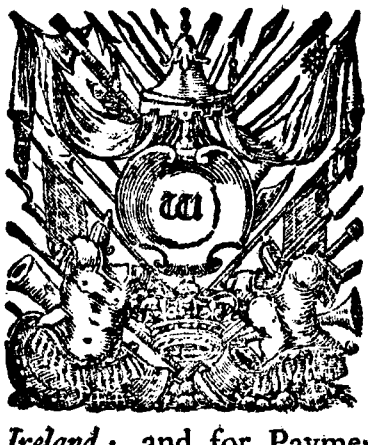
Anno tricesimo primo

Georgii II. Regis.

An Act for repealing the Duty granted by an Act made in the Sixth Year of the Reign of His late Majesty, on Silver Plate, made, wrought, touched, assayed, or marked, in *Great Britain*; and for granting a Duty on Licences, to be taken out by all Persons dealing in Gold or Silver Plate; and for discontinuing all Drawbacks upon Silver Plate exported; and for more effectually preventing Frauds and Abuses in the Marking or Stamping of Gold or Silver Plate.



WHEREAS by an Act of Parliament made in the Sixth Year of the Reign of His late Majesty, intituled, An Act for laying a Duty upon Wrought Plate; and for applying Money arising for the clear Produce (by Sale of the Forfeited Estates) towards answering His Majesty's Supply; and for taking off the Drawbacks upon Hops exported for *Ireland*; and for Payment of Annuities to be purchased after the Rate of Four Pounds *per Centum per Annum*, at

Preamble, reciting Clauses in Act 6 *Geo. I.*

at the *Exchequer*, redeemable by Parliament; and for appropriating Supplies granted in this Session of Parliament; and to prevent counterfeiting Receipts and Warrants of the Officers of the *South Sea* Company; and for explaining a late Act concerning Foreign Salt, cellared and locked up, before the Four and twentieth Day of *June*, One thousand seven hundred and nineteen; and to give a further Time for paying Duties on certain Apprentices Indentures; and for Relief of *Thomas Vernon* Esquire, in Relation to a Parcel of Senna imported in the Year One thousand seven hundred and sixteen; it was amongst other Things enacted, That there should be raised, levied, collected, answered, and paid unto, and for the Use of His Majesty, His Heirs, and Successors, for ever (subject nevertheless to such Redemption as in and by the said Act was afterwards provided in that Behalf) for and upon all Silver Plate which should be made or wrought in Great Britain, or at any Time or Times from and after the First Day of June, One thousand seven hundred and Twenty, should or ought to be touched, assayed, or marked, in Great Britain, as is before in the said Act mentioned, a Duty after the Rate of Six Pence for every Ounce Troy, and proportionally for any greater or lesser Quantity, to be paid by the Makers or Workers thereof respectively; and divers Provisions and Directions are contained in the said Act for and in Relation to the managing, securing, ascertaining, collecting, recovering, levying, and paying, the said Duty for the Uses and Purposes therein mentioned: And whereas the Methods prescribed for ascertaining and collecting the said Duty, and for preventing Frauds therein, have been found ineffectual to secure the Payment thereof, and the said Duty hath, by Reason of various Frauds and Evasions, for some Years past greatly decreased, and is now insufficient to answer the Purposes for which the same was granted; we, Your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain in Parliament assembled, think it will be for the Advantage of the Publick to repeal the said Duty, and in lieu thereof, to grant unto Your Majesty the Duty upon Licences herein after mentioned: And therefore, do most humbly beseech Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of June, One thousand seven hundred and fifty eight, the said Duty granted by the said Act made in the Sixth Year of his late Majesty's Reign, of Six Pence per Ounce Troy, for and upon all Silver Plate made or wrought in Great Britain, or which ought to be touched, assayed, or marked, in Great Britain, shall cease, determine, and be no longer paid or payable; and, that then and from thenceforth all the Powers and Authorities given and granted, and the Rules and Regulations established and prescribed by the said recited Act, or by any other Act or Acts of Parliament, for or in Relation to the managing, securing, ascertaining, collecting, recovering, levying, and paying, the said Duty, and all Penalties and Forfeitures in respect thereof, shall also cease, determine, and be no longer put in Execution, save only and except in all Cases relating to the recovering any Arrears which may at that Time remain unpaid of the said Duty, or to any Penalty or Forfeiture which shall have been incurred upon or at any Time before the said First Day of June, One thousand seven hundred and fifty eight; any thing herein before contained to the contrary notwithstanding.

Former Duty on Plate repealed;

and all Powers, &c. relating thereto;

except with respect to the Recovery of Arrears, and Penalties incurred before 1 *June*, 1758.

And be it further enacted by the Authority aforesaid, That, in lieu of the said Duty by this Act repealed, there shall, from and after the Fifth Day of July, One thousand seven hundred and fifty eight, be paid unto his Majesty, his Heirs and Successors, a Duty of Forty Shillings for every Licence to be taken out in Manner herein after mentioned, by each Person trading in, selling, or vending Gold or Silver Plate.

Duty on Licences granted in lieu thereof.

And be it further enacted by the Authority aforesaid, That from and after the Fifth Day of July, One thousand seven hundred and fifty eight, no Person or Persons whatsoever, who now, or at any Time or Times hereafter, doth or shall trade in, vend, or sell, any Gold or Silver Plate, shall presume by him, her, or themselves, or by any other Person or Persons whatsoever, employed by him, her, or them, for his, her, or their Benefit, either publickly or privately to trade in, vend, or sell, any Gold or Silver Plate, without first taking out a Licence for that Purpose, in Manner

Traders in, and Venders of, Plate, to take out such Licences,

hereafter mentioned, before he, she, or they, shall trade in, vend, or sell, any such Gold or Silver Plate, for which he, she, or they shall immediately, upon taking out thereof, pay down for such Licence, the Sum of Forty Shillings, in Manner following; that is to say, If such Licences be taken out in London, Westminster, or in any other Parts within the Limits or Jurisdiction of the Chief Office of Excise in London, then such Licences shall be granted under the Hands and Seals of Two or more of His Majesty's Commissioners for the Duty of Excise for the time being; and the Duty for the same shall be paid at the Chief Office of Excise in London, or at any other Place, and to such Person or Persons as the said Commissioners for the time being shall appoint to deliver out such Licences, and to receive the said Duty; but if such Licences shall be taken out without the Limits aforesaid, then such Licences shall be granted under the Hands and Seals of the several Collectors and Supervisors of Excise within their respective Collections and Districts, and the Duty for the same shall be paid by all and every the Persons so taking out such Licences at the Office of Excise next adjoining to the Place where they respectively reside or inhabit, or at any other Place, and to such Persons as His Majesty's Commissioners of Excise for the time being shall appoint to deliver out such Licences, and to receive the said Duty; and in case such Licences be taken out within the Limits of the City of Edinburgh, such Licences shall be granted under the Hands and Seals of Two or more of His Majesty's Commissioners of Excise in Scotland for the time being; and the Duties for the same shall be paid at the Chief Office of Excise in Edinburgh, in the same Manner as is herein before directed in Regard to the Licences to be taken out in London, Westminster, or in any other Parts within the Limits or Jurisdiction of the Chief Office of Excise in London; but if such Licences shall be taken out in any other Part of Scotland, without the Limits aforesaid, then such Licences shall be granted under the Hands and Seals of the several Collectors and Supervisors of Excise in Scotland, within their respective Collections and Districts; and the Duties for the same shall be paid in like Manner as is herein before directed

Licences within the Limits of the Chief Office of Excise in *London*, to be granted by Two of the Commissioners, and the Duty to be paid there, &c.

In other Places, to be granted by the Collectors and Supervisors of Excise for the District, and the Duty to be paid at the next Office.

Licences within the Limits of the City of *Edinburgh*, to be granted by Two Commissioners of Excise in *Scotland*, and the Duty to be paid at the Chief Office of Excise there;

In other Places in *Scotland*, to be granted by the Collectors and Supervisors of Excise for the District, and the Duty to be paid at the next Office.

with regard to the Licences to be taken out in England, without the Limits or Jurisdiction of the Chief Office of Excise in London; and such respective Commissioners of Excise, and the Persons appointed by them respectively, and also all such Collectors and Supervisors, are hereby respectively authorized and required to grant and deliver such Licences to all Persons applying for the same, upon their Payment of Forty Shillings for each Licence.

Licences to be granted to all Persons applying, upon paying the Duty of 40*s*.

And be it further enacted by the Authority aforesaid, That every Person or Persons who shall take out any such Licence as aforesaid, is and are hereby required to take out a fresh Licence Ten Days at least before the Expiration of Twelve Calendar Months after the taking out the First Licence, before he, she, or they do presume to trade in, vend, or sell, any Gold or Silver Plate, and in the same Manner to renew every such Licence from Year to Year, paying down the like Sum of Forty Shillings for each and every new or renewed Licence, at the Places and at the Times before mentioned; and if any Person or Persons shall, after the said Fifth Day of July, One thousand seven hundred and fifty eight, presume, or offer to trade in, vend, or sell, any Gold, or Silver Plate, without first taking out such Licence, and renewing the same yearly, in Manner aforesaid, he, she, or they shall respectively forfeit and lose the Sum of Twenty Pounds for each Offence.

Fresh Licence to be taken out and renewed every Year;

on Penalty of forfeiting 20*l*.

Provided always, and be it further enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and fifty eight, no Duty shall be paid for, or in respect of, any Quantity of Silver Plate which hath been, or shall be, entered upon the Books of the Excise Officers, and which shall not be finished and fit for Use before the said First Day of June; but that the Persons in whose Names such Entries are or shall be made, shall be exonerated from all Duty upon such Plate, or so much thereof, as they shall produce to the Officers of Excise, after the said Day, unfinished, and not fit for Use.

Duty remitted on Plate unfinished and not fit for Use before 1 *June* 1758.

And be it further enacted by the Authority aforesaid, That all Persons using the Trade of selling or vending Gold or Silver Plate, or any Goods or Wares composed of Gold or Silver, or any Goods or Wares in which any Gold or Silver is or shall be manufactured;

Persons deemed Traders in, and Venders of Plate, within the Act; and liable to take out Licences.

tured; and also all Persons employed to sell any Gold or Silver Plate, or any such Goods or Wares aforesaid, at any Auction or Publick Sale, or by Commission, shall respectively be deemed Traders in, Sellers or Venders of Gold or Silver Plate, within the Intent and Meaning of this Act, and shall take out a Licence for the same.

In Copartnerships, where Trade is carried on in One House only, One Licence is sufficient.

Provided always, That Persons in Partnership and carrying on their Trade or Business in One House, Shop, or Tenement only, shall not be obliged to take out more than One Licence in any One Year for the carrying on such Trade or Business; and that no Licence for trading in, selling, or vending, Gold or Silver Plate, shall authorize and impower any Person or Persons to whom the same may be granted, and who shall sell such Gold or Silver Plate in Shops, to trade in, sell, or vend, such Gold or Silver Plate, in any other Shop or Place, except in such Houses or Places thereunto belonging, wherein he, she, or they, shall inhabit and dwell, at the Time of granting such Licence, or in Booths or Stalls at Fairs or Markets.

Licence to serve for the House, &c. only for which it was granted.

Duties to be paid over into the Exchequer, separate from all other Branches of the publick Revenues, and to be applied to the same Uses as the Duty on Plate.

And be it further enacted by the Authority aforesaid, That from and after the said Fifth Day of July, One thousand seven hundred and fifty eight, all the Money arising by the said Duty on Licences (the necessary Charges of raising and accounting for the same excepted) shall, from time to time, be paid into the Receipt of His Majesty's Exchequer at Westminster, separate and apart from all other Branches of the publick Revenues; and are hereby appropriated, and shall be applied to the same Uses and Purposes, and in such Manner, as the said Duty hereby repealed is, by the said Act made in the Sixth Year of his late Majesty's Reign, appropriated unto and directed to be applied, subject to such Redemption as is mentioned in the said Act with respect to the said Duty; and if any Surplus shall remain of the Produce of the said Duty hereby granted, after such Uses and Purposes are answered and satisfied, or Money sufficient shall be reserved for that Purpose, such Surplus shall be reserved for the future Disposition of Parliament.

Surplus Monies to be reserved for the future Disposition of Parliament.

No Drawback to be allowed on Exportation of Plate.

And be it further enacted by the Authority aforesaid, That no Drawback whatsoever shall be allowed or paid, upon, for, or in respect of the Exportation of any Silver Plate which shall have been, or shall be, imported into, or

or made, wrought, or manufactured, in this Kingdom, either before, on, or after the said First Day of June, One thousand seven hundred and fifty eight, and which shall be entered for Exportation after the said First Day of June, One thousand seven hundred and fifty eight; any former Act or Acts of Parliament to the contrary notwithstanding.

Traders, &c. in Gold or Silver Lace, Silver Wire, Thread, or Fringe, not obliged to take out Licences.

Provided always, and be it further enacted by the Authority aforesaid, That this Act shall not extend to subject any Person or Persons to any Penalty or Forfeiture, for, or in respect of, his, her, or their trading in, selling, or vending, Gold or Silver Lace, or Gold or Silver Wire, Thread, or Fringe, without taking out such Licence as aforesaid; nor to repeal or alter any Drawbacks or Allowances now payable upon the Exportation of any such Lace, Wire, Thread, or Fringe; any thing herein before contained to the contrary notwithstanding.

Prosecutions for Recovery of Penalties,

And be it further enacted by the Authority aforesaid, That all Prosecutions for the Recovery of Penalties and Forfeitures, incurred for Offences committed against this Act, shall and may be heard, adjudged, and determined, either by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland, if such Penalty or Forfeiture shall be incurred there, or in such Manner and Form as hereafter is directed; that is to say, All Prosecutions for Recovery of Penalties and Forfeitures, incurred for Offences committed against this Act, within the Limits or Jurisdiction of the Chief Office of Excise in London, shall and may be heard, adjudged, and determined, by any Three or more of the Commissioners of Excise in England for the time being; and in case of Appeal from the Judgement of the said Commissioners (and not otherwise) shall be heard, adjudged, and determined, by the Commissioners for Appeals for the time being, or the major Part of them, whose Judgement therein shall be final; and all Prosecutions for Recovery of Penalties and Forfeitures, incurred for Offences committed within all or any other the Counties, Shires, Stewartries, Cities, Towns, or Places, within the Kingdom of Great Britain, shall and may be heard, adjudged, and determined, by any Two or more of the Justices of the Peace residing near to the Place where such Offence shall be committed; and if either the Informers

if incurred within the Limits of the Chief Office of Excise in *London*, to be heard and determined by Three of the Commissioners;

and in Cases of Appeals, by the Commissioners for Appeals.

Prosecutions within other Counties and Places, to be heard and determined by Two Justices;

and in Cases of Appeal, by the Justices at their Quarter Session.

or Defendants shall think themselves aggrieved by the Judgement given by such Justices, it shall and may be lawful for every such Informer or Defendant, to appeal to the Justices of the Peace at the next Quarter Session to be holden in and for the County, Shire, Stewartry, City, Town, or Place, where the Penalty or Forfeiture shall be incurred, who are hereby authorized and impowered to hear, adjudge, and determine the same, and whose Judgement therein shall be final;

Commissioners and Justices impowered to summon Offenders;

and the said Commissioners for Excise, and Commissioners for Appeals (in case of Appeal) and all Justices of the Peace aforesaid, respectively, are hereby authorized and required, upon Complaint or Information, upon Oath, exhibited and brought before them respectively, as aforesaid, of the Commission of any Offence against this Act (which Oath the said Commissioners, and Justices of the Peace respectively, are hereby authorized to administer) to summon the Party or Parties accused; and upon the Appearance or Contempt of any Person or Persons so summoned, to proceed to the Examination of the Matter of Fact; and upon due Proof made thereof, either by the voluntary Confession of the Person or Persons so summoned, or by the Oath of One or more credible Witness or Witnesses (which Oath they the said Commissioners and Justices respectively have hereby Power to administer) to give Judgement or Sentence thereupon, and to award and issue out Warrants under their Hands respectively, for the levying of such Penalties or Forfeitures upon the Goods and Chattles of such Person or Persons, and to cause Sale to be made of such Goods and Chattles, if they shall not be redeemed within Fourteen Days; rendering to such Person or Persons the Overplus (if any be) and for want of sufficient Distress, to imprison the Party or Parties offending, till Satisfaction be made.

and upon their Appearance, or Contempt, to proceed to the Examination of the Matter of Fact, and give Judgement,

and award Execution thereupon;

and for want of Distress, to commit the Party.

Application of the Penalties and Forfeitures.

And it is hereby further enacted, That all Penalties and Forfeitures which shall be recovered, for any Offences committed against this Act (all necessary Charges for the Recovery thereof being first deducted) shall be distributed, One Moiety thereof for the Use of His Majesty, His Heirs, and Successors, and the other Moiety thereof to him, her, or them, who shall inform or sue for the same.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against

any Person or Persons, for any Thing done in pursuance of this Act, in that Part of Great Britain called England, the Defendant or Defendants in any such Action or Suit, may plead the General Issue, and give the Special Matter in Evidence, at 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, the Jury shall find 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 Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law; and if such Action or Suit shall be commenced or prosecuted in that Part of Great Britain called Scotland, the Court before whom such Action or Suit shall be brought, shall allow the Defendant to plead this Act on his Defence; and if the Pursuer shall not insist on his Action; or if Judgement shall be given against such Pursuer, the Defender shall and may recover the full and real Expences he may have been put to by any such Action or Suit.

General Issue.

Treble Costs.

Defendants Plea in Action brought in *Scotland*.

Defendant recovering, allowed his Expences.

And whereas by a Clause in an Act of Parliament made in the Twelfth Year of His present Majesty's Reign, intituled, An Act for the better preventing Frauds and Abuses in Gold and Silver Wares; every Person who should cast, forge, or counterfeit, any of the Marks or Stamps of the Goldsmiths Company in London, or any of the Marks or Stamps appointed to be used for marking Wrought Plate at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne, or any Mark, Stamp, or Impression, to resemble any Mark, Stamp, or Impression, to be made with any Mark or Stamp to be used by the said Company in London, or by the Wardens or Assayers at any of the other Places aforesaid, in pursuance of the said Act, or any other Acts of Parliament then in Force; or mark or stamp with any such counterfeit Mark or Stamp, any Wrought Plate of Gold or Silver, or any Wares of Brass, or other base Metal, silvered or gilt over, and resembling Plate of Gold or Silver; or transpose or remove from one Piece of wrought Plate to another,

Recital of Clause in Act 12 *Geo.* II.

another, or to any Vessel of such base Metal, any of the Marks, Stamps, or Impressions, made, or to be made, with any of the Marks or Stamps of the said Company, or of the said Wardens or Assayers, used, or to be used, in pursuance of the said or any other Act then in Force; or cause or procure any of the said Offences to be committed, or sell, exchange, or expose to Sale, any Manufacture of Gold or Silver, or export the same, with any such forged, counterfeit, or transposed Mark, Stamp, or Impression, knowing the same to be forged, counterfeited, or transposed, was made liable, for every Offence, to the Forfeiture of One hundred Pounds; and for Default of Payment to Imprisonment, in Manner therein mentioned: And whereas, notwithstanding the Penalty or Punishment inflicted by the said Clause, great Quantities of Gold and Silver Plate of a base and inferior Standard, with such forged, counterfeit, or transposed Marks, Stamps, and Impressions, are now frequently vended in this Kingdom, and also exported to foreign Parts: and it is necessary that all Persons guilty of such Practices for the future, should be subjected to exemplary Punishment, in order to deter, as far as may be, the Commission of Offences, manifestly tending to the Detriment of the fair Trader, and the Diminution of the Wealth, the Credit, and the Commerce of this Kingdom; be it therefore enacted by the Authority aforesaid, That the said Clause shall, from and after the Fifth Day of July, One thousand seven hundred and fifty eight, be and is hereby repealed.

The recited Clause repealed.

And be it further enacted by the Authority aforesaid, That if any Person whatsoever, from and after the said Fifth Day of July, One thousand seven hundred and fifty eight, shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited, any Mark or Stamp used, or to be used, for making Gold or Silver Plate in pursuance of the said Act, or of any other Act or Acts of Parliament now in Force, by the Company of Goldsmiths in London, or by the Wardens, or Assayer or Assayers, at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; or shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited, any Mark, Stamp, or Impression, in Imitation

Penalty of forging or counterfeiting the Stamp used for marking Plate, in pursuance of the recited Act of 12 Geo. II. &c. by the Goldsmiths Company, &c.

tion

tion of, or to resemble any Mark, Stamp, or Impres-
sion, made, or to be made, with any Mark or Stamp,
used, or to be used, as aforesaid, by the said Company
of Goldsmiths in London, or by the said Wardens, or
Assayer or Assayers, or by any Maker or Worker of
Gold or Silver Plate, or any or either of them; or or of marking Plate, &c. with a forged or counterfeited Stamp;
shall mark or stamp, or cause or procure to be marked
or stamped, any Wrought Plate of Gold or Silver, or
any Wares of Brass, or other base Metal, silvered
or gilt over, and resembling Plate of Gold or Sil-
ver, with any Mark or Stamp which hath been or
shall be forged or counterfeited, at any Time either be-
fore, on, or after, the said Fifth Day of July, in
Imitation of, or to resemble, any Mark or Stamp used,
or to be used, as aforesaid, by the said Company of
Goldsmiths in London, or by the said Wardens, or
Assayer or Assayers, or by any Maker or Worker of
Gold or Silver Plate, or any or either of them; or or of transposing the Mark impressed from one Vessel to another;
shall transpose or remove, or cause or procure to be
transposed or removed, from one Piece of Wrought
Plate to another, or to any Vessel of such base Metal,
as aforesaid, any Mark, Stamp, or Impression, made,
or to made, by or with any Mark or Stamp used, or
to be used, as aforesaid, by the said Company of
Goldsmiths in London, or by the said Wardens, or
Assayer or Assayers, or by any Maker or Worker of
Gold or Silver Plate, or any or either of them; or or of selling or exporting Plate with a forged, counterfeit, or transposed Mark;
shall sell, exchange, or expose to Sale, or export out of
this Kingdom, any Wrought Plate of Gold or Silver,
or any Vessel of such base Metal, as aforesaid, with
any such forged or counterfeit Mark, Stamp, or Im-
pression, thereon, or any Mark, Stamp, or Impression,
which hath been or shall be transposed or removed
from any other Piece of Plate, at any Time either
before, on, or after, the said Fifth Day of July, know-
ing such Mark Stamp, or Impression, to be forged,
counterfeited, or transposed, or removed, as aforesaid;
or shall wilfully and knowingly have, or be possessed of, or of having any such Stamp in Possession;
any Mark or Stamp which hath been or shall be forg-
ed or counterfeited, at any Time, either before, on, or
after, the said Fifth Day of July, in Imitation of, or
to resemble, any Mark or Stamp used, or to be used, as
aforesaid, by the said Company of Goldsmiths in Lon-
don, or by the said Wardens, or Assayer or Assayers,
or by any Maker or Worker of Gold or Silver Plate,

or

is Felony, without Benefit of Clergy.

or any or either of them; every such Person offending in any, each, or either of the Cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

FINIS.