

Anno Regni
G E O R G I I II.
R E G I S

Magne Britanniae, Franciae, & Hiberniae,

DECIMO SEPTIMO.

At the Parliament begun and holden at *Westminster*,
the First Day of *December*, *Anno Dom.* 1741, in
the Fifteenth Year of the Reign of our Sovereign
Lord *GEORGE* the Second, by the Grace of
God, of *Great Britain, France*, and *Ireland*
King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the First Day
of *December*, 1743, being the Third Session of this present
Parliament.



L O N D O N,

Printed by *Thomas Baskett* and *Robert Baskett*,
Printers to the King's most Excellent Majesty. 1743.

Anno decimo septimo

Georgii II. Regis.

An Act to prevent the committing of Abuses in the weighing and packing of Butter, in the Town and Borough of *New Malton* in the County of *York*.



Whereas great Quantities of ^{Preamble.} Butter made and produced in several Parts of the County of York, are brought into the Town and Borough of New Malton, where there is a navigable River, in order to be from thence transported beyond the Seas, and otherwise sold and disposed of: And whereas there hath been for Time out of mind a free Market for Butter within the said Town and Borough of New Malton; but there is not (as in some other adjacent Markets) any particular Place provided and appointed within the said Town and Borough, to which such Butter shall be brought, in order to be searched, weighed, and sealed before the same be sold at the said Market; and for want of which, great Frauds and Impositions have been made and committed by several Farmers, Dairymen, and other Persons trading in Butter, which hath tended to the Disparagement of the said Commodity, in the Markets both at Home and Abroad, and to the great prejudice of the fair Dealer, and of the Butter Trade in general: Wherefore, for preventing such Frauds and Abuses for the future, and for the better

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encouraging

encouraging the said Butter Trade ; may it please Your most Excellent Majesty, at the humble Request of the Borough Bailiff, and Inhabitants of the said Borough of New Malton, and of several other Persons residing near the said Borough, that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of May, which shall be in the Year of our Lord One thousand seven hundred and forty four, the Staith Yard, adjoining on a Street called Yorker's Gate, within the said Town and Borough of New Malton, or such other Part or Place within the said Town and Borough, as the Borough Bailiff of the said Town and Borough shall from time to time judge most commodious and convenient, and shall for that Purpose, by Writing under his Hand and Seal appoint, shall be every Day in the Week (except Sundays) a free and open Market for Butter ; and that it shall and may be lawful for any Person or Persons to buy or sell any Butter in the said Market without any Disturbance ; and that from and after the said first Day of May, all Butter brought to the said Town or Borough of New Malton, or to any Part of the Parish or Precincts of Old Malton, or to any Place within One Mile of the said Town or Borough of New Malton, in Firkins, Half-firkins, Cubs, or other Casks, or in Pots, or other Vessels, in order to be sold, or to be carried, exported, or water-boyme from the said Town and Borough of New Malton, or from the Parish or Precincts of Old Malton, or Places adjacent, as aforesaid, shall be brought to the said Butter Market before mentioned and appointed, or to be appointed as aforesaid, within the said Town and Borough of New Malton, to be there viewed, searched, weighed, and sealed with the Seal of the said Market, which the proper Officer for the time being, is hereby required to do ; and that it shall and may be lawful to and for the said Borough Bailiff, and his Successors, or their proper Officers for the time being, appointed, from time to time, and at all Times after the said first Day of May, to ask, demand, receive, and take, of and from every Person and Persons that shall bring any Butter to the said Market, or Place aforesaid, to be searched and weighed, for the searching, weighing, and sealing thereof, the several Rates and Duties herein after mentioned, and no more ; (that is to say) for every such Firkin as aforesaid One Halfpenny, and so proportionably, for any Butter
put

Place where
the Market is
to be kept ;

and when.

Duty for
searching,
weighing, &c.

put into every Tub or Vessel containing any greater or lesser Quantity of Butter than one Firkin; and in case of Refusal, Neglect, or Denial of Payment, on Demand, of the said several Rates and Prices before mentioned, the said Borough Bailiff, and his Successors, shall or may detain and make stay of any Firkin, Half-firkin, Cask, Pot, Tub, or Vessel of Butter, for which the said Rates and Prices ought to be paid, until they shall be paid and satisfied for the same.

And for the further Prevention of any Fraud or Abuse in the Weight, or false Packing of Butter, be it further enacted by the Authority aforesaid, That if any Dairyman, Farmer, or other Person or Persons making or trading in Butter, do or shall, from and after the said First Day of May, bring any Butter in Firkins, Half-firkins, or other Casks, Pots, or Vessels, as aforesaid, to the said Town or Borough of New Malton, or to the Parish or Precincts of Old Malton, or Places adjacent, as aforesaid, to be sold, or to be carried, exported, or water-borne from thence as aforesaid, or from any Part of the River Derwent, within one Mile of the said Town or Borough of New Malton, and shall sell, carry away, or transport the same, before it be brought to the said Butter Market, to be there viewed, searched, weighed, and sealed; every Person so offending shall, upon Proof thereof made by one or more credible Witnesses or Witnessesses, upon Oath before any Justice of the Peace of any of the Ridings within the said County of York, where the Offence shall be committed, forfeit for every Firkin, Half-firkin, or other Cask, Pot, or other Vessel, the Sum of Three Shillings and four Pence; and in Default of Payment thereof upon Demand, the same shall or may be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of any one or more Justice or Justices of the Peace of any of the Ridings within the said County of York as aforesaid (restoring to the Offender the Overplus, the Charges of distraining being first deducted) and the one half of such Forfeitures shall be to the Use of the poor People inhabiting within the Parish where the Offence shall be from time to time committed, to be paid to the Churchwardens and Overseers of the Poor of and in such Parish, and the other half to the Informer or Informers.

And whereas by an Act of Parliament made in the Thirteenth and Fourteenth Years of the Reign of the late King Charles the Second, intituled, An Act for reforming of the Abuses committed in the Weight and false Packing of Butter, the Weight thereof is ascertained, and

Penalty on
Frauds.

Limitation of
Actions.

Officer for
searching, &c.
to be appointed
by the Bailiff.

Power of
Appeal.

Proviso.

Limitation of
Actions.

Provision is made for preventing Frauds and Abuses in the packing and making up the same, in the Manner, and under the Pains and Penalties therein mentioned; now it is further enacted by the Authority aforesaid, That if any Firkin, Half-firkin, or Pot, or other Vessel of Butter, which, from and after the said first Day of May, shall be brought to the Market or Places aforesaid by any Farmer, Dairyman, Packer of or Dealer in Butter, shall be found upon the searching and weighing thereof to be faulty or defective in the due Quantity or Quality ascertained, prescribed, and appointed by the said last mentioned Act, every such Farmer, Dairyman, Packer of, or Dealer in Butter, shall be liable to such Pains, Penalties, and Forfeitures as are mentioned, contained, and expressed in the said recited Act, to be levied as aforesaid; provided that every Prosecution or Suit which shall be brought for any Offence committed against this Act, shall be commenced within four Months after the Offence committed.

Provided always, That the Officer or other Person to be appointed for the searching, weighing, and sealing of the said Firkins, Half-firkins, or other Casks or Pots of Butter, shall be appointed by the Borough Bailiff of the said Town or Borough of New Malton for the time being, and shall be sworn at the General Quarter-sessions to be held for the North Riding of the said County next after Easter yearly for the due Execution of the said Office.

Provided also, That if any Person or Persons shall think him or themselves aggrieved by any Determination of any Justice or Justices of the Peace, who shall at any time act in pursuance of the Power to him given by this Act, it shall and may be lawful to and for such Person or Persons to appeal to the next General Quarter-sessions of the Peace to be held for the Riding where the said Offence was committed; the Determination whereof shall be final and conclusive to all Parties; and they are hereby impowered to award Costs to either Party, as to them shall seem meet, in respect of such Appeal.

Provided also, and be it further enacted, That nothing in this Act contained shall extend to compel the bringing to the said Market, or Places aforesaid, any Vessel of Butter which shall contain but the Quantity of four Pounds of Butter, or under, or to make the same Vessels liable to the said Duty; any thing in this Act contained to the contrary notwithstanding.

And be it enacted, That in all Actions and Suits that shall be brought against any Person or Persons for what

he or they shall do in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the fact committed, and not afterwards; and shall be laid and brought in the said County of York, and not elsewhere; and the Defendant or Defendants in such Action or Suit to be brought, shall and may plead the General Issue, Not guilty, and give the special Matter in Evidence; and in every such Case, if the Verdict shall pass for such Person or Persons, or that the Plaintiff or Plaintiffs be nonsuit therein, or in case such Action or Suit shall be discontinued, the Person so sued shall have his double Costs, and shall recover the same as in Cases where Costs by Law are accustomed to be recovered.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

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