

ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

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CAP. XXII.

An Act to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver Wares in *England*.

[4th *July* 1844.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing so much of an Act of the Thirty-first Year of His late Majesty as inflicts Capital Punishment for Frauds and Abuses in the marking or stamping of Gold or Silver Plate, and for inflicting another Punishment for the said Offence:* And whereas by an Act passed in the Thirty-eighth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for allowing Gold Wares to be manufactured at a Standard lower than is now allowed by Law*, it is enacted, "that from and after the said First Day of *October* One thousand seven hundred and ninety-eight if any Person shall forge, cast, or counterfeit, or cause or procure to be cast, forged, or counterfeited, the Mark or Stamp used or directed to be used in pursuance of this Act for the marking or stamping of Gold Plate by the Company of Goldsmiths in *London* or *Edinburgh*, or the *Birmingham* or *Sheffield* Company, or by the Wardens or Assayer or Assayers at *York*, *Exeter*, *Bristol*, *Chester*, *Norwich*, or *Newcastle-upon-Tyne*, or any or either of them, or shall cast, forge, or

13 G. 3. c. 59.

38 G. 3. c. 69.

or counterfeit, or shall cause or procure to be cast, forged, or counterfeited, any Mark, Stamp, or Impression in imitation of or to resemble any Mark, Stamp, or Impression made or to be made with any Mark or Stamp used or to be used as aforesaid by the said Company of Goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield* Companies, or by the said Wardens or Assayer or Assayers, or any or either of them, or shall mark or stamp, or cause or procure to be marked or stamped, any wrought Plate of Gold, or any Wares of Silver, Brass, or other Metal gilt over and resembling Plate of Gold, with any Mark or Stamp which hath been or shall be forged or counterfeited at any Time, either before, on, or after the said First Day of *October* One thousand seven hundred and ninety-eight, in imitation of or to resemble any Mark or Stamp used or to be used as aforesaid by the said Company of Goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield* Companies, or by the said Wardens or Assayer or Assayers, or any or either of them, or shall transpose or remove, cause or procure to be transposed or removed, from One Piece of wrought Plate to another, or to any Vessel of Silver, Brass, or other Metal as aforesaid, any Mark, Stamp, or Impression made or to be made by or with any Mark or Stamp used or to be used as aforesaid by the said Company of Goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield* Companies, or by the said Wardens or Assayer or Assayers, or any or either of them, or shall sell, exchange, or expose to sale, or export out of this Kingdom, any wrought Plate of Gold, or any Vessel of Silver, Brass, or other Metal as aforesaid, with any such forged or counterfeit Mark, Stamp, or Impression thereon, or any Mark, Stamp, or Impression which hath been or shall be transferred or removed from any other Piece of Plate, knowing such Mark, Stamp, or Impression to be forged, counterfeited, or transposed or removed as aforesaid, or shall wilfully or knowingly have or be possessed of any Mark or Stamp which hath been or shall be forged or counterfeit in imitation of and to resemble any Mark or Stamp used or to be used as aforesaid by the said Company of Goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham* and *Sheffield* Companies, or by the said Wardens or Assayer or Assayers, or any or either of them, every such Person offending in any such or either of the Cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported to such Parts beyond the Seas as His Majesty, with the Advice of His Privy Council, shall direct, for the Space of Seven Years:" And whereas it is expedient to simplify the said Laws, and to alter the Punishments thereby imposed, and to make further Provision for preventing Frauds and Abuses in the marking of and dealing in Gold and Silver Wares: 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, That the said Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, and so much of the said Act passed in the Thirty-eighth Year of the Reign of His said late Majesty King *George* the Third as is herein-before recited, shall be and the same are hereby repealed, so far as the same relate to that Part of the United Kingdom called

Recited Act 13 G. 3. c. 59. and § 7. of 38 G. 3. c. 69. repealed, except as to Offences

called *England*, except as to Offences committed before the Day on which this Act shall come into operation, which shall be dealt with and punished as if this Act had not been passed; nevertheless no Act or Part of an Act repealed by the said Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third shall be revived by the passing of this Act. already committed.

II. And be it enacted, That every Person who shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, any Die or other Instrument, or any Part of any Die or other Instrument, provided or used or to be provided or used by the Company of Goldsmiths in *London*, or by any of the several Companies of Goldsmiths in the Cities of *York*, *Exeter*, *Bristol*, *Chester*, or *Norwich*, or the Town of *Newcastle-upon-Tyne*, or by the Companies of Guardians of the Standard of Wrought Plate in the Towns of *Sheffield* or *Birmingham* respectively, for the marking or stamping of any Gold or Silver Wares; and every Person who shall mark with any such forged or counterfeit Die or other Instrument, or with any Part of such forged or counterfeit Die or other Instrument as aforesaid, any Ware of Gold or Silver, or any Ware of base Metal, or shall utter any such Ware of Gold or Silver, or any such Ware of base Metal, so marked as aforesaid, knowing the same to be so marked as aforesaid; and every Person who shall forge or counterfeit, or by any Means whatever produce an Imitation of, or shall utter, knowing the same to be forged or counterfeit or an Imitation, any Mark or Part of any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, upon any Ware of Gold or Silver, or any Ware of base Metal; and every Person who shall transpose or remove, or shall utter, knowing the same to be transposed or removed, any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, from any Ware of Gold or Silver to any other Ware of Gold or Silver, or to any Ware of base Metal; and every Person who shall without lawful Excuse (the Proof whereof shall lie on the Party accused) have in his Possession any such forged or counterfeit Die or other Instrument as aforesaid, or any Ware of Gold or Silver, or any Ware of base Metal, having thereupon the Mark of any such forged or counterfeit Die or other Instrument as aforesaid, or having thereupon any such forged or counterfeit Mark or Imitation of a Mark as aforesaid, or any Mark which shall have been so transposed or removed as aforesaid, knowing the same respectively to have been forged, counterfeited, imitated, marked, transposed, or removed; and every Person who shall cut or sever from any Ware of Gold or Silver any Mark or any Part of any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, with Intent that such Mark or such Part of a Mark shall or may be placed upon or joined or affixed to any other Ware of Gold or Silver, or to any Ware of base Metal; and every Person who shall place upon or join or affix to any Ware of Gold or Silver, or any Ware of base Metal, any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, which shall have been cut or severed from any Ware of Gold or Silver; and every Person who shall, with Intent to defraud Her Majesty, or any of the said several Companies

Forging or counterfeiting any Die for marking Gold or Silver Wares, or knowingly uttering the same;

marking Wares with forged Die, or uttering;

forging any Mark of any Die, or uttering;

transposing or removing Marks, or uttering;

having in possession any such, knowing, &c.

cutting or severing Marks with Intent to affix upon other Wares;

affixing any Mark cut or severed from any other Ware;

or fraudulently using genuine Dies;

Companies of Goldsmiths and Guardians respectively, or any Person whatever, use any genuine Die or other Instrument provided or used or to be provided or used as aforesaid, and every Person counselling, aiding, or abetting any such Offender, shall be guilty of Felony, and shall, at the Discretion of the Court, either be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or be imprisoned, with or without hard Labour, for any Term not exceeding Three Years.

Felony: Punishment.

Penalty on Dealer selling, &c. or having in his Possession any Wares with forged Marks.

III. And be it enacted, That every Dealer in Gold or Silver Wares who shall sell or exchange, or expose or keep for sale, or shall export or import, or attempt to export or import, from or to *England*, or who shall have in his Possession without lawful Excuse (the Proof whereof shall lie upon him) any Ware of Gold or Silver, or any Ware of base Metal, having thereupon any Mark of any forged or counterfeit Die or other Instrument as aforesaid, or any forged or counterfeit Mark or Imitation of a Mark of any Die or other Instrument provided or used or to be provided or used by any of the several Companies of Goldsmiths and Guardians aforesaid for marking Gold or Silver Wares, or having thereupon any Mark which shall have been transposed or removed thereto from any other Ware of Gold or Silver, shall for every such Ware so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to be exported or imported, or which shall so be in his Possession as aforesaid, forfeit and pay the Sum of Ten Pounds, which may be sued for and recovered by any of the several Companies of Goldsmiths and Guardians aforesaid in manner herein-after provided.

Dealers to be exempted in certain Cases.

IV. Provided always, and be it enacted, That every such Dealer in Gold or Silver Wares who shall have sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or had in his Possession, any such Ware of Gold or Silver, or any such Ware of base Metal, having thereupon any Mark of any such forged or counterfeited Die or other Instrument as aforesaid, or any such forged or counterfeit Mark or Imitation of a Mark as aforesaid, or any Mark which shall have been so transposed or removed thereto as aforesaid, and shall within Twenty-one Days next after Notice thereof to him given by any of the several Companies of Goldsmiths or Guardians as aforesaid, or left at his usual Place of Abode, or at any House, Shop, or Place where he shall carry on or transact his said Trade or Business, discover and make known to the Company of Goldsmiths or Guardians in or nearest to the City, Town, or Place in which such Person shall reside, or shall carry on or transact his said Trade or Business, the Name and Place of Abode of the actual Manufacturer of any such Ware of Gold or Silver, or Ware of base Metal, or of the Person or Persons from whom such Dealer in Gold or Silver Wares bought, had, or received the same respectively, then such Dealer in Gold or Silver Wares shall be and he is hereby exempted and discharged from any Penalty or Forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or having in his Possession, any such Ware of Gold or Silver, or Ware of base Metal, as aforesaid, any thing herein-before

before contained to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall extend to exempt any Person from the legal Consequences of uttering or of having in his Possession any such Ware as aforesaid, knowing the same to be marked with a forged or counterfeit Die or other Instrument, or knowing the Mark thereupon to be forged, counterfeited, imitated, transposed, or removed, if such Knowledge shall be duly proved in any Criminal Prosecution or Proceeding against such Person for any such Offence.

Not to exempt Persons from the Consequences of uttering with guilty Knowledge.

V. And be it enacted, That if any Ware of Gold or Silver which shall have been duly assayed and marked at any Assay Office of any of the several Companies of Goldsmiths or Guardians aforesaid shall at any Time after the passing of this Act be altered, either by any Addition made thereto or otherwise, so that the Character or Denomination of such Ware, or the Use or Purpose for which the same was originally made or designed, shall be changed, or if any such Ware of Gold or Silver shall at any Time after the passing of this Act have any Addition made thereto (although its Character, Denomination, Use, or Purpose shall not be changed by reason of any such Addition), the Weight of which said Addition shall bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, every such Ware so altered or added to as aforesaid shall be again brought to the Assay Office of some one of the several Companies of Goldsmiths or Guardians aforesaid, and shall be assayed and marked as a new Ware, and as if no Part thereof had been before assayed, and notwithstanding any former Assay thereof, or the Marks of any such former Assay thereupon, and the Duty shall be paid upon the whole Weight of every such Ware, and of every Addition thereto (if any shall be made or intended to be made), without any Allowance for the Duty which may have been before paid upon any such Ware, or any Part thereof: Provided always, that if any Ware of Gold or Silver shall have any such Addition made thereto as last aforesaid, and the whole Weight of such Addition made thereto shall not bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, and so that the Character or Denomination, Use or Purpose, of such Ware, shall not be changed, it shall be lawful for the Company of Goldsmiths or Guardians at any such Assay Office to allow the Addition thereto only to be assayed and marked, and to receive and take the Duty on the Weight of such Addition thereto only; provided that before any such Addition shall be made thereto the said Ware shall be brought to such Office for the Inspection of such Company of Goldsmiths or Guardians aforesaid, and the Nature and Extent of the intended Additions thereto shall be fully explained to such Company, and such Company shall signify their Assent to the making of such Addition thereto; and every Dealer in Gold or Silver Wares who shall by any Means whatever alter or change the Character or Denomination of any Ware of Gold or Silver which shall have been before assayed and marked by any of the several Companies of Goldsmiths or Guardians aforesaid, so that the Use or Purpose for which the same was originally made or designed shall be changed,

Where any Alterations or Additions are made, the Ware so altered or added to shall be again assayed, and marked as new, and Duty paid upon the whole.

Proviso for Cases where an Addition only is made to any Ware.

Penalty upon any Dealer altering or adding to any Ware without bringing same to be re-assayed

and re-marked, or if only of a certain Weight, without procuring the Assent of any Company thereto;

changed, and every Dealer in Gold or Silver Wares who shall make or affix, or cause to be made or affixed, to any Ware of Gold or Silver which shall have been before assayed and marked at any Assay Office of any of the several Companies of Goldsmiths or Guardians aforesaid, any Addition of Gold or Silver, or any Addition of base Metal, the Weight of which said Addition thereto shall bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, without bringing or sending such Ware of Gold or Silver, so altered, changed, or added to as aforesaid, with every Addition made or intended to be made thereto, to the Assay Office of some one of the several Companies of Goldsmiths or Guardians aforesaid, to be assayed and marked as a new Ware, and every Dealer in Gold or Silver Wares who shall make or affix to any Ware of Gold or Silver which shall have been before assayed and marked as aforesaid any Addition of Gold or Silver, or any Addition of base Metal, the whole Weight of which said Addition shall not bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, without bringing or sending such last-mentioned Gold or Silver Ware so added to as last aforesaid, with every Addition intended to be made thereto, to the Assay Office of some one of the several Companies of Goldsmiths or Guardians aforesaid, for the Inspection of the said Company, and fully explaining the Nature and Extent of the intended Addition thereto to the said Company, and obtaining and procuring the Assent of the said Company to the making of such Addition before any such Addition shall be made thereto; and every Dealer in Gold or Silver Wares who shall sell or exchange, or expose or keep for sale, or export or attempt to export from *England*, or shall have in his Possession, any such Ware of Gold or Silver which shall have been so altered, changed, or added to as aforesaid, the same, or the Addition thereto, not having been so assayed and marked as aforesaid, shall for every such Ware forfeit and pay the Sum of Ten Pounds, which may be sued for and recovered by any of the several Companies of Goldsmiths or Guardians aforesaid respectively in the Manner herein-after provided; and every such Ware of Gold or Silver, if found at any House, Shop, or Place where any such Dealer in Gold or Silver Wares shall carry on or transact his Trade or Business, shall and may be lawfully seized by any of the several Companies of Goldsmiths or Guardians aforesaid, and by them be dealt with as herein-after is directed.

and upon every Dealer selling such Ware without the same being marked;

and such Ware to be seized.

Dealers to be exempted in certain Cases.

VI. Provided always, and be it enacted, That every such Dealer in Gold or Silver Wares who shall have sold or exchanged, or exposed or kept for sale, or exported or attempted to export from *England*, or had in his Possession, any such Ware of Gold or Silver which shall have been so altered, changed, or added to as aforesaid, the same or the Addition thereto not having been so assayed and marked as aforesaid, and shall within Twenty-one Days next after Notice thereof to him given by any of the several Companies of Goldsmiths or Guardians aforesaid, or left at his usual Place of Abode, or at any House, Shop, or Place where he shall carry on or transact his said Trade or Business, discover and make known to the Company of Goldsmiths or Guardians

dians in or nearest to the City, Town, or Place in which such Person shall reside, or shall carry on or transact his said Trade or Business, the Name and Place of Abode of the actual Manufacturer of any such Ware of Gold or Silver as last aforesaid, or of the Person or Persons from whom such Dealer in Gold or Silver Wares bought, had, or received the same respectively, then such Dealer in Gold or Silver Wares shall be and he is hereby exempted and discharged from any Penalty or Forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or attempted to export, or having in his Possession, any such Ware of Gold or Silver as last aforesaid, any thing herein-before contained to the contrary thereof notwithstanding.

If any Officer of any of the Halls shall mark any base Metal with any Die, &c. such Company to be liable to Penalty of 20*l.*;

VII. And for the further Prevention of Abuses in the making and assaying of Gold and Silver Wares, be it enacted, That if any Assayer or other Officer of or Person employed by the Company of Goldsmiths in *London*, or any of the several Companies of Goldsmiths of the Cities of *York*, *Exeter*, *Bristol*, *Chester*, or *Norwich*, or of the Town of *Newcastle-upon-Tyne*, or either of the Companies of Guardians of the Standard of wrought Plate in the Towns of *Sheffield* or *Birmingham* respectively, shall mark, or permit or suffer to be marked, any Ware of base Metal with any Die or other Instrument used or to be used by any such Company for marking Gold or Silver Wares to denote that the same is of the Standard allowed and required by Law, every such Company of Goldsmiths or Guardians aforesaid to which any such Assayer or Officer shall belong or by whom such Person shall be employed shall for every such Offence forfeit and pay to Her Majesty the Sum of Twenty Pounds, which may be sued for and recovered in such and the like Manner as Penalties recoverable under any Act in force relating to Stamp Duties are to be sued for and recovered by Law; and every such Assayer or other Officer or Person employed as aforesaid, upon Complaint or Information made thereof by any Officer of Stamp Duties to any Justice of the Peace having Jurisdiction where any such Offence shall be committed, upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), and upon being convicted thereof by or before such Justice, shall be by him forthwith dismissed and discharged from his said Office and Employment of or in the Company of Goldsmiths or Guardians aforesaid to or in which he shall have so belonged or been so employed as aforesaid, and shall be incapable for ever afterwards of holding any Office or Employment either in or under the same or any other of the Companies of Goldsmiths or Guardians aforesaid; and every Ware of base Metal so marked as last aforesaid, when found in the Possession of any Dealer, or of any Officer of the Companies of Goldsmiths or Guardians aforesaid, shall and may be lawfully seized by any of the said Companies of Goldsmiths or Guardians aforesaid, other than the Company to which the offending Officer belongs, or by whom he is employed, and shall be dealt with as herein-after is provided.

the Officer to be dismissed;

and every such Ware to be seized.

Dealer to enter every Place with wherein he

VIII. And be it enacted, That every Dealer in Gold or Silver Wares who shall enter his private Mark under the Laws now in force

shall carry on his Business or deposit Wares, &c.

with any of the Companies of Goldsmiths or Guardians aforesaid, shall at the Time he so enters his private Mark at the Hall or Office of any such Company give to the Officer there appointed to take the Entry of his said private Mark the Particulars of every House, Shop, and other Place in which he shall or may carry on or transact any Part of his said Trade or Business, and in which he shall or may deposit or keep any Gold or Silver Wares, as well as the Place of his Abode, in order that an Entry may be made at such Hall or Office of every such House, Shop, and other Place as aforesaid; and every such Dealer in Gold or Silver Wares shall from Time to Time enter in like Manner at such Hall or Office of any of the Companies of Goldsmiths or Guardians aforesaid where his private Mark has already been or may hereafter be entered the Particulars of every House, Shop, and other Place in which he shall or may from Time to Time transact or carry on any Part of his said Trade or Business, or in which he shall or may from Time to Time keep or deposit any Gold or Silver Wares, in order that an Entry may from Time to Time be made at such Hall or Office of every such House, Shop, and other Place as aforesaid; and every such Dealer in Gold or Silver Wares who shall fail, neglect, or refuse to give any such Particulars as aforesaid, and to cause such Entry of the same to be made as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds, which may be sued for and recovered in the Manner herein after provided by the Company of Goldsmiths or Guardians aforesaid in respect whereof such Default shall have been made.

Penalty 5*l.*

Penalty for any Dealer erasing, obliterating, or defacing any Mark.

IX. And be it enacted, That every Dealer in Gold or Silver Wares who shall fraudulently erase, obliterate, or deface, or fraudulently cause to be erased, obliterated, or defaced, from any Ware of Gold or Silver, any Mark of any Die, Punch, or other Instrument used or to be used by any of the several Companies of Goldsmiths or Guardians aforesaid for the marking or stamping of Gold or Silver Wares, or any private Mark of any Dealer in Gold or Silver Wares, shall for every such Offence forfeit and pay the Sum of Five Pounds, which may be sued for and recovered by any of the several Companies of Goldsmiths or Guardians aforesaid respectively in the Manner herein-after provided.

Recovery and Application of Penalties.

X. And be it enacted, That the several pecuniary Forfeitures and Penalties imposed by this Act shall and may be sued for and recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information in the Name of any Master, Warden, Assayer, Clerk, or other Officer of any of the said several Companies respectively entitled to sue for or recover the same, or where the Penalty shall be forfeited to Her Majesty in the Name of the Attorney General, or by Information in the Name of any such Officer, or where the Penalty shall be forfeited to Her Majesty in the Name of an Officer of Stamp Duties, before a Justice of the Peace, in like Manner as any Penalty may be recovered before any such Justice by any Officer of Stamp Duties; and every such Penalty which shall be sued for and recovered in the Name of any Officer of the said several Companies respectively shall go and be paid wholly to the Company to which such Officer shall belong,

to

to be applied by such Company in defraying the Expences of their Assay Office, and of detecting and prosecuting Offenders against this Act.

Upon Information given upon Oath against Persons suspected of having in possession illegal Wares, &c. Justices may grant Search Warrants.

XI. And be it enacted, That whenever any of the said several Companies of Goldsmiths or Guardians aforesaid shall have reasonable or probable Cause to suspect that any Dealer in Gold and Silver Wares hath concealed or deposited in any House, Shop, or Place, or hath possession of any Wares of Gold or Silver which ought to be marked with any of the Marks provided or used or to be provided or used by any of the said Companies of Goldsmiths or Guardians respectively, for marking or stamping Gold or Silver Wares, and not so marked, or hath concealed or deposited as aforesaid, or hath possession of any such forged or counterfeit Die or other Instrument, or any Ware of Gold or Silver, or Ware of base Metal, having thereupon any Mark of any such forged or counterfeited Die or other Instrument as aforesaid, or having thereupon any forged or counterfeited Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, or any Mark which shall have been so transposed or removed thereto as aforesaid, it shall be lawful for any Justice of the Peace having Jurisdiction where any or either of such Offences shall be suspected to be committed, and such Justice is hereby required, upon Information or Complaint made of any such reasonable or probable Cause of Suspicion, by or on behalf of any of the several Companies of Goldsmiths or Guardians aforesaid, and upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), to grant a Warrant under his Hand directed to any One or more of the Officers of any of the several Companies of Goldsmiths or Guardians aforesaid, together with any Constable or other Peace Officer named in such Warrant, authorizing and empowering such Officer of the said Companies respectively, and such Constable or other Peace Officer as aforesaid, with necessary and proper Assistance, to enter in the Day-time into any such House, Shop, or Place as aforesaid, or any other House, Shop, or Place of any such suspected Person, and to search the same, and to seize and take away every such forged or counterfeited Die or other Instrument, and every such Ware as aforesaid, which shall there be found; and all Constables and other Peace Officers shall and they are hereby required to be aiding and assisting in the Execution of every such Warrant as aforesaid; and every such forged and counterfeited Die or other Instrument, and every such Ware as aforesaid, so there found, seized, and taken, shall and may be dealt with as herein-after is provided: Provided always, and it is hereby declared, that nothing in this Act contained shall authorize the Search for or Seizure of any Wares which by the Laws now in force are not required to be marked or stamped by any of the Companies of Goldsmiths or Guardians aforesaid, or any of the Wares following; namely, Watch Rings, Watch Keys, Watch Hooks, Earrings, Necklaces, Eyeglasses, Spectacles of Gold, Shirt Pins or Studs, Bracelets, Head Ornaments, Waist Buckles.

Nothing herein to authorize the Search for or Seizure of Wares not required to be marked.

False Dies and Wares seized, how

XII. And be it enacted, That every Die, Punch, or other Instrument which shall or may be lawfully seized or taken under this Act by

to be disposed of.

the said Company of Goldsmiths in *London*, or by any of the several Companies of Goldsmiths or Guardians aforesaid, or by any Officer of any of the said Companies respectively, shall be broken, detained, and destroyed by such Company; and every such Ware so seized or taken as aforesaid, if it shall be shown to the Satisfaction of the Court or Justice or Justices before whom Proceedings shall be had in respect of such Ware that the same has been lawfully seized and taken under the Provisions of this Act, shall be broken and defaced; and in case it shall be shown to the Satisfaction of such Court or Justice or Justices that the Dealer from whom the same shall have been so seized or taken had such Ware in his Possession, knowing the same to be marked with a forged or counterfeit Die or other Instrument, or knowing the Mark thereupon to be forged, counterfeit, imitated, transferred, or removed, or knowing such Ware to have been altered, changed, or added to as aforesaid (the same or the Addition thereto not having been assayed or marked as required by this Act), or knowing such Ware to be of base Metal, then and in every such Case, and likewise in every Case in which such Ware has been seized or taken from any Officer of any Company of Goldsmiths or Guardians aforesaid as being of base Metal, and fraudulently marked, every such Ware so broken and defaced shall be melted and the Metal thereof shall be sold and disposed of, and the Produce thereof shall be entered in the Book of Account of Receipts and Payments relating to the Assay Office belonging to the said Company by whom or by whose Officer such Ware shall have been so seized or taken, and shall be applied towards defraying the general Expences of the Assay Office of such Company, and in the Prosecution of Offenders under this Act; and, save and except as aforesaid, every such Ware so seized and taken, or broken and defaced, shall be given back to the Dealer from whom it shall have been so seized and taken.

Limitation of Actions.

Venue local.

Notice of Action.

General Issue.

Tender of Amends.

XIII. And be it enacted, That all Actions and Prosecutions which shall be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from any Matter or Thing done in pursuance and by the Authority of this Act, or if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced, by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become

become Nonsuit, or shall discontinue any such Action, or if, on Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as any Defendant may have for Cost of Suit in other Cases at Law; and, although a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be had shall at the Time of such Trial certify in Writing his Approbation of the Action, and of the Verdict obtained thereupon. Costs.

XIV. And for the better Interpretation of this Act, and to avoid the frequent Use of divers Terms and Expressions, be it enacted, That the following Terms and Expressions shall have the several Interpretations herein-after respectively set forth; (that is to say,) the Term "base Metal" shall mean any Metal whatsoever other than Gold or Silver of the respective Standards required by Law; and the Term "Dealer in Gold or Silver Wares" shall mean and include every Goldsmith and Silversmith, and every Worker, Maker, and Manufacturer of and Trader and Dealer in Gold or Silver Wares; and the Term "Die" shall mean and include any Die, Plate, Tool, or Instrument whatever, by means whereof any Mark can or shall be made upon any Metal whatsoever; and the Term "Her Majesty" shall mean and include Her Majesty, Her Heirs and Successors; and the Term "Mark" shall mean and include any Mark, Stamp, or Impression of and made with any Die or other Instrument, or produced by any other Means whatsoever upon any Metal whatsoever; and the Term "Ware" shall mean and include any Plate, Vessel, Article, or Manufacture of any Metal whatsoever; and whenever in this Act, with reference to any Person or Matter or Thing, or to any Persons or Matters or Things, the Singular or Plural Number or the Masculine Gender only is expressed, such Expression shall be understood to include several Persons or Matters or Things as well as one Person or Matter or Thing, and one Person, Matter, or Thing as well as several Persons or Matters or Things, Females as well as Males, Bodies Politic or Corporate as well as Individuals, unless it be otherwise specially provided, or the Subject or Context be repugnant to such Construction. Construction and Interpretation of Terms. Base Metal. Dealer. Die. Her Majesty. Mark. Ware.

XV. And whereas all Gold Wares of the Standard or Fineness of Twenty-two Carats of fine Gold in every Pound Troy assayed by any of the said Companies of Goldsmiths and Guardians are by certain Statutes now in force required to be marked with the same Mark as that with which all Silver Wares of the Standard or Fineness of Eleven Ounces and Two Pennyweights, assayed as aforesaid, are required to be marked, (that is to say,) with the Figure of the Lion passant, in order to denote the Standards thereof respectively, whereby great Facilities to Frauds are afforded, and extensive Frauds have been committed by Dealers in Gold and Silver Wares; and it is expedient that all Gold Wares of the Standard or Fineness aforesaid, and so assayed as aforesaid, should be marked by a different Mark, to denote the Standard thereof, from the Mark so used for the said Silver After 1st Oct. 1844 Gold Wares of a certain Standard to be marked with a Crown and the Figures 22 instead of the Lion passant.

Silver Wares as aforesaid; be it therefore enacted, That from and after the First Day of *October* One thousand eight hundred and forty-four there shall be struck or marked by the said Company of Goldsmiths in *London*, and by the several Companies of Goldsmiths in the Cities of *York*, *Exeter*, *Bristol*, *Chester*, and *Norwich*, and the Town of *Newcastle-upon-Tyne*, and the Company of Guardians of the Standard of wrought Plate in the Town of *Birmingham*, upon all Gold Wares of the Standard or Fineness of Twenty-two Carats of fine Gold in every Pound Troy, brought to them respectively to be assayed, the Mark of a Crown and the Figures 22, instead of the Mark of the Lion passant.

Extending the Powers, Penalties, and Provisions concerning the Marks formerly used to the Marks directed to be made use of by this Act.

XVI. And be it enacted, That the Rules, Directions, Powers, Privileges, Pains, Penalties, Forfeitures, Causes, Matters, and Things enacted or provided in and by any of the Laws and Statutes of this Realm now in force in relation to the Mark of the Lion passant on Gold Wares of the Standard or Fineness of Twenty-two Carats in the Pound Troy, and assayed as aforesaid, and also in relation to the Die used for making the said Mark of the Lion passant, shall extend to, and be continued, applied, practised, and put in execution in all Cases relating to the said Mark of a Crown and the Figures 22 hereby directed to be used for the Gold Wares aforesaid, and also relating to the said Die to be used for making the said Mark, as fully and effectually, to all Intents and Purposes, as if the same Rules, Directions, Powers, Privileges, Pains, Penalties, Forfeitures, Causes, Matters, and Things were again particularly repeated and enacted in and by the present Act, any thing in the Statutes now in force or any of them contained to the contrary notwithstanding.

Limitation of Act.

XVII. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*.

Commencement of Act.

XVIII. And be it enacted, That this Act shall come into operation on the First Day of *October* One thousand eight hundred and forty-four.

Act may be altered this Session.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

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