

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. CLVII.

An Act to prevent the iſſuing and circulating of Pieces of Gold and Silver, or other Metal, uſually called Tokens, except ſuch as are iſſued by the Banks of *England* and *Ireland* reſpectively.

[29th *July* 1812.]

WHEREAS various Pieces of Gold or Silver, and mixed Metals compoſed in Part of Gold or Silver, uſually denominated Tokens, have lately been and are iſſued and circulated by Perſons reſiding in various Parts of the United Kingdom, in great Quantities, for nominal Sums of Money uſually expreſſed thereon, much above the real Value of the Metals of which the ſame are compoſed: And whereas it is expedient that the further making and iſſuing of ſuch Tokens ſhould be prohibited, and that the Circulation of thoſe already made or iſſued ſhould alſo be prohibited after a limited Period: May it therefore pleaſe 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 Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, no Piece of Gold or Silver, or mixed Metal compoſed in Part of Gold or Silver, of whatever Value the ſame may be, ſhall be made

Tokens not to be iſſued; Penalty on iſſuing,

made or manufactured, or originally iſſued as a Token for Money, or as purporting that the Bearer or Holder thereof is entitled to demand any Value denoted thereon, either by Letters, Words, Figures, Marks or otherwiſe, whether ſuch Value is to be paid or given in Money or Goods, or in any Manner whatſoever; and every Perſon who ſhall after the paſſing of this Act make or manufacture, or originally iſſue or cauſe or procure to be made, manufactured, or originally iſſued, or permit or ſuffer to be ſo iſſued on his or her Behalf as for any nominal Value in Money or Goods, any ſuch Token, ſhall for every Token ſo made, manufactured, or iſſued, or procured or permitted to be ſo made, manufactured, or iſſued as aforeſaid, forfeit any Sum not leſs than Five Pounds or more than Twenty Pounds, at the Diſcretion of the Juſtice or Juſtices of the Peace who ſhall hear and determine ſuch Offence.

Tokens not to circulate after the 25th March 1813.

II. And be it further enacted, That from and after the Twenty-fifth Day of *March* One thouſand eight hundred and thirteen, no Piece of Gold or Silver, or of any mixed Metal compoſed partly of Gold or Silver, of whatever Value the ſame may be, ſhall paſs or circulate as a Token for Money, or as purporting that the Bearer or Holder thereof is entitled to demand any Value denoted thereon, either by Letters, Words, Figures, Marks, or otherwiſe, whether ſuch Value is to be paid or given in Money or Goods, or other Value, or in any Manner whatſoever; and every Perſon who ſhall after the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and thirteen, circulate or paſs, as for any nominal Value in Money or Goods, any ſuch Token, ſhall for every ſuch Token ſo circulated or paſſed, whether ſuch Perſon ſhall be or have been concerned in the original iſſuing or circulation of any ſuch Token, or only the Bearer or Holder thereof for the Time being, forfeit any Sum not leſs than Five Pounds, nor more than Twenty Pounds, at the Diſcretion of the Juſtice or Juſtices of the Peace who ſhall hear and determine ſuch Offence; provided that nothing in this Act contained ſhall extend or be conſtrued to extend to prevent any Perſon from preſenting any ſuch Token for Payment to the original Iſſuer thereof, or to diſcharge or excuſe any ſuch original Iſſuer from his Liability to pay the ſame.

Act not to extend to Tokens of the Bank of England or Ireland.

III. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to any Tokens iſſued or circulated by or under the Authority of the Governor and Company of the Bank of *England*, or by or under the Authority of the Governor and Company of the Bank of *Ireland* reſpectively, or in any Manner to affect any ſuch Tokens or the Circulation thereof, or to ſubject any Company or Companies, or Perſon or Perſons to any Penalty for iſſuing or circulating any ſuch Tokens.

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; 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

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 Twenty Pounds, to be levied and paid in ſuch Manner and by ſuch Means as are directed for Recovery of other Penalties under this Act.

Form of Conviction.

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),

'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.'

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.

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 proſe-

cute 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 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 Ma-'jeſty'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 the Oath of *or* a credible Wit-'neſs 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 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 Diſ-'treſs 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*, Hands and Seals] the 'Day of in the Year of Our Lord .'

Securities may be taken for Appearances.

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 of 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.

X. And

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 Sessions shall be final, binding and conclusive to all Intents and Purposes. Offenders may be committed for want of Distress.

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. Parishioners admitted Witnesses.

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 or vacated 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* or elsewhere. Convictions not to be removed.

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 General Issue may be pleaded.

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.

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