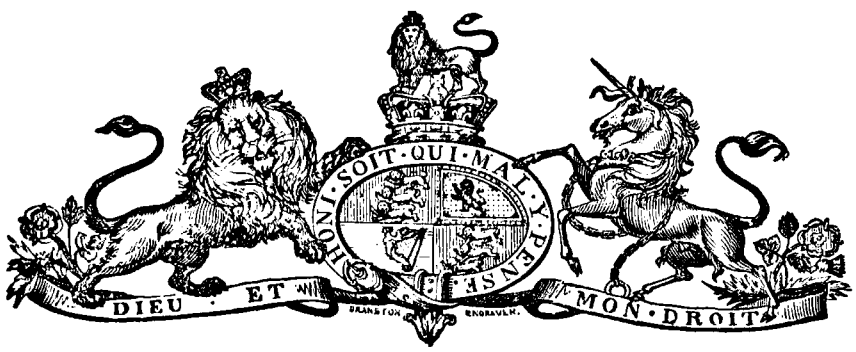


ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

CAP. XXVIII.

An Act to repeal the several Acts now in force relating to Bread to be sold in *Ireland*, and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, in that Part of the United Kingdom called *Ireland*.

[4th *July* 1838.]

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *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*, certain Regulations and Provisions were made relative to the making and selling of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, beyond the aforesaid Limits, which have been found beneficial to the Public as well as to the Bakers of *Great Britain*: And whereas it is deemed expedient that the several Acts now in force relating to the making 6 & 7 W. 4. c. 37.

and selling of Bread, or to the Assize and Price thereof, or to the Adulteration of Meal, Flour, or Bread, in that Part of the United Kingdom called *Ireland*, should be altogether repealed, and that in lieu thereof the Regulations, Provisions, and Penalties herein-after contained, and which are similar to those contained in the said recited Act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 Sixth and Seventh Years of the Reign of His late Majesty King *William* 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all and every Acts or Act now in force relating to the making and selling of Bread, or 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, in *Ireland*, be and the same are hereby repealed, and there shall be no longer any Assize of Bread in *Ireland*, or any Regulation respecting the Price thereof.

All former Acts relating to the Sale of Bread in Ireland repealed.

II. And be it enacted, That it shall and may be lawful for the several Bakers or Sellers of Bread in *Ireland* 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 the Flour or Meal of Wheat, Barley, Rye, Oats, Buck Wheat, Indian Corn, Peas, Beans, Rice, or other Grain, or of Potatoes, or any of them, such Ingredients being mixed with any common Salt, pure Water, Eggs, Milk, Barm, Leaven, Potato, or other Yeast, Butter, Seeds, or Sugar, 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 in *Ireland* 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 in *Ireland* shall be sold by the several Bakers or Sellers of Bread respectively by Weight only, and not by Measure; and in case any Baker or Seller of Bread in *Ireland* 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 sold under the Denomination of French or Fancy Bread or Rolls without previously weighing the same.

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

Penalty.

V. And

Bakers to use Avoirdupois Weight.

V. And be it enacted, That the several Bakers or Sellers of Bread respectively in *Ireland* 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, and the several Gradations of the same, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than 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.

Penalty for using any other.

Bakers to provide in their Shops Beams, Scales, and Weights, and to weigh the Bread, if required.

Penalty.

VI. And be it enacted, That every Baker or Seller of Bread in *Ireland* 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 every Person who may purchase any such Bread may, if he or she shall think proper, require the same to be weighed in his or her Presence; 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, or shall, when thereunto required by any Person who may purchase any such Bread, refuse to weigh the same in the Presence of such Person in such Scales or Balance, and with such Weights as aforesaid, then and in every such Case he, she, or they shall for every Offence 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 adjudge.

To prevent adulterating of Bread.

Penalty.

VII. And be it enacted, That no Baker or other Person who shall make Bread for Sale in *Ireland*, 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 in *Ireland*, use any Mixture or Ingredient whatever in the making of such Bread, other than and except as herein-before mentioned, on any Account or under any Colour or Pretence whatsoever in the making of such Bread, 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 Sum not exceeding Five Pounds nor less than Fifty Shillings, 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 apprehended, there to remain for any Time not exceeding Three Calendar Months, with or without hard Labour, from the Time of such

such Commitment, unless the Penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices, shall think fit to 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 or Newspapers which shall be printed or published in or near the City, County, Borough, or Place where the Offence shall have been committed; and the Proprietor and Proprietors, Printer and Printers, and every other Person or Persons concerned therein, are hereby authorized to print and publish the same when he, she, or they is or are required so to do by or by the Order of such Magistrate or Magistrates, Justice or Justices; and he, she, or they is and are hereby indemnified from any Prosecution or Prosecutions for printing and publishing the same or causing the same to be printed and published in such Newspaper or Newspapers, by or from any Person or Persons whomsoever, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding; and the Costs and Charges of such printing and publishing shall be paid out of such last-mentioned Penalty or Forfeiture, in case any shall be so forfeited, paid, or recovered.

Names and Places of Abode of Offenders to be published.

VIII. And be it enacted, That if any Person in *Ireland* shall put into any Corn, Meal, or Flour which shall be ground, dressed, bolted, or manufactured in *Ireland*, either at the Time of grinding, dressing, bolting, or manufacturing the same, or any other Time, any Ingredient or Mixture whatsoever, not being the real and genuine Produce of the Corn or Grain which shall be so ground, or if any Person in *Ireland* shall knowingly sell, or offer or expose for Sale, either separately or mixed, any Corn, Meal, or Flour which shall not be equal or superior in Quality or Goodness to the Sample purporting to be a Sample of such Corn, Meal, or Flour, and produced by the Owner or Owners thereof, or other Person or Persons selling or exposing or offering the same respectively for Sale, to the View of the Buyer or Buyers or Purchasers thereof respectively, or of the Person or Persons to whom the same respectively shall have been so exposed or offered for Sale, or shall use or practise any Fraud, Covin, or Deceit by which such Corn, Meal, or Flour shall be made or rendered of greater Weight than the same respectively would have been in case such Mixture, Fraud, Covin, or Deceit had not been used or practised, then and in every such Case every such Person so offending shall, for every such Offence, upon Conviction before 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 any Sum not exceeding Ten Pounds nor less than Forty Shillings, and shall also forfeit all such Corn, Meal, or Flour so sold or exposed or offered for Sale; and one Moiety of such Penalty and one Moiety of such Corn, Meal, or Flour so forfeited shall go to the Use of the Poor of the Parish where such Offence or Offences shall have been committed, and the other Moiety of such Penalty and Forfeiture shall go to the Informer.

Adulterating Corn, Meal, Flour, &c.

Selling Flour of one Sort as Flour of another Sort, or not equal to Sample.

IX. And

IX. And be it enacted, That every Person who shall make for Sale or sell or expose for Sale in *Ireland* 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 in *Ireland* 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.

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

Penalty.

Proviso.

X. And be it enacted, That it shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within their respective Jurisdictions, on the sworn Information of One or more credible Person or Persons, and also for any Peace Officer of the Parish or Parish Constables 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 Daytime, to enter into any House, Mill, Shop, Stall, Bakehouse, Bolting-house, Pastry Warehouse, Outhouse, or Ground of or belonging to any Miller, Mealman, Flour Factor, or Baker, or other Person who shall grind Grain, or dress or bolt or sell Meal or Flour, or make Bread for Reward or Sale in *Ireland*, and to search or examine whether any Mixture or Ingredient not the genuine Produce of the Grain which 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, Flour Factor, 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 Flour, Dough, or Bread in the Possession of any such Baker or other Person, whereby any such Flour, 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 Parish Constable or Parish Constables authorized as aforesaid respectively, within the Limits of their respective Jurisdictions,

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

dictions, to seize and take away 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 Parish Constable or Parish Constables 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, Dough, 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.

XI. And be it enacted, That every Miller, Mealman, Flour Factor, or Baker in *Ireland*, 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, Dough, or Bread, shall, upon being convicted of any such Offence, either by his, her, or their 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 Three Calendar Months, with or without hard Labour, from the Time of such Commitment, (unless the Penalty be sooner paid,) 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 or Newspapers which shall be printed or published in or near the City, County, Borough, or Place where the Offence shall have been committed; and the Proprietor or Proprietors, Printer or Printers, and every other Person and Persons concerned therein, are hereby authorized

1st Offence.
2d Offence.
Subsequent Offences.
Names of Offenders to be published.

rized to print and publish the same when he, she, or they is or are required so to do by or by the Order of such Magistrate or Magistrates, Justice or Justices; and he, she, or they is and are hereby indemnified from any Prosecution or Prosecutions for printing and publishing the same or causing the same to be printed and published in such Newspaper or Newspapers by or from any Person or Persons whomsoever, any Law, Statute, or Usage to the contrary notwithstanding; and the Costs and Charges of such printing and publishing shall be paid out of such last-mentioned Penalty or Forfeiture, if any such shall be so forfeited and paid or recovered.

Obstructing Search.

XII. 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 in 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 in *Ireland* shall at any Time make Complaint to any Magistrate or Magistrates, Justice or Justices of the Peace within his or their Jurisdiction, and make it 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 Persons so making Complaint; and provided also, that if any Person making or who shall make Bread for Sale in *Ireland* shall at any Time make Complaint to any Magistrate or Magistrates, Justice or Justices, within his or their Jurisdiction, and make it appear to them that any Journeyman, Apprentice, or other Servant did, by his or their wilful Act, Neglect, or Default, injure, damage, destroy, or adulterate the Material or Property of his or their Employer, then and in every 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, Apprentice, or other 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, Apprentice, or other 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

Penalty.

Proviso for Offences occasioned by wilful Default of Journeymen and Servants.

Proceedings.

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 an 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, Apprentice, or other 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, or for the Injury they might have otherwise sustained by reason of the wilful Act, Neglect, or Default of any such Journeyman, Apprentice, or other Servant; and if any such Journeyman, Apprentice, or other 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 or Default, then any such Magistrate or Magistrates, Justice or Justices, within his or their respective Jurisdictions, is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Journeyman, Apprentice, or other 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, Apprentice, or other Servant shall be apprehended or convicted, there to be kept to hard Labour for any Time not exceeding One Calendar Month from the Time of such Commitment, as to such Magistrate or Magistrates, Justice or Justices shall seem reasonable, unless Payment shall have been made of the Money ordered after such Commitment and before the Expiration of the said Time.

If Penalty on Journeymen is not paid, Magistrate to order Imprisonment.

XIII. Provided always, and be it enacted, That no Master or Mistress, Journeyman or other Person, respectively exercising the Trade or Calling of a Baker in *Ireland* shall, on the Lord's Day, or on any Part thereof, make or bake any Bread, Rolls, or Cake of any Sort or Kind, or shall on any other Part of the said Day than between the Hours of Nine of the Clock in the Forenoon and One of the Clock in the Afternoon, on any Pretence whatsoever, sell or expose for Sale, or permit or suffer to be sold, delivered, 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, except as herein-after is excepted, 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; 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 Ten Days from the Commission thereof, either upon the View of such Justice, or on Confession by the Party, or Proof by One or more credible 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

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

Penalty:

1st Offence.

2d Offence.

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 the Use of the Poor of the Parish where the Offence shall be committed; 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 or 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 a Space of Fourteen Days, and on a Third or any subsequent Offence for the Space of One Month, unless the whole of the Penalty, Costs, and Expences be sooner paid and discharged: Provided nevertheless, that it shall be lawful for every Baker in *Ireland* to deliver to his or her Customer or Customers on the Lord's Day any Bakings (that is to say), baked Dishes, Meat, or Puddings (but not Bread), 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.

3d and subsequent Offences.

Bakings may be delivered until Half past One on Sundays.

XIV. Provided always, and be it enacted, That no Person who shall follow or be concerned in the Business of Miller, Mealman, Flour Factor, or Baker shall be capable of acting or shall be allowed to act as a Magistrate or Justice of the Peace under this Act, or in putting in execution any of the Powers in or by this Act granted; and if any Miller, Mealman, Flour Factor, 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 shall inform or sue for the same, to be recovered, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Wager of Law, or more than One Imparlance, shall be allowed.

Miller, Mealman, Flour Factor, or Baker not to act as a Justice of the Peace.

Penalty.

XV. 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 and pay any Sum not exceeding Five Pounds at the Discretion of the Magistrate or Magistrates, Justice or Justices of the Peace before whom he, she, or they shall be convicted of such Offence.

Opposing Execution of the Act.

Penalty.

XVI. And be it enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, the Manner of levying

Recovery and Application of Pe-

nalties and Forfeitures. levying and recovering and applying whereof is not herein otherwise directed, shall upon Proof and Conviction of the Offences respectively before any Magistrate or Magistrates, Justice or Justices of the Peace for the City, County, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath, or in case of a Quaker by Affirmation, of any credible Witness or Witnesses, which Oath or Affirmation every such Magistrate or Justice is in every such Case hereby fully

Distress. 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

Imprisonment. 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 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 from Time to Time be paid, one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to the Use of the Poor of the Parish where the Offence shall have been committed.

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

'To *A. B.* of
'County of } WHEREAS Complaint and Information hath been
'to wit. } made before me, *C. D.*, One of Her Majesty's
'Justices of the Peace [*or* Magistrate] for the said County, *&c.*, by
'*E. F.*

'*E. F.* of that, &c. [*here state the Nature and Circumstances 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 Magistrate, 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 Magistrate or Justice as shall be then and there present) at in the said County on the Day of next, at the Hour of in the noon, to answer the said Complaint and Information made by the said *E. F.*, who is likewise directed to be then and there present, either in Person or by his Agent or Attorney, to make good the same. Herein fail not. Given under my Hand this Day of .'

Form of Information.

XVIII. And be it 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 of
'to wit. } *A. B.* of in the said County informeth me, One of Her 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 Queen *Victoria*, 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 the District.

XIX. Provided always, and be it enacted, That all Offences committed against this Act, except where it is otherwise directed, 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.

XX. And be it enacted, That if it shall be made appear, by 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 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 reasonable Time as in such Summons shall be fixed; and if any Person so summoned, after having been

Tender of Expences.

been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, 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 or Magistrates, Justice or 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 or Affirmation.

Committal for Contempt.

False Evidence, Perjury.

XXI. 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.

XXII. And be it 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,)

' } BE it remembered, That on this Day of
' to wit. } in the Year of the Reign of
' *A. B.* is convicted before Her Majesty's Justice of
' the Peace for the 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
' forfeit for the same the Sum of . Given under the
' Day and Year aforesaid.'

Proceedings not quashed through Informality.

XXIII. 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 be removeable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Dublin*; 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 Damages (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.

XXIV. Provided always, and be it 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 and may 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 in a summary Way, and to make such Determination therein, and either to confirm or quash or annul the said Conviction, and to award such Costs to either of the Parties or otherwise, as they the said Justices shall adjudge proper; and all such Determinations shall be final, binding, and conclusive to all Parties to all Intents and Purposes whatsoever.

Appeal to Quarter Sessions.

Recognizance.

Determination to be final.

Costs.

XXV. And be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any

Notice of Action to be given, and Plaintiff not to recover after Tender of Amends.

any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XXVI. And be it enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months from the Time of the Fact having been committed; and every such Action or Suit shall be brought and tried in the City, County, or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been done, or if such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other City, County, or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or, upon any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Double Costs.

Limitation of Informations.

XXVII. Provided also, and be it enacted, That no Person shall be convicted of any Offence under this Act unless the Complaint is made within Fourteen Days after the Offence shall have been committed, or within such reasonable Time as to the Justice or Justices shall seem fit, except in Cases of Perjury or Proceedings in the Superior Courts of *Dublin*; 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.

XXVIII. And be it enacted, That all pecuniary Penalties and Forfeitures by this Act inflicted, and the Application of which is not herein-before directed, shall, when recovered or paid, go and be disposed of in manner following; (that is to say,) one Moiety thereof, where any Offender or Offenders shall be convicted either by his, her, or

or their own 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, and in case there be no such Person informing then the whole thereof, shall go and be paid to the Use of the Poor of the Parish where the Offence shall have been committed.

Commencement of Act.

XXIX. And be it enacted, That this Act and every Matter and Thing therein contained shall have effect and be in force from and after the Expiration of One Calendar Month next after the passing thereof, and not sooner.

Public Act.

XXX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Act may be amended this Session.

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

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