

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXXVIII.

An Act to repeal certain Enactments relating to nominating and appointing the Householders of *Westminster* to serve as Annoyance Jurors, and to make other Provisions in lieu thereof.

[6th *August* 1861.]

WHEREAS an Act was passed in the Twenty-seventh Year of the Reign of Queen *Elizabeth*, intituled *An Act for the good Government of the City or Borough of* Westminster *in* Middlesex, which Act, as amended by the Twenty-ninth of King *George* the Second, Chapter Twenty-five, and Thirty-first of King *George* the Second, Chapter Seventeen, appointed, among other things, an Annoyance Jury, to inspect Annoyances, Obstructions, and Weights and Measures of Traders in the said City and Borough: And whereas it is expedient that so much of the said Act and such amended Acts as relate to the Appointment and Duties of such Annoyance Jurors should be repealed, and other Provisions made

27 Eliz. c. 17., 29 G. 2. c. 25., 31 G. 2. c. 17.

made instead thereof: Be it therefore enacted by the Queen'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, as follows:

Repeal of Part of recited Acts after 29 Sept. 1861.

1. From and after the Twenty-ninth Day of *September* One thousand eight hundred and sixty-one, so much of the said Act and amended Acts as relates to the Appointment of Annoyance Jurors shall be and the same is hereby repealed.

Not to extend to Offences committed before the passing of this Act.

2. Provided always, That nothing herein contained shall extend or be construed to extend to interfere with any Acts done or Appointments made under the Authority of the said recited Acts, or to prevent the suing for or Recovery of any Penalty incurred by any Offence committed against the Provisions of the said recited Acts previous to the Repeal thereof in and by this Act.

Dean and Court of Burgesses to appoint, remunerate, suspend, or discharge Inspectors.

3. On and after the Twenty-ninth Day of *September* One thousand eight hundred and sixty-one, the Appointment of such Annoyance Jurors shall cease, and the Dean of the Collegiate Church of *Saint Peter Westminster* for the Time being, or the High Steward of the City and Liberty of *Westminster* for the Time being, or his lawful Deputy, shall and may, from Time to Time, as Circumstances may require, call a Meeting or Meetings of the Court of Burgesses of the City and Liberty of *Westminster*, at which Court the said Dean, or the High Steward or his Deputy, or One of the Chief Burgesses and Four of the Burgesses, shall be present; and such Court so constituted shall exercise the Powers by this Act given to the Court of Burgesses, and shall and may and is hereby required to appoint One or more Inspectors of Weights and Measures, who shall hold the Office during the Pleasure of the said Court, which is hereby empowered to suspend or dismiss any Inspector so appointed, and to appoint other Inspectors as Occasion may require, and shall direct what reasonable Remuneration shall be paid to every Inspector for the Discharge of such Duties as he is ordered by the said Court of Burgesses to perform, within the Limits of its Jurisdiction, for preventing Persons dealing by unlawful Weights, Balances, or Measures within the said City or Liberty of *Westminster*.

Oath to be taken by Inspector.

4. Provided always, That every Inspector under this Act, before he enters upon the Execution of his Office, shall take an Oath to the Effect

Effect following, which Oath the said Court of Burgesses is hereby empowered to administer:

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill, Judgment, and Ability, execute the Powers and Duties of an Inspector of Weights and Measures under an Act passed in the Year of the Reign of Queen Victoria, intituled "An Act to repeal certain Enactments relating to nominating and appointing the Householders of Westminster to serve as Annoyance Jurors, and to make other Provisions in lieu thereof," and that I will execute those Powers and Duties without Hatred or Malice, Fear, Favour, or Affection.

So help me GOD.'

Inspectors to visit Shops and Warehouses; Power to seize Weights and summon Offenders; Maximum of Fines fixed.

5. Every Inspector under this Act shall and may, with or without One or more Person or Persons acting by his or their Authority, at all seasonable Times during the Hours of Business in the Day or Night, enter any House, Shop, Warehouse, Building, or Yard within the said City and Liberty in the Occupation of or used by any Person who deals by Weight or Measure, and search for, take, and examine all Weights, Measures, Balances, Steelyards, and Weighing Machines there found and being, and if any of the same be unlawful, fraudulent, or defective, he may and is hereby directed and required to seize, keep, and detain the same, and to cause to be summoned the Person so offending before the said Court of Burgesses, which, in default of the Appearance of such Person, or after hearing such Person or any other One Individual who may appear on his Behalf, shall, on Proof thereof on Oath, fine such Person so offending in any Sum not exceeding Five Pounds for any One Offence, and the unlawful or defective Weights, Measures, Balances, Steelyards, and Weighing Machines shall thereupon be forfeited to the said Court and destroyed.

Inspector to inspect Weights and Measures of Persons in the Streets; Power to break unjust Weights and summon Offenders; Maximum of Fines fixed.

6. Every Inspector under this Act may, with or without One or more Persons acting by his Authority, at all seasonable Times in the Day or Night, search for, take, and examine all Weights, Measures, Balances, Steelyards, and Weighing Machines in the Possession of any Person selling, offering, or exposing for Sale any Goods on any open Ground, or in any public Street, Lane, Thoroughfare, or Place within the said City and Liberty of *Westminster*; and if upon such Examination any such Weights, Measures, Balances, Steelyards, and Weighing Machines be found unlawful, fraudulent, or defective, or shall be used in a fraudulent Manner, the same shall thereupon forthwith be forfeited to the said Court, and be seized, detained, and destroyed;

destroyed; and any Person using or having in his Possession any such unlawful, fraudulent, or defective Weights, Measures, Balances, Steelyards, and Weighing Machines, or using any Weights, Measures, Balances, Steelyards, or Weighing Machines in a fraudulent Manner, shall be summoned before the said Court of Burgesses, which, in default of the Appearance of such Person, or after hearing such Person, or any other One Individual who may appear on his Behalf, shall, on Proof thereof on Oath, fine such Person in any Sum not exceeding Five Pounds for any One Offence.

Power to Court to summon and examine Witnesses.

7. The said Court of Burgesses may summon Witnesses to give Evidence before that Court touching any Matters arising under the Fifth and Sixth Sections of this Act, or either of them, and may examine those Witnesses on Oath, and may do all Things necessary for the due and proper Hearing and Determination of any of the said Matters so arising as aforesaid.

Summons to be under the Seal of this Court.

8. Every Summons under this Act shall be issued by the Town Clerk under the Common Seal of the said Court of Burgesses.

Service of Summonses.

9. Every Summons under this Act may be served upon the Person to whom it is directed by delivering the same to such Person personally, or by leaving the same with some Person for him at his last or most usual Place of Business or Abode.

Penalty on Witnesses for not attending and giving Evidence.

10. Any Person summoned as a Witness to give Evidence before the said Court of Burgesses touching any Matters arising under the said Fifth and Sixth Sections of this Act, or either of them, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by the said Court of Burgesses, or who appearing shall refuse to be examined on Oath or Affirmation and give Evidence, shall, on Conviction by the said Court of Burgesses, forfeit and pay to the said Court of Burgesses a Fine not exceeding Five Pounds for every such Offence.

Forms of Summons and Conviction.

11. Any Summons or Conviction under this Act may be in the Form given in the Schedule to the Act passed in the Twelfth Year of the Reign of Her Majesty, Chapter Forty-three, so far as any Form of Summons or Conviction therein may be applicable to the particular Case, and with such Alterations or Additions as the Circumstances of each Case may require, and every such Form or any

any Form to the like Effect shall be deemed good, valid, and sufficient in the Law.

Penalties for obstructing Inspector.

12. Every Person who shall abuse or insult any such Inspector when in the Execution of his Office, or shall in any way obstruct the Execution of the said Office, shall be liable to a Penalty not exceeding Forty Shillings.

Penalties for Misconduct of Inspector.

13. Every Inspector, and every Person acting under his Authority, who shall ask, demand, or take any Sum of Money or other Gratuity or Reward whatsoever for or under Pretence of excusing any Person or Persons, or for not summoning any Person or Persons for any Offences committed under this Act, or shall otherwise misconduct himself in the Execution of his Office, shall be liable to a Penalty not exceeding Five Pounds.

Fines to be paid to High Bailiff and Court of Burgesses.

14. All Fines imposed by the said Court of Burgesses under this Act shall and may be levied and recovered in the like Manner as the Fines and Amerciaments set or imposed by the said recited Acts are thereby directed to be levied and recovered; and all Sums so recovered shall be applied and disposed of in the Manner following; that is to say, the High Bailiff of *Westminster* or his Deputy for the Time being shall be and he is hereby entitled to one Moiety thereof, and shall receive and take the same to his own Use, and the other Moiety thereof shall be taken and applied by the said Court of Burgesses to pay the necessary Charges and Expenses that shall attend the Execution of this Act.

Penalties for obstructing and for Misconduct of Inspector recoverable under the Metropolitan Police Act.

15. The Penalties imposed by the Twelfth and Thirteenth Sections of this Act shall be recovered and applied in the same Way as if the Offences created and Penalties imposed by those Sections had, at the passing of an Act passed in the Third Year of the Reign of Her Majesty, Chapter Forty-seven, been created and imposed by and those Sections had been enacted in the Fifty-fourth Section of that Act.

Office of Sizer and Sealer to be held during the Pleasure of the Court of Burgesses.

16. If any Vacancy shall at the passing of this Act exist or hereafter occur in the Office of sizing and sealing Weights and Measures under the said Acts or either of them, every Person appointed to fill that Office shall hold the same during the Pleasure of the said Court of Burgesses, which may suspend or dismiss every such Person, and appoint others, as Occasion requires.

17. Nothing

Reserving Rights of the Court of Burgesses.

17. Nothing in this Act contained shall, except so far as is by this Act expressly provided, extend or be construed to extend to interfere with the Appointment of any Officer by the Court of Burgesses, or with sealing, sizing, stamping, or marking of any Weights or Measures, or with the Fees for sealing, sizing, stamping, or marking such Weights and Measures payable before the passing of this Act; and this Act shall be construed and taken together with the said recited Acts, and the said Acts and this Act shall, so far as the Provisions of the same are respectively consistent, be read together as One Act.

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