

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

CAP. XXXVII.

An Act to repeal the several Acts now in force relating to Bread to be sold out of the City of *London* and the Liberties thereof and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*; and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, beyond the Limits aforesaid.

[28th *July* 1836.]

WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the Acts now in force relating to Bread to be sold in the City of* London *and the Liberties thereof, and within the Weekly Bills of Mortality and Ten Miles of the* Royal Exchange; *and to provide other Regulations for the making and Sale of Bread, and preventing the Adulteration of Meal, Flour, and Bread, within the Limits aforesaid,* certain Regulations and Provisions were made relative to the making and selling of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, within the aforesaid Limits, which have been found beneficial to the Public as well as to the Bakers within the said Limits: And whereas it is deemed expedient that the several Acts of Parliament now in force relating to the making 3 G.4. c.106.

making and selling of Bread, or to the Assize and Price thereof, or to the Adulteration of Meal, Flour, or Bread, beyond the Limits aforesaid, should be altogether repealed, and that in lieu thereof the Regulations, Provisions, and Penalties herein-after contained, and which are similar to those contained in the said recited Act of the Third Year of the Reign of His said late Majesty King *George* the Fourth, should be substituted: But inasmuch as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; 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 from and after the First Day of *October* One thousand eight hundred and thirty-six all and every Acts or Act of Parliament now in force relating to the making and selling of Bread, or to the Assize and Price thereof, or to the Punishment of Persons who shall adulterate Meal, Flour, or Bread, or who shall sell Bread deficient in its due Weight, out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, be and the same are hereby repealed; and there shall be no longer any Assize of Bread beyond the Limits aforesaid, or any Regulation respecting the Price thereof.

All Acts relating to the making and selling of Bread, or to the Punishment for adulterating Meal, &c. out of the City of London and beyond the Bills of Mortality, repealed.

II. And be it enacted, That it shall and may be lawful for the several Bakers or Sellers of Bread out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, to make and sell, or offer for Sale, in his, her, or their Shop, or to deliver to his, her, or their Customer or Customers, Bread made of Flour or Meal of Wheat, Barley, Rye, Oats, Buck Wheat, Indian Corn, Peas, Beans, Rice, or Potatoes, or any of them, and with any common Salt, pure Water, Eggs, Milk, Barm, Leaven, Potatoe or other Yeast, and mixed in such Proportions as they shall think fit, and with no other Ingredient or Matter whatsoever, subject to the Regulations herein-after contained.

Bread made of the Articles herein mentioned may be sold.

III. And be it enacted, That it shall and may be lawful for the several Bakers or Sellers of Bread beyond the Limits aforesaid to make and sell, or offer for Sale, in his, her, or their Shop, or to deliver to his, her, or their Customer or Customers, Bread made of such Weight or Size as such Bakers or Sellers of Bread shall think fit; any Law or Usage to the contrary notwithstanding.

Bakers to make Bread of any Weight or Size.

IV. And be it enacted, That from and after the Commencement of this Act all Bread sold beyond the Limits aforesaid shall be sold by the several Bakers or Sellers of Bread respectively beyond the said Limits by Weight; and in case any Baker or Seller of Bread beyond the Limits aforesaid shall sell or cause to be sold Bread in any other Manner than by Weight, then and in such Case every such Baker or Seller of Bread shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, which the Magistrate or Magistrates, Justice or Justices before whom such Offender or Offenders shall be convicted shall order and direct: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent or hinder any such Baker or Seller of Bread from selling Bread usually

Bread to be sold by Weight, and in no other Manner.

Penalty.

Proviso for French and Fancy Bread and Rolls.

usually sold under the Denomination of French or Fancy Bread or Rolls without previously weighing the same.

Bakers to use Avoirdupois Weight.

V. And be it enacted, That the several Bakers or Sellers of Bread respectively beyond the said Limits in the Sale of Bread shall use Avoirdupois Weight of Sixteen Ounces to the Pound, according to the Standard in the Exchequer, and the several Gradations of the same for any less Quantity than a Pound; and in case any such Baker or Seller of Bread shall at any Time use any other than the Avoirdupois Weight, and the several Gradations of the same, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, as the Magistrate or Magistrates, Justice or Justices before whom such Conviction shall take place shall from Time to Time order and adjudge.

Penalty for using any other.

Bakers to provide in their Shops Beams, Scales and Weights, &c. and to weigh Bread &c.

VI. And be it enacted, That every Baker or Seller of Bread beyond the Limits aforesaid shall cause to be fixed in some conspicuous Part of his, her, or their Shop, on or near the Counter, a Beam and Scales with proper Weights, or other sufficient Balance, in order that all Bread there sold may from Time to Time be weighed in the Presence of the Purchaser or Purchasers thereof, except as aforesaid; and in case any such Baker or Seller of Bread shall neglect to fix such Beam and Scales, or other sufficient Balance, in manner aforesaid, or to provide and keep for Use proper Beam and Scales and proper Weights, or Balance, or shall have or use any incorrect or false Beam or Scales or Balance, or any false Weight not being of the Weight it purports to be, according to the Standard in the Exchequer, then and in every such Case he, she, or they shall for every such false Beam and Scales and Balance, or false Weight, forfeit and pay any Sum not exceeding Five Pounds, which the Magistrate or Magistrates, Justice or Justices before whom such Offender or Offenders shall be convicted shall order and direct.

Penalty.

Bakers and Sellers of Bread, &c. delivering by Cart, &c. to be provided with Scales, Weights, &c. for weighing Bread.

VII. And be it enacted, That every Baker or Seller of Bread beyond the Limits aforesaid, and every Journeyman, Servant, or other Person employed by such Baker or Seller of Bread, who shall convey or carry out Bread for Sale in and from any Cart or other Carriage, shall be provided with and shall constantly carry in such Cart or other Carriage a correct Beam and Scales with proper Weights, or other sufficient Balance, in order that all Bread sold by every such Baker or Seller of Bread, or by his or her Journeyman, Servant, or other Person, may from Time to Time be weighed in the Presence of the Purchaser or Purchasers thereof, except as aforesaid; and in case any such Baker or Seller of Bread, or his or her Journeyman, Servant, or other Person, shall at any Time carry out or deliver any Bread without being provided with such Beam and Scales with proper Weights, or other sufficient Balance, or whose Weights shall be deficient in their due Weight according to the Standard in the Exchequer, or shall at any Time refuse to weigh any Bread purchased of him, her, or them, or delivered by his, her, or their Journeyman, Servant, or other Person, in the Presence of the Person or Persons purchasing or receiving the same, then and in every such Case every such Baker or Seller of Bread shall for every such Offence forfeit

Penalty. forfeit and pay any Sum not exceeding Five Pounds, which the Magistrate or Magistrates, Justice or Justices before whom such Offender or Offenders shall be convicted shall order and direct.

Adulterating Bread. VIII. And be it enacted, That no Baker or other Person or Persons who shall make Bread for Sale beyond the Limits aforesaid, nor any Journeyman or other Servant of any such Baker or other Person, shall at any Time or Times in the making of Bread for Sale beyond such Limits use any Mixture or Ingredient whatsoever in the making of such Bread, other than and except as herein-before mentioned, on any Account or under any Colour or Pretence whatsoever, upon pain that every such Person, whether Master or Journeyman, Servant or other Person, who shall offend in the Premises, and shall be convicted of any such Offence by the Oath, or in case of a Quaker by Affirmation, of One or more credible Witness or Witnesses, or by his, her, or their own Confession, shall for every such Offence forfeit and pay any Penalty. Sum not exceeding Ten Pounds nor less than Five Pounds, or in default thereof shall, by Warrant under the Hands and Seals of the Magistrate or Magistrates, Justice or Justices, before whom such Offender shall be convicted, be apprehended and committed to the House of Correction or some Prison of the City, County, Borough, or Place where the Offence shall have been committed, or the Offender or Offenders shall be apprehended, there to remain for any Time not exceeding Six Calendar Months with or without hard Labour from the Time of such Commitment, unless the Penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices, shall Names of Offenders to be published. think fit and order; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices before whom any such Offender or Offenders shall be convicted to cause the Offender's Name, Place of Abode, and Offence to be published in some Newspaper which shall be printed or published in or near the City, County, Borough, or Place where the Offence shall have been committed, and to defray the Expence of publishing the same out of the Money to be forfeited as last mentioned, in case any shall be so forfeited, paid, or recovered.

Adulterating Corn, Meal, or Flour. IX. And be it enacted, That if any Person beyond the Limits aforesaid shall put into any Corn, Meal, or Flour which shall be ground, dressed, bolted, or manufactured for Sale beyond such Limits, either at the Time of grinding, dressing, bolting, or manufacturing the same, or at any other Time, any Ingredient or Mixture whatsoever not being the real and genuine Produce of the Corn or Selling Flour of one Sort of Corn as the Flour of another Sort. Grain which shall be so ground; or if any Person shall beyond the Limits aforesaid knowingly sell or offer or expose for Sale, either separately or mixed, any Meal or Flour of one Sort of Corn or Grain as the Meal or Flour of any other Sort of Corn or Grain, or any Ingredient whatsoever mixed with the Meal or Flour so sold or offered or exposed for Sale, then and in every such Case every Person so offending shall, upon Conviction before any One or more Magistrate or Magistrates, Justice or Justices, of the City, County, Borough, or Place where such Offence shall have been committed, on the Oath, or in case of a Quaker by Affirmation, of One or more credible Witness or Witnesses, or by his, her, or their own Confession, forfeit and pay for Penalty. every such Offence any Sum not exceeding Twenty Pounds nor less than

than Five Pounds, which such Magistrate or Magistrates, Justice or Justices, before whom any such Offender or Offenders shall be convicted shall think fit and order.

Bread made of mixed Meal or Flour to be marked with a Roman M.

X. And be it enacted, That every Person who shall make for Sale, or sell or expose for Sale, beyond the Limits aforesaid, any Bread made wholly or partially of Peas or Beans, or Potatoes, or of any Sort of Corn or Grain other than Wheat, shall cause all such Bread to be marked with a large Roman M.; and if any Person shall at any Time beyond the Limits aforesaid make or sell, or expose for Sale, any such Bread without such Mark as herein-before directed, then and in every such Case every Person so offending shall, upon Conviction in manner herein-after mentioned, forfeit and pay for every Pound Weight of such Bread, and so in proportion for any less Quantity which shall be so made for Sale, or sold or exposed for Sale, without being so marked as aforesaid, any Sum not exceeding Ten Shillings, as the Magistrate or Magistrates, Justice or Justices, before whom such Conviction shall take place shall from Time to Time order and adjudge: Provided always, that nothing in this Act contained shall extend or be construed to extend to require any Bread made of the Meal or Flour of Wheat only, and in the making of which Potato Yeast shall be used, to be marked as herein-before is mentioned.

Penalty.

Proviso.

Magistrates or Peace Officers by their Warrants may search a Baker's Premises, and if any adulterated Flour, Bread, &c. be found, the same may be seized, and disposed of as herein mentioned.

XI. And be it enacted, That it shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within the Limits of their respective Jurisdictions, and also for any Peace Officer or Officers authorized by Warrant under the Hand and Seal or Hands and Seals of any such Magistrate or Magistrates, Justice or Justices, (and which Warrant any such Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to grant,) at seasonable Times in the Day-time, to enter into any House, Mill, Shop, Stall, Bakehouse, Bolting House, Pastry Warehouse, Outhouse, or Ground of or belonging to any Miller, Mealman, or Baker, or other Person who shall grind Grain, or dress or bolt Meal or Flour, or make Bread for Reward or Sale, beyond the Limits aforesaid, and to search or examine whether any Mixture or Ingredient not the genuine Produce of the Grain such Meal or Flour shall import or ought to be shall have been mixed up with or put into any Meal or Flour in the Possession of such Miller, Mealman, or Baker, either in the grinding of any Grain at the Mill, or in the dressing, bolting, or manufacturing thereof, whereby the Purity of any Meal or Flour is or shall be in anywise adulterated, or whether any Mixture or Ingredient other than is allowed by this Act shall have been mixed up with or put into any Dough or Bread in the Possession of any such Baker or other Person, whereby any such Dough or Bread is or shall be in anywise adulterated, and also to search for any Mixture or Ingredient which may be intended to be used in or for any such Adulteration or Mixture; and if on any such Search it shall appear that any such Meal, Flour, Dough, or Bread so found shall have been so adulterated by the Person in whose Possession it shall then be, or any Mixture or Ingredient shall be found which shall seem to have been deposited there in order to be used in the Adulteration of Meal, Flour, or Bread, then and in every such Case

it shall be lawful for every such Magistrate or Magistrates, Justice or Justices of the Peace, or Officer or Officers authorized as aforesaid respectively, within the Limits of their respective Jurisdictions, to seize and take any Meal, Flour, Dough, or Bread which shall be found in any such Search, and deemed to have been adulterated, and all Ingredients and Mixtures which shall be found and deemed to have been used, or intended to be used, in or for any such Adulteration as aforesaid; and such Part thereof as shall be seized by any Peace Officer or Officers authorized as aforesaid shall, with all convenient Speed after Seizure, be carried to the nearest resident Magistrate or Magistrates, Justice or Justices of the Peace, within the Limits of whose Jurisdiction the same shall have been so seized; and if any Magistrate or Magistrates, Justice or Justices, who shall make any such Seizure in pursuance of this Act, or to whom any thing so seized under the Authority of this Act shall be brought, shall adjudge that any such Meal, Flour, Dough, or Bread so seized shall have been adulterated by any Mixture or Ingredient put therein other than is allowed by this Act, or shall adjudge that any Ingredient or Mixture so found as aforesaid shall have been deposited or kept where so found for the Purpose of adulterating Meal, Flour, or Bread, then and in any such Case every such Magistrate or Magistrates, Justice or Justices of the Peace, is and are hereby required, within the Limits of their respective Jurisdictions, to dispose of the same as he or they, in his or their Discretion, shall from Time to Time think proper.

Penalty if Ingredients for Adulteration of Meal or Bread are found in any Premises.

XII. And be it enacted, That every Miller, Mealman, or Baker beyond the Limits aforesaid, in whose House, Mill, Shop, Stall, Bakehouse, Bolting House, Pastry Warehouse, Outhouse, Ground, or Possession any Ingredient or Mixture shall be found which shall, after due Examination, be adjudged by any Magistrate or Magistrates, Justice or Justices of the Peace, to have been deposited there for the Purpose of being used in adulterating Meal, Flour, or Bread, shall, on being convicted of any such Offence, either by his, her, or their own Confession, or by the Oath, or in case of a Quaker by Affirmation, of One or more credible Witness or Witnesses, forfeit and pay on every such Conviction any Sum not exceeding Ten Pounds nor less than Forty Shillings for the First Offence, Five Pounds for the Second Offence, and Ten Pounds for every subsequent Offence, or in default of Payment thereof shall, by Warrant under the Hand and Seal or Hands and Seals of the Magistrate or Magistrates, Justice or Justices, before whom such Offender shall be convicted, be apprehended and committed to the House of Correction or some Prison of the City, County, or Place where the Offence shall have been committed, or the Offender or Offenders shall be apprehended, there to remain for any Time not exceeding Six Calendar Months with or without hard Labour from the Time of such Commitment (unless the Penalty be soonerpaid), as any such Magistrate or Magistrates, Justice or Justices, shall think fit and order; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such Offender shall be convicted to cause the Offender's Name, Place of Abode, and Offence to be published in some Newspaper which shall be printed or published in or near the City, County, Borough, or Place where the Offence shall have been committed, and to defray

First Offence; Second Offence; subsequent Offence.

Names of Offenders to be published.

the Expence of publishing the same out of the Money to be forfeited as last mentioned, in case any shall be so forfeited, paid, or recovered.

Obstructing Search.

XIII. And be it enacted, That if any Person or Persons shall wilfully obstruct or hinder any such Search as herein-before is authorized to be made, or the Seizure of any Meal, Flour, Dough, or Bread, or of any Ingredient or Mixture which shall be found on any such Search, and deemed to have been lodged with an Intent to adulterate the Purity or Wholesomeness of any Meal, Flour, Dough, or Bread, or shall wilfully oppose or resist any such Search being made, or the carrying away any such Ingredient or Mixture as aforesaid, or any Meal, Flour, Dough, or Bread which shall be seized as being adulterated, or as not being made pursuant to this Act, he, she, or they so doing or offending in any of the Cases last aforesaid shall for every such Offence, on being convicted thereof, forfeit and pay such Sum, not exceeding Ten Pounds, as the Magistrate or Magistrates, Justice or Justices, before whom such Offender or Offenders shall be convicted shall think fit and order: Provided also, that if any Person making or who shall make Bread for Sale beyond the Limits aforesaid shall at any Time make Complaint to any Magistrate or Magistrates, Justice or Justices of the Peace, within his or their Jurisdiction, and make appear to him or them, by the Oath, or in case of a Quaker by Affirmation, of any credible Witness, that any Offence which such Person shall have been charged with, and for which he or she shall have incurred and paid any Penalty under this Act, shall have been occasioned by or through the wilful Act, Neglect, or Default of any Journeyman, or other Servant employed by or under such Person so making Complaint, then and in any such Case any such Magistrate or Magistrates, Justice or Justices, may and is or are hereby required to issue out his or their Warrant, under his or their Hand and Seal or respective Hands and Seals, for bringing any such Journeyman or Servant before any such Magistrate or Magistrates, Justice or Justices, or any Magistrate or Justice of the Peace acting in and for the City, County, Division, or Place where the Offender can be found; and on any such Journeyman or Servant being thereupon apprehended and brought before any such Magistrate or Magistrates, Justice or Justices, he or they, within his or their respective Jurisdictions, is and are hereby authorized and required to examine into the Matter of such Complaint, and on Proof thereof upon Oath or Affirmation, to the Satisfaction of any such Magistrate or Magistrates, Justice or Justices of the Peace, who shall hear such Complaint, then any such Magistrate or Magistrates, Justice or Justices, is and are hereby directed and authorized, by any Order under his or their respective Hand or Hands, to adjudge and order what reasonable Sum of Money shall be paid by any such Journeyman or Servant to his Master or Mistress as or by way of Recompence to him or her for the Money he or she shall have paid by reason of the wilful Act, Neglect, or Default of any such Journeyman or Servant; and if any such Journeyman or Servant shall neglect or refuse, on his Conviction, to make immediate Payment of the Sum of Money which any such Magistrate or Magistrates, Justice or Justices, shall order him to pay by reason of such his said wilful Neglect

Penalty.

Offences occasioned by wilful Default of Journeymen and Servants

Proceedings

If Penalty on Journeymen is not paid, Magistrates may order Imprisonment, &c.

or

or Default, then any such Magistrate or Magistrates, Justice or Justices, within his or their respective Jurisdiction, is or are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Journeyman or Servant to be apprehended and committed to the House of Correction, or some other Prison of the City, County, Division, or Place in which such Journeyman or Servant shall be apprehended or convicted, to be there kept to hard Labour for any Term not exceeding One Calendar Month nor less than Ten Days from the Time of such Commitment, as to such Magistrate or Magistrates, Justice or Justices, shall seem reasonable, unless Payment shall be made of the Money ordered after such Commitment and before the Expiration of the said Term.

Bakers not to bake Bread or Rolls on the Lord's Day, or sell Bread or bake Pies, &c., except between certain Hours.

XIV. Provided always, and be it enacted, That no Master or Mistress, Journeyman, or other Person exercising or employed in the Trade or Calling of a Baker beyond the Limits aforesaid, shall on the Lord's Day, or on any Part thereof, make or bake any Bread, Rolls, or Cakes of any Sort or Kind, or shall on any other Part of the said Day after the Hour of Half-past One of the Clock in the Afternoon sell or expose for Sale, or permit or suffer to be sold or exposed for Sale, any Bread, Rolls, or Cakes of any Sort or Kind, or bake or deliver, or permit or suffer to be baked or delivered, any Meat, Pudding, Pie, Tart, or Victuals, or in any other Manner exercise the Trade or Calling of a Baker, or be engaged or employed in the Business or Occupation thereof, save and except so far as may be necessary in setting and superintending the Sponge to prepare the Bread or Dough for the following Day's baking; and every Person offending against the last-mentioned Regulations, or any One or more of them, and being thereof convicted before any Justice of the Peace of the City, County, or Place where the Offence shall be committed, within Six Days from the Commission thereof, either upon the View of such Justice, or on Confession by the Party, or Proof by One or more Witness or Witnesses upon Oath or Affirmation, shall for every such Offence pay and undergo the Forfeiture, Penalty, and Punishment herein-after mentioned; (that is to say,) for the First Offence the Penalty of Ten Shillings, for the Second Offence the Penalty of Twenty Shillings, and for the Third and every subsequent Offence respectively the Penalty of Forty Shillings, and shall moreover, upon every such Conviction, bear and pay the Costs and Expences of the Prosecution, such Costs and Expences to be assessed, settled, and ascertained by the Justice convicting, and the Amount thereof, together with such Part of the Penalty as such Justice shall think proper, to be allowed to the Prosecutor or Prosecutors for Loss of Time in instituting and following up the Prosecution, at a Rate not exceeding Three Shillings *per Diem*, and to be paid to the Prosecutor or Prosecutors for his, her, or their own Use and Benefit, and the Residue of such Penalty to be paid to such Justice, and within Seven Days after his Receipt thereof to be transferred by him to some One of the Overseers of the Poor, or to some other Officer (as the convicting Justice or Justices may direct), of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding,

Penalty.

First Offence; Second Offence; subsequent Offence.

Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and no Inhabitant of such County, Riding, or Division shall be deemed an incompetent Witness in any Proceeding under this Act by reason of the Application of such Penalty or Forfeiture to the Use of the said general Rate as aforesaid; and in case the whole Amount of the Penalty, and of the Costs and Expences aforesaid, be not forthwith paid after Conviction of the Offender or Offenders, such Justice shall and may, by Warrant under his Hand and Seal, direct the same to be raised and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, and in Default and Insufficiency of such Distress commit the Offender or Offenders to the House of Correction, with or without hard Labour, on a First Offence for the Space of Seven Days, on a Second Offence for the Space of Fourteen Days, and on a Third or any subsequent Offence for the Space of One Month, with or without hard Labour, unless the whole of the Penalty, Costs, and Expences be sooner paid and discharged: Provided nevertheless, that it shall be lawful for every Baker residing beyond the Limits aforesaid to deliver to his or her Customers on the Lord's Day any Bakings until Half an Hour past One of the Clock in the Afternoon of that Day, without incurring or being liable to any of the Penalties in this Act contained: Provided always, that the Provisions of this Act, so far as they authorize the baking and preparing Bread on *Sundays*, shall not extend to *Scotland*.

Bakings may be delivered till Half past One on Sundays.

XV. Provided always, and be it enacted, That no Person who shall follow or be concerned in the Business of a Miller, Mealman, or Baker shall be capable of acting or shall be allowed to act as a Justice of the Peace under this Act, or in putting in execution any of the Powers in or by this Act granted; and if any Miller, Mealman, or Baker shall presume so to do, he or they so offending in the Premises shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who will inform or sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Wager of Law, or more than One Imparlance shall be allowed.

No Miller, Mealman, or Baker to act as a Justice of the Peace under this Act.

Penalty, 100*l*.

XVI. And be it enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, every such Person offending therein shall for every such Offence forfeit any Sum not exceeding Ten Pounds, at the Discretion of the Magistrate or Magistrates, Justice or Justices of the Peace, before whom he or she shall be convicted of such Offence.

Opposing Execution of the Act.

Penalty.

XVII. And be it enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying and recovering and applying whereof is not herein otherwise directed,) shall, upon Proof and Conviction of the Offences respectively before any Magistrate or Justice of the Peace for the City, County, or Place where the Offence shall have been committed

Recovery and Application of Penalties and Forfeitures.

(as the Case may require), either by the Confession of the Party offending, or by the Oath, or in case of a Quaker on Affirmation, of any credible Witness or Witnesses, which Oath or Affirmation every such Magistrate or Justice is in every such Case hereby fully authorized to administer, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Magistrate or Justice (which Warrant such Magistrate or Justice is hereby empowered and required to grant); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Magistrate or Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Magistrate or Justice for his or their Appearance before such Magistrate or Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Magistrate or Justice 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 thereupon, then it shall be lawful for any such Magistrate or Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the City, County, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month, with or without hard Labour, (save and except as herein otherwise directed,) unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to some one of the Overseers of the Poor, or to some other Officer (as the convicting Justice or Justices may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate, and no Inhabitant of such County, Riding, or Division shall be deemed an incompetent Witness in any Proceeding under this Act by reason of the Application of such Penalty or Forfeiture to the Use of the said general Rate as aforesaid.

Distress.

Imprisonment.

Form of Summons.

XVIII. And be it further enacted, That every Summons to be served on any Offender against any of the Provisions of this Act shall be in the Form or to the Effect following:

'To *A. B.* of
'County of } WHEREAS Complaint and Information hath been
'to wit. } made before me *C. D.*, one of His Majesty's
'Justices of the Peace [*or* Magistrate] for the said County, *&c.*, by
'*E. F.* of that, *&c.* [*here state the Nature and*
'*Circumstance of the Case, as far as it shall be necessary to show the*
'*Offence, and to bring it within the Authority of the Justice or Magis-*
'*trate, and in doing that follow the Words of the Act as near as may*
'*be*]: These are therefore to require you personally to appear before
'me (or such other Justice or Magistrate as shall be then and there
'present) at in the said County, *&c.* on the
'Day of next, at the Hour of in
'the noon, to answer to the said Complaint and Information
'made by the said *E. F.*, who is likewise directed to be then and
'there present to make good the same. Herein fail not. Given
'under my Hand this Day of .'

Form of Information.

XIX. And be it further enacted, That every Information to be laid before any Justice or Magistrate for any Offence against this Act shall be in the Form or to the Effect following:

'County of } BE it remembered, That on the Day
'to wit. } of *A. B.* of in the said
'County informeth me one of His Majesty's
'Justices of the Peace [*or* Magistrate, *as the Case may be*,] for the
'said County, that of in the said
'County [*here describe the Offence, with the Time and Place, and*
'*follow the Words of the Act as near as may be*], contrary to the
'Statute made in the Year of the Reign of King *William* the
'Fourth, intituled *An Act* [*set forth the Title of this Act*], which
'hath imposed a Forfeiture of for the said Offence.
'Taken the Day of before me, *C. D.*'

Informations to be laid before acting Magistrates of District.

XX. Provided always, and be it enacted, That all Offences committed against this Act shall be laid before the Magistrate or Magistrates, Justice or Justices, usually acting in and for the District in which the Offence shall have been committed, in a summary Way, upon Complaint, and the said Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to issue his or their Summons for the Purpose of hearing and determining the same.

Power to summon Witnesses in prosecuting Offences.

XXI. And be it enacted, That if it shall be made appear by the Oath or Affirmation of any credible Person or Persons, to the Satisfaction of any Magistrate or Magistrates, Justice or Justices, that any Person or Persons within the Jurisdiction of any such Magistrate or Magistrates, Justice or Justices, is or are likely to give or offer material Evidence on behalf of the Prosecutor of any Offender or Offenders against the true Intent and Meaning of this Act, or on behalf of the Person or Persons accused, and will not voluntarily appear before such Magistrate or Magistrates, Justice or Justices, to be examined, and give his, her, or their Evidence concerning the Premises, every such Magistrate or Magistrates, Justice or Justices,

is

is and are hereby authorized and required to issue his or their Summons to convene every such Person or Persons before any such Magistrate or Magistrates, Justice or Justices, at such seasonable Time as in such Summons shall be fixed; and if any Person so summoned shall neglect or refuse to appear at the Time by such Summons appointed, and no just Excuse shall be offered for such Neglect or Refusal, then, after Proof upon Oath or Affirmation of such Summons having been duly served upon the Party or Parties so summoned, every such Magistrate and Magistrates, Justice and Justices, is and are hereby authorized and required to issue his or their Warrant under his Hand and Seal or their Hands and Seals to bring every such Person or Persons before any such Magistrate or Magistrates, Justice or Justices; and on the Appearance of any such Person before any such Magistrate or Magistrates, Justice or Justices, every such Magistrate or Magistrates, Justice or Justices, is and are hereby authorized and empowered to examine upon Oath or Affirmation every such Person; and if any such Person, on his or her Appearance, or on being brought before any such Magistrate or Magistrates, Justice or Justices, shall refuse to be examined upon Oath or Affirmation concerning the Premises, without offering any just Excuse for such Refusal, any such Magistrate or Magistrates, Justice or Justices, within the Limits of his or their Jurisdiction, may, by Warrant under his Hand and Seal or their Hands and Seals, commit any Person or Persons so refusing to be examined to the public Prison of the City, County, Division, Liberty, or Place in which the Person or Persons so refusing to be examined shall be, there to remain for any Time not exceeding Fourteen Days, with or without hard Labour, as any such Magistrate or Magistrates, Justice or Justices, shall direct.

Examination upon Oath.

Committal.

False Evidence, Perjury.

XXII. And be it enacted, That if any Person who shall take any Oath or make any Affirmation by this Act directed to be taken or made shall wilfully forswear himself or herself, or make any false Affirmation, every such Person shall be subject and liable to be prosecuted for Perjury by Indictment or Information, according to the due Course of Law, and, if convicted thereof, shall be subject and liable to the Pains and Penalties which Persons convicted of wilful and corrupt Perjury are subject and liable to.

Form of Conviction.

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

‘ to wit. } BE it remembered, That on this Day of
‘ in the Year of the Reign
‘ of *A. B.* is convicted before
‘ Majesty's Justice of the Peace for the said County of
‘ [*or* for the Division of the said County of
‘ *or* for the City, Liberty, *or* Town of *as the Case*
‘ *shall happen to be*], for ; and do
‘ adjudge him [*or* her, *or* them, *as the Case may be*,] to pay and for-
‘ feit

'feit for the same the Sum of . Given under
' the Day and Year aforesaid.'

Proceedings not to be quashed for Want of Form.

XXIV. And be it enacted, That no Order, Judgment, or Conviction made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Tender of Amends.

Appeal to Quarter Sessions.

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

Recognizance.

Determination to be final.

Costs.

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

Appellant not paying Sum adjudged against him to be committed.

Costs to Appellant making good his Appeal.

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

Where Conviction within Six Days of Quarter Sessions, Time allowed for Appeal.

XXVII. 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 Judges shall think fit, shall be paid to the Poor of 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

As to Penalties in Scotland.

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.

Appeal in Scotland to Commissioners of Justiciary at Circuit Court.

XXVIII. 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 Commissioners 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 than as herein provided.

20 G. 2. c. 43.

Limitation of Actions.

XXIX. And be it further enacted, That every Action or Suit which shall be brought or commenced against any Magistrate or Magistrates, Justice or Justices, or any Peace Officer or Officers, for any Matter or Thing done or committed by virtue of or under this Act, shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the City, County, or Place where the Matter in dispute shall arise, and not elsewhere, and that the Statute made in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants*, so far as the said Act relates to the rendering the Justices more safe in the Execution of their Office, shall extend and be construed to extend to the Magistrate and Magistrates, Justice and Justices of the Peace acting under the Authority or in pursuance of this Act; and that no Action or Suit shall be had or commenced against, nor shall any Writ be sued out or Copy of any Writ be served upon, any Peace Officer or Officers for any thing done in the Execution of this Act until Seven Days after a Notice in Writing shall have been given to or left for him or them at his or their

Part of 24 G. 2. c. 44. extended to this Act.

Service of Writ upon Peace Officer.

their usual Place of Abode, by the Attorney for the Party intending to commence such Action, which Notice in Writing shall contain the Name and Place of Abode of the Person intending to bring such Action, and also of his Attorney, and likewise the Cause of Action or Complaint; and any Peace Officer or Officers shall be at liberty, and may by virtue of this Act, at any Time within Seven Days after any such Notice shall have been given to or left for him, tender or cause to be tendered any Sum or Sums of Money as Amends for the Injury complained of to the Party complaining or to the Attorney named in such Notice; and if the same be not accepted, the Defendant or Defendants in any such Action or Actions may plead such Tender in bar of such Action or Actions, together with the General Issue or any other Plea, with Leave of the Court in which the Action shall be commenced; and if, upon Issue joined on such Tender, the Jury shall find the Amends tendered to have been sufficient, they shall find a Verdict for the Defendant or Defendants; and in every such Case, or if the Plaintiff shall become Nonsuit or discontinue his Action, or if Judgment shall be given for the Defendant or Defendants upon Demurrer, or if any Action or Suit shall be brought after the Time limited by this Act for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants, and the Defendant or Defendants shall be entitled to his or their Costs; but if the Jury shall find that no such Tender was made, or that the Amends tendered were not sufficient, or shall find against the Defendant or Defendants on any Plea or Pleas by him or them pleaded, they shall then give a Verdict for the Plaintiff, and such Damages as they shall think proper; and the Plaintiff shall thereupon recover his Costs against every such Defendant or Defendants.

Tender of Amends.

Costs.

In Actions for executing Act, General Issue may be pleaded.

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

Treble Costs.

Limitation of Information.

XXXI. Provided also, and be it further enacted, That no Person shall be convicted of any Offence under this Act unless the Complaint is made within Forty-eight Hours after the Offence shall have been committed, or within such reasonable Time as to the Justice

or

or Justices shall seem fit, except in Cases of Perjury; and that no Person who shall be prosecuted to Conviction for any Offence done or committed against this Act shall be liable to be prosecuted for the same Offence under any other Law.

Application of Penalties.

XXXII. And be it also enacted, That all Penalties and Forfeitures by this Act inflicted, and the Application of which is not hereinbefore directed, shall, when recovered or paid, go and be disposed of in manner following; (that is to say,) One Moiety thereof, where any Offender or Offenders shall be convicted either by his, her, or their Confession or by the Oath or Affirmation of One or more credible Witness or Witnesses, shall go and be paid to the Person or Persons who shall inform against and prosecute to Conviction any such Offender or Offenders; and the other Moiety thereof (or in case there be no such Person informing then the whole thereof) shall go and be paid to some one of the Overseers of the Poor, or to some other Officer, (as the convicting Justice or Justices may direct,) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and no Inhabitant of such County, Riding, or Division shall be deemed an incompetent Witness in any Proceeding under this Act by reason of the Application of such Penalty or Forfeiture to the Use of the said general Rate as aforesaid.

Proviso for Rights of particular Persons.

XXXIII. Provided always, and be it enacted, That this Act or any thing herein contained shall not extend or be construed to extend in any Way to affect, lessen, or infringe upon any Right or Custom of the Universities of *Oxford* or *Cambridge* or either of them, or of any Lord or Lords of any Leets, or the Rights of any Clerk or Clerks of the Market in any Place which may be exercised and enjoyed by them or any of them by virtue of any Charter, Bye Laws, Prescriptions, Usages, Customs, Privileges, Grants, or Acts of Parliament, except so far as relates to the Assize of Bread and the Regulations of the Price and Weight thereof; but that all such Rights and Privileges shall be held, exercised, and enjoyed, by the Parties respectively entitled thereto, as fully and amply to all Intents and Purposes as the same were held, exercised, and enjoyed, before the passing of this Act, any thing herein contained to the contrary notwithstanding.

Commencement of Act.

XXXIV. And be it further enacted, That this Act shall commence and take effect from and after the said First Day of *October* One thousand eight hundred and thirty-six.

Act not to extend to Ireland.

XXXV. And be it enacted, That nothing in this Act contained shall extend to *Ireland*.

XXXVI. And

Act may be amended this Session.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1836.