ANNO QUINQUAGESIMO QUINTO

# GEORGII III. REGIS.

## CAP. XLIII.

### An Act for the more effectual Prevention of the Uſe of falſe and deficient Meaſures. [2d *May* 1815.]

WHEREAS the Laws now in force for the Regulation of Meaſures have been found ineffectual for that Purpoſe, and Frauds are frequently committed by Perſons uſing falſe and deficient Meaſures, by which the Poor in particular are greatly injured; and it would tend to prevent ſuch pernicious and fraudulent Practices if the Juſtices of the Peace throughout *England* and *Wales* were empowered to appoint proper Perſons to examine the Meaſures within their reſpective Juriſdictions, and to puniſh ſuch Perſons as ſhall be found offending in the Premiſes: 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 paſſing of this Act it ſhall be lawful for the Juſtices of the Peace of the ſeveral Counties, Ridings, Diviſions, Cities, Boroughs, and Towns Corporate, of *England* and *Wales*, at their reſpective Petty Seſſions, to appoint One or more Perſon or Perſons, who ſhall have Power to examine the Meaſures within their ſeveral Diviſions, Diſtricts, and Limits.

Juſtices may appoint proper Perſons to examine Meaſures within their ſeveral Diviſions.

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 been firſt 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 ſuch Juſtices ſhall direct, in the Day-time to enter into the Shop, Houſe, Outhouſes, and other Places near to ſuch Shop or Houſe, and into the Stall or Standing Place of any Perſon or Perſons within their reſpective Diviſions or Limits, who ſhall ſell by Retail, and by any Meaſure of Capacity, any Liquid or Dry Goods or other Article whatſoever, and then and there to ſearch for, view, and examine

Examiners, duly appointed, may enter Shops, &c. in ſearch of falſe Meaſures, and ſeize the ſame.

amine all Measures of Capacity in such Shop, House, Outhouse, Premises, Stall or Standing Place, and to seize any such Measure or Measures not being according to the Standard in the Exchequer, 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, House, Outhouses, Premises, Stall or Standing Place, any such deficient Measure or Measures 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 all such false and deficient Measures, which Measures so forfeited shall be broken and otherwise disposed of as such Justices before whom such Conviction shall have taken place shall order and direct; and shall also forfeit and pay for every such false or deficient Measure 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, or the Hand and Seal of one of them, by Distress and Sale of so much of the Goods and Chattels of the Person or Persons offending as shall be sufficient to pay the said Penalty, and the Expences of such Distress and Sale; and in case no such sufficient Distress can be found, and such Penalties and Forfeitures, with the said Costs and Charges, shall not be forthwith paid, it shall be lawful for such Justices, or either of them, and they and he are and is hereby authorized and required, by Warrant under their or his Hands and Seals, or Hand and Seal, to commit such Offender or Offenders to the Gaol or House of Correction of the Limit where the Offence shall be committed, for any Time not exceeding One Month, unless the Penalties, Costs, and Charges in which such Offender or Offenders shall be convicted, shall be sooner paid.

Penalty on Persons obstructing or resisting any Examiner of Measures, or not producing their Measures for Examination.

III. And be it further enacted, That if any Person shall wilfully obstruct, hinder, resist, or in anywise oppose any of the Persons hereby authorized and empowered to view and examine such Measures in the Execution of his Office; or if any Person selling or retailing by Measure, shall refuse to produce his or her Measures in order to be viewed and examined, he or she who shall so offend, shall for every such Offence, on being duly convicted on Oath before any One or more Justice or Justices of the Peace, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, as the Justice or Justices before whom any such Offender shall be convicted, shall adjudge; and such Forfeiture or Penalty shall be levied and recovered in the Manner herein-before directed.

Justices to apply Forfeitures towards the Expenses of this Act;

IV. And be it further enacted, That on the Conviction of any Offender or Offenders against this Act, the Justice or Justices before whom such Conviction shall take place shall cause the Amount of the Forfeiture or Forfeitures which shall be levied or paid by virtue of any such Conviction, to be applied towards the Expenses of carrying this Act into Execution, and the Residue, (if any) to be paid to the Treasurer of the County, Riding, Division, City, Borough, or Town Corporate, on account of the public Stock

Stock thereof; and the ſaid Juſtices ſhall alſo prepare, or cauſe to be prepared, Returns of the Forfeitures levied by them in purſuance of this Act, and ſhall tranſmit ſuch Returns ſigned by them to the Clerk of the Peace, at every General Quarter Seſſions of the Peace. and to make Returns of the Forfeitures.

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Juſtices, at their General Quarter Seſſions, to allow to ſuch Perſon or Perſons as ſhall be appointed to examine Meaſures under this Act, a reaſonable Recompence or Satisfaction for their Trouble in the Execution of the ſaid Office; ſuch Recompence or Satisfaction to be paid to ſuch Perſon or Perſons out of the general Rate or Stock of any ſuch County, Riding, Diviſion, City, Borough or Town Corporate. Examiners to be allowed a reaſonable Recompence for their Trouble.

VI. And for the more effectually carrying this Act into Execution, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Juſtices, and they are hereby empowered and required, as ſoon after the paſſing of this Act as may be convenient, to purchaſe or cauſe to be purchaſed, for the Uſe of their reſpective Counties or other Limits, out of the general Rate or Stock of ſuch County or other Limit, proper Meaſures, duly marked, according to the Standard in the Exchequer; which ſhall be depoſited either with the reſpective Clerks of the Peace, or with ſome other proper Perſon, in ſuch ſafe and convenient Place or Places within their reſpective Limits, as the ſaid Juſtices ſhall direct; and ſhall be produced by the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be lodged (upon reaſonable Notice) at ſuch Time and Place as any Perſon or Perſons ſhall by Writing under their reſpective Hands require and appoint; the Perſon or Perſons ſo requiring the Production of the ſaid Meaſures, paying the reaſonable Coſts and Charges of producing the ſame. Juſtices to purchaſe proper Meaſures for the Uſe of their reſpective Counties, &c. to be depoſited with the Clerks of the Peace.

VII. Provided always, and be it further enacted, That if the Majority of the Inhabitants of any Pariſh, Townſhip, or Place, ſhould be deſirous that any Perſon or Perſons ſhall be ſpecially appointed to examine the Meaſures 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 Five 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. Majority of Inhabitants of any Pariſh, &c. empowered to nominate Five Houſeholders as Examiners.

VIII. Provided alſo, and be it further enacted, That no Appointment for ſuch Pariſh, Townſhip, or Place, ſhall be made until the Inhabitants thereof ſhall have procured, or cauſed to be procured, the proper Meaſures, duly marked, 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 Meaſures, and the Recompence and Satisfaction to be allowed to ſuch Perſon or Perſons for his or their Time No Appointment of ſuch Examiners to take place, until proper Meaſures are procured by the Inhabitants.

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.

Proceedings touching Convictions not to be removed.

IX. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against 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*.

Conviction.

X. And be it further enacted by the Authority aforesaid, That the Justice or Justices of the Peace before whom any Offender shall be convicted as aforesaid, shall cause the 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),

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord at a Petty Session holden at for before us *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 this Act*]; and we, the said Justices, do declare and adjudge that the said *E. F.* hath for such Offence forfeited the said [*several*] Measures [ ] and hath also forfeited the Sum of of lawful Money of *Great Britain*, to be applied as the Law directs; and 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.'

Persons convicted and suffering for the same, not to be otherwise punishable.

XI. Provided always, and be it further enacted, That any Person or Persons convicted of an Offence under this Act, and who shall suffer for the same under this Act, shall not be otherwise punished for such Offence by virtue of any other Law or Statute of this Realm.

Bodies Politic, &c to have the same Power of examining, &c. Measures, as formerly.

XII. Provided also, and be it further enacted, That this Act, or any Thing herein contained, shall not extend or be construed to extend, to lessen or prevent the Authority which any Person or Persons, Bodies Politic or Corporate, or any Person appointed at any Court Leet for any Hundred or Manor, may have or possess for the examining, regulating, seizing, breaking, or destroying any Measures within their respective Jurisdictions; but that he, she, and they shall and may have and possess the same Power and Authority therein as if this Act had not been made.

No Person to be prosecuted unless on Information on Oath.

XIII. Provided also, and be it further enacted, That no Person or Persons shall be prosecuted for any Offence against this Act, unless Information thereof upon Oath shall have been given to some Justice of the Peace, within Six Weeks after the Offence committed.

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