

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

CAP. LXIX.

An Act to fix the Standard Qualities of Gold and Silver Plate in *Scotland*, and to provide for the assaying and marking thereof.

[13th *August* 1836.]

WHEREAS it is expedient that all Gold and Silver Plate and Wares wrought, sold, or exchanged in *Scotland* should be respectively of certain Standard Qualities, and should be assayed and marked in manner herein-after mentioned: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* One thousand eight hundred and thirty-six no Goldsmith, Silversmith, or other Person in *Scotland* shall work or make, or cause or procure to be wrought or made, any Gold Vessel, Plate or Manufacture or Ware of Gold whatsoever, less in Fineness than Eighteen Carats of fine Gold in every Pound Weight Troy; nor work or make, or cause or procure to be wrought or made, any Silver Vessel, Plate or Manufacture or Ware, whatsoever, less in Fineness than Eleven Ounces and Two Pennyweights of fine Silver in every Pound Weight Troy; nor sell, exchange, or keep or expose for Sale, or export or attempt to export out of *Scotland*, any Gold Vessel, Plate or Manufacture or Ware of Gold whatsoever, wrought or made after the said First Day of *October* One thousand eight hundred and thirty-six, less in Fineness than Eighteen Carats of fine Gold in every Pound Weight Troy; nor sell, exchange, or keep or expose for Sale, or export or attempt to export out of *Scotland*, any Silver Vessel, Plate or Manufacture or Ware

Goldsmiths not to work Gold or Silver Plate inferior to certain Standard Qualities.

Ware of Silver whatsoever, wrought or made after the said First Day of *October* One thousand eight hundred and thirty-six, less in Fineness than Eleven Ounces and Two Pennyweights of fine Silver in every Pound Weight Troy; and every Goldsmith, Silversmith, or other Person who shall after the said First Day of *October* One thousand eight hundred and thirty-six work or make, or cause or procure to be wrought or made, or sell, exchange, keep, or expose for Sale, or export or attempt to export out of *Scotland*, any Gold or Silver Vessel, Plate or Manufacture or Ware of Gold or Silver, less in Fineness respectively than is herein-before directed, shall for each Piece of Gold or Silver Plate so sold, exchanged, or kept or exposed for Sale, or exported or attempted to be exported as aforesaid, forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Goldsmiths to send their Names, Descriptions, and Marks to the Goldsmiths Incorporation of Edinburgh or the Goldsmiths Company of Glasgow.

II. And be it enacted, That on or before the First Day of *October* One thousand eight hundred and thirty-six every Goldsmith, Silversmith, or Plate-worker, or other Person carrying on any of the said Trades in *Scotland*, and also every Person who at any Time after the said First Day of *October* One thousand eight hundred and thirty-six shall follow the Trade of a Goldsmith, Silversmith, or Plate-worker, before he shall exercise the same, shall send or deliver, either to the Wardens of the Incorporation of Goldsmiths of the City of *Edinburgh*, or to the Wardens of the *Glasgow* Goldsmiths Company, a written Statement of his Christian and Surnames, and also, if he shall carry on Trade in Copartnership, of the Style or Firm of the said Copartnership, and of his Place of Abode and Business, and of his Mark to be used as is herein-after provided, which said Mark shall be the Initial Letters of his Christian and Surnames, or, in the Case of Members of a Partnership, the Initial Letters of the Words composing the Style or Firm under which the Business of such Partnership shall be carried on, and shall also from Time to Time, when any Alteration of Circumstances shall take place in any of the said Particulars, send or deliver in as aforesaid a like Statement of such Alteration within Two Months after the same shall take place; and such Statements respectively shall be entered by the said Wardens, without Fee or Reward, in the respective Books or Registers of the said Incorporation or Company; and every such Goldsmith, Silversmith, or Plate-worker who shall neglect or refuse to send or deliver such Statement, or who shall use or strike any other Mark on such Plate or Ware as aforesaid than that which he shall so send or deliver, shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Goldsmiths to strike their Mark on Plate and send it to the Assay Office to be assayed, and if found Standard marked with certain Marks.

III. And be it further enacted, That every such Goldsmith, Silversmith, and Plate-worker, or Person carrying on any of the said Trades in *Scotland*, shall first strike or stamp his Mark upon all Gold and Silver Plate or Ware (except as is herein-after excepted) which he shall make or work, or cause or procure to be wrought or made, after the said First Day of *October* One thousand eight hundred and thirty-six, and shall then bring or send the same to the Assay Office of the Incorporation or Company to which he shall have sent or delivered his Name and Firm, Place of Abode and Business, and Mark as aforesaid, together with a Note or Memorandum in Writing specifying the

the Day of the Month and Year when such Plate is so sent to be assayed, the Place of Business and the Christian and Surnames of Worker or Maker, or the Style or Firm of the Workers or Makers of such Plate, the several Species in each Parcel of Plate, and the Number of Pieces of each Species, with the total Weight of such Pieces, and the Standard or Quality for denoting which the Worker or Maker shall require such Pieces respectively to be marked; and such Plate or Ware shall be assayed at such Assay Office in manner herein-after directed; and such Gold Plate or Ware as shall be ascertained to be not less in Fineness than Twenty-two Carats of fine Gold in every Pound Weight Troy, and such Silver Plate or Ware as shall be ascertained to be not less in Fineness than Eleven Ounces and Two Pennyweights of fine Silver in every Pound Weight Troy, shall be marked at such Assay Office as follows; that is to say, with the Mark of the Thistle, and with a distinct variable Letter, denoting the Year in which such Plate shall be marked, and also with the Mark or Marks used or to be used by the Incorporation or Company at whose Assay Office the same shall be assayed; and such Gold Plate or Ware as shall be ascertained to be not less in Fineness than Eighteen Carats of fine Gold in every Pound Weight Troy shall be marked with the Figures 18, in addition to the said several Marks herein-before required; and such Silver Plate or Ware as shall be ascertained to be not less in Fineness than Eleven Ounces and Ten Pennyweights of fine Silver in every Pound Weight Troy shall be marked with the Figure of *Britannia*, in addition to the several other Marks herein-before required.

Assayers empowered to levy Rates upon Plate sent to be assayed.

IV. And be it further enacted, That it shall and may be lawful to and for the Assayer of such Assay Office, or such other Person or Persons as shall be appointed for that Purpose by the Incorporation or Company to which such Assay Office shall belong, and he and they are hereby authorized and empowered, to demand, levy, and receive from such Person and Persons as shall bring to such Assay Office any Gold or Silver Plate or Ware to be assayed and marked, for the assaying and marking thereof, such Sums of Money as shall be found necessary for defraying the Expences of such Assay Office, and such Sums shall or may be levied in respect of such Plate or Ware, either in proportion to the Weight thereof, or by the Piece upon any single Piece of such Plate or Ware which shall not exceed, if of Gold the Weight of One Ounce, or if of Silver the Weight of Three Ounces; provided always, that such Sums, where the same shall be levied by Weight, shall not exceed the Rate of One Shilling for every Ounce of Gold, and One Penny for every Ounce of Silver, and so in proportion for any greater or less Quantity; and that such Sums, where the same shall be levied by the Piece, shall not exceed One Shilling for each Piece of Gold Plate or Ware, or Three-pence for each Piece of Silver Plate or Ware; and such Incorporation and Company respectively shall from Time to Time fix and appoint such Sums so to be levied upon each Ounce Weight or upon each Piece, according to the Nature and Description thereof, and hang up and maintain in their Assay Office a Table of the Rates for the Time exigible by the Assayer for the assaying and marking of Plate and Ware, which Rates so fixed from Time to Time shall, with the Exceptions herein-after mentioned, be charged and levied equally in respect of all Plate and Ware of the same Species and Weight or Description

Description which shall be assayed and marked at such Assay Office; and no Reduction or Advance which may be made, as herein-after provided, in the said Rates shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Class of Persons, but every such Reduction or Advance shall extend to all Plate and Ware of the same Species and Weight or Description, and to all Persons sending the same to be assayed and marked as aforesaid: Provided always, that such Assayer or other Person aforesaid shall deduct from the Amount of the Rates or Sums demanded in respect of any Parcel of Plate or Ware which shall be sent to such Assay Office from any Distance greater than Thirty Miles therefrom a Sum not greater than One Third of the Amount of such Rates or Sums for or in respect of the Expence of the Carriage of such Parcel to and from such Assay Office.

Plate of objectionable Manufacture to be returned without Assay.

V. And be it enacted, That all Gold and Silver Plate and Ware which shall be brought to either of the said Assay Offices shall be weighed and examined by the Assayer; and if it shall appear that the same is not all of one Quality of Gold or Silver, or if it be not marked with the Worker's Mark, or if it be charged with unnecessary Solder, or if all the Pieces be not affixed together which it shall appear are intended to be affixed together, then in any of such Cases, if no Intention of Fraud shall appear, such Plate or Ware shall be returned to the Owner thereof without being marked; but if such Plate or Ware shall be found free from all the Objections aforesaid, there shall be drawn or scraped so much from each Piece, in proportion to the Weight thereof, as will not exceed in the whole the Rate of Eight Grains for every Pound Weight Troy, and such Drawings or Scrapings shall immediately afterwards be divided into Two equal Portions, one whereof shall be kept by the Assayer and used by him for the Purpose of making his Assays, and the other Portion shall be locked up, with Two different Locks, in Boxes to be provided for that Purpose, which shall be called the Assayer's Boxes, the one of which shall be the Box for Gold and the other the Box for Silver, and in each of which Boxes there shall be Two Compartments; and the respective Keys of each of such Boxes shall be kept by the Deacon of the said Incorporation, or by the Chairman or Preses of the said Company respectively, and by the Assayer of the said Incorporation or Company.

Drawings to be taken for Assay and Diet.

Assayer may test Plate.

VI. And be it further enacted, That if, on view of any wrought or manufactured Plate or Ware of Gold or Silver brought to either of the said Assay Offices to be assayed and marked, the Assayer shall suspect that too great a Quantity of base Metal or Solder is contained or concealed in such Plate or Ware, or has been used in or about the Manufacture thereof, or shall discover or suspect that any Fraud or Deceit has been practised or intended in such Manufacture by joining together Metals of different Standards of Fineness in the same Article, it shall be lawful for the said Assayer, in the Presence of any Two or more of the Wardens, whom in that Case he is hereby directed to call in for the Purpose, to break, cut asunder, or otherwise test such Article; and if it shall appear that an undue Quantity of base Metal or Solder is contained or present in any Part thereof, or that the same has been fraudulently or deceitfully manufactured by joining together Metals of different Standards of Fineness, some of

such Metals being worse than the Standard with the Marks denoting which such Article shall have been required by the Worker to be marked, such Plate shall be defaced, and the same or the Value thereof, together with the Money paid or left for the Assay and Touch thereof, shall be forfeited to the said Incorporation or Company to whose Assay Office the same shall be brought, to be by them applied towards the Expences of their said Assay Office: Provided always, that if on cutting, breaking, unsoldering, or otherwise testing the Quality or Manufacture of any such Plate under the Authority aforesaid, no unnecessary Solder or other base Metal shall be found therein, and no such Fraud or Deceit shall appear to have been practised in the Manufacture thereof, the Assayer and Wardens so testing the same shall forthwith make Recompence and Satisfaction in Money to the Owner of such Plate to the full Amount of the Damage done thereto, and charge the same to the Account of the Expences of the Assay Office to which such Article shall have been so brought; and in the event of the Owner of such Plate being dissatisfied with the Judgment of the said Assayer and Wardens, the Matter shall be settled and determined by Two Justices or Magistrates of the City in which such Assay Office shall be situate, upon Complaint being made to them by the Party alleged to be injured; and such Justices or Magistrates may proceed by Examination of Witnesses on Oath, if necessary, which Oath they are hereby empowered to administer; and such Sum as they shall see fit to award as the Amount of Damage shall be recoverable as a Debt due from the said Wardens, Assayer, or other Officer, to the Party so injured as aforesaid.

Compensation to be made for Damage.

Disputes to be settled by Two Justices.

VII. And be it enacted, That the Portion of the Drawings or Scrapings of each Piece of Gold or Silver Plate or Ware so taken by the Assayer as aforesaid for the Purpose of making his Assays shall be assayed by him, and if the same shall be found to be of a Quality inferior to that Standard with the Marks denoting which the Owner or Owners thereof shall have required the Piece wherefrom such Drawings or Scrapings shall have been taken to be marked, such Piece shall be broken and defaced, and in such defaced State returned to the Owner; and such Pieces as the said Assayer shall ascertain to be of equal or superior Fineness to the Standard for denoting which the said Owner or Owners shall have required the same to be marked shall be marked by the Assayer with the Marks hereby directed to be provided in that Behalf, and delivered to the Owner or Bringer of such Plate (he paying for the Assay and marking thereof such Sums as are hereby authorized to be charged and levied for assaying and marking such Plate); and the Drawings or Scrapings belonging to such Piece so marked shall be taken out of the Assayer's Box, and shall be deposited in Boxes to be called the Diet Boxes to be provided for that Purpose, the one of which shall be the Box for Gold and the other the Box for Silver, and in each of which Boxes there shall be Two Compartments in such Part thereof as shall be appropriated to the Standard the Marks of which shall have been stamped on the Piece from which such Drawings or Scrapings shall have been taken, and each of such Diet Boxes shall be locked with Two different Locks, the respective Keys whereof shall be kept by the said Deacon and Chairman or Preses respectively and by the Assayer, and the said Boxes shall not be opened except

Portion of Drawings to be assayed, and if inferior to Standard, Plate to be defaced; if equal, to be marked.

in the Presence of the said Court of Wardens and the said Assayer, and none of the Scrapings or Drawings shall be taken out of either of such Boxes except for the Purpose of Trial of the Diet annually as herein-after directed; and the other Portion of the said Scrapings or Drawings, or so much thereof as shall remain after the Assay thereof, shall be deposited together in the Assayer's Box in the Part thereof to be appropriated for that Purpose, and the same shall be disposed of in manner herein-after directed.

Assayer to weigh and sell Drawings from Plate assayed.

VIII. And be it further enacted, That the Assayer of the said Incorporation or Company respectively shall, in the Presence of the respective Wardens thereof, Four Times in every Year duly weigh all the Drawings and Scrapings deposited in the Assayer's Boxes, and enter the true Weight thereof in a Book to be kept for that Purpose; and it shall then be lawful for the said Wardens to sell such Drawings and Scrapings; and the Produce of such Sale shall be entered in their Book of Receipts and Payments for and on the Account of their said Assay Office, and shall be applied towards the Expences of such Office.

Diets to be tried annually.

IX. And be it further enacted, That the Diet Boxes belonging to the said Incorporation and Company respectively shall once in every Year be opened in Presence of the Assayer and Wardens thereof, who shall cause the Diets contained therein, with a Note of the alleged Standards thereof respectively, to be delivered to such Person or Persons as shall from Time to Time be appointed by the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners of His Majesty's Treasury or any Three or more of them, for the Trial of Gold and Silver Plate in *Scotland*, and such Person or Persons shall give to the Assayer whose Diets are to be tried Notice of the Time and Place appointed for such Trial, in order that he may be present thereat if he thinks fit; and if upon such Trial the said Diets shall be found equal or superior to the alleged Standards thereof respectively, then and in such Case such Person or Persons shall return the said Diets to or to the Order of the Wardens of the said Incorporation and Company respectively, who are hereby authorized to sell and dispose thereof, and, having entered the Produce thereof in the Book of Receipts and Payments of their said Assay Office, to pay and apply such Produce for and towards the Expences of such Assay Office.

Penalty on Assayer if Diets found inferior to Standards.

X. Provided always, and be it enacted, That if on the said Trial the said Diets or any of them shall be found inferior in Fineness to the alleged Standards thereof respectively, the Assayer belonging to the said Incorporation or Company whose Diets shall be so tried shall forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Wardens and Assayers to take Oaths before Entry upon Office.

XI. And be it further enacted, That every Warden and Assayer to be hereafter appointed by the said Incorporation of Goldsmiths of *Edinburgh*, or *Glasgow* Goldsmiths Company, shall before entering upon their respective Offices take an Oath *de fideli administratione*, which Oath the Deacon or Clerk of the said Incorporation or Company respectively is hereby required and empowered to administer to the said Wardens and Assayers respectively.

XII. And

Assayers and Wardens not to discover Patterns of Plate.

XII. And be it further enacted, That the Assayers, Wardens, or other Officers of the said Incorporation and Company respectively shall not discover, by Description in Words or otherwise, to any Person or Persons whatsoever any Pattern, Design, or Invention of any Piece of Gold or Silver Plate brought or to be brought to their respective Assay Offices to be assayed as aforesaid, or permit the same to be viewed or seen by any Person whatsoever except by the Persons necessarily employed or to be employed in their said Assay Offices; and such Assayers respectively shall keep a Book or Books wherein shall be entered the Names of every Owner of Plate brought to be assayed, and the several Species and Standards of Plate assayed, and an Account of the Money received for the assaying thereof, and likewise an Account of the Monies arising from the Drawings and Scrapings of Plate, and the Times when the same shall be sold in manner herein-before directed, and also an Account of the Salaries and Wages of the Officers and Servants, and of the other incidental Expences attending the carrying of this Act into execution; and every Member of such Incorporation and Company respectively shall have free Access to and Inspection of such Books; and if any such Warden, Assayer, or other Officer shall, contrary to the true Intent and Meaning of this Act, discover any Pattern or Invention as aforesaid, such Warden, Assayer, or other Officer shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Assayers to keep proper Books.

Custody of Dies.

XIII. And be it further enacted, That the Dies, Punches, or marking Instruments of the said Incorporation and Company shall be respectively locked up in a Box, whereof the Key shall be kept by the Assayer of the said Incorporation or Company, to be used by him for the Purpose of marking Plate which shall have been assayed and ascertained to be of the proper Standard; and if such Assayer shall mark or cause to be marked with any Mark or Impression of the said Incorporation or Company any Plate that has not been duly assayed and found of the proper Standard, such Assayer shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned, and shall also be deprived of his Office, and be for ever afterwards incapable of exercising the Office of Assayer.

Penalty on Assayer for marking Plate not duly assayed.

Incorporation and Company may make Bye Laws for the Regulation of their AssayOffices.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Incorporation and Company, and each of them, or the major Part of such Incorporation or Company, and they are hereby empowered, from Time to Time to make Bye Laws, Rules, and Orders for the well Government and Management of their respective Assay Offices, and for fixing the Salaries and Emoluments of their Officers employed therein, and for prescribing the Time and Manner for receiving and returning Plate brought to be assayed, and for every other Purpose relative to the Conduct and Management of their respective Assay Offices.

Overplus of Rates to be applied in Prosecution of Offenders.

XV. Provided also, and be it enacted, That in case the said Sums or Rates hereby allowed to the said Incorporation and Company respectively for the assaying and marking of Plate shall in the whole be

be more than sufficient to defray the Expences of such Assay Offices respectively, the Overplus shall be applied by such Incorporation or Company to which such Assay Office shall belong in the Prosecution of suspected Offenders against this Act; and if such Overplus shall be more than shall be required for that Purpose, such Incorporation or Company shall respectively reduce their Rates or Sums hereby authorized to be levied as aforesaid, or such of them as they in their Discretion shall think proper to be reduced, to such Rates or Sums as will answer the Purposes before mentioned without bringing any Profit to such Incorporation or Company: Provided always, that if such reduced Rates shall at any Time be found insufficient for the Purposes before mentioned, the same may be raised again as much as shall be necessary for such Purposes, such Rates however never exceeding the Rates herein-before authorized to be levied; and the said Assayers of the said Incorporation and Company respectively are hereby authorized and empowered to levy and take such reduced or raised Rates or Sums in manner herein-before provided with respect to Rates or Sums which may be originally imposed.

Rates may be reduced or raised.

Exception as to certain Gold Wares.

XVI. Provided always, and be it enacted, That nothing herein contained shall extend to render it necessary that any of the following Wares of Gold should be stamped or marked with any of the Marks hereby required; (that is to say,) Rings, Collets for Rings or other Jewels, Chains, Necklace Beads, Lockets, Medals, hollow or raised Buttons, Sleeve Buttons, Thimbles, Coral Sockets and Bells, Ferrils, Pipe Lighters, Cranes for Bottles, very small Book Clasps, Stock or Garter Clasps jointed, very small Nutmeg Graters, Rims of Snuff-boxes whereof the Tops and Bottoms are made of Shell or Stone, Sliding Pencils, Toothpick Cases, Tweezer Cases, Pencil Cases, Needle Cases, any Filigree Work, any Sorts of Tippings or Swages on Stone or Ivory Cases, any Mounts, Screws, or Stoppers to Stone or Glass Bottles or Phials, any small or light Ornaments put to Amber or other Eggs of Urns, any wrought Seals, or Seals with Cornelian or other Stones set therein, or any Gold Vessel, Plate, or Manufacture so richly engraved, carved, or chased, or set with Jewels or other Stones, as not to admit of an Assay to be taken thereof, or a Mark to be struck thereon, without damaging, prejudicing, or defacing the same, or such other Things as by reason of the Smallness or Thinness thereof are not capable of receiving the Marks hereby required, or any of them, and not weighing Ten Pennyweights of Gold each.

Exception as to certain Silver Wares.

XVII. And be it further enacted, That nothing in this Act contained shall extend to render it necessary that any of the following Wares of Silver should be stamped or marked with any of the Marks hereby required; (that is to say,) Chains, Necklace Beads, Lockets, any Filigree Work, Shirt Buckles or Brooches, stamped Medals, or Spouts to China, Stone, or Earthenware Tea-pots, or any of them, of any Weight whatsoever, or Tippings, Swages, or Mounts, or any of them, not weighing Ten Pennyweights of Silver each, or any Necks or Collars for Castors, Cruets, or Glasses appertaining to any Sort of Stand or Frame, or any Ware of Silver whatsoever, not weighing Five Pennyweights of Silver each, or any Buttons to be affixed or set on any Wearing Apparel, solid Sleeve Buttons, and solid Studs, not having a bisselled Edge soldered on, wrought Seals, blank Seals,

Bottle Tickets, Shoe Clasps, Patch Boxes, Buckles, or any Pieces to garnish Cabinets of Knife Cases or Tea Chests, or Bridles, or Stands, or Frames.

Penalty for selling or exporting Plate not duly marked.

XVIII. And be it further enacted, That if any Goldsmith, Silversmith, or Worker or Dealer in Plate, or other Person, shall knowingly sell, exchange, or keep or expose for Sale, or export or attempt to export out of *Scotland*, any Gold or Silver Plate or Ware (except as herein is excepted) made or wrought after the said First Day of *October* One thousand eight hundred and thirty-six which shall not respectively be marked with the proper Marks herein-before required to be stamped on the Kind and Standard Quality of which such respective Plate or Ware shall be, every Person so offending shall for each Piece of Gold or Silver Plate so sold, exchanged, or kept or exposed for Sale, or exported or attempted to be exported as aforesaid, forfeit and pay a Sum not exceeding One hundred Pounds, and shall also forfeit all such Plate and Ware not duly marked as aforesaid which shall be so sold, exchanged, or exposed or kept for Sale, exported or attempted to be exported, such Penalties and Forfeitures to be levied, recovered, and applied in manner herein-after mentioned.

Forging or imitating Dies or Marks, stamping with forged Dies, &c., and fraudulently using the lawful Dies, declared Felony.

XIX. And be it further enacted, That if any Person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any Die, Punch, or other marking Instrument, or any Part of any Die, Punch, or marking Instrument, used or provided or to be used or provided for striking or impressing any Mark or Impression by this Act directed to be used, or which in pursuance of this Act hath been or shall or may be used, by or under the Direction of the said Incorporation or Company respectively, or by any Maker or Worker of Gold or Silver Plate, or by or under the Direction of any other Person or Persons legally authorized in that Behalf, for the Purpose of stamping or marking Gold or Silver Plate; or if any Person shall forge, counterfeit, or imitate, or shall cause or procure to be forged, counterfeited, or imitated, upon any Gold or Silver Plate, or upon any Ware or Manufacture of base Metal or Mixture of Metals, the Stamp, Mark, or Impression, or any Part of the Stamp, Mark, or Impression, of any such Die, Punch, or other marking Instrument as aforesaid; or if any Person shall stamp or mark, or shall cause or procure to be stamped or marked, any Gold or Silver Plate, or any Ware or Manufacture of base Metal, with any such forged or counterfeit Die, Punch, or marking Instrument, or Part of a Die, Punch, or marking Instrument as aforesaid; or if any Person shall transpose or remove, or shall cause or procure to be transposed or removed, from any Piece of Gold or Silver Plate to any other Piece of Plate either of Gold or Silver, or to any Ware or Manufacture of base Metal, any Mark or Impression directed to be used or which hath been or shall or may be used as aforesaid; or if any Person shall sell, exchange, or expose for Sale, or shall export or attempt to export out of any Part of *Scotland*, or shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession any Gold or Silver Plate, or any Ware or Manufacture of base Metal, having thereupon the Mark or Impression of or from any such forged or counterfeit Die, Punch, or marking Instrument as aforesaid, or having thereupon any such forged or counterfeit Mark or Impression as aforesaid, or any Mark or Impression which shall have been so

transposed or removed as aforesaid, knowing the same respectively to be forged, counterfeit, transposed, or removed; or if any Person shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession any such forged or counterfeit Die, Punch, or marking Instrument, or Part of a Die, Punch, or marking Instrument as aforesaid; or if any Person shall cut out of or sever from any Piece of Plate of Gold or Silver any Mark or Impression, or any Part of any Mark or Impression, made with any such Die, Punch, or marking Instrument as aforesaid, with Intent that such Mark or Impression, or Part of a Mark or Impression, shall or may be placed upon or joined or affixed to any other Piece of Plate either of Gold or Silver, or to any Ware or Manufacture of base Metal; or if any Person shall place upon or join or affix to any Piece of Plate, either of Gold or Silver, or any Ware or Manufacture of base Metal, any such Mark or Impression, or any Part of any such Mark or Impression, which hath been or shall have been cut out of or severed from any Piece of Plate of Gold or Silver; or if any Person shall privately or secretly employ or use, or cause or procure to be employed or used, any genuine or lawful Die, Punch, or marking Instrument so used or provided or to be used or provided as aforesaid; then and in every such Case every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than Two Years, as the Court shall award.

Upon Information on Oath against Persons suspected of felonious Offences, Justices may grant Search Warrants.

XX. And be it enacted, That upon Information given before any Justice of the Peace upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), that there is reasonable or probable Cause to suspect any Person of being or having been engaged or concerned in making any false or counterfeit Die, Punch, or other Instrument, for the Purpose of unlawfully marking any Gold or Silver Plate, or any Ware or Manufacture of base Metal or Mixture of Metals, or of being or having been engaged or concerned in the unlawful stamping or marking of any such Plate, Ware, or Manufacture as aforesaid, or of being or having been unlawfully possessed of any such false or counterfeit Die, Punch, or Instrument as aforesaid, or of any such Plate, Ware, or Manufacture as aforesaid with any counterfeit Mark or Impression thereon, or of being or having been engaged or concerned in fraudulently or unlawfully, or without due Authority, marking or impressing any genuine or lawful Die, Punch, or Instrument on any such Plate, Ware, or Manufacture, or of being or having been unlawfully possessed of any such genuine or lawful Die, Punch, or Instrument, or of being or having been engaged or concerned in the Commission of any other felonious or fraudulent Act or Offence with relation to the assaying and marking of Gold or Silver Plate, it shall be lawful for such Justice and he is hereby required, on the Application of any Warden or other Officer of the said Incorporation or Company, to grant a Warrant under his Hand, directed to any Constable, Peace Officer, or other Person or Persons named in such Warrant, authorizing or empowering him or them, with such other Person or Persons as he or they shall call to

his or their Assistance, to enter and search any House, Room, Shop, Warehouse, Outhouse, Building, or other Place belonging to such suspected Person, or where such Person shall be suspected of being or having been engaged or concerned in the Commission of any such Offence as aforesaid, or where any such Die, Punch, or Instrument, or Plate, Ware, or Manufacture as aforesaid, shall be or shall be suspected to be, and there to search for, seize, and take away all such Dies, Punches, or Instruments, and all such Plate, Wares, and Manufactures as aforesaid, in order that the same may be given in Evidence against any such Offender; and all Plate, Wares, and Manufactures which shall be lawfully seized as forfeited under any of the Provisions of this Act by any Officer of the said Incorporation or Company, or which shall be lawfully seized under any such Warrant as aforesaid, granted on the Application of any such Officer, shall be forfeited to the Incorporation or Company to which such Officer shall belong, and shall be disposed of as such Incorporation or Company shall think fit.

Plate, Wares, and Manufactures forfeited, how to be disposed of.

XXI. And be it enacted, That if any Goldsmith, Silversmith, or Worker or Dealer in wrought Gold or Silver Plate, or any Worker or Dealer in any other Metal, shall stamp or cause to be stamped any Letter or Letters upon any Article or Thing made of Metal plated or covered with Gold or Silver, or of any Metal or Mixture of Metals made or intended to resemble Gold or Silver, every such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Penalty on striking Letters on base Metal.

XXII. And be it further enacted, That all Penalties and Forfeitures imposed by this Act shall be recovered by any Person or Persons who shall sue for the same before any Two Justices of the Peace having Jurisdiction within the County, City, Borough, or Place in which the Offence shall have been committed or where the alleged Offender shall reside, or before the Sheriff of any such County; and it shall be lawful for such Justices or Sheriff to proceed in a summary Way, and to grant Warrant for bringing the Parties complained of immediately before them or him, and on Proof by the Confession of the Offender, or on the Oath of One or more credible Witness or Witnesses or other legal Evidence, forthwith to determine and give Judgment in such Complaint; and if on Conviction the Penalties hereby imposed be not immediately paid, the said Justices or Sheriff are hereby empowered to grant Warrant for the Recovery thereof, and of the Expences decreed for, by Poinding and Sale, according to the Law of *Scotland*; and in case such Penalties shall not be forthwith paid upon Conviction, and if by the Confession of the Offender, or the Report of a Sheriff's Officer or Constable, it shall appear that no sufficient Goods or Effects can be found within any Place in the said County known to such Officer or Constable, then it shall be lawful for such Justices or Sheriff, by a Warrant under their or his Hand, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County where the Matter of Complaint may arise, or for the nearest Burgh in such County, there to remain without Bail for such Time as such Justices or Sheriff shall direct, not exceeding Six Calendar Months, unless such Penalties and all reasonable Charges attending the

Penalties how to be recovered and applied.

the Recovery thereof shall be sooner paid and satisfied; and the Penalties so paid or recovered shall belong, one Half thereof to the Person or Persons suing for the same, and the other Half thereof to His Majesty, His Heirs and Successors: Provided always, that if any Person or Persons shall think himself, herself, or themselves aggrieved by any Judgment of any such Justices, such Person or Persons may, upon finding Caution to implement such Judgment and to pay such Costs as may be ordered in case the same shall be affirmed, appeal from the Judgment of the said Justices to the Justices of the Peace at the next General Quarter Sessions for the County which shall happen not sooner than Ten Days after such Judgment shall have been given; and the Judgment of such Sheriff, and of such Justices in Quarter Sessions, shall be final, and shall not be subject to Review by Advocation, Suspension, Reduction, or otherwise.

Members of the Incorporation or Company to be competent Witnesses in Prosecutions.

XXIII. And be it further enacted, That in all Prosecutions or other Proceedings under this Act, or any Act or Acts of Parliament touching the assaying or marking of wrought or manufactured Plate or Ware of Gold or Silver, or any Fraud in the Manufacture thereof, or touching any Duty or Duties granted or to be granted to His Majesty upon such Plate or Ware, or touching any Licence or Licences required to be taken out by Dealers in such Plate or Ware, any and every Member and Freeman of the said Incorporation or Company shall at all Times in or before any Court or Magistrate be considered and received as a competent and credible Witness to be examined and give Evidence upon Oath touching any Felony, Fraud, or other unlawful Act with which any Person or Persons shall or may be charged or accused, notwithstanding any Interest which such Member or Freeman may have or may be considered to have in the Funds of the said Incorporation or Company, or as such Member or Freeman in the Result of such Prosecution or other Proceeding.

Act not to affect Act for establishing Assay Office in Glasgow, or Acts for granting Duties on Plate or on Dealers Licences. 59 G. 3. c. 28.

XXIV. And be it enacted, That nothing herein contained shall affect or alter, or be construed to affect or alter, the Provisions of an Act passed in the Fifty-ninth Year of His late Majesty King *George* the Third, intituled *An Act for establishing an Assay Office in the City of* Glasgow, but such Act shall continue in full Force and Effect, except so far as the same is expressly altered or varied by this Act; and that nothing herein contained shall in any Manner supersede or annul any of the Enactments, Clauses, Powers, Offences, or Penalties created by any Act or Acts now in force whereby any Duty or Duties are or have been granted to His Majesty on wrought or manufactured Plate, or on any Licence or Licences which are or may be required to be taken out by Dealers in such Plate.

Public Act.

XXV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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