Anno tricesimo primo

Georgii II. Regis.

An Act to ascertain the Weight of Trusses of Straw, and to punish Deceits in the Sale of Hay and Straw in Trusses in *London*, and within the Weekly Bills of Mortality, and within the Distance of Thirty Miles thereof; and to prevent common Salesmen of Hay and Straw from buying the same on their own Account, to sell again; and also to restrain Salsemen, Brokers, or Factors in Cattle, from buying on their own Account, to sell again, any Live Cattle in *London*, or within the Weekly Bills of Mortality, or which are driving up thereto.

WHereas great Abuses are committed by Persons selling Straw in Bundles or Trusses in the City of London, and within the Limits of the Weekly Bills of Mortality, and other Places about London, of less Weight than the same ought to be, and are pretended to be, between Buyer and Seller; and also by putting into Bundles or Trusses of Straw and Hay exposed for Sale, Straw and Hay different in Goodness or Quality from what the Straw or Hay, by the Outside of such Bundles or Trusses, appears to be, and also by putting other Things into or amongst such Bundles or Trusses of Straw and Hay, to make up or add thereto a false Weight: For Remedy whereof, be it enacted Preamble.

enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty ninth Day of September, One thousand seven hundred and fifty eight, all Straw which shall be sold or delivered in, or brought to or exposed for Sale in London, or any Place comprized within the Limits of the Weekly Bills of Mortality, shall be sold and delivered in Bundles or Trusses, each whereof shall be firmly bound or tied up; and that every such Bundle or Truss of Straw shall be the full Weight of Thirty six Pounds of good and sound Straw, exclusive of any other Thing which shall be put therein; and if any Person or Persons shall, after the said Twenty ninth Day of September, sell, or deliver, or bring into, or expose for Sale, in London, or within the Limits of the said Weekly Bills of Mortality, or in any Place within the Distance of Thirty Miles from the Extent of any Part of the Limits of the said Weekly Bills of Mortality, where Straw shall be sold in Bundles or Trusses, any Bundle or Truss of Straw which shall be of less Weight than Thirty six Pounds of good and sound Straw, or which shall be in the Inside of any such Bundle or Truss of different Goodness or Quality from what the same by the Outside of any such Bundle or Truss, shall appear to be, he, she, or they, who shall so offend in the Premisses, on being convicted thereof, in Manner herein after mentioned, shall forfeit and pay every Time any such Straw shall be brought for Sale, or sold or delivered in London, or within the Limits of the Weekly Bills of Mortality, not in Bundles or Trusses, the Sum of Twenty Shillings; and the Sum of One Shilling for every Bundle or Truss of Straw, which he, she, or they, shall sell, or bring into, or expose for Sale in London, or within the Limits of the said Weekly Bills of Mortality, or in any Place within the said Distance of Thirty Miles from the Extent of the Limits of the said Weekly Bills of Mortality, where Straw shall be usually sold by the Bundle or Truss, which shall not be of the said full Weight of Thirty six Pounds of good and sound Straw, or which shall be proved to be in the Inside of any such Bundle or Truss, of different Goodness or Quality from what the same, by the Outside of any such Bundle or Truss, shall appear to be.

Straw to be sold within the Weekly Bills, is to be made up into Trusses firmly bound,

and to weigh 36 lb. of sound Straw.

Where Straw is usually sold in Trusses, whether within the said Weekly Bills, or 30 Miles Distance, and shall be wanting of that Weight,

or shall be in the Inside of a worse Quality than the Outside imports,

the Offender forfeits, for all Straw not sold or delivered in Trusses, 20 s.

and for every Truss under Weight, or of a mixt Quality, 1 s.

And be it further enacted by the Authority aforesaid, That every Truss of Hay which, after the said Twenty ninth Day of September, shall be sold in, or brought into, or exposed for Sale, in London, or any Place comprized within

Trusses of Hay to be made up in like Manner,

within the Limits of the said Weekly Bills of Mortality, or which shall be sold in any Place within the said Distance of Thirty Miles from the Extent of the Limits of the said Weekly Bills of Mortality, where Hay shall be sold in Bundles or Trusses, shall be made up with good and sound Hay only, and such as the same shall appear to be by the Outside of every such Bundle or Truss; and that such Hay only as shall be good and sound shall be deemed and taken to be the Hay which is to make up the Weight every Truss of Hay by Law ought to be.

of good and sound Hay only, and of equal Goodness throughout; and the sound Hay to be allowed in Weight only.

And be it further enacted by the Authority aforesaid, That the Pair of Bands with which any Truss of Hay shall be bound, shall not exceed the Weight of Five Pounds, upon Pain that every Person who shall sell any Truss of Hay with Bands of a greater Weight than Five Pounds, shall, for every such Offence, forfeit and pay the Sum of One Shilling.

Weight of the Bands of a Truss of Hay not to exceed 5 *lb.* on Penalty of forfeiting 1 *s.*

And be it further enacted by the Authority aforesaid, That if any Person or Persons employed to bind Hay or Straw, shall not bind up and make the same into Bundles or Trusses of such Weight and Quality as is directed by this Act, every such Person so offending shall forfeit and pay the Sum of Three Pence for every Bundle or Truss of Hay or Straw, not being of such Weight and Quality; provided the same be objected to by the Owner thereof within Twenty four Hours after the same shall be so bound or made up, and before the same shall be removed.

Persons employed to bind Hay or Straw, not conforming to the Rules of this Act, forfeit 3*d. per* Truss,

the Owner objecting within 24 Hours.

And be it further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, no Person who shall act as a Common Salesman in selling Hay or Straw for any other Person, for Gain or Reward, or by Commission, in London, or within the said Limits of the said Weekly Bills of Mortality, shall directly or indirectly buy any Hay or Straw on his own Account, other than what he shall purchase to spend for his own Use; and that if any such Person who shall so act as a Salesman of Hay or Straw shall, after the said Twenty ninth Day of September, buy any Hay or Straw on his own Account to sell again; or shall sell in London, or within the said Limits of the said Weekly Bills of Mortality, any Hay or Straw which shall have been bought by him on his own Account, he, she, or they, on being convicted thereof in Manner herein after mentioned, shall, for every such Offence, forfeit and pay the Sum of One Shilling for every Truss of such Hay or Straw which shall be so sold by or for him.

Salesman buying, after 29 *September*, Hay or Straw on his own Account to sell again,

or selling, after 29 *September*, in *London*, or within the Weekly Bills, Hay or Straw bought by him on his own Account,

forfeits 1 *s. per* Truss.

And, in order to prevent any undue Practices between the Owners or Salesmen of Hay or Straw, and the Servants of the Buyers thereof; and to the

End it may be known at what Price Hay or Straw sold within the Limits aforesaid, shall be actually sold; be it further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, there shall be kept in the Hay Market in the City of London, and at every other Hay Market within the Limits of the said Weekly Bills of Mortality, where Hay or Straw is or shall be allowed to be sold, a Book or Register for entering and registering therein an Account of all Hay and Straw which shall be sold in any such Hay Market respectively; and that such Book or Register shall be kept in London by the Hay Weigher, who shall be appointed by the Mayor, Commonalty, and Citizens of the said City of London, to weigh the Hay brought for Sale into the said City, or his Deputy or Deputies; and out of the said City of London, within the Limits of the said Weekly Bills of Mortality, by the Clerk or Toll-gatherer of every Hay Market within the said Limits, or his or their Deputy or Deputies; and that every Person who shall sell any Hay or Straw in London, or within the Limits of the said Weekly Bills of Mortality, his Servant or Agent, shall, within Six Hours after any Hay or Straw shall, at any Time, be sold in any public Hay Market in London, or within the said Limits of the Weekly Bills of Mortality, and within Seven Days after every Sale of Hay or Straw in London, or within the said Limits of the Weekly Bills of Mortality, shall be made, out of any such Hay Market in London, or in any Place within the Limits of the said Weekly Bills of Mortality, make an Entry in the Book or Register of the Hay Market, in which any such Hay or Straw shall be sold; or where the same shall not be sold in any such Hay Market, then in the Book or Register of the Hay Market which shall be most contiguous to the Place in London, or within the Limits of the said Weekly Bills of Mortality, in which any such Hay or Straw shall be sold; distinguishing therein the Names and Places of Abode of the Owners and Sellers of any such Hay or Straw, and the Names and Places of Abode of the respective Buyer or Buyers thereof, and also of the Person or Persons for whom or for whose Use any such Hay or Straw shall be so bought, and also the Day in which such Hay or Straw shall be so bought, and the true Price at which the same shall be really sold; and every Person who shall sell any such Hay or Straw, his Servant or Agent, shall sign his Name, or set his Mark, to every such Entry which he shall so make or cause to be made, and shall pay for the same to the Hay Weigher, Clerk, or Toll-gatherer, of the Market, who shall keep such Book or Register as aforesaid, the

A Register to be kept in the Hay Markets within *London*, and the Weekly Bills;

in *London*, by the proper Hay Weigher;

and in other Places by the Clerk or Toll-gatherer.

Vender, within a limited Time, to make an Entry therein of the Hay or Straw sold by him;

distinguishing the Names and Places of Abode of the Owners, Sellers, and Buyers, and for whose Use the same was bought, with the Date and Price;

and to sign the said Entry, and pay 1 *d.* Fee to the Clerk, &c.

the Sum of One Penny; and every such Hay Weigher, Clerk, or Toll-gatherer, of the Market, or his Deputy or Deputies, shall, at all seasonable Times in the Day-time, and during the Market Hours herein after mentioned, permit any Person to have Recourse to, and inspect any such Book or Register which shall be so kept for any such Hay Market, the Person so desiring to inspect the same, paying for every such Inspection the Sum of One Half-penny; and if the Seller of any such Hay or Straw in London, or within the Limits of the said Weekly Bills of Mortality, his Servant or Agent, shall not make such Entry as aforesaid in such Book or Register, within the said Space of Six Hours after any Sale shall be made of any such Hay or Straw in any public Hay Market in London, or within the said Limits of the Weekly Bills of Mortality, and within the said Space of Seven Days after every Sale of any Hay or Straw in London, or within the said Limits of the Weekly Bills of Mortality, out of any such Hay Market, or shall not sign his Name or put his Mark thereto, or shall refuse to pay for making any such Entry, or shall give in, or cause to be entered in any such Book or Register, any false or untrue Account of the Quantity of Hay or Straw sold, or of the Price at which the same was really sold, or of the Name or Place of Abode of any Buyer of such Hay or Straw; every Owner or Seller of any such Hay or Straw, his Servant or Agent, who shall so offend, shall, on being convicted thereof in Manner herein after mentioned, for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, nor less than Ten Shillings; and if any Hay Weigher in London, or Clerk or Toll-gatherer of any Hay Market within the Limits aforesaid, or his or their Deputy or Deputies, shall omit or neglect to keep such Book or Register, or shall delay or refuse to let any Entry hereby directed to be made therein, or shall demand any greater Price than One Penny for making any such Entry, or One Halfpenny for permitting such Book or Register to be at any Time perused or examined, or shall knowingly suffer or permit any untrue Entry to be made in any such Book or Register, or shall refuse at any seasonable Time in the Day-time, in Market Hours, to permit any Person to inspect any Entry which shall be made in any such Book or Register, every such Person who shall so offend in the Premisses, shall, for every such Offence, on being convicted thereof in Manner herein after mentioned, forfeit and pay any Sum not exceeding Twenty Shillings, nor less than Ten Shillings.

Register to be inspected by any Person on paying 2d.

Vender neglecting to make such Entry, &c.

or giving in a false or untrue Account, forfeits, not exceeding 20s. nor less than 10s.

and Hay Weigher or Clerk, &c. neglecting his Duty in the Premisses, forfeits in like manner.

Provided

No Register to be made of Hay or Straw sold in a less Quantity than 4 Trusses, in a Day, to One Person;

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall oblige any Person to register any Hay or Straw which shall be sold within the Limits aforesaid, in any less Quantity than Four Trusses in any Day, to any One Person.

nor of any delivered on special Contract;

Provided also, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall oblige any Person to register any Hay or Straw which he shall deliver in London, or within the Limits of the said Weekly Bills of Mortality, on Special Contract or Agreement;

but such only to be registered as is brought to Market for Sale, and which shall be there sold.

but such Hay and Straw only which shall be sent or brought into London, or some Place within the Limits of the said Weekly Bills of Mortality, to be sold, and which shall be accordingly there sold, shall be registered as before is directed; any thing in this Act before contained to the contrary thereof notwithstanding.

Proper Scales and Weights, or Engines for weighing Hay and Straw, to be provided by the Hay Weighers and Clerks of the Markets.

And be it further enacted by the Authority aforesaid, That there shall be provided by the Hay Weigher of the said City of London, and by every Clerk or Toll-gatherer of every Hay Market, within the Limits of the said Weekly Bills of Mortality, and kept at every such Hay Market in London, and within the Limits of the said Weekly Bills of Mortality, proper Scales and Weights, or Engines, for the weighing all Hay and Straw which shall be there brought for Sale, or shall be required to be there weighed; and such Hay Weigher, Clerk, or Toll-gatherer, of the Hay Market, or his or their Deputy, shall, on Application to him or them for that Purpose made, cause all Hay or Straw, which shall be there brought and required to be weighed, to be duly weighed, and with all convenient Speed, after any Request shall be made for weighing thereof; and such Hay Weigher, Clerk, or Toll-gatherer of the Market, or his Deputy, shall be paid by the Party requiring any such Hay or Straw to be so weighed, the Sum of One Shilling and no more, for weighing every Load of such Hay or Straw; and if less than a Load of Hay or Straw shall be there weighed, then the Sum of One Halfpenny for every Truss of such Hay or Straw which shall be there weighed; and if any Doubt shall at any Time arise, whether any Hay or Straw brought into London, or in any Market or Place within the Limits of the said Weekly Bills of Mortality, and which shall not have been weighed at any such Hay Market, is of the due Weight the same ought to be, then and in such Case it shall be lawful for the Buyer thereof, on the Delivery of such Hay or Straw at his or her Abode, Yard, Loft, or other Place, where the same shall be agreed by the Seller

Fees payable for the Use thereof.

Where any Doubt shall arise about the due Weight of such Hay or Straw as shall not have been weighed in the Markets, the Buyer may weigh the same in the Presence of the Seller;

to be delivered, to cause the same to be weighed in the Presence of the Seller, or his Servant or Agent, who shall deliver the same; and if on the same being so weighed, the Buyer or Seller of any such Hay or Straw, his Servant or Agent, shall be dissatisfied with any such weighing thereof, it shall be lawful for any such Buyer or Seller, his Servant or Agent, with all convenient Speed then afterwards to apply to the Hay Weigher, Clerk, or Toll-gatherer, of the Hay Market, his or their Deputy or Deputies, which shall be nearest to the Place where any such Hay or Straw shall be delivered, to see the same weighed over again, and on any such Application being made, the Hay Weigher, Clerk, or Toll-gatherer, of the Market, who shall be so applied to, his Deputy or Deputies, shall, with all convenient Speed after any such Application shall be so made, come to the Place where such Hay or Straw shall be, within the Limits aforesaid, and shall there see such Hay or Straw as shall be complained of as wanting in Weight, again weighed, and the Weight thereof which shall be ascertained by any such Hay Weigher, Clerk, or Toll-gatherer of the Market, or his Deputy or Deputies, shall be conclusive to all Parties; but the Person who shall require any such Hay Weigher, Clerk, or Toll-gatherer of the Market, or his or their Deputy or Deputies, to attend and weigh any such Hay or Straw out of any such Hay Market, shall pay to such Hay Weigher, Clerk, or Toll-gatherer of the Market, as aforesaid, or his or their Deputy, to attend to see the same so weighed, the Sum of Two Shillings, before any such Hay Weigher, Clerk, or Toll-gatherer of the Market, his Deputy or Deputies, shall be obliged to go to see any such Hay or Straw weighed out of any such Hay Market; and if any Hay or Straw which shall be weighed out of any such Hay Market, shall be found by the Hay Weigher, Clerk, or Toll-gatherer of the Market, or his or their Deputy, to be of the due Weight the same ought to be, then the Two Shillings which shall have been paid to or for such Hay Weigher, Clerk, or Toll-gatherer of the Market, to attend to see such Hay or Straw weighed, shall be forthwith repaid by the Buyer of such Hay or Straw to the Seller thereof, in case the Seller paid such Two Shillings; and if the Hay or Straw which shall be so weighed, shall be found not to be of the due Weight the same ought to be, then if the Buyer thereof paid the said Two Shillings, the same shall be forthwith repaid to him by the Seller of such Hay or Straw; and if any Hay Weigher, Clerk, or Toll-gatherer of any such Hay Market, or his or their Deputy, shall omit to provide and keep proper Scales and due

and if either be dissatisfied therewith,

he may apply to the Hay Weigher or Clerk of the Market, who is to see the same weighed over again,

and ascertain the Weight;

2s. to be paid him for his Trouble, by the Complainant;

to be repaid, if the Hay or Straw shall be of due Weight by the Buyer;

if wanting of its Weight, by the Seller;

Hay Weigher &c. not providing proper Scales and Weights, or otherwise neglecting his Duty in the Premisses, forfeits, not exceeding 20s. nor less than 10s.

Weights or Engines for the weighing Hay or Straw at such Hay Market, or shall neglect or refuse to weigh any Hay or Straw, which shall be required to be there weighed by him, or them, or to attend to see the same weighed out of such Hay Market at any Place within the Limits aforesaid, when thereunto required at any seasonable Time in the Day-time, and so as the said Sum of Two Shillings shall have been paid or tendered to him so to attend, every such Hay Weigher, Clerk, or Toll-gatherer of the Market, his Deputy or Deputies, so offending in the Premisses, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings, nor less than Ten Shillings.

Where there shall be a Doubt of Want of Weight, the Hay or Straw may be weighed at the Place of Delivery;

Provided always, and be it enacted by the Authority aforesaid, That all Hay or Straw sold within the said Distance of Thirty Miles from the Extent of the Limits of the Weekly Bills of Mortality, and touching which there shall be any Doubt of Want of Weight, shall and may, on the Delivery thereof at the House, Yard, Loft, or any other Place whereat the same shall be agreed to be delivered, or shall be delivered by the Seller thereof, be there weighed; and that no Person shall incur any Penalty for selling, or exposing to Sale, any Hay or Straw of less Weight, or worse Quality than the same ought to be, unless such Hay or Straw shall be weighed either at or before the Delivery, with the Privity of the Buyer, his Servant or Agent, or complained of in respect of the Quality thereof, at the Time and Place at which the same shall be agreed to be delivered by the Seller, in the Presence of such Seller, his Servant, or Agent; unless such Seller, his Servant, or Agent, on Request made, or on Notice given to him or them to attend to see such Hay or Straw so weighed, shall refuse or neglect to attend to see the same so weighed; any thing in this Act, or any other Act to the contrary thereof in any wise notwithstanding.

and the Seller is not liable to a Penalty, either in respect of Weight or Quality, unless the Hay or Straw be weighed either at or before the Delivery, with the Privity of the Buyer, or complained of, as to its Quality, at the Time and Place of Delivery;

and the Seller refuse to attend, &c.

And whereas Salesmen, Brokers, or Factors, employed by Feeders of Cattle, or Farmers, to sell their Live Cattle within the City of London, or within the said Limits of the Weekly Bills of Mortality, may be guilty of many Abuses greatly to the Prejudice of their Employers, by indirectly selling such Cattle, and by that Means, stocking Lands, which they may hire for that Purpose, near the Markets within the said City of London, or Weekly Bills of Mortality, where such Cattle may be brought to be sold again, whenever they shall find a proper Time or Opportunity of selling the same to Advantage; be it therefore further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September,

no Salesman, or other Broker, or Factor, who shall be employed to buy or sell any Sort of Cattle for others, by Commission, or for Reward, to be paid or taken, shall by himself, or any Servant or Agent, directly or indirectly, on or for his own Account, buy any Live Ox, Bull, Cow, Steer, Bullock, Heifer, Calf, Sheep, Lamb, or Swine, in London, or within the said Limits of the said Weekly Bills of Mortality, or at any Place whilst any such Cattle shall be on the Road, or be driving, bringing, or coming up, to be sold or offered to or for Sale, in London, or at any other Place within the said Limits of the said Weekly Bills of Mortality (other than such Cattle which any such Salesman, Broker, or Factor, shall actually purchase for the necessary Use or Provision of his Family, and shall actually use accordingly) and that no such Salesman, Broker, or Factor, after the said Twenty ninth Day of September, shall sell or expose, or offer to or for Sale, on his own Account, in London, or at any Place within the said Limits of the said Weekly Bills of Mortality, either by himself, or his Servant, or Agent, any Live Ox, Bull, Cow, Steer, Bullock, Heifer, Calf, Sheep, Lamb, or Swine, upon Pain that every Person who shall so offend in the Premisses, shall every Time he shall be convicted of any such Offence in Manner herein after mentioned, forfeit and pay for every such Offence, double the Value of any Live Cattle, which he shall so buy or sell, on his own Account, contrary to the Tenor of this Act.

Salesmen, &c. employed to buy or sell Cattle for others, are not to buy or sell on their own Account.

(Exception)

on Penalty of forfeiting double the Value.

And be it further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, no Person or Persons shall permit or suffer his, her, or their Waggon, Cart, or Carr, loaden with Hay or Straw for Sale, to stand or be in the Hay Market in Smithfield, in London, or in any Hay Market within the Weekly Bills of Mortality, from Lady Day to Michaelmas, after Four of the Clock in the Afternoon, and from Michaelmas to Lady Day, after Three of the Clock in the Afternoon, upon Pain to forfeit and pay, for every such Offence respectively, Five Shillings; but before any Forfeiture for the said last mentioned Offence shall be incurred, the Hay Weigher, Clerk, or Toll-gatherer, of the Hay Market, or his or their Deputy, shall, on every Market Day (to wit) Tuesday, Thursday, and Saturday, in every Week, ring a large Hand Bell round the Hay Market of which he shall be Hay Weigher, Clerk, or Toll-gatherer, of the Market, either in London, or within the Limits of the Weekly Bills of Mortality, One Hour before the Expiration of the Time above appointed for Persons bringing

Carts, &c. with Hay or Straw for Sale, to quit the Market by a certain Hour, on Penalty of 5 l.

Hay Weigher or Clerk, &c. to give an Hour's Notice, by ringing of a Bell;

Hay or Straw for Sale into any such Hay Market, to leave the same; and on any Default of ringing such Bell, as aforesaid, being made, no Person using any such Hay Market, for the Purpose of selling Hay or Straw, shall, the next immediate usual Market Day or Days after any such Default in ringing such Bell, as aforesaid, shall be made, be liable to pay any Toll for any Waggon, Cart, or Carr, standing, or that shall stand, in any such Hay Market, to sell Hay or Straw; and every such Hay Market is hereby, in that Case, and on the next Market Day in which any such Default, as aforesaid, of ringing such Bell shall be made, declared to be Toll-free.

and on Default of such Notice, no Toll is to be paid for standing the next Market Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall incur any Penalty for suffering his Waggon, Cart, or Carr, loaden with Hay or Straw for Sale, to be in any such Hay Market from Lady Day to Michaelmas, after Three of the Clock in the Afternoon, and from Michaelmas to Lady Day, after Two of the Clock in the Afternoon; any other Law or Usage to the contrary thereof notwithstanding.

Carts standing in the Market during certain Hours only, not liable to forfeit.

Provided likewise, and it is hereby further enacted by the Authority aforesaid, That no Person shall be convicted for any of the before-mentioned Offences, unless Prosecution for any such Offence shall be commenced within Three Days after the Offence complained of shall have been committed.

Prosecution to be commenced within 3 Days after the Offence.

And, for the more speedy Recovery of all and every the Money which shall be forfeited by Breach or Non-observance of any Part of this Act, and for the disposing thereof, be it further enacted by the Authority aforesaid, That on Complaint being made, on Oath, to any Justice or Justices of the Peace of any Offence committed against this Act, within his or their respective Jurisdictions, such Justice or Justices is and are hereby required and authorized to issue his or their Summons to convene the Person or Persons charged with being an Offender or Offenders against this Act, and also any Witness or Witnesses for any of the Parties, at a certain Time and Place in such Summons to be specified; and if any one so summoned shall not appear on such Summons, or offer some reasonable Excuse for the Default, then any such Justice or Justices shall issue his or their Warrant or Warrants for apprehending the Party or Parties so making Default within the Jurisdiction of any such Justice or Justices; and upon the Party or Parties complained against appearing, or being brought before any such Justice or Justices on his or their Warrant or Warrants; or, in case the Party or Parties complained against shall not appear

Recovery and Application of Forfeitures, viz.

On Complaint made, on Oath, of the Offence, the Justice is to summon, &c. the Offender, and Witnesses,

on such Summons being served on him, or left for him or them at his or their usual Place of Abode, and Proof shall be made thereof, by Oath, before any such Justice or Justices; then every such Justice and Justices is and are hereby authorized and required to proceed to make Enquiry touching the Matters complained of, and to examine into the same by the Oath or Oaths of any credible Person or Persons as shall be requisite, and to hear and determine the Matter of every such Complaint; and, upon Confession of the Party, or Proof of One credible Witness, upon Oath, to convict or acquit the Party or Parties against whom Complaint shall be made; and if the Money forfeited shall not be paid down on every such Conviction, every such Justice or Justices shall issue his or their Warrant or Warrants under his Hand and Seal, or their Hands and Seals, for levying thereof within his or their Jurisdiction, by Distress on the Goods and Chattles of every such Offender, or Offenders, and to cause Sale to be made of such Goods and Chattles, in case the Money forfeited, together with the Charges of such Distress and Sale, shall not be paid within Five Days after the making any such Distress and Sale, rendering the Overplus, if any, to the Owner thereof, upon Demand, after deducting the reasonable Charges of every such Distress and Sale; and if any such Offender shall not have any Goods or Chattles within the Jurisdiction of such Justice or Justices, whereon the Money forfeited can be presently levied, any Justice or Justices within whose Jurisdiction any such Offender or Offenders shall be, shall and may issue a Warrant or Warrants under his Hand and Seal, or their Hands and Seals, on the Application, or on the Behalf, of any Informer or Informers, to apprehend every such Offender and Offenders, and to commit him or them to some publick Prison or House of Correction of the County, Division, City, Town, or Place, in which any such Offence shall have been committed, there to remain for any Time not exceeding One Calendar Month, nor less than Ten Days, from the Time of every such Commitment, unless such Offender or Offenders shall sooner pay the Money forfeited; and if any Witness who shall appear or be brought by any Warrant before any such Justice or Justices, shall refuse to be examined, any such Person so refusing to be examined, may be committed by any such Justice or Justices to some Prison of the County, City, or Place, where such Witness shall so make Default, for any Time not exceeding Ten Days from the Time of every such Commitment, as any such Justice or Justices shall think fit.

and on the Parties appearing or not appearing thereupon, is to proceed to hear and determine the Matter of Complaint in a summary Way;

and on Non-payment of the Forfeiture, on Conviction, is to issue his Warrant for the levying thereof by Distress and Sale;

and for want of Distress to commit the Offender for any Time not exceeding 1 Month, nor less than 10 Days, unless Payment be sooner made.

Witness refusing to be examined, may be committed for any Time not exceeding 10 Days.

Seller aggrieved by the Judgement of a Justice, may appeal to the Quarter Sessions;

Provided always, and be it further enacted, That if any Person or Persons convicted of any Offence punishable by this Act, or for selling any Truss or Trusses of Hay, of less Weight than the same ought to be, shall think him, her, or themselves aggrieved by the Judgement or Determination of any Justice or Justices as aforesaid, such Person or Persons may appeal against the same to the Justices at the General or General Quarter Sessions of the Peace of the County, City, or Place, in which any such Conviction shall have been made, which shall be held next after any such Conviction, unless such next General or General Quarter Sessions of the Peace for any such County, City, or Place, shall be held within Six Days next after any such Conviction; and if any such General or General Quarter Sessions of the Peace, shall happen to be so held within the said Space of Six Days next after any such Conviction, then it shall be lawful for any such Person or Persons to appeal against any such Judgement or Determination, to the Justices at the Second General or General Quarter Sessions of the Peace which shall be held for any such County, City, or Place, next after any such Conviction; but the Party or Parties who shall think fit so to appeal, shall, before any such Appeal shall be received, enter into a Recognizance, with Two sufficient Sureties, before such Justice or Justices as aforesaid, in double the Sum which such Person or Persons shall have been adjudged to pay or forfeit, to prosecute every such Appeal with Effect, and to be forthcoming to abide by and obey the Judgement and Determination of the Justices at any such General or General Quarter Sessions of the Peace on every such Appeal, and shall also give Three Days Notice, in Writing, of every such Appeal, to, or leave the same at the usual Place of Abode of the Person or Persons who shall have prosecuted to Conviction the Party or Parties so appealing; and the Justices of the Peace at such General or General Quarter Sessions, are hereby authorized and required, on every such Appeal being made, finally to hear and determine the Matter of every such Appeal, and to make such Order, and to award such Costs therein, as they in their Discretion shall deem meet; and the Determination of such Court of General or General Quarter Sessions, on every such Appeal, shall be final and conclusive to all Parties thereto, and no Certiorari shall be allowed to remove any such Proceedings or Determination.

entering into a Recognizance, and giving Security to prosecute the Appeal with Effect;

and giving due Notice thereof to the Prosecutor.

Justices to hear and determine the Matter of the Appeal accordingly, and award Costs;

their Determination to be final, &c.

Forfeitures to be applied, One Moiety to the Prosecutor, the other to the Poor of the Parish.

And be it further enacted by the Authority aforesaid, That One Moiety of all Money forfeited by this Act, shall, when recovered, go and be paid to the Person or Persons who shall prosecute to Conviction any Offender or Offenders

against this Act, and that the other Moiety thereof shall go and be paid to or for the Use of the Poor of the Parish or Place where the Offence shall have been committed.

Provided always, and it is hereby further enacted, That any Inhabitant of the Parish or Place in which any Offence shall be committed against this Act, shall, notwithstanding such Inhabitancy, be a good and competent Witness. Inhabitants deemed competent Witnesses.

And be it further enacted by the Authority aforesaid, That if any Plaint, Action, or Suit, shall be commenced or prosecuted against any Person or Persons, for what he or they shall do or have done in pursuance or in Execution of this Act, the same shall be commenced within Six Months after the Offence committed, and shall be laid in the County or City where the Offence shall have been committed; and such Person or Persons so sued, in any Court whatsoever, shall and may plead the General Issue, Not Guilty, and may give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and if a Verdict shall be found for the Defendant or Defendants, or if the Plaintiff shall become nonsuit, or discontinue his Action, after the Defendant shall have appeared; or if Judgement shall be given, upon a Demurrer, against the Plaintiff or Plaintiffs, the Defendant or Defendants, in every such Action, shall recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases for Recovery of his or their Costs. Limitation of Actions. General Issue. Treble Costs.

FINIS.