

ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

CAP. XLVI.

An Act to prevent the iſſuing and circulating of Pieces of Copper or other Metal, uſually called Tokens. [27th *June* 1817.]

WHEREAS various Pieces of Copper, and mixed Metals compoſed in part of Copper, uſually denominated Tokens, have lately been and are iſſued and circulated, by Perſons reſiding in various Parts of the United Kingdom, in great Quantities, as Money, and for a nominal Value of the Metals of which they 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 Copper, or mixed Metal compoſed in part of Copper, of whatever Value the ſame may be, ſhall be 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 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 One Pound nor more than Five, at the Diſcretion of the

No Copper Tokens to be made,

or iſſued,

the Juſtice or Juſtices of the Peace who ſhall hear and determine ſuch Offence,

or circulated,

II. And be it further enacted, That from and after the Firſt Day of *January* One thouſand eight hundred and eighteen, no Piece of Copper, or of any mixed Metal compoſed partly of Copper, 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 Firſt of *January* One thouſand eight hundred and eighteen, 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 Two Shillings nor more than Ten 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 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: Provided always, that nothing in this Act contained ſhall be conſtrued as affecting any Tokens which have been or may be iſſued by the Bank of *England*.

on Penalty.

Iſſuer to be liable for Payment.

Not to affect Bank of England Tokens.

Sheffield Penny Tokens iſſued for the Relief of the Poor may circulate to 25th March 1823.

III. And whereas certain Tokens made of Copper or of a mixed Metal compoſed partly of Copper, and bearing the Superſcription "*Sheffield Penny Token*," were iſſued from Time to Time during the Years One thouſand eight hundred and twelve, One thouſand eight hundred and thirteen, One thouſand eight hundred and fourteen, and One thouſand eight hundred and fifteen, by the Overſeers of the Poor of the Townſhip of *Sheffield*, in the County of *York*; And whereas the immediate Suppreſſion of the Circulation of the aforeſaid Tokens would be attended with great Loſs to the ſaid Townſhip of *Sheffield*, and to the Holders thereof, who are for the moſt Part Labourers and Mechanics, as well as with great Inconvenience to the Inhabitants of the Town of *Sheffield*, and the Neighbourhood thereof; be it further enacted, That nothing in this Act contained ſhall be conſtrued to prevent ſuch Tokens as aforeſaid from being paſſed and circulated at any Time previous to the Twenty-fifth Day of *March* which will be in the Year of our Lord One thouſand eight hundred and twenty-three: Provided always, that from and after the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and twenty-three, all and every the Proviſions of this Act ſhall be conſtrued to prevent ſuch Tokens as aforeſaid from being paſſed and circulated.

Overſeers of the Poor of Sheffield to pay 1d. for their Tokens.

IV. And be it further enacted, That in caſe any Token or Tokens made of Copper, or of a mixed Metal compoſed partly of Copper, with the Superſcription "*Sheffield Penny Token*," and which has or have been iſſued by the Overſeers of the Poor of the Townſhip of *Sheffield* at any Time previous to the paſſing of this Act, ſhall, after the Twenty-fifth Day of *March* One thouſand eight hundred and twenty-three, and previous to the Twenty-fifth Day of *September* One thouſand eight hundred and twenty-three,

three, be presented to the Overseers of the Poor of the Townſhip of *Sheffield* for the Time being, or their Agent, at the Workhouſe of the ſaid Townſhip, the ſaid Overſeers ſhall receive and take ſuch Token or Tokens as aforeſaid, paying to the Holder or Holders thereof One Penny of the current Coin of the Realm for each and every Token ſo preſented as aforeſaid; and in caſe ſuch Overſeers or their Agent ſhall neglect or refuſe to receive and take ſuch Token as aforeſaid, and to pay One Penny for the ſame as aforeſaid, it ſhall and may be lawful for One Juſtice of the Peace, upon Complaint upon Oath in that Behalf made, to ſummon ſuch Overſeers or their Agent, and after hearing the Parties upon both Sides, to direct and order (if he ſhall ſee juſt Cauſe) the ſaid Overſeers of the Poor or their Agent to take and receive ſuch Token as aforeſaid, and to pay One Penny for the ſame as aforeſaid, together with all Coſts and Charges whatever attending ſuch Complaint ſo made before ſuch Juſtice: Provided always, that it ſhall and may be lawful for the Overſeers of the Poor of the ſaid Townſhip of *Sheffield* to pay ſuch Penny as aforeſaid out of any Money received by them for the Relief and Maintenance of the Poor of the ſaid Townſhip; but that it ſhall not be lawful for the ſaid Overſeers of the Poor to pay the Coſts and Charges attending any ſuch Complaint as aforeſaid out of any Money received by them as aforeſaid.

Overſeers of the Poor of Sheffield may call in Tokens before 25th March 1823.

V. And be it further enacted, That in caſe the Overſeers of the Poor for the Townſhip of *Sheffield* for the Time being ſhall at any Time previous to the ſaid Twenty-fifth of *March* One thouſand eight hundred and twenty-three, deem it adviſable to call in ſuch Tokens as aforeſaid, or any Amount of them, it ſhall and may be lawful for them to take ſuch Meaſures as may to them ſeem neceſſary for that Purpoſe; paying however, for each and every Token ſo called in, One Penny of the current Coin of the Realm, out of any Money received by them for the Relief and Maintenance of the Poor of the ſaid Townſhip of *Sheffield*.

Birmingham Penny Tokens iſſued for the Relief of the Poor may circulate to 25th March 1820.

VI. And whereas certain other Tokens made of Copper, or of a mixed Metal compoſed partly of Copper, and bearing the Superſcription "*Birmingham, One Penny*," were iſſued from Time to Time during the Years One thouſand eight hundred and eleven, One thouſand eight hundred and twelve, One thouſand eight hundred and thirteen, One thouſand eight hundred and fourteen, and One thouſand eight hundred and fifteen, by the Overſeers of the Poor of the Pariſh of *Birmingham* in the County of *Warwick*: And whereas the immediate Suppreſſion of the Circulation of the aforeſaid Tokens would be attended with great Loſs to the ſaid Pariſh of *Birmingham*, and to the Holders thereof, as well as with great Inconvenience to the Inhabitants of the Town of *Birmingham* and the Neighbourhood thereof; be it further enacted, That nothing in this Act contained ſhall be conſtrued to prevent ſuch Tokens as aforeſaid from being paſſed and circulated at any Time previous to the Twenty-fifth Day of *March* One thouſand eight hundred and twenty: Provided always, that from and after the ſaid Twenty-fifth of *March* One thouſand eight hundred and twenty, all and every the Proviſions of this Act ſhall be conſtrued to prevent ſuch Tokens as aforeſaid from being paſſed and circulated.

Overſeers of the Poor of

VII. And be it further enacted, That in caſe any Token or Tokens made of Copper, or of a mixed Metal compoſed partly of Copper, with

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Birmingham to pay 1d. for their Tokens.

the Superſcription "*Birmingham, One Penny,*" and which have been iſſued by the Overſeers of the Poor of *Birmingham* at any Time previous to the paſſing of this Act, ſhall, after the Twenty-fifth Day of *March* One thouſand eight hundred and twenty, and previous to the Twenty-fifth Day of *September* One thouſand eight hundred and twenty, be preſented to the Overſeers of the Poor of *Birmingham*, or their Agent, at the Workhouſe of the ſaid Pariſh, the ſaid Overſeers ſhall receive and take ſuch Token or Tokens as aforeſaid, paying to the Holder or Holders thereof One Penny of the current Coin of the Realm for each and every Token ſo preſented as aforeſaid; and in caſe ſuch Overſeers or their Agent ſhall neglect or refuſe to receive and take ſuch Token as aforeſaid, and to pay One Penny as aforeſaid for the ſame, it ſhall and may be lawful for One Juſtice of the Peace, upon Complaint upon Oath in ſuch Behalf made, to ſummon ſuch Overſeers or their Agent, and after hearing the Parties upon either Side to direct and order (if he ſhall ſee juſt Cauſe) the ſaid Overſeers of the Poor or their Agent to take and receive ſuch Token as aforeſaid, and to pay One Penny for the ſame as aforeſaid, together with all Coſts and Charges whatever attending ſuch Complaint ſo made before ſuch Juſtice: Provided always, that it ſhall and may be lawful for the Overſeers of the Poor of the Pariſh of *Birmingham* to pay ſuch Penny as aforeſaid out of any Money received by them for the Relief and Maintenance of the Poor of the ſaid Pariſh; but that it ſhall not be lawful for them to pay the Coſts and Charges attending any Complaint out of ſuch Money.

Overſeers of the Poor of Birmingham may call in Tokens before 25th March 1820.

VIII. And be it further enacted, That in caſe the Overſeers of the Poor of *Birmingham* ſhall, at any Time previous to the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and twenty, deem it adviſable to call in ſuch Tokens as aforeſaid, or any Amount of them, it ſhall and may be lawful for them to take ſuch Meaſures as may to them ſeem neceſſary for that Purpoſe; paying however, for each and every ſuch Token ſo called in, One Penny of the current Coin of the Realm, from and out of any Money received by them for the Relief and Maintenance of the Poor of the ſaid Townſhip of *Birmingham*.

Juſtices to determine Offences.

IX. 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 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 to give Evidence.

X. 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 Fifty Pounds, to be levied and paid in ſuch Manner

and by such Means as are directed for Recovery of other Penalties under this Act.

XI. 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), 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*], in 'the Sum of 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, City, Riding, 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.

XII. 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. Clerk of the Peace to deliver a Copy thereof on Payment of 1s.

XIII. 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), Recovery and Distribution of Penalties.

'To the Constable, Headborough, or Tithingman of Warrant.

'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 Days next « after ſuch Diſtreſs by you taken, the ſaid Sum, together with 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 .»

For detaining Offenders till Return of Warrant.

XIV. 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.

Committal of Defaulters.

XV. 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 One Calendar Month, 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 ſuch Quarter Seſſions, 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.

Competency of Witneſſes.

XVI. 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: Provided always, that no Proceeding 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.

Proceedings not to be removed by Certiorari.

Limitation of Actions.

XVII. 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 was 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 Judgment 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.

Not to extend to Copper Monies of the Realm.

XVIII. Provided always, and be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to any Copper Monies of the Realm now current, or to be current, by virtue of any Proclamation or Proclamations that ſhall have been or may be iſſued by His Majeſty.

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