ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. CXXVI.

An Act to prevent the counterfeiting any Copper Coin in this Realm made, or to be made, current by Proclamation, or any Foreign Gold or Silver Coin; and to prevent the bringing into this Realm, or uttering, any counterfeit Foreign Gold or Silver Coin. [19th *July* 1797.]

WHEREAS the Commons of *Great Britain*, in Parliament assembled, by their unanimous Address to His Majesty, have requested that His Majesty would be graciously pleased to give Directions that Measures might be taken for procuring an immediate Supply of such Copper Coinage as might be best adapted to the Payment of the laborious Poor; and it is necessary that so much of the Provisions contained in an Act, passed in the Fifteenth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the more effectual preventing the counterfeiting of the Current Coin of this Kingdom, and the uttering or paying false or counterfeit Coin*, as relates to the Copper Monies of this Realm commonly called *An Halfpenny* and *A Farthing*; and also the Provisions contained in an Act, passed in the Eleventh Year of His present Majesty's Reign, intituled, *An Act for the more effectually preventing the counterfeiting the Copper Coin of this Realm*; and all other Provisions made by Law concerning the Copper Monies of this Realm commonly called *An Halfpenny* and *A Farthing*, should be extended to such Copper Money as may be coined and issued in pursuance of such Address, and all other Copper Monies of this Realm, which may be hereafter coined and issued by His Majesty's Authority: Be it therefore enacted

Preamble.

15 *Geo.* II, Cap. 28, and

11 *Geo.* III, Cap. 40, recited.

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 paſſing of this Act, ſo much of the ſaid Act, paſſed in the Fifteenth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more effectual preventing the counterfeiting of the Current Coin of this Kingdom, and the uttering or paying falſe or counterfeit Coin*, as relates to the Copper Monies of this Realm commonly called *An Halfpenny* and *A Farthing*; and alſo the ſaid Act of the Eleventh Year of His Majeſty's Reign, intituled, *An Act for the more effectually preventing the counterfeiting the Copper Coin of this Realm*; and all and every other Acts and Act of Parliament concerning the Copper Monies of this Realm commonly called *An Halfpenny* and *A Farthing*, or any other Copper Money of this Realm, ſhall extend, and be conſtrued, deemed, and taken to extend, to all ſuch Pieces of Copper Money as ſhall be coined and iſſued by Order of His Majeſty, His Heirs and Succeſſors, and as ſhall, by His or Their Royal Proclamation, be ordered to be deemed and taken as Current Money of this Realm; and that all and every the Proviſions in ſuch Acts, or any of them contained, ſhall extend, and be conſtrued, deemed, and taken to extend, to all ſuch other Pieces of Copper Money as aforeſaid, in ſuch and the ſame Manner as if ſuch Pieces had been particularly mentioned and deſcribed in ſuch Acts reſpectively.

So much of firſt recited Act, as relates to Halfpence and Farthings, and the laſt recited Act, and all others relating to Copper Money of this Realm, to extend to all Copper Money ordered by Proclamation to be taken as Current Money.

II. And whereas the Practice of counterfeiting Foreign Gold and Silver Coin, and the bringing into this Realm, and uttering within the ſame, falſe and counterfeit Foreign Gold and Silver Coin, and particularly Pieces of Gold Coin commonly called *Louis d'Or*, and Pieces of Silver Coin commonly called *Dollars*, hath of late greatly increaſed; and it is expedient that Proviſion ſhould be made more effectually to prevent the ſame; be it enacted, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, make, coin, or counterfeit, any Kind of Coin not the proper Coin of this Realm, nor permitted to be current within the ſame, but reſembling, or made with Intent to reſemble or look like, any Gold or Silver Coin of any Foreign Prince, State, or Country, or to paſs as ſuch Foreign Coin, ſuch Perſon or Perſons offending therein, ſhall be deemed and adjudged to be guilty of Felony, and may be tranſported for any Term of Years not exceeding Seven Years.

Perſons counterfeiting Foreign Gold or Silver Coin guilty of Felony;

III. And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, bring into this Realm any ſuch falſe or counterfeit Coin as aforeſaid, reſembling, or made with Intent to reſemble or look like any Gold or Silver Coin of any Foreign Prince, State, or Country, or to paſs as ſuch Foreign Coin, knowing the ſame to be falſe or counterfeit, to the Intent to utter the ſame within this Realm, or within any Dominions of the ſame, all and every ſuch Perſon or Perſons ſhall be deemed and adjudged to be guilty of Felony, and may be tranſported for any Term of Years not exceeding Seven Years.

as alſo Perſons bringing it into the Realm, or paſſing it.

IV. And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, utter or tender in Payment, or give in Exchange, or pay or put off to any Perſon or Perſons, any ſuch falſe or counterfeit Coin as aforeſaid, reſembling, or made with Intent to reſemble

Penalty for tendering in Payment ſuch counterfeit Coin.

ſemble or look like, any Gold or Silver Coin of any Foreign Prince, State, or Country, or to paſs as ſuch Foreign Coin, knowing the ſame to be falſe or counterfeit, and ſhall be thereof convicted, every Perſon ſo offending ſhall ſuffer Six Months Impriſonment, and find Sureties for his or her good Behaviour for Six Months more, to be computed from the End of the ſaid Firſt Six Months; and if the ſame Perſon ſhall afterwards be convicted a Second Time for the like Offence of uttering, or tendering in Payment, or giving in Exchange, or paying, or putting off, any ſuch falſe or counterfeit Coin as aforeſaid, knowing the ſame to be falſe or counterfeit, ſuch Perſon ſhall, for ſuch Second Offence, ſuffer Two Years Impriſonment, and find Sureties for his or her good Behaviour for Two Years more, to be computed from the End of the ſaid Firſt Two Years; and if the ſame Perſon ſhall afterwards offend a Third Time, in uttering or tendering in Payment, or giving in Exchange, or paying, or putting off, any ſuch falſe or counterfeit Coin as aforeſaid, knowing the ſame to be falſe or counterfeit, and ſhall be convicted of ſuch Third Offence, he or ſhe ſhall be adjudged to be guilty of Felony, without Benefit of Clergy.

Clerk of the Aſſize or of the Peace to certify the Conviction of any Perſon for uttering counterfeit Coin.

V. And be it further enacted, That if any Perſon ſhall be convicted of uttering or tendering any ſuch falſe or counterfeit Coin as aforeſaid, and ſhall afterwards be guilty of the like Offence in any other County, City, or Place, the Clerk of the Aſſize or Clerk of the Peace for the County, City, or Place, where ſuch former Conviction ſhall have been had, ſhall, at the Requeſt of the Proſecutor, or any other on His Majeſty's Behalf, certify the ſame by a Tranſcript, in few Words, containing the Effect and Tenor of ſuch Conviction; for which Certificate Two Shillings and Sixpence, and no more, ſhall be paid; and ſuch Certificate, being produced in Court, ſhall be ſufficient Proof of ſuch former Conviction.

Penalty on Perſons having more than Five Pieces of counterfeit Foreign Coin.

VI. And be it further enacted, That if any Perſon or Perſons ſhall have in his, her, or their Cuſtody, without lawful Excuſe, any greater Number of Pieces than Five Pieces, of falſe or counterfeit Coin, of any Kind or Kinds, reſembling, or made with Intent to reſemble or look like, any Gold or Silver Coin or Coins of any Foreign Prince, State, or Country, or to paſs as ſuch Foreign Coin, every ſuch Perſon, being thereof convicted upon the Oath of One or more credible Witneſs or Witneſſes, before One of His Majeſty's Juſtices of the Peace, ſhall forfeit and loſe all ſuch falſe and counterfeit Coin, which ſhall be cut in Pieces, and deſtroyed, by Order of ſuch Juſtice, and ſhall, for every ſuch Offence, forfeit and pay any Sum of Money not exceeding Five Pounds nor leſs than Forty Shillings, for every ſuch Piece of falſe or counterfeit Coin which ſhall be found in the Cuſtody of ſuch Perſon, One Moiety to the Informer or Informers, and the other Moiety to the Poor of the Pariſh where ſuch Offence ſhall be committed; and in caſe any ſuch Penalty ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice to commit the Perſon who ſhall be adjudged to pay the ſame to the Common Gaol, or Houſe of Correction, there to be kept to hard Labour, for the Space of Three Calendar Months, or until ſuch Penalty ſhall be paid.

Juſtices may grant Warrants for ſearching ſuſ-

VII. And be it enacted, That it ſhall and may be lawful to and for any One Juſtice of the Peace, on Complaint made before him, upon the Oath of One credible Perſon, that there is juſt Cauſe to ſuſpect that any One or more

pected Places for counterfeit Foreign Coin.

Perſon or Perſons is or are, or hath or have been, concerned in making or counterfeiting any ſuch falſe or counterfeit Coin as aforeſaid, reſembling, or made with Intent to reſemble or look like, any Gold or Silver Coin of any Foreign Prince, State, or Country, or to paſs as ſuch Foreign Coin, by Warrant under the Hand of ſuch Juſtice, to cauſe the Dwelling Houſe, Room, Workſhop, Outhouſe, or other Building, Yard, Garden, or other Place, belonging to ſuch ſuſpected Perſon or Perſons, or where any ſuch Perſon or Perſons ſhall be ſuſpected to carry on any ſuch making or counterfeiting, to be ſearched for any ſuch falſe or counterfeit Coin, or for Tools or Implements for coining ſuch falſe or counterfeit Coin, or for Materials for making or coining the ſame; and if any ſuch falſe or counterfeit Coin, or any ſuch Tools or Inſtruments, or any ſuch Materials for making any ſuch falſe or counterfeit Coin, ſhall be found in any Place ſo ſearched, or if any ſuch Tools, Implements, or Materials, ſhall be found in the Cuſtody or Poſſeſſion of any Perſon or Perſons whomſoever, not having the ſame by ſome lawful Authority, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, diſcovering the ſame, to ſeize, and he and they are hereby authorized and required to ſeize, ſuch falſe or counterfeit Coin, Tools, Implements, and Materials, and to carry the ſame forthwith to a Juſtice of the Peace of the County, City, or Place, where the ſame ſhall be ſeized, who ſhall cauſe the ſame to be ſecured and produced in Evidence againſt any Perſon or Perſons who ſhall or may be proſecuted for any of the Offences aforeſaid, in ſome Court of Juſtice proper for the Determination thereof; and after ſuch Time as any ſuch falſe or counterfeit Coin, or any ſuch Tools, Implements, or Materials, ſhall have been produced in Evidence as aforeſaid, as well ſo much and ſuch Parts thereof as ſhall have been ſo produced, as every other Part thereof ſo ſeized, and not made uſe of in Evidence, ſhall forthwith, by Order of the Court where ſuch Offender or Offenders ſhall be tried, or by Order of ſome Juſtice of the Peace, in caſe there ſhall be no ſuch Trial, be defaced or deſtroyed, or otherwiſe diſpoſed of, as ſuch Court or ſuch Juſtice ſhall direct.

Such counterfeit Coin, and Tools and Materials, may be ſeized and carried before a Juſtice, who ſhall ſecure the ſame as Evidence, &c.

No Proceedings before a Juſtice to be quaſhed for Want of Form, &c.

VIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender againſt this Act before any Juſtice of the Peace, ſhall be quaſhed for Want of Form, or be removed by Writ of *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

Limitation of Actions.

IX. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, then and in every ſuch Caſe the ſaid Action or Suit ſhall be commenced within Three Calendar Months after the Fact committed, and not afterwards, and ſhall be brought in the County or Place where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſo to be brought may plead the General Iſſue, and give this Act, and 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 to be ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant

General Iſſue.

or Defendants, and if upon the Trial a Verdict ſhall paſs for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become Non-ſuit, or diſcontinue his, her, or their Action, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, 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 for Coſts of Suit in other Caſes by Law. Treble Coſts.

FINIS.