

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

CAP. LXIII.

An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof. [9th *September* 1835.]

WHEREAS an Act was passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to amend and render more effectual Two Acts of the Fifth and Sixth Years of the Reign of His late Majesty King* George *the Fourth relating to Weights and Measures:* And whereas it is expedient to repeal the same, and to make other Provisions instead thereof: 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this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby repealed. 4 & 5 W. c. 49. Recited Act repealed.

II. Provided always, and be it enacted, 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 Act, or to prevent the suing for or Recovery of any Penalty incurred by any Offence committed against the Provisions of the said Act previous to the Repeal thereof in and by this Act, or to hinder or defeat any Prosecution commenced or to be brought for such Offence; but all Penalties and Forfeitures so incurred may be sued for and recovered Nothing herein to interfere with any thing done, or to prevent the Recovery of Penalties, under the repealed Act.

recovered in the same Manner as any Penalties and Forfeitures incurred under the Provisions of this Act are recoverable.

5 G. 4. c. 74. 6 G. 4. c. 12. III. And whereas an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures:* And whereas another Act passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act to prolong the Time of the Commencement of an Act of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures; and to amend the said Act:* And whereas, notwithstanding the Provisions of the said recited Acts, many Sets of Weights and Measures of old accustomed and different Shapes have been made and verified and stamped by the Chamberlains as well as by the Auditor in the Exchequer, as Models of the said new Standards, and have been used as Standard Weights and Measures under the said recited Acts, although different in Shape and Form from the Standards prescribed by the said recited Act of the Fifth Year aforesaid; and it is therefore expedient that such Standard Weights and Measures should be made legal, and that the Comptroller General or some other Officer of the Exchequer duly authorized should be empowered to compare and verify, and stamp as so compared and verified, Standards of Length, Weight, or Measure, although not exact Models and Copies in Shape and Form of the respective Standards of Length, Weight, and Measure deposited under the Provisions of the said first-recited Acts in the Office of the said Chamberlains and Auditor: And whereas it is expedient that the Use of all Weights and Measures not in conformity with the Weights and Measures established by the said recited Acts should be prohibited, and that the Use of the Heaped Measure should be abolished; be it therefore enacted, That so much of the said last-mentioned recited Acts as require that all Weights and Measures shall be Models and Copies in Shape or Form of the Standards deposited in the Exchequer, and also so much of the said recited Acts as allow the Use of Weights and Measures not in conformity with the Imperial Standard Weights and Measures established by the said Acts, or allow Goods or Merchandize to be bought or sold by any Weights or Measures established by local Custom or founded on special Agreement, shall be and the same are hereby repealed.

Provisions in recited Acts as to Models and Copies of Standard Weights and Measures repealed.

Weights and Measures stamped at the Exchequer declared legal, although not similar in Shape to those required by recited Acts. Superintending Officer may verify

IV. And be it enacted, That all Weights and Measures which have been so verified and stamped at the Exchequer at *Westminster* as Copies of the Standard Weights and Measures, corresponding in Weight and Capacity with those established by the said recited Acts, shall be deemed and taken to be legal Weights and Measures, to be used for Comparison as Copies of the Imperial Standard Weights and Measures, although not similar in Shape to those required under the Provisions of the said recited Acts; and that the Comptroller General, or some other Officer of the Exchequer at *Westminster* duly authorized, may compare and verify, and stamp as so compared and verified, as correct Standard Measures of a Yard, and as correct Standard Weights, and as correct Standard Measures of

shall be stamped or used: Provided always, that nothing herein contained shall prevent the Use of Lead or Pewter, or of any Mixture thereof, in the Manufacture of Weights, if they be wholly and substantially cased with Brass, Copper, or Iron, and legibly stamped or marked "Cased," or shall prevent the Insertion of such a Plug of Lead or Pewter into Weights as shall be *bonâ fide* necessary for the Purpose of adjusting them and of affixing thereon the Stamp herein-after mentioned.

For ascertaining certain Rents and Tolls, &c. payable in England and Ireland.

XIV. And for the Purpose of ascertaining and providing for the Fulfilment of all existing Contracts, and fixing the Payments to be made in consequence of such Contracts or Rents in *England* and *Ireland* payable in Grain or Malt, or in any other Commodity or Thing, and in consequence of any Toll, Rate, or Duty heretofore payable according to the Weights and Measures heretofore in use, where the same shall not have been already ascertained and fixed by Agreement between Parties, or under the Provisions of the said Act of the Fifth Year of His late Majesty; be it enacted, That at the General or Quarter Sessions of the Peace to be holden in every County, Riding, or Division, and in every City, Town, or Place (being a County of itself), in *England* or *Ireland*, next after the Expiration of Three Months after the passing of this Act, or at any General or Quarter Sessions of the Peace to be holden thereafter, on the Application of any Party to such Sessions, an Inquisition shall be taken before the Justices assembled at such General or Quarter Sessions, by the Oaths of Twelve substantial Freeholders of the said respective Counties, Cities, Towns, or Places, having Lands or Tenements to the Value of One hundred Pounds *per Annum* or upwards, to be summoned by the Sheriff or proper Officers of every such County, City, Town, or Place, to inquire into and ascertain the Amount, according to the Standard of Weight or Measure by this Act established, of all Contracts to be performed or Rents to be paid in Grain or Malt or any other Commodity or Thing, or with reference to the Measure or Weight of any such Grain, Malt, or other Commodity or Thing, and the Amount of any Toll, Rate, or Duty heretofore payable according to any Weights and Measures heretofore in use within such Counties, Cities, Towns, or Places respectively; and in taking such Inquisition, Care shall be taken that in every Case in which Grain, Malt, or Meal, or any other Commodity or Thing, having, before the said First Day of *January* One thousand eight hundred and thirty-five, been sold by Weight shall henceforth be sold by Measure, or having before the said First Day of *January* been sold by Measure shall henceforth be sold by Weight, no Increase or Diminution be made in the Amount of any Rate, Toll, or Duty hereafter payable for such Grain, Malt, or any other Commodity or Thing, due Regard being had to the Substitution of Measure for Weight, or of Weight for Measure, as the Case may be; and such Inquisitions, when taken, shall be transmitted by the respective Clerks of the Peace of the same Counties respectively, or by the Mayor, Bailiff, or other Head Officer of every such City, Town, or Place (being a County of itself), into His Majesty's Court of Exchequer at *Westminster* and *Dublin* respectively, and shall be there enrolled of Record, and shall and may be given in Evidence in

any Action or Suit at Law or in Equity; and the Amount so to be ascertained shall, when converted into the Standard Weights and Measures, be the Rule of Payment in regard to all such Contracts, Rents, Tolls, Rates, or Duties in all Time coming; and the Costs and Charges of such Inquisitions and the Enrolments thereof shall be paid and defrayed by the Party on whose Application such Requisition shall be taken.

For ascertaining certain Rents, Tolls, &c. payable in Scotland.

XV. And for the Purpose of ascertaining and providing for the Fulfilment of all existing Contracts, and fixing the Payments to be made of all Stipends, Feu Duties, Rents, Tolls, Customs, Casualties, and other Demands whatsoever payable in Grain, Malt, or Meal, or any other Commodity or Thing, in *Scotland*, or in any other Place or District of the same, according to the Weights and Measures heretofore in use, when such Payments shall not have been already ascertained and fixed by Agreement between Parties, or under the Provisions of the said Act of the Fifth Year of His late Majesty; be it enacted, That the Sheriff in each Shire in *Scotland* shall, on the Application of any Party to such Sheriff, as soon as conveniently may be after the Expiration of Three Calendar Months from and after the passing of this Act, summon and impannel a Jury, of the same Number and of the same Qualifications which are required in the Jury who strike the Fiar Prices of Grain within the same Shire, to assemble at such Place or Places as he shall find convenient, which Jury shall inquire into and ascertain the Amount, according to the Standards by this Act established, of all such Stipends, Feu Duties, Rents, Tolls, Customs, Casualties, and other Demands whatsoever payable in Grain, Malt, Meal, or any other Commodity or Thing, according to the Weights and Measures heretofore in use within the same Shires; and in taking such Inquisition, Care shall be taken that in every Case in which Grain, Malt, or Meal, or any other Commodity or Thing, having, before the First Day of *January* One thousand eight hundred and thirty-five, been sold by Weight shall henceforth be sold by Measure, or having before the said First Day of *January* been sold by Measure shall henceforth be sold by Weight, no Increase or Diminution be made in the Amount of any Stipend, Feu Duty, Rent, Toll, Custom, or Casualty heretofore payable for such Grain, Malt, or any other Commodity or Thing, due Regard being had to the Substitution of Measure for Weight, or of Weight for Measure, as the Case may be; and such Inquisitions, when taken, shall be transmitted by the respective Sheriff Clerks of such Shire into His Majesty's Court of Exchequer at *Edinburgh*, and shall there be enrolled of Record, and shall and may be given in Evidence in any Action at Law; and the Amount so to be ascertained shall, when converted into the Standard Weights and Measures, be the Rule of Payment in regard to all such Stipends, Feu Duties, Rents, Tolls, Customs, Casualties, and other Demands whatsoever in all Time coming; and the Costs and Charges of such Inquisitions and the Enrolment thereof shall be assessed and levied, paid and defrayed, by the Party on whose Application such Inquisition shall have been taken.

Regulation as to Fiar Prices of Commo-

XVI. And be it enacted, That in *Scotland*, from and after the passing of this Act, the Fiar Prices of all Grain in every County shall be

be struck by the Imperial Quarter, and all other Returns of the Prices of Grain shall be set forth by the same, without any Reference to any other Measure whatsoever; and that any Sheriff Clerk, Clerk of a Market, or other Person who shall offend against this Provision shall forfeit a Sum not exceeding Five Pounds. dities in Scotland.

XVII. And be it enacted, That in *England*, at the General or Quarter Sessions of the Peace next after the passing of this Act, the Justices of the Peace of every County, Riding, or Division, or County of a City or County of a Town, in General or Quarter Sessions assembled, and in *Scotland* the Justices of the Peace at a Meeting to be called for the Purpose by the Sheriff of each County, and the Magistrates of each Royal Burgh, within Three Months after the passing of this Act, and so from Time to Time at any subsequent General or Quarter Sessions, or Meeting so called as aforesaid, shall determine the Number of Copies of the Imperial Standard Weights and Measures which they shall deem requisite for the Comparison of all Weights and Measures in use within their respective Jurisdictions, and shall direct that such Copies, verified and stamped at the Exchequer, shall be provided for the Use of the same, and shall fix the Places at which such Copies shall be deposited, and shall appoint a sufficient Number of Inspectors of Weights and Measures for the safe Custody of such Copies, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, such District to be distinguished by a Number or Mark, and shall direct what reasonable Remuneration shall be paid to such Inspectors for the Discharge of such Duties as they shall have been ordered by such Justices or Magistrates as aforesaid to perform; and they are hereby empowered to suspend or dismiss any Inspectors so appointed, or to appoint additional Inspectors, as Occasion may require: Provided always, that nothing herein contained shall extend to compel any Royal Burgh of *Scotland* (except such as are County Towns) to provide Copies of the Imperial Standard Weights and Measures, or to appoint an Inspector or Inspectors for the Performance of the Duties prescribed by this Act; and that it shall be lawful for the Justices of the Peace in any County, and for the Magistrates of any Royal Burgh within such County, where they shall agree, to unite the Whole or a Portion of the County with such Royal Burgh, and to appoint One Inspector therefor, and to provide at their joint Expence Copies of the Imperial Standard Weights and Measures to be used within such united District. Copies of the Imperial Standards to be provided by Order of General or Quarter Sessions in England, and by Meetings of Justices in Scotland. Appointment of Inspectors.

XVIII. And whereas by reason of the Difficulty of Communication between the Parts of the Islands of *Orkney* and *Zetland*, it is expedient that further Time should be allowed for bringing this Act into operation in those Islands; be it enacted, That this Act shall not take effect in the Islands of *Orkney* and *Zetland* before and until the First Day of *May* One thousand eight hundred and thirty-six, any Part of this or any other Statute notwithstanding. Extending Time for Operation of Act in Orkney and Zetland.

XIX. And be it enacted, That in *Ireland* the Grand Jury of every County, County of a City, or County of a Town shall, at the Assizes, or, Copies of Standards to be provided

by Grand Juries in Ireland;

or, where no Assizes are held, at the Presenting Term, next ensuing after the passing of this Act, and so from Time to Time at any subsequent Assizes or Presenting Term, determine the Number of Copies of the Imperial Standard Weights and Measures which they shall deem requisite for the Comparison of all Weights and Measures in use within their Counties, Counties of Cities, or Counties of Towns respectively, and shall direct that such Copies, verified and stamped at the Exchequer, shall be provided for the Use of the same, and

and Inspectors appointed.

shall fix the Places at which such Copies shall be deposited; and shall appoint a sufficient Number of Inspectors of Weights and Measures for the safe Custody of such Copies, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and shall direct what reasonable Remuneration shall be paid to such Inspectors; and they are hereby empowered to suspend or dismiss any Inspectors so appointed, or to appoint additional Inspectors, from Time to Time as Occasion may require.

Judges to order Copies of Standards in Counties in Ireland when it has not been done by Grand Juries.

XX. And be it enacted, That in *Ireland* the senior Judge shall, before the Close of the Assizes next ensuing after the passing of this Act, inquire whether One complete Set of such Copies of the Imperial Standard Weights, Measures, and Stamps has been provided in each County, County of a City, or County of a Town; and in every Case in which it shall not appear to him that One Set at least of such Copies has been provided such Judge shall forthwith order the Treasurer of the County, County of a City, or County of a Town to provide One complete Set of such Copies; and every such Order shall have the Effect of a Presentment on the County at large for such Sum as may be necessary to procure a complete Set of such Copies; and such Treasurer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall forfeit the Sum of Fifty Pounds Sterling.

Magistrates in England and Scotland and Grand Juries in Ireland to procure Stamps for Inspectors, for stamping all Weights, &c. under this Act.

XXI. And be it enacted, That in *England* the Justices of the Peace in General or Quarter Sessions assembled, and in *Scotland* the Justices of the Peace and Magistrates at a Meeting called by the Sheriff, and in *Ireland* the Grand Jury of each County, County of a City, or County of a Town, shall provide for the Use of the Inspectors good and sufficient Stamps for the stamping or sealing Weights and Measures used or to be used in each and every County, Riding, or Division, County of a City or County of a Town, which Stamps so provided shall be taken to be the Stamps for such County, Riding, or Division, County of a City or County of a Town; and that all Weights and Measures whatsoever, except as herein-after excepted, which shall be used for buying and selling, or for the collecting of any Tolls or Duties, or for the making of any Charges on the Conveyance of any Goods or Merchandize, shall be examined and compared with One or more of the Copies of the Imperial Standard Weights and Measures provided under the Authority of this Act for the Purpose of Comparison by such Inspectors, who shall stamp, in such Manner as best to prevent Fraud, such Weights and Measures, when so examined and compared, if found to correspond with the said Copies; and the Fees for such Examination, Comparison, and Stamping shall be according to the Scale contained in the Schedule

to this Act annexed; and every Person who shall use any Weight or Measure other than those authorized by this Act, or some aliquot Part thereof as herein-before described, or which has not been so stamped as aforesaid, except as herein-after excepted, or which shall be found light or otherwise unjust, shall, on Conviction, forfeit a Sum not exceeding Five Pounds; and any Contract, Bargain, or Sale made by any such Weights or Measures shall be wholly null and void, and every such light or unjust Weight and Measure so used shall, on being discovered by any Inspector so appointed as aforesaid, be seized, and, on Conviction of the Person using or possessing the same, shall be forfeited: Provided always, that nothing herein contained shall extend to require any single Weight above Fifty-six Pounds to be inspected and stamped, such Weight of Fifty-six Pounds being the greatest of the Imperial Standard Weights deposited in the Exchequer; and that nothing herein contained shall extend to require any Wooden or Wicker Measure used in the Sale of Lime, or other Articles of the like Nature, or any Glass or Earthenware Jug or Drinking Cup, though represented as containing the Amount of any Imperial Measure, or of any Multiple thereof, to be stamped; but any Person buying by any Vessel represented as containing the Amount of any Imperial Measure, or of any Multiple thereof, is hereby authorized to require the Contents of such Vessel to be ascertained by a Comparison with a stamped Measure, such stamped Measure to be found and provided by the Person who shall use such Wooden or Wicker Measure, Glass Jug or Drinking Cup as aforesaid; and in case the Person who shall use such last-mentioned Measure or Vessel shall refuse to make such Comparison, or if, upon such Comparison being made, such Wooden or Wicker Measure, Glass Jug or Drinking Cup, shall be found to be deficient in Quantity, the Person who shall use the same shall, on Conviction, be subject to the Forfeitures and Penalties herein-before imposed on any Person using light or unjust Weights or Measures.

Penalty on using Weights or Measures not authorized by Act, &c.

No Weight above 56 lbs. to be inspected or stamped.

XXII. And be it enacted, That the Expence of providing and transmitting such Copies of the Imperial Standard Weights and Measures, and of the Stamps to be used by the Inspectors, and the Remuneration to the Inspectors, shall be paid in *England* out of the Stock raised in such Counties, Ridings, Divisions, or Counties of Cities; and in *Scotland* such Expences in the respective Shires and Stewartries, and Cities or Royal Burghs, shall be assessed by the Commissioners of Supply upon such Shires and Stewartries, and upon Cities or Royal Burghs by the Magistrates thereof, and shall be paid, along with the Land Tax payable in such Shires or Stewartries and Cities or Royal Burghs, to the Collectors of the Land Tax in such Shires or Stewartries and Cities or Royal Burghs respectively; and in *Ireland* such Expences in the respective Counties, Counties of Cities, and Counties of Towns, shall be provided for and paid by Presentments to be made by the Grand Juries on such Counties, Counties of Cities, and Counties of Towns respectively; and the Collectors of Land Tax in *Scotland* shall have such and the same Powers of levying and recovering the Assessments to be made under this

Expence of providing Copies of Standard Weights, and the Remuneration to Inspectors, to be defrayed out of County Rate, &c.

this Act as are competent to them for levying and recovering the said Land Tax.

No Maker or Seller of Weights or Measures to be appointed Inspector.

Inspectors to enter into Recognizance.

XXIII. And be it enacted, That after the passing of this Act no Maker or Seller of Weights or Measures, or Person employed in the making or selling thereof, shall be appointed an Inspector of Weights and Measures under the Provisions of this Act; and that every Inspector shall forthwith enter into a Bond or Recognizance to the King, to be sued for in any Court of Record, in the Sum of Two hundred Pounds, for the due and punctual Performance of the Duties of his Office, and for the due and punctual Payment, at such Time or Times as he may be directed by the Justices, Magistrates, or other Persons by whom he may have been appointed, of all Fees received by him under the Authority of this Act, and for the Safety of the Stamps and Copies of the Imperial Standard Weights and Measures committed to his Charge, and for their due Restoration and Surrender to such Person or Persons as may be appointed to receive them by the Justices, Magistrates, or other Persons aforesaid, immediately on his Removal or other Cessation from Office.

Inspectors to attend at Market Towns, when ordered by Justices, &c.

Inspector to pay Fees to Treasurer of County, &c.

XXIV. And be it enacted, That in *England* the Justices in General or Quarter Sessions assembled, and in *Scotland* the Justices or Magistrates at a Meeting called by the Sheriff, and in *Ireland* the Grand Jury of each County, County of a City, or County of a Town, shall determine and appoint on what Day or Days each and every such Inspector shall attend with the Stamps and Copies of the Imperial Standard Weights and Measures in his Custody at each of the several Market Towns, and at such other Places within their respective Jurisdictions as they shall deem expedient; and every such Inspector so attending shall examine, compare, and stamp if found correct, all such Weights and Measures as shall be brought to him for that Purpose, and shall also upon all Measures and upon all Weights of a Quarter of a Pound and upwards stamp a Number or Mark distinguishing the District in which he acts, and he shall keep a Book, wherein he shall enter Minutes of all such Comparisons, and give, if required, a Certificate under his Hand of every such Stamping; and every Inspector shall, once in every Quarter of a Year, account to the Treasurer of the County, Riding, Division, County of a City or County of a Town, or to such other Persons as shall be duly authorized by those by whom he may have been appointed, for all Fees received by him under this Act, and shall pay the Amount thereof to such Treasurer or other Persons as aforesaid, who shall duly account for the same.

Power to Magistrates of Towns, &c. to appoint Inspectors.

XXV. Provided always, and be it enacted, That in the Town of *Berwick-upon-Tweed* and all other Places which have been or shall be hereafter authorized under the Provisions of any Act of Parliament, whether local or otherwise, to appoint Inspectors or Examiners of Weights and Measures, and in all other Places which have been or shall be hereafter by Charter, Act of Parliament, or otherwise, possessed of legal Jurisdiction, and which have been or shall be hereafter provided with Copies of the Imperial Standard

Weights and Measures verified and stamped at the Exchequer, it shall be lawful for the Magistrates of such Places, or for any other Persons who may be so authorized as aforesaid, to appoint an Inspector or Inspectors of Weights and Measures within the Limits of their respective Jurisdictions; and such Inspectors so appointed shall, within such Limits exclusively, have the same Powers and discharge the same Duties as the Inspectors of Weights and Measures appointed under this Act by the County Justices or Grand Juries for their respective Counties, and shall account as aforesaid to such Persons as shall be duly authorized by those by whom they may have been appointed for the Amount of the Fees received by them: Provided always, that nothing herein contained shall prevent Inspectors appointed by County Justices or Grand Juries from coming to any Place within the Limits of such other Jurisdiction or Authority as aforesaid, and there inspecting and stamping the Weights and Measures of any Person residing within the District for which such Inspectors may have been appointed; but that any Inspector knowingly stamping any Weight or Measure of any Person residing within the Limits of any local Jurisdiction for which another Inspector may have been legally appointed as aforesaid shall forfeit a Sum not exceeding Twenty Shillings for every Weight or Measure which he may so stamp.

Powers of such Inspectors.

Penalty on Inspector knowingly stamping Weights, &c. of any Person residing out of the District.

XXVI. And be it enacted, That in every City or Town not being a County of itself, every Individual or Individuals or Body Corporate in *Ireland* exercising the Privilege of appointing a Weighmaster shall, on or before the First Day of *January* One thousand eight hundred and thirty-six, or within Three Months after the Set of Copies of the Imperial Standard Weights and Measures for the County in which such Right shall be exercised shall have been provided, supply such Weighmaster with accurate Beams and Scales, and with a Set of accurate Copies, in respect of Weight, Capacity, and Length, of the County Set, under a Penalty of Twenty Pounds; and the Accuracy of such Set of Copies shall be certified under the Hand of some Inspector of Weights and Measures; and such Set of Copies shall, for the Purpose of Comparison and Verification, be considered Copies of the Imperial Standard Weights and Measures required by this Act, and shall be used for no other Purpose whatever, under a Penalty of Five Pounds; and once at least in every Five Years, under the like Penalty, the same shall be re-adjusted by some Set of Copies of the Standard Weights and Measures which shall have been verified by the Exchequer Standard.

Weighmasters in Ireland to be supplied with Beams and Scales, and accurate Copies.

XXVII. And be it enacted, That no Weight or Measure duly stamped by any Inspector appointed under the Authority of the said Act hereby repealed, or this Act, or by any other Person or Persons legally authorized to examine and stamp any Weights or Measures, shall be liable to be re-stamped, although the same be used in any other Place than that at which the same was originally stamped, but shall be considered as a legal Weight or Measure throughout the United Kingdom, unless found to be defective or unjust.

Weights and Measures once stamped need not be re-stamped.

XXVIII. And

Power to Justices and Inspectors to enter Shops and inspect Weights and Measures.

XXVIII. And be it enacted, That in *England* and *Ireland* it shall be lawful for every Justice of the Peace of any County, Riding, or Division, or of any City or Town, and in *Scotland* for every Sheriff, Justice, or Magistrate of any Borough or Town, or for any Inspector authorized in Writing under the Hand of any Justice of the Peace in *England* and *Ireland*, or of any Sheriff, Justice, or Magistrate in *Scotland*, at all seasonable Times to enter any Shop, Store, Warehouse, Stall, Yard, or Place whatsoever within his Jurisdiction, wherein Goods shall be exposed or kept for Sale, or shall be weighed for Conveyance or Carriage, and there to examine all Weights, Measures, Steelyards, or other Weighing Machines, and to compare and try the same with the Copies of the Imperial Standard Weights and Measures required or authorized to be provided under this Act; and if upon such Examination it shall appear that the said Weights or Measures are light or otherwise unjust, the same shall be liable to be seized and forfeited; and the Person or Persons in whose Possession the same shall be found shall, on Conviction, forfeit a Sum not exceeding Five Pounds; and any Person who shall have in his or her Possession a Steelyard or other Weighing Machine which shall on such Examination be found incorrect or otherwise unjust, or who shall neglect or refuse to produce for such Examination, when thereto required, all Weights, Measures, Steelyards, or other Weighing Machines which shall be in his or her Possession, or shall otherwise obstruct or hinder such Examination, shall be liable to a like Penalty.

Penalty on Inspector for Neglect of Duty or for Misconduct.

XXIX. And be it enacted, That in case any Inspector of Weights and Measures, or any other Person legally authorized to examine and stamp any Weights or Measures, shall stamp any Weight or Measure without duly verifying the same by Comparison with a Copy of the Imperial Standard, or shall be guilty of a Breach of any Duty imposed upon him by this Act, or shall otherwise misconduct himself in the Execution of his Office, every such Offender shall, upon Conviction, forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty for counterfeiting Stamps on Weights and Measures.

XXX. And be it enacted, That if any Person or Persons shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or knowingly act or assist in the making, forging, or counterfeiting, any Stamp or Mark now used or which may hereafter be used for the stamping or marking of any Weights or Measures under this Act, shall for every such Offence forfeit, on Conviction, a Sum not exceeding Fifty Pounds or less than Ten Pounds; and if any Person shall knowingly sell, utter, dispose of, or expose to Sale any Weight or Measure with such forged or counterfeit Stamp or Mark thereon, every Person so offending shall for every such Offence forfeit, on Conviction, a Sum not exceeding Ten Pounds or less than Forty Shillings; and that all Weights and Measures with such forged or counterfeited Stamps or Marks shall be forfeited and broken up, and the Proceeds thereof shall be disposed of in the Manner hereinafter mentioned.

Penalty on Price Lists, &c. denoting

XXXI. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-six, if any Person or Persons

Persons shall print, or if the Clerk of any Market or other Person shall make any Return, Price List, Price Current, or any Journal or other Paper containing Price List or Price Current, in which the Denomination of Weights and Measures quoted or referred to shall denote or imply a greater or less Weight or Measure than is denoted or implied by the same Denomination of the Imperial Weights and Measures under and according to the Provisions of this Act, such Person or Persons or Clerk of the Market shall forfeit and pay any Sum not exceeding Ten Shillings for every Copy of every such Return, Price List, Price Current, Journal or other Paper which he or they shall publish.

greater or less Weight or Measure than the same Denomination of Imperial Weight or Measure.

XXXII. And be it enacted, That all Penalties and Forfeitures which shall be incurred under any of the Provisions of the said recited Act of the Fifth Year aforesaid, or this Act, after deducting so much thereof, not exceeding a Moiety, to be paid to the Party on whose Information the Conviction shall take place, as the Justice before whom the Party is convicted shall think fit, shall be paid to the Treasurer of such County, Riding, or Division, County of a City, Corporate Town, or other Place in which they shall be respectively recovered, or to such other Person as shall be duly authorized to receive the same, and be applied to and make Part of the County Stock, or of such other Funds as shall be liable, under the Provisions of this or any other Act, to the Cost of providing and maintaining Copies of the Imperial Standard Weights and Measures; any thing in the said recited Act of the Fifth Year aforesaid to the contrary notwithstanding.

As to Penalties in England and Ireland.

XXXIII. And be it enacted, That in all Counties, Ridings, or Divisions in *England* and *Ireland*, all Penalties and Forfeitures under this Act shall be sued for before Two or more Justices of the Peace at Petty Sessions, or before the Mayor or other Chief Magistrate of any City, Borough, Town, or Place within whose Jurisdiction the Offence shall have been committed; and that the Conviction may be drawn up according to the following Form, or in Words to the like Effect:

Suing for Penalties.

'BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before 'us, Two of His Majesty's Justices of the Peace [*or* before 'me the Mayor *or* Chief Magistrate of the City, Borough, *&c.* 'of] for the [*here specify the Offence, and the Time and Place 'when and where committed, as the Case may be*], contrary to an Act 'passed in the Year of the Reign of King *William* the 'Fourth, intituled, *&c.* [*as the Case may be*]; and we [*or* I] do 'adjudge that the said *A.B.* hath forfeited for his [*or* her] said 'Offence the Sum of [*here insert the Penalty*]. Given under our 'Hands and Seals [*or* my Hand and Seal] the Day and Year first 'above written.'

Form of Conviction.

XXXIV. And be it enacted, That in *England* and *Ireland* all Penalties and Forfeitures inflicted or imposed by this Act may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of Two or more Justices of the Peace at

Recovery of Penalties.

Petty Sessions, or before the Mayor or other Chief Magistrate of any Borough, City, Town, or Place within whose Jurisdiction the Offence shall have been committed, on Complaint to them or him for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders, by Warrant under the Hands and Seals of such Justices, or Hand and Seal of such Mayor or other Chief Magistrate, who is and are hereby authorized and required to summon and examine any Witnesses of or concerning such Offence, and to hear and determine the same; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalties or Forfeitures, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the respective Owners of the Goods and Chattels so seized and distrained; and in case any such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for the said Justices, Mayor, or other Chief Magistrate, to order any Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender can give sufficient Security, to the Satisfaction of such Justices, Mayor, or other Chief Officer, for his or her Appearance before the said Justices, or before some other Justices having Jurisdiction, or before such Mayor or other Chief Magistrate, on such Day as shall be appointed for the Return of such Warrant, such Day not being later than Eight Days from the Day of taking any such Security, and which Security any such Justices, Mayor, or other Chief Magistrate are and is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and Costs and Expences aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justices, Mayor, or other Chief Magistrate, upon the Confession of the Offender or otherwise, that he or she hath not sufficient Goods and Chattels whereupon such Penalty or Forfeiture, Costs and Expences, could be levied if a Warrant of Distress were issued, such Justices, Mayor, or other Chief Magistrate shall not be required to issue such Warrant, but in such Case such Justices, Mayor, or other Chief Magistrate is hereby required, by Warrant under their Hands and Seals or his Hand and Seal, to commit such Offender to some Common Gaol or House of Correction for the County, City, Borough, Town, or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, or until such Offender shall have paid such Penalty or Forfeiture, and all Costs and Charges attending the Proceedings (to be ascertained by such Justices, Mayor, or other Chief Magistrate), or shall otherwise be discharged by due Course of Law.

by Distress, &c.

If not sufficient Distress, Offender to be committed to Common Gaol, &c.

Persons aggrieved may appeal to Quarter Sessions.

XXXV. And be it enacted, That in *England* and *Ireland* all Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace, Mayor, or Chief Magistrate, relating to any Matter or Thing in this Act mentioned or contained, may, within Fourteen Days next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the then next ensuing General or Quarter Sessions

Sessions to be held for the City, Borough, or County within which the alleged Cause of Appeal shall arise, first giving Seven Days Notice in Writing of such Intention to appeal, and the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, Mayor, or other Chief Magistrate, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, shall adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such City, Borough, or County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which may have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Proceedings not to be quashed for Want of Form, or removed.

XXXVI. And be it enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

As to Penalties in Scotland.

XXXVII. And be it enacted, That in *Scotland* all Penalties incurred under the Provisions of this Act or of any of the before-recited Acts shall be recoverable, with Expences, either before the Sheriff of the County or the Magistrates of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before Two or more Justices of the Peace of such County, at the Instance either of the Procurator Fiscal of Court or any Person who may prosecute for the same; and the whole Penalties, after deducting all Charges and such Remuneration to the Person prosecuting as the said Justices shall think fit, shall be applied in aid of the Funds liable under the Provisions of this Act to the Cost of providing and maintaining Copies of the Imperial Standard Weights and Measures in the Place where such Penalties shall be awarded; and it is hereby provided, that it shall be competent for the said Courts respectively to proceed in a summary Way, and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender, or on other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expences decerned for, failing Payment, within Fourteen Days after Conviction, by Poinding, or by Imprisonment for a Period, at the Discretion of the Court, not exceeding Sixty Days, it being hereby provided that a Record should be preserved of the Charge and of the Judgment pronounced.

XXXVIII. And

Appeal in Scotland to Commissioners of Justiciary at Circuit Court.

XXXVIII. And be it enacted, That in *Scotland* if any Person or Persons shall feel themselves aggrieved by the Sentence of any Sheriff, or Magistrates of Burghs or Towns Corporate, or Justices of the Peace, pronounced in any Case arising under this Act, it shall be lawful for such Person or Persons to appeal to the Court of Justiciary at the next Circuit Court, or, where there is no Circuit Court, to the High Court of Justiciary at *Edinburgh*, in the Manner, and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing Heritable Jurisdictions in* Scotland, with this Variation only, that such Person or Persons so appealing shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expences awarded against him or them by the Sentence or Sentences appealed from, in the Event of the Appeal or Appeals being dismissed, together with any additional Expences which shall be awarded by the Court in dismissing the said Appeal; and it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Advocation, Suspension, or Reduction, or in any other Way other than as herein provided.

20 G. 2. c. 43.

Limitation of Actions, &c.

XXXIX. And be it enacted, That in all Actions brought against any Person for any thing done in pursuance of this Act, or in the Execution of the Powers or Authorities thereof, such Action shall be laid and brought in the County within which the Cause of Action shall have arisen; and the Defendant or Defendants in such Action 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 Acts were done in pursuance or by the Authority of this Act; and if they shall appear to have been so done, or that such Action shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of Amends.

XL. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party or Parties who shall commit such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think

fit, whereupon Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

4 Anne (I.) and 5 G. 4. c. 110. repealed, except so far as relate to Duties &c. of Weighmasters.

XLI. And be it enacted, That an Act passed in the Parliament of *Ireland* in the Fourth Year of Queen *Anne*, intituled *An Act for regulating Weights used in this Kingdom, and that Salt and Meal shall be sold by Weight*, and another Act passed in the Parliament of the United Kingdom of *Great Britain* and *Ireland* in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act for the Indemnity of Magistrates in Proceedings against Persons using unlawful Weights in* Ireland, shall be and they are hereby repealed, except in so far as they relate to the Appointment, Duties, and Remuneration of Weighmasters.

Powers of Ward Inquests in London, &c. not to be interfered with.

XLII. Provided always, and be it enacted, That nothing in this Act contained shall interfere with the Powers of the Ward Inquests in respect to Weights and Measures within the City of *London* and Liberties thereof, and the Borough of *Southwark*, nor prohibit, defeat, injure, or lessen the Right of the Mayor and Commonalty and Citizens of the City of *London*, or of the Lord Mayor of the said City for the Time being, with respect to the stamping or sealing Weights and Measures, or concerning the Office of Gauger of Wines, Oils, Honey, and other gaugeable Liquors imported and landed within the City of *London* and Liberties thereof.

Rights of the Founders Company reserved.

XLIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the Rights granted by Charter to the Master, Wardens, and Commonalty of the Mystery of Founders of the City of *London*.

Saving the Rights of the Universities of Oxford and Cambridge.

XLIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the Rights or Privileges of either of the Universities of *Oxford* or *Cambridge*, but that the Custody of the Assize, Assay, and Overlooking of Weights and Measures in the City of *Oxford* and its Suburbs, and in the Town of *Cambridge*, shall continue as heretofore and be in the Chancellor, Vice Chancellor, or his Deputy, of the said Universities respectively; and that the Chancellor, Vice Chancellor, or his Deputy, of each of the said Universities for the Time being, and none other, shall have the Power, and is or are hereby authorized, as Occasion may require, to appoint in and for the said City and Suburbs, and in and for the said Town respectively, an Inspector or Inspectors of Weights and Measures, and shall have full Power and Authority to perform and execute all such Matters and Things as are required or are granted to Justices of the Peace of any County, City, Town, or other Jurisdiction in *England* and *Wales*, under the Provisions of this Act, or by any or either of the said recited Acts; and every such Inspector is hereby authorized and empowered to put in force and execute all such Powers and Provisions as are by this Act, or by any or either of the said recited Acts, granted to or required of any Inspector or Inspectors of Weights and Measures appointed as aforesaid by the Justices of the Peace in Quarter Sessions assembled.

Not to abridge the Power of the Leet Jury, &c.

XLV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to supersede, limit, take away, 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, or any Jury or Ward Inquest, may have or possess for the examining, regulating, seizing, breaking, or destroying any Weights, Balances, or Measures within their respective Jurisdictions, or the Power given by any Act or Acts now in force to Justices or other Authorities to appoint Examiners for the Inspection of Weights and Measures.

Act may be amended this Session.

XLVI. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this Session of Parliament.

SCHE-

SCHEDULE OF FEES

To be taken by all INSPECTORS of WEIGHTS and MEASURES appointed under the Authority of this Act.

For examining, comparing, and stamping all Brass Weights, within their respective Jurisdictions:

	s.	d.
Each Half Hundred Weight	0	9
Each Quarter of a Hundred Weight	0	6
Each Stone	0	4
Each Weight under a Stone to a Pound inclusive	0	1
Each Weight under a Pound	0	0½
Each Set of Weights of a Pound and under	0	2

For examining, comparing, and stamping all Iron Weights, or Weights of other Descriptions not made of Brass, within their respective Jurisdictions:

	s.	d.
Each Half Hundred Weight	0	3
Each Quarter of a Hundred Weight	0	2
Each Stone	0	1
Each Weight under a Stone	0	0½
Each Set of Weights of a Pound and under	0	2

For examining, comparing, and stamping all Wooden Measures, within their respective Jurisdictions:

	s.	d.
Each Bushel	0	3
Each Half Bushel	0	2
Each Peck, and all under	0	1
Each Yard	0	0½

For examining, comparing, and stamping all Measures of Capacity of Liquids, made of Copper or other Metal, within their respective Jurisdictions:

	s.	d.
Each Five Gallon	1	0
Each Four Gallon	0	9
Each Three Gallon	0	6
Each Two Gallon	0	4
Each Gallon	0	2
Each Half Gallon	0	1
Each Quart, and under	0	0½

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