

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. CXXXIV.

An Act for the better Regulation of the Butter Trade in *Ireland*. [18th *July* 1812.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Tenth Year of the Reign of His late Majesty King *William* the Third, intituled *An Act for reforming Abuses in making Butter Casks, and preventing of false packing of Butter*: And whereas one other Act was passed in the Parliament of *Ireland* in the Sixth Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for the continuing and perpetuating of divers Laws and Statutes theretofore temporary, and for amending of the Law in relation to Butter Casks*: And whereas one other Act was passed in the Parliament of *Ireland* in the Second Year of the Reign of His late Majesty King *George* the First, among other Things, for the more effectual Amendment of the Law in relation to Butter and Tallow Casks: And whereas one other Act was passed in the Parliament of *Ireland* in the Fourth Year of the Reign of His said Majesty King *George* the First, for repealing Part of a Clause in the said last recited Act made in the Second Year of His Majesty's Reign, by which the Dimensions of Butter Casks are ascertained, and for explaining and further amending the Law in relation to Butter Casks: And whereas an Act was passed in the Parliament of *Ireland* in the Tenth Year of His late Majesty King *George* the First, among other Things, for continuing and amending of the Laws in relation to Butter and Tallow, and the Casks in which such Goods are to be made up; which said Act was explained and amended by another Act made in the Parliament of *Ireland* in the Twelfth Year of the said late King

19 W. 3. c. 2.
6 An. c. 11.
2 G. 1. c. 16.
4 G. 1. c. 12.
10 G. 1. c. 9.
12 G. 1. c. 5.

King *George* the First, and also by another Act made in the Parliament of *Ireland* in the Thirteenth Year of His late Majesty King *George* the Second; and which said Acts were amended and further continued by several Acts to the End of the Session of Parliament in the Twenty-first Year of His said late Majesty King *George* the Second; and by an Act made in the Parlia-
21 G. 2. c. 7. ment of *Ireland* in the said Twenty-first Year of His said late Majesty King *George* the Second, the said Acts were amended, and were further continued to the Twenty-ninth Day of *September* in the Year One thousand seven hundred and sixty-nine, and from thence to the End of the then next
5 G. 3. c. 15. Session of Parliament; and by another Act passed in the Parliament of *Ireland* in the Fifth Year of the Reign of His present Majesty, among other Things, for continuing, reviving, and amending several temporary Statutes, the said recited Acts or some or one of them were further continued, so far as related to Butter and Tallow, and the Casks in which such Goods are to
19 & 20 G. 3. c. 36. be made up, with several Alterations and Amendments: And whereas one other Act was passed in the Parliament of *Ireland* in the Nineteenth and Twentieth Years of the Reign of His present Majesty King *George* the Third, among other Things, for regulating the curing and preparing Provisions, and for preventing Combinations among the several Tradesmen and other Persons employed in making up such Provisions, and for regulating
31 G. 3. c. 24. the Butter Trade in the City of *Dublin*: And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-first Year of the Reign of His said present Majesty, the said recited Act of the Tenth Year of King *George* the First, for continuing and amending of the Laws in relation to Butter and Tallow, and the Casks in which such Goods are to be made up, so far as it relates to the continuing and amending the said Laws in relation to Butter and the Casks in which the same is to be made up, with several Alterations and Amendments, was further continued to the Twenty-ninth Day of *September* in the Year One thousand eight hundred and twelve, and from thence to the End of the then next Session of Parliament: And whereas one other Act was made in the Parliament of the United Kingdom in the Forty-sixth Year of the Reign of His present Majesty, intituled *An*
46 G. 3. c. 59. *Act to regulate the Packing of Butter in* Ireland *for Sale or Exportation*: And whereas from the great Increase of the Butter Trade in *Ireland* and the said Laws relating thereto being so near expiring, it is become necessary and expedient to make several new Provisions and Regulations as to the said Butter Trade in *Ireland*; 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 United Parliament assembled, and by the Authority of the same, That from and immediately after the Commencement of this Act all and every the Provisions, Regulations, and Clauses contained in the several Acts of Parliament herein-before recited, and every of them, which in any Way concern or relate to Butter, or to the Casks in which Butter is to be packed and made up, shall cease and determine.

After Commencement of this Act recited Acts shall cease and determine, as to Butter and Butter Casks.

Appointment of Weighmasters in all Cities and Towns Corporate (except Cork) shall be made by the Cor-

II. And be it further enacted, That at some Time on or before the First Day of *March* One thousand eight hundred and thirteen, in the City of *Dublin*, and in every City and Town Corporate in *Ireland*, (except the City of *Cork*), the Chief Magistrate and Aldermen, or Chief Magistrate and Burgesses where there are no Aldermen, under the Seals of their respective Corporations, and in every Seaport or Place of Export from whence Butter is commonly shipped for Exportation from *Ireland*, such

Place

Place being no City or Town Corporate, and in every Market Town wherein Butter is bought or sold or exposed to Sale for the Purpose of Trade, the Justices of the Peace for the County or Counties in which such Seaport or Place of Export and Market Town respectively lie, at some General Quarter Sessions of the Peace for such County or Counties respectively, or some Adjournment thereof, before the said First Day of *March* One thousand eight hundred and thirteen, under their Hands and Seals, where there shall not be a public Weighmaster or joint public Weighmasters appointed under any former Act or Acts, or where any Vacancy shall happen before the said First Day of *March* One thousand eight hundred and thirteen, shall nominate and appoint some one or more discreet and skilful Person or Persons to be a public Weighmaster, or joint public Weighmasters, and Taster or Tasters of Butter in and for such respective City, Town Corporate, Place of Export, or Market Town; and in case such Nomination or Appointment as herein directed shall fail to be made in any such City, Town Corporate, Seaport, or Place of Export in *Ireland*, before the said First Day of *March* One thousand eight hundred and thirteen, then herein directed, such Nomination and Appointment shall be vested in the Lord Lieutenant or other chief Governor or Governors of the Privy Council of *Ireland* for the Time being.

porate Body, and elsewhere by Justices of Peace at Quarter Sessions.

In case of neglecting to appoint, Lord Lieutenant of Ireland and Privy Council for the Time being may appoint.

III. And be it further enacted, That all and every public Weighmaster or joint public Weighmasters, his and their Successor or Successors in such Office, heretofore nominated and appointed or hereafter to be nominated and appointed pursuant to this Act, shall provide or cause to be provided a sufficient and convenient Weigh House or Weigh Houses in each City or the Suburbs thereof, Town Corporate, Seaport, or Place of Export, and Market Town, where no such Weigh House or Weigh Houses have been heretofore provided, together with Weights, Beams, Scales, Branding Irons, and other Necessaries, at his and their own proper Costs and Charges, and shall attend at his and their respective Weigh House or Weigh Houses by himself, themselves, or by a sufficient Deputy or Deputies appointed or to be appointed under the Hand and Seal of such Public Weighmaster or joint public Weighmasters and Tasters (such Deputy or Deputies to be removable at Pleasure of the Person or Persons so appointing such Deputy or Deputies, or in Manner hereafter mentioned) every Day in the Week (*Sundays*, *Christmas Day*, *Saint Stephen's Day*, and *New Year's Day*, excepted), from Eight of the Clock in the Morning until One, and from Two in the Afternoon until Four, from the Twenty-ninth Day of *September* until the Twenty-fifth Day of *March*, and from thence until the Twenty-ninth Day of *September*, from Six of the Clock in the Morning until One, and from Two in the Afternoon until Seven, and then and there weigh, brand, and mark all such Butter and Casks as by this Act they are required, such Butter being first tasted and approved of by such Taster or Tasters, which they are hereby required to do.

Weighmaster shall provide Weigh-houses, &c.

Hours of Attendance.

IV. And be it further enacted, That the Mayor, Aldermen, and Common Council of each City, Chief Magistrate, and Burgesses of each Town Corporate, Justices of the Peace of each County in which each Seaport or Place of Export and each Market Town respectively lie, at their General Quarter Sessions of the Peace to be held for such County, together

Weighmasters, &c. removable for Misbehaviour

gether with the Acting Aſſiſtant Barriſter of ſuch County, ſhall and may from Time to Time, upon Oath of One or more credible Witneſs or Witneſſes, or upon the Affirmation or Affirmations, (if ſuch Witneſs or Witneſſes be of the Profeſſion of a Quaker), and which Oath or Affirmation the Perſons aforeſaid before whom any Complaint ſhall be ſo made is hereby empowered to adminiſter), and upon full Proof of the Miſbehaviour of ſuch public Weighmaſter or joint public Weighmaſters, his or their Succeſſor or Succeſſors, Deputy or Deputies, or any of them, in his or their Office, upon full hearing of him or them, or upon his or their being duly ſummoned and neglecting to appear, (ſuch Summons being in Writing and under the Hand and Seal of ſuch Mayor, Chief Magiſtrate, or Two or more Juſtices of the Peace, and ſerved upon the Party complained againſt, Forty-eight Hours at the leaſt previous to the Day on which ſuch Party is required to appear,) remove ſuch public Weighmaſter or Weighmaſters, his or their Succeſſor or Succeſſors, Deputy or Deputies, Taſter or Taſters, or any of them, as the Caſe may be.

Appeal, if aggrieved, of either Party, to Judges of Aſſize.

V. And be it further enacted, That if ſuch public Weighmaſter or Weighmaſters, his or their Deputy or Deputies, Succeſſor or Succeſſors, Taſter or Taſters, or any of them who ſhall be ſo removed, or if the Perſon or Perſons complaining of him or them, ſhall think himſelf or themſelves aggrieved by the Determination of the ſaid Mayor, Aldermen, and Common Council, Chief Magiſtrate and Burgeſſes, or Juſtices of the Peace and acting Aſſiſtant Barriſter, or any of them, it ſhall be lawful for the Party or Parties who ſhall think himſelf or themſelves ſo aggrieved, to apply by Petition to the next going Juſtice or Juſtices of Aſſizes for the County of the City, County of ſuch Town Corporate, or County at large, in which the Place for which ſuch public Weighmaſter or Weighmaſters, his or their Succeſſor or Succeſſors, Deputy or Deputies, Taſter or Taſters

Appeal final.

ſo nominated and appointed and ſo complained of, lies; which Juſtice or Juſtices of Aſſize is and are hereby empowered to hear and finally to determine the Matter of ſuch Petition, and to reſtore ſaid public Weighmaſter or Weighmaſters, his or their Succeſſor or Succeſſors, Deputy or Deputies, Taſter or Taſters, or any of them, if the Complaint be thought juſt, by Warrant under his or their Hand and Seal or Hands and Seals, and at his or their Diſcretion to award reaſonable Coſts to the Party, who, upon hearing ſuch Petition, ſhall appear to be aggrieved; which Coſts ſhall be paid by the Party againſt whom the ſame ſhall be awarded, within a Time to be appointed by ſuch Juſtice or Juſtices of Aſſize; ſuch Coſts, if any ſhall be awarded, together with the Time limited for the Payment thereof, to be mentioned and aſcertained in the Body of ſuch Warrant; and in Default of Payment of the Party againſt whom ſuch Coſts are awarded, ſhall be committed under ſaid Warrant to the Gaol or Marſhalſea of the County of the City, Town Corporate, or County at large from which ſuch Warrant of ſuch Juſtice or Juſtices of Aſſize iſſued, until the ſame are paid; ſuch Warrant to be lodged with the Keeper of ſuch Priſon or Marſhalſea, at the Time of the Committal of ſaid Party to ſuch Priſon or Marſhalſea.

Coſts to be awarded at Diſcretion of Judge.

In default of Payment, to be committed to Priſon.

Weighmaſters to give Security;

VI. And be it further enacted, That each and every public Weighmaſter or Weighmaſters, his or their Succeſſor or Succeſſors, Taſter or Taſters, ſo to be nominated and appointed by virtue of and in purſuance of this Act, before he or they or any of them ſhall enter on the Execution of ſaid Office,

ſhall perfect a Bond with ſufficient Security to the Mayor of each City, Chief Magiſtrate of each Town Corporate, and Juſtices of the Peace of each County at their County Seſſions, wherein ſuch public Weighmaſter or public Weighmaſters, Taſter or Taſters ſhall be ſo appointed and nominated, in ſuch Penalty as ſaid Mayor, Chief Magiſtrate, or Juſtice (as the Caſe may be) ſhall think reaſonable, not exceeding Five hundred Pounds Sterling, or leſs than Fifty Pounds Sterling, for his or their true and faithful Performance and Execution of his or their Office; and that the ſaid Weighmaſter or Weighmaſters, and their Deputy or Deputies to be by them employed, together with the Taſter or Taſters, ſhall take and ſubſcribe before the ſaid Mayor, Chief Magiſtrate, or Juſtices of the Peace, (as the Caſe may be,) the Oath (or, if a Quaker, the Affirmation) following: and to take Oath.

'I *A. B.* do ſwear, [*or*, affirm] That I will diligently and faithfully execute the Office of public Weighmaſter [*or*, Taſter of Butter, *as the Caſe may be*] of the City of [*or*, of the Town Corporate of *or*, of in the County of being a Place of Export; *or*, Market Town of in the County of *as the Caſe may be*,] during the Time I ſhall continue in ſaid Office: I will take Care truly, without Fraud or Delay, to weigh or cauſe to be weighed all Butter, and to weigh and brand, or cauſe to be weighed and branded, all Caſks, in ſuch order as the ſaid Goods ſhall be brought to me to be weighed and branded; and will taſte and truly try all Butter required to be taſted in purſuance of my Office as Taſter of Butter, and in all other reſpects, to the beſt of my Skill and Judgment, I will truly execute my ſaid Charge.'

Which Oath or Affirmation the ſaid Mayor, Chief Magiſtrate, and Juſtices, (as the Caſe may be,) are hereby empowered and required to adminiſter and which Oath or Affirmation all and every former Weighmaſter and Weighmaſters, his or their Deputy or Deputies, who ſhall be in Office at the Commencement of this Act, are hereby required to take and ſubſcribe.

VII. And be it further enacted, That all Bonds heretofore executed or hereafter to be executed by any public Weighmaſter or public Weighmaſters, for the due Execution of his or their reſpective Office or Offices, and the Oath or Affirmation which he or they or his or their Deputy or Deputies have already taken or ſhall take on entering on the Office of public Weighmaſter or joint public Weighmaſters, Deputy or Deputies, purſuant to any former Acts before recited, ſhall be deemed and are hereby declared to be ſufficient to oblige them to obſerve all the Proviſions of the preſent Act. Bonds and Affidavits of Weighmaſters, &c.

VIII. And be it further enacted, That every ſuch Weighmaſter, Deputy Weighmaſter and Taſter, before he take upon himſelf to act in the Duties of his Office, ſhall file or lodge, or cauſe to be filed or lodged, ſuch Bond and Oath or Affirmation ſo entered into, and made and ſubſcribed as aforeſaid reſpectively in the Office of the Clerk of the Peace for the County, City, County of a City or County of a Town, in which ſuch Weighmaſter, Deputy, and Taſter ſhall act as ſuch; and the ſaid Clerk of the Peace ſhall give to the Party ſo lodging ſuch Bond and Oath or Affirmation, a Certificate thereof, in which ſhall be ſet forth the Names and Additions of Recognizance and Oath to be filed with Clerk of the Peace; and Certificate thereof given.

the Sureties in such Bond; and Oath or Affirmation, so subscribed as aforesaid, shall by such Clerk of the Peace be kept and preserved amongst the public Records of his Office.

If any Surety die, &c. fresh Security to be given.

IX. And be it further enacted, That if any Person so becoming a Surety shall die or become Bankrupt or an Insolvent, the Person for whom such Person became Surety shall, within One Calendar Month after the Death, Bankruptcy, or Insolvency of such his Surety, give fresh or new Security, to be approved of in like Manner as herein-before mentioned, and in like Manner lodge or cause the same to be lodged with the Clerk of the Peace.

Weighmaster, &c. on Demand to produce Certificate.

X. And be it further enacted, That every Person who shall act as Weighmaster, Deputy Weighmaster, or Taster, shall, upon the Request or Demand of any Magistrate, or Merchant or Buyer of Butter, produce and shew the Certificate of his having taken such Oath and given such Security respectively, as herein-before directed.

If Weighmaster sell, his Office void.

XI. And be it further enacted, That if any Person who hath been or shall be appointed a Weighmaster, shall alien, sell, or lease his Office of Weighmaster, that then and in every such Case his said Office shall cease and determine.

Penalty on Neglect or refusing, by Weighmaster, &c. to attend.

5l. by Civil Bill;

or before Two Justices of the Peace summoned to attend for that Purpose.

XII. And be it further enacted, That if any public Weighmaster or joint public Weighmasters, or his or their Deputy or Deputies, Taster or Tasters, shall neglect or refuse to attend on the Days and during the respective Times hereby appointed, said public Weighmaster or joint public Weighmasters, his or their Deputy or Deputies, Taster or Tasters, shall for each Offence of himself or themselves forfeit the Sum of Five Pounds Sterling, to be recovered by such Person or Persons who shall first sue for the same by Civil Bill in the County of the City or County at large where such Offence shall be committed and where Civil Bills are usually tried, with like Remedy of Appeal for either Party as in Cases of Civil Bills, or in a summary Way before Two Justices of the Peace where such Offence shall be committed.

In case of Absence of Weighmaster, Deputy to be removable for Misbehaviour, and another to be appointed.

XIII. And be it further enacted, That the Mayor of each City, Chief Magistrate of each Town Corporate, or a Justice of the Peace of the County at large in which there is a Place of Export or Market Town, where a public Weighmaster or joint public Weighmasters is, are, or shall be nominated and appointed as aforesaid, in the Absence of such public Weighmaster or joint public Weighmasters of such City, Town Corporate, Place of Export, or Market Town, (as the Case shall happen to be,) shall and may, upon Complaint in Writing, and upon full Proof upon Oath or Affirmation as aforesaid of One or more credible Witness or Witnesses, (which Oath or Affirmation such Mayor, Chief Magistrate, or Justices aforesaid, as the Case may be, is hereby empowered and required to administer,) of the Misbehaviour of the Deputy or Deputies of such public Weighmaster or joint public Weighmasters, or any of them, and upon full hearing of him or them, or being duly summoned to appear before such Mayor, Chief Magistrate, or Justice of the Peace, (as the Case shall happen to be,) having Forty-eight Hours Notice as aforesaid, and neglecting to appear, have Power from Time to Time to remove such Deputy or Deputies from his or their Office or Offices, and to nominate and appoint another

another or others to act in his or their Place or Stead during the Abſence of ſuch public Weighmaſter or joint public Weighmaſters from Time to Time as aforeſaid.

Caſks to be of ſeaſoned Oak or Aſh, &c. as herein deſcribed.

XIV. And be it further enacted, That no Perſon ſhall ſell or expoſe to Sale any Caſk or Caſks within any City or Liberties thereof, Town Corporate, Place of Export, or Market Town, for packing of Butter for Sale or Export, or ſhall make up or pack any Butter in any Caſk or Caſks to be expoſed to Sale or for Export in ſuch City, Town Corporate, or Market Town, or Place of Export, unleſs ſuch Caſk or Caſks be made of good ſeaſoned white Oak or Aſh, Sycamore, or Beech, (whereof no Part to be of Bog Timber,) and ſhall be full-bound and made tight, ſo that each Caſk ſhall hold Pickle, with Head and Bottom equally dooled and ſet to the Croſs, with good and ſufficient Hoops on each Caſk; and that every Perſon ſo ſelling or expoſing to Sale any Caſk or Caſks for packing Butter within any ſuch City and Liberties, Town Corporate, Place of Export or Market Town, made otherwiſe than as herein directed, or not being of the Weight herein-after required, being thereof convicted before the Mayor of ſuch City, Chief Magiſtrate of ſuch Town Corporate, or a Juſtice of the Peace for the County in which ſuch Place of Export or Market Town ſhall lie, on a ſummary Hearing by the Oath or Affirmation, as the Caſe may be, of One or more credible Witneſs or Witneſſes, (which Oath or Affirmation the ſaid Mayor, Chief Magiſtrate, and Juſtice, as the caſe may be, is and are hereby empowered and required to adminiſter), or upon the Confeſſion of ſuch Offender, before ſuch Mayor, Chief Magiſtrate or Juſtices (as the Caſe may be), ſhall for every ſuch Caſk forfeit the Sum of Ten Shillings Sterling, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice (as the Caſe may be), which Warrant he or they, as the Caſe may be, are hereby empowered and required immediately to iſſue in caſe of Non-payment upon ſuch Conviction or Confeſſion as aforeſaid; and in caſe ſuch Offender ſhall not have ſufficient Goods and Chattels to ſatisfy ſuch Penalty, then ſuch Offender, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtices, as the Caſe may be, (which Warrant he and they are hereby empowered and required to iſſue), ſhall be committed to the Gaol of ſuch City, Town Corporate, or County at large (as the Caſe may be), there to remain without Bail or Mainprize for any Space of Time not exceeding One Month, nor leſs than One Week, at the Diſcretion of ſuch Mayor, Chief Magiſtrate or Juſtices, (as the Caſe may be); and every Perſon making up or packing any Butter to be expoſed to Sale, or for Export, within any City or Liberties thereof, Town Corporate, Place of Export or Market Town, in any Caſk or Caſks made otherwiſe than as herein directed, or not being of the Weight as herein-after required, or not having the Staves, Head and Bottom thereof of the Thickneſs herein-after required, being thereof convicted on a ſummary Hearing, by the Oath or Affirmation, (as the Caſe may be,) of One or more credible Witneſs or Witneſſes, before the Mayor of ſuch City, Chief Magiſtrate of ſuch Town Corporate, or a Juſtice of the Peace of the County in which ſuch Place of Export or Market Town ſhall lie, where ſuch Offence ſhall be committed, as the Caſe may be, and which Oath or Affirmation ſuch Mayor, Chief Magiſtrate

Perſons expoſing to Sale Caſks not made as herein directed;

Ten Shillings Penalty for each Caſk; how to be recovered.

Perſons packing up Butter in Caſks made otherwiſe than herein directed;

giſtrate or Juſtice of the Peace, is hereby required and empowered to adminiſter, or upon Confeſſion of ſuch Offender before ſuch Mayor, Chief Magiſtrate or Juſtices of the Peace, (as the Caſe may be), ſhall forfeit the Sum of Ten Shillings for every Fifty-ſix Pounds Weight of Butter, and ſo in proportion for every leſs Quantity which ſhall be in ſuch Caſk or Caſks, to be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate, or Juſtices (as the Caſe may be), which Warrant the ſaid Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be, is hereby empowered and required immediately to iſſue, in caſe of Non-payment upon ſuch Conviction or Confeſſion as aforeſaid; and in caſe ſuch Offender ſhall not have ſufficient Goods and Chattels to ſatisfy ſuch Penalty, then ſuch Offender ſhall, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be, (which Warrant ſaid Mayor, Chief Magiſtrate, or Juſtice or Juſtices aforeſaid, as the Caſe may be, is and are hereby empowered and required to iſſue) be committed to the Gaol of ſuch City, Town Corporate or County at large, as the Caſe may be, there to remain without Bail or Mainprize, for any Space of Time not exceeding One Month, nor leſs than One Week, at the Diſcretion of ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be; and that the public Weighmaſter or joint public Weighmaſters of each City, Town Corporate, Place of Export or Market Town, for the Time being, his or their Deputy or Deputies, ſhall not weigh or brand any Butter until the ſame ſhall be made up in Caſks made according to the Directions of this Act; and no Perſon ſhall buy, ſell or expoſe for Sale, any empty Caſk or Caſks for packing of Butter, within any City or Liberties thereof, Town Corporate, Place of Export or Market Town, before ſuch Caſk or Caſks ſhall be weighed and branded by the ſaid public Weighmaſter or joint public Weighmaſters, his or their Deputy or Deputies; which ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, ſhall be and is and are hereby empowered and required to weigh all ſuch empty Caſks, and to allow on Account of Soakage, Two Pounds more on each Caſk which ſhall contain Fifty-ſix Pounds Weight of neat Butter, and Three Pounds for every Caſk which ſhall contain Seventy Pounds Weight of neat Butter, or Three Quarters of an Hundred Weight groſs, and ſo in proportion for every leſs Size; the Weight of which empty Caſks, with the Allowance of Soakage aforeſaid, the ſaid Weighmaſter or joint public Weighmaſters, his or their Deputy or Deputies, is and are hereby required to brand on the Side and Bottom of every ſuch empty Caſk or Caſks, in Figures and not in Letters; and in caſe any Perſon ſhall buy, ſell, or expoſe to Sale, within any City or Liberties thereof, Town Corporate, Place of Export or Market Town, any empty Caſk or Caſks for packing of Butter, not weighed and branded as aforeſaid, every ſuch Perſon (being thereof convicted before the Mayor of ſuch City, Chief Magiſtrate of ſuch Town Corporate, or a Juſtice of the Peace of the County in which ſuch Place of Export or Market Town ſhall lie, and where ſuch Offence ſhall be committed, on a ſummary Hearing by the Oath or Affirmation, as the Caſe may be, of One or more credible Witneſs or Witneſſes, (which Oath or Affirmation the ſaid Mayor, Chief Magiſtrate, or Juſtice aforeſaid, is hereby empowered and required to adminiſter), or upon the Confeſſion of ſuch Offender, ſhall forfeit the Sum of Ten Shillings Sterling for every Caſk ſo brought, or ſold or expoſed

Penalty, Ten Shillings for every 56lbs. and ſo in proportion for a leſs Quantity; recovered by Diſtreſs.

Empty Caſks to be weighed and branded, before expoſed for Sale.

Allowance for Soakage.

Perſons ſelling or expoſing to ſale any empty Caſk or Caſks not branded.

Penalty, 10s. for each.

poſed to Sale as aforeſaid, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice (as the Caſe may be), which Warrant he and they are hereby empowered and required to iſſue immediately upon ſuch Conviction or Confeſſion, in caſe of Non-payment; and in caſe ſuch Offender ſhall not have Goods and Chattels ſufficient to ſatisfy the ſaid Penalty, then ſuch Offender ſhall, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be, (which Warrant every ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be, is hereby empowered and required to iſſue), be committed to the Gaol of ſuch City, Town Corporate, Place of Export, or Market Town ſhall be, and where ſuch Offence ſhall be committed, there to remain, without Bail or Mainprize, for any Space of Time, not exceeding One Month, nor leſs than One Week, at the Diſcretion of ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be; and whenever any ſuch Caſk or Caſks of Butter ſhall be brought to any ſuch Weighmaſter or Weighmaſters, his or their Deputy or Deputies, for the Purpoſe of being weighed, which ſhall not have the Tare branded and marked upon the Side and Bottom of ſuch Caſk or Caſks by the ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, that then it ſhall be lawful for ſuch Weighmaſter or Weighmaſters, his or their Deputy or Deputies, and he and they is and are hereby required to cauſe ſuch Caſk or Caſks to be ſtripped, and ſhall weigh and brand the ſame in like Manner as if ſuch Caſk or Caſks had been brought empty to ſuch Weigh-houſe, but they ſhall not give any Allowance for Soakage on any ſuch Caſk, and it ſhall be lawful for ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, to uſe any other Brand or Mark in Addition to the foregoing, which the ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, ſhall think leaſt liable to be counterfeited; and all empty Caſk or Caſks, or Caſk or Caſks of Butter which ſhall be brought to any Weigh-houſe of any City, Town Corporate, Place of Export, or Market Town, to be weighed and branded, ſhall have the Name of the Cooper who made ſuch Caſk or Caſks, branded in a legible Manner on ſome conſpicuous Part of it or them; and in caſe any empty Caſk or Caſks, or Caſk or Caſks of Butter, ſhall be brought to any of the ſaid Weigh-houſes to be weighed and branded as aforeſaid, not having the Name of the Cooper branded on it or them as aforeſaid, the ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, is and are hereby empowered and required to ſeize and carry ſuch empty Caſk or Caſks, or ſuch Caſk or Caſks of Butter, before the Mayor of ſuch City, Chief Magiſtrate of ſuch Town Corporate, or a Juſtice of the Peace of the County in which ſuch Weigh-houſe ſhall lie (as the Caſe may be), who is hereby empowered and required to enquire into the ſame; and if ſuch Caſk or Caſks ſhall, upon Examination, Inſpection, or due Proof, appear not to be branded with the Name of ſaid Cooper as aforeſaid, he ſhall adjudge ſuch Caſk and Caſks to be forfeited, and the Perſon to whom ſuch Caſk or Caſks of Butter, or empty Caſk or Caſks ſhall belong, ſhall forfeit the Sum of Five Shillings Sterling for every Fifty-ſix Pounds Weight of Butter which ſuch Caſk or Caſks ſhall contain; and the ſaid Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the Caſe may be, is hereby empowered and required to detain ſuch Caſk or Caſks of Butter until ſuch Penalty ſhall be ſatisfied; and if ſuch Penalty ſhall not be ſatisfied within Fourteen Days, ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be, is hereby empowered and required

Caſks not having Tare branded, to be ſtripped.

Cooper's Name on Caſks.

quired to cauſe ſuch Caſk or Caſks of Butter to be ſold by public Auction, and ſhall, out of the Money for which the ſame ſhall be ſold, deduct ſuch Penalty and the reaſonable Expences of ſuch Auction, and ſhall pay the Overplus to the Owner of ſuch Caſk or Caſks of Butter; and in caſe the ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, ſhall weigh and brand any Caſk or Caſks of Butter, or for packing of Butter, not made as herein, or not being of the Weight herein-after directed, or not having the Staves, Bottom and Head thereof of the Thickneſs herein-after mentioned and required, or not branded with the Name of the Cooper as herein required, or ſhall mark or brand any Caſk or Caſks falſely as containing more or leſs than the true Weight, ſuch Weighmaſter or Weighmaſters, his or their Deputy or Deputies being thereof convicted before the Mayor of ſuch City, Chief Magiſtrate of ſuch Town Corporate, or Juſtice of the Peace of the County in which ſuch Place of Export or Market Town ſhall lie, as the Caſe may be, on a ſummary Hearing by the Oath (or Affirmation, if a Quaker) of one or more credible Witneſs or Witneſſes, (which Oath or Affirmation every ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace of the County, as the Caſe may be, is hereby empowered and required to adminiſter), ſhall for every ſuch Caſk not made or branded as herein is directed, or not being of the Weight herein-after preſcribed, or not having the Staves, Bottom and Head thereof of the Thickneſs herein-after required, ſo weighed and branded by him or them, forfeit the Sum of Five Shillings Sterling, and for every Caſk ſo marked or branded falſely, the Sum of Ten Shillings, to be levied in caſe of Non-payment, by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace, as the Caſe may be; which Warrant ſaid Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, is hereby empowered and required to iſſue.

Penalty on Weighmaſter for branding Caſks not made as directed, or branding falſely.

Caſks of Butter for Sale, to be tried, weighed and proved, by Weighmaſter, &c.

XV. And be it further enacted, That all and every Caſk and Caſks of Butter which ſhall be brought into any City or Liberties thereof, Town Corporate, Sea Port or Place of Export, or Market Town, for Sale or for Exportation, ſhall, before the ſame is ſold or expoſed to Sale in, or exported from ſuch City or Liberties thereof, Town Corporate, Sea Port, or Place of Export, or Market Town, be brought to ſome one of the Weigh-houſes aforeſaid, there to be taſted, weighed and proved by ſaid Weighmaſter or Weighmaſters, Taſter or Taſters of ſuch City, Town Corporate, Sea Port, or Place of Export, or Market Town, (as the Caſe may happen to be), his or their Deputy or Deputies, who is and are hereby required ſtrictly according to their reſpective Offices to inſpect the ſame, and before he or they mark or brand or approve the ſame, to ſee that ſuch Butter be merchantable; and in caſe any ſuch Butter ſhall appear not merchantable, ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, Taſter or Taſters, are hereby empowered and required to ſeize the ſame, and carry it, and cauſe the Perſon or Perſons who ſold or expoſed the ſame for Sale, or the Owner thereof, by Summons, to appear before the Mayor of ſuch City, Chief Magiſtrate of ſuch Town Corporate, or a Juſtice of Peace for the County in which ſuch Place of Export or Market Town ſhall lie, where ſuch Butter ſhall be ſo ſold or expoſed for Sale (as the Caſe may be), who is hereby empowered and required to enquire into the ſame; and if ſuch Butter ſhall, upon Examination or Inſpection, or due Proof, appear to him to be unmerchantable, he ſhall adjudge the ſame to be forfeited; and if any ſuch Mayor,

Chief Magiſtrate or Juſtice of the Peace aforeſaid, ſhall be doubtful of the Quality of ſuch Butter, or if either Party require the ſame, ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace as aforeſaid, as the Caſe may be, is hereby empowered and required to ſummon, examine and hear upon Oath, or Affirmation if a Quaker (which Oath or Affirmation ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace, as the Caſe may be, is hereby empowered and required to adminiſter), Two ſkilful, diſintereſted and impartial Perſons, and whom he ſhall conſider and believe to be competent Judges in relation to the Nature and Quality of ſuch Butter, that he may be the better able to determine concerning the ſame; and when ſuch Butter, ſo brought to be ſold, weighed or expoſed to Sale purſuant to this Act, ſhall appear to ſuch Weighmaſter or Weighmaſters, his or their Deputy or Deputies, Taſter or Taſters, to be merchantable; ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, ſhall and is and are hereby required to weigh the ſame, and to brand and mark on the Side of each Caſk the groſs Weight thereof, in Figures, and not in numerical Letters, and to uſe any other Brand or Mark in Addition thereto, which the ſaid Weighmaſter or Weighmaſters, his, or their Deputy or Deputies, ſhall think leaſt liable to be counterfeited; and in caſe the ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, ſhall make uſe of numerical Letters in branding any empty Caſk or Caſks, or Caſk or Caſks of Butter, ſuch Weighmaſter or Weighmaſters, his or their Deputy or Deputies, being thereof convicted, on a ſummary Hearing, upon the Oath of One or more credible Witneſs or Witneſſes, (or Affirmation, if a Quaker), before ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the Caſe may be, (and which Oath or Affirmation every ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, is hereby empowered and required to adminiſter), ſhall forfeit the Sum of Five Shillings for every Caſk ſo branded, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace, as the caſe may be; which Warrant ſaid Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the caſe may be, is hereby empowered and required to iſſue.

In caſe of doubt Two indifferent Perſons to be examined as competent Judges.

If merchantable, to be weighed and branded.

XVI. And be it further enacted, That if any Perſon or Perſons ſhall in any Caſk or Caſks pack up or mix old Butter with new, or mix Bay Salt inſtead of White Salt in packing it, or greater Quanties of Salt than what melts in working it up, and ſhall bring the ſame to any of the ſaid Weigh-houſes, that it ſhall and may be lawful for every ſuch Weighmaſter or Weighmaſters, his or their Deputy or Deputies, and he and they is and are hereby empowered and required to ſeize and carry ſuch Caſk of Butter, and cauſe the Perſon who brought the ſame to be weighed, or the Owner thereof, to be ſummoned to appear before the Mayor, Chief Magiſtrate or Juſtice of the Peace of the County as aforeſaid (as the Caſe may be), who is hereby empowered and required to inquire into the ſame, and if ſuch Caſk ſhall, upon Examination, Inſpection or due Proof, appear to him to contain old Butter mixed with new, or that Bay Salt inſtead of White Salt ſhall have been uſed in packing ſuch Butter, or that greater Quantities of Salt than what melts in it hath been uſed in packing it up, he ſhall adjudge ſuch Caſk or Caſks, with the Butter contained therein, to be forfeited; and if ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid (as the Caſe may be), ſhall be doubtful concerning ſuch

Butter improperly packed to be brought before Mayor, &c.

ſuch Butter, or if either Party require it, ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the Caſe may be, is hereby empowered and required to ſummon, examine, and hear upon Oath or Affirmation as aforeſaid, as the Caſe may be, (which Oath or Affirmation the ſaid Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the Caſe may happen to be, is hereby empowered and required to adminiſter) Two ſkilful, diſintereſted and impartial Perſons, whom he ſhall conſider and believe to be competent Judges in relation to the Nature and Quality of ſuch Butter, that he may be the better able to determine concerning the ſame.

Fees to Weighmaſters, &c.

XVII. And whereas the weighing, examining and branding ſuch empty Caſk or Caſks, and Caſk or Caſks of Butter, are attended with great Expenſe and Trouble; be it therefore enacted, That the Weighmaſter or Weighmaſters of each City, Town Corporate, Place of Export, and Market Town for the Time being, ſhall have and receive from the Perſon bringing the ſame to be weighed and branded, or from the Owner thereof, the Sum of One Penny, and no more, for every ſuch empty Caſk ſo weighed and branded; and for the weighing and branding every Caſk of Butter, Two-pence; and for taſting, proving and marking the Quality One Penny, to be paid to the Perſon ſo taſting, proving and marking the ſaid Butter; and that no Butter ſhall be packed, ſold or expoſed to Sale, in any Caſk exceeding in Weight more than Eighty-four Pounds in the groſs; and that the ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, ſhall not brand any empty Caſk which when full of Butter may weigh more than Eighty-four Pounds groſs, nor leſs than Twenty-eight Pounds Groſs; and that the Tare of every ſuch Caſk or Caſks ſhall be Twenty Pounds Weight *per* hundred Weight on the Groſs Weight thereof, or to be deducted in that Proportion though it ſhall weigh leſs; and that upon Refuſal to pay the reſpective Fees aforeſaid, or any of them, by the Perſon or Perſons liable by this Act to pay the ſame, it ſhall and may be lawful for ſuch Weighmaſter or Weighmaſters, his or their Deputy or Deputies, Taſter or Taſters, to detain ſuch Caſk or Caſks until Satisfaction be made according to the true Intent and Meaning of this Act; and that every Caſk or Caſks ſhall have the Staves thereof as nearly of an equal Thickneſs as may be; and that the Head and Bottom of ſuch Caſk ſhall be of due Thickneſs, in Proportion to the Size of ſuch Caſk or Caſks; and if any Caſk of Butter which ſhall be brought to any of the Weigh-houſes aforeſaid, ſhall have the Butter in it packed above the Riddle of ſuch Caſk, ſuch Caſk of Butter ſhall not be weighed until the Surface of ſuch Butter ſhall be reduced to a Level with the Corner Edge of ſuch Riddle; and in caſe the Tare marked on any Caſk of Butter which ſhall be brought to any of the ſaid Weigh-houſes to be weighed, ſhall not be in the Proportion aforeſaid to the groſs Weight of ſuch Caſk, it ſhall be lawful for the ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, and he and they are hereby required to eraſe ſuch Tare from ſuch Caſk, and to mark and brand thereon ſuch Tare as ſhall bear that Proportion to the groſs Weight thereof which by this Act is required.

No Butter in Caſks to exceed 84 lbs. in the Groſs.

Tare in proportion to Weight Groſs.

Staves, Head and Bottom of Caſks.

Butter not to be above the Riddle.

Tare to be according to the proportionate Weight of Caſks.

Penalty for buying or ſelling Caſks of Butter not branded.

XVIII. And be it further enacted, That if any Caſk or Caſks of Butter ſhall be tried or bored at any other Place ſave only at one of ſaid Weigh-houſes, or bought, ſold or expoſed to Sale, within any City or

the Liberties thereof, Town Corporate, Place of Export, or Market Town, before the ſame ſhall have been duly tried, weighed and branded at any one of the ſaid Weigh-houſes heretofore appointed or hereafter to be appointed purſuant to the Directions of this Act, both the Buyer and Seller of ſuch Caſk, or the Perſon or Perſons ſo trying or boring ſuch Caſk or Caſks of Butter, and the Perſon or Perſons ſo buying, ſelling or expoſing to Sale ſuch Caſk or Caſks of Butter before the ſame ſhall have been duly tried, weighed, approved and branded as aforeſaid, being thereof convicted before ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace of the County, as the Caſe may be, on a ſummary Hearing, by the Oath (or Affirmation, if a *Quaker*) of One or more credible Witneſs or Witneſſes, (which Oath or Affirmation, the ſaid Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be, is hereby empowered and required to adminiſter), or on Confeſſion of the Party or Parties before ſuch Mayor, Magiſtrate or Juſtice, as the Caſe may be, ſhall each of them forfeit for each Caſk of Butter ſo tried, bored, bought, ſold or expoſed to Sale, the Sum of Twenty Shillings, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be, (which Warrant every ſuch Mayor, Chief Magiſtrate, as the Caſe may be, is hereby empowered and required immediately to iſſue upon ſuch Conviction in caſe of Non-payment of ſaid Penalty); and in caſe ſuch Offender or Offenders ſhall not have Goods and Chattels ſufficient to ſatisfy and anſwer ſaid Penalty or Penalties, ſuch Offender or Offenders ſhall be committed to the Gaol of ſuch City, Town Corporate or County Gaol, as the Caſe may be, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may happen to be, (which Warrant every ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be, is hereby empowered and required to iſſue) there to remain without Bail or Mainprize, for any Space of Time not exceeding Two Months, or for leſs than One Week, at the Diſcretion of ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may happen to be; and if any Perſon or Perſons who ſhall bore any Caſk or Caſks of Butter within any City or Liberties thereof, Town Corporate, Place of Export, or Market Town, ſhall not return the Butter taken out by ſuch boring into its own proper Cavity in ſuch Caſk or Caſks, ſuch Perſon or Perſons being thereof convicted in Manner aforeaid, by ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the Caſe may be, ſhall forfeit for every ſuch Caſk the Sum of Ten Shillings, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the Caſe may be (which Warrant every ſuch Mayor, Chief Magiſtrate or Juſtice aforeſaid, as the Caſe may be, is hereby empowered and required to iſſue); and in caſe ſuch Offender or Offenders ſhall not have ſufficient Goods and Chattels to ſatisfy and anſwer ſuch Penalty, then ſuch Offender or Offenders ſhall be committed, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate, or Juſtice as aforeſaid, as the Caſe may be, (which Warrant every ſuch Mayor, Chief Magiſtrate or Juſtice as aforeſaid, as the Caſe may be, is hereby empowered and required to iſſue), to the Gaol of ſuch City, Town Corporate, or Place of Export, or County at large, as the Caſe may happen to be, there to remain without any Bail or Mainprize, for a Space of Time not exceeding One Month, nor leſs than One Week, at the Diſcretion of ſuch Mayor, Chief Magiſtrate or Juſtice aforeſaid, as the Caſe may be.

20s. Fine, as herein.

Penalty, not returning Butter into Cavity from whence bored.

Penalty for buying or selling Butter otherwise than as herein directed.

XIX. And be it further enacted, That all and every Person or Persons who shall either buy or sell any Cask or Casks of Butter at any greater or less Tare, or shall take or give any greater or less Quantity or Allowance than the Tare and Allowance for Soakage branded on such Cask or Casks of Butter, or who shall buy or sell any Cask or Casks of Butter by Hand and not by Weight, such Person or Persons so buying or selling at a greater or less Quantity or Tare, or Allowance for Soakage than as aforesaid, notwithstanding any Contract between the Person or Persons so selling, and the Person or Persons so buying by Hand and not by Weight, on being convicted thereof before the Mayor of any City, Chief Magistrate of any Town Corporate, or a Justice of the Peace of the County where there is a Seaport or Place of Export, or Market Town as aforesaid, and where such Offence shall be committed, as the Case may be, by the Oath of one or more credible Witness or Witnesses, or Affirmation of a Quaker, (which Oath or Affirmation every such Mayor, Chief Magistrate or Justice of the Peace aforesaid, as the Case may happen to be, is hereby empowered and required to administer, or on the Confession of the Party or Parties before such Mayor, Chief Magistrate or Justice aforesaid, as the Case may be), shall each of them forfeit the Sum of Ten Shillings for every such Cask of Butter so bought or sold by Hand as aforesaid, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Mayor, Chief Magistrate or Justice of the Peace aforesaid, as the Case may be, (which Warrant every such Mayor, Chief Magistrate or Justice as aforesaid, as the Case may be, is hereby empowered and required to issue); and if in case such Offender or Offenders shall not have Goods and Chattels sufficient to answer and satisfy such Penalty or Penalties, such Offender or Offenders shall by Warrant under the Hand and Seal of such Mayor, Chief Magistrate or Justice aforesaid, as the Case may be, (which Warrant every such Mayor, Chief Magistrate or Justice as aforesaid, is hereby empowered and required to issue), be committed to the Gaol of such City, Town Corporate or County at large, as the Case may be, there to remain without any Bail or Mainprize, for a Space of Time not exceeding One Month, or less than One Week, at the Discretion of such Mayor, Chief Magistrate or Justice aforesaid, before whom such Conviction shall be had.

If Revenue Officer permit Butter not branded, to be exported,

XX. And be it further enacted, That if from and after the Commencement of this Act, any Landwaiter or other Revenue Officer entrusted with the lading or putting on board any Butter for the Purpose of being exported from *Ireland*, shall permit or suffer any Cask or Casks of Butter to be shipped or laden on board any Ship, Boat or Vessel, in order to be exported as Merchandize, (any Quantity of Butter in Casks needful and necessary for the real and *bonâ fide* use of the Crew of such Ship, Boat or Vessel, only excepted), without having been previously weighed, branded, and marked by the Weighmaster of the Seaport or Place of Export where such Butter shall be shipped or put on board, as directed by this Act, every such Landwaiter or other Revenue Officer who shall so offend, shall forfeit and pay the Sum of Ten Shillings for every Cask which he shall permit to be so shipped or loaded on board any Ship, Boat or Vessel, to be recovered, disposed of, and applied, as is herein-before last immediately

Penalty 10s.

mediately directed and appointed as to other Penalties of the like Amount.

Butter bought by Weighmaster, &c. or Perſons in their Employment, ſhall be forfeited, or the Value thereof.

XXI. And be it further enacted, That no Weighmaſter or Weighmaſters, his or their Deputy or Deputies, Taſter or Taſters, or any Cooper or other Perſon employed in any Weigh-houſe aforeſaid, or any Perſon in Truſt for him, them, or any of them, ſhall buy, ſell, contract or treat for any Caſk or Caſks of Butter; and in caſe any Weighmaſter or Weighmaſters, his or their Deputy or Deputies, Taſter or Taſters, ſuch Cooper or other Perſon ſo employed in any ſuch Weigh-houſe or Weigh-houſes, or any Perſon in Truſt for him, them, or any of them, ſhall buy, ſell, contract or treat for any Caſk or Caſks of Butter, the ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, Taſter or Taſters, ſuch Cooper or other Perſon ſo employed in any of the ſaid Weigh-houſes, being thereof convicted before the Mayor of any City, Chief Magiſtrate of any Town Corporate, or a Juſtice of the Peace for the County where ſuch Place of Export or Market Town ſhall lie, and where ſuch Offence ſhall be ſo committed, as the Caſe may be, on the Oath of One or more credible Witneſs or Witneſſes, or Affirmation if a Quaker, (which Oath or Affirmation every ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the Caſe may be, is hereby empowered and required to adminiſter), ſhall forfeit the Butter ſo bought, ſold or contracted for by him, them, or any of them, or by any Perſon in Truſt for him, them, or any of them, or the Value thereof, to be recovered in like Manner as the Penalty for buying Butter by Hand, and not by Weight as herein directed; and that no Perſon who keeps a Public Houſe, nor any Cooper during the Time ſuch Cooper ſhall exerciſe and follow the Trade or Myſtery of a Cooper, or ſhall employ any Apprentice or other Perſon in making Caſks for packing up Butter for his Uſe or in Truſt for him, ſhall be capable of being a Weighmaſter or Deputy Weighmaſter for weighing of Butter within the Meaning of this Act, any Thing in this Act or any former Law to the contrary notwithſtanding: Provided always, that nothing herein contained ſhall preclude ſuch Weighmaſter or Weighmaſters, his or their Deputy or Deputies, Taſter or Taſters, or ſuch Cooper or other Perſon, from purchaſing or having in his Poſſeſſion One Caſk of Butter at a Time, not exceeding Eighty-four Pounds groſs Weight, for the Uſe of his or their Family or Families, and no more.

No Publican or Cooper to be a Weighmaſter.

Weighmaſter or Deputy may have One Caſk for Family Uſe.

Penalty for having Brands for marking other Coopers Names.

XXII. And be it further enacted, That if any Perſon or Perſons ſhall make, or have in his, her or their Poſſeſſion, any Brand, Mark or Inſtrument, for the Purpoſe of branding or marking on any Caſk or Caſks for packing up Butter, any Name purporting to be the Name of any Maſter Cooper who made, or for whom ſuch Caſk or Caſks were made, other than the Name of ſuch Maſter Cooper, every ſuch Perſon being thereof convicted before the Mayor of any ſuch City, Chief Magiſtrate of ſuch Town Corporate, or a Juſtice of Peace for the County in which ſuch Place of Export or Market Town as aforeſaid ſhall lie, as the Caſe may be, by the Oath of One or more credible Witneſs or Witneſſes, or Affirmation if a Quaker, (which Oath or Affirmation ſuch Mayor, Chief Magiſtrate or Juſtice aforeſaid, as the Caſe may be, is hereby empowered to adminiſter), ſhall forfeit for every ſuch Offence the Sum of Five Pounds Sterling, to be levied

levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice as aforeſaid, as the Caſe may be, (which Warrant the ſaid Mayor, Chief Magiſtrate or Juſtice aforeſaid, as the Caſe may be, is hereby required to iſſue); and in caſe ſuch Offender or Offenders ſhall not have Goods and Chattels ſufficient to anſwer and ſatisfy ſuch Penalty, then ſuch Offender or Offenders ſhall be committed to the Gaol of ſuch City, Town Corporate, or County at large, as the Caſe may be, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice aforeſaid, as the Caſe may be, (which Warrant every ſuch Mayor, Chief Magiſtrate or Juſtice, as the Caſe may be, is hereby empowered and required to iſſue), there to remain without any Bail or Mainprize for a Space of Time not exceeding Six Months, nor leſs than One Month, at the Diſcretion of ſuch Mayor, Chief Magiſtrate or Juſtice as aforeſaid, as the Caſe may be; and if any Perſon ſhall brand or mark any Caſk or Caſks for packing up Butter, with any Brand or Mark purporting to be the Name of any Maſter Cooper who made ſuch Caſk or Caſks, or for whom ſuch Caſk or Caſks were made, other than the Name of ſuch Maſter Cooper, ſuch Perſon or Perſons being thereof convicted in Manner aforeſaid, ſhall forfeit for every ſuch Caſk the Sum of Ten Shillings, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Mayor, Chief Magiſtrate or Juſtice aforeſaid, as the Caſe may be, (which Warrant every ſuch Mayor, Chief Magiſtrate or Juſtice aforeſaid, as the Caſe may be, is hereby empowered and required to iſſue); and in caſe ſuch Offender or Offenders ſhall not have Goods and Chattels ſufficient to anſwer and ſatisfy ſuch Penalty, then the ſaid Offender or Offenders ſhall be committed by Warrant as aforeſaid, to the Gaol of ſuch City, Town Corporate or County at large, as the Caſe may be, there to remain without Bail or Mainprize, for a Space of Time not exceeding Two Months, nor leſs than One Week, at the Diſcretion of ſuch Mayor, Chief Magiſtrate, or Juſtice of the Peace aforeſaid, as the Caſe may happen to be.

Caſks not made conformable to Act, to be brought before Mayor, &c.

XXIII. And be it further enacted, That if any Weighmaſter or Weighmaſters of any City, Town Corporate, Place of Export, or Market Town, his or their Deputy or Deputies, ſhall find on Examination, that any Caſk or Caſks for the packing of Butter, which ſhall be brought to any of the Weigh-houſes aforeſaid, to be weighed or branded, is or are not made conformable to this Act, or are not of the Weight herein mentioned and required, or have not the Staves, Head, and Bottom thereof, of the Thickneſs herein required, that then it may and ſhall be lawful for ſaid Weighmaſter or Weighmaſters, his or their Deputy or Deputies, to ſeize ſuch Caſk or Caſks, and carry the ſame before the Mayor of ſuch City, Chief Magiſtrate of ſuch Town Corporate, or a Juſtice of the Peace for the County in which ſuch Place of Export or Market Town ſhall lie, as the Caſe may be; which Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the Caſe may be, is hereby empowered and required to enquire concerning the ſame; and if ſuch Caſk or Caſks ſhall upon Examination, Inſpection, or due Proof before him, appear to be made contrary to Law, or not to be of the Weight hereby required, or not to have the Staves, Head and Bottom thereof of the Thickneſs herein required, he ſhall order ſuch Caſk or Caſks to be ſawed in Two acroſs; and if ſuch Mayor, Chief Magiſtrate or Juſtice of the Peace aforeſaid, as the Caſe may be, ſhall be doubtful of the Quality of

such Cask or Casks, or if any of the Parties concerned require the same, such Mayor, Chief Magistrate or Justice aforesaid, as the Case may be, is hereby empowered and required to summon, examine, and hear upon Oath, or Affirmation if a Quaker, (which said Oath or Affirmation such Mayor, Chief Magistrate or Justice aforesaid, as the Case may be, is hereby empowered and required to administer), Two able, disinterested, and impartial Master Coopers, in relation to the Nature and Quality of the same, that he may be better able to determine concerning the same.

Sale of Cask or Butter forfeited.

XXIV. And be it further enacted, That whenever the Mayor of any City, Chief Magistrate of any Town Corporate, or Justice of the Peace for the County in which there is such Place of Export, or Market Town as aforesaid (as the Case may be), shall declare any Cask or Casks of Butter to be forfeited pursuant to the Powers given him in this Act, he shall, within Fourteen Days, cause the same to be sold by Public Auction to the highest Bidder; and that the Money for which such Cask or Casks of Butter shall be sold, shall, after defraying the reasonable Expences of such Sale by Auction, be equally divided; One Half thereof to go to the Person or Persons who shall have seized such Cask of Butter, and the other Half to go to the Governors of the Workhouse or House of Industry of such City, Town Corporate, or County at large (as the Case may happen to be), to be by them applied in Aid of the Fund of such Workhouse or House of Industry; and in case there shall not be any such Workhouse or House of Industry, then that such Half shall be given and shall go to the Poor of the Parish where such Offence shall have been committed; and that every Penalty to be levied by Distress for any Offence under this Act, and not herein otherwise disposed, shall be equally divided; One Half thereof to go to the Party informing against and prosecuting every such Offence, (and which Party is and are hereby declared to be competent Witness or competent Witnesses in every such Case), and the other Half to go the Governors of such House of Industry or Workhouse aforesaid (as the Case may be), to be by them applied as aforesaid; and in case of no such House of Industry or Workhouse, such Half to go the Poor of the Parish where such Offence shall have been committed; and the Person to whom any Warrant of Distress for levying such Distress, and who shall actually levy the same, shall, for his Trouble, have and receive the following Fees; *videlicet*, Two Shillings if the Penalty do not exceed Forty Shillings, One Shilling in the Pound for every Penalty above Forty Shillings and not exceeding Five Pounds Sterling, and Sixpence in the Pound for every Penalty above Five Pounds; said Fees to be levied on the Goods and Chattels of the Person or Persons who shall incur such Penalties, in like Manner as the Penalties themselves are by this Act directed to be levied.

Penalties going to House of Industry to be received and accounted for by Weighmaster, deducting 5l. per Cent.

XXV. And be it further enacted, That the Weighmaster or Weighmasters aforesaid, his or their Deputy or Deputies, and he and they is and are hereby directed and required to receive all such Penalties and Forfeitures as by this Act are to go to the Governors of any House of Industry or Workhouse (as the Case may be), and shall account quarterly upon Oath, or Affirmation if a Quaker, with such Governors (and which Oath or Affirmation such Governors are hereby empowered and required to administer) for the said Penalties and Forfeitures received by them respectively, deducting Five Pounds Sterling out of every Hundred Pounds, and so in Proportion, as a Recompence for his Trouble.

No Replevin.

XXVI. And be it further enacted, That whenever any empty Cask or Casks for packing up Butter shall be seized or brought before the Mayor of any City, Chief Magistrate of any Town Corporate, or Justice of the Peace for any County where there is such Place of Export or Market Town aforesaid (as the Case may be), or shall be adjudged and condemned, or whenever any Distress is or shall be taken pursuant to this Act, no Replevin shall lie, but the Judgment of such Mayor, Chief Magistrate, or Justice, shall be final and conclusive; and that if any Person or Persons shall be sued, molested, or troubled, for putting in Execution any of the Powers contained in this Act, or for doing any Matter or Thing pursuant thereto, such Person or Persons may plead the General Issue, and give the Special Matter in Evidence; and if the Plaintiff or Plaintiffs shall be nonsuited, or Judgment given against him, her, or them by Default, or upon Demurrer, or a Verdict shall pass for the Defendant or Defendants, shall have his or their Treble Costs, to be recovered in such Manner as where by Law Costs are awarded and given to Defendants.

General Issue.

Treble Costs.

City of Cork and Liberties excepted.

XXVII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be considered, construed, or taken to extend, to the Butter Trade of the City of *Cork*, or the Liberties thereof.

Appointment of Weighmasters for certain Liberties.

XXVIII. And whereas, by several Acts now or lately in force, Weigh-houses and Weighmasters have been long established in the Liberties of *Saint Sepulchre* and of *Thomas Court* and *Donore*, which said Liberties are situate within the County of the City and County of *Dublin*: And whereas it may happen that Weigh-houses and Weighmasters may have been established by virtue of certain Laws and Customs in force in certain other Liberties in *Ireland*, and it is expedient that Weigh-houses should be continued within all such Liberties, and be subject and liable to the same Regulations to which any Weigh-house or Weighmaster, to be erected, established, appointed, or continued in any Places by virtue of this Act, is or may be liable or subject; be it therefore enacted, That the Lord of any Manor, or Seneschal of any Liberty, under and by virtue of any Law or Custom in force at the Time of the passing of this Act, and which shall have been put in force or acted under for the Space of Six Years before the passing of this Act, shall respectively according to such Law or Custom have full Power and Authority to appoint One Weighmaster for each and every such Manor or Liberty, for Butter and Tallow, to weigh, brand, and mark all such Casks and Commodities, and take and receive all such Sum and Sums of Money for weighing, branding, and marking the same, as any Weighmaster or Weighmasters nominated and appointed, or to be appointed by or in pursuance of this Act, can or may have, exercise, take, or receive by virtue of this Act; and after such Casks or Commodities shall be weighed, branded, or marked by the Weighmaster of the said respective Liberties as aforesaid, such Casks or Commodities shall and may be exported in such Sort and Manner as if weighed by the Weighmaster of any Place under the Direction of this Act, any Clause, Matter, or Thing in this Act contained to the contrary notwithstanding; which said Weighmasters and their respective Deputies shall be subject and liable to all the Regulations, Pains, and Penalties to which any other Weighmasters or their Deputies appointed by this Act or in pursuance thereof are subject and liable, under the Direction and Controul of the Lord or Seneschal of any such Manor or Liberty respectively.

XXIX. And,

XXIX. And, for the more effectually enforcing and carrying into Execution the Provisions of this Act, be it further enacted, That on Complaint or Information in Writing before the Mayor of any City, Chief Magistrate of any Town Corporate, or Justice of the Peace for the County in which there is such Place of Export or Market Town as aforesaid, (as the Case may be), of any Offence having been committed against this Act, every such Mayor, Chief Magistrate, or Justice aforesaid, (as the Case may be), is hereby authorized and required to summon the Person or Persons charged with being an Offender or Offenders against this Act, to appear before him at a certain Time and Place to be specified, and which Time for such Appearance shall not be less than Forty-eight Hours after the issuing of such Summons, such Mayor, Chief Magistrate, or Justice, as the Case may be, Proof on Oath, if any Person or Persons so summoned shall not appear according to such Summons, having been first made, which Oath the said Mayor, Chief Magistrate, or Justice is hereby empowered and required to administer, of the Service of such Summons upon such Person or Persons, by delivering the same to him, her, or them personally, or leaving the same at his, her, or their usual Place of Abode or Places of Residence Forty-eight Hours at least before the Time specified in such Summons for his, her, or their Appearance, shall make and issue his Warrant or Warrants for apprehending the Person or Persons so summoned and not appearing as aforesaid, and for bringing him or them before such Mayor, Chief Magistrate or Justice aforesaid, as the Case may be; and it also shall be lawful for such Mayor, Chief Magistrate, or Justice aforesaid, as the Case may be, in case such Person or Persons cannot be apprehended and brought before him, or upon his or their appearing upon such Summons, such Mayor, Chief Magistrate, or Justice aforesaid, as the Case may be, is hereby authorized and required to make Enquiry touching the Matters complained of, and to proceed thereon according to the several Provisions of this Act.

Mayor, &c. may issue Warrants against Offenders, who when summoned do not attend.

XXX. And be it further enacted, That it shall and may be lawful for every such Mayor, Chief Magistrate, or Justice of the Peace aforesaid, and before whom any such Complaint or Information shall be made as aforesaid, and he is hereby authorized and required, at the Request of any of the Parties, to issue his Summons to any Witness or Witnesses, to appear within the Space of Twenty-four Hours, and give Evidence before such Mayor, Chief Magistrate, or Justice aforesaid, as the Case may be, at the Time and Place appointed for hearing and determining such Complaint, and which Time and Place shall be specified in such Summons; and if any Person or Persons so summoned to appear as a Witness or Witnesses as aforesaid, shall not appear, or shall not give a sufficient Excuse for his, her, or their Default, or if any Person or Persons appearing according to such Summons shall not submit to be examined as a Witness or Witnesses, and give his, her, or their Evidence touching the Matter of such Complaint, then and in every such Case it shall be lawful for such Mayor, Chief Magistrate, or Justice aforesaid, as the Case may be, and he is hereby required and empowered and authorized, Proof on Oath (which Oath the said Mayor, Chief Magistrate, or Justice aforesaid, as the Case may be, is hereby required and empowered to administer in the Case of any Person not appearing according to such Summons) having been first made of the due Service of such Summons on every such Person, by delivering the same to him, her, or them, or by leaving the same at his, her, or their usual Place

Proceedings before Mayor, &c.

of Abode, by Warrant under the Hand and Seal of such Mayor, Chief Magistrate, or Justice aforesaid, as the Case may be, to commit such Person or Persons so making Default in appearing, or appearing and refusing to give Evidence, to the Gaol of such City, Town Corporate, or County, as the Case may be, to remain without Bail or Mainprize until such Person or Persons shall submit himself, herself, or themselves to be examined, and give his, her, or their Evidence touching the Matter of such Complaint as aforesaid.

Witnesses not appearing, or refusing to give Evidence, to be committed.

Custom House Officers may seize Butter illegally packed, imported into any Port in Great Britain.

XXXI. And be it further enacted, That whenever any Butter made in *Ireland* shall at any Time after the Commencement of this Act be imported into any Port of *Great Britain*, it shall and may be lawful for any Officer or Officers of Customs of such Port of Importation, to search and examine the Casks in which such Butter shall be packed; and in case any Butter so imported shall be packed in any Cask or Casks not authorized by this Act, or in any Manner contrary to the Directions of this Act, such Butter and Casks in which the same shall be imported shall be forfeited, and may be seized by such Officer of the Customs, and he is hereby authorized and empowered to seize the same accordingly; and One Half of the Value of the Butter so forfeited and seized shall go to His Majesty, His Heirs and Successors, and the other Half to the Officer so seizing the same; and such Forfeitures shall and may be recovered by all such Ways and Means in like Manner as any Forfeiture may be recovered under any Act or Acts relating to the Customs in force in *Great Britain*.

Commencement of Act.

XXXII. And be it further enacted, That this Act, and all and singular the several Provisions and Regulations herein contained and mentioned, shall commence and be in force from the First Day of *April* which will be in the Year One thousand eight hundred and thirteen, and not sooner, except where any other Time is specially mentioned for the Commencement of any Clause or Provision herein-before contained.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1812.