ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

C A P. LXXXVIII.

An Act to restrain the Negotiation of Promissory Notes and Inland Bills of Exchange, under a limited Sum, in *England*. [23d *June* 1808.]

WHEREAS various Notes, Bills of Exchange, and Drafts for Money for very small Sums have for some Time past been circulated or negotiated in lieu of Cash, within that Part of *Great Britain* called *England*, to the great Prejudice of Trade and Public Credit, and many of such Bills and Drafts being payable under certain Terms and Restrictions which the poorer Sort of Manufacturers, Artificers, Labourers, and others cannot comply with, otherwise than by being subject to great Extortion and Abuse: And whereas an Act, passed in the Fifteenth Year of the Reign of His present Majesty, intituled, *An Act to restrain the Negotiation of Promissory Notes and Inland Bills of Exchange, under a limited Sum, within that Part of* Great Britain *called* England, for preventing the circulating such Notes and Drafts: And whereas Doubts have arisen as to the Power of Justices of the Peace to hear and determine Offences under the said Act; and it is therefore expedient that more effectual Provisions should be made for enforcing the Provisions of the said Act; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and

15 G. 3. c. 51.

8 G Consent

Consent of the Lords Spiritual and Temporal, and Commons, in this pre-
Recited Acts repealed. sent Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Act shall be and the same is hereby repealed.

Promissory Notes for less than 20 s. void. II. And be it further enacted, That all Promissory or other Notes, Bills of Exchange or Drafts, or Undertakings in Writing, being negotiable or transferable for the Payment of any Sum or Sums of Money, or any Orders, Notes or Undertakings in Writing, being negotiable or transferable for the Delivery of any Goods, specifying their Value in Money, less than the Sum of Twenty Shillings in the Whole, heretofore made or issued, or which shall hereafter be made or issued, shall from and after the First Day of *October* One thousand eight hundred and eight, be and the same are hereby declared to be absolutely void and of no Effect; any Law, Statute, Usage or Custom, to the contrary thereof in anywise notwithstanding.

Persons uttering such Notes or Bills for less than 20 s. &c. shall forfeit not exceeding 20 l. nor less than 5 l. III. And be it further enacted, That if any Person or Persons shall after the First Day of *July* One thousand eight hundred and eight, by any Art, Device, or Means whatsoever, publish or utter any such Notes, Bills, Drafts, or Engagements as aforesaid, for a less Sum than Twenty Shillings, or on which less than the Sum of Twenty Shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Twenty Pounds, nor less than Five Pounds, at the Discretion of the Justice of the Peace who shall hear and determine such Offence.

Justices empowered to hear and determine Offences. IV. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace, acting for the County, Riding, City or Place within which any Offence against this Act shall be committed, to hear and determine the same in a summary Way, at any Time within Twenty Days after such Offence shall have been committed; and such Justice or Justices, upon any Information exhibited or Complaint made upon Oath in that Behalf, shall summon the Party accused, and also the Witnesses on either Side, and shall examine into the Matter of Fact, and upon due Proof made thereof, either by the voluntary Confession of the Party or by the Oath of One or more credible Witness or Witnesses, or otherwise, (which Oath such Justice or Justices is or are hereby authorized to administer) shall convict the Offender, and adjudge the Penalty for such Offence.

Penalty on Witnesses not attending. V. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before such Justice or Justices, either on the Part of the Prosecutor or the Person accused, and shall neglect or refuse to appear at the Time or Place to be for that Purpose appointed without a reasonable Excuse for such his Neglect or Refusal, to be allowed by such Justice or Justices, then such Person shall forfeit for every such Offence, the Sum of Forty Shillings, to be levied and paid in such Manner and by such Means as are directed for Recovery of other Penalties under this Act.

VI. And

VI. And be it further enacted, That the Justice or Justices before whom any Offender shall be convicted as aforesaid, shall cause the said Conviction to be made out, in the Manner and Form following; (that is to say),

Form of Conviction.

'BE it remembered, That on the Day of in the Year of Our Lord *A.B.* having appeared before me [*or*, us] One [or more] of His Majesty's Justices of the Peace [*as the Case may be*] for the County, Riding, City or Place [*as the Case may be*], and due Proof having been made upon Oath by One or more credible Witness or Witnesses, or by Confession of the Party [*as the Case may be*] is convicted of [*specifying the Offence*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year aforesaid.'

Convictions to be returned to the Quarter Sessions.

Which Conviction the said Justice or Justices shall cause to be returned to the then next General Quarter Sessions of the Peace of the County, Riding, City or Place where such Conviction was made, to be filed by the Clerk of the Peace, to remain and be kept among the Records of such County, Riding, City or Place.

Clerks of the Peace to give Copies of Convictions on Payment of 1 s.

VII. Provided always, and be it further enacted, That it shall be lawful for any Clerk of the Peace for any County, Riding, City or Place, and he is hereby required, upon Application made to him by any Person or Persons for that Purpose, to cause a Copy or Copies of any Conviction or Convictions filed by him under the Directions of this Act, to be forthwith delivered to such Person or Persons upon Payment of One Shilling for every such Copy.

How Penalties shall be levied and applied.

VIII. And be it further enacted, That the pecuniary Penalties and Forfeitures hereby incurred and made payable upon any Conviction against this Act, shall be forthwith paid by the Person convicted, as follows: One Moiety of the Forfeiture to the Informer, and the other Moiety to the Poor of the Parish or Place where the Offence shall be committed; and in case such Person shall refuse or neglect to pay the same, or to give sufficient Security to the Satisfaction of such Justice or Justices to prosecute any Appeal against such Conviction, such Justice or Justices shall by Warrant under his or their Hand and Seal or Hands and Seals, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale, returning the Overplus (if any) to the Owner; and which said Warrant of Distress the said Justice or Justices shall cause to be made out in the Manner and Form following; (that is to say),

Form of the Warrant of Distress.

'To the Constable, Headborough, or Tythingman of

'WHEREAS *A. B.* of in the County of is this Day convicted before me [*or*, us] One [or more] of His Majesty's Justices of the Peace [*as the Case may be*] for the County of [*or*, for the Riding of the County of *York*, *or* for the Town, Liberty, or District of [*as the Case may be*] upon

upon the Oath of or a credible Witneſs or Witneſſes [*or*, by Confeſſion of the Party, *as the Caſe may be*] for that the ſaid *A. B.* hath [*here ſet forth the Offence*] contrary to the Statute in that caſe made and provided, by Reaſon whereof the ſaid *A. B.* hath forfeited the Sum of to be diſtributed as herein is mentioned, which he hath refuſed to pay: Theſe are therefore, in His Majeſty's Name, to command you to levy the ſaid Sum of by Diſtreſs of the Goods and Chattels of him the ſaid *A. B.* and if within the Space of Five Days next after ſuch Diſtreſs by you taken, the ſaid Sum, together with the reaſonable Charges of taking the ſame, ſhall not be paid, then that you do ſell the ſaid Goods and Chattels ſo by you diſtrained, and out of the Money ariſing by ſuch Sale, that you do pay One-half of the ſaid Sum of to of who informed me [*or*, us, *as the Caſe ſhall be*] of the ſaid Offence, and the other Half of the ſaid Sum of to the Overſeer of the Poor of the Pariſh, Townſhip or Place where the Offence was committed, to be employed for the Benefit of ſuch Poor, returning the Overplus (if any) upon demand, to the ſaid *A. B.* the reaſonable Charges of taking, keeping, and ſelling the ſaid Diſtreſs being firſt deducted; and if ſufficient Diſtreſs cannot be found of the Goods and Chattels of the ſaid *A. B.* whereon to levy the ſaid Sum of that then you certify the ſame to me, [*or*, us, *as the Caſe ſhall be*] together with this Warrant. Given under my Hand and Seal [*or*, our Hands and Seals] the Day of in the Year of our Lord

Security may be taken for Appearance.

IX. And be it further enacted, That it ſhall be lawful for ſuch Juſtice or Juſtices to order ſuch Offender to be detained in ſafe Cuſtody until return may conveniently be had and made to ſuch Warrant of Diſtreſs, unleſs the Party ſo convicted ſhall give ſufficient Security, to the Satisfaction of ſuch Juſtice or Juſtices, for his Appearance before the ſaid Juſtice or Juſtices on ſuch Day as ſhall be appointed by the ſaid Juſtice or Juſtices for the Day of the Return of the ſaid Warrant or Diſtreſs (ſuch Day not exceeding Five Days from the taking of ſuch Security); which Security the ſaid Juſtice or Juſtices is and are hereby empowered to take by Way of Recognizance or otherwiſe.

Offenders may be committed for want of Diſtreſs.

X. And be it further enacted, That if upon ſuch Return no ſufficient Diſtreſs can be had, then and in ſuch Caſe the ſaid Juſtice or Juſtices ſhall and may commit ſuch Offender to the Common Gaol or Houſe of Correction of the County, Riding, Diviſion or Place where the Offence ſhall be committed, for the Space of Three Calendar Months, unleſs the Money forfeited ſhall be ſooner paid, or unleſs or until ſuch Offender thinking him or herſelf aggrieved by ſuch Conviction, ſhall give Notice to the Informer that he or ſhe intends to appeal to the Juſtices of the Peace at the next General Quarter Seſſions of the Peace to be holden for the County, Riding, or Place wherein the Offence ſhall be committed, and ſhall enter into Recognizance before ſome Juſtice or Juſtices, with two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order of and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions (which Notice of Appeal, being not leſs than Eight Days before the Trial thereof, ſuch Perſon ſo aggrieved is hereby empowered to give); and the ſaid

Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſion ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Pariſhioners admitted Witneſſes.

XI. And be it further enacted, That no Perſon ſhall be diſabled from being a Witneſs in any Proſecution for any Offence againſt this Act, by Reaſon of his being an Inhabitant of the Pariſh wherein ſuch Offence was committed.

Convictions not to be removed.

XII. Provided always, That no Proceedings to be had, touching the Conviction or Convictions of any Offender or Offenders againſt this Act, 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*.

General Iſſue may be pleaded.

XIII. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or acted in purſuance of this Act, then and in every ſuch Caſe ſuch Action or Suit ſhall be commenced or proſecuted within Three Calendar Months after the Fact committed, and not afterwards; and the ſame and every ſuch Action or Suit ſhall be brought within the County where the Fact was committed, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and 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 the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time limited for bringing the ſame, or be brought or laid in any other Place than as aforementioned, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action after the Defendant or Defendants ſhall have appeared, 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 Recovery thereof as any Defendant or Defendants hath or have in any other Caſes by Law.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1808.