Anno tricesimo

Georgii II. Regis.

An Act for the more effectual Punishment of Persons who shall attain, or attempt to attain, Possession of Goods or Money, by false or untrue Pretences; for preventing the unlawful Pawning of Goods; for the easy Redemption of Goods pawned; and for preventing Gaming in Publick Houses by Journeymen, Labourers, Servants, and Apprentices.



WHEREAS divers evil-disposed Persons, to support their profligate Way of Life, have, by various subtle Stratagems, Threats, and Devices, fraudulently obtained divers Sums of Money, Goods, Wares, and Merchandizes, to the great Injury of industrious Families, and to the manifest Prejudice of Trade and Credit; Therefore, for the punishing all such Offenders, 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 Twenty ninth Day of September, One thousand seven hundred and fifty seven, all Persons who Preamble.

Persons convicted of obtaining Money or Goods by false Pretences,

who knowingly and designedly, by false Pretence or Pretences, shall obtain from any Person or Persons, Money, Goods, Wares, or Merchandizes, with Intent to cheat or defraud any Person or Persons of the same; or

Or of sending threatening Letters in order to extort Money or Goods,

shall knowingly send or deliver any Letter or Writing, with or without a Name or Names subscribed thereto, or signed with a fictitious Name or Names, Letter or Letters, threatening to accuse any Person of any Crime punishable by Law with Death, Transportation, Pillory, or any other Infamous Punishment, with a View or Intent to extort or gain Money, Goods, Wares, or Merchandizes, from the Person or Persons so threatened to be accused, shall be deemed Offenders against Law and the Publick Peace; and the Court before whom such Offender or Offenders shall be tried, shall, in case he, she, or they, shall be convicted of any of the said Offences,

may be punished by Fine and Imprisonment, or by Pillory, Whipping, or Transportation.

order such Offender or Offenders to be fined and imprisoned, or to be put in the Pillory, or publickly whipped, or to be transported, as soon as conveniently may be (according to the Laws made for Transportation of Felons) to some of His Majesty's Colonies or Plantations in America, for the Term of Seven Years, as the Court in which any such Offender or Offenders shall be convicted shall think fit and order.

Where a Charge is made of any of the said Offences, Justice to enquire therein upon Oath,

And be it further enacted by the Authority aforesaid, That any Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, or Place, before whom any Person or Persons charged on Oath, by any credible Person or Persons, with having committed any of the Offences intended by this Act to be punished, shall be brought, shall examine by Oath (which Oath every such Justice or Justices is and are hereby impowered and required to administer) and such other lawful Means as to any such Justice or Justices shall seem meet, touching the Matters complained of, and deal with the Offender or Offenders according to Law; and if the Party or Parties charged as being the Offender or Offenders, shall be committed to Prison, or be admitted to Bail, to answer the Matters complained of at the next General or Quarter Sessions of the Peace, or next Sessions of Oyer and Terminer, which shall be held for the County, Riding, Division, City, Liberty, or Place, wherein the Offence shall be charged, on Oath, to have been committed, then such Justice or Justices shall bind over the Prosecutor and Prosecutors of every such Offender and Offenders to appear at the next General or Quarter Sessions of the Peace, or next Sessions of Oyer and Terminer, which shall be held for the County,

and upon Commitment, or Admission to Bail of the Offender, to bind over the Complainant, to appear and prosecute;

County, Riding, Division, City, Liberty, or Place, wherein the Offence shall be charged to have been committed, by Recognizance, in such reasonable Sum of Money, as to such Justice or Justices shall seem requisite, to prosecute such Offender and Offenders with Effect; and if any Money, Goods, Wares, or Merchandizes, fraudulently obtained, shall appear to such Justice or Justices to exceed the Amount or Value of Twenty Pounds, then the Recognizance to be taken in that Behalf from the Prosecutor or Prosecutors, shall be in not less than Double the Amount or Value the same shall appear before any such Justice or Justices to be worth.

and his Recognizance to be in proportion to the Fraud.

And whereas divers of His Majesty's Subjects suffer great Inconveniencies and frequent Losses, by Persons pawning or unlawfully disposing of the Goods and Chattles of others, and the Persons so pawning or unlawfully disposing of the Goods or Chattles of others, from the Meanness of their Circumstances, are seldom able to make Restitution or Recompence to the Parties injured, and the Laws now in being are insufficient to punish such Offenders; be it therefore further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and fifty seven, if any Person or Persons shall knowingly and designedly pawn or exchange, or unlawfully dispose of the Goods or Chattles of any other Person or Persons, not being employed or authorized by the Owner or Owners thereof so to do, and shall be thereof convicted by the Oath of any credible Witness or Witnesses, or by the Confession of the Person or Persons charged with such Offence, before any such Justice or Justices of the Peace as aforesaid (which Oath every such Justice as aforesaid is hereby impowered and required to administer) every such Offender shall, for every such Offence, forfeit the Sum of Twenty Shillings; and in case the said Forfeiture shall not be forthwith paid, the Justice or Justices of the Peace as aforesaid, before whom such Conviction shall be had, shall commit the Party or Parties so convicted to the House of Correction, or some other publick Prison of the County, Riding, Division, City, or Place, wherein the Offender or Offenders shall reside or be convicted, there to remain and be kept to hard Labour for the Space of Fourteen Days, unless the said Forfeiture shall be sooner paid; and if within Three Days before the Expiration of the said Fourteen Days, the said Forfeiture shall not be paid, the said Justice or Justices is and are hereby required to order, upon the Application of the

Penalty of 20s. on pawning, exchanging, or disposing of Goods without Leave of the Owner;

and on Non-payment thereof, to be committed for 14 Days to hard Labour,

and if not paid within that Time, to be whipped, on Application of the Prosecutor.

Prosecutor or Prosecutors, the Person or Persons so convicted, to be publickly whipped, in the House of Correction or Prison to which the Offender or Offenders shall be committed, or in some open publick Place of the City, Riding, Division, Town, or Place, wherein the Offence shall have been committed, as to such Justice or Justices shall seem proper; and the said respective Forfeitures, when recovered, shall be applied towards making Satisfaction thereout to the Party or Parties injured, and defraying the Costs of the Prosecution, as shall be adjudged reasonable by the Justice or Justices before whom such Conviction shall be had; but if the Party or Parties injured shall decline to accept of such Satisfaction and Costs; or if there shall be any Overplus of the said respective Forfeitures, after making such Satisfaction, and paying such Costs as aforesaid, then such respective Forfeitures, or the Overplus thereof (as the Case shall happen) shall be paid and applied to and for the Use of the Poor of the Parish or Place where the Offence shall have been committed, and shall be paid to the Overseers of the Poor of such Parish for that Purpose.

Application of the Forfeitures.

Pawnbroker to make Entry of Goods pawned, pledged, or exchanged,

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who, from and after the Twenty ninth Day of September, One thousand seven hundred and fifty seven, shall take by way of Pawn, Pledge, or Exchange, of or from any Person or Persons whomsoever, any Goods or Chattles, of what Kind soever the same shall be, shall forthwith enter, or cause to be entered, in a fair or regular Manner, in a Book or Books to be kept for that Purpose, a Description of the Goods or Chattles which he, she, or they, shall receive in Pawn, Pledge, or Exchange; and also the Sum of Money advanced or paid thereon, with the Day of the Month and Year on which, and the Name and Place of Abode of the Person or Persons by whom, such Goods or Chattles were so pawned, pledged, or exchanged, and also the Name and Place of Abode of the Owner or Owners thereof, according to the Information of the Person pawning, or pledging, or exchanging the same; and shall at the same Time give a Duplicate or Copy thereof to the Person or Persons so pawning, pledging, or exchanging the said Goods or Chattles, if required; for which the Person or Persons giving such Duplicate or Copy, shall be paid by the Person or Persons who shall so pawn, pledge, or exchange, such Goods or Chattles, the Sum of One Halfpenny, on Goods and Chattles pawned for less than Twenty Shillings; and One Penny on Goods or Chattles pawned for Twenty Shillings,

and of the Money paid thereon, and to whom, and the Owner's Name &c.

and a Duplicate, if required, to be given thereof to the Pawner, upon paying for the same.

Shillings, and not exceeding Five Pounds; and for every such Duplicate upon Goods or Chattles pawned for any larger Sum, the Sum of Two Pence, and no more; and in Default of making such Entry, and giving such Duplicate, or Copy, if required as aforesaid, he, she, or they, shall respectively, for every Offence, forfeit the Sum of Five Pounds, to be levied by Distress and Sale of the Goods and Chattles of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, or Place, where the Offence shall be committed; which respective Forfeitures, when levied, shall be paid and applied to the Use of the Poor of the Parish or Place wherein the Offence shall be committed.

Penalty 5 *l.* on Default of making such Entry, and giving such Duplicate.

Application thereof.

And whereas it sometimes happens that the Goods or Chattles pledged and pawned as aforesaid, are spoiled and damaged, or rendered of less Value than when the same were pledged or pawned, through the Neglect, Default, or Misbehaviour of the Person or Persons to whom the same were so pledged or pawned, his, her, or their Agents or Servants, either by wearing or using thereof, or by letting the same out to Hire; be it therefore enacted by the Authority aforesaid, That if in the Course of any of the aforesaid Proceedings, before any Justice or Justices of the Peace, in pursuance of, or under this Act, it shall appear or be proved to the Satisfaction of the Justice or Justices upon Oath or solemn Affirmation as aforesaid, that any of the Goods or Chattles so pawned as aforesaid, are become or have been rendered of less Value than the same were at the Time of pawning or pledging thereof, by or through the Default, Neglect, or wilful Misbehaviour of the Person or Persons to whom the same were so pledged or pawned, his, her, or their Executors, Administrators, or Assigns, Agents, or Servants, then, and in any such Case, it shall be lawful, and every such Justice and Justices is and are hereby required to allow or award a reasonable Satisfaction to the Owner or Owners of such Goods or Chattles, in respect of such Damage; and the Sum or Sums of Money so allowed or awarded shall be deducted out of the Principal and Interest, and Allowance for Warehouse-room, which shall appear to be due to any Person or Persons, to whom the same were so pledged or pawned, his, her, or their Executors, Administrators, or Assigns; and in all Cases where the Goods and Chattles pawned as aforesaid, shall have been damaged as aforesaid, it shall be sufficient for the Pawner or Pawners, his, her,

Where Goods pawned shall be damaged thro' Neglect of the Pawnbroker,

Justice to award a reasonable Satisfaction, to be deducted out of the Principal and Interest.

Pawner paying or tendering the Balance,

her, or their Executors, Administrators, or Assigns, to pay or tender the Money upon the Balance, after deducting out of the Principal and Interest, and Money payable for Warehouse-room as aforesaid, for the Goods or Chattles pawned, such reasonable Satisfaction in respect to such Damage, as any such Justice or Justices shall order or award; and upon so doing, the Justice or Justices shall proceed as if the Pawner or Pawners, his, her, or their Executors, Administrators, or Assigns, had paid or tendered the whole Money due for the Principal, Interest, and Warehouse-room as aforesaid.

Justice to proceed as if the Principal and Interest were fully paid.

Persons buying or taking in Pledge, Linen or Apparel, intrusted to others to wash or mend, &c.

And be it enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and fifty seven, if any Person or Persons shall knowingly buy or take in as a Pledge, any Linen or Apparel, intrusted to any other Person or Persons to wash, scour, iron, mend, or make up, and shall be convicted of the same, on the Oath of One credible Witness, or on Confession of the Party, before One or more Justice or Justices, every such Person or Persons shall forfeit Double the Sum given for or lent on the same, to be paid to the Poor of the Parish where the Offence is committed, to be recovered in the Manner other Forfeitures are by this Act directed to be recovered; and shall likewise be obliged to restore the said Goods to the Owner in the Presence of the said Justice or Justices.

to forfeit Double the Sum,

and restore the Goods.

Persons offering Goods to Sale, Pawn, or Exchange, not giving a good Account of themselves,

And be it further enacted by the Authority aforesaid, That in case any Person or Persons who shall offer by way of Pawn, Pledge, Exchange, or Sale, any Goods or Chattles, shall not be able, or shall refuse, to give a satisfactory Account of himself, herself, or themselves, or of the Means by which he, she, or they, became possessed of such Goods or Chattles; or if there shall be any other Reason to suspect that such Goods or Chattles are stolen, or otherwise illegally or clandestinely obtained; it shall and may be lawful for any Person or Persons, his, her, or their Servants or Agents, to whom such Goods or Chattles shall be so offered, to seize and detain such Person or Persons, and the said Goods or Chattles, and to deliver such Person or Persons, as soon as conveniently may be, into the Custody of the Constable, or other Peace Officer, who shall, and is hereby required, immediately to convey such Person or Persons, and the said Goods or Chattles, before some Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, or Place, wherein the Offence shall be committed; and if such Justice or Justices shall, upon Examination and Enquiry, have

may be detained, with the Goods, and delivered over to a Constable, to be carried before a Justice.

Cause to suspect that the said Goods or Chattles were stolen, or illegally or clandestinely obtained, it shall and may be lawful for such Justice or Justices to commit such Person or Persons into safe Custody, for any Time not exceeding the Space of Six Days, in order to be further examined; and if upon either of the said Examinations, it shall appear to the Satisfaction of such Justice or Justices, that the said Goods or Chattles were stolen, or illegally or clandestinely obtained, the said Justice or Justices is and are hereby authorized and required to commit the Party or Parties offending to the Common Gaol or House of Correction of the County, Riding, Division, City, Liberty, or Place, wherein the Offence shall be committed, there to be dealt with according to Law.

Justice, seeing Cause, may commit the Party for further Examination.

Provided nevertheless, and be it further enacted, That in case such Goods or Chattles so seized and detained as aforesaid, shall afterwards appear to be the Property of the Person or Persons who offered the same to be pawned, pledged, exchanged, or sold, or that he, she, or they, was or were authorized by the Owner or Owners thereof to pawn, pledge, exchange, or sell the same, then and in such Case, the Person or Persons who shall so seize or detain the Party or Parties who offered the said Goods or Chattles, shall be, and he, she, and they, is and are by this Act indemnified for having so done.

The Persons detaining the Party and Goods, indemnified for so doing.

And, for the better enabling all Persons to recover their Goods or Chattles, which after the said Twenty ninth Day of September, One thousand seven hundred and fifty seven, shall be unlawfully pawned or pledged to, or exchanged with, any Person or Persons whatsoever; be it further enacted by the Authority aforesaid, That if the Owner or Owners of any Goods or Chattles, unlawfully pawned, pledged, or exchanged, shall make out, either on his, her, or their Oath, or by the Oath of any credible Witness, or (being One of the People called Quakers) by solemn Affirmation before any Justice or Justices of the Peace, within his or their Jurisdiction, that such Owner or Owners, has, or have had, his, her, or their Goods or Chattles unlawfully obtained or taken from him, her, or them, and that there is just Cause to suspect that any Person or Persons, within the Jurisdiction of any such Justice or Justices hath or have knowingly and unlawfully taken to pawn, or by Way of Pledge, or in Exchange, any Goods or Chattles of such Owner or Owners, and without the Privity of, or Authority from, such Owner or Owners thereof; and shall make appear to the

Justice, upon Application and Oath of the Owner, whose Goods are unlawfully pawned, or exchanged, to issue a Warrant to search the suspected Person's House.

Satisfaction of any such Justice or Justices, probable Grounds for such the Suspicion of the Owner or Owners thereof, then and in any such Case, any Justice or Justices of the Peace, within his or their Jurisdiction, may issue his or their Warrant for searching, in the Day-time, the House, Warehouse, or other Place, of any such Person or Persons, who shall be charged on Oath or Affirmation, as aforesaid, as suspected to have knowingly and unlawfully received or taken to pawn, or by Way of Pledge, or in Exchange, any such Goods or Chattles, without the Privity of, or Authority from, the Owner or Owners thereof; and if the Occupier or Occupiers of any House, Warehouse, or other Place, wherein any such Goods or Chattles shall, on Oath or Affirmation as aforesaid, be charged or suspected to be, shall, after the said Twenty ninth Day of September, One thousand seven hundred and fifty seven, on Request made to him, her, or them, to open the same, by any Peace Officer authorized to search there, by Warrant from a Justice or Justices of the Peace, for the County, Riding, Division, City, Liberty, Town, or Place, in which such House, Warehouse, or other Place shall be situate, refuse to open the same, and permit the same to be searched, it shall be lawful for any such Peace Officer to break open any such House, Warehouse, or other Place, in the Day-time, and to search as he shall think fit therein, for the Goods or Chattles suspected to be there, doing no wilful Damage; and if any Person or Persons shall oppose or hinder any such Search, and shall be thereof convicted before any such Justice or Justices, by the Oath of One or more credible Witness or Witnesses, every Person so offending in the Premisses shall forfeit for every such Offence the Sum of Five Pounds; and in case such Forfeiture be not immediately paid down, or within the Space of Twenty four Hours, the Justice or Justices, before whom such Conviction shall be had, shall commit the Party or Parties so convicted to the House of Correction, or some other publick Prison of such County, Riding, Division, City, Liberty, Town, or Place, there to be kept to hard Labour for any Time not exceeding One Month, nor less than Five Days, unless in the mean Time such Forfeiture shall be paid; and such Forfeiture, when recovered, shall forthwith go and be applied to and for the Use of the Poor of the Parish wherein such Offence shall have been committed; and if upon the Search of the House, Warehouse, or other Place, of any such suspected Person or Persons, as aforesaid, any of the Goods or Chattles which

Upon Refusal of Admittance, Officer may break open the Door.

Persons hindering such Search, forfeit 5 *l.*

and on Non-payment, are to be committed to hard Labour.

Application of the Forfeiture.

The Goods found, to be restored to the Owner.

which shall have been so knowingly and unlawfully pawned, pledged, or exchanged, as aforesaid, shall be found, and the Property of the Owner or Owners from whom the same shall have been unlawfully obtained or taken, shall be made out, to the Satisfaction of any such Justice or Justices, by the Oath of One or more credible Witness or Witnesses, or (if any such Witness or Witnesses be of the People called Quakers) by solemn Affirmation, or by the Confession of the Person or Persons charged with any such Offence, any such Justice or Justices shall thereupon cause the Goods and Chattles found on any such Search, and unlawfully pawned, pledged, or exchanged, as aforesaid, to be forthwith restored to the Owner or Owners thereof.

And whereas Goods and Chattles are often pawned or pledged for securing the Payment of Money lent thereon, and the Interest thereof; and although when the Money becomes due, the Borrowers, or their Representatives, are desirous to repay the same, and the Interest due thereon, and make Tender thereof to the Person or Persons with whom the same are so pawned or pledged, they are frequently under great Difficulties to get back the Goods and Chattles so pawned, and are often under Necessity to commence Suits at Law for the Recovery thereof, to their great Expence; for Remedy whereof, be it enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and fifty seven, if any Goods or Chattles shall be pawned or pledged for securing any Money lent thereon, not exceeding in the Whole the Principal Sum of Ten Pounds, and the Interest thereof; and if within Two Years after the Pawning or Pledging thereof, Proof having been made on Oath, by One or more credible Witness or Witnesses, or by producing a Duplicate of the Entry directed to be given by this Act as aforesaid, before any such Justice or Justices, or by solemn Affirmation (if the Person be of the People called Quakers) to the Satisfaction of any such Justice or Justices, of the Pawning or Pledging of any such Goods or Chattles within the said Space of Two Years, any such Pawner or Pawners who was or were the real Owner or Owners of such Goods or Chattles at the Time of the Pawning or Pledging thereof, his, her, or their Executors, Administrators, or Assigns, shall tender unto the Person or Persons who lent on the Security of the Goods or Chattles pawned, his Executors, Administrators, or Assigns, the Principal Money borrowed thereon,

Goods pawned for a Sum not exceeding 10 *l.* may be recovered within 2 Years,

making Oath of the pawning thereof, and tendering the Principal, Interest, and Charges.

on, and all Interest due for the same, together with such Charges for the Warehouse-room of the Goods or Chattles pawned, as shall be agreed on at the Time of the Pawning of such Goods and Chattles; and the Person who took such Goods or Chattles in Pawn, his Executors, Administrators, or Assigns, shall thereupon neglect or refuse to deliver back the Goods or Chattles so pawned, for any Sum or Sums of Money not exceeding the said Principal Sum of Ten Pounds, to the Person or Persons who borrowed the Money thereon, his, her, or their Executors, Administrators, or Assigns; then, and in any such Case, on Oath, or (if the Person or Persons be of the People called Quakers) on solemn Affirmation thereof made by the Pawner or Pawners thereof, his, her, or their Executors, Administrators, or Assigns, or some other credible Person, any Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, or Place, where the Person or Persons who took such Pawn as aforesaid, his Executors, Administrators, or Assigns, shall dwell, on the Application of the Borrower or Borrowers, his, her, or their Executors, Administrators, or Assigns, is and are hereby required to cause such Person or Persons who took such Pawn, his, her, or their Executors, Administrators, or Assigns, within the Jurisdiction of the Justice or Justices, to come before such Justice or Justices; and such Justice or Justices is and are hereby authorized and required to examine on Oath, or solemn Affirmation, as the Case may require, the Parties themselves, and such other credible Persons as shall appear before him or them, touching the Premisses; and if Tender of the Principal Money due, and all Interest thereof, together with Charges for Warehouse-room, as aforesaid, shall be proved by Oath or Affirmation, as aforesaid, to have been made, such Principal Money not exceeding the said Sum of Ten Pounds, to the Lender or Lenders thereof, his, her, or their Executors, Administrators, or Assigns, by the Borrower or Borrowers of such Principal Money, his, her, or their Executors, Administrators, or Assigns, within the said Space of Two Years after the said Pawning or Pledging of the Goods or Chattles, then on Payment by the Borrower or Borrowers, his, her, or their Executors, Administrators, or Assigns, of such Principal Money, and the Interest due thereon, together with such Charges for Warehouse-room of the Goods or Chattles so pawned or pledged, as aforesaid, to the Lender or Lenders, his, her, or their Executors, Administrators, or Assigns; and in

Pawnbroker refusing to deliver back the Goods thereon,

Justice, on Complaint thereof, to summon and examine the Parties;

and Proof being made of such Tender;

and Payment, or Tender being then also made, and refused;

case the Lender or Lenders, his, her, or their Executors, Administrators, or Assigns, shall refuse to accept thereof, on Tender thereof to him, her, or them made, by the Borrower or Borrowers thereof, his, her, or their Executors, Administrators, or Assigns, before any such Justice or Justices, such Justice or Justices shall thereupon, by Order under his Hand, or their Hands, direct the Goods or Chattles so pawned, forthwith to be delivered up to the Pawner or Pawners thereof, his, her, or their Executors, Administrators, or Assigns: And if the Person or Persons who shall have lent any Principal Sum or Sums of Money, not exceeding in the whole the said Sum of Ten Pounds, on any Goods or Chattles pawned, his, her, or their Executors, Administrators, or Assigns, shall neglect or refuse to deliver up or make Satisfaction for the Goods or Chattles, which shall be proved to the Satisfaction of such Justice or Justices, as aforesaid, to have been so pawned, as any such Justice or Justices of the Peace, as aforesaid, shall order and direct, then any such Justice or Justices shall, and is and are hereby authorized and required to commit the Party or Parties so refusing to deliver up or make Satisfaction for the same, to the House of Correction, or some other Publick Prison of the County, Riding, Division, City, or Place, wherein the Offender or Offenders shall reside, or be convicted; there to remain without Bail or Mainprize, until he, she, or they, shall deliver up the Goods or Chattles so pawned, and continuing redeemable, as aforesaid, according to the Order of such said Justice or Justices, or make Satisfaction or Compensation for the Value thereof, to the Party or Parties intitled to the Redemption of such Goods or Chattles so pawned, and continuing redeemable, as aforesaid.

Justice to make an Order for the immediate Delivery of the Goods,

on Refusal to comply therewith, to commit the Pawnbroker till Satisfaction be made.

And be it further enacted by the Authority aforesaid, That if any Pawn or Pledge of Goods or Chattles, of what Kind soever, made by or for the Proprietor or Proprietors thereof, shall remain unredeemed for the Space of Two Years, then every such Pawn or Pledge shall be forfeited; and it shall and may be lawful to and for every such Person or Persons, to whom such Goods or Chattles have been pawned or pledged, to sell the same; any Law, Statute, Custom, or Usage, to the contrary thereof notwithstanding; subject nevertheless to account for the Overplus, if any shall be, of the Produce of all such Goods or Chattles which have been pledged for Two Pounds and upwards, as by this Act is directed.

Goods remaining unredeemed for 2 Years, are forfeited,

and may be sold;

Overplus to be accounted for.

Entry to be made of Sale of Goods pawned for 2*l.* or upwards.

Provided always, and be it further enacted by the Authority aforesaid, That every Person or Persons to whom any Goods or Chattles shall have been pawned or pledged, shall, from time to time, enter in a Book or Books to be kept for that Purpose, a true and just Account of the Sale of all Goods and Chattles pawned to him, her, or them, for Two Pounds, or upwards, which shall be sold by any such Person or Persons, expressing the Day when the Money for which, and the Name and Place of Abode of the Person to whom, such Goods or Effects pawned were sold; and in case any such Goods or Effects shall be sold for more than the Principal Money, with Interest, and the Charge of Warehouse-room, as aforesaid, due thereon at the Time of such Sale, the Overplus shall by every such Person or Persons be paid on Demand to the Person by or on whose Account such Goods or Chattles were pawned, his, her, or their Executors, Administrators, or Assigns; and such Person or Persons who pawned or pledged such Goods or Chattles, his, her, or their Executors, Administrators, or Assigns, shall, for his, her, or their Satisfaction in this Matter, be permitted to inspect the Entry to be made as aforesaid of every such Sale, paying for such Inspection the Sum of One Penny, and no more; and in case any Person or Persons shall refuse to permit any such Person or Persons, who pawned or pledged such Goods or Chattles, to inspect such Entry as aforesaid in any such Book or Books, such Person or Persons, if an Executor or Executors, Administrator or Administrators, or Assignee or Assignees, at such Time producing his, her, or their Letters Testamentary, Letters of Administration or Assignment; or in case the Goods or Effects were sold for more than the Sum entered in any such Book or Books; or if any such Person or Persons shall not make such Entry, or shall not have bona fide sold the Goods or Chattles pawned for the best Price that he, she, or they might have reasonably had or got for the same, without his, her, or their wilful Default; or shall refuse to pay such Overplus, upon Demand, to the Pawner or Pawners, his, her, or their Executors, Administrators, or Assigns, he or they producing such their Letters Testamentary, Letters of Administration or Assignment, every such Person or Persons so offending, shall, for every such Offence, forfeit Treble the Value of such Goods and Chattles to the Person or Persons by whom, or on whose Account, such Goods or Chattles were pawned, his, her, or their Executors, Administrators, or Assigns,

Overplus arising from the Sale, to be paid on Demand to the Owner;

who may inspect the Entry.

On Refusal of Inspection,

or the Goods being sold for more than entered,

or not being entered,

or being fraudulently sold at an under Value,

or not paying the Overplus,

Pawnbroker to forfeit Treble the Value.

signs, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster.

Provided always, and be it further enacted by the Authority aforesaid, That no Fee or Gratuity whatsoever shall be had, taken, or received, for any Summons or Summonses, Warrant or Warrants, granted by any Justice or Justices of the Peace, in Pursuance of this Act, so far as the same relates to Goods and Chattles pawned, pledged, taken in Exchange, or unlawfully disposed of. Summonses and Warrants to be issued without Fee.

And whereas the Occupiers of many Licensed Publick Houses, and of other Houses wherein Wines and Liquors are sold, frequently suffer Gaming therein, and Journeymen, Labourers, Servants, and Apprentices, by Means of such Gaming therein, not only mis-spend their Time, but are often reduced to Poverty and great Distress; be it therefore further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and fifty seven, if any Person or Persons licensed to sell any Sorts of Liquors, or who shall sell, or suffer the same to be sold, in his, her, or their House or Houses, or in any Out-houses, Ground, or Apartments thereto belonging, shall knowingly suffer any Gaming with Cards, Dice, Draughts, Shuffle Boards, Mississippi or Billiard Tables, Skittles, Nine Pins, or with any other Implement of Gaming, in his, her, or their Houses, Out-houses, Ground, or Apartments thereto belonging, by any such Journeymen, Labourers, Servants, or Apprentices; and shall be convicted of the said Offence on their own Confession, or on the Oaths of One or more credible Witness or Witnesses, before any Justice or Justices of the Peace for the County, Riding, Division, City, Liberty, or Place, wherein the Offence shall be committed, within Six Days after any such Offence shall be committed, he, she, or they so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; and for every like Offence which he, she, or they shall afterwards be convicted of, before any such Justice or Justices of the Peace, he, she, or they so offending, shall forfeit the Sum of Ten Pounds; all which Sums of Money, so forfeited, shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant from the Justice or Justices before whom such Offender or Offenders shall be convicted; and which Warrant every such Justice or Justices is and are hereby required Publicans permitting Journeymen, Labourers, Servants, or Apprentices, to game in their Houses, forfeit 40 l. and for every subsequent Offence, 10 l. to be levied by Distress and Sale.

Application of the Forfeiture.

quired and authorized to grant; and Three Fourths of all Sums which shall be so forfeited shall, on the Recovery thereof, be paid to the Churchwardens of the Parish in which the Offence shall be committed, for the Use of the Poor of such Parish; and the other Fourth Part thereof shall be paid to the Person or Persons on whose Information the Party or Parties offending shall have been convicted of the Offence.

On Complaint of Journeymen, Labourers, Servants, or Apprentices, gaming in Publick Houses, Justice to issue his Warrant for apprehending them,

And be it further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and fifty seven, if any Journeyman, Labourer, Apprentice, or Servant, shall game in any House, Out-house, Ground, or Apartments thereto belonging, wherein any Liquors shall be sold; and Complaint thereof shall be made on Oath before any Justice or Justices of the Peace for the County, Riding, Division, City, Liberty, or Place, where the Offence shall have been committed, every such Justice or Justices shall thereupon issue his or their Warrant to some Constable, Tythingman, Headborough, or other Peace Officer of the Parish, Precinct, or Place, wherein the Offence shall be charged to have been committed, or where the Offender shall reside, to apprehend and carry every such Offender before some Justice or Justices of the Peace acting for the County, Riding, Division, City, Liberty, or Place, where the Offence shall be committed, or where the Offender shall reside; and if the Person who shall be apprehended shall be convicted of the said Offence by the Oath of One or more credible Witness or Witnesses, or on his own Confession, every such Offender shall forfeit any Sum not exceeding Twenty Shillings, nor less than Five Shillings, as the Justice or Justices before whom any such Offender or Offenders shall be convicted shall think fit and order, every Time he shall so offend, and be convicted as aforesaid; and One Fourth of all such Money so forfeited, shall, on the Conviction of any such Offender or Offenders, be paid to the Person or Persons on whose Information the Party or Parties offending shall be convicted, and the other Three Fourths thereof shall be applied for the Use of the Poor of the Parish wherein the Offence shall have been committed, and shall be paid to the Overseers of the Poor of such Parish for that Purpose; and if the Party who shall be convicted of the Offence last-mentioned, shall not forthwith pay down the said Sum so forfeited by him, any such Justice or Justices shall, by Warrant under his Hand, or their Hands, commit every such Offender to

who, upon Conviction, are to forfeit, not exceeding 20s. nor less than 5s.

Application of the Forfeiture.

Offender not paying the Forfeiture, to be committed to hard Labour.

the House of Correction, or some other Prison, of the County, Riding, Division, City, Liberty, or Place, in which he shall be apprehended; there to remain and be kept to hard Labour for any Time not exceeding the Space of One Month, or until he shall pay the Sum of Money so forfeited.

Justice, upon Complaint of any Offence against this Act, to issue his Warrant for bringing the Offenders before him,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Justice or Justices of the Peace of any County, Riding, Division, City, Liberty, Town, or Place, and he and they is and are hereby required, upon Complaint made to him upon Oath of any Offence committed against this Act, within the same County, Riding, Division, City, Liberty, Town, or Place, to issue his Warrant for bringing before him, or some other Justice or Justices of the Peace of any County, Riding, Division, City, Liberty, Town, or Place, the Person or Persons charged with such Offence; and the Justice or Justices before whom such Person or Persons shall be brought, is hereby authorized and required to hear and determine the Matter of every such Complaint, and to proceed to Judgement and Conviction thereupon, as by this Act is directed; and if it shall appear by Oath of any credible Person or Persons, to the Satisfaction of any such Justice or Justices, that any Person or Persons, within the Jurisdiction of such Justice or Justices, can give or offer material Evidence on Behalf of the Prosecutor, against any Offender or Offenders against the true Intent and Meaning of this Act, or on Behalf of the Person accused, and who will not voluntarily appear before such Justice or Justices to be examined, and give his, her, or their Evidence, concerning the Premisses; every such Justice or Justices is and are hereby authorized and required to issue his or their Summons to convene every such Person or Persons within his or their Jurisdiction before him or them, to be examined upon Oath concerning the Premisses; and if any Person so summoned shall neglect or refuse to appear on such Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof by Oath of such Summons having been duly served upon him, her, or them, for that Purpose) any such Justice or Justices is and are hereby authorized and required to issue his or their Warrant to bring every such Witness and Witnesses, within his or their Jurisdiction, before him or them; and on the Appearance of any such Witness before any such Justice or Justices, any such Justice or Justices is and are hereby authorized and impowered to examine upon

and to proceed to Judgement; he may summon Witnesses.

Witness not appearing to the Summons, Warrant to be issued out against him;

and on his Refusal to give Evidence, he may be committed to hard Labour.

Oath every such Witness; and if any such Witness, on his or her Appearance, or being brought before any such Justice or Justices, shall refuse to be examined on Oath concerning the Premisses, without offering any just Cause for such Refusal, it shall be lawful for any such Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit every Person so refusing to the Publick Prison of the County, Riding, Division, City, or Place, in which the Person or Persons so refusing to be examined on Oath, shall be brought before any such Justice or Justices, there to remain for any Time not exceeding Three Months, as any such Justice or Justices shall direct; and if, on such Examination, any such Justice or Justices shall deem the Evidence of any such Witness or Witnesses to be material, any such Justice or Justices may bind over any such Witness, unless a Feme Covert, or one under the Age of Twenty one Years, by Recognizance, in a reasonable Penalty, to appear and give Evidence at the next General or Quarter Sessions of the Peace, or Sessions of Oyer and Terminer, as in such Recognizance shall be mentioned.

Material Witness may be bound over to give Evidence before a Court.

Offenders not to be admitted to Bail, till due Notice has been given to the Prosecutor, &c.

And be it further enacted by the Authority aforesaid, That no Persons charged on Oath with being guilty of any of the Offences punishable by this Act, and which shall require Bail, shall be admitted to Bail before Twenty four Hours Notice, at least, shall be proved by Oath to have been given in Writing to the Prosecutor, of the Names and Places of Abode of the Persons proposed to be Bail for any such Offender or Offenders, unless the Bail offered shall be well known to the Justice or Justices, and he and they shall approve of them; and every such Offender and Offenders who shall be bound over to the General Quarter Sessions of the Peace, or Gaol Deliver, of the County, City, or Town, wherein the Offence charged on him shall have been committed, to answer any such Offences punishable by this Act, shall be tried at such General Quarter Sessions of the Peace, or Sessions of Oyer and Terminer and Gaol Delivery which shall be held next after his, her, or their being apprehended, unless the Court shall think fit to put off the Trial on just Cause made out to them.

Offender to be tried at the next Session, unless the Court put off the Trial.

Inhabitants where the Offence is committed, deemed competent Witnesses.

Provided always, and be it enacted by the Authority aforesaid, That in all Actions, Suits, Trials, and other Proceedings, in pursuance of this Act, or in relation to any Matter or Thing herein contained, any Inhabitant of the Parish, Town, or Place, in which any Offence or

Offences shall be committed, contrary to the true Intent and Meaning of this Act, shall be admitted to give Evidence, and shall be deemed a competent Witness, notwithstanding his, her, or their being an Inhabitant or Inhabitants of the Parish, Town, or Place, wherein any such Offence or Offences shall have been committed.

Conviction to be drawn up in the following Form;

And be it further enacted by the Authority aforesaid, That the Justice or Justices before whom any Person shall be convicted, in Manner prescribed by this Act, shall cause such respective Conviction to be drawn up in the Form or to the Effect following; that is to say,

To wit. { BE it remembered, That on this Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace, for the said County of or for the Riding, or Division, of the said County of or for the City, Liberty, or Town, of *(as the Case shall happen to be)* for and the said do adjudge him or her to pay and forfeit for the same, the Sum of

Given under the Day and Year aforesaid.

and to be written on Parchment, and transmitted to the Quarter Sessions to be filed.

And the said Justice or Justices, before whom such Conviction shall be had, shall cause the same so drawn up, in the Form aforesaid, to be fairly written upon Parchment, and transmitted to the next General Quarter Session of the Peace to be held for the County, Riding, Division, City, Town, Liberty, or Place, wherein such Conviction was had, to be filed and kept amongst the Records of the said General or Quarter Sessions; and in case any Person or Persons so convicted, shall appeal from the Judgement of the said Justice or Justices, to the said General or Quarter Sessions, the Justices in such General or Quarter Sessions are hereby required upon receiving the said Conviction, drawn up in the Form aforesaid, to proceed to the Hearing and Determination of the Matter of the said Appeal, according to the Directions of this Act; any Law or Usage to the contrary notwithstanding.

Justices at the Quarter Sessions to determine Appeals.

Indictment, or Conviction, not removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Certiorari shall be granted to remove any Indictment, Conviction, or other Proceedings had thereon in pursuance of this Act.

Provided

Appeal may be made from Judgement of a Justice to the Quarter Sessions;

Provided always, and it is hereby further enacted by the Authority aforesaid, That if any Person convicted of any Offences punishable by this Act, shall think him or herself aggrieved by the Judgement of the Justice or Justices before whom he or she shall have been convicted, such Persons shall have Liberty to appeal to the Justices at the next General or Quarter Sessions of the Peace which shall be held for the County, Riding, Division, City, Liberty, Town, or Place, where such Judgement shall have been given; and that the Execution of the said Judgement shall, in such Case, be suspended, the Person so convicted entering into a Recognizance at the Time of such Conviction, with Two sufficient Sureties, in Double the Sum which such Person shall have been adjudged to pay or forfeit, upon Condition to prosecute such Appeal with Effect, and to be forth coming, to abide the Judgement and Determination of the Justices in their said next General or Quarter Sessions; which Recognizance the said Justice or Justices before whom such Conviction shall be had, is hereby impowered and required to take; and the Justices in the said General or Quarter Sessions, are hereby authorized and required to hear and finally determine the Matter of the said Appeal, and to award such Costs as to them shall appear just and reasonable to be paid by either Party; and if, upon the hearing of the said Appeal, the Judgement of the Justice or Justices before whom the Appellant shall have been convicted, shall be affirmed, such Appellant shall immediately pay the Sum which he or she shall have been adjudged to forfeit, together with such Costs, as the Justices in the said General or Quarter Sessions shall award to be paid, for defraying the Expences sustained by the Defendant or Defendants in such Appeal; or in Default of making such Payments, shall suffer the respective Pains and Penalties by this Act inflicted upon Persons respectively, who shall neglect to pay, or shall not pay the respective Sums or Forfeitures by this Act to be paid by, or imposed upon, Persons respectively, who shall be convicted by virtue of this Act.

Execution to be respited thereon, the Party entering into Recognizance to appear and prosecute the Appeal.

Justices to determine the Appeal, and award Costs.

On Affirmation of the Judgement, Appellant to pay the Fine and Costs,

or to suffer the Pains and Penalties of the Act.

None to be punished a Second Time for the same Offence.

And be it further enacted by the Authority aforesaid, That no Person, who, by virtue of this Act, shall be punished for any Offence or Offences by him, her, or them, committed, shall be punished for the same Offence or Offences, under any other Law or Statute; and that if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the Defendant or Defendants in any such Action or Suit, may plead the General Issue, and give this Act, and the Special

General Issue

tial Matter, in Evidence, as any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if it shall appear so to have been done, or a Verdict shall be recovered for the Defendant or Defendants; and if the Plaintiff shall be Nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared; or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law, for Recovery of his or their Costs. Double Costs.

And be it further enacted by the Authority aforesaid, That the Statute made in the Twenty fourth Year of His present Majesty's Reign, intituled, An Act for the rendering the Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in Obedience to their Warrant, so far as the said Act relates to the rendering the Justices more safe in the Execution of their Office, shall extend and be construed to extend, to the Justice or Justices of the Peace, acting under the Authority or in Execution of this Act; and no Action or Suit shall be had or commenced against, or Writ issued out, or Copy of Writ served upon, any Peace Officer or Officers, for any Thing done in the Execution of this Act, until Notice in Writing shall have been given to him or them, or left at his or their usual Place of Abode, by the Attorney for the Party commencing such Action, or suing out or serving the Copy of the said Writ; which said Notice in Writing shall contain the Name and Place of Abode of the Person who is to bring such Action, together with the Cause of Action or Complaint; and the Name and Place of Abode of the said Attorney, shall be under-wrote or indorsed thereon; and any Peace Officer or Officers shall be at Liberty, and may by virtue of this Act, at any Time within Fourteen Days after such Notice, tender or cause to be tendered, any Sum or Sums of Money, as Amends for the Injury complained of, to the Party complaining, or to the said Attorney; and if the same is not accepted of, the Defendant or Defendants, in such Action or Actions, may plead such Tender in Bar of such Action or Actions, together with the General Issue, or any other Plea, with Leave of the Court; and if upon Issue joined upon such Tender, the Jury shall find the Amends tendered to have been sufficient, the said Jury shall find a Verdict for the Defendant or Defendants; and in such Case, or if the

Clause in Act 24 Geo. II. extended to Justices acting under this Act.

Notice to be given to Peace Officer, before commencing Suit against him.

Tender of Amends may be made by him,

and pleaded in Bar of the Action.

Plaintiff shall become Nonsuit, or discontinue his Action; or if Judgement shall be given for the Defendant or Defendants, upon Demurrer, the Defendant or Defendants shall be intitled to his and their Costs; and if the Jury shall find that no such Tender was made, or that the Amends tendered were not sufficient; and also shall find against the Defendant or Defendants, on such other Plea or Pleas, by them pleaded, the said Jury shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, for which the Plaintiff shall have Judgement, together with his, her, or their Full Costs.

If none, or insufficient Tender has been made, Plaintiff, upon a Verdict, to recover.

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FINIS.