One thouſand ſeven hundred and ninety-ſeven, ſo much of the ſaid recited Act as requires the Juſtices, at the Quarter Seſſions of the Peace, to appoint Perſons to examine the Weights and Balances within their reſpective Counties, Ridings, Liberties, and Diviſions, and which authorizes the Perſons ſo appointed to ſearch for and examine all Weights and Balances, and to ſeize and deſtroy falſe or unequal Weights or Balances, and impoſes a Penalty on the Perſons in whoſe Poſſeſſion the ſame ſhall be found, ſhall be and is hereby repealed; and that it ſhall and may be lawful to and for the Juſtices of the Peace, at their reſpective Petty Seſſions, within the Diviſions, Diſtricts, and other Places of the ſeveral Counties in *England* and *Wales*, to appoint One or more Perſon or Perſons, who ſhall have Power to examine the Weights and Balances, within ſuch Diviſions, Diſtricts, and other Places reſpectively.

So much of recited Act as requires the Juſtices at Quarter Seſſions to appoint Perſons to examine Weights, *etc.* repealed, and Juſtices at their Petty Seſſions may appoint ſuch Examiners.

II. And be it further enacted, That it ſhall and may be lawful to and for the Perſon or Perſons ſo to be appointed as aforeſaid, and they are hereby required (having firſt been ſworn duly and faithfully to execute the Office in him or them repoſed by virtue of ſuch Appointment, and of this Act (which Oath ſuch Juſtices are hereby authorized and empowered to adminiſter), as often as the ſaid Juſtices ſhall direct, in the Day Time, to enter into the Shop, Mill, Houſe, Outhouſes, and other Premiſes near to ſuch Shop, Mill, or Houſe, and into the Stall or Standing Place of any Perſon or Perſons who ſell by Retail and Weight any Wares, Proviſions, Goods, or Chattels whatſoever, and then and there to ſearch for, view, and examine all Weights and Balances in ſuch Shop, Mill, Houſe, Outhouſes, Premiſes, Stall, or Standing Place, and to ſeize any Weight or Weights, not being according to the Standard in the Exchequer, or any falſe or unequal Balance or Balances, which ſhall upon ſuch Search, be found therein, and to detain the ſame, to be produced before the Juſtices in Petty Seſſions as aforeſaid, upon the Hearing of the Information or Informations herein-after mentioned; and the Perſon or Perſons, in whoſe Shop, Mill, Houſe, Outhouſes, Premiſes, Stall, or Standing Place, any ſuch defective Weight or Weights, or any ſuch falſe or unequal Balance or Balances, ſhall be found (againſt whom for ſuch Offence or Offences an Information or Informations is and are hereby directed to be preferred) ſhall, upon Conviction thereof in Petty Seſſions as aforeſaid, upon View or Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes, forfeit and pay, for every ſuch Offence, any Sum of Money not exceeding Twenty Shillings, nor leſs than Five Shillings, as the ſaid Juſtices, before whom ſuch Perſon or Perſons ſhall have been convicted, ſhall in their Diſcretion order and adjudge, together with the Coſts and Charges attending ſuch Conviction; ſuch Forfeiture, together with ſuch Coſts and Charges, to be levied by Warrant under the Hands and Seals of the ſaid Juſtices, by Diſtreſs and Sale of ſo much of the Goods and Chattels of the Perſon or Perſons offending, as ſhall

Examiners, when directed by the Juſtices, to viſit Shops, *etc.* and ſeize falſe Weights, *etc.*

Penalty for having falſe Weights, *etc.*

ſhall be ſufficient to pay the ſaid Penalty, and alſo the Expences of making ſuch Diſtreſs and Sale.

Juſtices to cauſe falſe Weights, *etc.* to be broken, and the Produce of the Materials and the Forfeitures to be paid to the County Treaſurer, *etc.*

III. And be it further enacted, That on the Conviction of ſuch Offender or Offenders, the ſaid Juſtices ſhall cauſe ſuch defective Weight or Weights, or ſuch falſe or unequal Balance or Balances, ſo produced before them, to be forthwith broken and rendered uſeleſs, and the Materials thereof to be ſold, and the Money ariſing from ſuch Sale, together with the Amount of the Forfeiture or Forfeitures, to be paid by them to the Treaſurer of ſuch County, Riding, or Diviſion, to be by him applied towards the Expences of carrying the ſaid recited Act and this Act into Execution, and the Reſidue (if any) on Account of the Publick Stock of ſuch County, Riding, or Diviſion; and the ſaid Juſtices ſhall alſo prepare, or cauſe to be prepared, Returns of the Forfeitures levied by them in purſuance of the ſaid before recited Act, and of this Act, and alſo of the Sums ariſing from the Sale of ſuch defective Weights, and falſe and unequal Balances, and ſhall tranſmit ſuch Returns, ſigned by them, to the Clerk of the Peace for ſuch County, Riding, or Diviſion, reſpectively, at every General Quarter Seſſions of the Peace to be held for ſuch County, Riding, or Diviſion.

If the Majority of Inhabitants wiſh that any Perſons ſhould be ſpecially appointed Examiners, they may, in Veſtry, nominate them for Approbation of the Juſtices:

IV. Provided always, and be it further enacted, That if the Majority of the Inhabitants of any Pariſh, Townſhip, or Place, within ſuch County, Riding, or Diviſion, ſhould be deſirous that any Perſon or Perſons ſhall be ſpecially appointed to examine the Weights and Balances within ſuch Pariſh, Townſhip, or Place, it ſhall and may be lawful for ſuch Inhabitants, and they are hereby empowered (at a Veſtry to be duly holden for that Purpoſe) to nominate One or more ſubſtantial Houſeholder or Houſeholders, to be approved of and appointed by the ſaid Juſtices, at their reſpective Petty Seſſions for the Diviſion or Diſtrict wherein ſuch Pariſh, Townſhip, or Place, ſhall lie; which Perſon or Perſons ſo nominated, approved, and appointed, ſhall have the ſame Powers and Authorities, within ſuch Pariſh, Townſhip, or Place, as are veſted in the Perſon or Perſons appointed for any Diſtrict, Diviſion, or Place reſpectively.

But no ſuch Appointment ſhall be made till the Inhabitants have procured Standard Weights, the Coſts of which, and the Recompence to the Examiners, to be paid out of the Poor's Rates.

V. Provided alſo, and be it further enacted, That no Appointment for ſuch Pariſh, Townſhip, or Place, ſhall be made, until the Inhabitants thereof have procured, or cauſed to be procured, the proper Weights, according to the Standard in the Exchequer, for the Uſe of ſuch Pariſh, Townſhip, or Place, to be depoſited in the Cuſtody of the Perſon or Perſons to be appointed as laſt-mentioned; and that it ſhall and may be lawful for the ſaid Juſtices, in their reſpective Petty Seſſions, to order and direct the Coſts and Charges of procuring ſuch Weights, and the Recompence and Satisfaction to be allowed to ſuch Perſon or Perſons, for his or their Time and Trouble in the Execution of ſuch Office, within ſuch Pariſh, Townſhip, or Place, to be paid out of the Rate made for the Relief of the Poor, within ſuch Pariſh, Townſhip, or Place.

Powers of recited Act (except hereby altered) to remain in force.

VI. And be it further enacted, That all the Clauſes, Powers, and Proviſions contained in the ſaid recited Act (except ſuch as are hereby repealed or altered) ſhall continue in force, in the ſame Manner as if the ſame were repeated and re-enacted in the Body of this preſent Act; any

Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Proceedings not to be removed.

VII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt the ſaid recited Act, or this Act, ſhall be removed by Writ of *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

Juſtices to cauſe Convictions to be made out in the following Form.

VIII. And be it further enacted by the Authority aforeſaid, That the Juſtices of the Peace before whom any Offender ſhall be convicted as aforeſaid, ſhall cauſe the ſaid Conviction to be made out in the Manner and Form following, or in any other Form of Words to the ſame Effect, *mutatis mutandis*; (that is to ſay),

'BE it remembered, That on the Day of in the Year of our Lord at a Petty Seſſions holden for the [Diviſion *or* Diſtrict] of in the ſaid [County, Riding, *or* Diviſion,] before *A. B.* and *C. D.* Juſtices of the Peace, acting in and for the ſaid *E. F.* of in the ſaid was duly convicted before us the ſaid Juſtices, for that he the ſaid *E. F.* on the Day of now laſt paſt, at in the ſaid contrary to the Form of the Statute in that Caſe made and provided, [*here ſtate the Offence againſt the Act*]; and we the ſaid Juſtices do declare and adjudge, that the ſaid *E. F.* hath forfeited the Sum of of lawful Money of *Great Britain* for the Offence aforeſaid, to be applied as the Law directs; and alſo, the further Sum of of like lawful Money, for the reaſonable Coſts and Charges attending this Conviction.

'Given under our Hands and Seals on the Day and in the Year firſt mentioned.'

Publick Act.

IX. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without the ſame being ſpecially pleaded or ſet forth.

FINIS.