

APPENDIX B TO FIRST REPORT (1819) ON WEIGHTS AND MEASURES

ABSTRACT OF THE STATUTES RELATING TO WEIGHTS AND MEASURES IN FORCE IN 1819

The provisions for the regulation of Weights and Measures relate, -1st, To the principle of uniformity, and its modifications: -2dly, To the original determination of the Standards, and the definition of the terms by which they are denoted: -3rdly, To the manner in which the Weights and Measures are to be employed: -4thly, To the persons who are charged with the enforcement of the laws respecting them: - and 5thly, To the penalties incurred by a breach of those laws. Some general Conclusions and Remarks will also suggest themselves, in the 6th place, as derived from the historical progress of the legislative measures which have been adopted.

1. GENERAL - PRINCIPLE OF UNIFORMITY, AND ITS MODIFICATIONS

A general uniformity of Weights and Measures is so obviously desirable in every commercial country, in order to the saving of time, the preventing of mistakes, and the avoiding of litigation, that its establishment has been a fundamental principle in the English construction from time immemorial, and it has occasionally been enforced by penal statutes, and by various other legislative enactments. At the same time, it has commonly been considered as one of those objects which cannot, consistent with logical accuracy, with natural justice, and with the liberty of the subject, be very precisely defined, or very peremptorily and arbitrarily enjoined on every occasion; and there are many instances in which departure from complete uniformity is not only tolerated, but established by law. It must, indeed, sometimes be almost as impossible to control the despotic influence of custom, with respect to the contents of a measure of a certain denomination, as with respect to the signification of a word of any other nature; and even the terms of number, precise as they necessarily are in their strict meaning, have become liable to perpetual variations, according to the objects to which they are applied; and these variations, however inconvenient they may appear upon a general view of the subject, have been repeatedly sanctioned by their adoption in the acts of the legislature.

King Edgar is said to have decreed, with the consent of his wites, or council, "that one and the same money should be current throughout his dominions, which no man must refuse; and that the measure of Winchester should be the standard; and that a weigh of wool should be sold for half a pound of money, and no more".

By a Statute of William the Conqueror, it was ordained, "that the Measures and Weights should be true, and stamped, in all parts of the kingdom," as had before been established by law.

Richard the First, according to Hoveden, Trivet, and other historians quoted by Hume, not only enforced a uniformity of Measures throughout the Kingdom, but ordered that the vessels employed for measuring should be edged with hoops of iron; and that Standards should be kept by the magistrates in the different

countries and towns. He had also several Standard yards made of iron, that they might be secure from accidents. A particular statute was dated on St. Edmund's Day 1197.

In Magna Charta, as confirmed by Henry the third, the same uniformity is enjoyed; and the London quarter is established as the legal measure for corn.

In subsequent reigns the regulation is frequently repeated, and is enforced by various penal statutes; especially by an Act of Henry 5, forbidding the use of the fate or vat of nine bushels, which had been employed in London, instead of the quarter; and by another of Charles I, directing the uniformity to be observed as well in places privileged, "as without; any usage or custom to the contrary notwithstanding". Yet even this statute admits the use of a larger bushel, under the name of water measure, and in many other cases still greater latitude has been allowed.

Oats, malt and meal, probably oatmeal, were the only kinds of grain allowed to be sold by the heap, without measuring, by an old Statute of Henry 3, or Edward 1 or 2, c.9. But under Henry the fourth, it was enacted, that merchandises of all kinds might be freely sold in gross. By an act of James 1, it was even forbidden to sell tanned leather by weight, on pain of forfeiture, on account of the temptation to leave it wet and imperfectly tanned; but this statute was afterwards repealed.

The most remarkable of the "privileged places" appears to have been the county of Lancaster. Thus, by an Act of Richard 2, unity of Weights and Measures is ordained throughout the kingdom, "except it be in the country of Lancaster, because in that country it hath always been used to have greater measure than in any other part of the realm". And in the time of Henry 7, the Weights used for tin in the Duchy of Cornwall were allowed to be still employed, though different from the Standard, as well as the water-measure of five pecks on board of ship.

The Measure thus defined was altogether abolished, by a very rigorous Act of Charles 2, which imposes a penalty of forty shillings for selling either corn or salt in any place, by any other measure than the Winchester Bushel; and of 5*l.* on magistrates neglecting the execution of the law, although tolls of all kinds, already payable, are allowed to be taken in proportion to the accustomed measure. But the water-measure was allowed for fruit, by an Act of Queen Anne, in the form of a heaped bushel; reserving, however, the rights of the Fruiterers Company in London, to use their own measures. The preamble of this Act seems to be somewhat inaccurate, in stating that the contents of water-measure were not ascertained by law, though it might be true that the supposed "uncertainty thereof occasions many frivolous and vexatious suits between the buyer and the seller".

The greatest apparent dereliction of the principle of uniformity that has been authorised by law, seems to be the tacit admission of different measures for corn, in an Act of the present reign, which ordains, that "every inspector of corn returns" is to make a comparison between the Winchester Bushel and the "measure commonly used" in the city or town in question, and to "cause a statement in writing of such comparison to be hung up in some conspicuous place". The object of two later Acts, respecting Weights and Balances appears to have been more the prevention of intentional fraud, than the introduction of any greater uniformity into the different parts of the kingdom. The spirit of uniformity is also abandoned in the Act which directs maltsters, using various bushels, to specify their contents in gallons, for the information of the exciseman, when they set down the quantity of malt or corn measured.

2. DETERMINATIONS OF STANDARDS

THE original magnitude of the Measures of England seems to have been ascertained in a manner not very capable of affording a correct duplicate, in case that it should be necessary to have recourse to it a second time. In the Reign of Henry the third, by the consent of the whole realm of England, the Measure of our Lord the King was made; that is to say, "that an English Penny, called a Sterling, round and without clipping, shall weigh thirty-two wheat corns in the midst of the ear; and twenty pence to make an ounce, and twelve ounces one pound, and eight pound do make a gallon of wine, and eight gallons of wine do make a London bushel, which is the eighth part of a quarter". This definition is repeated in the Tractatus de Ponderibus et Mensuris, which stands as a statute of Edward 1.

Another Standard, still less precise in its magnitude for the immediate determination of measures of Length, is found in a Statute of Edward 2. It is ordained, that three barley-corns, round and dry, make an inch, twelve inches a foot, three feet a yard (ulnam), five and a half yards a perch, and forty perches in length and four in breadth, an acre. An acre had been more minutely described, for the convenience of an illiterate age, by a Statute of the preceding reign, declaring the breadth of land that constituted it for different lengths, from ten perches upwards, so as always to make one hundred and sixty square perches.

In the time of Henry 7, a new Standard Bushel appears to have been actually determined, according to the method prescribed by the Statute of Henry 3; "it was to contain eight gallons, each of eight pounds Troy of wheat, each of twelve ounces, each of twenty sterlings, or

penny-weights, each of the weight of thirty-two corns of wheat that grew in the middle of the ear;" and the Standards of all the counties were to be regulated according to this new Bushel.

If we consider this Bushel as previously ascertained, we may derive from it the linear measure of an inch, by the Statute of William 3, which declares the Winchester bushel to be round, with a plain bottom, 18 1/2 inches wide throughout, and eight inches deep; hence its contents must be 2150.42 cubic inches, and a gallon dry measure 268.8; while by an Act of the next reign, a wine gallon is declared to be a cylinder, seven inches in diameter, and six deep, or 231 cubic inches; containing, more correctly, 230.91.

In several late Acts of Parliament 272 1/4 cubic inches are mentioned as the content of a Winchester gallon, making 2,178 in a bushel.

Among the derivative Measures we may notice the Water Measure of fruit, which is simply a heaped bushel; and the coal bushel, which contains a Winchester Bushel and a quart of water, the coals being also heaped in the form of a cone. But all contracts for coals above five chaldrons, in London and Westminster, are to be understood as relating to Pool measure, with an ingrain of one chaldron in twenty, "according to the ancient custom of the port". The heap must be at least six inches in height, and its base 19 1/2 in diameter.

We find in several Statutes a comparison of these Standards with others of a different origin; thus, in an Act of Elizabeth, twenty-eight gallons of old standard are said to be about thirty-two gallons wine measure; whence the old gallon must have contained 264 cubic inches, or a little less than the Winchester gallon, if the wine gallon contained 231; or rather, since the Standard gallon of Elizabeth, in

the Exchequer, actually contains 271 cubic inches, the wine gallon of that day must have contained 237. From a Statute of George 1, it appears that a Scotch pint is equal to exactly 103 cubic inches.

Other Weights and Measures are still employed without any precise reference to a more authentic standard. Haverdupois weight is to be used for wool; and in 1532, the Haverdupois pound of beef and pork was to be sold for one halfpenny, of mutton and veal for three farthings, or less. Under Edward 1, a pound of money was twenty shillings, of all other things twenty-five. Plate of all kinds is to be sold by Troy weight, under a heavy penalty. In Scotland, lint-seed and hemp-seed are to be measured by "the Linlithgow barley measure streaked," which is to be marked by a dean of guild. A pound of raw silk is 24 ounces.

According to Folkes, the money pound of the Anglo-Saxons continued to be in use as the Tower pound for some centuries after the Conquest; it contained 12 ounces of 450 grains each, or 5,400 grains Troy; and this weight of silver coins was a pound sterling. The mark was two-thirds of the pound; the Anglo-Saxon shilling was one-fourth of an ounce; the Anglo-Norman $\frac{1}{20}$ of a pound. The penny was $\frac{1}{20}$ of an ounce, or $\frac{1}{240}$ of a pound, both before and after the Conquest.

A barrel of beer, in London, contains, by a Statute of Charles 2, 36 ale gallons, a barrel of ale 32; but out of London, a barrel both of ale and beer was directed to contain 34 gallons, by a Statute of William and Mary. The distinction has been abolished by a late Act, which directs that all barrels, both of ale and beer, in town and in the country, shall contain 36 ale gallons.

A barrel of herrings contains 32 gallons; of salmon, 42. Barrels and casks of fish, beef, and pork, are to be gaged by wine measure. A barrel of gunpowder is to contain 100 pounds neat.

A hogshead of melasses contains 100 gallons.

The hundred weight has gradually varied from 100 to 112 pounds. In the time of Edward 1, a hundred of wax and of many other groceries was 108 pounds. The signification of the word hundred, as a number, has varied still more widely; a hundred of hempen and linen cloth was at the same time 120 yards; a hundred of spars and staves, of eggs, and of many kinds of fish, is 120; of mullets, 160; and a "great hundred" of clap-boards, contains 24 "small hundreds" of 120 each.

A chaldron of coals, at Newcastle, is fifty-two and a half hundred-weights; in London, about half as much, or thirty-six bushels. The sacks must be of certain dimensions, 52 x 26 to 50 x 25 inches.

A truss of old hay in London and Westminster is 56 pounds; of new, from 1st June to 31st August, 60. A truss of straw, in Bristol, is seven pounds; in London, 36.

The dimensions of billets of different forms and denominations are determined by several Statutes, accordingly as they are round, half round, or quarter round.

A load of wood is fifty solid feet. A multitude of other definitions, which occur in other statutes, will be most conveniently arranged in the form of an alphabetical index.

Nearly allied to these are the substitutions and equivalents which have often been prescribed, where a measure is to be estimated by weight, or a weight by measure, or where the substances compared are in different states. This has already been exemplified in the case of Hay; and with respect to Wool, it was ordained by a Statute of Elizabeth, that of cloth made of raw and unclesaned wool, seventeen pounds, and from fifteen to sixteen yards should be reckoned equivalent to twelve pounds, and twelve yards of dressed cloth. By a statute of William and Mary, a bushel of salt is to be considered as weighing fifty-six pounds; but for a bushel of rock-salt 120 pounds are allowed; this was, however, altered in the same reign to seventy-five, and in the next to sixty-five, while a bushel of foreign salt remains fixed at eighty-four pounds. A bushel of crushed rock-salt is to consist of fifty-six pounds only.

By another statute of Anne, a hundred-weight of green starch is to be estimated as equal to 4,5660 solid inches; but in the first year of her successor, this measure was ordained to be equivalent to 131 pounds; for coals imported into Ireland, a measure is in each case to be provided by the collector of the customs, capable of containing a ton weight; and the duties are to be paid accordingly.

The Weights and Measures long since established by law in Ireland are, however, in many respects different from those of Great Britain. By an Act of Queen Anne, all meal and flour was to be sold by weight; and the law was extended in the reign of George the second, to all corn in general; forty stone of wheat and rye, twenty-four of barley, twenty-two of oats, and twenty of malt, being made equivalent to a quarter. The bushel for coal is to be twenty inches in diameter at the bottom, and twenty-one at the top, and to contain ten gallons Winchester Measure. But the legal Irish gallon for beer and ale contains only 217.6 cubic inches; the lime bushel was ordered to be equal in its diameter to the coal bushel, and to contain eight Winchester gallons; but by a later Act, the half-barrel of roche lime is to be twenty-one inches in diameter at the bottom in the clear, twenty-two at the top, and twelve inches deep, containing twenty Irish gallons of 217.6 cubical inches. By another Act of the present reign, the duty on malt is to be levied according to the Winchester Bushel of "eight gallons, each of 272 1/4 cubic inches".

3. MANNER OF USING WEIGHTS AND MEASURES

THE Standards of Weights and of Measures being once determined, they are still liable to considerable modifications, according to the manner in which they are employed, and the state of the substances concerned; so that various directions for weighing and for measuring have been given in the Statutes of different reigns.

In the 20th year of Edward 1, Money having been ordered to pass by Weight, "tumbrils" were to be employed for weighing it, to the value of five shillings. Auncel weight, for which a kind of steel-yard seems to have been employed, is forbidden by a Statute of Edward 3; and even balances are to be used, the beam not turning. On the other hand, by some acts of the present reign, the turn of the scale is directed to be in favour of the Crown, and an equivalent is allowed to the proprietor of two pounds for each cask of tobacco that is not less than 450 pounds; two for each hundred weight of paper, provided that no weight of less than one pound be employed; one pound for a hundred-weight of glass bottles, and half a pound for a hundred-weight of salt. All these allowances were abolished by a late Act, but they have been since replaced on the former footing with respect to glass and paper; and stone bottles are ordered to be weighed, with the same allowance as glass; while for muriate of potash, half a pound for

each hundred-weight is allowed. The mode of estimating the tare, or weight of the package, is also determined in various cases; thus the tare of butter casks is to be ascertained after they have been well soaked and seasoned, or if they weighed dry, two or three pounds are allowed on each cask for soakage, and the tare must not be more nor less than twenty pounds per hundred-weight of the gross weight; and the tare of sugar casks is to be deduced from the weights of two of any given parcel, to be taken for the average weight of the whole. In weighing salt, an allowance is sometimes made for the effect of moisture.

In Measures of Length, the custom of interposing the Thumb, when cloth is measured by the yard, had been so universal, that the thumb came to be considered as a part of the measure; and in process of time an inch was substituted for it; so that the yard was made to consist of thirty-seven inches. Thus, in the reign of Henry 6, the aulneger is directed to provide for his own use, a cord twelve yards and twelve inches in length, adding a quarter of an inch to each quarter of a yard; although in that of Edward 4, the yard is to have "an inch" added to it, containing the breadth of a man's thumb. But by an Act of Queen Anne, each yard is to have an inch added to it, "instead of that which is commonly called a thumb's breadth"; and a few years later, a table thirty yards in length, is ordered to be provided at Blackwell-hall, at the expense of Christ's Hospital, each yard containing thirty-seven inches, for the better measuring of cloths. In Ireland, the statute-yard is directed to have the breadth of a thumb added to it, as is generally practised.

Nothing has been prescribed by the laws respecting any particular Temperature at which Measures are to be employed, the effect of any difference being too inconsiderable to be perceived in any common case; but the state of Moisture and Dryness is to by no means indifferent to the result, and particular directions have been given a multitude of Statutes, respecting the effect of wetting cloth, on the measure of its length and breadth. Thus, in the reign of Richard the third, it was ordained that cloths should be wetted before they are measured, and not afterwards stretched. By a Statute of George 2 , they are to be watered for four hours; and another directs, that they should be measured between four and six hours after they are washed or streamed. They must not be so stretched as to shrink more than a certain quantity in length and breadth, which has usually been a yard in a piece of twenty-eight yards, and a quarter in the breadth of seven quarters: sometimes a yard and a half has been allowed; and in other instances $\frac{1}{36}$ of the length only, and $\frac{2}{27}$ of the breadth; the proportion being different in different counties, and for different kinds of cloths. In linen cloth, a nail in a yard, or $\frac{1}{16}$, is allowed for the shrinkage in bleaching.

Respecting the mode of using Measures of Capacity, it is repeatedly enjoined that they are to be striked, that is, levelled with a strike at the top, and not heaped; except in the case of rents or tolls, where a contract may be supposed to have been established for a quantity comprehending the heap; the exception also extending in similar cases to other deviations from the established mode of measuring. The bushel of coals is also to be heaped, as well as the water-measure of fruit.

It is equally unlawful, in measuring corn, to shake the bushel, so as to increase its virtual capacity; and any buyer shaking the measure is to forfeit the corn, and to pay a penalty besides. Malt, while it is undergoing the operations of the malt-house, is to be gauged, and not measured. Coal-keels are to be measured by dead weights, or otherwise, and marks to be fixed outside; to define the depth to which they sink in the water.

4. PERSONS CHARGED WITH THE CONTROL OF WEIGHTS AND MEASURES.

THE description of the persons, who are made responsible for the execution of the Laws respecting Weights and Measures, is not the least important part of the legislative arrangements regarding them; and requires to be considered nearly in the historical order of time.

In the 51st year of Henry 3, an inquest of six persons is appointed for examining and marking Weights and Measures, but the time and place are not described. By a Statute of Edward 1, the Wardens of the Exchange are required to provide tumbrils for weighing money, with Weights which are to be marked. Another ancient Statute directs that the Standards be sealed with an iron seal of the King; and that all measures be examined twice a year. An officer, styled the King's Aulneger, is required to measure cloths by a law of Edward the third.

By another Statute of Edward 3, in pursuance of the Intent of Magna Charta, the treasurer was directed to cause Standards to be made and sent into all the counties which were not already provided with them. Two or more persons in each county were empowered to enforce the employment of these Standards, by means of fine and imprisonment; but they seem to have performed their official duties with a very unpopular degree of severity; and four years afterwards the commissions were repealed. At a later period of the same reign, Standards of all kinds were ordered to be sent to the sheriffs of each county, who were to make proclamation that all persons might adjust their Measures and Weights by them.

By a Statute of Henry 4, cloths are not to be tacked until they have been measured by the King's Aulneger.

In the next reign, the Treasurer is directed to provide Weights for weighing the gold coin in circulation.

A Statute of Henry 6 requires all cities, boroughs, and towns, to procure a common Balance and Weights at their own expense, according to the Standard of the Exchequer, to be kept by the mayor or constable, within two months after the proclamation of the Act. A few years afterwards a common bushel was ordered to be added to them.

In the same reign, the King's gager is directed to measure all casks of wine before it is sold.

There are several Statutes of Henry 7, relating to the distribution of Standards throughout the country. Weights and Measures of brass are first ordered to be sent to the several cities and boroughs; members of parliament are then directed to take charge of these Standards for the county towns, and for a few cities, making in all forty-three places, enumerated in a schedule; and no Measures not marked are to be used in these places, nor any unlike them in others. It was however found that these Standards were materially defective, they were therefore ordered to be disused, and the cities and towns were at their own expense to send them to be altered, according to a new Standard Bushel, to be constructed in a manner prescribed by the Act, and to be kept in the Exchequer.

The Wardens of the Coopers are ordered, by a Statute of Henry the 8th, to take charge of the measurement of casks, and to mark them with St. Anthony's cross; and where there are no such officers, the same duty is imposed on the Mayors of the cities and towns.

A very energetic Statute of Charles 2, requires *that a measure of brass, gaged at the Act directs, be chained in every market, at the charge of the Corporation of the town, or of the proprietors of the market;* and that constables take care to seize and destroy all unstamped Measures. And by another Act, where there is no clerk of the market, nor other officer empowered to stamp or seal Measures conformable to the Standards, this charge is intrusted to the proprietors of the market.

The Collectors of Excise are directed, by a Statute of King William, to furnish the Mayors or chief officers of cities and towns with Standards at the public expense; and the mayors are to stamp all other Measures as adjusted by these Standards. But Colleges in the Universities are exempted from these regulations, within their own jurisdictions.

By the Act of Union, the different burghs throughout Scotland are required to take charge of the English Standards, which are to be sent down to them, as duplicates of the Standards in the Exchequer. In general, appointments of persons to superintend the regulation of Weights and Measures have been connected with local arrangements of police, and have been limited in the extent of the functions intrusted to them. Thus, in London, the iron or copper fittings of Coal Measures are to be stamped at Guildhall; in Yorkshire, sworn searchers are appointed for remeasuring cloths, and registering the deficiencies which they may detect. A land coal-meter's office is established for Westminster. A dean of guild, in some royal burgh, is to mark the Measures of lint-seed and hemp-seed to be used in Scotland. Commissioners of roads are to erect weighing engines for carriages. An annoyance jury is appointed in Westminster, with power to break and destroy false or unmarked Weights and Measures, and to fine offenders. A particular coal-measurer is to officiate at Lincoln; and in the parish of Mary-le-bone, inspectors of Weights, Balances, and measures, are to examine all shops and warehouses, at least every month, Measures of milk being in particular specified by the Act as included; and a Balance is to be kept at the court-house of the parish, where the proper officers are to mark such measures as agree with the Standards.

Fulling-mills, in general, are to have a board twelve feet long for measuring cloth; and clothiers' tenters are also to have the lengths of yards marked and numbered on them.

For the regulation of the weight of gold and silver coins, it was thought necessary, in the early part of the present Reign, to direct the warden of the mint to prepare standard weights, and to stamp such other weights as should agree with them, giving notice of the form of the stamps in the London Gazette.

There are several Acts of late date, by which the justices of peace in the different counties are required to enforce the laws respecting Weights and Measures; for instance, to cause a Standard Bushel to be kept in each market town, and to appoint examiners at their quarter sessions, who are to be required to inspect shops of all kinds once a month; and to be paid out of the county rate for their trouble. Standard Weights are also to be procured at the expense of the same fund, and to be deposited with the clerk of the peace, or some other proper person. But by a subsequent Act, this appointment is directed to be made at the petty sessions, and the vestries of parishes are allowed to recommend persons to be appointed examiners, provided that they have previously procured the necessary standards, paying the salaries of the examiners and the expense of the standards out of the poor rates. A subsequent Act enforces regulations nearly similar with respect to Measures. In Ireland, weighmasters are directed to be

appointed in all places by the chief magistrate; and further directions are given in some late Acts respecting their proceedings in the examination of butter, with minute regulations respecting the tasting and marking it.

The magnitude of a Cran, for measuring herrings, is to be determined by the Commissioners of the Herring Fishery.

5. PENALTIES AND PUNISHMENTS

THE offences against the laws relating to Weights and Measures are of various denominations, and the nature and extent of the punishments and penalties appropriated to each are also considerably diversified; so that it becomes necessary, for a clear view of the subject, to establish some subdivision of its parts. The first great distinction that naturally occurs is, that the intention of these legislative measures may either be to save labour and to avoid confusion, or to prevent injustice and punish fraud. And the former description of regulations only belongs strictly to the subject which we have to consider; but it is extremely difficult to make this distribution of the penal ordinances which have been enacted, and it will be most convenient to enumerate the several offences to be punished, under eight different heads: I. Using or keeping illegal or unmarked Weights or Measures: II. Using false Balances and fraudulent Weights: III. Illegal modes of using Weights or Measures: IV. Omission of weighing, measuring, or marking: V. Deficiency, or Excess, in articles weighed or measured, as compared with the magnitude prescribed by law: VI. Neglect of officers with regard to Standards or to measurements: VII. Disregard of precautionary regulations of different kinds: VIII. Any undefined fraud or negligence relating to Weights and Measures.

I. Using illegal Weights or Measures., An ancient Statute of Henry 3, Edward 1 or 2, ordains, that persons using unsealed Measures be "grievously amerced." By a Statute of Edward 3, persons selling or buying by other Weights than the Standards are to be fined at the King's will. Under Richard 2, false Weights and Measures were to be burned by the clerk of the market; and by another Statute, unity of Weights and Measures is directed to be observed throughout the realm, on pain of imprisonment for half the year, and making up double the loss, except in the county of Lancaster. Corn, sold otherwise than by the quarter of eight bushels, was also to be forfeited. By an Act of Charles 1, a penalty of five shillings is imposed on any person selling by or keeping any Weight or Measure other than after the Standard of the Exchequer, with the exception of Water Measure, which is however forbidden by a Statute of Charles 2, and this Statute renders it unlawful to *sell corn or salt in any place by any other Measure than the Winchester Bushel, under penalty of forty shillings for every offense.* And magistrates are to be fined 5*l.* for neglecting to enforce this law. By a temporary Act of William and Mary, a fine of 5*l.* was imposed during the war with France, on all persons selling wine otherwise than in pewter measures; but the fine was soon afterwards reduced to one-half. By a later Act of the same sovereign, all publicans are required to have an authenticated ale quart, on pain of forfeiting from ten to forty shillings. And if they do not sell by this measure, they are deprived of the privilege of detaining goods for the security of their reckoning. All mayors neglecting to stamp measures are also to be fined 5*l.* A Statute of George the second imposes a fine of five shillings an ounce for all plate not sold by Troy weight. In the parish of Mary-le-bone, besides the destruction of false weights and measures, and the imposition of a pecuniary penalty, offenders are still further disgraced by the publication of their names in the Daily Advertiser, and the printer of the paper is indemnified for their insertion.

II. Using false Balances or fraudulent Weights., In the reign of Henry the seventh, a fine of twenty shillings was imposed on pewterers and braziers "having deceivable and untrue beams, that one of them would stand even with twelve pound weight at one end against a quarter of a pound at the other end." By a Statute of George 1, planters of hops using false weights are to forfeit 20/. Glass-makers, and several other descriptions of tradesmen subject to the excise-laws, were also afterwards subjected to a fine of 50/. for not keeping proper scales; and by an Act of the present reign, the penalty on false balances was doubled; its former amount having been found sometimes less than the duties to be paid on one weighing. Still more lately it was raised, in the case of tobacconists, to 200/.

III. Illegal modes of using Weights or Measures., By a Statute of Edward 3, it is directed, that Balances are not to turn, and that persons defrauded be enabled to recover quadruple damages, and that the transgressor be fined and imprisoned for a year; but it is scarcely probable that this severity was intended to prevent the turn of the scale in favour of the purchaser. The stretching of cloth to excess may be considered as an illegal mode of measuring it, and it was forbidden by a Statute of Edward 6, since repealed, under a penalty of 5/. to stretch cloth more than a yard in a piece, and a fine of 20/. was imposed for using any engine to stretch it. By two Acts of Charles 2, the buyer of salt or corn shaking the bushel, to increase its capacity, was subjected, besides the forfeiture of the article, to a fine of forty shillings. There is, however, an unrepealed Statute of King William, which imposes a penalty of 5/. on the sale of salt in any other manner than by weight.

IV. Omission of weighing, measuring, or marking., A repealed Statute of Edward 3 directed, that cloths exposed to sale, without being sealed by the aulneger, should be forfeited; another Statute of the same reign enacts, that wine, sold without gaging, shall be forfeited to the King. A statute of Richard 2 inflicts the penalty of forfeiture on cloths exposed to sale tacked up, so that they cannot be examined by the buyer: dowlas, not marked, is condemned to be forfeited; ungaged casks, and the beer or ale exposed to sale in them, are also to be forfeited, and the seller is to pay a fine of ten shillings on each cask; the same penalty has also been imposed on each piece of cloth not marked according to law; and by a later Act, if cloth is sold without a proper stamp, one-sixth of it is to be forfeited: vendors of coals, in London and its neighbourhood, not providing legal tickets, are to pay a fine of 50/. and carmen 5/.; carmen are also liable to a fine of 10/. if they neglect to carry a bushel in their waggons: a fine of 50/. has been imposed on the proprietors of spirits not marking the casks; and casks of wine not marked are to be forfeited, together with their contents: the penalty for printing unstamped paper for furniture, amounting to 20/. for each piece, relates as well to the payment of the duty as to the determination of the measure: coopers, not marking butter-casks, have lately been rendered liable to a fine of 10s. for each offence.

V. Deficiency, or excess, in Weight or in Measure., By an ancient law of Richard the first, broadcloth not two yards between the lists was to be seized and burned: in the reign of Henry 3, the pillory and tumbrel were decreed for the punishment of bakers and brewers offending in their Weights and Measures, the assize of bread and ale having been then newly regulated, according to the prices of corn. By a repealed statute of Edward 3, cloths not of the prescribed length were forfeited if exposed to sale. In the time of Henry 6, wine, herrings, eels, and salmon, imported in casks short of measure, were ordered to be forfeited to the lord of the town, and one-fourth to the informer; but afterwards, under Edward 4, a fine of 6s 8d a cask was imposed for salmon, and 3s 4d for herrings. Forfeiture was also the penalty for deficiencies in the weight of foreign gold, the pound not

containing twelve ounces; but perhaps this offence should rather be referred to the use of illegal Weights, than to a defect in a Weight prescribed by law. Defects in the dimensions of fire-wood have been variously punished, by fine and forfeiture, or by forfeiture only; beechwood, however, was exempted from the assize. Each half-gallon of honey, deficient in a cask, rendered the seller, by an Act of Elizabeth, liable to a fine of 5s. Deficiencies in the measure of fruit, established by Queen Anne, were made punishable by a fine of 10s. By a Statute of George 2, clothiers, in some parts of Yorkshire, were made liable to penalties of 10s. 15s. and 20s. for each successive inch that their cloth should be found deficient in breadth. Persons bringing trusses of straw, under weight, to the London markets, are to be fined 1s. for each truss. Excesses in Weight or Measure are seldom punishable; but in the case of wagons or carts carrying more than the weight allowed, the proprietors are liable to forfeit any one of their horses, to any person who shall seize it. Keels over-loaded with coals are also made liable to forfeiture.

VI. Neglect of Officers - An old Statute of Henry 3, Edward 1, or 2, ordains, that the Standards of bushels, gallons, and ells, shall be sealed and safely kept, "under pain of a hundred pounds." Penalties of 10/, 5/ and 2/, were respectively imposed in the reign of Henry 6, on cities, boroughs, and towns neglecting to provide a Balance and Weights: in that of Henry 7, a fine of 10/ for towns not sending Standards to be regulated at the Exchequer, and 20/ for not destroying all others. Gagers are made liable to a penalty of quadruple the value of any deficiency in the liquid sold in a cask falsely gaged. Magistrates are fined 5/ or 10/ for omitting to enforce uniformity of Weights and Measures, and to mark the Measures when required; and the proprietors of markets 5/ for neglecting to provide a brass Measure to be chained in each market. By an Act of George 2, a penalty of 50/ is imposed on undue measurement of coals, and for the servants concerned, imprisonment from fourteen to thirty days; but a subsequent Statute makes the penalty on coal meters 40s. for each bushel deficient.

VII. Disregard of precautionary Regulations. - Cloth is not to be stretched by tenters after its dressing is completed, under penalty of 20/. Casks are not to be made by brewers, on pain of forfeiting 3s 4d for each. Fulling-mills are liable to a fine of 10/ if not provided with a proper measuring board. Buyers or sellers of reels, of unlawful dimensions, are to forfeit from 10s to 40s. Persons bringing straw to the London markets, otherwise than in trusses, are to be fined 20s.

VIII. Undefined Frauds or Negligences. - Mayors are authorised to punish Frauds by fines of 6s 8d. and 13s. 4d. and then with the pillory. Butter "falsely packed" was to be forfeited by a Statute of Charles 2, and by a late Act, frauds in packing butter are punished by a fine of 30/. Another modern Statute imposes a fine of 10/ for each pound of thread falsely reeled or made up. It is however obvious, that most of these frauds might, without much impropriety, be referred to the head of Deficiencies.

6. GENERAL REMARKS

The Weights or Dimensions, assigned by law to different articles of commerce, do not enter immediately into the question of the determination and modifications of Weights and Measures, abstractedly considered; although it is necessary, in many instances, to attend to the effect which any variations of the Statutes might produce in the multifarious regulations of this kind which have been introduced into the Statute Book, many of them only to be altered or repealed, as fuller experience showed their inutility. In an Act which still remains in force, it is observed, that "great prejudice arises to the Linen Manufacture by reason that

the persons who deal therein make their cloths of such lengths and breadths, for which there is no great demand either at home or abroad:" and the act proceeds to inform them what the taste of the public requires, although it has not afforded the manufacturer any great security that the taste of the public shall not change. The greater part of these Statutes respecting Lengths and Breadths, which are extremely numerous and prolix, has been repealed by an Act of the present Reign; but several remain still in force, especially some old ones, which appear in the Statute Book in French only, without translations, such as 13 Henry 4, c.4; 20 Henry 6, c.10; 7 Edward 4, c.1, and 8 Edward 4, c.1, only one of which is translated; so that they may possibly have been overlooked from this circumstance. The dimensions of cloths have sometimes been regulated with a view to the customs to be paid on each piece; and alterations have not been extended to such cases, in order that the Revenue might remain uninjured. In other cases we may observe a gradual change in the legal dimensions of manufactured articles, and generally a diminution; thus, Broadcloths, which, at the time of the Conquest, were to be two yards between the lists, on pain of forfeiture, are now, in some counties, allowed to be only $1\frac{3}{8}$. Even since the repeal of the restricting Statutes, similar regulations have been adopted respecting Irish Linens of a certain breadth, which must not be less than seventy yards in length, if they exceed fifty-two. By another Statute of the year 1815, the assize determining the price of bread was entirely abolished; but the regulations of the weight of loaves of different descriptions was continued; it appears, however, extremely doubtful whether the Public has gained or lost by this innovation.

London 1819

END