

ANNO NONO
VICTORIÆ REGINÆ.

No. I.

IMPERIAL COINAGE
ACT RE-ENACTED.

An Act for adopting an Act of the Imperial Parliament intituled “ *An Act for consolidating and amending the Laws against offences relating to the Coin.*” [21st August, 1845.]

Preamble.

WHEREAS the offence of counterfeiting the coin as well as certain other offences relating to the coin are now by virtue of several Statutes punishable with death and whereas it is expedient to abolish the punishment of death in all such cases and to repeal the several Statutes against offences relating to the coin in order that the provisions thereof may be amended and consolidated into one Act and whereas an Act of the Imperial Parliament was for that purpose passed in the second year of the reign of His late Majesty King William the Fourth intituled “ *An Act for consolidating and amending the Laws against offences relating to the Coin* ” and it is expedient that the provisions thereof should be adopted in the Colony of New South Wales Be it enacted by the Governor of said Colony by and with the consent of the Legislative Council thereof That so much of the first section of the said recited Act of Parliament as repeals certain Statutes therein set forth shall be and the same is hereby adopted Provided always that if any person shall after the commencement of this Act be convicted of any offence against any of the said Acts committed before or upon the day of the passing hereof and such offence shall have been punishable with death by virtue of any of the said Acts in every such case the person convicted of such offence shall not suffer the punishment of death but shall in lieu thereof 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 with or without hard labor for any term not exceeding four years.

2 Wil. IV. c. 34.

Previous offences may be tried under the old Acts but the punishment not to be capital.

Counterfeiting the gold or silver coin transportation for life.

Offence when deemed complete.

Colouring counterfeit coin or any pieces of metal with intent to make them pass for gold or silver coin.

2. And be it enacted That if any person 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 every such offender shall in the Colony of New South Wales 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 and every such offence shall be deemed to be complete although the coin so made or counterfeited shall not be in a fit state to be uttered or the counterfeiting thereof shall not be finished or perfected.

3. And be it enacted That if any person shall gild or silver or shall with any wash or materials capable of producing the colour of gold or of silver wash colour or case-over any coin whatsoever resembling or apparently intended to resemble or pass for any of the Queen’s

Imperial Coinage Act re-enacted.

Queen's current gold or silver coin or if any person shall gild or silver or shall with any wash or materials capable of producing the colour of gold or of silver wash colour or case-over 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 if any person shall gild or shall with any wash or materials capable of producing the colour of gold wash colour or case-over any of the Queen's current silver 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 coin or if any person shall gild or silver or shall with any wash or materials capable of producing the colour of gold or of silver wash colour or case-over 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 every such offender shall in the Colony of New South Wales 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.

Colouring or altering genuine coin with intent to make it pass for a higher coin transportation for life &c.

4. And be it enacted That if any person shall impair diminish or lighten any of the Queen's current gold or silver coin with intent to make the coin so impaired diminished or lightened pass for the Queen's current gold or silver coin every such offender shall in New South Wales be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years or to be imprisoned for any term not exceeding three years.

Impairing the gold or silver coin with intent &c. transportation for fourteen years &c.

5. And be it enacted That if any person 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 by its denomination imports or was coined or counterfeited for or if any person shall import into the Colony of New South Wales 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 every such offender shall in the Colony of New South Wales 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.

Buying or selling &c. counterfeit gold or silver coin for lower value than its denomination importing counterfeit coin transportation for life &c.

6. And be it enacted That if any person 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 every such offender shall in New South Wales be guilty of a misdemeanor and being convicted thereof shall be imprisoned for any term not exceeding one year and if any person 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 such person shall at the time of such tendering uttering or putting off have in his possession besides the false or counterfeit coin so tendered uttered or put off one or more piece or 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 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

Uttering counterfeit gold or silver coin imprisonment.

Imperial Coinage Act re-enacted.

Uttering accompanied by possession of other counterfeit coin or followed by a second uttering imprisonment.

Every second offence of uttering after a previous conviction shall be felony transportation for life &c.

Having three or more pieces of counterfeit gold or silver coin in possession &c. with intent &c. imprisonment.

Second offence felony and transportation.

What shall be sufficient evidence of a conviction for a previous offence against this Act.

Making mending or having possession of any coining tools felony transportation for life &c.

any more or other 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 every such offender shall in New South Wales be guilty of a misdemeanor and being convicted thereof shall be imprisoned for any term not exceeding two years and if any person who shall have been convicted of any of the misdemeanors or crimes and offences hereinbefore mentioned shall afterwards commit any of the said misdemeanors or crimes and offences such person shall in New South Wales be deemed 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.

7. And be it enacted That if any person 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 every such offender shall in New South Wales be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding three years and if any person so convicted shall afterwards commit the like misdemeanor or crime and offence such person shall in New South Wales be deemed 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.

8. And be it enacted That where any person shall have been convicted of any offence against this Act shall afterwards be indicted for any offence against this Act committed subsequent to such conviction a copy of the previous information indictment and conviction purporting to be signed and certified as a true copy by the Clerk of the Court or other officer having 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 information indictment and conviction without proof of the signature or official character of the person appearing to have signed and certified the same and for every such copy a fee of six shillings and eight-pence and no more shall be demanded or taken and if any such clerk officer or deputy shall certify or utter as true any false copy of any information indictment or conviction for any offence against this Act knowing the same to be false or if any person other than such clerk officer or deputy shall sign or certify any copy of any such information indictment or conviction as such clerk officer or deputy or shall utter any copy thereof with a false or counterfeit signature thereto knowing the same to be false or counterfeit every such offender shall in New South Wales be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years or to be imprisoned for any term not exceeding two years.

9. And be it enacted That if any person shall knowingly and without lawful authority (the proof of which authority shall lie on the party accused) make or mend or begin or proceed to make or mend or buy or sell or shall knowingly and without lawful excuse (the proof of which excuse shall lie on the party accused) 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 intended to make or impress the figure

Imperial Coinage Act re-enacted.

figure stamp or apparent resemblance of both or either of the sides of any of the Queen's current gold or silver coin or any part or parts of both or either of such sides or if any person shall without lawful authority (the proof whereof shall lie on the party accused) make or mend or begin or proceed to make or mend or buy or sell or shall without lawful excuse (the proof whereof shall lie on the party accused) have in his custody or possession any edger edging 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 of the Queen's current gold or silver coin such person knowing the same to be so adapted and intended as aforesaid or if any person shall without lawful authority to be proved as aforesaid make or mend or begin or proceed to make or mend or buy or sell or shall without lawful excuse to be proved as aforesaid have in his custody or possession any press for coinage or any cutting engine for cutting by force of a screw or any other contrivance round blanks out of gold silver or other metal such person knowing such press to be a press for coinage or knowing such engine to have been used or be intended to be used for or in order to the counterfeiting of any of the Queen's current gold or silver coin every such offender shall in the Colony of New South Wales 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.

10. And be it enacted That if any person shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin or if any person shall knowingly and without lawful authority (the proof of which authority shall lie on the party accused) make or mend or begin or proceed to make or mend or buy or sell or shall knowingly and without lawful excuse (the proof of which excuse shall lie on the party accused) 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 if any person 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 by its denomination imports or was coined or counterfeited for every such offender shall in the Colony of New South Wales be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding seven years or to be imprisoned for any term not exceeding two years and if any person 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 every such offender shall in the Colony of New South Wales be guilty of a misdemeanor and being convicted thereof shall be liable to be imprisoned for any term not exceeding one year.

Various offences relating to the copper coin.

11. And be it enacted That where any gold or silver coin shall be tendered to any person who shall suspect any piece or pieces thereof to be diminished otherwise than by reasonable wearing or to be counterfeit it shall be lawful for such person to cut break or deface such piece or pieces and if any piece so cut broken 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

Coin suspected to be diminished or counterfeit may be cut by any person to whom it is tendered.

Who shall bear the loss.

shall

Imperial Coinage Act re-enacted.

shall be of due weight and appear to be lawful coin the person cutting breaking 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 piece so cut broken or defaced be diminished in manner aforesaid or counterfeit it shall be heard and finally determined in 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 Colonial Treasurer of the said Colony and his deputies and clerks and the receivers duly appointed 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.

Provision for the discovery and seizure of counterfeit coin and coining tools for securing them as evidence and for ultimately disposing of them.

12. And be it enacted That if any person shall find or discover in any place whatever or in the possession of any person having the same without lawful 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 instrument tool or engine whatsoever adapted and intended for the counterfeiting of any such 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 has in his custody or possession any such counterfeit coin or any instrument tool or engine whatsoever adapted and intended for the counterfeiting of any such coin it shall be lawful for such Justice 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 counterfeit coin or any such instrument tool or engine shall be found in any place so searched to cause the same to be seized and carried forthwith before the said Justice or some other Justice of the Peace and wherever any such counterfeit coin or any such instrument tool or engine as aforesaid shall in any case whatever be seized and carried before a Justice of the Peace he shall 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 counterfeit coin and all instruments tools and engines adapted and intended for the counterfeiting of coin after they shall have been produced in evidence or where they shall have been seized and shall not be required to be produced in evidence shall forthwith be delivered up to the Colonial Treasurer of the said Colony or to any person authorized by him to receive the same.

Indictments not to be traversed except for cause shewn.

13. And be it enacted That no person against whom any information or bill of indictment shall be found or filed in the Supreme Court of the said Colony or at any Assizes or Sessions of the Peace for any misdemeanor against this Act shall be entitled to traverse the same to any subsequent Sessions of the said Supreme Court or Assizes or Sessions but the Court before which the bill of indictment shall be returned as found shall forthwith proceed to try the person against whom the same is found unless such person or the prosecutor shall shew good cause to be allowed by the Court for the postponement of the trial.

What shall be sufficient proof of coin being counterfeit.

14. And be it declared and enacted That 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

Imperial Coinage Act re-enacted.

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.

15. And be it enacted That in the case of every felony punishable under this 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 on conviction be liable to be imprisoned for any term not exceeding two years. As to accessories.

16. And be it enacted That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded it shall be lawful for the Court to sentence the offender to be imprisoned with or without hard labor in the common gaol or house of correction and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment as to the Court in its discretion shall seem meet. The Court may order hard labor or solitary confinement.

17. And be it enacted That where any offence punishable under this Act shall be committed within the jurisdiction of the Admiralty the same shall be dealt with inquired of tried and determined in the same manner as any other offence committed within that jurisdiction. As to offences committed at sea.

18. And be it enacted That where "the Queen's current gold or silver coin" or "the Queen's current copper coin" shall be mentioned in any part of this Act the same shall be deemed to include and denote any gold or silver coin or any copper coin respectively coined in any of Her Majesty's Mints and lawfully current in any part of Her Majesty's Dominions whether within the United Kingdom or otherwise and that any of the Queen's current coin which shall have been gilt silvered washed coloured or case-d-over or in any manner altered so as to resemble or pass for or be apparently intended to resemble or pass for any of the Queen's current coin of a higher denomination shall be deemed and taken to be counterfeit coin within the intent and meaning of those parts of this Act wherein mention is made of "false or counterfeit coin resembling or apparently intended to resemble or pass for" "any of the Queen's current gold or silver coin" and that where the having any matter in the custody or possession of any person is in this Act expressed to be an offence if any person shall have any such matter in his personal custody or possession or shall knowingly and wilfully have any such matter 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 another every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act. Rules of interpretation as to current coin counterfeit coin and criminal possession.

19. And for the protection of persons acting in the execution of this Act Be it enacted That all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six calendar 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 one calendar month at least before the commencement of the action and in any such action 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 no plaintiff 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 and if a verdict shall pass for the defendant or the plaintiff shall become nonsuit or discontinue any such action. Limiting time within which action may be brought.

Imperial Public Officers Embezzlement Act re-enacted.

action after issue joined or if upon demurrer or otherwise judgment shall be given against the plaintiff in every such case the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant hath by law in other cases and though 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 shall certify his approbation of the action and of the verdict obtained thereon.
