ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

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CAP. XLIX.

An Act to continue the Restrictions contained in several Acts on Payments in Cash by the Bank of *England*, until the First Day of *May* One thousand eight hundred and twenty-three, and to provide for the gradual Resumption of such Payments; and to permit the Exportation of Gold and Silver. [2d *July* 1819.]

WHEREAS an Act was passed in the Parliament of *Great Britain*, in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for confirming and continuing for a limited Time, the Restriction contained in the Minute of Council of the Twenty-sixth of* February *One thousand seven hundred and ninety-seven, on Payments of Cash by the Bank;* which Act was continued, under certain Regulations and Restrictions, by another Act made in the said Parliament in the Thirty-seventh Year aforesaid; and by an Act made in the Parliament of *Great Britain* in the Thirty-eighth Year of His present Majesty's Reign, the Provisions contained in the said last recited Act of the Thirty-seventh Year, were amended and continued; and by an Act made in the Forty-second Year of His present Majesty's Reign, the several Provisions of the said Acts passed in the Thirty-seventh Year aforesaid, so far as the same are amended and continued by the said Act passed in the Thirty-eighth Year aforesaid, and also the recited Act of the Thirty-eighth Year aforesaid, were further continued; and by an Act passed in the Forty-third Year of His present Majesty's Reign, the several Provisions of

37 G.3. c.45.

37 G.3. c.91.

38 G.3. c.1.

42 G.3. c.40.

43 G.3. c.18.

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the said Acts passed in the Thirty-seventh Year aforesaid, so far as the same are amended by the said Act passed in the Thirty-eighth Year aforesaid, and continued by the said Act of the Forty-second Year, were further continued and amended; and by an Act made in the Forty-fourth Year of His present Majesty's Reign, the several Provisions of the said Acts passed in the Thirty-seventh Year aforesaid, so far as the same are amended by the said Act passed in the Thirty-eighth Year aforesaid, and continued and amended by the said Act of the Forty-third Year aforesaid, were further continued; and by several Acts passed in the Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-eighth Years of His present Majesty's Reign, the said recited Act of the Forty-fourth Year has been continued, and is now in force, until the Fifth Day of *July* One thousand eight hundred and nineteen: And whereas an Act was passed in the present Session of Parliament, intituled *An Act to restrain, until the End of the present Session of Parliament, the Governor and Company of the Bank of* England, *from making Payments in Cash under certain Notices given by them for that Purpose*: And whereas it is expedient that the Restrictions on Payments in Cash by the said Bank should be continued beyond the Time to which such Restrictions are at present limited, and that a definite Period should be fixed for the Termination of such Restrictions, and that preparatory Measures should be taken with a View to facilitate and ensure, on the Arrival of that Period, the Payment of the Promissory Notes of the Bank of *England* in the Legal Coin of the Realm: 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 the several Provisions of the said herein-before recited Acts passed in the Parliament of *Great Britain* in the Thirty-seventh Year of His present Majesty's Reign, so far as the same are amended by the said Act passed in the Parliament of *Great Britain* in the Thirty-eighth Year of His present Majesty's Reign, and by the said Act of the Forty-third Year of His present Majesty's Reign, for continuing and amending the same, and also of the said herein-before recited Act of this present Session of Parliament, and each and every of the said Acts, shall be and the same and every of them is and are hereby further continued, until the First Day of *May* One thousand eight hundred and twenty-three; and that from and after the said First Day of *May* One thousand eight hundred and twenty-three, the Restrictions on Payments in Cash under the said several Acts shall finally cease and determine.

44 G. 3. c. 1.
54 G. 3. c. 99.
55 G. 3. c. 28.
56 G. 3. c. 40.
58 G. 3. c. 37.
59 G. 3. c. 23.
Acts 37 and 38 G. 3. as amended by 43 G. 3. c. 18. and Act 59 G. 3. c. 23. continued.

Between Feb. 1, and Oct. 1, 1820, Bank shall pay in Standard Gold for Notes tendered to an Amount not less than the Value of 60 oz., calculated after the Rate of 4*l.* 1*s.* per oz.

II. Provided always, and be it further enacted, That at any Time on or after the First Day of *February* One thousand eight hundred and twenty, and before the First Day of *October* One thousand eight hundred and twenty, whenever any Person shall tender to the Governor and Company of the Bank of *England* any Note or Notes of the said Governor and Company payable on Demand, to an Amount not less than the Price or Value of Sixty Ounces of Gold, calculated after the Rate of Four Pounds One Shilling for every Ounce of Gold, and shall require such Note or Notes to be paid in Standard Gold, the Governor and Company of the said Bank of *England* shall, upon Demand, pay and deliver to the Person tendering such Notes, such Quantity of Gold of the Fineness declared by Law to be the

Standard of and for the lawful Gold Coin of the Realm, the same having been first assayed and stamped at His Majesty's Mint in *London*, as shall, at the said Rate of Four Pounds One Shilling for every Ounce of such Gold, be equal to the Amount of the Notes so presented for Payment.

Between Oct. 1, 1820, and May 1, 1821, such Payments shall be made in Gold calculated after the Rate of 3*l.* 19*s.* 6*d.* per oz.

III. Provided also, and be it further enacted, That at any Time on or after the First Day of *October* One thousand eight hundred and twenty, and before the First Day of *May* One thousand eight hundred and twenty-one, whenever any Person shall tender to the Governor and Company of the Bank of *England* any Note or Notes of the said Governor and Company payable on Demand, to an Amount not less than the Price or Value of Sixty Ounces of Gold, calculated after the Rate of Three Pounds Nineteen Shillings and Sixpence for every Ounce of Gold, and shall require such Note or Notes to be paid in Standard Gold, the Governor and Company of the said Bank of *England* shall, upon Demand, pay and deliver to the Person tendering such Notes, such Quantity of Gold of the Fineness declared by Law to be the Standard of and for the lawful Gold Coin of the Realm, the same having been first assayed and stamped at His Majesty's Mint in *London*, as shall, at the said Rate of Three Pounds Nineteen Shillings and Sixpence for every Ounce of such Gold, be equal to the Amount of the Notes so presented for Payment.

Between May 1, 1821, and May 1, 1823, such Payments shall be made in Gold calculated after the Rate of 3*l.* 17*s.* 10½*d.*

IV. Provided also, and be it further enacted, That at any Time on or after the First Day of *May* One thousand eight hundred and twenty-one, and before the First Day of *May* One thousand eight hundred and twenty-three, whenever any Person shall tender to the Governor and Company of the Bank of *England* any Note or Notes of the said Governor and Company payable on Demand, to an Amount not less than the Price or Value of Sixty Ounces of Gold, calculated after the Rate of Three Pounds Seventeen Shillings and Ten-pence Halfpenny for every Ounce of Gold, and shall require such Note or Notes to be paid in Standard Gold, the Governor and Company of the said Bank of *England* shall, upon Demand, pay and deliver to the Person tendering such Notes, such Quantity of Gold of the Fineness declared by Law to be the Standard of and for the lawful Gold Coin of the Realm, the same having been first assayed and stamped at His Majesty's Mint in *London*, as shall, at the said Rate of Three Pounds Seventeen Shillings and Ten-pence Halfpenny for every Ounce of such Gold, be equal to the Amount of the Notes so presented for Payment.

But the Bank may between Feb. 1, and Oct. 1, 1820, make Payments at any Rate less than 4*l.* 1*s.* and not less than 3*l.* 19*s.* 6*d.* per oz., and between Oct. 1, 1820, and May 1,

V. And be it further enacted, That it shall and may be lawful for the Governor and Company of the said Bank of *England*, at any Time between the said First Day of *February* One thousand eight hundred and twenty, and the said First Day of *October* One thousand eight hundred and twenty, to pay and deliver to any Person who shall present Notes of the said Governor and Company of the said Bank, such Quantity of Gold of such Fineness as aforesaid, and assayed and stamped as aforesaid, as shall be equal to the Amount of the Notes so presented, at any Rate less than Four Pounds One Shilling and not less than Three Pounds Nineteen Shillings and Sixpence for every Ounce of such Gold; and in like Manner at any Time between the First Day of

1821, may pay at a Rate less than 3*l.* 19*s.* 6*d.* and not less than 3*l.* 17*s.* 10½*d.* on giving Three Days Notice in the Gazette, &c.

of *October* One thousand eight hundred and twenty, and the First Day of *May* One thousand eight hundred and twenty-one, to pay and deliver such Gold at any Rate less than Three Pounds Nineteen Shillings and Sixpence, and not less than Three Pounds Seventeen Shillings and Ten-pence Halfpenny for every Ounce of such Gold: Provided always, that the Governor and Company of the said Bank of *England* shall give Three Days Notice in *The London Gazette* of their Intention to make such Payments after such Rates, specifying the Rates at which such Payments shall be made; and provided also, that it shall not be lawful for the Governor and Company of the said Bank of *England*, at any Time after making such Payments at the Rates mentioned in any such Notice, to pay or deliver any such Gold at a Rate higher than the Rate mentioned in any such Notice; any thing in this Act to the contrary notwithstanding.

Such Payments to be made in Ingots or Bars of the Weight of 60 oz.

VI. Provided also, and be it enacted, That the Governor and Company of the Bank of *England* shall not be required or compelled to pay or deliver any such Gold, except in Ingots or Bars of the Weight of Sixty Ounces each, assayed and stamped as aforesaid; any thing herein-before contained to the contrary notwithstanding.

Fractional Sums of less than 40*s.* to be paid in Silver.

VII. Provided also, and be it enacted, That it shall and may be lawful for the Governor and Company of the said Bank of *England* to pay any Fraction less than Forty Shillings of any Sum so demanded above the Value of Sixty Ounces, in the lawful Silver Coin of the Realm.

Bank may pay in Coin on or after May 21, 1822.

VIII. Provided also, and be it further enacted, That the Governor and Company of the Bank of *England*, if they shall see fit, may at any Time on or after the First Day of *May* One thousand eight hundred and twenty-two, pay or exchange the lawful Coin of the Realm for any Note or Notes of the said Governor and Company payable on Demand; any Provisions in the said before recited Acts, or in this Act, to the contrary notwithstanding.

Bank to deliver to Privy Council Weekly Accounts of Average Amount of their Notes in Circulation.

IX. And be it further enacted, That the Governor and Company of the Bank of *England* shall, from Time to Time after the passing of this Act, and until the First Day of *May* One thousand eight hundred and twenty-three, cause a true and perfect Account in Writing, to be taken and attested by the proper Officer, of the average Amount of all Promissory Notes and Bills of the said Governor and Company which shall be in Circulation during every Week, from *Monday* until *Saturday* both inclusive, distinguishing the respective Denominations and Values of the several Notes and Bills, and the average Amount of the Notes and Bills of each Denomination and Value respectively so in Circulation, and to cause such Account to be transmitted and delivered to one of the Clerks of His Majesty's Privy Council, on the *Tuesday* in every Week next ensuing the *Saturday* to which such Account shall be made up; and the said Governor and Company shall also from Time to Time, in like Manner, cause an Account to be taken and attested of the average Amount of all Promissory Notes and Bills of the said Governor and Company which shall be in Circulation during every Quarter of a Year ending on the Fifth Day of *July*, the Tenth Day of *October*,

the Fifth Day of *January*, and the Fifth Day of *April* in every Year after the passing of this Act, and until the First Day of *May* One thousand eight hundred and twenty-three, distinguishing the respective Denominations and Values of the several Notes and Bills, and the average Amount of the Notes and Bills of each Denomination and Value respectively, and to cause such Quarterly Account to be published in *The London Gazette* within One Week next after the End of each Quarter respectively.

Gold and Silver Coin may be exported and melted.

X. And whereas the Laws now in force against melting and exporting the Gold and Silver Coin of the Realm have been found ineffectual, and it is expedient that the Traffic in Gold and Silver Bullion should be unrestrained; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful for any Person or Persons to export the Gold or Silver Coin of the Realm to Parts beyond the Seas, and also to melt the Gold and Silver Coin of the Realm, and to manufacture or export or otherwise dispose of the Gold or Silver Bullion produced thereby; and no Person who shall export or melt such Gold or Silver Coin, or who shall manufacture, export, or dispose of such Bullion, shall be subject to any Restriction, Forfeiture, Pain, Penalty, Incapacity, or Disability whatever, for or in respect of such melting, manufacturing, or exporting the same respectively; any thing in any Act or Acts in force in *Great Britain* or *Ireland* to the contrary thereof in anywise notwithstanding.

So much of the Acts herein recited as respects the Melting or Exportation of Gold or Silver or Bullion repealed.

XI. And for the removing all Doubts and Uncertainties with respect to various Provisions in divers ancient Statutes against melting and exporting of Gold and Silver; be it further enacted, That so much of a Statute made in the Ninth Year of the Reign of King *Edward* the Third shall be repealed, whereby it is provided, that no religious Man nor other shall carry any Sterling out of the Realm of *England*, nor Silver in Plate, nor Vessel of Gold, nor of Silver, upon Pain of Forfeiture of the Money, Plate, or Vessel that he shall so carry without the King's Special Licence; and also that so much of the said Statute shall be repealed, whereby it is provided that no Sterling Halfpenny nor Farthing be molten for to make Vessel or any other Thing by Goldsmiths nor other, upon Forfeiture of the Money so molten, and that the Goldsmith or other which shall have so molten such Money shall be committed to Prison, and there shall remain till he shall have yielded unto the King the One Half of that he hath so molten; and that also so much of a Statute made in the Seventeenth Year of the Reign of the said King *Edward* the Third shall be repealed, whereby it is accorded and assented, that good and lawful Men shall be assigned in the Ports of the Sea and elsewhere, where Need shall be, to make Search that no Silver be carried out of the Realm, neither in Money nor otherwise, and that the said Searchers shall have the Third Part of the good Money which they shall find upon the Sea, passing out of the Realm; and also that so much of the Statute of the Staple, or Ordinance of the Staples, made in the Twenty-seventh Year of the said King *Edward* the Third, shall be repealed, whereby it is enacted, that none carry out of the King's Realm and Lands the old Sterling; and also that so much of the Statute made in the Thirty-eighth Year of the

9 E. 3. st. 2. cc. 1, 3.

17 E. 3. c. 1.

27 E. 3. st. 2. c. 14.

38 E. 3. st. 1. c. 2.

the Reign of the said King *Edward* the Third shall be repealed, whereby it is enacted, that none carry out of the Realm Gold or Silver, in Plate nor in Money; and also that so much of the Statute
5 R. 2. st. 1. c. 2. made in the Fifth Year of the Reign of King *Richard* the Second shall be repealed, whereby it is assented and accorded, and the King enjoineth all Manner of People, Merchants, Clerks, and other, as well Strangers as Denizens, of what Estate or Condition they be, upon Pain of as much as they may forfeit, that none of them upon the said Pain, privily nor openly, do send nor carry, nor cause to be sent or carried out of the Realm, any Gold or Silver in Money, Bullion, Plate, or Vessel, neither by Exchanges to be made nor in any other Manner whatever, except the Wages of *Calais* and of other the King's Fortresses beyond the Sea, and especially excepted the Prelates, Lords, and others of the same Realm to whom sometimes it behoveth necessarily to make Payments beyond the Sea, that of such Payments only, they may make Exchange in *England* by good and sufficient Merchants to pay beyond the Sea, special Leave and Licence being therefore first had of our Lord the King, as well for the Exchanger as for the Person which ought to make the Payment, containing expressly the Sum which shall be so exchanged; and whereby it is assented that the Merchants who so shall make the said Exchanges shall be diligently examined and sworn, in their proper Persons, as often as they shall have the said Licence, that they will not send beyond the Sea any Manner of Gold nor Silver under the Colour of the same Exchange; and that if, after Proclamation of the said Ordinance, any Person be from thenceforth duly attainted that he had caused to be sent or carried beyond the Sea any Gold or Silver, against the said Restraint and Ordinance, he should forfeit to the King the same Sum so carried or sent; and also that so much of
17 R. 2. c. 1. the Statute made in the Seventeenth Year of the Reign of the said King *Richard* the Second shall be repealed, whereby it is ordained and assented, that no Groat or Half Groat shall be molten by any Man, to make any Vessel or other Thing thereof, and that no Man shall send English Money into *Scotland*, to change the same in Money or for Money of *Scotland*; and also that so much of the Statute made in the Second Year of the Reign of King *Henry*
2 H. 4. c. 5. the Fourth shall be repealed, whereby it is ordained and established, that if any Searcher of the King may find Gold or Silver in Coin, or in Mass, in the keeping of any that is about passing or upon his Passage in any Ship or Vessel to go out of any Port, Haven, or Creek of the Realm, without the King's Special Licence, all that Gold or Silver shall be forfeit to the King; and also that so much of a Statute
2 H. 6. c. 6. made in the Second Year of the Reign of King *Henry* the Sixth shall be repealed, whereby it is ordained and established, that no Gold or Silver shall be carried out of the Realm, upon pain of Forfeiture of the Value of the Sum of Money which shall be carried out of the Realm, to be levied of him that shall bring, carry, or send it out; and that he which espieth the same, and thereof giveth Knowledge to the Council, or to the Treasurer of *England*, shall have the Fourth Part of the Forfeiture so due to the King; and also that so much of an Act made in
4 H. 7. c. 23. the Fourth Year of the Reign of King *Henry* the Seventh, intituled *An Act against carrying away of Coin, Plate, Vessels, or Jewels out of this Realm*, shall be repealed, whereby it is enacted, that no Person dwelling or inhabiting within this Realm pay or deliver wittingly by way

of Exchange or otherwise, to any Merchant or other Person, Stranger, born out of the King's Obeisance, for any Merchandizes or Wares, or in any otherwise, any manner Pieces of Gold coined in this Realm, or in any other Realm, or any Plate, Vessel, Mass Bullion, nor Jewels of Gold wrought or unwrought, upon Pain to forfeit and lose the double Sum or double Value of all such Money of Gold coined, Plate, Vessel, Mass Bullion, or Jewel of Gold or Silver, paid, delivered, or exchanged, contrary to the said Act; and also that an Act made in the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, intituled *An Act to prevent the Inconvenience arising by melting the Silver Coin of this Realm*, shall be repealed, whereby it is enacted, that no Person or Persons shall wilfully melt or cause to be melted, any of the current Silver Money of this Realm, under the Pains, Penalties, and Disabilities in the said Act mentioned; and the several recited Provisions of the said several Statutes and Acts, and the said recited Act of the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, and all and every other Law and Laws, Act and Acts in force immediately before the passing of the said last-recited Act, whereby the Melting or Exportation of Gold and Silver Coin, or the Exportation of Molten Gold or Silver, or Bullion of Gold or Silver, was prohibited or restrained, shall be and the same are and is hereby repealed, except only so far as relates to any Suit, Action, or Information which at the Time of the passing of this Act shall or may be depending, with relation to any Offence against the said Statutes or Acts respectively or any of them.

13 & 14 C. 2. c. 31.

XII. And be it further enacted, That from and after the passing of this Act, so much of an Act made in the Sixth and Seventh Years of His late Majesty King *William* the Third, intituled *An Act to prevent counterfeiting and clipping the Coin of this Kingdom*, shall be repealed, as requires the taking, administering, or Certificate of any Oath, that no Part of any Molten Silver intended for Exportation, was before the same was molten the current Coin of this Realm, nor Plate wrought within this Kingdom; and also that so much of the said Act shall be repealed, whereby it is enacted, that if any Broker or Brokers, not being a Trading Goldsmith or Refiner of Silver, shall buy or sell any Bullion or molten Silver, every such Person shall suffer for every such Offence Imprisonment for Six Months, without Bail or Mainprize; and also that so much of the said Act shall be repealed, as authorizes the Wardens or Assistants of the Company of Goldsmiths of *London*, or any Two Justices of the Peace, to seize as unlawful Bullion any molten Silver, which before the melting thereof was the current Coin of this Realm, or as requires any Offender in whose Possession unlawful Bullion shall be found, to prove on Oath that such Bullion was not the current Coin of the Realm; and also that so much of an Act made in the Seventh and Eighth Years of the Reign of His late Majesty King *William* the Third, intituled *An Act to encourage the bringing Plate into the Mint to be coined, and for the remedying the ill State of the Coin of the Kingdom*, shall be repealed, as requires the taking, administering, or Certificate of any Oath, that no Part of any molten Silver or Bullion whatsoever to be shipped for Exportation, was before the same was molten the Coin of this Realm, nor Plate wrought within this Kingdom; and also that so much of the said last-mentioned Act shall be repealed, as imposes any Penalty or

Such Parts of 6 & 7 W. 3. c. 17.

and 7 & 8 W. 3. c. 19. as respects Coin and Bullion, &c. repealed.

or Forfeiture, or Incapacity on the Captain or Master of any Ship or Vessel, who shall knowingly permit or suffer molten Silver or Bullion to be put on board his Ship or Vessel; and all the said recited Provisions of the said several Acts are hereby repealed accordingly.

Nothing herein shall extend to repeal any Act for Prevention of clipping, &c. the Coin of this Kingdom.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter any Act or Acts, or any Part of any Act or Acts in force in *Great Britain* or *Ireland*, so far as the same relate to the Prevention, Detection, or Punishment of the Offences of clipping, washing, rounding, filing, impairing, diminishing, falsifying, scaling, or lightening of the lawful Coin of the Realm, or to the inflicting any Pain, Penalty, or Forfeiture on any Persons guilty of such Offences, or guilty of buying or selling, or knowingly having in their Custody any Clippings or Filings of such Coin; and that from and after the passing of this Act, before any Person or Persons shall transport or cause to be transported any Molten Silver whatever, Oath shall be made before the Wardens of the Company of Goldsmiths in *London*, or one of them, by the Owner or Owners of such Molten Silver, and likewise by one credible Witness that the same is lawful Silver, and that no Part thereof was, before the same was molten, Clippings of the current Coin of this Realm, which Oath the said Wardens or any one of them are and is hereby required and authorized to administer, instead of the Oath required by the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Third; and that from and after the passing of this Act, before any Person or Persons shall ship or cause to be shipped or put on board any Ship or Vessel whatsoever, any Molten Silver or Bullion whatsoever, Oath shall be made before the Court of the Lord Mayor and Aldermen of the City of *London*, by the Owner or Owners of such Molten Silver or other Bullion whatsoever, and likewise by Two or more credible Witnesses, that no Part of such Molten Silver or Bullion was, before the same was molten, Clippings of the Coin of this Realm; which Oath the said Court of the said Lord Mayor and Aldermen of the said City of *London* are hereby required and authorized to administer, instead of the Oath required by the said recited Act of the Seventh and Eighth Years of the Reign of King *William* the Third; and that all the Powers, Authorities, Rules, Regulations, and Provisions in the said several Acts contained, shall continue and be in force with relation to the Clippings of the Coin of the Realm, and with relation to the Exportation of any Molten Silver or Bullion whatsoever, which before the melting thereof was Clippings of the Coin of the Realm, and in all other respects whatever, except only so far as the same are expressly repealed or altered by this Act; any thing in this Act before contained to the contrary in anywise notwithstanding.

Certain Oaths to be taken on the Exportation of Molten Silver or Bullion.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1819.