

ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

CAP. L.

An Act to alter and amend an Act made in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Making and Sale of Bread out of the City of* London, *and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the* Royal Exchange, *where no Assize is set; and for establishing other Provisions and Regulations relative thereto.* [8th *June* 1821.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal certain Acts now in force for regulating the Making and Sale of Bread out of the City of* London, *and the Liberties thereof, and beyond the Weekly Bills of Mortality, and Ten Miles of the* Royal Exchange, *where no Assize is set; and for establishing other Provisions and Regulations relative thereto:* And whereas it is deemed expedient that the said recited Act, so far as the same relates to the Weight of Bread, and to the Punishment of Bakers or Sellers of Bread, who shall sell the same deficient in its due Weight, should be repealed, and that more effectual Provisions should be established for punishing Persons who shall adulterate Meal, Flour, or Bread: But as such beneficial Purposes cannot be effected without the 59 G. 3. c. 36.

the Aid and Authority of Parliament, 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 the said recited Act, so far as the same relates to the Weight of Bread, and to the Punishment of Bakers or Sellers of Bread who shall sell the same deficient in its due Weight, be and the same is hereby repealed.

Certain Parts of recited Act repealed.

Directing with what Materials Bread may be made and sold.

II. And be it further enacted, That it shall be lawful for any Person or Persons whomsoever, out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, to make, bake, sell, and expose for Sale any Bread made of Flour or Meal of Wheat, Barley, Rye, Oats, Buckwheat, Indian Corn, Peas, Beans, Rice, and every other Kind of Grain whatsoever, and Potatoes, or any of them, and with any common Salt, pure Water, Eggs, Milk, Yeast, Barm, Leven and Potatoe Yeast, and mixed in such Proportions as the Makers or Sellers of Bread shall think fit; any Law, Usage, or Custom to the contrary in anywise notwithstanding.

Assize Bread and Priced Bread not to be made at the same Time in the same Place.

III. And be it further enacted, That although no Assize of Bread shall be set in pursuance of an Act passed in the Fifty-third Year of the Reign of His late Majesty, intituled *An Act to alter and amend Two Acts of the Thirty-first Year of King* George *the Second, and the Thirteenth Year of His late Majesty, so far as relates to the Price and Assize of Bread to be sold out of the City of* London *and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the* Royal Exchange; no Loaf or Loaves of Bread, called or deemed Assize Loaf or Loaves in the Tables of the Assize and Price of Bread annexed to the said last-mentioned Act and referred to, and the Weight of which varies according to the Variation in the Price of Grain, shall be made for Sale, sold or carried out for Sale, or be offered or exposed to or for Sale, or be allowed to be sold, where any Loaf or Loaves of the Bread called or deemed Priced Loaf or Loaves, in the Tables of the Assize and Price of Bread in and by the said Act of the Fifty-third Year of the Reign of His late Majesty enacted and referred to, and the Price of which varies according to the Variation in the Price of Grain, shall at the same Time be made for Sale, or be allowed to be sold; (that is to say), no Assize Loaves of the Price of Three-pence, and Priced Loaves called Quartern Loaves; nor Assize Loaves of the Price of Sixpence, and Priced Loaves called Quartern Loaves; nor Assize Loaves of the Price of Twelve-pence, and Priced Loaves called Half-peck Loaves; nor Assize Loaves of the Price of Eighteen-pence, and Priced Loaves called Peck Loaves, shall at the same Time be made for Sale, sold, or carried out for Sale, or be offered or exposed to or for Sale, or allowed to be sold by any Baker or other Seller of Bread, in his, her, or their Shop, Dwelling House, or Premises, that unwary Persons may not be imposed upon and injured by buying Assize Loaves, referred to in the said Tables, as or for

Priced Loaves so referred to in the said Tables, or by buying such Priced Loaves as or for such Assize Loaves; and every Person who shall offend therein, and be convicted of any such Offence in Manner herein-after mentioned, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings nor less than Ten Shillings, as the Magistrate or Magistrates, Justice or Justices, before whom any such Offender or Offenders shall be convicted, shall from Time to Time adjudge and determine. Penalty.

IV. And be it further enacted, That no Person or Persons making or who shall make Bread for Sale out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, nor any Journeyman or other Servant of any such Person or Persons as last mentioned, shall at any Time or Times, in the making of Bread for Sale, put any Alum, or Preparation or Mixture in which Alum shall be an Ingredient, or any other Preparation or Mixture in lieu of Alum, into the Dough of such Bread, or in anywise use or cause to be used any Alum, or any other unwholesome Mixture, Ingredient, or Thing whatsoever, in the making of such Bread, or on any Account, or under any Colour or Pretence whatsoever, upon pain that every such Person, whether Master or Journeyman, or other Person, who shall knowingly offend in the Premises, and shall be convicted of any such Offence, either by his, her, or their own Confession, or upon the Oath (or being of the People called *Quakers*, Affirmation) of one or more Witness or Witnesses, shall on every such Conviction forfeit and pay any Sum of Money not exceeding Twenty Pounds, nor less than Five Pounds, or in Default of Payment thereof, shall, by Warrant under the Hand and Seal or Hands and Seals of the Magistrate or Magistrates, Justice or Justices before whom such Offender shall be convicted, be committed to the House of Correction or some Prison of the City, County, Borough, or Place where the Offence shall have been committed, or the Offender or Offenders shall be apprehended, there to remain for any Time not exceeding Twelve nor less than Three Calendar Months from the Time of such Commitment, unless such Penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices, shall think fit to order and direct; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such Offender shall be convicted, to cause the Offender's Name, Place of Abode, and Offence to be published in some Newspaper which shall be printed, published, or circulated in or near the County, Division, Riding, or District where the Offence shall be committed, and to defray the Expence of publishing the same out of the Money to be forfeited as last mentioned, if any shall be paid or recovered. Bakers not to use Alum, &c. in making of Bread for Sale. Penalty.

V. And be it further enacted, That no Person shall knowingly put into Corn, Meal, or Flour, which shall be ground, dressed, bolted, or manufactured for Sale out of the said City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, either at the Time of grinding, dressing, bolting, or in anywise manufacturing the same, or at any other Time or Times, any Ingredient, Mixture, or Thing whatsoever, or shall knowingly sell, offer or expose to or for Sale, any Meal or Flour Adulterating Corn, Meal, or Flour, &c.

Flour of one Sort of Grain, as or for the Meal or Flour of any other Sort of Grain, or any Thing as or for or mixed with the Meal or Flour of any Grain which shall not be the real and genuine Meal or Flour of the Grain the same shall import to be and ought to be, upon pain that every Person who shall offend in the Premises, and shall be thereof convicted in Manner herein-after mentioned, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, as the Magistrate or Magistrates, Justice or Justices, before whom any such Offender shall be convicted, shall think fit, or order and direct.

Penalty.

Loaves made of the Meal of any other Grain than Wheat, to be marked with the Letter (M).

VI. And be it further enacted, That every Loaf of every Sort of Bread, made of the Meal or Flour of any other Grain than Wheat, which shall be made for Sale, or be sold, carried out, offered, or exposed in anywise to or for Sale, out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, shall be marked with a large Roman (M); and that every Person who shall make for Sale, sell, offer or expose to or for Sale, any Loaf of any such Sort of Bread, which shall be made of the Meal or Flour of any other Grain than Wheat, which shall not be marked as herein-before directed, shall for every Time he, she, or they shall so offend in the Premises, and be thereof convicted in manner herein-after directed, forfeit and pay a Sum not exceeding Forty Shillings nor less than Ten Shillings for every Loaf of such Bread which shall not be so marked, as the Magistrate or Magistrates, Justice or Justices, before whom any such Person shall be convicted, shall from Time to Time adjudge and determine.

Penalty.

Magistrates, or Peace Officers by their Warrants, may search Bakers Premises, &c.

VII. And be it further enacted, That it shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within the Limits of their respective Jurisdictions, and also for any Peace Officer or Officers of any Parish or Place where any Miller, Mealman, or Baker, or other Person who shall grind Grain, or dress or bolt Meal or Flour, or make Bread for Reward or Sale out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, authorized by Warrant under the Hand and Seal or Hands and Seals of any such Magistrate or Magistrates, Justice or Justices, and which Warrant any such Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to grant, at seasonable Times in the Day, to enter into any House, Mill, Shop, Stall, Bakehouse, Bolting-house, Pastry Warehouse, Outhouse, or Ground of or belonging to any Miller, Mealman, or Baker, or other Person who shall grind Grain, or dress or bolt Meal or Flour, or make Bread for Reward or Sale as aforesaid, and to take with him or them, to his or their Assistance, one or more Master Miller, Mealman, or Baker, Millers, Mealmen or Bakers, and to search or examine whether any Mixture, Ingredient, or Thing, not the genuine Produce of the Grain such Meal or Flour shall import or ought to be, shall have been mixed up with or put into any Meal or Flour in the Possession of such Miller, Mealman, or Baker, either in the grinding of any Grain at the Mill, or in the dressing, bolting, or manufacturing thereof, whereby the Purity of any Meal or Flour is or shall be in anywise adulterated, or whether any Alum or other Ingredient shall

shall have been mixed up with or put into any Dough or Bread in the Possession of any such Baker or other Person, whereby any such Dough or Bread is or shall be in anywise adulterated, and also to search for Alum or any other Ingredient, which may be intended to be used in or for any such Adulteration or Mixture; and if on any such Search, it shall appear that any such Meal, Flour, Dough, or Bread, so found, shall have been so adulterated by the Person in whose Possession it shall then be, or any Alum or other Ingredient shall be found, which shall seem to have been deposited there in order to be used in the Adulteration of Meal, Flour, or Bread, then and in every such Case it shall be lawful for such Magistate or Magistrates, Justice or Justices of the Peace, or Officer or Officers authorized as aforesaid respectively, within the Limits of their respective Jurisdictions, to seize and take any Meal, Flour, Dough, or Bread, which shall be found in any such Search, and deemed to have been adulterated, and all Alum and other Ingredients and Mixtures which shall be found and deemed to have been used or intended to be used in or for any such Adulteration as aforesaid; and such Part thereof as shall be seized by any Peace Officers authorized as aforesaid, shall, with all convenient Speed after Seizure, be carried to some Magistrate or Magistrates, Justice or Justices of the Peace, within the Limits of whose Jurisdiction the same shall have been so seized; and if any Magistrate or Magistrates, Justice or Justices, who shall authorize any such Seizure to be made in pursuance of this Act, or to whom any thing so seized under the Authority of this Act shall be brought, shall adjudge that any such Meal, Flour, Dough, or Bread so seized, has been adulterated by any unwholesome or improper Mixture or Ingredient put therein, or shall adjudge that any Alum or other Ingredient or Mixture so found as aforesaid, have been deposited or kept where so found, for the Purpose of adulterating Meal, Flour, or Bread, then and in any such Case, every Magistrate or Magistrates, Justice or Justices of the Peace is and are hereby required, within the Limits of their respective Jurisdictions, to dispose of the same as he or they in his or their Discretion shall from Time to Time think proper.

Penalty on Bakers with whom Ingredients for Adulteration shall be found.

VIII. And be it further enacted, That every Miller, Mealman, or Baker out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, in whose House, Mill, Shop, Stall, Bakehouse, Bolting-house, Pastry Warehouse, Outhouse, Ground, or Possession, any Alum or other Ingredient or Mixture shall be found, which shall, after due Examination, be adjudged by any Magistrate or Magistrates, Justice or Justices of the Peace, to have been deposited there for the Purpose of being used in adulterating Meal, Flour, or Bread, shall, on being convicted of any such Offence, either by his, her, or their own Confession, or by the Oath or Affirmation as aforesaid of One or more credible Witness or Witnesses, forfeit and pay on every such Conviction any Sum of Money not exceeding Twenty nor less than Five Pounds, or in Default of Payment thereof shall, by Warrant under the Hand and Seal or Hands and Seals of the Magistrate or Magistrates, Justice or Justices, before whom such Offender shall be convicted, be committed to the House of Correction, or some other

Prison of the City, County, or Place where the Offence shall have been committed, or the Offender or Offenders shall be apprehended, there to remain for any Time not exceeding Twelve nor less than Three Calendar Months from the Time of such Commitment, unless such Penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices, shall think fit and order; unless the Party or Parties charged with any such Offence shall make it appear to the Satisfaction of the Magistrate or Magistrates, Justice or Justices, before whom any such Alum or other Ingredient or Mixture shall be brought, that such Alum or other Ingredient or Mixture was not nor were brought or lodged where the same was or were found or seized with any Design or Intent to have been put into any Meal, Flour, or Bread, or to have adulterated therewith the Purity of any Meal, Flour, or Bread, but that the same was or were in the Place or Places in which the same shall have been so found or seized as aforesaid, for some other lawful Purpose; and that it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such Offender shall be convicted, to cause the Offender's Name, Place of Abode, and Offence to be published in some Newspaper which shall be printed, published or circulated in or near the County, Division, Riding, or District where the said Offence shall be committed, and to defray the Expence of publishing the same out of the Money to be forfeited as last mentioned, if any shall be paid or recovered.

Obstructing Search for adulterated Meal, &c.

IX. And be it further enacted, That if any Person or Persons shall wilfully obstruct or hinder any such Search as herein-before is authorized to be made, or the Seizure of any Meal, Flour, Dough, or Bread, or of any Alum or other Ingredient or Mixture, which shall be found on any such Search, and deemed to have been lodged with an Intent to adulterate the Purity or Wholesomeness of any Meal, Flour, Dough or Bread, or shall wilfully oppose or resist any such Search being made, or the carrying away any such Alum or other Ingredient or Mixture as aforesaid, or any Meal, Flour, Dough or Bread which shall be seized as being adulterated, or as not being made pursuant to this Act, he, she, or they so doing or offending in any of the Cases last aforesaid, shall for every such Offence, on being convicted thereof, forfeit and pay such Sum not exceeding Five Pounds, nor less than Fifty Shillings, as the Magistrate or Magistrates, Justice or Justices, before whom such Offender or Offenders shall be convicted, shall think fit and order and direct.

Penalty.

Bakers shall keep proper Weights.

X. And be it further enacted, That every Baker and Seller of Bread shall cause to be fixed in some convenient Part of his or her Shop, a Beam and Scales, with proper Weights, in order that every Person or Persons who may purchase any Bread of any such Baker or Seller of Bread, may, if he, she, or they shall think proper, require the same to be weighed in his, her, or their Presence; and that if any Baker or Seller of Bread, out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, shall neglect to fix such Beam and Scales in some convenient Part of his or her Shop, or to

to provide and keep for Use proper Weights, or whose Weights shall be deficient in their due Weight, or who shall refuse to weigh any Bread purchased in his or her Shop, in the Presence of the Party or Parties requiring the same, he, she, or they shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings, as the Magistrate or Magistrates, Justice or Justices, before whom such Offender shall be convicted, shall order and direct. Penalty.

XI. Provided always, and be it further enacted, That no Master, Mistress, Journeyman, or other Person respectively exercising or employed in the Trade or Calling of a Baker, out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, shall on the Lord's Day, commonly called *Sunday*, or any Part thereof, make or bake any Household or other Bread, Rolls, or Cakes of any Sort or Kind, or shall on any Part of the said Day sell or expose to Sale, or permit or suffer to be sold or exposed to Sale, any Bread, Rolls, or Cakes of any Sort or Kind, except to Travellers, or in Cases of urgent Necessity; or bake or deliver, or permit or suffer to be baked or delivered, any Meat, Pudding, Pie, Tart, or Victuals at any Time after Half past One of the Clock in the Afternoon of that Day, or in any other Manner exercise the Trade or Calling of a Baker, or be engaged or employed in the Business or Occupation thereof, save and except as aforesaid, and also save and except so far as may be necessary in setting and superintending the Sponge to prepare the Bread or Dough for the following Day's Baking; and that no Meat, Pudding, Pie, Tart, or Victuals shall be brought to or taken from any Bakehouse during the Time of Divine Service in the Church, Parish, Hamlet, or Place where the same is situate, nor within One Quarter of an Hour of the Time of Commencement thereof; and every Person offending against the foregoing Regulations, or any one or more of them, and being thereof convicted before any Magistrate or Magistrates, Justice or Justices of the Peace of the City, County, or Place where the Offence shall be committed, within Two Days from the Commission thereof, either upon the View of such Magistrate or Magistrates, Justice or Justices of the Peace, or on Confession by the Party, or Proof by One or more Witness or Witnesses upon Oath or Affirmation as aforesaid, shall for every such Offence forfeit and pay and undergo the Forfeiture, Penalty, and Punishment herein-after mentioned; (that is to say,) for the First Offence the Penalty of Five Shillings, for the Second Offence the Penalty of Ten Shillings, and for the Third and every subsequent Offence respectively, the Penalty of Twenty Shillings; and shall moreover on every such Conviction bear and pay the Costs and Expences of the Prosecution, such Costs and Expences to be assessed, settled, and ascertained by the Magistrate or Magistrates, Justice or Justices of the Peace convicting; and the Amount thereof, together with such Part of the Penalty as such Magistrate or Magistrates, Justice or Justices of the Peace shall think proper, to the Prosecutor or Prosecutors, for Loss of Time in instituting and following up the Prosecution, at a Rate not exceeding Three Shillings *per Diem*, and be paid to the Prosecutor or Prosecutors for his and their own Use and Benefit; Regulations as to baking on Sundays.

Benefit; and the Residue of such Penalty to be paid to such Magistrate or Magistrates, Justice or Justices of the Peace, and within Seven Days after his or their Receipt thereof to be transmitted by him or them to the Churchwardens or Overseers of the Parish or Parishes where the Offence shall be committed, to be applied for the Benefit of the Poor thereof; and in case the whole Amount of the Penalty, and of the Costs and Expences as aforesaid, be not paid within Three Days after the Conviction of the Offender or Offenders, such Magistrate or Magistrates, Justice or Justices of the Peace, shall and may, by Warrant under their respective Hands and Seals, or Hand and Seal, direct the same to be levied and raised by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus, if any; or in Default or Insufficiency of such Distress, to commit the Offender or Offenders to the House of Correction, on a First Offence, for any Time not exceeding Fourteen Days, and on the Second or any subsequent Offence for any Time not exceeding Twenty-one Days, unless the whole of the Penalty, Costs, and Expences be sooner paid and discharged.

No Miller or Baker may act as Justice in the Execution of this Act.

XII. Provided always, and be it further enacted, That no Person who shall be concerned in the Business of a Miller, Mealman, or Baker, Corn Merchant, or Dealer in Corn or Flour, shall be capable of acting or shall be allowed to act as a Magistrate or Justice of the Peace under this Act, or in putting in Execution any of the Powers in or by this Act granted; and if any Miller, Mealman, or Baker shall presume so to do, he or they so offending in the Premises, shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Wager of Law, or more than one Imparlance shall be allowed.

All Offences against this Act may be heard in a summary Way.

XIII. And for the better and more easy Recovery of the several Penalties and Forfeitures to be incurred under this Act, and the Powers herein contained, be it further enacted, That it shall and may be lawful for the Mayor, or any Alderman of any City, and to and for any other of His Majesty's Justices of the Peace, or any of them, within their respective Counties, Divisions, Cities, Towns Corporate, Liberties, or Jurisdictions, beyond the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, to hear and determine in a summary Way all Offences committed against the true Intent and Meaning of this Act, and for that Purpose to summon before them, or any of them, within their respective Jurisdictions, any Party or Parties accused of being an Offender or Offenders against the true Intent and Meaning of this Act; and in case the Party accused shall not appear on such Summons, or offer some reasonable Excuse for his Default, then upon Oath or Affirmation as aforesaid, by any credible Witness or Witnesses, of any Offence committed contrary to the true Intent and Meaning of this Act, any such Magistrate or Justice shall issue his Warrant or Warrants for apprehending the Offender or Offenders, within the Jurisdiction of any such Magistrate or Justice; and upon the Appearance of any Party or Parties accused, or in case he,

he, she, or they shall not appear, on Notice being given to or left for him, her, or them, at his, her, or their usual Place of Abode; or if he, she, or they cannot be apprehended on a Warrant granted against him, her, or them, as is herein-before directed, then and in every such Case, any such Magistrate or Justice is and are hereby authorized and required to proceed to make Inquiry touching the Matters complained of, and to examine any Witness or Witnesses who shall be offered on either Side, on Oath or Affirmation as aforesaid, and which Oath and Affirmation every such Magistrate and Justice is and are hereby authorized and required to administer; and after hearing the Parties who shall appear, and the Witnesses who shall be offered on either Side, such Magistrate or Justice shall convict or acquit the Party or Parties accused; and if the Penalty or Money forfeited on any such Conviction shall not be paid within the Space of Twenty-four Hours after any such Conviction, every such Magistrate or Justice shall thereupon issue a Warrant or Warrants under his Hand and Seal, directed to any Peace Officer or Officers within their respective Jurisdictions, and thereby require him or them to make Distress of the Goods or Chattels of the Offender or Offenders within such their respective Jurisdictions, to satisfy such Penalty or Money forfeited, and the Costs of the Prosecution and Distress; and if any Offender should convey away his Goods out of the Jurisdiction of any such Magistrate or Justice before whom he or she was convicted, or so much thereof that the Penalty or Money forfeited cannot be levied, then some Magistrate or Justice within whose Jurisdiction the Offender shall have removed his Goods, shall back the Warrant granted by any such Magistrate or Justice as aforesaid, and thereupon the Penalty forfeited shall be levied on the Offender's Goods and Chattels by Distress and Sale; and if within Five Days from the Distress being taken, the Penalty or Money forfeited, and Costs, shall not be paid, the Goods seized shall be appraised and sold, rendering the Overplus (if any) after deducting the Penalty or Forfeitures, and the Costs and Charges of the Prosecution, Distress, and Sale, to the Owner or Owners thereof, which Charges shall be ascertained by the Magistrate or Magistrates, Justice or Justices, before whom any such Offender or Offenders shall have been so convicted, or by the Magistrate or Justice who backed the Warrant if then alive, and if not, by some other Magistrate or Justice of the City, County, Division, or Place, in which the Offender shall have been convicted, on Application for that Purpose, to be made to any such Magistrate or Justice; and for want of such Distress, then every such Magistrate or Justice, within whose respective Jurisdiction any such Offender or Offenders shall reside or be, shall, on the Application of any Prosecutor or Prosecutors, and Proof on Oath or Affirmation as aforesaid made of the Conviction and Non-payment of the Penalty and Charges, by Warrant under his Hand and Seal, commit every such Offender or Offenders to the Common Gaol or House of Correction of the City, County, Division, or Place, where such Offender or Offenders shall be found, there to remain for the Space of Two Calendar Months from the Time of such Commitment, unless after such Commitment, Payment shall be made of the said Penalty or Forfeiture, and Costs and Charges, before the Expiration of the said Two Calendar Months; and all such Penalties and Forfeitures when

Penalties levied by Distress and Sale.

Application of Penalties.

recovered, shall be paid, one Half to the Informer, and the other Half shall be paid to the Magistrate or Magistrates, Justice or Justices of the Peace, and within Seven Days after his or their Receipt thereof, to be transmitted by him or them to the Churchwardens or Overseers of the Parish or Parishes where the Offence shall be committed, there to be applied for the Benefit of the Poor thereof.

Power to summon Witnesses.

XIV. And be it further enacted, That if it shall be made out by the Oath (or Affirmation as aforesaid) of any credible Person or Persons, to the Satisfaction of any Magistrate or Magistrates, Justice or Justices, that any Person or Persons within the Jurisdiction of any such Magistrate or Magistrates, Justice or Justices, is or are likely to give or offer material Evidence on Behalf of the Prosecutor of any Offender or Offenders against the true Intent and Meaning of this Act, or on Behalf of the Person or Persons accused, and will not voluntarily appear before such Magistrate or Magistrates, Justice or Justices, to be examined, and give his, her, or their Evidence upon Oath or Affirmation as aforesaid, concerning the Premises, every such Magistrate or Magistrates, Justice or Justices, is and are hereby authorized and required to issue his or their Summons to convene every such Witness and Witnesses before any such Magistrate or Magistrates, Justice or Justices, at such seasonable Time or Times as in such Summons shall be fixed; and if any Person or Persons so summoned shall neglect or refuse to appear (after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences) at the Time by such Summons appointed, and no just Excuse shall be offered for such Neglect or Refusal, then, after Proof upon Oath or Affirmation as aforesaid, of such Summons having been duly served upon the Party or Parties so summoned, every such Magistrate and Magistrates, Justice and Justices, is and are hereby authorized and required to issue his or their Warrant or Warrants, under his Hand and Seal or their Hands and Seals, to bring every such Person or Persons before any such Magistrate or Magistrates, Justice or Justices; and on the Appearance of such Person or Persons before such Magistrate or Magistrates, Justice or Justices, every such Magistrate or Justice is and are hereby authorized and empowered to examine upon Oath (or Affirmation) every such Witness; and if any such Person or Persons on his, her, or their Appearance, or on being brought before any such Magistrate or Magistrates, Justice or Justices, shall refuse to be examined upon Oath (or Affirmation) concerning the Premises, without offering any just Excuse for such Refusal, any such Magistrate or Magistrates, Justice or Justices, within the Limits of his or their Jurisdiction, may, by Warrant under his Hand and Seal or their Hands and Seals, commit any Person or Persons so refusing to be examined to the public Prison of the City, County, Division, Liberty, or Place in which the Person or Persons so refusing to be examined shall be, there to remain for any Time not exceeding Fourteen Days, as any such Magistrate or Magistrates, Justice or Justices, shall order and direct.

Persons refusing may be committed.

Persons forswearing guilty of Perjury.

XV. And be it further enacted, That if any Person or Persons who shall take any Oath (or Affirmation) by this Act directed to be taken, or be examined on Oath (or Affirmation) by virtue or in the Execution of this Act, shall wilfully forswear or shall falsely affirm himself,

himself, herself, or themselves, every such Person or Persons shall be subject and be liable to be prosecuted for Perjury by Indictment or Information, according to due course of Law; and if convicted thereof, shall be subject and liable to the like Pains and Penalties which Persons convicted of wilful and corrupt Perjury are subject and liable to.

Form of Conviction.

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

' } BE it remembered, That on this Day
' to wit. } of in the Year of the
' Reign of His present Majesty, *A. B.* is convicted before
' Majesty's Justices of the Peace for the said County
' of *or*, for the Division of the said
' County of *or*, for the City, Liberty, or Town,
' [*as the Case may be*] for and do adjudge him, her,
' or them [*as the Case may be*] to forfeit and pay for the same the
' Sum of . Given
' under Hand and Seal, the Day and Year aforesaid.'

Conviction not removeable.

XVII. And be it further enacted, That no Certiorari, Letters of Advocation, or of Suspensation, shall be granted, to remove any Conviction or other Proceedings had thereon in pursuance of this Act.

Appeal to Quarter Sessions.

XVIII. Provided always, and it is hereby further enacted, That if any Person or Persons convicted of any Offence punishable by this Act, shall think him, her, or themselves aggrieved by the Judgment of the Magistrate or Magistrates, Justice or Justices, before whom he, she, or they shall have been convicted, such Persons shall have Power from Time to Time to appeal to the Justices at the next General or General Quarter Sessions of the Peace which shall be held for the City, County, Division, Liberty, Town, or Place where such Judgment shall have been given, and that the Execution of such Judgment shall in such Case be suspended, the Person so convicted entering into a Recognizance at the Time of such Conviction, or within Twenty-four Hours after the same shall be made, with Two sufficient Sureties, in double the Sum which such Person shall have been adjudged to pay or forfeit, upon Condition to prosecute such Appeal with Effect, and to be forthcoming to abide the Judgment and Determination of the Justices at their said next General or Quarter Sessions; which Recognizance the Magistrate or Magistrates, Justice or Justices, before whom such Conviction shall be made, is and are hereby empowered and required to take; and the Justices in the said General or General Quarter Sessions are hereby authorized and required to hear and finally determine the Matter of every such Appeal, and to award such Costs as to them shall appear just and reasonable to be paid by either Party; and if, upon hearing the said Appeal, the Judgment of the Magistrate

or

or Magistrates, Justice or Justices, before whom the Appellant or Appellants shall have been convicted, shall be confirmed, such Appellant or Appellants shall immediately, or within Twenty-four Hours afterwards, pay down the Sum he, she, or they shall have been adjudged to have forfeited, together with such Costs as the said Justices in their said General or General Quarter Sessions shall award to be paid to the Prosecutor or Informer, for defraying the Expences sustained by reason of any such Appeal; and in Default of the Appellant's paying the same, any Two Justices, or any Magistrate or Justice of the Peace having Jurisdiction in the Place into which any such Appellant or Appellants shall escape, or where he, she, or they shall reside, shall and may, by Warrant under their Hands and Seals or his Hand and Seal, commit any such Appellant or Appellants to the Common Gaol of the City, County, Division, or Place where he, she, or they shall be apprehended, until he, she, or they shall make Payment of such Penalty, and of the Costs and Charges which shall be adjudged on the Conviction; but if the Appellant or Appellants in any such Appeal shall make good his, her, or their Appeal, and be discharged of the said Conviction, reasonable Costs shall be awarded to the Appellant or Appellants against such Informer or Informers who would (in case of such Conviction) have been entitled to a Moiety of the Penalty to have been recovered as aforesaid; and which Costs shall and may be recovered by the Appellant or Appellants against any such Informer or Informers, in like Manner as Costs given at any General or General Quarter Sessions are recoverable: Provided always, that no Person shall be detained in Prison for any such Offence for a greater Length of Time than Two Calendar Months.

If Conviction shall happen within Six Days, Appeal may be made to the Sessions following.

XIX. Provided always, and be it further enacted, That if any such Conviction shall happen to be made within Six Days before any General or General Quarter Sessions of the Peace shall be held for the City, County, Division, Town Corporate, Borough, or Place where such Conviction shall have been made, then the Party or Parties who shall think him, her, or themselves aggrieved by any such Conviction, shall and may, on entering into Recognizance in Manner and for the Purposes before directed, be at liberty to appeal either to the then next or next following General or General Quarter Sessions of the Peace which shall be held for any such County, Division, City, Town Corporate, Borough, Liberty, or Place where any such Conviction shall have been made.

Limitation of Actions.

XX. And be it further enacted, That every Action or Suit which shall be brought or commenced against any Magistrate or Magistrates, Justice or Justices, or any Peace Officer or Officers, for any Matter or Thing done or committed by virtue of or under this Act, shall be commenced within Six Months after the Fact committed and not afterwards, and shall be laid or brought in the City, County, or Place where the Matter in Dispute shall arise, and not elsewhere; and that the Statute made in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying*

nifying Constables and others acting in Obedience to their Warrants, so far as the said Act relates to the rendering the Justices more safe in the Execution of their Office, shall extend and be construed to extend to the Magistrate and Magistrates, Justice and Justices of the Peace acting under the Authority or in pursuance of this Act; and that no Action or Suit shall be had or commenced against, nor shall any Writ be issued out or Copy of any Writ be served upon any Peace Officer or Officers, for any thing done in the Execution of this Act, until Seven Days after Notice in Writing shall have been given to or left for him or them at his or their usual Place of Abode, by the Attorney for the Party intended to commence such Action; which Notice in Writing shall contain the Name and Place of Abode of the Person intending to bring such Action, and also of his Attorney, and likewise the Cause of Action or Complaint; and any Peace Officer or Officers shall be at liberty and may by virtue of this Act, at any Time within Seven Days after any such Notice shall have been given to or left for him, tender or cause to be tendered any Sum or Sums of Money, as Amends for the Injury complained of, to the Party complaining, or to the Attorney named in such Notice; and if the same is not accepted of, the Defendant or Defendants in any such Action or Actions may plead such Tender in bar of such Action or Actions, together with the General Issue, or any other Plea, with Leave of the Court in which the Action shall be commenced, and if upon Issue joined, on such Tender, the Jury shall find Amends tendered to have been sufficient, they shall find a Verdict for the Defendant or Defendants; and in every such Case, or if the Plaintiff shall become nonsuit, or discontinue his Action, or if Judgment shall be given for the Defendant or Defendants upon Demurrer, or if any Action or Suit shall be brought after the Time limited by this Act for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case, the Jury shall find a Verdict for the Defendant or Defendants, and the Defendant or Defendants shall be entitled to his or their Costs; but if the Jury shall find that no such Tender was made, or that the Amends tendered were not sufficient, or shall find against the Defendant or Defendants, or any Plea or Pleas by him or them pleaded, they shall then give a Verdict for the Plaintiff, and such Damages as they shall think proper; and the Plaintiff shall thereupon recover his Costs against every such Defendant or Defendants.

General Issue.

XXI. And be it further enacted, That if any Action or Suit shall be commenced against any other Person or Persons than a Justice, or other Peace Officer, for any thing done in pursuance of this Act, the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if a Verdict shall be recorded for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared, or if a Judgment shall be given upon a

Treble Costs.

Verdict or Demurrer against the Plaintiff or Plaintiffs, the Defendant or Defendants in every such Action shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law for the Recovery of his, her, or their Costs.

Limiting the Commencement of Prosecutions.

Persons convicted not liable to other Prosecution.

XXII. Provided always, and be it further enacted, That no Person shall be convicted of any Offence under this Act, unless the Information in order for such Conviction shall be exhibited within Fourteen Days after the Offence committed (except in Cases of Perjury); and that no Person who shall be prosecuted to Conviction for any Offence done or committed against this Act, shall be liable to be prosecuted for the same Offence under any other Law.

Application of Penalties.

XXIII. And be it further enacted, That all Penalties and Forfeitures by this Act inflicted, the Application of which is not herein-before directed, shall, when recovered or paid, go and be disposed of in manner following (that is to say), one Moiety thereof where any Offender or Offenders shall be convicted either by his, her, or their Confession, or by the Oath (or Affirmation) of one or more credible Witness or Witnesses, shall go and be paid to the Person or Persons who shall inform against and prosecute to Conviction any such Offender or Offenders, and the other Moiety thereof, or in case there be no such Person informing, then the whole thereof shall go and be paid to the Churchwardens and Overseers of the Poor of the Parish or Parishes, for the Use of the Poor of the said Parish wherein such Offence shall be committed, in such Manner as the said Churchwardens and Overseers of the Poor shall, in his or their Discretion, think fit.

Saving the Rights of the Universities.

XXIV. Provided always, and be it further enacted, That neither this Act or any thing herein contained, shall extend or be construed to extend to prejudice the ancient Right of Custom of the University of *Oxford* or of *Cambridge*, or either of them, or their or either of their Clerks of the Market, or the Practice within the several Jurisdictions of the said Universities, or either of them, used to set, ascertain, and appoint the Assize and Weight of all Sorts of Bread to be sold or exposed to Sale within their several Jurisdictions; but that they and every of them shall and may severally and respectively from Time to Time, as there shall be occasion, set, ascertain, and appoint within their several and respective Jurisdictions, the Assize and Weight of all Sorts of Bread to be sold or exposed to Sale, by any Baker or other Person whatsoever, within the Limits of their several Jurisdictions, and shall and may inquire into and punish any Breach thereof, fully and freely in all respects as they used to do, and as if this Act had never been made; any thing herein contained to the contrary thereof notwithstanding.

Commencement of Act.

XXV. And be it further enacted, That this Act shall commence and take Effect from and immediately after One Calendar Month from the passing thereof.

XXVI. And

XXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded. Public Act.

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