ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin. [6th *August* 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin: Be it therefore enacted by the Queen'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, as follows:

Interpretation of Terms.

Current Gold and Silver Coin.

1. In the Interpretation of and for the Purposes of this Act, the Expression "the Queen's current Gold or Silver Coin" shall include any Gold or Silver Coin coined in any of Her Majesty's Mints, or lawfully current, by virtue of any Proclamation or otherwise, in any Part of Her Majesty's Dominions, whether within the United Kingdom or otherwise; and the Expression "the Queen's Copper Coin" shall include any Copper Coin and any Coin of Bronze or mixed Metal coined in any of Her Majesty's Mints, or lawfully current, by virtue of any Proclamation or otherwise, in any Part of Her Majesty's said Dominions; and the Expression "false or counterfeit Coin resembling "or apparently intended to resemble or pass for any of the Queen's

CopperCoin.

False or counterfeit Coin.

" current Gold or Silver Coin " shall include any of the current Coin which shall have been gilt, silvered, washed, coloured, or cased over, or in any Manner altered, so as to resemble or be apparently intended to resemble or pass for any of the Queen's current Coin of a higher Denomination; and the Expression " the Queen's current Coin " shall include any Coin coined in any of Her Majesty's Mints, or lawfully current, by virtue of any Proclamation or otherwise, in any Part of Her Majesty's said Dominions, and whether made of Gold, Silver, Copper, Bronze, or mixed Metal; and where the having any Matter in the Custody or Possession of any Person is mentioned in this Act, it shall include, not only the having of it by himself in his personal Custody or Possession, but also the knowingly and wilfully having it in the actual Custody or Possession of any other Person, and also the knowingly and wilfully having it in any Dwelling House or other Building, Lodging, Apartment, Field, or other Place, open or inclosed, whether belonging to or occupied by himself or not, and whether such Matter shall be so had for his own Use or Benefit or for that of any other Person.

Current Coin.

What shall be Possession.

Counterfeiting the Gold or Silver Coin.

2. Whosoever shall falsely make or counterfeit any Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Colouring counterfeit Coin or any Pieces of Metal with Intent to make them pass for Gold or Silver Coin.

3. Whosoever shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold or of Silver, or by any Means whatsoever, wash, case over, or colour any Coin whatsoever resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin; or shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold or of Silver, or by any Means whatsoever, wash, case over, or colour any Piece of Silver or Copper, or of coarse Gold or coarse Silver, or of any Metal or Mixture of Metals respectively, being of a fit Size and Figure to be coined, and with Intent that the same shall be coined into false and counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin; or shall gild, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold, or by any Means whatsoever, wash, case over, or colour any of the Queen's current Silver Coin, or file or

Colouring or altering genuine Coin with Intent to make it pass

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in any Manner alter such Coin, with Intent to make the same resemble or pass for any of the Queen's current Gold Coin; or shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold or Silver, or by any Means whatsoever, wash, case over, or colour any of the Queen's current Copper Coin, or file or in any Manner alter such Coin, with Intent to make the same resemble or pass for any of the Queen's current Gold or Silver Coin, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. for a higher Coin.

4. Whosoever shall impair, diminish, or lighten any of the Queen's current Gold or Silver Coin, with Intent that the Coin so impaired, diminished, or lightened may pass for the Queen's current Gold or Silver Coin, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Impairing the Gold or Silver Coin, with Intent, &c.

5. Whosoever shall unlawfully have in his Custody or Possession any Filings or Clippings, or any Gold or Silver Bullion, or any Gold or Silver in Dust, Solution, or otherwise, which shall have been produced or obtained by impairing, diminishing, or lightening any of the Queen's current Gold or Silver Coin, knowing the same to have been so produced or obtained, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Unlawful Possession of Filings or Clippings of Gold or Silver Coin.

6. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin at or for a lower Rate or Value than the same imports or was apparently intended to Buying or selling, &c. counterfeit Gold or Silver Coin for lower Value than its Denomination.

to import, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and in any Indictment for any such Offence as in this Section aforesaid it shall be sufficient to allege that the Party accused did buy, sell, receive, pay, or put off, or did offer to buy, sell, receive, pay, or put off, the false or counterfeit Coin at or for a lower Rate or Value than the same imports or was apparently intended to import, without alleging at or for what Rate, Price, or Value the same was bought, sold, received, paid, or put off, or offered to be bought, sold, received, paid, or put off.

Importing counterfeit Coin from beyond Seas.

7. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall import or receive into the United Kingdom from beyond the Seas any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Exporting Counterfeit Coin.

8. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall export, or put on board any Ship, Vessel, or Boat for the Purpose of being exported from the United Kingdom, any false or counterfeit Coin, resembling or apparently intended to resemble or pass for any of the Queen's current Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Uttering counterfeit Gold or Silver Coin.

9. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court,

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to be imprisoned for any Term not exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

Uttering, accompanied by Possession of other counterfeit Coin, or followed by a Second Uttering.

10. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, and shall, at the Time of such tendering, uttering, or putting off, have in his Custody or Possession, besides the false or counterfeit Coin so tendered, uttered, or put off, any other Piece of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, or shall, either on the Day of such tendering, uttering, or putting off, or within the Space of Ten Days then next ensuing, tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Having Three or more Pieces of counterfeit Gold or Silver Coin in possession, &c. with Intent, &c.

11. Whosoever shall have in his Custody or Possession Three or more Pieces of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, and with Intent to utter or put off the same or any of them, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Every Second Offence of uttering, &c. after a previous Conviction shall be Felony.

12. Whosoever, having been convicted, either before or after the passing of this Act, of any such Misdemeanor or Crime and Offence as in any of the last Three preceding Sections mentioned, or of any Felony or high Crime and Offence against this or any former Act relating to the Coin, shall afterwards commit any of the Misdemeanors or Crimes and Offences in any of the said Sections mentioned, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

13. Who-

Uttering Foreign Coin, Medals, &c. as current Coin, with Intent to defraud.

13. Whosoever shall, with Intent to defraud, tender, utter, or put off as or for any of the Queen's current Gold or Silver Coin, any Coin not being such current Gold or Silver Coin, or any Medal or Piece of Metal or mixed Metals, resembling in Size, Figure, and Colour the current Coin as or for which the same shall be so tendered, uttered, or put off, such Coin, Medal, or Piece of Metal or mixed Metals so tendered, uttered, or put off being of less Value than the current Coin as or for which the same shall be so tendered, uttered, or put off, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

Counterfeiting, &c. Copper Coin.

14. Whosoever shall falsely make or counterfeit any Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin; and whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his Custody or Possession, any Instrument, Tool, or Engine adapted and intended for the counterfeiting any of the Queen's current Copper Coin; or shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, at or for a lower Rate or Value than the same imports or was apparently intended to import, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Uttering base Copper Coin.

15. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, knowing the same to be false or counterfeit, or shall have in his Custody or Possession Three or more Pieces of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, knowing the same to be false or counterfeit, and with Intent to utter or put off the same or any of them, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding

exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

Defacing the Coin by stamping Words thereon.

16. Whosoever shall deface any of the Queen's current Gold, Silver, or Copper Coin, by stamping thereon any Names or Words, whether such Coin shall or shall not be thereby diminished or lightened, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour.

Tender of Coin so defaced not to be a legal Tender, and Penalty for uttering the same.

17. No Tender of Payment in Money made in any Gold, Silver, or Copper Coin so defaced by stamping as in the last preceding Section mentioned shall be allowed to be a legal Tender; and whosoever shall tender, utter, or put off any Coin so defaced shall, on Conviction thereof before Two Justices, be liable to forfeit and pay any Sum not exceeding Forty Shillings: Provided that it shall not be lawful for any Person to proceed for any such last-mentioned Penalty without the Consent, in *England* or *Ireland*, of Her Majesty's Attorney General for *England* or *Ireland* respectively, or in *Scotland* of the Lord Advocate.

Counterfeiting Foreign Gold and Silver Coin.

18. Whosoever shall make or counterfeit any Kind of Coin not being the Queen's current Gold or Silver Coin, but resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Bringing such counterfeit Coin into the United Kingdom.

19. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall bring or receive into the United Kingdom any such false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

20. Who-

Penalty for uttering such counterfeit Coin.

20. Whosoever shall tender, utter, or put off any such false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour.

Second Offence of uttering counterfeit Foreign Coin.

Third Offence.

21. Whosoever, having been so convicted as in the last preceding Section mentioned, shall afterwards commit the like Offence of tendering, uttering, or putting off any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and whosoever, having been so convicted of a Second Offence, shall afterwards commit the like Offence of tendering, uttering, or putting off any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Persons counterfeiting Foreign Coin other than Gold and Silver Coin.

22. Whosoever shall falsely make or counterfeit any Kind of Coin not being the Queen's current Coin, but resembling or apparently intended to resemble or pass for any Copper Coin, or any other Coin made of any Metal or mixed Metals of less Value than the Silver Coin of any Foreign Prince, State, or Country, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, for the First Offence to be imprisoned for any Term not exceeding One Year, and for the Second Offence to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Penalty on Persons having more than Five Pieces of

23. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall have in his Custody or Possession any greater Number of Pieces than Five Pieces of false

false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, or any such Copper or other Coin as in the last preceding Section mentioned, shall, on Conviction thereof before any Justice of the Peace, forfeit and lose all such false and counterfeit Coin, which shall be cut in Pieces and destroyed by Order of such Justice, and shall for every such Offence forfeit and pay any Sum of Money not exceeding Forty Shillings nor less than Ten Shillings for every such Piece of false and counterfeit Coin which shall be found in the Custody or Possession of such Person, one Moiety to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall be committed; and in case any such Penalty shall not be forthwith paid it shall be lawful for any such Justice to commit the Person who shall have been adjudged to pay the same to the Common Gaol or House of Correction, there to be kept to Hard Labour for the Space of Three Months, or until such Penalty shall be paid.

such counterfeit Foreign Coin in their Possession.

24. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his Custody or Possession, any Puncheon, Counter Puncheon, Matrix, Stamp, Die, Pattern, or Mould, in or upon which there shall be made or impressed, or which will make or impress, or which shall be adapted and intended to make or impress, the Figure, Stamp, or apparent Resemblance of both or either of the Sides of any of the Queen's current Gold or Silver Coin, or of any Coin of any Foreign Prince, State, or Country, or any Part or Parts of both or either of such Sides; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his Custody or Possession, any Edger, Edging or other Tool, Collar, Instrument, or Engine adapted and intended for the marking of Coin round the Edges with Letters, Grainings, or other Marks or Figures apparently resembling those on the Edges of any such Coin as in this Section aforesaid, knowing the same to be so adapted and intended as aforesaid; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his Custody or Possession, any Press for Coinage, or any Cutting Engine for cutting by force of a Screw or of any other Contrivance, round Blanks out of Gold, Silver, or other Metal or Mixture of Metals, or any other Machine, knowing such Press to be a Press for Coinage, or knowing such Engine or Machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such Coin as in this Section aforesaid, shall, in *England* and *Ireland*, be guilty of Felony, and in

Making, mending, or having Possession of any Coining Tools, Felony.

Scotland of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Conveying Tools or Monies out of the Mint without Authority, Felony.

25. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall knowingly convey out of any of Her Majesty's Mints any Puncheon, Counter Puncheon, Matrix, Stamp, Die, Pattern, Mould, Edger, Edging or other Tool, Collar, Instrument, Press, or Engine used or employed in or about the coining of Coin, or any useful Part of any of the several Matters aforesaid, or any Coin, Bullion, Metal, or Mixture of Metals, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Coin suspected to be diminished or counterfeit may be cut by any Person to whom it is tendered. Who shall bear the Loss.

26. Where any Coin shall be tendered as the Queen's current Gold or Silver Coin to any Person who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such Person to cut, break, bend, or deface such Coin, and if any Coin so cut, broken, bent, or defaced shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the Person tendering the same shall bear the Loss thereof; but if the same shall be of due Weight, and shall appear to be lawful Coin, the Person cutting, breaking, bending, or defacing the same is hereby required to receive the same at the Rate it was coined for; and if any Dispute shall arise whether the Coin so cut, broken, bent, or defaced be diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary Manner by any Justice of the Peace, who is hereby empowered to examine upon Oath as well the Parties as any other Person, in order to the Decision of such Dispute; and the Tellers at the Receipt of Her Majesty's Exchequer, and their Deputies and Clerks, and the Receivers General of every Branch of Her Majesty's Revenue, are hereby required to cut, break, or deface, or cause to be cut, broken, or defaced every Piece of counterfeit or unlawfully diminished Gold or Silver Coin which shall be tendered to them in Payment of any Part of Her Majesty's Revenue.

27. If

Provision for the Discovery and Seizure of counterfeit Coin and Coining Tools, for securing them as Evidence, and for ultimately disposing of them.

27. If any Person shall find or discover in any Place whatever, or in the Custody or Possession of any Person having the same without lawful Authority or Excuse, any false or counterfeit Coin, resembling or apparently intended to resemble or pass for any of the Queen's current Gold, Silver, or Copper Coin, or any Coin of any Foreign Prince, State, or Country, or any Instrument, Tool, or Engine whatsoever, adapted and intended for the counterfeiting of any such Coin, or any Filings or Clippings, or any Gold or Silver Bullion, or any Gold or Silver in Dust, Solution, or otherwise, which shall have been produced or obtained by diminishing or lightening any of the Queen's current Gold or Silver Coin, it shall be lawful for the Person so finding or discovering and he is hereby required to seize the same, and to carry the same forthwith before some Justice of the Peace; and where it shall be proved, on the Oath of a credible Witness before any Justice of the Peace, that there is reasonable Cause to suspect that any Person has been concerned in counterfeiting the Queen's current Gold, Silver, or Copper Coin, or any such Foreign or other Coin as in this Act before mentioned, or has in his Custody or Possession any such false or counterfeit Coin, or any Instrument, Tool, or Engine whatsoever adapted and intended for the making or counterfeiting of any such Coin, or any other Machine used or intended to be used for making or counterfeiting any such Coin, or any such Filings, Clippings, or Bullion, or any such Gold or Silver in Dust, Solution, or otherwise as aforesaid, it shall be lawful for any Justice of the Peace, by Warrant under his Hand, to cause any Place whatsoever belonging to or in the Occupation or under the Control of such suspected Person to be searched, either in the Day or in the Night, and if any such false or counterfeit Coin, or any such Instrument, Tool, or Engine, or any such Machine, or any such Filings, Clippings, or Bullion, or any such Gold or Silver in Dust, Solution, or otherwise as aforesaid, shall be found in any Place so searched, to cause the same to be seized and carried forthwith before some Justice of the Peace; and whensoever any such false or counterfeit Coin, or any such Instrument, Tool, or Engine, or any such Machine, or any such Filings, Clippings, or Bullion, or any such Gold or Silver in Dust, Solution, or otherwise as aforesaid, shall in any Case whatsoever be seized and carried before a Justice of the Peace, he shall, if necessary, cause the same to be secured, for the Purpose of being produced in Evidence against any Person who may be prosecuted for any Offence against this Act; and all such false and counterfeit Coin, and all Instruments, Tools, and Engines adapted and intended for the making or counterfeiting of Coin, and all such Machines, and all such Filings, Clippings, and Bullion, and all such Gold and Silver in Dust, Solution, or otherwise as aforesaid,

aforesaid, after they shall have been produced in Evidence, or when they shall have been seized, and shall not be required to be produced in Evidence, shall forthwith be delivered up to the Officers of Her Majesty's Mint, or to the Solicitors of Her Majesty's Treasury, or to any Person authorized by them to receive the same.

Venue.

28. Where any Person shall tender, utter, or put off any false or counterfeit Coin in one County or Jurisdiction, and shall also tender, utter, or put off any other false or counterfeit Coin in any other County or Jurisdiction, either on the Day of such first-mentioned tendering, uttering, or putting off, or within the Space of Ten Days next ensuing, or where Two or more Persons, acting in concert in different Counties or Jurisdictions, shall commit any Offence against this Act, every such Offender may be dealt with, indicted, tried, and punished, and the Offence laid and charged to have been committed, in any One of the said Counties or Jurisdictions, in the same Manner in all respects as if the Offence had been actually and wholly committed within such One County or Jurisdiction.

What shall be sufficient Proof of Coin being counterfeit.

29. Where, upon the Trial of any Person charged with any Offence against this Act, it shall be necessary to prove that any Coin produced in Evidence against such Person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the Evidence of any Moneyer, or other Officer of Her Majesty's Mint, but it shall be sufficient to prove the same to be false or counterfeit by the Evidence of any other credible Witness.

Where the counterfeiting Coin shall be complete.

30. Every Offence of falsely making or counterfeiting any Coin, or of buying, selling, receiving, paying, tendering, uttering, or putting off, or of offering to buy, sell, receive, pay, utter, or put off, any false or counterfeit Coin, against the Provisions of this Act, shall be deemed to be complete, although the Coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered, or put off, or offered to be bought, sold, received, paid, uttered, or put off, shall not be in a fit State to be uttered, or the counterfeiting thereof shall not be finished or perfected.

Any Person may apprehend any Person committing any indictable Offence against this Act.

31. It shall be lawful for any Person whatsoever to apprehend any Person who shall be found committing any indictable Offence, or any high Crime and Offence, or Crime and Offence, against this Act, and to convey or deliver him to some Peace Officer, Constable, or Officer of Police, in order to his being conveyed as soon as reasonably may be before a Justice of the Peace or some other proper Officer, to be dealt with according to Law.

32. No

No Certiorari, &c.

32. No Conviction for any Offence punishable on summary Conviction under this Act shall be quashed for Want of Form, or be removed by Certiorari into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid Conviction to sustain the same.

Venue in Proceedings against Persons acting under this Act.

Notice of Action.

General Issue.

Tender of Amends, &c.

33. All Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall, in *England* or *Ireland*, be laid and tried in the County where the Fact was committed, and shall, in *England*, *Ireland*, or *Scotland*, be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant or Defender One Month at least before the Commencement of the Action; and in any such Action brought in *England* or *Ireland* the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and in *Scotland* the Defender may insist on all relevant Defences; and no Plaintiff or Pursuer shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Defender; and if, in *England* or *Ireland*, a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, or if, in *Scotland*, the Verdict shall be for the Defender, or if the Pursuer shall abandon the Action, or the Court shall dismiss it as irrelevant or improperly laid, in every such Case the Defendant or Defender shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant or Defender has by Law in other Cases; and though a Verdict shall be given for the Plaintiff or Pursuer in any such Action, such Plaintiff or Pursuer shall not have Costs against the Defendant or Defender, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action.

Trial of Offences in Scotland.

34. All high Crimes and Offences, and Crimes and Offences, against this Act, which may be committed in *Scotland*, shall be proceeded against and tried according to the Rules and Procedure of the Criminal Law of *Scotland*; and all Proceedings by this Act made competent before any Justice or Justices, and all and every the Powers and Authorities by this Act given to or conferred upon any such Justice or Justices, shall, in *Scotland*, be competent before and may be exercised by any Sheriff, Magistrate, or Justice of the Peace.

35. In

Punishment of Principal in the Second Degree, and Accessories.

35. In the Case of every Felony punishable under the Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act shall be liable to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Offences committed within the Jurisdiction of the Admiralty.

36. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of *England* or *Ireland* shall be deemed to be Offences of the same Nature and liable to the same Punishments as if they had been committed upon the Land in *England* or *Ireland*, and may be dealt with, inquired of, tried, and determined in any County or Place in *England* or *Ireland* in which the Offender shall be apprehended or be in Custody, in the same Manner in all respects as if the same had been actually committed in that County or Place, and in any Indictment for any such Offence, or for being accessory to any such Offence, the Venue in the Margin shall be the same as if such Offence had been committed in such County or Place, and the Offence itself shall be averred to have been committed "on the High Seas;" and where any of the Crimes and Offences, or high Crimes and Offences, mentioned in this Act, shall be committed at Sea, and the Vessel in which the same shall be committed shall be registered in *Scotland*, or touch at any Part thereof, the Courts of Criminal Law of *Scotland* may inquire, try, and determine the same in the same Manner as if such Crime and Offence, or high Crime and Offence, had been committed in *Scotland*; provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

What shall be sufficient Evidence of Conviction for a previous Offence.

37. Where any Person shall have been convicted of any Offence against this Act, or any former Act relating to the Coin, and shall afterwards be indicted for any Offence against this Act committed subsequent to such Conviction, it shall be sufficient in any such Indictment, after charging such subsequent Offence, to state the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Offence, purporting to be signed by the Clerk of the Court or other Officer having or purporting to have the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the previous Conviction,

Conviction, without Proof of the Signature or official Character or Authority of the Person appearing to have signed the same, or of his Custody or Right to the Custody of the Records of the Court, and for every such Certificate a Fee of Six Shillings and Eightpence, and no more, shall be demanded or taken; and the Proceedings upon any Indictment for committing any Offence after a previous Conviction or Convictions shall be as follows; (that is to say,) the Offender shall, in the first instance, be arraigned upon so much only of the Indictment as charges the subsequent Offence, and if he plead Not Guilty, or if the Court order a Plea of Not Guilty to be entered on his Behalf, the Jury shall be charged, in the first instance, to inquire concerning such subsequent Offence only; and if they find him Guilty, or if on Arraignment he plead Guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the Indictment, and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of Malice, or will not answer directly to such Question, the Jury shall then be charged to inquire concerning such previous Conviction or Convictions, and in such Case it shall not be necessary to swear the Jury again, but the Oath already taken by them shall for all Purposes be deemed to extend to such last-mentioned Inquiry: Provided that if upon the Trial of any Person for any such subsequent Offence such Person shall give Evidence of his good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Conviction of such Person for the previous Offence or Offences, before such Verdict of Guilty shall be returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same Time that they inquire concerning such subsequent Offence.

When the previous Conviction is to be proved on the Trial.

38. Whenever any Person shall be convicted of any indictable Misdemeanor punishable under this Act the Court may, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, fine the Offender, and require him to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace and being of good Behaviour; and in case of any Felony punishable under this Act, the Court may, if it shall think fit, require the Offender to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace, in addition to any Punishment by this Act authorized; provided that no Person shall be imprisoned under this Clause for not finding Sureties for any Period exceeding One Year.

Fine and Sureties for keeping the Peace; in what Cases.

39. Whenever Imprisonment, with or without Hard Labour, may be awarded for any indictable Offence under this Act, the Court may

Hard Labour.

may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction.

Solitary Confinement.

40. Whenever Solitary Confinement may be awarded for any Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year.

Summary Proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93.

41. Every Offence hereby made punishable on summary Conviction may be prosecuted in *England* in the Manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Queen *Victoria*, Chapter Forty-three, and may be prosecuted in *Ireland* before Two or more Justices of the Peace, or One Metropolitan or Stipendiary Magistrate, in the Manner directed by the Act of the Session holden in the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-three, or in such other Manner as may be directed by any Act that may be passed for like Purposes; and all Provisions contained in the said Acts shall be applicable to such Prosecutions in the same Manner as if they were incorporated in this Act: Provided that nothing in this Act contained shall in any Manner alter or affect any Enactment relating to Procedure in the Case of any Offence punishable on summary Conviction within the City of *London* or the Metropolitan Police District, or the Recovery or Application of any Penalty or Forfeiture for any such Offence.

Except in London and the Metropolitan Police District.

Costs of Prosecutions.

42. In all Prosecutions for any Offence against this Act in *England*, which shall be conducted under the Direction of the Solicitors of Her Majesty's Treasury, the Court before which such Offence shall be prosecuted or tried shall allow the Expenses of the Prosecution in all respects as in Cases of Felony; and in all Prosecutions for any such Offence in *England* which shall not be so conducted it shall be lawful for such Court, in case a Conviction shall take place, but not otherwise, to allow the Expenses of the Prosecution in like Manner; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid and repaid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

Commencement of Act.

43. This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one.

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