ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

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C A P. CXIII.

An Act to prevent the further Circulation of Dollars and Tokens, issued by the Governor and Company of the Bank of *England*, for the Convenience of the Public. [11th *July* 1817.]

WHEREAS the Governor and Company of the Bank of *England* did, in and subsequent to the Year One thousand eight hundred and four, for the Convenience of the Public, cause to be coined or stamped, and circulated, a large Quantity of Silver Dollars; and by an Act passed on the Tenth Day of *July* One thousand eight hundred and four, intituled *An Act to prevent the counterfeiting of Silver* 44G.3.c.71.
Coin, issued by the Governor and Company of the Bank of England, *called Dollars, and Silver Coin, which may be issued by the Governor and Company of the Bank of* Ireland, *called Tokens; and to prevent the bringing into the United Kingdom or uttering any counterfeit Dollars or Tokens;* all Persons counterfeiting the said Dollars, or uttering or vending the same when so counterfeited, were subjected to the Punishment in the said Act specified: And whereas the said Governor and Company did, in and subsequent to the Year One thousand eight hundred and eleven, with the Approbation of His Majesty's most Honourable Privy Council, and under the Authority of an Act passed on the Twenty-sixth Day of *June* One thousand eight hundred and eleven, intituled *An Act to prevent the counterfeit-* 51G.3.c.110.
ing of Silver Pieces denominated Tokens, intended to be issued and circulated by the Governor and Company of the Bank of England, *for the respective Sums of Five Shillings and Sixpence, Three Shillings, and One Shilling and Sixpence;*

Sixpence; and to prevent the bringing into the Kingdom or uttering any such counterfeit Pieces or Tokens, iſſue and circulate, for the further Convenience of the Public, a Quantity of Silver Pieces called Tokens, for the reſpective Sums of Three Shillings, and One Shilling and Sixpence; and by the ſaid laſt-mentioned Act all Perſons counterfeiting the ſaid Tokens, or uttering or vending the ſame when ſo counterfeited, were ſubjected to certain Puniſhments thereby impoſed: And whereas, in conſequence of the recent Circulation of the new current Silver Coin, it becomes unneceſſary any longer to continue the ſaid Dollars and Tokens in Circulation, and it is expedient to prohibit the further Circulation thereof, after a Time to be limited; be it therefore 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-fifth Day of *March* One thouſand eight hundred and eighteen, the ſaid Dollars and Tokens ſhall no longer paſs or circulate, or be received in Payment or Exchange, or otherwiſe howſoever; and that in caſe any Perſon or Perſons ſhall from and after the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and eighteen, utter, offer, or tender in Payment, or give in Exchange, or paſs, circulate or put off, any ſuch Dollar or Tokens, whether the Value thereof ſhall be paid or given in Money or Goods, or in any other Manner whatſoever, every Perſon ſo offending, and being thereof convicted upon the Oath of One or more credible Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace acting for the County, Riding, City, or Place within which ſuch Offence ſhall be committed, ſhall for every ſuch Dollar or Token ſo uttered, offered, tendered in Payment, given in Exchange, or paſſed, circulated, or put off, contrary to the Prohibition herein-before contained, forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings, 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 or Perſons from preſenting any ſuch Dollars or Tokens for Payment to the Governor and Company of the Bank of *England*, or at any Time before the Twenty-fifth Day of *March* One thouſand eight hundred and twenty, or to any of their Officers or Servants, or to diſcharge or excuſe the ſaid Governor and Company from their Liability to pay the ſame before the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and twenty: Provided alſo, that nothing herein contained ſhall reſtrain or prevent any Perſon or Perſons after the Twenty-fifth Day of *March* next from ſelling or diſpoſing of any ſuch Dollars or Tokens as aforeſaid as old Silver according to the Weight thereof at the current Price of Silver, and without regard to the nominal or current Value at which the ſame ſhall have been circulated.

Circulation of Bank Dollars and Tokens to ceaſe after March 25, 1818.

Penalty for afterwads circulating them:

but they may be preſented at the Bank till March 25, 1820.

May be ſold as old Silver.

Juſtices empowered to hear and determine Offences.

II. 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 Perſon or Perſons 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 Perſon or Perſons accuſed,

accuſed, or by the Oath of One or more credible Witneſs or Witneſſes, which Oath ſuch Juſtice or Juſtices is or are hereby authorized to adminiſter, ſhall convict the Offender or Offenders, and adjudge the Penalty for ſuch Offence.

Witneſſes not attending.

III. 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 Informer or Proſecutor, or of the Perſon or Perſons 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.

Penalty 20l.

Form of Conviction.

IV. And be it further enacted, That the Juſtice or Juſtices before whom any Offender or Offenders, Witneſs or Witneſſes, 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 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.

Clerk of the Peace to give Copies.

V. 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.

Penalties how levied and applied.

VI. 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 or Perſons 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 the Perſon or Perſons ſo convicted 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

Warrant under his or their Hand and Seal or Hands and Seals, cauſe the ſame to be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, together with all Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner or Owners; 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 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 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 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*, Hands and Seals] the
'Day of in the Year of our Lord .'

Securities taken for Appearance.

VII. And be it further enacted, That it ſhall be lawful for ſuch Juſtice or Juſtices to order ſuch Offender or Offenders to be detained in ſafe Cuſtody, until Return may conveniently be had and made to ſuch Warrant of Diſtreſs, unleſs the Perſon or Perſons ſo convicted ſhall give ſufficient Security, to the Satisfaction of ſuch Juſtice or Juſtices, for his, her, or their 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.

VIII. And

VIII. 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 or Offenders to the Common Gaol or Houſe of Correction of the County, Riding, Diviſion, City, 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 or Offenders, thinking him, her, or themſelves aggrieved by ſuch Conviction, ſhall give Notice to the Informer that he, ſhe, or they intend to appeal to the Juſtices of the Peace at the next General Quarter Seſſions of the Peace to be holden for the County, Riding, Diviſion, City, 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 given not leſs than Eight Days before the Trial thereof, the Perſon or Perſons ſo aggrieved is or are 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 committed for Want of Diſtreſs.

Appeal.

IX. 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, Townſhip, or Place wherein ſuch Offence was committed.

Pariſhioners Witneſſes.

X. 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 removed by Certiorari.

XI And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or tranſacted in purſuance of this Act, then and in every ſuch Caſe ſuch Action or Suit ſhall be commenced or proſecuted within Three Calendar Months next 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 afore-mentioned, 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

Limitation of Actions.

General Iſſue.

or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or De-
Treble Coſts. fendants 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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