

## **Timeline of Acts Respecting Currency and Banking Passed in Upper Canada.**

1796. Jun 3. 'An Act for the better regulation of certain coins current in this province' (36 Geo III, c.1; amendments 49 Geo III, c.8 (Mar 9 1809); 11 Geo IV, c.6 (Mar 6, 1830); 6 Wm IV, c.27 (Apr 20 1836); 3 Vic, c.15 (Feb 10 1840); 4-5 Vic, c.93).

1809. Mar 9. 'An Act to repeal and amend certain parts of an act passed in the thirty-sixth year of His Majesty's reign, entitled "An Act for the better regulation of certain coins current in this province," to equalize them to the standard weight and value of the like coins in the province of Lower Canada' (49 Geo III, c.8).

1810. Mar 12. 'An Act for preventing the forging and counterfeiting of Foreign Bills of Exchange, and of foreign promissory notes, and orders for the payment of money' (50 Geo III, c. 4).

1811. Mar 13. 'An Act to repeal, an Ordinance for ascertaining damages on protested bills of exchange and fixing the rate of interest in this province' (51 Geo III, c.9). Law that determines a maximum of 6% interest to be paid on protested bills of exchange. Based on a law of the same name passed in Quebec in 1768.

1813. Mar 13. 'An Act to facilitate the circulation within this Province of army bills, issued by authority of the Province of Lower Canada' (53 Geo III, c.1).

1814. Mar 14. Royal assent given to "An Act to continue an act passed in the 53<sup>rd</sup> year of His Majesty's reign intituled an Act to facilitate the circulation in this Province of Army Bills, issued by authority of the Province of Lower Canada" and "An Act to provide for the issuing and circulation of Government Bills in this Province". Details of the acts are not known because the statutes for 1814 are missing. Government records may have been destroyed during the War of 1812. [Last day of session, Parliament prorogued until April 15]

1816. Apr 1. 'An Act to continue an act passed in the 53<sup>rd</sup> year of His Majesty's reign intituled "an Act to facilitate the circulation in this Province of Army Bills, issued by authority of the Province of Lower Canada" (56 Geo III, c.26). Act to expire May 1, 1818.

1819. July 12. Royal assent given to "An Act to Incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Kingston" (59 Geo. III, c.15). Law voided for non-use, details of act not published.

1819. July 12. Royal assent given to "An Act to Incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of Upper Canada [York]" (59 Geo. III, c. 24). Law proclaimed on April 21, 1821 under 2 Geo IV.

1821. Apr 14. 'An Act to render legal certain small notes and inland bills of exchange within this province' (2 Geo IV, c.12).

1821. Apr 14. 'An Act to establish a Uniform Currency throughout this Province' (2 Geo. IV, c.13). This law was passed to outlaw the use of New York Currency (Dollar = 8 shillings) in favour of Halifax Currency (Dollar = 5 shillings). Accounting using Halifax Currency to take effect on 1 July 1822.

1822. Jan 12. 'An Act to amend the Bank of Upper Canada Act' (3 Geo IV, c.7).

1823. Mar 19. Amendment to Bank of Upper Canada Act (4 Geo IV, c.11).

1823. Mar 19. 'An Act vesting in the hands of certain commissioners therein names, all the stock, debts, bonds, and property, of the pretended bank of Upper Canada, lately established in Kingston, for the benefit of the creditors of that institution' (4 Geo IV, c.22).

1824. Jan 19. 'An Act to prohibit banks from carrying on business in this province, that do not return their notes in specie within the same' (4 Geo IV, c.13).

1824. Jan. 19. Repeal of pretended Bank of Upper Canada act to wind up the affairs of the bank (4 Geo IV, c.21).

1828. Mar 25. 'An Act to repeal the laws now in force respecting the late pretended Bank of Upper Canada, and to make provision for settling the affairs of the said institution.' (9 Geo IV, c.11)

1829. Mar 20. 'An Act to make more effectual provision for settling the affairs of the late pretended Bank of Upper Canada' (10 Geo IV, c.7).

1832. Jan 28. Amendment to Bank of Upper Canada act to increase shares of capital stock (2 Wm IV, c.10).

1832. Jan 28. 'An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District' (2 Wm IV, c.11).

1833. Feb 13. Amendment to Commercial Bank of the Midland District Act (3 Wm IV, c.42).

1835. Apr 16. 'An Act to prevent the unnecessary multiplication of lawsuits and increase in costs in actions on notes, bonds, bills of exchange, and other instruments' (5 Wm IV, c.1).

1835. Oct 27. Amendment to Commercial Bank of the Midland District Act (5 Wm IV, c.45).

1835. Oct 27. 'An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Gore Bank' (6 Wm. IV, c.34).

1836. Apr. 20. 'An Act to authorise the commissioners of the late Pretended Bank of Kingston to dispose of certain real estate, and for other purposes therein mentioned' (6 Wm IV, c.22).

1836. Apr 20. 'An Act to repeal and amend certain acts in the Province in relation to the Gold and Silver coin made current by law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this province' (6 Wm IV, c.27). Amendment to coins current and legal tender in Upper Canada.

1837. Mar 4. 'An Act to amend the law respecting bills of exchange and promissory notes' (7 Wm IV, c.5).

1837. Mar 4. 'An Act to protect the public against injury from private banks' (7 Wm IV, c.13).  
Outlaw of private banking.

1837. Mar 4. Sec VI of 'An Act to supply by general law certain forms of enactment in common use, which may render it necessary to repeat the same in Acts to be hereafter passed' (7 Wm IV, c.14).  
Government can issue debentures to raise funds.

1837. Mar 4. 'An Act to enable the proprietors or shareholders of a company called the Bank of British North America, to sue or be sued in the name of any one of the local directors, or manager, for the time being, of the said company in this Province and for other purposes therein mentioned' (7 Wm IV, c.34).

1837. Mar 4. 'An Act to authorise the President, Directors, and Company of the Bank of Montreal to collect debts due to them in this Province, notwithstanding the expiration of their charter' (7 Wm IV, c.35).

1837. Jul 11. 'An Act to afford relief to certain banking institutions heretofore carrying on business in this Province, by enabling them more conveniently to settle their affairs, and for protecting the interests of persons holding their notes' (7-8 Wm IV, c. 1).

1837. Jul 11. 'Ac Act to authorise the chartered bank in this Province to suspend the redemption of their notes in specie, under certain regulations, for a limited time, and for other purposes therein mentioned (7-8 Wm IV, c.2).

1838. Mar 6. Repeal of Act authorising chartered banks to suspend specie payments (1 Vic, c.22).

1838. Mar 6. Repeal of Act protecting public against private banks (1 Vic, c.23).

1838. Mar 6. 'An Act to authorise the Receiver General to raise a sum of money by way of loan, on the security of the provincial stock in the Bank of Upper Canada (1 Vic, c.50).

1839. May 11. 'An Act to continue in force, for a limited period, the laws authorising the chartered banks in this Province to suspend the redemption of their notes in specie, under certain regulations (2 Vic, c.13).

1839. May 11. 'An Act to alter and amend an act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled "an Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Gore Bank"' (2 Vic, c.41).

1840. Feb 10. 'An Act to prevent the circulation of printed promissory notes, under the value of five shillings' (3 Vic, c.4).

1840. 'An Act ... making perpetual parts of an Act respecting notes, bonds, bills of exchange (3 Vic, c.8).

1840. Feb 10. 'An Act to continue an act passed in the sixth year of His Late Majesty's reign intituled 'An Act to repeal and amend certain acts in the Province in relation to the Gold and Silver coin made current by law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this province' (3 Vic, c.15).

1840. Feb 10. 'An Act to authorise the Receiver General to dispose of the provincial stock in the Bank of Upper Canada' (3 Vic, c. 57).

1840. Feb 10. 'An Act to authorise the Receiver General of this Province to borrow a certain sum of money upon debentures, for the purposes therein mentioned (3 Vic, c.58).

# L A W S

## OF HIS MAJESTY'S PROVINCE OF U P P E R - C A N A D A :

PASSED IN THE FIFTH SESSION OF THE PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT NEWARK, ON THE SIXTHTEENTH DAY OF MAY, IN THE THIRTY-SIXTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD, GEORGE THE THIRD, AND PROROGUED ON THE THIRD DAY OF JUNE, FOLLOWING.

### C H A P. I.

*An ACT for the better Regulation of certain Coins current in this Province.*

**F**OR the better regulation of certain coins current in this province ; Be it enacted by the king's most excellent majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an act passed in the parliament of Great-Britain, entitled "An act to repeal certain parts of an act passed in the fourteenth year of his majesty's reign, entitled, " An act for making more effectual provision for the government of the province of Quebec in North America, and to make further provision for the government of the said province," and by the authority of the same, That the gold and silver coins herein after mentioned, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this province, at the weights and rates following ; that is to say, of gold coins, the British guinea, weighing five penny weights and six grains Troy, at one pound three shillings and four pence, the johannes of Portugal, weighing eighteen penny weights Troy, at four pounds ; the moidore of Portugal weighing six penny weights and eighteen grains Troy, at one pound ten shillings ; the milled doubloon, or four pistole piece of Spain, weighing seventeen penny weights Troy, at three pounds and fourteen shillings ; the French louis d'or coined before the year one thousand seven hundred and ninety-three, weighing five penny weights and four grains Troy, at one pound two shillings and six pence ; the French pistole piece coined before the same period, weighing four penny weights and four grains, at eighteen shillings ; the American eagle piece, weighing eleven penny weights and six grains Troy, at two pounds and ten shillings ; and of silver coins, The British crown, at five shillings and six pence ; the British shilling, at

Preamble.

The gold and silver coins herein specified shall be deemed a legal tender. Specification, value, and respective weights, of such gold coins

Of such silver coins.

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one shilling and one penny; the Spanish milled dollar, at five shillings, equal to four shillings and six pence sterling money of Great-Britain; the Spanish pistereen at one shilling; the French crown coined before the year one thousand seven hundred and ninety-three, at five shillings and six pence; the French piece of four livres ten sols Tournois, at four shillings and two pence; the French piece of thirty-six sols Tournois, at one shilling and eight pence, the French piece of twenty-four sols Tournois, at one shilling and one penny; the American dollar, at five shillings, and all the higher and lower denominations of the said gold and silver coins shall also pass current, and be deemed a legal tender in payment of all debts and demands whatsoever in this province, in the same proportions respectively.

Allowance for excess or deficiency in the standard weight of pieces of gold, paid by detail.

II. *And be it further enacted by the authority aforesaid,* That for every grain which any piece of the aforesaid gold coins shall respectively weigh more than the standard aforesaid, there shall be allowed and added in all payments made in pieces of gold by detail, two pence and one farthing currency; and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be deducted in all payments, two pence and one farthing currency.

Counterfeiting or falsifying such current coins shall be deemed felony,

III. *And be it further enacted by the authority aforesaid,* That any person or persons, who shall color, gild or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any coin of coarse gold, or of coarse silver, or of base metal resembling any such foreign coin so declared current, and any person or persons, who shall gild over any piece of silver resembling any such foreign coin so declared current, and any person or persons who shall bring or cause to be brought into this province, any forged or counterfeit money like to the foreign gold or silver coin so declared current, knowing the same to be forged or counterfeit, or any coin of coarse gold, or of coarse silver, or of base metal, coloured, gilded or cased over with gold or silver, or with any wash or materials producing the colour of gold or silver, and resembling any such foreign coin, or any piece of gilded, silver resembling any such foreign coin knowing the same, every such person shall for every such offence be deemed guilty of felony and upon conviction thereof, in his majesty's court of his bench suffer death, as in cases of felony.

or knowingly importing such counterfeit & falsified coins.

Punishment for uttering or tendering false & counterfeit money knowingly.

IV. *And be it further enacted by the authority aforesaid,* That if any person whosoever, shall after the passing of this act, utter or tender in payment to any person or persons, any false or counterfeit money, counterfeit to any of the gold or silver coins of Great-Britain, Portugal, the United States of America, Spain or France, as herein before specified, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, and shall be thereof convicted, such person so offending shall suffer one year's imprisonment, and shall also be set in and upon the pillory for the space of one hour in some public and conspicuous place; and if the same person shall afterwards offend a second time, in uttering or tendering in payment any such false or counterfeit money as aforesaid, knowing the same to be so, and shall be convicted of such second offence, he or she shall be, and is hereby adjudged to be guilty of felony without benefit of clergy.

A second offence to be deemed felony.

Punishment for importing false or counterfeit brass or copper money to sell or pass away.

V. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after the passing of this act, import or bring, or cause to be imported or brought into this province, any false or counterfeit brass or copper money, in order to sell or pass away the same, knowing the same to be false and counterfeit, every such person shall for every such offence, besides forfeiting the same, suffer imprisonment at the discretion of the justice or justices, judge or judges of the court of his majesty's bench, or oyer and terminer, before whom such person or persons shall be tried and convicted; Provided always, That such imprisonment shall not exceed twelve calendar months.

VI. *And be it further enacted by the authority aforesaid,* That all such false or counterfeit brass or copper money, may be seized by any person having a warrant from a justice of the peace for that purpose, and shall be broken or defaced in open court after being found to be false or counterfeit, or in presence of a justice of the peace, and one moiety shall then belong to his majesty, his heirs and successors, to be applied to the public uses of this province, and the support of the civil government thereof, the due application of which shall be accounted for to his majesty, his heirs and successors, through the commissioners of his majesty's treasury for the time being, in such manner and form as his majesty shall direct; and the other moiety thereof shall belong to the person who shall have seized and prosecuted for the same.

Such brass or copper money to be seized & defaced, & one moiety thereof to belong to his majesty, & the other to the informer.

VII. *And be it further enacted by the authority aforesaid,* That no person shall be obliged to receive at any one payment more than the sum of one shilling currency of this province in copper money.

Tender in copper money limited to 1/ at one payment.

VIII. *AND* whereas it would be a great facility in making payments if gold coins were weighed in bulk, and not in single pieces as heretofore has been customary; Be it therefore enacted by the authority aforesaid, That in every payment exceeding the sum of fifty pounds currency, which shall be made in gold coin after the first day of June, which will be in the year of our Lord, one thousand seven hundred and ninety-seven, where one of the parties making or receiving the same shall require it, such gold shall be weighed in bulk and not in single pieces; that is to say, the gold of Great-Britain, Portugal and America together, and that of Spain and France together, from the weight of which a deduction shall be made of two thirds of a grain Troy, for each piece of gold coin so weighed as a compensation for the loss that may accrue in paying away the same in detail: and in all payments so made, the gold coin of Great-Britain, Portugal and America, shall be computed at the rate of eighty-nine shillings currency for each ounce Troy, and that of Spain and France, at the rate of eighty-seven shillings currency for each ounce Troy, therein contained after such deduction made, and so in proportion for a greater or lesser quantity.

After the 1st of June, 1797, the gold coins, in payments exceeding 50l. shall be weighed in bulk if either of the parties require it.

In what manner.

At what rate computed.

IX. *And be it further enacted by the authority aforesaid,* That any person or persons to whom any gold, silver or copper money shall be tendered in payment, any piece whereof shall by the stamp, impression, colour or weight thereof afford reason to suspect that the same, or any piece thereof, is false and counterfeit, such person or persons to whom the same is presented may cut, break or deface every such piece, and if any piece so cut, broken or defaced, shall be found to be false and counterfeit, the person tendering such false and counterfeit money shall bear the loss thereof; but if the same shall be found to be good and lawful money, the person that cut, broke or defaced the same, shall receive the same at the rate it was coined for.

Suspected pieces of money may be broken, cut or defaced.

By whom the loss arising thereby shall be borne.

X. *AND* if any question shall arise whether any piece so cut, broken, or defaced, be false or counterfeit it shall be determined by a justice of the peace, who, if he shall have any doubts touching the same, may summon three indifferent persons to give their opinion thereon, whose opinions, or the majority thereof shall be final.

Decision of questions arising thereupon.

XI. *And be it further enacted by the authority aforesaid,* That if any false or counterfeit gold or silver coin shall be produced in any court of justice in this province, the judges shall cause the same to be cut in pieces in open court, or in the presence of a justice of the peace, and there be delivered to or for the person or persons to whom it belongs.

Counterfeit gold & silver coin, produced in a court of justice, how disposed of.

XII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the act or ordinance made in the seventeenth year of his majesty's reign, entitled "An ordinance for regulating the currency of the province." be, and the same is hereby repealed.

Repeal of ordinance 17, Geo. 3. for regulating the currency.

# STATUTES OF UPPER CANADA,

PASSED IN THE

## FIFTH SESSION OF THE FIRST PROVINCIAL PARLIAMENT

OF UPPER CANADA:

MET AT NEWARK, ON THE SIXTEENTH DAY OF MAY, IN THE THIRTY-SIXTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROROGUED ON THE THIRD DAY OF JUNE FOLLOWING.

**HIS EXCELLENCY JOHN GRAVES SIMCOE, ESQUIRE,  
LIEUTENANT GOVERNOR.**

ANNO DOMINI 1796.

### CHAP. I.

*AN ACT for the better regulation of certain Coins current in this Province.*

[Passed 3rd June, 1796.]

**FOR** the better regulation of certain Coins current in this Province: *Be it enacted, &c.—*

[Repealed by 6th William IV. Chap. 27.]

(See 49 Geo. III. Ch. 8,  
3 Wm. IV. Ch. 4,  
6 Wm. IV. Ch. 27,  
3 Vic. Ch. 15.)

The gold and silver coins herein specified shall be deemed a legal tender; Specification, value and respective weights, of such gold coins; Of such silver coins.

Allowance for extess or deficiency in the standard weight of pieces of gold paid by detail.

Counterfeiting or falsifying such current coins shall be deemed felony, or knowingly importing such counterfeit and falsified coins.

Punishment for uttering or tendering false and counterfeit money knowingly; A second offence to be deemed felony.

Punishment for importing false or counterfeit brass or copper money to sell or pass away.

IV. [Repealed by 3rd Wm. IV. Chap. 4.]

V. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after the passing of this Act, import or bring, or cause to be imported or brought into this Province, any false or counterfeit brass or copper money, in order to sell or pass away the same, knowing the same to be false and counterfeit, every such person shall for every such offence, besides forfeiting the same, suffer imprisonment at the discretion of the Justice or Justices, Judge or Judges of the Court of His Majesty's Bench, or Over and Terminer, before whom such person or persons shall be tried and convicted: *Provided always,* that such imprisonment shall not exceed twelve calendar months.

Such brass or copper money to be seized and defaced, and one moiety thereof to belong to his Majesty, and the other to the informer.

18 Geo 7 Wm III. Ch. 6.]

VI. *And be it further enacted by the authority aforesaid,* That all such false or counterfeit brass or copper money, may be seized by any person having a warrant from a Justice of the Peace for that purpose, and shall be broken or defaced in open Court, after being found to be false or counterfeit, or in presence of a Justice of the Peace, and one moiety shall then belong to His Majesty, His Heirs and Successors, to be applied to the public uses of this Province, and the support of the Civil Government thereof, the due application of which shall be accounted for to His Majesty, His Heirs and Successors, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct; and the other moiety thereof shall belong to the person who shall have seized and prosecuted for the same.

Trader in copper money limited to one shilling at one payment.

VII. *And be it further enacted by the authority aforesaid,* That no person shall be obliged to receive at any one payment, more than the sum of one shilling currency of this Province, in copper money.

After 1st June 1797, gold coins in payments exceeding £50 shall be weighed in bulk, if either party require it; in what manner; at what rate computed.

VIII. [Repealed by 49th Geo. III. Chap. 8.]

Suspected pieces of money may be broken, cut or defaced;

IX. *And be it further enacted by the authority aforesaid,* That any person or persons to whom any gold, silver or copper money shall be tendered in payment, any piece whereof shall by the stamp, impression, colour or weight thereof, afford reason to suspect that the same, or any piece thereof, is false and counterfeit, such person or persons to whom the same is presented, may cut, break or deface, every such piece, and if any piece so cut, broken or defaced, shall be found to be false and counterfeit, the person tendering such false and counterfeit money, shall bear the loss thereof, but if the same shall be found to be good and lawful money, the person that cut, broke or defaced the same, shall receive the same at the rate it was coined for.

By whom the loss arising thereby shall be borne.

X. And if any question shall arise whether any piece so cut, broken or defaced, be false or counterfeit, it shall be determined by a Justice of the Peace, who, if he shall have any doubts touching the same, may summon three indifferent persons to give their opinion thereon, whose opinions, or a majority thereof, shall be final.

Decision of questions arising thereupon.

Counterfeit gold and silver coin, produced in a court of justice, how disposed of.

XI. *And be it further enacted by the authority aforesaid,* That if any false or counterfeit gold or silver coin shall be produced in any Court of Justice in this Province, the Judges shall cause the same to be cut in pieces, in open Court, or in the presence of a Justice of the Peace, and there be delivered to or for the person or persons to whom it belongs.

Repeal of ordinance. 17th Geo. III. for regulating the currency.

XII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the Act or Ordinance made in the seventeenth year of His Majesty's Reign, intituled, "An Ordinance for regulating the Currency of the Province," be, and the same is hereby repealed.



**CHAP. VIII.**

*AN ACT to repeal and amend certain parts of an Act passed in the thirty-sixth year of His Majesty's reign, intituled, "An Act for the better regulation of certain Coins current in this Province," to equalize them to the standard weight and value of the like Coins in the Province of Lower Canada.*

[Passed 9th March, 1809.]

[REPEALED BY 6TH WM. IV. CH. 27; AND 3RD VIC. CH. 15.]

~~**CHAP. IX.**~~

~~*AN ACT for granting to His Majesty, a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expenses of amending and repairing the Public Highways and Roads, opening new ones, and building Bridges in the several Districts thereof.*~~

[Passed 9th March, 1809.]

[TEMPORARY.]

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# CHAP. IV.

*AN ACT to repeal part of an Act passed in the thirty-sixth year of His late Majesty's reign, intituled, "An Act for the better regulation of certain coins current in this Province," and to make further provision for the regulation of the British silver and copper coinage current in this Province.*

[Passed 30th January, 1826.]

[REPEALED BY 6 WILLIAM IV. CHAP. 27.]

# ~~CHAP. V.~~

*AN ACT to encourage the progress of useful arts within this Province.*

[Passed 30th January, 1826.]

Preamble.

**WHEREAS** it is expedient for the encouragement of genius and of arts in this Province, to secure an exclusive right to the inventor of any new and useful art, machine, manufacture or composition: *Be it therefore enacted* by the King's most Excellent Majesty, with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, that of and under the authority of the same, as passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for the more effectual provision for the Government of the Province of Ontario in North America,' and to make further provision for the better regulation of the said Province," and by the authority of the same, that any subject of His Majesty, being an inhabitant of this Province, who shall have invented any new and useful art, machine, manufacture or composition of matter, not known or used before the application thereof, may present a petition to the Governor, Lieutenant Governor or Person administering the Government of the Province, for the time being, signifying the nature of obtaining an exclusive property in the same, and praying that the same may be granted, therefore, it shall and it is hereby made lawful for the Governor, Lieutenant Governor, or Person administering the Government of the Province, for the time being, that Letters Patent shall be made and issued under the Great Seal of the Province, and passed in the usual form, in the substance of the petition, and giving a short description of the said invention or discovery, and granting therefore to the said petitioner, his heirs, assigns, his executors, administrators or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making,

Inventor of any useful art,  
&c. may procure a Patent  
Right for the same :

How to be applied for.

~~CHAP. III.~~

~~AN ACT to extend the provisions of an Act passed in the forty-seventh year of His Majesty's reign, intituled, "An Act for the Preservation of Salmon."~~

[Passed 12th March, 1810.]

[REPEALED BY 2ND GEO. IV. CHAP. 10.]

## CHAP. IV.

*AN ACT for preventing the Forging and Counterfeiting of Foreign Bills of Exchange, and of Foreign Notes and Orders for the payment of Money.*

[Passed 12th March, 1810.]

**WHEREAS** it is expedient that effectual provision should be made to prevent Forging and Counterfeiting of foreign Bills of Exchange, foreign Promissory Notes and foreign orders for the payment of Money within this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That if any person from and after the passing of this Act, shall within this Province, falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or knowingly aid or assist in the false making, forging or counterfeiting, any Bill of Exchange or Promissory Note, undertaking or order for the payment of Money, purporting to be the Bill of Exchange, Promissory Note, undertaking or order for the payment of Money, of any foreign Prince, State or Country whatsoever, or of any Minister, or Officer intrusted by, or employed in the service of any foreign Prince, State or Country, or of any person or company of persons resident in any foreign State or Country, or of any body Corporate and Politic, or body in the nature of a body Corporate and Politic, created or constituted by any foreign Prince or State, with intent to deceive, or to defraud His Majesty, His Heirs and Successors, or any such foreign Prince, State or Country, or with intent to deceive or defraud any person or company

Preamble.

(See 3 Wm. IV. Ch. 4;  
7 Wm. IV. Ch. 6.)

Persons forging, &c. foreign Bills of Exchange, &c. or uttering the same, guilty of Felony;—punished by fine or imprisonment, not exceeding two years, &c. corporeal punishment or banishment, or by one or more of the said punishments, at the discretion of the Court.

of persons whomsoever, or any body Corporate or Politic, or body in the nature of a body Corporate and Politic whatsoever, whether the same be respectively resident carrying on business, constituted or being in any part of this Province, or in any foreign State or Country, or if any person from and after the passing of this Act, shall within any part of this Province, tender in payment or in exchange, or otherwise utter or publish as true, any such false, forged or counterfeited Bill of Exchange, Promissory Note, undertaking or order, knowing the same to be false, forged or counterfeited, with intent to deceive or defraud His Majesty, His Heirs and Successors, or any foreign Prince, State or Country, or any person or company of persons, or any body Corporate and Politic, or in the nature of a body Corporate and Politic as aforesaid; then every person so offending, shall be deemed and taken to be guilty of Felony, and being thereof lawfully convicted, shall be punished by fine or imprisonment, not exceeding two years, or by other corporal punishment, not extending to life or loss of member, and also by banishment from this Province, or by one or more of the said punishments, at the discretion of the Court.

II. *And be it further enacted by the authority aforesaid,* That no person, after the passing of this Act, shall within any part of this Province, engrave, cut, etch, scrape, or by any other means or device, make, or knowingly aid or assist in the engraving, cutting, etching, scraping or by any other means or device making, in or upon any plate whatsoever, any Bill of Exchange, or Promissory Note, or undertaking, or order for the payment of money, purporting to be the Bill of Exchange, Promissory Note, or undertaking, or order of any foreign Prince, State or Country, or of any Minister or Officer intrusted by, or employed in the service of any foreign State or Country or of any person or company of persons resident or being in any foreign State or Country, or of any body Corporate and Politic, or in the nature of a body Corporate and Politic, or constituted by any foreign Prince or State, or any part of such Bill of Exchange, Promissory Note, undertaking or order, without an authority in writing for that purpose, from such foreign Prince, State or Country, Minister or Officer, person, company of persons, or body Corporate and Politic, or body in the nature of a body Corporate and Politic, or from some person duly authorised to give such authority, or shall in any part of this Province, without such authority as aforesaid, by means of any such plate, or by any other device or means, make or print any such foreign Bill of Exchange, Promissory Note, undertaking, or order for the payment of money, or any part thereof, or knowingly, wilfully, and without lawful excuse, (the proof whereof shall lie upon the party accused,) have in his or her custody, any such plate or device, or any impression taken from the same; and if any person shall offend in any of the cases aforesaid, he shall be deemed and taken to be guilty of a misdemeanor, and being thereof convicted according to law, shall be liable for the first offence, to be imprisoned for any time not exceeding six months, or to be fined, or to be publicly or privately whipped, or to suffer one or more of the said punishments; and for the

No person shall engrave plates for foreign Bills of Exchange, &c. nor print them without written authority, or have the same in his custody without lawful excuse.

For the first offence punishment of imprisonment, not exceeding six months, fine, publicly or privately whipped, or one or more of the said punishments.

For second offence, fine, imprisonment, not exceeding two years, or by other corporal punishment, banishment, or by one or more of the said punishments, at the discretion of the Court.

This Act not to alter the laws in force against forgery.

Persons indicted shall not be allowed to traverse to a subsequent Assizes.

Certificates of former convictions shall be evidence in trial for second offences.

Houses and other premises of suspected persons may be searched, and counterfeit bills of exchange, &c. and tools, &c. seized and carried to a Justice of the Peace: to be produced in evidence against the person or persons to be prosecuted for said offences.

second offence, shall be punished by fine or imprisonment, not exceeding two years, or by other corporal punishment, not extending to life or loss of member, and also by banishment from the said Province, or by one or more of the said punishments, at the discretion of the Court: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend in any manner whatsoever, to repeal or alter any law or statute now in force for the prevention and punishment of the crime of forgery in any respect whatsoever, within any part of the said Province.

III. *And be it further enacted by the authority aforesaid*, That no person against whom any bill of indictment shall be found at any Assizes for any offence against this Act, shall be entitled to traverse the same to any subsequent Assizes, but the Court at which such bill of indictment shall be found, shall forthwith proceed to try the person or persons against whom the same shall be found, unless he, she or they, shall shew good cause, to be allowed by the Court, why his, her or their, trial should be postponed.

IV. *And be it further enacted by the authority aforesaid*, That if any person shall be convicted of any offence against this Act, and shall afterwards be guilty of the like offence in any other District within this Province, the Clerk of the Crown where such former conviction shall have been had, shall at the request of the prosecutor, or any other on His Majesty's behalf, certify the same by a transcript in few words, containing the effect and tenor of such conviction, for which certificate, two shillings and sixpence, and no more, shall be paid; and such certificate being produced in Court, and the hand writing of such Clerk of the Crown thereto being proved, shall be sufficient evidence of such former conviction.

V. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any one Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is, or are, or hath, or have been concerned in the making, forging or counterfeiting, such foreign Bills of Exchange, Promissory Notes, undertakings, or orders for the payment of money as aforesaid, or in engraving, cutting, etching, scraping, or by any other means or device making upon any plate whatsoever, any of the said foreign Bills of Exchange, Promissory Notes, undertakings, or orders for payment of money as aforesaid, or by means of any such plate, or by any other device or means, of making or printing the same, or that the said suspected person or persons hath, or have in his, her or their, custody any such plate or device for the purpose aforesaid, or any impression taken from such plate, or otherwise, printed or made, of the said foreign Bills of Exchange, Promissory Notes, undertakings, or orders for the payment of money, by warrant under the hand and seal of the said Justice, to cause the dwelling house, room, workshop, out-house, or other building, yard, garden, or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making, forging, counterfeiting, engraving, cutting, etching,

scraping or printing as aforesaid, to be searched for any such false, forged, and counterfeited foreign Bills of Exchange, Promissory Notes, undertakings, or orders for the payment of money, and for the tools, plates, or devices for the making, forging, printing, or counterfeiting of the same; and if any such tools, plates, implements or devices, shall be found in any place so searched, or in the custody of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whatsoever discovering the same, to seize, and he or they are hereby authorised and required to seize, such false, forged, and counterfeited foreign Bills of Exchange, Promissory Notes, undertakings, or orders for the payment of money, tools, plates, implements and devices, and to carry the same forthwith before a Justice of the Peace of the District where the same shall be seized, who shall cause the same to be secured, and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, and after the same shall have been so produced in evidence, they shall forthwith, by order of the Court where such offender or offenders shall be tried, or by order of some Justice of the Peace, in case there shall be no trial, be defaced or destroyed, or otherwise disposed of, as such Court or such Justice shall direct.

VI. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within three months next after the matter or thing done, and not afterwards; and the defendant or defendants in such action or suit, may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if afterwards, judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall become non-suited, or discontinue his, her or their, action or suit after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded to him, her or them, against such plaintiff or plaintiffs, and have the like remedy for the same as any defendant or defendants hath or have in other cases, to recover costs at law.

Limitation for matters done under this Act, three months.

General issue.

Treble costs.

~~CHAP. V.~~

~~AN ACT to declare the Common Gaols in the several Districts of this Province to be Houses of Correction for certain purposes.~~

[Passed 12th March 1810.]

~~WHEREAS it is expedient that until Houses of Correction shall be erected in the several Districts of this Province, that the Common Gaol in each and every of the said Districts shall be held and taken to be for Ser-~~

Preamble. (See 32 Geo. III. Ch. 2; 1 Vic. Ch. 5; 3 Vic. Ch. 11.)

~~CHAP. VII.~~

*AN ACT to amend an Act passed in the forty-eighth year of His Majesty's reign, intituled, "An Act to explain, amend and reduce, to one Act of Parliament, the several Acts now in force, for the raising and training the Militia of this Province."*

[Passed 13th March, 1811.]

[SUPERSEDED BY 29 GEO. III. CH. 9. SEC. 52.]

I. Preamble; 47th Section of the 48th of George III. as in and by the said Act recited; and the sum of money by distress and sale shall exceed the exemption money of any Quaker, the overplus shall remain as future exemption money, and shall be paid to the Treasurer of the District, &c.; Penalty for not so paying the said overplus; Mode of recovering the said penalty: No sale without eight days previous notice. II. Repayment of a part of the 48th George III. as to the returning of the overplus of the exemption money to Quakers; the overplus of the exemption money shall be equal to the exemption money of the succeeding year, the residue thereof shall be levied by distress, &c. III. Regulations in taking distress under this Act; Penalty for transgressing the same; IV. Fines and forfeitures to whom paid, and how applied and recovered; V. Justices to direct the summons, &c. to a Constable in the Township, or if none, to a Constable living nearest the person to be so summoned.

~~CHAP. VIII.~~

*AN ACT to repeal an Act passed in the forty-seventh year of His Majesty's reign, intituled, "An Act to repeal the several Acts now in force in this Province, relative to Rates and Assessments, and also to particularize the Property, real and personal, which during the continuance thereof shall be subject to Rates and Assessments, and fixing the several Valuations at which each and every Particular of such Property shall be Rated and Assessed, and to make further provision for the same."*

[Passed 13th March, 1811.]

[REPEALED BY 59 GEO. III. SESS. 2. CH. 15. 1815. 1 W. IV. CH. 8; 1 VIC. CH. 21.]

~~CHAP. IX.~~

*AN ACT to repeal an Ordinance of the Province of Quebec, passed in the seventeenth year of His Majesty's reign, intituled, "An Ordinance for Ascertaining Damages on Protested Bills of Exchange, and fixing the rate of Interest in the Province of Quebec;" also to ascertain Damages on Protested Bills of Exchange, and fixing the Rate of Interest in this Province.*

[Passed 13th March, 1811.]

**WHEREAS** an Ordinance passed in the Province of Quebec, in the seventeenth year of His Majesty's reign, intituled, "An Ordinance for ascertaining damages on Protested Bills of Exchange, and fixing the Preamble.

rate of Interest in the Province of Quebec," is in part inapplicable to this Province: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Ordinance, as far as it relates to or affects this Province, be and the same is hereby repealed.

Ordinance passed in the 17th of Geo. III. in the Province of Quebec, for ascertaining Damages on Protested Bills of Exchange, and fixing the rate of interest in that Province, repealed.

Damages and Interest on Exchange drawn in this Province, on Europe or the West Indies.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, all Bills of Exchange drawn, or hereafter to be drawn by any person or persons residing in this Province, upon any person or persons in Europe or the West Indies, that may return under Protest for non-payment thereof, shall be subject to ten per cent. damages, and six per cent. per annum interest, upon the principal sum furnished here from the day of the date of the Protest to the time of payment, which said principal sum shall be reimbursed to the holder of the bill at the par of exchange, that is to say, at the rate of one hundred and eleven pounds and one ninth currency, for one hundred pounds sterling.

Damages and Interest on Protested Bills of Exchange drawn in this Province, on North America, the West Indies excepted  
(See 7 Wm. IV. Ch. 6)

III. *And be it further enacted by the authority aforesaid*, That all and every Bill or Bills of Exchange drawn, or hereafter to be drawn by any person or persons residing in this Province, on any person or persons in North America, the West Indies excepted, and shall be returned protested, shall be subject to four per cent. damages, and six per cent. per annum interest upon the principal sum furnished here, from the day of the date of the protest to the time of payment.

Interest on Protested Bills, Orders or Mandates, drawn in this Province on persons living therein, and on Notes of Hand given in this Province.  
(See 7 Wm. IV. Ch. 3; Sec. 23.)

IV. *And be it further enacted by the authority aforesaid*, That all bills, orders or mandates, drawn after the passing hereof, by any person or persons residing in this Province, on any person or persons living in the same, and notes of hand given in this Province, if protested for non-payment, shall be subject to six per cent. per annum interest, from the date of the protest to the time of payment.

Expense of Noting and Prototyping, by whom to be paid.

V. *And be it further enacted by the authority aforesaid*, That in all the said cases of protest, the expense of noting and protesting the bill, and the postages thereby incurred, shall be allowed and paid to the holder, over and above the said interest and damages.

Interest for the loan of any monies, &c. shall not be taken above the rate of six pounds per centum for a year.

VI. *And be it further enacted by the authority aforesaid*, That it shall not be lawful upon any contract to take, directly or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of six pounds for the advance or forbearance of one hundred



pounds for a year; and so after that rate for a greater or less sum or value, or for a longer or shorter time; and the said rate of interest shall be allowed and recovered in all cases where it is the agreement of the parties that interest shall be paid; and all bonds, contracts and assurances whatsoever, whereupon or whereby a greater interest shall be reserved and taken, shall be utterly void; and every person who shall either directly or indirectly take, accept and receive, a higher rate of interest, shall forfeit and lose for every such offence, treble of the value of the monies, wares, merchandize and other things lent or bargained for, to be recovered by action of debt in the Court of King's Bench in this Province, a moiety of such forfeiture shall be paid into the hands of His Majesty's Receiver General, for the use of His Majesty, His Heirs and Successors, towards the support of the Civil Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall please to direct, and the other moiety to him or them that shall sue for the same.

All bonds, contracts, &c. whereupon a greater interest shall be reserved shall be void.

Penalties for receiving a higher rate of interest. How recovered.

THE  
**S T A T U T E S**  
 OF  
 HIS MAJESTY'S PROVINCE  
 OF  
**U P P E R - C A N A D A .**

— 000 —

Passed in the Second Session of the Sixth Provincial Parliament of Upper Canada, met at York, on the Twenty-Fifth Day of February, in the Fifty-Third Year of the Reign of our Sovereign Lord GEORGE the THIRD, and Prorogued on the Thirteenth day of March following.

CHAP. I.

*An Act to facilitate the Circulation within this Province of Army Bills, issued by authority of the Province of Lower Canada.*

[*Passed the 13th day of March, 1813.*]

**W**HEREAS it is expedient at this important juncture to facilitate the circulation of Army Bills in this Province, and to give them the same effect and force which they have in the Province of Lower Canada, Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "an Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign," entitled "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the authority of the same, That each and every the said Army Bills which have been or shall be lawfully issued by the authority of the Province of Lower Canada, and shall from time to time remain undischarged and uncancelled, shall and may be received and taken, and shall pass and be current to all and every the Collectors and receivers in this Province of Upper Canada of the Customs, or any Revenue or Tax whatsoever already Granted due or payable, or which shall or may hereafter be granted, due or payable to His Majesty, his Heirs and Successors, under and by virtue of any Act of the Parliament of Great Britain, or of the Provincial Parliament or otherwise, and also at the Office of the Receiver General of this Province from the said Collectors and Receivers or from any other person or persons, bodies politic or corporate whatsoever, making any Payments whatever there to His Majesty, his Heirs and Successors, for or upon any account, cause or occasion whatsoever, and that the same in the hands of such Collectors and Receivers, and in the hands of the Receiver General of this Province, shall be deemed and taken as Cash, and as such shall be charged against and credited to such Collectors and Receivers, and to such Receiver General as aforesaid respectively in their respective Accounts with each other, and with his Majesty, his Heirs and Successors.

Preamble.

Army Bills of Lower Canada to be received in payment by Collectors and Receivers of Customs, and at the Office of the Receiver General.

II. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Army Bills as aforesaid which shall be issued, before the same shall be paid off, discharged or cancelled, or any stamp, indorsement or writing thereupon, or therein, or tender in payment any such forged or counterfeit Army Bills, or any such Army Bill with such counterfeit Stamp, Indorsement or writing thereupon or therein, or shall demand to have such counterfeit Army Bills or any such

Penalty for forging the said Bills, or uttering them, or bringing them to be forged.

Army Bill with such counterfeit stamp, indorsement or writing thereupon or therein, exchanged for Bills of Exchange or for Cash or ready money by any person or persons, body or bodies politic or corporate, who shall be obliged or required to exchange the same, or by any other person or persons whatsoever, knowing the Bills so tendered in payment or demanded to be so exchanged, or the stamp or indorsement or writing thereupon or therein to be forged or counterfeited, and with intent to defraud his Majesty, his Heirs and Successors, or the persons appointed or to be appointed to pay off the same, or any of them, or to pay any interest thereon, or the person or persons, Officer or Officers, body or bodies politic or corporate, who shall issue or exchange the same for Bills of Exchange, or any of them, or any other person or persons, body or bodies, politic or corporate whatsoever, Then every such person or persons so offending being thereof lawfully Convicted, shall be adjudged a Felon, and shall suffer as in cases of Felony, without benefit of Clergy.

Assidavits of debt to hold to bail must fit to that no offer has been made to pay in Army Bills.

III. *And be it further enacted by the authority aforesaid,* That  $\text{£}50$  and during the continuance of this act, no person shall be held to special Bail upon any process issuing out of any Court of Judicature in this Province unless the affidavit which shall be made for that purpose, according to the law now in force respecting affidavits to hold to Bail, shall not only contain the several matters required necessary by the Law aforesaid, but also that no offer has been made to pay in Army Bills the sum of money in such affidavit mentioned, and therein sworn to for the purpose of holding such person to special Bail, and if any process shall be issued against any person upon which such person might have been held to special Bail before the passing of this act, and no Affidavit shall be made as aforesaid, That no such offer of payment in Army Bills had been made as aforesaid such person shall not be arrested on such process, but proceeding shall be had against such person in the same manner as if no affidavit had been made for the purpose of holding such person to special Bail. Provided always that if an affidavit shall be made upon which any person or persons might be held to special bail upon any such process as aforesaid, before the passing of this act, and it shall be likewise sworn in such affidavit, that such offer of payment in Army Bills has been made as aforesaid, so that the person or persons who might have been arrested and held to special bail upon such process if this act had not been made, cannot by reason of such offer and of the provisions in this act contained, be so arrested and held to special Bail, it shall be lawful for the Court out of which such process shall issue, or for any Judge of such Court in a summary way, in Term or Vacation, to order the Defendant or Defendants in the action in which such process shall issue, and who might have been so held to special Bail as aforesaid if this act had not been made, to cause Army Bills to the amount of the sum of money for which such person or persons might have been held to special Bail if this act had not been made, to be deposited in the Court out of which such process shall issue, or in such manner as such Court or such Judge shall direct, to answer the demand of the Plaintiff or Plaintiffs in such action, and if such Deposit shall not be made within the time limited by such order after such notice thereof as shall thereby be directed to be given it shall be lawful upon affidavit duly made and filed that such deposit has not been made according to such order, to arrest such defendant or defendants, and to hold him or them to special Bail in such and the same manner as if this act had not been made.

In what cases the Court may order the Army Bills tendered to be deposited, and if they are not deposited, as ordered, the party to be arrested.

Deposit of Army Bills shall suffice where Writs of Capias ad Satisfaciendum shall be discharged.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons against whom any Writ of Capias ad Satisfaciendum shall have issued out of any of his Majesty's Courts in this Province shall deposit in the hands of the Sheriff or other Officer to whom such Writ of Capias ad Satisfaciendum shall be addressed, the amount of the sum for which such Capias ad Satisfaciendum shall have issued in Army Bills such

Deposit so made shall operate as a Superfedeas of such Writ of Capias ad Satisfaciendum, and it shall be lawful for the Court out of which such Capias ad Satisfaciendum shall have issued, or for any Judge of such Court in a summary way upon affidavit duly made and filed that such Deposit has been so made as aforesaid, forthwith to discharge such person or persons against whom such Capias ad Satisfaciendum shall have issued out of custody, and to direct and order such Army Bills to remain or be deposited in the Court out of which such Writ of Capias ad Satisfaciendum shall issue, or in such a manner as such Court or such Judge shall direct, to satisfy the Judgement obtained by the Plaintiff or Plaintiffs in the action in which such Capias ad Satisfaciendum shall have issued, and if such Plaintiff or Plaintiffs shall see fit to take up and receive such Army Bills so deposited, then and in such case and from thenceforth the judgement obtained by such Plaintiff or Plaintiffs shall thereby be and for ever shall remain fully and entirely paid, discharged and satisfied to all intents and purposes whatever: But if such Plaintiff or Plaintiffs shall not see fit to take up or receive such Army Bills so deposited, then and in such case such deposit of such Army Bills shall operate to stay all proceedings whatever in such action and upon such judgement until the expiration of this act, and from after the expiration of this act, and not before process of Execution shall be allowed and be issued for the amount of such judgement, but that no interest shall be allowed thereon from the time of the deposit of such Army Bills in such and the same manner as if this act had never been made, and such Army Bills so deposited shall be returned and restored to the person or persons by whom the same shall have been so deposited.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons against whose Goods or Chattels, Lands or Tenements, Debts or Credits, any Writs of Fieri Facias, Venditioni Exponas, or other Writ of Execution shall have issued out of any of his Majesty's Courts in this Province, shall deposit in the hands of the Sheriff or other Officer to whom such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall be addressed, the amount of the sums for which such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall have issued in Army Bills, such deposit so made shall operate as a Superfedeas of such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution, and it shall be lawful to and for the Court out of which such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall have issued, or for any Judge of such Court in a summary way, upon affidavit duly made and filed, that such deposit has been so made as aforesaid, forthwith to order such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution to be stayed, and to direct and order such Army Bills to remain or be deposited in the Court out of which such Writs shall have issued, or in such manner as such Court or such Judge shall direct, to satisfy the judgement so obtained by the Plaintiff or Plaintiffs in the action in which such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall have issued, and if such Plaintiff or Plaintiffs shall see fit to take up and receive such Army Bills so deposited, then and in such case and from thenceforth the judgement obtained by such Plaintiff or Plaintiffs shall thereby be and forever shall remain fully and entirely paid, discharged and satisfied to all intents and purposes whatever. But if such Plaintiff or Plaintiffs shall not see fit to take up or receive such Army Bills so deposited, then and in such case such deposit of such Army Bills shall operate to stay all proceedings whatever in such action and upon such judgement until the expiration of this act, and from and after the expiration of this act, and not before process of Execution shall be allowed and be issued for the satisfaction of the amount of such judgement, but that no interest shall be allowed thereon from the time of the deposit of such Army Bills in such and

The Bills in that case to be deposited in Court.

How if Plaintiff accepts them.

How if he refuses to accept them.

Deposit of Army Bills to operate as a Superfedeas of Writs of Fieri Facias Venditioni Exponas or other Writs of Execution.

Court will thereupon order the said Writs to be stayed, and the money to remain deposited in Court.

How if Plaintiff accepts them.

How if Plaintiff refuses to accept them.

the same manner as if this act had never been made, and such Army Bills so deposited shall be returned and restored to the person or persons by whom the same shall have been so deposited.

Swearing falsely in any matter herein contained shall be perjury, & incur all the penalties thereof.

VI. And be it further enacted by the authority aforesaid, That any person taking a false Oath in any case wherein an Oath is required to be taken by this act, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to such pains and penalties as by any Laws now in force any persons convicted of wilful and corrupt perjury are subject and liable to.

Limitation of Actions for any thing done in pursuance of this Act.

VII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced within three months next after the offence shall have been committed, and not afterwards, and the Defendant or Defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of this act, and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants, and if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their action after the Defendant or Defendants shall have appeared, or if judgement shall be given against the Plaintiff the Defendant or Defendants shall and may recover treble costs, and have the like remedy for the same as Defendants have in other cases by Law.

Defendants may plead the general issue, & give this Act, & special matter in evidence.

Continuance of this Act.

VIII. And be it further enacted by the authority aforesaid, That this act shall be and continue to be in force for the space of one year, and from thence until the end of the then next ensuing Session of Parliament, unless peace between Great Britain and the United States shall previously thereto be officially declared, in which case it shall immediately after such official declaration, cease and determine.

CHAP. II.

An Act to repeal and amend certain parts of the Militia Law, and also for the Transporting Naval and Military Stores.

[Passed the 13th March, 1813.]

Preamble.

WHEREAS it is expedient to repeal some parts of the Militia Laws and to introduce certain amendments in lieu thereof, enacted by the King's Most Excellent Majesty, with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, entitled "an act to repeal certain parts of an act passed in the fourteenth year of his Majesty's Reign," entitled "an act to make more effectual provision for the Government of the Province of Quebec in America, and to make further provision for the Government of the said Province," and by the authority of the same, That the Justice or Justices of the Peace, from whom any person or persons shall be convicted and fined for any offence committed against the Militia Laws of this Province or against this act, are hereby authorized and empowered to levy the amount of such fine or fines, and all reasonable charges incurred before and after the conviction, by distress and sale of the goods and chattels of such offender or offenders, if the said Justice or Justices shall deem such a proceeding expedient and proper. Provided always, that if such offender or offenders shall be convicted before a Court Martial of such offence, and the sentence of such Court Martial shall be, that the offender or offenders shall pay a certain fine or fines, and the charges so incurred as aforesaid, then and in such case it shall and may be lawful for the Officer under whose authority the said Court Martial is called and approved, and he is hereby au-

Judices of the Peace empowered to levy the amount of fines, imposed by them by distress and sale of the offender's Goods and Chattels.

How, when the convictions have been by Courts Martial.

rant or Warrants, as shall for that purpose be issued by the Governor, Lieut. Governor, or Person administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lord's Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

inrs. in discharge of  
Warr. issued by the  
Govr.

III. *And be it further enacted by the authority aforesaid,* That Thomas Clark, Esq. and Allan McLean, Esq. are hereby appointed Commissioners for carrying the Provisions of this Act into effect.

Thos. Clark and A.  
McLean, Esqs. appd.  
Commrs.

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## CHAP. XXVI.

An Act to continue an Act passed in the fifty-third year of His Majesty's Reign, entitled "an Act to facilitate the circulation within this Province of Army Bills issued by authority of the Province of Lower-Canada," and also to continue a certain other Act, passed in the fifty-fourth year of His Majesty's Reign, entitled "an Act to facilitate the circulation within this Province of any Bills issued by authority of the Province of Lower-Canada.

[Passed 1st April, 1816.]

**W**HEREAS an Act was made and passed in the fifty-third year of the Reign of His present Majesty, entitled an Act to facilitate the circulation within this Province of Army Bills issued by authority of the Province of Lower-Canada, which was to continue in force for the space of one Year, and from thence until the end of the then next ensuing Session of Parliament, unless Peace between Great-Britain and the United States should previously thereto be officially declared, in which case it should immediately after such official declaration cease and determine, And Whereas by an Act passed in the fifty-fourth year of the Reign of His said Majesty the said first recited Act was continued for and during the term of one year, and from thence until the end of the then next ensuing Session of Parliament, and it was by the said last recited Act enacted, that so much of the said Act passed in the fifty-third year of His Majesty's Reign, as limited the operation thereof, to the Official Declaration of Peace, between Great Britain and the United States of America, should be and the same was thereby repealed; and whereas, the said Acts have been found useful and beneficial, and there being still in circulation within this Province, Army Bills, issued by the authority of the Province of Lower Canada, to a considerable amount, it is thought expedient to continue the same; May it therefore please your Majesty, that it may be enacted, *and be it enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to, repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, entitled, an Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to

Preamble.

The 53d & 54th Geo.  
3d. continued until the  
1st day of May 1818.



# TWO ACTS

PASSED BY BOTH HOUSES OF THE LEGISLATURE.

IN THE FOURTH SESSION OF THE SEVENTH

PROVINCIAL PARLIAMENT,

*WHICH BEING RESERVED FOR THE SIGNIFICATION OF HIS MAJESTY'S  
PLEASURE THEREON, HAVE SINCE RECEIVED THE ROYAL ASSENT.*

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SIR PEREGRINE MAITLAND, K. C. B. LIEUTENANT GOVERNOR.

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ANNO DOMINI 1819.



CHAP. XXIV.

An Act to incorporate sundry Persons under the style and title of The PRESIDENT, DIRECTORS and COMPANY of the BANK of UPPER CANADA.

*[The Royal Assent to this Act was promulgated by Proclamation, bearing date April twenty first, in the year of Our Lord one thousand eight hundred and twenty one, and second of His Majesty's Reign.]*

**W**HEREAS the establishment of a Bank in the Province of Upper Canada, will conduce to the prosperity and advantage of Commerce and Agriculture in the said Province, and whereas William Allan Robert Charles Horne; John Scarlett, Francis Jackson, William Warren Baldwin, Alexander Legge; Thomas Ridout, Samuel Ridout, D'Arcy Boulton, junior, William B. Robinson, James Macaulay, Duncan Cameron, Guy C. Wood, Robert Anderson, John Baldwin and others by their Petition presented to the Legislature, have prayed for the privilege of being Incorporated; Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That William Allan, Robert Charles Horne, John Scarlett, Francis Jackson, William Warren Baldwin, Alexander Legge, Thomas Ridout, Samuel Ridout, D'Arcy Boulton, junior, William B. Robinson, James Macaulay, Duncan Cameron, Guy C.

Preamble;

Petition of certain Persons to be incorporated.



Incorporation of a  
Bank under the name  
of the Bank of Upper  
Canada.

Wood, Robert Anderson, John Baldwin, and all such Persons as hereafter shall become Stock-holders of the said Bank, shall be and hereby are ordained constituted and declared to be from time to time and until the first day of June which will be in the year of our Lord one thousand eight hundred and forty-eight, a Body Corporate and Politic, in fact and in name of the President Directors and Company of the Bank of Upper Canada, and that by that name, they and their successors, shall and may have continual succession, and shall be persons in Law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a Common Seal and may change and alter the same at their pleasure; and also that they and their successors by the same name of the President Directors and Company of the Bank of Upper-Canada shall be in Law capable of purchasing holding and conveying any Estate real or personal for the use of the said Corporation.

Amount of each  
Share.

Number of Shares.

Books of Subscription  
here and when to be  
opened.

II. *And be it further enacted by the authority aforesaid,* That a Share in the Stock of the said Bank, shall be twelve pounds ten shillings or the equivalent thereof in specie; and the number of Shares shall not exceed sixteen thousand, and that Books of Subscription shall be opened at the same time in the Towns of Kingston, Niagara, York, Brockville, Amherstburgh, Ancaster, Vittoria, Hamilton in the District of Newcastle, and Cornwall in the Eastern District, within two months after the passing of this Act, by such person or persons, and under such regulations as the majority of the said Petitioners shall direct.

The Government au-  
thorised to subscribe  
2000 shares.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, to subscribe and hold in the Capital Stock of the said Bank, for and on behalf of this Province, any number of Shares therein not exceeding two thousand, the amount whereof the said Governor, Lieutenant Governor or Person administering the Government of this Province for the time being is hereby authorised, by a Warrant or Warrants under his hand and seal directed to the Receiver General of this Province for the time being, to take out of the unappropriated monies which now remain or hereafter may remain in the hands of the said Receiver General for the future disposition of the Parliament of this Province.

No person to take in  
the first instance more  
than 80 shares.

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person, His Majesty's Subjects or Foreigners, to subscribe for such and so many Shares, as he she or they may think fit, not however exceeding in the first instance eighty; and that the Shares respectively subscribed shall be payable in Gold or Silver, that is to say ten per centum, to be ready as a deposit at the time of subscribing, to be called for by the Directors hereafter appointed by virtue of this Act, as soon as they may deem expedient, and the remainder shall be payable in such Instalments as a majority of the Stock-holders at a meeting to be expressly convened for that purpose, shall agree upon: provided no Instalment

Ten per cent. may  
be required as an im-  
mediate deposit.  
Remainder payable  
by instalments.

shall exceed ten per centum upon the Capital Stock, or be called for or become payable in less than Sixty Days after public notice shall have been given in the Upper Canada Gazette and Kingston Chronicle to that effect, *Provided always*, That if any Stock-holder or Stock-holders as aforesaid, shall refuse or neglect to pay to the said Directors the Instalment due upon any Share or Shares held by him her or them, at the time required by Law so to do, such Stock-holder or Stock-holders as aforesaid shall forfeit such Shares as aforesaid with the amount previously paid thereon, and the said Share or Shares may be sold by the said Directors, and the sum arising therefrom together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the Bank.

Notice of calling in instalments.

Forfeiture in case subscription not paid when required.

V. *Provided also, and it is further enacted by the authority aforesaid*, That if the whole number of Shares shall not be subscribed within two months after the said Books of Subscription shall be opened, then and in such case it shall be lawful for any former Subscriber or Subscribers to increase his her or their subscriptions, and *provided further*, That if the total amount of subscriptions within the period aforesaid shall exceed the Capital Stock limited by this Act, then and in such case the Shares of each Subscriber or Subscribers above ten Shares, shall as nearly as may be, be proportionably reduced until that the total number of Shares be brought down to the limits above said, and *provided nevertheless*, That the said limitation in respect to persons subscribing to the said Capital Stock, shall not extend or be construed to extend to prevent the acquisition of a greater number of Shares by purchase after the said Bank shall have commenced its operations.

How shares may be made up.

Shares may be acquired to any amount by purchase after Bank is in operation.

VI. *And be it further enacted by the authority aforesaid*, That the whole amount of the Stock Estate and Property which the said Corporation shall be authorised to hold including the Capital Stock or Shares before mentioned shall never exceed in value Two Hundred Thousand Pounds.

Stock not to exceed £200,000.

VII. *And be it further enacted by the authority aforesaid*, That as soon as the sum of fifty thousand pounds shall have been subscribed, it shall and may be lawful for such Subscribers or the majority of them to call a meeting at some place to be named at the Seat of the Government of this Province, for the purpose of proceeding to the election of the number of Directors herein after mentioned, and such Election shall then and there be made by a majority of Shares voted in manner herein after prescribed in respect of the annual elections of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the expiration of the first Monday in June in the year of our Lord one thousand eight hundred and twenty-one: and the Directors so chosen shall as soon as the deposit amounting to twenty thousand pounds subscribed as aforesaid shall be paid to the said Directors, commence the business and operations of the said Bank, *Provided always*, That no such meeting of the said Subscribers shall take place until a notice is published in all the public Newspapers of this Province, at the distance of not less than thirty days from the time of such notification.

Directors when to be elected.

In what manner.

When the Bank shall be opened.

Notice of meeting of Subscribers.

VIII. *And be it further enacted by the authority aforesaid*, That the Stock, property, affairs and concerns of the said Corporation, shall be managed and conducted by fifteen Directors, one of whom to be the President, who

Directors.

President.

Qualifications of Directors.

excepting as is herein before provided for, shall hold their offices for one year; which Directors shall be Stock-holders, and shall be Subjects of His Majesty residing in this Province, and be elected on the first Monday in June in every year, at such time of the day, and at such place at the Seat of Government, as a majority of the Directors for the time being shall appoint, and public notice shall be given by the said Directors in the different Newspapers printed within the Province of such time and place, not more than sixty nor less than thirty days previous to the time of holding the said Election, and the said Election shall be held and made by such of the said Stock-holders of the said Bank as shall attend for that purpose in their own proper persons or by proxy; and all Elections for Directors shall be by ballot, and the fifteen persons who shall have the greatest number of votes at any Election shall be the Directors except as is hereinafter directed; and if it should happen at any Election that two or more persons have an equal number of votes in such manner that a greater number of persons than fifteen shall by plurality of votes appear to be chosen as Directors, then the said Stock-holders herein before authorised to hold such Election, shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors so as to complete the whole number of fifteen; and the said Directors so soon as may be after the said Election, shall proceed in like manner to elect by ballot one of their number to be their President; and four of the Directors which shall be chosen at any year excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than ten of the Directors, exclusive of the President who served for the last year, shall appear to be elected, then the election of such person or persons above the said number and who shall have the fewest votes shall be considered void, and such other of the Stock-holders, as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible as aforesaid, and the President for the time being shall always be eligible to the office of Director, but Stock-holders not residing within the Province shall be ineligible, and if any Director shall move out of the said Province his office shall be considered as vacant; and if any vacancy or vacaneies, should at any time happen among the Directors by death resignation or removal from the said Province, such vacancy or vacaneies shall be filled for the remainder of the year in which they may happen, by a special Election for that purpose, to be held in the same manner as is herein before directed respecting annual Elections, at such time and place at the Seat of Government as as the remainder of the Directors or the major part of them shall appoint. *Provided always,* That no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least twenty Shares.

Election of Directors.

Vacancies how to be supplied.

Directors to have at least twenty shares.

Corporation not to be dissolved by non election of Directors on the proper day.

XI. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen, that an Election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but

that it shall and may be lawful on any other day to hold and make an Election of Directors in such manner as shall have been regulated by the Laws and Ordinances of the said Corporation.

X. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her own name at least three months prior to the time of voting according to the following ratios, that is to say, at the rate of one vote for each Share not exceeding four, five votes for six Shares, six votes for eight Shares, seven votes for ten Shares, and one vote for every five Shares above ten, Stock-holders actually resident within the Province of Upper Canada and none others may vote in Election by proxy. *Provided always,* That no person, co-partnership, or body politic shall be entitled to more than fifteen votes at any such Election.

Who are to vote.

XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make half yearly dividends of so much of the profits of the said Bank, as to them or the majority of them shall appear advisable, and that once in every three years and oftener if thereunto required by a majority of the votes of the Stock-holders to be given agreeable to the ratios herein before established, at a general meeting to be called for that purpose, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profits if any after deducting losses and dividends.

Half yearly dividends of profits to be made.

Accounts to be rendered of debts, losses; &c.

XII. *And be it further enacted by the authority aforesaid,* That the Directors for the time being or a major part of them shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the management and disposition of the Stock property estate and effects of the said Corporation, and touching the duties and conduct of the Officers, Clerks, and Servants employed therein; and all such other matters as appertain to the business of a Bank; and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said Business, and with such salaries and allowances as to them shall seem meet, provided that such rules and regulations be not repugnant to the Laws of this Province.

Directors may make rules,

appoint and pay clerks and servants.

XIII. *And be it further enacted by the authority aforesaid,* That the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the monies then actually deposited in the Bank, shall not exceed three times the sum of the Capital Stock subscribed, and actually paid into the Bank, and in case of such excess, the Directors under whose administration it shall happen shall be liable for the same in their natural and private capacities: but this shall not be construed to exempt the said Corporation or any estate real or personal which they may hold as a Body Corporate, from being also liable for and chargeable with the said excess; but such of the said Directors who may have been absent when the said excess was contracted or who may have dissented from the said resolution or act whereby the same was so contracted may respectively exonerate themselves from being

Debts never to exceed three times the amount of monies actually paid into the Bank.

In case of excess, Directors in whose time it shall happen shall be personally liable.

Exceptions.

so liable, by giving immediate notice of the fact and of their absence or dissent, to the Stockholders at a general meeting which they shall have power to call for that purpose.

The Bank to issue no bill under five shillings.

XIV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation to issue any note or bill under the value of five shillings of lawful money of the Province of Upper Canada.

To hold no lands, except as herein mentioned.

XV. *And be it further enacted by the authority aforesaid,* That the land tenements and hereditaments which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, or such as shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon Judgments, which shall have been obtained for such debts, and further the said Corporation shall not directly or indirectly deal or trade in buying or selling any goods wares or merchandise or commodities whatsoever. *Provided* That nothing herein contained shall any wise be construed to hinder the said Corporation from dealing in Bonds, Bills of Exchange, or Promissory Notes, or in buying or selling Bullion, Gold or Silver.

Not to deal in merchandise.

Exception.

Shares may be transferred

XVI. *And be it further enacted by the authority aforesaid,* That the Shares of the said Capital Stock shall be transferrable, and may be from time to time transferred by the respective persons so subscribing the same: *Provided always,* That such transfer be entered or registered in a book or books to be kept for that purpose by the Directors.

Bills obligatory and of credit under seal of the Bank made assignable.

XVII. *And be it further enacted by the authority aforesaid,* That the Bills obligatory and of credit under the seal of said Corporation which shall be made to any person or persons shall be assignable by indorsement thereupon, under the hand or hands of such person or persons and of his her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his her or their own name or names, and bills or notes which may be issued by order of the said Corporation signed by the President, and countersigned by the Principal Cashier or Treasurer, promising the payment of money to any person or persons his her or their order, or to bearer, though not under the Seal of the said Corporation, shall be binding and obligatory upon the same in like manner and with the like force and effect as upon any private person or persons if issued by him her or them in his her or their private or natural capacity or capacities, and shall be assignable or negociable in like manner as if they were so issued by such private person or persons.

Bills or Notes negotiable.

Cashier and Clerk to give security.

XVIII. *And be it further enacted by the authority aforesaid,* That every Cashier and Clerk before he enters into the duties of his office shall give bond with two or more sureties in such sum as may be satisfactory to the Directors. with condition for the faithful discharge of his duty.

No greater interest than six per cent.

XIX. *And be it further enacted by the authority aforesaid,* That the said Corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

XX. *And be it further enacted by the authority aforesaid,* That the Directors excepting the President shall not be entitled to any emolument for their services, and that seven Directors shall constitute a Board for the transaction of business, of whom the President shall be one except in the case of sickness or absence, in which case the Directors present may choose a Chairman for the said meeting.

Directors to have no emolument, except the President.

Seven to form a board.

XXI. *And be it further enacted by the authority aforesaid,* That the said Bank shall be established and the buildings necessary for the accommodation thereof erected, purchased or leased, and the business thereof at all times hereafter transacted at such place at the Seat of the Government of this Province, as the Directors or the majority of them may appoint: *provided always* as soon as it may be deemed expedient, Branches of the said Bank and Offices of Deposit and Discount may be authorised by the said Directors or the majority of them in any other part of the said Province, under such rules and regulations as the said Directors or the major part of them may think proper, not repugnant to the general rules of the said Corporation.

Bank to be established at the seat of Government of this Province.

Branch Banks may be authorized by the Directors.

XXII. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said President Directors and Company should refuse on demand being made at their Banking house, or any Branch or Branches hereafter to be established, during the regular hours of doing business to redeem in specie or other lawful money of this Province their said bills notes or other evidences of Debt issued by the said Company, the said President Directors and Company shall on pain of forfeiture of their Charter wholly discontinue and close their said Banking operations either by way of discount or otherwise until such time as the President Directors and Company shall resume the redemption of their bills notes or other evidences of Debt in specie or other lawful money of this Province.

When Bank refuses payment of their Bills, its proceedings shall be closed till payment is resumed.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank for the time being to make a return under oath to the Provincial Parliament, once in each year if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of the funds and property of the said Bank, the amount of its Capital Stock subscribed and paid, the amount of the debts due to and from the said Bank, the amount of the bills and notes emitted by the said Bank in circulation, and the amount of specie in the said Bank at the time of making such return.

Annual returns if required to be made to the Legislature by the President and Cashier

XXIV. *And be it further enacted by the authority aforesaid,* That this Act be and is hereby declared to be a Public Act, and that the same may be construed as such in His Majesty's Courts in this Province.

This Act to be deemed a Public Act.

XXV. *And be it further enacted by the authority aforesaid,* That this present Act of Incorporation shall in no wise be forfeited by any non user at any time before the first day of January one thousand eight hundred and twenty two.

Non user before 1st Jan. 1822 not to occasion forfeiture of charter.

by this Act except as to fishing by torch light near mills, &c.

heretofore when and where they please except within one hundred yards of a Mill or Mill-dam by fire or torch light.

~~C H A P. XI.~~

An Act for the more certain punishment of persons illegally solemnizing Marriage within this Province.

[Passed 14th April, 1821.]

Preamble.

**F**OR the more certain punishment of persons illegally solemnizing Marriage within this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of an Act passed in the first year of the present Majesty of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province" and by the authority of the same, that any Parson, Minister or Clergyman legally authorized to solemnize Marriage within this Province, shall, after the passing of this Act, knowingly or wilfully solemnize Marriage without publication of banns, or license of Marriage be first had and obtained from some Justice of the Peace having authority to grant the same, or if any Justice of the Peace in this Province, shall after the passing of this Act knowingly solemnize Marriage contrary to Law, or if any person not having authority by Law to solemnize Marriage within this Province, shall, after the passing of this Act, solemnize Marriage within the same, such Parson, Minister, Clergyman, Justice of the Peace, or person respectively so offending shall be guilty of a misdemeanour, and shall be liable in a certain Act of the Parliament of Great Britain, passed in the twelfth year of the Reign of King George the Second, entitled "An Act for the preventing of clandestine Marriages, and the contrary thereof in all things notwithstanding." *Provided always* that such offence shall not be punishable at any Court of Quarter Sessions in this Province; and *Provided* that no prosecution be commenced after two years from the offence committed.

Persons solemnizing marriage illegally to be deemed guilty of a misdemeanor.

Quarter Sessions not to have jurisdiction over such offence. Prosecution must be within two years.

Proof of legal authority to solemnize marriage shall be on def.

II. *And* further enacted by the authority aforesaid, That in all cases of prosecution under this Act wherein the legal authority of any person to solemnize Marriage within this Province, shall come in question, the proof of such authority shall lie upon the Defendant.

~~C H A P. XII.~~

An Act to render legal certain Small Notes and Inland Bills of Exchange within this Province.

[Passed 14th April, 1821.]

Preamble. British Statutes 15 & 17 Geo 3. respecting small notes and bills of

**W**HEREAS the provisions of a certain Act of the Parliament of Great Britain passed in the fifteenth year of His late Majesty's Reign, entitled "An Act to restrain the negotiation of Promissory Notes and Inland Bills of Exchange under a limited sum within that part of Great Britain call-

ed England" and of a certain other Act of the Parliament of Great Britain passed in the seventeenth year of His late Majesty's Reign, entitled "An Act for further restraining the negotiation of Promissory Notes and Inland Bills of Exchange under a limited sum within that part of Great Britain called England" are inapplicable to this Province: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That no clause matter or thing in the said Acts or either of them contained shall extend to or be in force in this Province or shall make void any Bills, Notes, Drafts or Orders which have been or may hereafter be made or uttered in this Province, any thing in a certain Act of the Parliament of this Province passed in the thirty-second year of His late Majesty's Reign, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in America and to introduce the English Law as the rule of decision in all matters of controversy relating to property and civil rights" or in a certain other Act of the Parliament of this Province passed in the fortieth year of His late Majesty's Reign, entitled "An Act for the further introduction of the Criminal Law of England in this Province, and for the more certain punishment of certain offenders" to the contrary thereof in anywise notwithstanding.

*Provided always,* That nothing in this Act contained shall be construed to render any person liable to any punishment for any Forgery, Larceny or other crime committed before the passing of this Act respecting any Notes, Bills, Drafts or undertakings made and uttered before the passing of this Act other than such person would have been liable to, had this Act never been passed.

exchange, recited.

These Statutes not to be in force in this Province.

This Act to have no retrospective operation as respects any forgery or other crime committed in respect of such notes or bills made and uttered before this Act.

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## C H A P. XIII.

An Act to establish an Uniform Currency throughout this Province.

[Passed 14th April, 1821.]

**W**HEREAS it would tend much to the public convenience if an Uniform Currency prevailed throughout this Province: And whereas the several gold and silver coins current in this Province, have respectively a nominal legal value in Pounds, Shillings and Pence, bearing the relative proportion of ten to nine, to the Sterling Money of account in the United Kingdom of Great Britain and Ireland, nevertheless in some parts of this Province, accounts continue to be kept and contracts to be made in New-York Currency, estimating the Spanish Milled Dollar at eight Shillings, bearing to Sterling Money of account the proportion of sixteen to nine, which diversity must necessarily occasion great and manifest confusion, Be it enacted by

Preamble.



the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province'" and by the authority of the same, That from and after the first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-two, no interest shall be demandable or shall be recovered in any action upon any Bond, Bill, Note or other instrument, agreement or paper writing, made or dated within this Province after the said first day of July, in which the penalty or the sum payable or secured in or by such Bond, Bill, Note or other instrument, agreement or paper writing, shall be expressed in New-York Currency, or in words or letters importing New-York Currency, whether interest be or be not payable according to the terms thereof, nor shall any costs be taxed or allowed against the defendant in any action which may be brought in any Court in this Province for the recovery of the debt, damages or sum made payable or secured by any such Bond, Bill, Note or other instrument, agreement or paper writing.

After 1st of July 1822 no interest shall be demandable on any bond, note or other instrument made after that date in this Province in which the penalty or sum payable shall be expressed in New York Currency.

Nor any costs allowed in actions brought thereon.

After 1 July 1822 no rendering of account shall be deemed a demand or acknowledgment thereof given in evidence unless it shall have been rendered in Provincial Currency.

After 1 July 1822 no shop books shall be received in evidence as to any entries after that date unless they are made out in Prov. Curr.

This Act to be read in Court on the first day of the four next Courts of General Quarter Sess.

II. *And be it further enacted by the authority aforesaid,* That from and after the said first day of July in the year of our Lord one thousand eight hundred and twenty-two, no rendering of any Merchant's, or other account, entered and made out after that date within this Province, shall be considered a demand, nor shall any admission of such account be given in evidence as an acknowledgment of a debt, unless such account shall have been entered, made and rendered in Provincial Currency at Five Shillings to a Dollar.

III. *And be it further enacted by the authority aforesaid,* That no Shop Book of any Merchant or Tradesman made up and kept within this Province, shall be received in any Court of Law as evidence for such Merchant or Tradesman as far as respects any entries made therein after the said first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-two, unless such entries shall be made therein in Provincial Currency as aforesaid.

IV. *And be it further enacted by the authority aforesaid,* That this Act shall be read by the Clerks of the Peace of the several Districts of this Province in open Court, on the first day of the General Quarter Sessions of the Peace, for four successive Courts of General Quarter Sessions next after the passing thereof.

**C H A P. XIV.**

An Act to enable Married Women more conveniently to convey their Real Estate. [Passed 14th April 1821.]

**Preamble.** WHEREAS by an Act passed in the forty-third year of His Majesty's said Majesty's Reign, entitled "An Act to enable Married Women to convey their Real Estate, more conveniently to alien and convey the same," it is enacted, that no Deed shall have any force or effect to bar such Married Woman or her

of the Criminal Law of England in this Province, and for the more certain punishment of certain offenders" to the contrary thereof in anywise notwithstanding. *Provided always,* that nothing in this Act contained shall be construed to render any person liable to any punishment for any forgery or other crime committed before the passing of this Act, respecting any notes, bills, drafts or undertakings made and uttered before the passing of this Act, other than such person would have been liable to had this Act never been passed.

This Act to have no retrospective operation as respects any forgery or other crime committed in respect of such notes or bills, made and uttered before this Act.

## CHAP. XIII.

*AN ACT to establish an uniform Currency throughout this Province.*

[Passed 14th April, 1821.]

**WHEREAS** it would tend much to the public convenience if an uniform Currency prevailed throughout this Province: *And whereas* the several gold and silver coins current in this Province, have respectively a nominal legal value in pounds, shillings and pence, bearing the relative proportion of ten to nine, to the Sterling money of account in the United Kingdom of Great Britain and Ireland, nevertheless in some parts of this Province accounts continue to be kept and contracts to be made in New York Currency, estimating the Spanish milled dollar at eight shillings, bearing to Sterling money of account the proportion of sixteen to nine, which diversity must necessarily occasion great and manifest confusion: *Be it enacted* by the King's most Excellent Majesty, by and with the advice, and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-two, no interest shall be demandable or shall be recovered in any action upon any bond, bill, note or other instrument, agreement or paper writing, made or dated within this Province, after the said first day of July, in which the penalty or the sum payable or secured, in or by such bond, bill, note or other instrument, agreement or paper writing, shall be expressed in New York Currency, or in words or letters importing New York Currency, whether interest be or be not payable according to the terms thereof; nor shall any costs be taxed or allowed against the defendant in any action which may be brought in any Court in this Province for the recovery of the debt,

Preamble.

After 1st of July, 1822, no interest shall be demandable on any bond, note, or other instrument, made after that date in this Province in which the penalty or sum payable shall be expressed in New York Currency;

Nor any costs allowed in actions brought thereon,

damages, or sum made payable or secured by any such bond, bill, note or other instrument, agreement or paper writing.

II. *And be it further enacted by the authority aforesaid, That from and after the said first day of July, in the year of our Lord one thousand eight hundred and twenty-two, no rendering of any merchant's or other account, entered and made out after that date within this Province, shall be considered a demand, nor shall any admission of such account be given in evidence as an acknowledgement of a debt, unless such account shall have been entered, made and rendered, in Provincial Currency, at five shillings to a dollar.*

After 1st July, 1822, no rendering of account shall be deemed a demand, or acknowledgment thereof given in evidence, unless it shall have been rendered in Provincial Currency.

III. *And be it further enacted by the authority aforesaid, That no shop-book of any merchant or tradesman, made up and kept within this Province, shall be received in any Court of Law as evidence for such merchant or tradesman, as far as respects any entries made therein after the said first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-two, unless such entries shall be made therein in Provincial Currency, as aforesaid.*

After 1st July, 1822, no shop-books shall be received in evidence as to any entries after that date, unless they are made out in Provincial Currency.

IV. *And be it further enacted by the authority aforesaid, That this Act shall be read by the Clerks of the Peace for the several Districts of this Province in open Court, on the first day of the General Quarter Sessions of the Peace for four successive Courts of General Quarter Sessions next after the passing thereof.*

This Act to be read in Court on the first day of the four next Courts of General Quarter Sessions.

## ~~CHAP. XIV.~~

### *AN ACT to enable Married Women more conveniently to convey their Real Estate.*

[Passed 14th April, 1821.]

Preamble.

43rd Geo. III. Chap. 5, recited.

(See 1 Wm. IV. Ch. 3; 2 Vic. Ch. 6)

WHEREAS by an Act passed in the forty-third year of the late Majesty's reign, intituled "An Act to enable married women having Real Estate, more conveniently to alien and convey the same," it is enacted, that no Act shall have any force or effect to bind such married woman, or her husband, or her heirs, during continuance of the coverture, or after the dissolution thereof, or shall have any force or effect whatsoever, unless such married woman shall appear in open Court, in the Court of King's Bench, or before any Judge thereof in his Chambers, or before a Judge of the Peace at the sittings of the Home District, or on his circuit, and shall be examined by the said Judge, touching her consent to alien and depart with such estate: *And whereas much inconvenience has arisen from such provision: Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the*

## C H A P. XXII.

An Act vesting in the hands of certain Commissioners therein named, all the Stock, Debts, Bonds, and Property of the pretended Bank of Upper-Canada, lately established at King-ston, for the benefit of the Creditors of that Institution.

[Passed 19th March, 1823.]

**WHEREAS**, Benjamin Whitney, Smith Bartlet, and others, some time in Preamble: the year of our Lord one thousand eight hundred and nineteen, did set on foot and establish a certain Association under the style and title of "The President, Directors, and Company of the Bank of Upper Canada," and procured subscriptions thereto, to a considerable amount, for the avowed purpose of raising a joint and transferable Stock, upon the credit whereof to issue Bank Bills, and carry on the business of Banking at the town of King-ston in the Midland District of this Province; and whereas the said Association having stopped payment and declared itself insolvent, whereby a great portion of the inhabitants of this Province, holding their said Bills or Notes, and who have taken Stock in the said Bank, as well as others, have been defrauded of the same, and are likely to be without redress, unless some Legislative remedy should be provided for their relief; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, the honorable George Herkimer Markland, John Kerby, Esquire, and John Macaulay, Esquire, shall be and they are hereby appointed Commissioners and Trustees, to be styled Board for settling the affairs of the pretended Bank of Upper Canada established. the Board for settling the affairs of the pretended Bank of Upper Canada, lately established at Kingston in this Province, in whom shall be vested all the Estate, both real and personal. Bonds, Bills, Notes, and other Securities, Stock, Rights, Credits, and Effects of the said Institution so established, as aforesaid, and which Board, by its name and style aforesaid, shall have full power and authority to ask, demand, sue for, recover, and receive, Its powers in recovering debts and applying sums received: and notwithstanding a further day may be given for the payment thereof, of and from all persons whatsoever, who are indebted to the said Association, or to any person or persons to its use, all the demands due or growing due thereto, and to sell or dispose of, either at private sale or public auction, all such lands, tenements, and hereditaments, goods, chattels, and effects, as may come into their hands by virtue of this Act, and to apply the same, after the expenses of carrying this Act into effect, in discharge of

Power of filling vacancies in the Board.

such certificates as shall be granted to persons having claims or demands; *Provided always*, that if it shall so happen that the whole or any of the persons herein named as Commissioners and Trustees, shall be unwilling to act in such Commission and Trust, or that any vacancy shall occur therein, then and in such case the Honorable George Herkimer Markland, John Kerby, and John Macaulay, or any two of them, shall, and they are hereby authorised and required to nominate and appoint at their discretion a person or persons to act as Commissioner or Commissioners, as aforesaid; and *provided always*, that in any subsequent vacancy the acting Commissioners, or a majority of them, shall have power, and they are hereby required to appoint a fit and discreet person to supply such vacancy.

Board to hear and determine claims.

II. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or the majority of them, shall have full power and authority to hear and determine all claims and demands against the said Bank, as well by the Stockholders for the amount of the Stock originally subscribed for or purchased by them, whether declared forfeited by the rules of the said Bank or not, and holders of the Notes of the said Bank for the value thereof, as by other creditors of the said Association, and to grant the claimants certificates of the amount so found due to them, which certificates shall bear interest from the date thereof, and be paid by the said Board out of any monies that shall come into their hands by virtue of this Act, *Provided always*, That no certificates that may be granted to the said Benjamin Whitney, Smith Bartlet, or either of them, or to any other Director or Officer, or Stockholder of the said Association shall be paid until the certificates granted to other persons shall have been first paid and discharged.

Board empowered to bring before them and examine all persons connected with the Bank, and to call for their Books and Papers.

III. *And be it further enacted by the authority aforesaid*, That the said Board shall have full power and authority to summon or bring before them, by warrant or otherwise, as may be deemed most expedient, all or any of the Directors and other Officers of the said Company, and to require them to produce all the Books, Papers and other documents of the said Bank, and to examine them touching the affairs of the said Bank, and to reduce their examination to writing to be filed amongst the records of the said Board, and also to commit the said persons or any of them, or bind them in recognizances, either alone or with sureties, according as the Board shall deem expedient, for farther examination; and also, in case they or any of them shall refuse to make a full discovery of the affairs of the said Bank, or to produce any books, papers, or documents relating thereto in their possession, power or control, when thereunto required by the said Board, he or they so refusing, shall stand committed to the common Gaol of the District where the Board shall sit until he or they shall comply therewith.

And upon refusal to give evidence, &c. to commit them to Gaol.

Board to appoint a Clerk.

IV. *And be it further enacted by the authority aforesaid*, That the said Board shall appoint a Clerk who shall sign all Warrants, Certificates and other papers by order of the Board, who shall receive such a stipend while employed as the said Board shall deem proper, to be paid out of such monies as shall come into their hands by virtue of this Act.

Days and places of meeting to be published.

V. *And be it further enacted by the authority aforesaid*. That the said Board shall from time to time appoint certain days and places, when and where they will sit for the hearing of claims, and shall publish the same in such newspapers as they shall deem expedient.

VI. *And be it further enacted by the authority aforesaid,* That the said Board, their Clerk, and all Commissioners for taking affidavits in the Court of King's Bench shall have power to administer Oaths to all persons required to be examined by virtue of this Act, and that all and every person or persons who shall forswear himself or themselves in any affidavit or examination taken in pursuance of this Act, shall upon conviction, incur all the pains and penalties which may be inflicted upon persons guilty of wilful and corrupt perjury by the Laws of this Province.

Persons authorised to administer Oaths.

Penalty of Perjury inflicted for taking false Oaths.

VII. *And be it further enacted by the authority aforesaid,* That the said Board shall keep an account of all the Notes presented to them for payment, and for which they shall give such certificates as aforesaid, and shall, upon giving the said certificates, write upon the said Notes in red ink, "Cancelled and certified by the Board," and shall deposit the same with the records of the Board until the affairs of the said Bank shall be fully settled and adjusted.

Board to keep an account of all Notes redeemed by them.

VI I. *And be it further enacted by the authority aforesaid.* That if the said Board shall find it necessary to appropriate the whole or any part of the share or shares of the profit or stock, found by them to belong to the said Benjamin Whitney, Smith Bartlet, or any other Officer or Director, or Stockholder of the said pretended Bank, they, the said Benjamin Whitney, Smith Bartlet, or other Officer or Director, or Stockholder, or their respective executors or administrators, shall and may severally and respectively have and maintain an action or actions at Law, as for money had and received, the one against the other, his executors or administrators, for any loss sustained by the party bringing such action against the other by whose fraud, defalcation, abstraction or misapplication of the funds of the said Bank, the Board aforesaid may so find it necessary to make such appropriation.

Parties concerned in the said Bank authorised to bring actions one against the other.

IX. *And be it further enacted by the authority aforesaid,* That the Commissioners aforesaid, and all such Commissioners as may be appointed under and by virtue of this Act, shall furnish an annual account and statement of the affairs of the said Bank and their proceedings therein, to be laid before the Legislature of this Province, the first day of every Session, till the final settlement and closure of the said affairs by this Act committed to them.

Board to furnish an annual account of their proceedings to be laid before the Legislature.

X. *And be it further enacted by the authority aforesaid,* That all sale, conveyance or transfer whatsoever, of the private property or estates of the said Benjamin Whitney, Smith Bartlet, John William Ferguson, Christopher Alexander Hagerman, Henry Murney, John M'Lean, Thomas Dalton, Archibald Richmond, John Cumming, Neil M'Leod, or any or either of them, heretofore made in contemplation of the insolvency or failure of the said Bank, or in contemplation of evading any remedies to be provided by law for the security of the public against losses by the said Institution, are hereby declared to be fraudulent and void, and of none effect; and that no sale, conveyance, or transfer, hereafter to be made by the said Benjamin Whitney, Smith Bartlet, John M. Ferguson, Christopher Alexander Hagerman, Henry Murney, John M'Lean, Thomas Dalton, Archibald Richmond, John Cumming and Neil M'Leod, or any or either of them, or their respective property or estates, shall be good or valid in law, till the final adjustment of the said affairs of the said Bank, except with the consent of the said Commissioners or a majority of them, by instrument under their hands and seals, giving and express-

Sales of the estates of the Directors prohibited until affairs of the Bank are closed.

This Act not to affect remedies under the 14th Geo. 2d. ch. 37.

ing such consent; *Provided nevertheless*, That nothing herein contained shall extend or be construed to extend to repeal any provisions or remedies made and provided in an Act of the British Parliament passed in the fourteenth year of the Reign of George the Second, chapter thirty-seven, entitled "An Act for restraining and preventing several unwarrantable schemes and undertakings in his Majesty's Colonies and Plantations in America."

~~C H A P. XXIII.~~

AN Act to Provide for the Completion of the Gaol and Court-House, in the London District of this Province.

[Passed 19th March, 1823.]

Preamble.

**W**HEREAS it appears by the Petition of the Magistrates of the London District, that the funds applied to the building of a Gaol and Court-house, in and for the said District, are insufficient for completing the said Gaol and Court-House; and whereas it is expedient to authorise the said Magistrates of the said District to raise a loan in aid of the said funds; Be it enacted by the Most Excellent Majesty, by and with the advice and consent of the Privy Council and Assembly of the Province of Upper Canada, constituted and appointed by virtue of an Act under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the seventh year of His Majesty's Reign, entitled 'An Act making mutual provision for the Government of the Province of Upper Canada, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall be lawful for the Justices of the Peace in and for the said District, at their next General Quarter Sessions assembled, in April next, by an order of Court, to raise and direct the Treasurer of the said district to raise a loan from any person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the said District, a sum not exceeding the thousand pounds to be applied, together with the funds then existing in the hands of the said Treasurer, for the use of the said District, to be appropriated, in the building of the said Gaol and Court-House.

Magistrates may raise by loan a sum not exceeding £1000, in aid of funds to finish Gaol and Court-House in the London District

Treasurer to apply a certain sum annually in discharge of the loan.

**H. *Provided*** that it be further enacted by the said Act aforesaid, That the Treasurer of the said District for the time being, shall pay the same annually, until the loan is repaid, with the interest accruing thereon, shall be paid and discharged towards the payment of the same a sum not exceeding one hundred and fifty pounds, from and out of the rates and assessments coming

## C H A P. XIII.

*AN ACT to Prohibit Banks from Carrying on Business in this Province, that do not return their Notes in Specie within the same.*

[PASSED JAN. 19th, 1824.]

## PREAMBLE.

**W**HEREAS it is inexpedient that any Banks should be permitted to carry on Business in this Province that do not return their Notes in Specie within the same:—

**BE IT THEREFORE ENACTED** by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same.—

After 1st May 1824 no Bank, body politic or corporate, or persons on their behalf shall carry on business as Bankers, &c. which shall not redeem their notes at their Offices, in this Province, in the Current Coin thereof.

Nothing herein contained shall legalise any body which would have been illegal had this Act not passed.

That from and after the first day of May next, no Bank, Body Politic or Corporate, nor person or persons on behalf thereof, shall carry on the Business of Bankers, Goldsmiths, or Money-Brokers, which shall not redeem his or their Notes, Bills, and other Securities for Money, on demand, at his or their Office or Offices, Counting-Houses, or Places of doing Business, within this Province, in the current coin thereof.—*Provided always* That nothing herein before contained shall be construed to legalize any Body or Bodies



Corporate or Politic, or Body in the nature thereof, or any of their Acts, Matters, or Transactions of any kind or description whatsoever, which would have been illegal had this Act not been passed.

II. *And be it further Enacted by the authority aforesaid, That this Act shall be and continue in force for and during three years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.*

Continuance of this Act.

~~CHAP. XIV.~~

~~AN ACT to repeal an Act passed in the Forty-Fourth year of His Late Majesty's Reign, entitled, "An Act to Promulgate the Provincial Statutes, and also to Repeal so much of an Act passed in the Forty-First year of the Reign of His Present Majesty as relates to Printing the Statutes;" and to provide more adequate Remuneration for Printing the Statutes of this Province.~~

~~[PASSED JUNE 1824.]~~

~~WHEREAS the sum of money provided for the Annual Printing of the Laws of this Province by an Act of the Parliament thereof, passed in the forty-fourth year of His Late Majesty's Reign, entitled "An Act to Promulgate the Provincial Statutes, and to Repeal so much of an Act passed in the forty-first year of the Reign of His Present Majesty as relates to Printing the Statutes," is inadequate, from the increase in the annual~~

PREAMBLE.

Britain, entitled, “an Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty’s Reign, entitled, ‘an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province, and by the authority of the same,’” That the said Act be, and the same is hereby continued for four years, and from thence to the end of the then next ensuing Session of Parliament and no longer.

4 Geo. 4th ch. 17 continued for four years, and to the end of the next ensuing Session of Parliament.

## CHAP. XI.

*AN ACT to repeal the Laws now in force respecting the late Pretended Bank of Upper Canada, and to make provision for settling the affairs of the said Institution.*

[Passed 25th March, 1828.]

WHEREAS a certain Act of the Parliament of this Province, passed in the Fourth Year of the Reign of His present Majesty, entitled, “An Act vesting in the hands of certain Commissioners therein named, all the Stock, Debts, Bonds, and Property, of the Pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the Creditors of that Institution,” and a certain other Act of the Parliament of this Province, passed in the Fourth Year of His present Majesty’s Reign, entitled, “An Act to repeal part of an Act passed in the last Session of Parliament, entitled, ‘An Act vesting in the hands of certain Commissioners therein named, all the Stock, Debts, Bonds, and Property, of the Pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the Creditors of that Institution; and to make further provision for settling the affairs of the said Pretended Bank,’” have been found ineffectual; and it is expedient to provide other means for collecting the Debts contracted with the said Institution, for the benefit of the Creditors thereof:

Preamble.

4 Geo. 4 ch. 22, and 4 Geo. 4. 2nd Session, ch. 21. repealed.

*Be it therefore enacted*, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of

C.

the said Province ;” and by the authority of the same, That the said several Acts herein before recited be, and the same are, hereby repealed.

Two Commissioners to be elected for settling the affairs of the late pretended Bank: one by the Stockholders, and another by the holders of certificates.

Time of holding election by the Stockholders.

Time of holding election by the holders of Certificates.

II. *And be it further enacted by the authority aforesaid,* That the holders of Stock in the said late Pretended Bank shall and may meet at the Court House in the Town of Kingston, in the Midland District, on the First Monday in May next after the passing of this Act, at or after the hour of Eleven in the forenoon of the same day, for the purpose of choosing some one person to be a Commissioner for the purposes hereinafter mentioned; and that the persons holding Certificates given for Notes of the said Pretended Bank by the Commissioners heretofore appointed for settling the affairs of the said Pretended Bank, shall and may meet at the Court House in the Town of Kingston aforesaid, on the Second Monday in May next after the passing of this Act, at or after the hour of Eleven in the forenoon of the same day, for the purpose of choosing some one other person to be a Commissioner for the purposes hereinafter mentioned.

Votes may be given by proxy.

Each person to give one vote.

Commissioners to be chosen by a majority of votes.

III. *And be it further enacted by the authority aforesaid,* That at the respective Elections hereinbefore provided for, the holders of Stock, and Certificate holders, may vote by Proxy; such Proxy to be appointed by Power of Attorney, under the hand and seal of the Principal, that each Stockholder, and each Certificate holder, shall have one vote, and no more; and that the Commissioners shall be chosen at such Elections respectively, by a majority of the votes so to be given personally or by Proxy.

Third Commissioner to be appointed.

IV. *And be it further enacted by the authority aforesaid,* That the two Commissioners to be chosen as aforesaid, shall and may, within one week from the time of their being so chosen, appoint some one person to be a Commissioner with them for the purposes of this Act.

How vacancies are to be supplied.

V. *And be it further enacted by the authority aforesaid,* That in case of vacancy by death, incapacity, removal from the District, or resignation, it shall and may be lawful for the surviving or remaining Commissioner or Commissioners, in case the Commissioner or Commissioners, so vacating his or their appointment or appointments, shall have been chosen at either of the Elections provided for by this Act, to call a meeting of the Stockholders, or of the holders of the certificates, according to the nature of the vacancy to be supplied, to be held at the Court House in the town of Kingston, at some day to be named by the said Commissioners; and of which public notice shall be given by advertisement in the several Newspapers in the Town of Kingston, at least two weeks before the time appointed for such meeting; and in case of vacancy of the Commissioner who shall have been appointed by the other two Commissioners

in the manner hereinbefore mentioned, it shall and may be lawful for the two remaining Commissioners, and they are hereby required to appoint, within two weeks, a third Commissioner to supply such vacancy.

VI. *And be it further enacted by the authority aforesaid,* That the Act of any two Commissioners, who shall be appointed under this Act, shall be valid, so far as the authority of such Commissioners shall extend.

Acts of a majority of the Commissioners shall be valid.

VII. *And be it further enacted by the authority aforesaid,* That the Commissioners heretofore appointed for settling the affairs of the late pretended Bank, shall, within one week after the appointment of the Commissioners under this Act, deliver, or cause to be delivered over, upon request, to the Commissioners who shall be constituted under this Act, all the books, papers, documents, matters, and things, whatsoever, remaining in their charge and appertaining to the said late pretended Bank, or the affairs thereof.

The late Commissioners shall deliver over the books and papers, &c.

VIII. *And be it further enacted by the authority aforesaid,* That the Commissioners to be constituted under this Act may, from time to time, prosecute in and by the name of the Kingston Bank Commissioners, such actions at Law as may be necessary for the recovery of any debts due to the Institution, or to others, to the use and in behalf or account of the said Institution, by mortgage, bond, note or otherwise; and that all such debts, whether due by specialty or by simple contract, may, if the Plaintiff shall choose to sue in that form, be recovered in an action on an account stated, as between the Defendant and the parties suing by the name aforesaid; and such specialty or other proof of debt may be received as evidence of an account stated.

Commissioners may bring actions.  
By what name.  
How they may sue.

IX. *And be it further enacted by the authority aforesaid,* That the statute of limitations shall not apply to bar or extinguish any debt due to the said late pretended Bank, provided the same shall be put in suit within one year from the passing of this Act.

Statute of limitations shall not bar if actions are brought within a year from the passing of this Act.

X. *And whereas* from the sudden failure of the said Institution, and the consequent confusion in its affairs, which rendered it for a long time impracticable, to resort to the necessary legal remedy for the recovery of the debts then outstanding, it may have happened in some instances, that the indorsers of Notes, or drawers of Bills discounted at the said Institution have not received notice of non-payment or non-acceptance within the period which the Law requires. And it is expedient to prevent advantage being taken of such omission when it has not operated to the prejudice of such Indorsers: *Be it therefore further enacted by the authority aforesaid,* That the omission to give any such notice as aforesaid, upon any demand that may have become due after the failure of the said Institu-

Want of notice to drawers and indorsers shall not avail unless they have been prejudiced by the want of such notice.

tion shall not bar a recovery against any Indorser, or Drawer unless it shall be satisfactorily proved, that such Indorser or Drawer, has by reason of such notice not being given, as the Law requires, been prejudiced in the means of recovery, against the party by whose non-payment or non-acceptance he had become liable.

Mode of proceeding against persons who have left the Province.

XI. *And be it further enacted by the authority aforesaid,* That whenever any person, appearing to be indebted to the said Institution, shall have left this Province, since the failure of the said institution, and shall not be resident therein, it shall and may be lawful to serve process in any suit to be instituted under the authority of this Act, against such person, by leaving a copy of such process, at the last place of abode of such person within this Province, with any grown up person dwelling or living in such house, or by affixing a copy of such process in the Crown Office of this Province, eight days before the return thereof—and that a declaration in every such case, being filed in the Crown Office of this Province, and all other and subsequent proceedings in any such cause which in ordinary cases are served upon the Defendant, shall be considered to be served, by filing the same in the Crown Office at York, and the Office of Deputy Clerk of the Crown at Kingston, and on notice of such filing, inserted for two weeks in the Kingston Chronicle and Upper Canada Herald.

Illegality of the institution shall not be objected by any person indebted to it.

XII. *And be it further enacted by the authority aforesaid,* That no Bond, Mortgage, Note, Security, or undertaking of what kind or nature soever, made to the said institution, or to any person or persons to their use, shall be held to be invalid or irrecoverable on account of any alleged illegality, of the said Institution.

Commissioners to give notice of their place and hours of business.

XIII. *And be it further enacted by the authority aforesaid,* That the Commissioners to be constituted under this Act, shall, within two weeks after their appointment, cause a notice of their place and hours of business, to be advertised in the Upper Canada Gazette, and in all other Newspapers in Upper Canada, and in the Montreal and Quebec Gazettes, in six successive numbers of each paper, calling upon all holders of Notes or Certificates or other Creditors of the said late Institution, to present their claims within the period prescribed by this Act, or otherwise such claims will be forever barred and cancelled.

To call for the production of all claims against the late institution.

All claims shall be barred which shall not be presented by 1st. November next.

XIV. *And be it further enacted by the authority aforesaid,* That every claim upon the said Institution, unless it shall be presented to the Commissioners to be appointed under this Act, on or before the first day of November next, shall be for ever extinguished and barred.

XV. *And be it further enacted by the authority aforesaid,* That it shall

and may be lawful to and for the Commissioners to be constituted under this Act to exercise their discretion in regard to the giving a longer credit to any debtor or debtors to the said late Institution, and that they shall also have authority to accept of property, real or personal, or to receive Bills or Notes of the said late Institution, or certificates given for the same, in satisfaction of the whole or part of any debt which said Commissioners are authorized to collect, or to refer any such matter to arbitration, or make any compromise in regard to any such debt as they may think reasonable and proper.

Certain discretionary powers given to the Commissioners for the more equitable & convenient settlement of debts due to the late Bank.

XVI. *And be it further enacted by the authority aforesaid,* That if any person indebted to the said late Institution shall before the passing of this Act, have tendered payment of the debt, or any part thereof due by him, in Notes of the said late Institution, or certificates given for such Notes, no interest shall be charged in respect to such debt, or such part thereof as he shall have so tendered payment for, from the time of such tender having been so made.

Interest on debts due to the said Bank, to cease in certain cases.

XVII. *And be it further enacted by the authority aforesaid,* That the Commissioners shall make a Report to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, on the first day of January, in every year of their proceedings under this Act, and of the state of the affairs of the said Bank to be laid before the Legislature at its next Session.

Commissioners to make reports of their proceedings.

And of the state of the affairs of the late Bank.

XVIII. *And be it further enacted by the authority aforesaid,* That the Commissioners who shall be constituted under this Act shall make half yearly dividends among the creditors of the said late Institution of the monies collected by them, first deducting therefrom their necessary disbursements in the execution of this Act; and that the first of such dividends shall be made at the expiration of twelve Calendar months after the appointment of the said Commissioners.

To make half yearly dividends.

May deduct disbursements.

First dividend, when to be made.

XIX. *And be it further enacted by the authority aforesaid,* That the Commissioners heretofore appointed for settling the affairs of the said late Institution, shall be allowed to make out an account against the Government of this Province, for all disbursements necessarily incurred by them in the execution of the duties imposed upon them by Law, which account shall be sworn to by them, and shall be accompanied by the proper receipts, or other vouchers, and that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to issue his warrant in favor of the said Commissioners, for the amount to be allowed in such account; which warrant shall and may be discharged by the Receiver General out of the monies of this Province remaining in his hands unappropriated, and the monies to be paid

Provision for indemnifying the Commissioners heretofore appointed for all disbursements necessarily incurred by them.

thereon shall be accounted for to the Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall be graciously pleased to direct.

This act to be noticed as a Public Act.

XX. *And be it further enacted by the authority aforesaid, That this Act shall be deemed to be a public Act, and as such shall be judicially noticed without specially shewing the same.*

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**CHAP. XII.**

*An ACT to provide for the valuation of the labour and materials applied in constructing the Harbour at Burlington Bay, and for other purposes relating to the said Harbour.*

[Passed 25th March, 1828.]

Preamble.

**W**HEN there appears reason to doubt whether the amount paid to the Contractor for making the Canal at Burlington Bay, in pursuance of the estimate made in pursuance of the Act of the Parliament of Great Britain, passed for that purpose during the last Session, will reimburse the said Contractor for the Money actually expended by him for labour and materials applied in the construction of the said Work, and whereas from the peculiar nature of the said undertaking, the difficulties and expence attending its prosecution could not be certainly foreseen, and as there is reason to expect that the revenue to be derived from the duties to be levied at the said Canal, will reimburse the said Work, and the said Contractor, James G. Strowbridge, has in a petition set forth that he has suffered great losses by the said Work, and hath prayed that measures may be taken for ascertaining by arbitration the true value of the labour and materials applied by him in the said Work.

Arbitrators to be appointed for estimating

*Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled in pursuance of, and under the authority of an Act passed in the Parliament of Great Britain, and intitled, "An Act to repeal in parts of an Act passed in the Fourth year of His Majesty's said Majesty, and intitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the Commissioners appointed to superintend the said Work at Burlington Bay, or a*

Times appointed for holding the General Quarter Sessions in the District of Ottawa.

sions of the Peace in and for the said District of Ottawa, shall be holden at the places appointed by Law for that purpose, on the ~~the~~ Tuesday in the months of ~~January,~~ ~~April,~~ ~~June~~ and ~~September,~~ in each year.

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## CHAP VII.

*AN ACT to make more effectual provision for settling the affairs of the late pretended Bank of Upper Canada.*

[Passed 20th March, 1829.]

Preamble.

4th Geo. 4, ch. 22.  
and 4 Geo. 4, 2d Ses-  
sion, ch. 21, and 9th  
Geo. 4, ch. 11, re-  
cited.

**W**HEREAS a certain Act of the Parliament of this Province, passed in the Fourth year of the Reign of His present Majesty, entitled, "An Act vesting in the hands of certain Commissioners therein named, all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada, lately established at Kingston for the benefit of the Creditors of that Institution," and a certain other Act of the Parliament of this Province passed in the Fourth year of His present Majesty's Reign, entitled, "An Act to repeal part of an Act passed in the last Session of Parliament, entitled, 'An Act vesting in the hands of certain Commissioners therein named, all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada, lately established at Kingston for the benefit of the Creditors of that Institution, and to make further provision for settling the affairs of the said pretended Bank;'" and a certain other Act of the Parliament of this Province, passed in the last Session, entitled, "An Act to repeal the Laws now in force respecting the late pretended Bank of Upper Canada, and to make provision for settling the affairs of the said Institution:" *And whereas* sundry of the Debtors of the said pretended Bank have, by Petitions to the Legislature, complained of grievous injuries sustained by them through the provisions of the before recited Acts: *And whereas* it is the true end and design of Legislation to promote and secure as far as possible universal justice, it is expedient and just to provide other means for a final, amicable and equitable settlement of the affairs of the said Institution: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make



further provision for the Government of the said Province," and by the authority of the same, that the said several Acts hereinbefore recited be, and the same are hereby repealed.

The above Acts repealed.

II. *And be it further enacted by the authority aforesaid,* That Hugh Christopher Thomson, Henry Smith and John Strange, be and are hereby appointed to act as Commissioners to settle the affairs of the late pretended Bank, lately established at Kingston, and in case of vacancy by death, removal from the District, or resignation of any one of them, it shall and may be lawful for the remaining Commissioners to appoint another person of their mutual choice, to supply such vacancy, in one week from the time of its occurrence.

Certain persons appointed Commissioners for settling the affairs of the late pretended Bank of Upper Canada.

How vacancies shall be supplied.

III. *And be it further enacted by the authority aforesaid,* That the Commissioners heretofore appointed for settling the affairs of the late pretended Bank, shall, within two weeks after the passing of this Act, and demand made, deliver over, or cause to be delivered over, upon such demand, to the Commissioners hereinbefore named, all the Books, Papers, Documents, matters and things whatsoever, remaining in their charge and appertaining to the said late pretended Bank, or the affairs thereof.

Books and other documents to be delivered over to the Commissioners.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners aforesaid may from time to time prosecute in, and by the name of the Kingston Bank Commissioners, such actions at Law as may be necessary for the recovery of any debts due to the Institution, or to others to the use and in the behalf or account of the said Institution, by Mortgage, Bond, Note, or otherwise, and that all such debts, whether due by specialty, or by simple-contract, may if the Plaintiff shall choose to sue in that form, be recovered in an action on an account stated, as between the Defendant and the parties suing by the name aforesaid, and such specialty, or other proof of debt, may be received as evidence of an account stated: *Provided always,* that upon request made by any Debtor of the said Institution, it shall be incumbent upon the said Commissioners to refer such debt or demand to arbitration, that the said Commissioners and the Debtor, before appointing men of their respective choice, shall agree upon some person as the third man in the arbitration, and in case they do not agree in the choice of such person, it shall and may be lawful for the Commissioners to write the names of three persons not being Debtors or Creditors of said Institution, or otherwise interested, on slips of paper, and for the Debtor to do the same, when the whole shall be put into a box and shook together, and one drawn therefrom by an indifferent person; and the person whose name shall be so drawn, shall be the third arbitrator, to act in conjunction with the two to

How Commissioners may sue for debts.

In what form of action.

Debtors may insist upon having the claims against them referred to arbitration.

How arbitrators shall be appointed.

Umpires.

Award shall be final

be named by the Commissioners and Debtor respectively, in considering and deciding upon all matters and things set before them, and their award, or the award of any two of them delivered in writing shall be final, and to all intents and purposes binding on the parties.

Statute of limitation, not to apply in case the action shall be brought within a year.

V. *And be it further enacted by the authority aforesaid,* That the Statute of Limitations shall not apply to bar or extinguish any debt due to the late pretended Bank, providing the same shall be put in suit within one year from the passing of this Act.

Mode of proceeding against debtors absent from the Province.

VI. *And be it further enacted by the authority aforesaid,* That whenever any person appearing to be indebted to the said Institution shall have left this Province since the failure of the said Institution, and shall not be resident therein, it shall and may be lawful to serve process in any suit, to be instituted under the authority of this Act, against such persons by leaving a copy of such process at the last place of abode of such person within this Province, with any grown up person dwelling or living in such house, or by affixing a copy of such process in the Crown Office of this Province eight days before the return thereof, and that a declaration in every such case being filed in the Crown Office of this Province, and all other and subsequent proceedings in any such case, which in ordinary cases are served upon the Defendant, shall be considered to be served by filing the same in the Crown Office at York, and the Office of Deputy Clerk of the Crown at Kingston, and on notice of such filing inserted for two weeks in the Kingston Chronicle and Upper Canada Herald.

Confirmation of Mortgages, Bonds, &c. given to or for the use of the late Bank.

VII. *And be it further enacted by the authority aforesaid,* That no Bond, Mortgage, Note, Security or undertaking of what kind soever, made to the said Institution, or to any person or persons to their use, shall be held to be invalid or irrecoverable, on account of any alleged illegality of the said Institution.

Notice of their sittings to be published by the Commissioners.

VIII. *And be it further enacted by the authority aforesaid,* That the Commissioners to be constituted under this Act, shall within two weeks after their appointment, cause notice of their place and hours of business to be advertised in the Upper Canada Gazette, and in all other Newspapers in Upper Canada, and in the Montreal and Quebec Gazettes, in three successive numbers of each Paper, calling upon all holders of Notes or Certificates, or other Creditors of the said late Institution, to present their claims within the period of Six Months, or otherwise such claims will be for ever barred and cancelled.

Claims against the Institution to be preferred within six months.

IX. *And be it further enacted by the authority aforesaid,* That every claim upon the said Institution, unless it shall be presented to the Commissioners to be appointed under this Act, on or before the first day of November next, shall be for ever extinguished and barred.

All claims barred unless presented before 1st of November next.

X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the Commissioners to be constituted under this Act, to exercise their discretion in regard to the giving a longer credit to any Debtor or Debtors to the said late Institution, and that they shall also have authority to accept of property real or personal, or to receive Bills or Notes of the said late Institution, or Certificates given for the same in satisfaction of the whole or part of any debt which said Commissioners are authorised to collect, or make any compromise in regard to any such debt as they may think reasonable and proper.

Commissioners may give longer credit to debtors.

May accept property real or personal.

Or Bills or Notes of the late Bank.

Or make other compromise.

XI. *And be it further enacted by the authority aforesaid,* That if any person indebted to the said late Institution, shall before the passing of this Act have tendered payment of the debt or any part thereof, due by him in Notes of the said late Institution, or Certificates given for such Notes, no interest shall be charged in respect to such Debt, or such part thereof as he shall have so tendered payment for, from the time of such tender having been so made.

No interest to be charged to debtors in certain cases.

XII. *And be it further enacted by the authority aforesaid,* That the Commissioners shall make a report to the Governor, Lieutenant Governor, or person administering the Government of this Province, on the 1st day of January in every year, of their proceedings under this Act, and of the state of the affairs of the said Bank, to be laid before the Legislature at its next Session.

Report of proceedings under this Act shall be laid before the Legislature.

XIII. *And be it further enacted by the authority aforesaid,* That the Commissioners who shall be constituted under this Act, shall make dividends among the Creditors of the said late Institution of the Monies collected by them, as often as they shall have sufficient to divide Two Shillings in the Pound, first deducting therefrom their necessary disbursements in the execution of this Act.

Dividends to be made.

Disbursements to be deducted.

XIV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have authority after receiving such payment or compromise as they may deem reasonable and proper, to release and discharge any Bonds, Mortgages, Specialties, Notes or Securities of any kind whatsoever, given by any person or persons to the Commissioners heretofore appointed for the settlement of the affairs of the said Institution or to the said pretended Bank, or to any person or persons, for the use, benefit or

Commissioners empowered to release Mortgages, discharge Bonds, &c.

security of the said Institution, whether it be expressed in such Bond, Mortgage, Specialty, Note or Security, that the same was given for the use, benefit or security of the said Institution or not.

Satisfaction to be made to the Agent appointed by the late Directors of the pretended Bank.

XV. *And be it further enacted by the authority aforesaid,* That the claim of the Agent appointed by the late Directors of the said Bank, for settling the affairs and examining the Books and Accounts of the said Bank, shall be ascertained by the said Commissioners, and the amount so ascertained to be due to the said Agent for the services performed by him, shall be payable from and out of the first Monies which shall come into the hands of the said Commissioners, applicable to the payment of the Debts of the said Bank.

Acts of two Commissioners to be valid.

XVI. *And be it further enacted by the authority aforesaid,* That the Act of any two Commissioners who shall be appointed under this Act, shall be valid so far as the authority of such Commissioners shall extend.

Public Act.

XVII. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed to be a Public Act, and as such shall be judicially noticed without specially shewing the same.

~~CHAP VIII.~~

*AN ACT to make valid under certain restrictions the Registry of Deeds and Conveyances, made by the Registrar of the County of Northumberland, under an appointment adjudged to be invalid.*

Enacted 20th March, 1829

Preamble.

Certain registries of conveyances made by Thomas Ward Esquire, under an invalid appointment as Registrar of the County of Northumberland

~~WHEREAS, in or about the Year of our said One Thousand and Eight Hundred and Eight, Thomas Ward, Esquire, was appointed Registrar of the County of Northumberland, in the District of Newcastle, and in that capacity Registered many Conveyances and other Deeds relating to real Estate in the said County: *And whereas* the appointment of the said Thomas Ward, was afterwards adjudged by the Court of King's Bench in this Province to be invalid, and he was therefore removed from the said Office, but hath since continued to keep the Memorials and Registers of all such Deeds and Conveyances in his custody, and purchasers and others are exposed to loss and inconvenience from not being able to satisfy themselves of the state of any Title, by searching in the Office of Registrar of the said County, for remedy thereof: *Be it therefore enacted,*~~

## CHAP. XI.

*AN ACT to Incorporate certain Persons under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District.*

[Passed 23th January, 1832.]

Preamble.

**WHEREAS** the Establishment of a Bank at Kingston, in the Province of Upper Canada, will conduce to the prosperity and advantage of Commerce and Agriculture in the said Province: *And whereas* Thomas Markland, John Robert Glover, David John Smith, Thomas Molson, John Watkins, Allan M'Lean, George M'Kenzie, Alexander W. Light, John Marks, Duncan Vanalstine, Abraham Truax, and others, by their Petition presented to the Legislature have prayed for the privilege of being Incorporated.—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Thomas Markland, John Robert Glover, David John Smith, Thomas Molson, John Watkins, Allan M'Lean, George M'Kenzie, Alexander W. Light, John Marks, Duncan Vanalstine, Abraham Truax, and all such persons as hereafter shall become Stockholders of the said Bank, shall be and are hereby ordained, constituted, and declared to be from time to time, and until the first day of June which will be in the year of our Lord One Thousand Eight Hundred and Fifty-six, a Body Corporate and Politic, in fact and in name of the President, Directors, and Company of the Commercial Bank of the Midland District, and that by that name they and their Successors shall and may have continued succession, and shall be persons in Law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their Successors may have a Common Seal, and may change and alter the same at their pleasure; and also, that they and their Successors, by the name of the President, Directors, and Company of the Commercial Bank of the Midland Dis-

The President,  
Directors and Com-  
pany of the Commer-  
cial Bank of the  
Midland District  
Incorporated.

trict, shall be in Law capable of purchasing, holding, and conveying any Estate, real or personal, for the use of the said Corporation.

II. *And be it further enacted by the authority aforesaid,* That a Share in the Stock of the said Bank shall be Twenty-five Pounds, or the equivalent thereof in Specie, and the number of Shares shall not exceed Four Thousand; and that Books of Subscription shall be opened at the same time in the Towns of Kingston, Brockville, York, Niagara, Hamilton in the District of Gore, London, Cobourg, Prescott, Hallowell, Perth, Cornwall, Belleville, Sandwich, and Amherstburgh, within two months after the passing of this Act, by such person or persons and under such regulations as the majority of the said Petitioners shall direct.

Stock to consist of 4,000 Shares of £25 each.

Books of Subscription when and where to be opened.

III. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person, His Majesty's Subjects or Foreigners, to Subscribe for such and so many Shares as he, she, or they may think fit, not, however, exceeding in the first instance Sixty: and that the Shares respectively subscribed shall be payable in Gold or Silver, that is to say, Ten per Centum, to be ready as a deposit, at the time of subscribing, to be called for by the Directors hereafter appointed by virtue of this Act as soon as they may deem expedient, and the remainder shall be paid in such Instalments as a majority of the Stockholders at a Meeting to be expressly convened for that purpose shall agree upon: *Provided,* no Instalment shall exceed Ten per Centum upon the Capital Stock, or be called for or become payable in less than Sixty days after public notice shall have been given in the Public Newspapers of the Town of Kingston, and in one or more of the several Newspapers published in the several Districts of this Province to that effect: *Provided always,* if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay to the said Directors the Instalment due upon any Share or Shares held by him, her or them, at the time required by Law so to do, such Stockholder or Stockholders as aforesaid shall forfeit such Shares as aforesaid, with the amount previously paid thereon, and the said Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other Monies of the Bank.

Not exceeding sixty Shares to be subscribed for by any person in the first instance, but may be afterwards increased.

No Instalment to exceed 10 per cent. or be called for in less than sixty days after notice.

Stock upon which Instalments are not paid, to be forfeited and sold for the benefit of the Institution.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That if the whole number of Shares shall not be subscribed within two months after the said Books of Subscription shall be opened, then, and in such case, it shall and may be lawful for any former Subscriber or Subscribers to increase his, her, or their Subscriptions: *And provided further,* that if the total amount of Subscriptions within the period afore-

If too many Shares subscribed, how the same shall be equalized among the Subscribers.

said shall exceed the Capital Stock limited by this Act, then, and in such case, the Shares of each Subscriber or Subscribers above Ten Shares, shall, as nearly as may be, be proportionably reduced, until the total number of Shares be brought down to the limits aforesaid: *And provided, nevertheless*, that the said limitation in respect to persons Subscribing to the said Capital Stock, shall not extend, or be construed to extend, to prevent the acquisition of a greater number of Shares by purchase after the said Bank shall have commenced its operations.

Capital Stock limited to £100,000.

V. *And be it further enacted by the authority aforesaid*, That the whole amount of the Stock, Estate, and Property which the said Corporation shall be authorised to hold, including the Capital Stock or Shares before mentioned, shall never exceed in value One Hundred Thousand Pounds.

When £40,000 shall have been subscribed, Directors may be Elected.

VI. *And be it further enacted by the authority aforesaid*, That as soon as Forty Thousand Pounds shall have been Subscribed, it shall and may be lawful for such Subscribers, or the majority of them, to call a Meeting at some place to be named, at Kingston aforesaid, for the purpose of proceeding to the Election of the number of Directors hereinafter mentioned; and such Election shall then and there be made by a majority of Shares, voted in manner hereinafter prescribed in respect of the Annual Elections of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the expiration of the first Monday of the month of June next after they shall have been so chosen, and who shall, as soon as a Deposit amounting to Ten Thousand Pounds, Subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank: *Provided always*, that no such Meeting of the said Subscribers shall take place until a notice is published in all the Newspapers of Kingston, and one in each District of the Province in which a Newspaper is published, at the distance of not less than Thirty Days from the time of such notification.

How the first Election shall be made.

Bank may commence business when £10,000 shall have been paid in.

Meeting of Subscribers to be advertised in the Newspapers.

Ten Directors to be Elected, one of whom shall be President.

Election of Directors to be held first Monday in June in each year.

VII. *And be it further enacted by the authority aforesaid*, That the Stock, Property, Affairs, and Concerns of the said Corporation, shall be managed and conducted by Ten Directors, one of whom to be the President, who, excepting as hereinbefore provided for, shall hold their Offices for one year, to end the first Monday in June in each year, which Directors shall be Stockholders, and shall be Subjects of His Majesty residing in this Province, and be Elected on the first Monday in June in every year, at such time of the day, and at such place at Kingston, as the majority of the Directors shall appoint, and public notice shall be given by the said Directors, in the different Newspapers printed in the

Province, of such time and place, not more than Sixty, nor less than Thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the said Stockholders of the said Bank as shall attend for that purpose in their own proper persons, or by proxy; and all Elections for Directors shall be by ballot, and the ten persons who shall have the greatest number of votes at any Election, shall be the Directors, except as is hereinafter directed; and if it should happen at any Election that two or more persons have an equal number of votes, in such manner that a greater number of persons than ten shall by plurality of votes appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such Election, shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of ten; and the said Directors, so soon as may be after the Election, shall proceed in like manner to Elect by ballot one of their number to be a President, Stockholders not residing within the Province being ineligible; and if any Director shall move out of the said Province, his Office shall be considered vacant; and if any such vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a Special Election for that purpose, to be held in the same manner as is hereinbefore directed respecting Annual Elections, at such time and place at Kingston as the remainder of the Directors, or the majority of them, shall appoint: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least Ten Shares.

Manner of Electing Directors.

Vacancies how filled up.

Directors to be Stockholders to the amount of 10 Shares.

VIII. *And be it further enacted by the authority aforesaid*, That in case it should at any time happen that an Election of Directors should not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an Election of Directors in such manner as shall have been regulated by the Laws and Ordinances of the said Corporation.

Corporation not dissolved by Non-Election of Directors at the usual period.

IX. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of Votes proportioned to the number of Shares which he or she shall have held in his or her own name at least three months prior the time of voting, according to the following ratios, that is to say:—at the rate of One Vote for each Share not exceeding Four; Five Votes for Six Shares; Six Votes for Eight Shares; Seven Votes for Ten Shares; and One Vote for every Five

Number of votes proportioned to the number of Shares.



Shares above Ten ; Stockholders actually resident within the Province of Upper Canada, and none others, may Vote at Elections by Proxy : *Provided always*, that no person, Copartnership, or Body Politic, shall be entitled to more than Fifteen Votes at any such Election.

No Stockholder shall be entitled to more than fifteen votes.

Half-yearly Dividends to be declared.

X. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make half-yearly Dividends of so much of the profits of the said Bank as to them, or the majority of them, shall appear advisable ; and also once in every three years, and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeably to the ratios hereinbefore established, at a General Meeting to be called for that purpose, an exact and particular Statement of the Debts which shall have remained unpaid after the expiration of the Original Credit, for a period of treble the time of that Credit, and of the surplus profits, if any, after deducting Losses and Dividends.

Directors may make By-Laws, and appoint Officers and Clerks.

XI. *And be it further enacted by the authority aforesaid*, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and Effects of the said Corporation, and touching the duties and conduct of the Officers, Clerks and Servants, employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, and with such Salaries and Allowances as to them shall seem meet : *Provided*, such Rules and Regulations be not repugnant to the Laws of this Province.

Debts never to exceed three times the Capital Stock paid in.

Directors made personally responsible for excess.

XII. *And be it further enacted by the authority aforesaid*, That the total amount of the Debts which the said Corporation shall at any time owe, whether by Bond, Bill, Note, or other contract, over and above the Monies then actually deposited in the Bank, shall not exceed three times the sum of the Capital Stock subscribed and actually paid into the Bank ; and in case of such excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, but this shall not be construed to exempt the said Corporation, or any Estate, real or personal, which they may hold as a Body Corporate, from being also liable for, and chargeable with the said excess ; but such of the said Directors who may have been absent when the said excess was contracted, or who may have dissented from the said resolution or act whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact, and of their absence or dissent, to the Stockholders,

at the General Meeting, which they shall have power to call for that purpose.

XIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation to issue any Note or Bill under the value of Five Shillings, of lawful Money of the Province of Upper Canada.

Notes not to be issued of a less value than five shillings.

XIV. *And be it further enacted by the authority aforesaid,* That the Lands, Tenements and Hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of the business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of Debts previously contracted in the course of its dealings, or purchased at Sales, upon Judgments which shall have been obtained for such Debts: *And further,* the said Corporation shall not, directly or indirectly, deal or trade in buying or selling any Goods, Wares or Merchandize, or commodities whatsoever: *Provided,* that nothing herein contained shall in any wise be construed to hinder the said Corporation from dealing in Bonds, Bills of Exchange, or Promissory Notes, or in buying or selling Bullion, Gold or Silver.

Corporation may hold Lands necessary for carrying on the Business, and taken in Security of, or in satisfaction for Debts.

XV. *And be it further enacted by the authority aforesaid,* That the Shares of the Capital Stock shall be transferable, and may be from time to time transferred by the respective persons so Subscribing the same, either in person or by proxy: *Provided always,* that such transfer be entered and registered in a Book or Books to be kept for that purpose by the Directors.

Shares transferable.

XVI. *And be it further enacted by the authority aforesaid,* That the Bills Obligatory; and of Credit, under the Seal of the said Corporation, which shall be made to any person or persons, shall be assignable, by indorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their Assignee or Assignees, and so as absolutely to transfer and vest the property thereof in each and every Assignee or Assignees successively, and to enable such Assignee or Assignees to bring and maintain an Action thereupon in his, her, or their own name or names; and Bills or Notes which may be issued by order of the said Corporation, signed by the President, and countersigned by the Cashier or Treasurer, promising the payment of Money to any person or persons, his, her, or their order, or to bearer, though not under the Seal of the said Corporation, shall be binding and obligatory upon

Bills, Obligatory or of Credit, under Seal of Corporation, to be assignable by endorsement.

Corporation may issue Notes or Bills not under Seal.

the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her, or their private or natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Cashier and Clerks  
to give Security.

**XVII.** *And be it further enacted by the authority aforesaid,* That every Cashier or Clerk, before he enters into the duties of his Office, shall give Bond with two or more Securities, in such sum as may be satisfactory to the Directors, with condition for the faithful discharge of his duty.

Bank not to demand  
more than six per  
cent. Interest.

**XVIII.** *And be it further enacted by the authority aforesaid,* That the said Corporation shall not demand any greater Interest on any Loan or Discount than at the rate of Six per Centum per Annum.

Directors not to be  
entitled to any  
emolument, and five  
to form a quorum.

**XIX.** *And be it further enacted by the authority aforesaid,* That the Directors, excepting the President, shall not be entitled to any emolument for their services, and that Five Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in the case of sickness or absence, in which case the Directors present may choose a Chairman for the said meeting.

Bank to carry on its  
business in Kingston.

**XX.** *And be it further enacted by the authority aforesaid,* That the said Bank shall be established, and the buildings necessary for the accommodation thereof erected, purchased or leased, and the business thereof at all times hereafter transacted at such place in the Town of Kingston in this Province, as the Directors or a majority of them may appoint:—*Provided always,* as soon as it may be deemed expedient Branches of the said Bank, and Offices of Deposit and Discount, may be authorised by the said Directors or the majority of them in any other part of the said Province, under such rules and regulations as the said Directors or the major part of them may think proper, not repugnant to the general rules of the said Corporation.

Branches may be  
established in other  
places.

Upon stopping pay-  
ment, Bank to dis-  
continue its business  
until a resumption  
of cash payments.

**XXI.** *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act the said President, Directors and Company, should refuse, on demand being made at their Banking House, or any Branch or Branches hereafter to be established, during the regular hours of doing business, to redeem in Specie, or other lawful Money of this Province, their said Bills, Notes, or other evidences of debt issued by the said Company, the said President, Directors, and Company shall, on pain of forfeiture of their Charter, wholly discontinue and close their said Banking operations, either by way of Discount or otherwise, until such

time as the President, Directors, and Company shall resume the redemption of their Bills, Notes, or other evidences of debt in Specie, or Money made a legal tender by any Act of the Legislature of this Province.

XXII. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank, for the time being, to make a return under oath to the Provincial Parliament, once in each year if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of the Capital Stock paid in ; Bills in circulation of Five Dollars and upwards not bearing interest ; Bills in circulation under Five Dollars not bearing interest ; Bills and Notes in circulation bearing interest ; Balance due to other Banks ; Cash deposited, including all sums whatsoever due from the Bank not bearing interest, (its Bills in circulation and balances due to other Banks excepted) ; Cash deposited bearing interest ; Total amount due from the Bank ; Of the resources of the Bank ; The Gold, Silver, and other coined Metals in the Banking House ; Real Estate ; Bills of other Banks ; Balances due from other Banks ; Amount of all debts due, including Notes ; Bills of Exchange and all Stock and Funded debts of every description, excepting the balances due from other Banks ; Total amount of the resources of the Bank ; Rate and amount of the last Dividend ; Amount of reserved profits at the time of declaring the last Dividend ; Amount of debts due to the Bank and not paid and considered doubtful.

Return to be made under Oath to the Legislature, if required.

XXIII. *And be it further enacted by the authority aforesaid,* That the Directors of the said Bank shall not, upon pain of forfeiture of their Charter, loan or advance any Money or Bills of the said Bank to any Stockholder or Stockholders upon the credit of the Stock which such Stockholder or Stockholders may hold in the said Bank, but shall require from the said Stockholder or Stockholders Endorsers, in all respects as safe and substantial as would be required from any applicants for Discounts not being Stockholders.

Money not to be advanced on the Credit of the Stock of the said Bank.

XXIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors or Cashier of the Bank to allow, during the hours of business, the names of the Stockholders in the said Bank to be taken by any Stockholder who may require the same.

Names of Stockholders may be taken by any Stockholder during the hours of business.

XXV. *And be it further enacted by the authority aforesaid,* That this Act be, and is hereby declared to be a Public Act, and that the same may be construed as such in His Majesty's Courts in this Province.

This a Public Act.



# STATUTES,

OF

## Upper Canada,

PASSED IN THE FIRST SESSION OF THE TWELFTH PROVINCIAL  
PARLIAMENT.

MET AT TORONTO ON THE FIFTEENTH DAY OF JANUARY 1835, AND PROROGUED ON THE  
SIXTEENTH DAY OF APRIL 1835, IN THE FIFTH YEAR OF THE REIGN OF  
WILLIAM IV.

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SIR JOHN COLBORNE, K. C. B.

LIEUTENANT GOVERNOR.

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ANNO DOMINI 1835.

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### CHAP. I.

*AN ACT to prevent the unnecessary multiplication of Law Suits and  
increase of Costs in Actions on Notes, Bonds, Bills of Exchange,  
and other Instruments.*

[ Passed 16th April, 1835. ]

**WHEREAS** it is expedient to make such alteration in the Law as will prevent the necessity of bringing separate Actions for sums not large in amount, against the several makers of a Bond or other Instrument, or against several persons liable to be sued upon a Bill of Exchange or Promissory Note, as maker, endorser, acceptor: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority

Preamble.

Costs recoverable in one suit only;

And disbursements in others;

Not to extend to interlocutory costs.

of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That after the first day of July next after the passing of this Act, when several suits shall be brought on one Bond, Recognizance, Promissory Note, Bill of Exchange, or other Instrument, which shall be made or entered into after the passing of this Act; or when several suits shall be brought against the maker and endorser of a Note, or against the drawer, acceptor, or endorsers of a Bill of Exchange, there shall be collected or received from the Defendant, the costs taxed on one suit only, at the election of the Plaintiff, and in the other suits the actual disbursements only shall be collected or received from the Defendant—but this provision shall not extend to any interlocutory costs in the progress of a cause.

Upon Bills of Exchange &c. not exceeding £100 all the parties may be included in one action

II. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the holder of any Bill of Exchange or Promissory Note hereafter to be made, for a sum not exceeding One Hundred Pounds, instead of bringing separate suits against the drawers, makers, endorsers and acceptors of such Bill or Note, to include all or any of the said parties to the Bill or Note in one action, and to proceed to judgment and execution in the same manner as though all the Defendants were joint contractors.

Defendants may plead separately.

III. *And be it further enacted by the authority aforesaid,* That in any such action, any joint drawer or maker, endorser or acceptor, may plead in abatement the non-joinder of any other joint drawer, maker, endorser or acceptor, in the same manner as though this Act had not been passed, and no judgment to be rendered in pursuance of this Act, shall be of any effect against a Defendant not served with process.

Plaintiff may declare upon money counts alone.

IV. *And be it further enacted by the authority aforesaid,* That the Plaintiff in any such action, and in all other actions on Bills of Exchange or Promissory Notes, may declare upon the money counts alone, and such Bill or Note may be given in evidence under the money counts, in all cases where a copy of the Bill or Note shall have been served with the declaration.

Judgment against one or more of the Defendants.

V. *And be it further enacted by the authority aforesaid,* That in any such action judgment may be rendered for the Plaintiff against some one or more of the Defendants, and also in favor of some one or more of the

Defendants against the Plaintiff, according as the rights and liabilities of the respective parties shall appear, either upon confession, default by pleading, or on trial; and when judgment shall be rendered in favor of any Defendant, he shall recover costs against the Plaintiff, in the same manner as though judgment had been rendered for all the Defendants. Defendant's costs.

VI. *And be it further enacted by the authority aforesaid,* That in any such action any person or persons sued, shall be entitled to set off his or their demands against the Plaintiff, in the same manner as though such Defendant or Defendants had been sued in the form heretofore used. Set off may be pleaded.

VII. *And be it further enacted by the authority aforesaid,* That if upon the trial of any such action, the whole amount of the demand set off by any or all of the Defendants and allowed by the Jury, shall be equal to or shall exceed the amount of the Plaintiff's demand, as proved on the trial, the Jury shall find a verdict in favor of the Defendants generally, but if the Jury shall allow any demand as a set off, and still find a balance in favor of the Plaintiff, they shall state in their verdict the amount which they allow to each Defendant, as a set off against the Plaintiff's demand. Verdict in set off.

VIII. *And be it further enacted by the authority aforesaid,* That the rights and responsibilities of the several parties to any such Bill or Note as between each other, shall remain the same as though this Act had not been passed, saving only the rights of the Plaintiff, so far as they may have been determined by the judgment. Rights of the parties as between each other to remain.

IX. *And be it further enacted by the authority aforesaid,* That in every suit brought pursuant to the provisions of this Act, any one or more of the Defendants shall be entitled to the testimony of any Co-Defendant, as a witness in all those cases where the Defendant or Defendants calling the witness would have been entitled to his testimony had the suit been brought in the form heretofore used, and in no other case. Defendants may be witnesses in certain cases.

X. *And be it further enacted by the authority aforesaid,* That in all actions on Promissory Notes or Bills of Exchange, when the Plaintiff shall file a copy of such Promissory Note or Bill of Exchange with the Declaration, and shall also annex a copy of such Note or Bill to the copy of the Declaration that shall be served on any Defendant, the damages may be assessed as though the said Note or Bill of Exchange had been set out specially in said Declaration. Copy of the Bill or Note may be filed with the Declaration.



*XI. And be it further enacted by the authority aforesaid, That when* in any case an action shall be brought against more than one Defendant under this Act, who must otherwise have been sued separately, and it shall happen that any one or more of the Defendants shall die pending the suit, an action may nevertheless be brought against the Executors or Administrators of any such deceased Defendant, *Provided* such Defendant would have been liable to be sued separately, in case this Act had not been passed.

Defendant's Executors  
liable to be sued.

*XII. Provided always, nevertheless, and be it further enacted by the* authority aforesaid, That this Act shall not apply in any case in which the sum expressed to be payable in or upon any such Bond, Recognizance, Promissory Note, Bill of Exchange or other Instrument, shall exceed the sum of One Hundred Pounds, nor to any case where separate actions are brought in the District Court, against persons residing in several Districts.

The act not to extend  
to Notes for more  
than £100;

Nor to actions in se-  
veral Districts.

*XIII. And be it further enacted by the authority aforesaid, That when* several Defendants are included in one process, in pursuance of the provisions of this Act, and any one or more of them cannot be served with such process by reason that he or they is or are absent from the Province, or concealed within the same, then the action may proceed as against the other Defendant or Defendants, without prejudice; and it shall be in the power of the Plaintiff afterwards to sue such Defendant or Defendants separately, who shall not have been served with process, and to recover costs as if this Act had not been passed.

Suits may proceed,  
though one or more  
Defendants be absent.

*XIV. And be it further enacted by the authority aforesaid, That this* Act shall remain in force for four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer; but that any proceedings then pending shall be conducted to a final end, without being affected by the expiration of this Act.

Act limited to four  
years.

## ~~CHAP. II.~~

*AN ACT to allow the issuing of Writs of Error from the Court of  
King's Bench.*

[Passed 24th February 1835.]

*WHEREAS* it would facilitate the correction of Errors in the Judgment of inferior Courts of Record, if the Writ of Error, which for such purposes is required by the Law of England to be issued from Chancery,

Preamble,

XII. *And be it further enacted by the authority aforesaid,* That the Directors of the said Bank, shall not, upon pain of forfeiture of their charter, loan or advance any money or bills of the said Bank to any Stockholder or Stockholders, upon the credit of the Stock, which such Stockholder or Stockholders may hold in the said Bank, but shall require from the Stockholder or Stockholders endorsers, in all respects, as safe and substantial as would be required from any applicants for discounts, not being Stockholders.

Directors not to lend any money on security of the Bank Stock on pain of forfeiture of the charter.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors or Cashier of the Bank, to allow, during the hours of business, the names of Stockholders in the said Bank, with the amount of Stock respectively owned by them, to be taken by any Stockholder who may require the same.

Any Stockholder, during the hours of business, may take the names &c of the other Stockholders.

XIV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken, or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of notes which may be issued by the said Bank, as may be deemed necessary, nor shall any thing herein contained be construed, to prevent the Legislature from applying to the said Bank, any provisions or restrictions, which by any Act of the Parliament of the Province, may be applied or enforced with respect to any of the Banks of Upper Canada.

Future alteration of this Act.

## CHAP. XXXIV.

*AN ACT to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Gore Bank.*

[The Royal Assent to this Bill promulgated by Proclamation, bearing date the Twenty-seventh day of October, One Thousand Eight Hundred and Thirty-five.]

**WHEREAS** the establishment of a Bank at Hamilton, in the District of Gore, will conduce to the prosperity and advantage of Commerce and Agriculture, as well in the Province at large, as in the said District : And whereas Job Loder, Ebenezer Stinson, Elijah Secord, Richard Beasley, Daniel K. Servos, James Ritchie, Abraham K. Smith, Stephen Randal, John Young, John Wier, William McDonell, Robert Prentice, Edward Jackson, John Willson, Collin C. Ferrie, Peter Hunter Hamilton, Samuel Mills, Absalom Shade, Allan Napier Macnab, and others, by their petitions presented to the Legislature, have prayed for the privilege of being

Preamble.

incorporated: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act to make more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That Job Loder, Ebenezer Stinson, Elijah Secord, Richard Beasley, Daniel K. Servos, James Ritchie, Abraham K. Smith, Stephen Randal, John Young, John Wier, William McDonell, Robert Prentice, Edward Jackson, John Willson, William Bull Sheldon, Collin C. Ferrie, Samuel Mills, Absalom Shade, Peter H. Hamilton, Allan Napier McNab, and all such persons as hereafter shall become Stockholders of the said Bank, shall be, and hereby are ordained, constituted, and declared to be, from time to time, and until the first day of August, which will be in the year of our Lord one thousand eight hundred and sixty, a body corporate and politic, in fact and in name of the President, Directors and Company, of the Gore Bank, and that by that name, they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a Common Seal, and may change and alter the same at their pleasure, and also, that they and their successors, by the same name of the President, Directors and Company of the Gore Bank, shall be in law capable of purchasing, holding or conveying, any estate real or personal, for the use of the said Corporation: *Provided*, that no incorporated Company shall be permitted to hold any Stock in the said Corporation created by this Act, unless the same shall be conveyed to it in payment of debts previously contracted, in which case, such incorporated Company shall not be entitled to vote upon such Stock, in the election of Officers.

Incorporated until  
first August 1860.

Common Seal.

May hold real estate.

Shares not to exceed  
8000, at £12 10s.  
each.

Books of subscription  
to be opened.

II. *And be it further enacted by the authority aforesaid*, That a share in the Stock of the said Bank, shall be Twelve Pounds Ten Shillings, or the equivalent thereof in specie, and the number of Shares shall not exceed eight thousand; and that Books of Subscription shall be opened at the same time in the Towns of Cornwall, Prescott, Brockville, Cobourg, Port Hope, City of Toronto, Dundas, Hamilton, Ancaster, Brantford, Niagara, St. Catharines, Amherstburg, London, and Simcoe, within

two months after the passing of this Act, by such person or persons, and under such regulations, as the majority of the said Petitioners shall direct.

III. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person, His Majesty's subjects, or foreigners, to subscribe for such and so many shares, as he, she, or they may think fit, not however exceeding in the first instance eighty, and that the shares respectively subscribed, shall be payable in gold or silver, that is to say, ten per centum to be ready as a deposit at the time of subscribing, to be called for by the Directors, hereafter appointed by virtue of this Act, as soon as they may deem expedient, and the remainder shall be payable in such instalments, as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: *Provided* no instalment shall exceed ten per centum upon the Capital Stock, or be called for, or become payable in less than sixty days after public notice shall have been given in the Upper Canada Gazette, and in at least one newspaper in the District of Gore, to that effect: *Provided always,* that if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any Share or Shares held by him, her, or them, at the time required by law so to do, such Stockholder or Stockholders as aforesaid, shall forfeit such Shares as aforesaid, with the amount previously paid thereon, and the said Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the Bank.

Subscribers limited to 80 shares at first.

Ten per cent deposit.

Remaining instalments not to exceed ten per cent each.

Forfeiture of shares.

IV. *Provided also, and it is further enacted by the authority aforesaid,* That if the whole number of Shares shall not be subscribed within two months after the said Books of Subscription shall be opened, then, and in such case, it shall and may be lawful for any former subscriber or subscribers to increase his, her, or their subscriptions: *And provided further,* that if the total amount of subscriptions, within the period aforesaid, shall exceed the Capital Stock limited by this Act, then, and in such case the Shares of each subscriber or subscribers, above ten shares, shall, as nearly as may be, be proportionably reduced, until that the total number of Shares be brought down to the limits aforesaid: *and provided nevertheless,* that the said limitation, in respect to persons subscribing to the said Capital Stock, shall not extend, or be construed to extend, to prevent the acquisition of a greater number of Shares by purchase, after the said Bank shall have commenced its operations.

If the whole number of shares shall not be subscribed within two months subscriptions may be increased.

Provision in case the amount subscribed shall exceed the sum required.

V. *And be it further enacted by the authority aforesaid,* That the whole amount of the stock, estate, and property, which the said Corpo-

Capital not to exceed £100,000.

ration shall be authorised to hold, including the Capital Stock or Shares before mentioned, shall never exceed in value, one hundred thousand pounds.

**VI.** *And be it further enacted by the authority aforesaid,* That as soon as the sum of twenty-five thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or the majority of them to call a meeting, at some place to be named, in the Town of Hamilton, in the District of Gore aforesaid, for the purpose of proceeding to the election of the number of Directors hereinafter mentioned, and such election shall then and there be made by a majority of shares, voted in manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen, shall be the first Directors, and shall be capable of serving until the expiration of the first Monday in August, then next ensuing the said election; and the Directors so chosen, shall, as soon as the deposit amounting to ten thousand pounds, subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank: *Provided always,* that no such meeting of the said subscribers shall take place until a notice is published in a public newspaper, in each and every District of this Province, at the distance of not less than thirty days from the time of such notification.

Upon £25,000 being subscribed, meeting may be called for the election of Directors.

Mode of election.

The business of the Bank to commence as soon as £10,000 capital paid

Thirty days notice to be given of the meeting.

Affairs of the Company to be managed by ten Directors.

To be elected on the first Monday in August, annually.

Election to be by ballot.

**VII.** *And be it further enacted by the authority aforesaid,* That the stock, property, affairs, and concerns of the said Corporation, shall be managed and conducted by ten Directors, one of whom to be the President, who, excepting as is hereinbefore provided for, shall hold their offices for one year, which Directors shall be Stockholders, and shall be subjects of His Majesty, residing in this Province, and be elected on the first Monday in August, in every year, at such time of the day, and at such place, in the Town of Hamilton aforesaid, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in one newspaper within each and every District in this Province, of such time and place, not more than sixty, nor less than thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the said Stockholders of the said Bank, as shall attend for that purpose in their own proper persons, or by proxy; and all elections for Directors, shall be by ballot; and the ten persons who shall have the greatest number of votes at any election, shall be the Directors, except as is hereinafter directed: and if it should happen at any election, that two or more persons have an equal number of votes, in such manner, that a greater number of persons than ten, shall, by a plurality of votes, appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such election, shall proceed to ballot a second

time, and by plurality of votes determine which of the said persons so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of ten, and the said Directors, so soon as may be after the said election, shall proceed in like manner, to elect by ballot, one of their number to be their President; and four of the Directors which shall be chosen, at any year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than six of the Directors, exclusive of the President, who served for the last year, shall appear to be elected, then the election of such person or persons, above the said number, and who shall have the fewest votes, shall be considered void; and such other of the Stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in room of such last described person or persons, and who are hereby declared ineligible as aforesaid; and the President for the time being, shall always be eligible to the office of Director, but Stockholders not residing within the Province, shall be ineligible; and if any Director shall move out of the said Province, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen among the Directors, by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as hereinbefore directed respecting annual elections, at such time and place in the Town of Hamilton, in the District of Gore aforesaid, as the remainder of the Directors, or the major part of them, shall appoint: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least twenty shares.

Directors to elect a President.

Four Directors ineligible for the year following.

President always eligible to be re-elected a Director. Non-resident Shareholders ineligible. Vacancies.

Qualification of Directors.

VIII. *And be it further enacted by the authority aforesaid*, That in case it should at any time happen, that an election of Directors should not be made on any day, when pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Directors, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

In case the election of Directors shall not be made on the day appointed, the Corporation not dissolved.

IX. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratios, that is to say,—at the rate of one vote for each share, not exceeding four; five votes for six shares; six votes for eight shares; seven

Number of votes.

votes for ten shares ; and one vote for every five shares above ten ; Stockholders actually resident within the Province of Upper Canada, and none others, may vote in election by proxy : *Provided always*, that no person, copartnership, or body politic, shall be entitled to more than fifteen votes at any such election.

Dividends to be made half yearly.

Once in three years a statement of the debts, &c. to be made.

X. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make half yearly dividends of so much of the profits of the said Bank, as to them, or the majority of them, shall appear advisable, and that once in every three years, and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeably to the ratios hereinbefore established, at a general meeting to be called for that purpose, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the time of that credit, and of the surplus profits, if any, after deducting losses and dividends.

Directors may make by-laws.

XI. *And be it further enacted by the authority aforesaid*, That the Directors for the time being, or the major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties and conduct of the Officers, Clerks, and Servants employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many Officers, Clerks, and Servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet : *Provided* that such rules and regulations be not repugnant to the laws of this Province.

Debts owing by the Corporation not to exceed three times the amount of Stock subscribed and paid.

In case of excess the Directors for the time being to be held liable ;

but may exonerate themselves by giving notice.

XII. *And be it further enacted by the authority aforesaid*, That the total amount of the debts, which the said Corporation shall at any time owe, whether by Bond, Bill, Note, or otherwise contracted, over and above the monies then actually deposited in the Bank, shall not exceed three times the sum of the Capital Stock subscribed and actually paid into the Bank, and in case of such excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, but this shall not be construed to exempt the said Corporation, or any estate, real or personal, which they may hold as a Body Corporate, from being also liable for, and chargeable with the said excess, but such of the said Directors who may have been absent when the said excess was contracted, or who may have dissented from the said Resolution or Act, whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact, and of

their absence or dissent, to the Stockholders, at a general meeting which they shall have the power to call for that purpose.

XIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation to issue any Note or Bill under the value of Five Shillings, of lawful money of the Province of Upper Canada. Corporation not to issue notes, &c. under the value of 5s.

XIV. *And be it further enacted by the authority aforesaid,* That the lands, tenements, and hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales, upon judgments, which shall have been obtained for such debts; and further, the said Corporation shall not, directly or indirectly, deal or trade in buying, or selling any goods, wares or merchandize, or commodities whatsoever: *Provided* that nothing herein contained shall in anywise be construed to hinder the said Corporation from dealing in Bonds, Bills of Exchange, or Promissory Notes, or in buying or selling Bullion, Gold or Silver. Limitation of real property to be held by the Corporation.  
Company not to trade in goods or merchandize.

XV. *And be it further enacted by the authority aforesaid,* That the Shares of the said Capital Stock shall be transferable, and may be from time to time transferred by the respective persons subscribing the same: *Provided always,* that such transfer be entered or registered in a book or books, to be kept for that purpose by the Directors. Shares to be transferable.

XVI. *And be it further enacted by the authority aforesaid,* That the Bills obligatory, and of credit, under the seal of said Corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their Assignee or Assignees, and so as absolutely to transfer and vest the property thereof in each and every Assignee successively, and to enable such Assignee or Assignees to bring and maintain an action thereupon, in his, her, or their own name or names; and Bills or Notes which may be issued by order of the said Corporation, signed by the President, and countersigned by the principal Cashier, or Treasurer, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said Corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect as upon any private person or persons, if issued by



him, her, or them, in his, her, or their private or natural capacity or capacities, and shall be assignable or negotiable in like manner, as if they were so issued by such private person or persons.

Cashier and Clerks to give bonds with two sureties.

**XVII.** *And be it further enacted by the authority aforesaid,* That every Cashier and Clerk, before he enters into the duties of his office, shall give bonds, with two or more sureties, in such sum as may be satisfactory to the Directors, with conditions for the faithful discharge of his duty.

Interest on loans not to exceed 6 per cent.

**XVIII.** *And be it further enacted by the authority aforesaid,* That the said Corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

None of the Directors except the President entitled to emolument.

**XIX.** *And be it further enacted by the authority aforesaid,* That the Directors, excepting the President, shall not be entitled to any emolument for their services; and that five Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in case of sickness or absence, in which case the Directors present may choose a Chairman for the said meeting.

The Bank to be established at such place in Hamilton as the Directors may appoint.

**XX.** *And be it further enacted by the authority aforesaid,* That the said Bank shall be established, and the buildings necessary for the accommodation thereof erected, purchased or leased, and the business thereof at all times hereafter transacted at such place in the Town of Hamilton, in the District of Gore aforesaid, as the Directors, or the majority of them may appoint: *Provided always,* as soon as it may be deemed expedient, branches of the said Bank, and Offices of Deposit and Discount may be authorised by the said Directors, or the majority of them, in any other part of the said Province, under such rules and regulations, as the said Directors, or the major part of them may think proper, not repugnant to the general rules of the said Corporation.

Branch Banks may be established if expedient.

In case of refusal to pay in specie, the Bank to stop discounting on pain of forfeiting Charter.

**XXI.** *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said President, Directors and Company, shall refuse, on demand being made, at their Banking House, or any Branch or Branches hereafter to be established, during the regular hours of doing business, to redeem in specie or other lawful money of this Province, their said Bills, Notes, or other evidences of debt, issued by the said Company, the said President, Directors and Company, shall, on pain of forfeiture of their Charter, wholly discontinue and close their said Banking operations, either by way of Discount or otherwise, until such time as the President, Directors and Company, shall resume the redemp-

tion of their Bills, Notes, or other evidences of debt, in specie or other lawful money of this Province.

XXII. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank for the time being, to make a return, under oath, to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of the funds and property of the said Bank, the amount of its Capital Stock subscribed and paid, the amount of debts due to and from the said Bank, the amount of the Bills and Notes emitted by the said Bank in circulation, and the amount of specie in the said Bank, at the time of making such return.

Annual statement under oath to be made to the Legislature of the affairs of the Bank.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors or Cashier of the Bank, to allow during the hours of business, the names of the Stockholders in the said Bank, with the amount of Stock respectively owned by them, to be taken by any Stockholder who may require the same.

Any Stockholder during the hours of business may take the names of the Stockholders.

XXIV. *And be it further enacted by the authority aforesaid,* That nothing herein contained, shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of Notes which may be issued by the said Bank, as may be deemed necessary; nor shall any thing herein contained, be construed to prevent the Legislature from applying to the said Bank, any provisions or restrictions which by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks of Upper Canada.

Future Legislative provisions respecting notes and Provincial Banks.

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank for the time being, to make a return under oath to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of—

Annual statement under oath to be made to the Legislature ;

Capital Stock paid in.

Bills in circulation of Five Dollars and upward, not bearing interest.

Bills in circulation under Five Dollars, not bearing interest.

Bills and Notes in circulation, bearing interest.

Balance due to other Banks.

Cash deposited, including all sums whatsoever due from the Bank, not bearing interest, (its Bills in circulation, and balances due to other Banks excepted.)

Of the following particulars.

Cash deposited bearing interest.

Total amount due from the Bank.

Of the resources of the Bank.

The Gold, Silver, and other coined metals in the Banking House.

Real Estate.

Bills of other Banks.

Balances due from other Banks.

Amounts of all debts due, including Notes, Bills of Exchange, and all Stock and Funded Debts of every description, excepting the balances due from other Banks.

Total amount of the resources of the Bank.

Rate and Amount of the last Dividend.

Amount of reserved profits at the time of declaring the last Dividend.

Amount of debts due to the Bank, and not paid, and considered doubtful.

No money to be lent  
on the security of the  
stock.

**XXVI.** *And be it further enacted by the authority aforesaid, That the Directors of the said Bank, shall not, upon pain of forfeiture of their charter, loan or advance any money or bills of the said Bank, to any Stockholder or Stockholders, upon the credit of the Stock which such Stockholder or Stockholders may hold in the said Bank, but shall require from the Stockholder or Stockholders endorsers, in all respects as safe and substantial as would be required from any applicants for Discounts not being Stockholders.*

Shareholders to be  
liable to double the  
amount of their  
shares.

**XXVII.** *And whereas, it is expedient to afford additional security to the public, against the failure of Banks in this Province, by rendering the holders of Stock in such Banks, personally liable to a certain extent beyond the amount of Stock subscribed: Be it therefore further enacted by the authority aforesaid, That the Shareholders of the said Bank shall be respectively liable for the engagements of the Company, to the extent of twice the amount of their subscribed Shares, including the amount of Stock so held as aforesaid.*

Further liabilities to  
be paid by instal-  
ments;

**XXVIII.** *And be it further enacted by the authority aforesaid, That the sum for which such Stockholder or Stockholders shall be so liable, beyond the amount of the original or first value of the Stock by them respectively held, shall be called in by instalments, in the same manner as such Bank may have been authorised to call in Stock originally subscribed; and in case any Stockholder or Stockholders shall neglect or refuse to pay the amount which may be so called in, the Directors of any such Bank shall be, and they are hereby authorised to sue or prosecute, in its corporate name, in any of the Courts of Law in this Province, for such instalment; Provided always, that such sum or sums of money which may be so called*

In case of non-pay-  
ment Directors  
authorized to sue.

in, shall only be applied towards the payment of such debts or claims as may be outstanding against such Bank : *And provided also*, that nothing herein contained shall extend or be construed to extend to authorise such Directors to call in, or demand any sum from the Stockholders over and above a sum sufficient to discharge such debts and claims as may be outstanding as aforesaid.

XXIX. *And be it further enacted by the authority aforesaid*, That in case of the failure or insolvency of any such Bank, or in case the Stockholders shall neglect or refuse to appoint Directors, within three months after the time when by law the same should be appointed, or if such Directors shall neglect or refuse to call in the several sums for which the Stockholders are so liable, as aforesaid, in the manner aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government of this Province, to name and appoint five Commissioners to manage the affairs of the said Bank, who shall have and exercise all the power of Directors in the settlement of the affairs of the said Bank, but shall not be authorised to carry on any other business of Banking, except the calling in so much of the several sums, for which the respective Stockholders may be liable, as shall be sufficient to discharge the sum or sums which may be due by such Bank, together with the necessary expenses attending such management.

In case of the failure of the Bank, &c. managers to be appointed.

XXX. *And be it further enacted by the authority aforesaid*, That this present Act of Incorporation, shall, in nowise be forfeited by non-user, at any time before the first day of January, one thousand eight hundred and thirty-nine.

Charter not to be forfeited by non-user before first January 1839.

~~CHAP. XXXV.~~

~~AN ACT for the relief of the Heirs of the late Peter Desjardins.~~

~~[The Royal Assent to this Bill promulgated by Proclamation, bearing date the Twenty-eighth day of November, One Thousand Eight Hundred and Thirty-five.]~~

~~MOST GRACIOUS SOVEREIGN~~

~~WHEREAS Peter Desjardins, formerly of Nesle, in the Department of Somme, in the Province of Flandre, in the Kingdom of France, and late of Sandas, in the District of Gore, in the Province of Upper Canada, Gentleman, died in this Province intestate, and without issue, some time~~

## CHAP. XXII.

*AN ACT to authorise the Commissioners of the late Pretended Bank of Kingston to dispose of certain Real Estate, and for other purposes therein mentioned.*

[Passed 20th April, 1836.]

Preamble.

**WHEREAS** the Commissioners appointed under and by virtue of an Act passed in the tenth year of the reign of His late Majesty Lord King George the Fourth, entitled "An Act to make more effectual provision for settling the affairs of the late Pretended Bank of Upper Canada," have taken and received in payment and satisfaction of certain debts due to the said institution divers lands and real estate which it is expedient and necessary to authorise the said Commissioners to sell and convey: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Commissioners or a majority of them shall from and after the passing of this Act have full power and authority to bargain and sell for such sum or sums of money as they in their discretion shall think proper to accept and receive for the same, all lands and real estate which now are or which may hereafter be vested in them as Commissioners, as aforesaid; and upon making any such sale of lands or real estate, as aforesaid, the said Commissioners or a majority of them shall have full power and authority, under their hands and seals, to make and execute a conveyance or conveyances of all and singular the lands and real estate so by them sold, as aforesaid, to the purchaser or purchasers thereof; which said conveyance or conveyances shall convey and confirm to such purchaser or purchasers, his, her or their heirs or assigns, the lands or real estate in such conveyance or conveyances mentioned and described, they the said Commissioners at the time of executing such conveyance or conveyances being legally seized of the lands or real estate mentioned and described therein.

Commissioners authorized to sell real estate,

and execute conveyances.

Application of monies arising from such sales.

**II.** *Provided always, and be it further enacted by the authority aforesaid,* That all monies which shall or may come into the hands of the said



ble by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, it shall and may be lawful for the Inspector General of this Province, and to the said Andrew Deacon, as Comptroller at the said Port of Halifax, the regular per centage to which the said Andrew Deacon would be lawfully entitled, and all monies herebefore collected at the said Port, and which may be paid into the hands of the Receiver General of this Province, as if the said monies had been accounted for according to, and within the period prescribed by law.

Inspector General  
authorised to allow  
per centage to  
Andrew Deacon.

## CHAP. XXVII.

*AN ACT to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province.*

[Passed 20th April, 1836.]

**WHEREAS** it is expedient to amend the Laws for the regulation of certain Coins current in this Province: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the first, second, third, fourth, and eighth sections of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled "An Act for the better regulation of certain Coins current in this Province," and also an Act passed in the forty-ninth year of His Majesty's reign, entitled "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of His Majesty's reign, entitled 'An Act for the better regulation of certain Coins current in this Province, to equalize them to the Standard weight and value of the like Coins in the Province of Lower Canada,'" and also an Act passed in the seventh year of the reign of His late Majesty King George the Fourth, entitled "An Act to repeal part of an Act passed in the thirty-sixth year of His late

Preamble.

1st, 2nd, 3rd, 4th and  
8th sections of 36 Geo  
3, c. 1,

40 Geo. 3, c. 8,

7 Geo. 4, c. 4,

Majesty's reign, entitled 'An Act for the better regulation of certain Coins current in this Province, and to make further provision for the regulation of the British Silver and Copper Coinage current in this Province,' and also another Act passed in the eleventh year of the reign of His said Majesty King George the Fourth, entitled "An Act for the better regulation of the Currency," shall be and the same are hereby repealed.

and 11 Geo. 4, c. 6,

repealed.

Gold and Silver coins herein mentioned to be current and a legal tender.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the Gold and Silver Coins hereinafter mentioned shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, at the weights and rates following, that is to say:—

*Of Gold Coins:*

- The British Guinea, weighing five pennyweights nine and a half grains Troy, at one pound five shillings and sixpence;
- The British Sovereign, weighing five pennyweights three and a half grains Troy, at twenty-four shillings and fourpence;
- The Eagle of the United States of America, coined before the first day of July, one thousand eight hundred and thirty-four, weighing eleven pennyweights six grains Troy, at fifty-three shillings and fourpence;
- The Eagle of the United States of America, coined since the first day of July, one thousand eight hundred and thirty-four, weighing ten pennyweights eighteen grains Troy, at fifty shillings;

*And of Silver Coins:*

- The British Crown, at six shillings;
- The British Half Crown, at three shillings;
- The British Shilling, at one shilling and threepence;
- The British Sixpence, at sevenpence half-penny;
- The Spanish Milled Dollar, at five shillings, equal to four shillings and sixpence Sterling money of Great Britain;
- The Dollar of the United States of America, at five shillings;
- The Mexican Dollar, coined in the years one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-two, and one thousand eight hundred and thirty-three, at five shillings;

And all the higher and lower denominations of the said Gold and Silver Coins shall also pass current, and be deemed a legal tender in payment of all debts and demands whatsoever in this Province in the same proportions respectively.



III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall colour, gild, or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any Coin of coarse gold or of coarse silver, or of base metal resembling any Coin made or declared to be current by this Act, or if any person or persons shall bring or cause to be brought into this Province any forged, false, or counterfeit money, like to any of the Gold or Silver Coin made or declared to be current in this Act, knowing the same to be false, forged or counterfeit, or any Coin of coarse gold or of coarse silver, or of base metal, coloured, gilded or cased over with gold or silver, or with any wash or materials producing the colour of gold or silver, and resembling any such Coin, or any piece of gilded silver resembling any such Coin, knowing the same, every such person shall for every such offence be deemed guilty of felony, and upon conviction thereof shall be liable to suffer such punishment as is provided by the twenty-fifth clause of a certain Act of the Parliament of this Province, passed in the third year of the reign of His present Majesty, entitled “An Act to reduce the number of cases in which Capital Punishment may be inflicted, to provide other punishment for offences which shall no longer be Capital after the passing of this Act, to abolish the privilege called Benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction.”

Counterfeiting, or importing any such coin when counterfeited, declared felony.

Punishable under the 25th clause of 3 W. 4. c. 4.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall after the passing of this Act, utter or tender in payment to any person or persons any false or counterfeit money, counterfeited to any of the Gold or Silver Coins made or declared to be current by this Act, as hereinbefore specified, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, and shall be thereof convicted, every such person so offending shall be liable to suffer such punishment as is provided for any of the offences mentioned in the last preceding clause of this Act.

Uttering such false or counterfeit money punishable as by the preceding clause.

V. *And be it further enacted by the authority aforesaid,* That such of the Gold or Silver Coins made or declared current by this Act, as are depreciated in weight more than one twenty-fifth part of their full weight shall not be legal money in this Province.

Coin when depreciated in weight not a legal tender.

VI. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for four years, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Act to be in force four years.

or to be imprisoned and kept to hard labour in any Penitentiary or House of Correction, for a longer period than two years.

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any Court having Jurisdiction in cases of Larceny, if they shall think fit, to sentence any person convicted thereof to be banished from the Province, for any number of years not exceeding seven, to commence from the expiration of the Term for which the same person may, upon the same conviction, be sentenced to be imprisoned in the Common Gaol, or imprisoned and kept to hard labour in a Penitentiary or House of Correction.

Banishment.

V. *And be it further enacted by the authority aforesaid,* That notwithstanding any thing contained in this Act, it shall not be necessary for any Court of Quarter Sessions to deliver the Gaol of all Prisoners who may be confined upon charges of Simple Larceny, but it shall be in the discretion of such Court to leave such case to be tried at the next Court of Oyer and Terminer, and General Gaol Delivery, if by reason of the difficulty or importance of the case, or for any cause, it shall appear to them proper so to do.

Court of Quarter Sessions may leave cases for the Assizes.

VI. *And be it further enacted by the authority aforesaid,* That if upon the trial of any case of Larceny, in which the value of the goods stolen shall be stated in the Indictment at a sum not exceeding Twenty Pounds, it shall appear in evidence that the value of such goods was in reality greater than Twenty Pounds, such trial may nevertheless proceed, and no legal exception to the Jurisdiction of the Court shall lie on that account, but the provision of this Act restraining such Court to cases where the value of the goods shall not exceed Twenty Pounds, shall be deemed and taken merely to be a direction to such Court, but shall not be construed to affect their legal Jurisdiction.

Value of the goods being above £20, not to affect jurisdiction of the Court.

## CHAP. V.

*AN ACT to amend the Law respecting Bills of Exchange and Promissory Notes.*

[Passed 4th March, 1837.]

**WHEREAS** the present construction of Law in regard to Bills of Exchange accepted, payable at a particular place, and Promissory Notes made payable at a particular place, leads to much inconvenience and

Preamble.

expense, by rendering it necessary to produce evidence of presentment at such place, and sometimes subjecting the Plaintiff to be Non-suited for failure of proof thereof: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of June now next ensuing, if any person shall accept a Bill of Exchange payable at a Bank, or at any other particular place, without further expression in his acceptance; or if any person shall after that day make a Promissory Note, payable at a Bank, or at any other particular place, without further expression in that respect, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance, and such promise shall be deemed and taken to be a promise to pay generally; but if the Acceptor shall in his acceptance express that he accepts the Bill payable at a Bank, or at any other particular place only, and not otherwise or elsewhere, or if the maker of a Promissory Note, shall in the body of the Note express that he promises to pay at a Bank, or at any other particular place only, and not otherwise or elsewhere, then such acceptance or promise shall be deemed and taken to be respectively, a qualified acceptance or promise; and the Acceptor or maker shall not be liable to pay the Bill or Note, except in default of payment when such payment shall have been first duly demanded, at such Bank or other place.

Acceptance of a Bill payable at a Bank, or other particular place, to be deemed a general acceptance.

But otherwise if the acceptance be special;

Or if the body of the Note express payment at a particular place.

Acceptance to be in writing.

II. *And be it further enacted by the authority aforesaid*, That from and after the said first day of June, no acceptance of any Inland Bill of Exchange shall be sufficient to charge any person, unless such acceptance be in writing on such Bill, or if there be more than one part to such Bill, on one of the said parts.

Contracts for payment of money not to be affected in the hands of other persons by usurious consideration, without express notice.

III. *And whereas*, by Law, all Contracts and Assurances whatsoever for payment of money made for an Usurious consideration are utterly void: *And whereas*, in the course of Mercantile transactions, negotiable securities often pass into the hands of persons who have discounted the same, without any knowledge of the original considerations for which the same were given, and the avoidance of such securities in the hands of such bona fide Endorsees, without notice, is attended with great hardship and injustice: for remedy thereof, *be it further enacted by the authority*

*aforesaid*, That no Bill of Exchange or Promissory Note that shall be drawn or made after the passing of this Act shall, though it may have been given for an Usurious consideration, or upon an Usurious contract, be void in the hands of an Endorsee, or in the case of a Note transferable, by delivery, in the hands of a person who shall have acquired the same as bearer for valuable consideration, unless such Endorsee or bearer had, at the time of discounting or paying such consideration for the same, actual knowledge that such Bill of Exchange or Promissory Note had been originally given for an Usurious consideration, or upon an Usurious contract.

~~CHAP. VI.~~

*AN ACT to provide more effectually for the Punishment of certain Offences, and to enable the Governor, Lieutenant Governor, or Person administering the Government of this Province, to commute the sentence of Death in certain cases, for other Punishment in this Act mentioned.*

[Passed 4th March 1837.]

**WHEREAS** it is expedient to make further provision for the more effectual punishment of certain offences hereinafter mentioned, *Therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act of the fourteenth year of His Majesty's reign, entitled, 'An Act for the more effectual provision for the Government of the Province of Upper Canada in North America, and to make further provision for the better government of said Province,'" and by the authority of the same, to cause the punishment of any person after the passing of this Act, who shall be convicted of any Larceny; or of any Manslaughter; or of any Assault with intent to commit any Felony; or of Felonious Rescue; or of Assaulting with any weapon a Sheriff, or Peace Officer, in the execution of his duty; or of any Forgery; or of any offence punishable with Death, with the benefit of Clergy; or of Rape; or of Fraud; or Cheating; or of being Accessary before or after the fact, to Larceny, or to any Felony; or of receiving Stolen Goods; or of Embezzlement; or of uttering or passing in payment False or Counterfeit Money, resembling any of the gold or silver Coins current in this Province, knowing the same

Preamble.

Larceny, and other offences, to be punished as heretofore;

## CHAP. XIII.

*AN ACT to protect the Public against Injury from Private Banks.*

[Passed 4th March, 1837.]

Preamble.

**WHEREAS** it is inconsistent, with a due regard to the protection of Commerce, and to the welfare and security of the Inhabitants of this Province, that any individual, or any number of persons, should be allowed, without Legislative authority, to issue Bills, Notes, or other undertakings for the payment of money intended to form a circulating medium, and to supply the place of specie, whereby great public injury may be sustained from the quantity of such Bills, Notes, or other undertakings, which may be issued by persons of doubtful solvency, and not subject to those checks which it is thought necessary to impose in regard to Banks Chartered by the Legislature: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province"—and by the authority of the same, That after the passing of this Act, (except in the cases hereinafter mentioned,) it shall not be lawful for any person in this Province, or for any number of persons, either associated without Legislative authority or Incorporated for any other purpose than Banking, to make or issue any Bill, Note, or undertaking of any description, or in any form, in the nature of a Bank Bill or Note, and intended to pass as money; and that if any Bill, Note or undertaking, shall be issued or put in circulation contrary to this Act, such Bill, Note or undertaking, shall be void; and any Mortgage, or other Deed, Bond, Note, Bill or other Security, which may be taken for securing any loan or advance made in such Bills, Notes or undertakings, shall be absolutely null and void.

All Bills, Notes, or undertakings in the nature of Bank Bill or Note, and intended to pass as money, issued by persons either associated without Legislative authority, or incorporated for any other purpose than Banking, declared illegal.

Mortgages, &c. taken to secure loans or advances on such Bills, &c. void.

Person acting as President, Director, Cashier, or other Officer of any Association, acting in violation of this Act, to be deemed guilty of a Misdemeanor.

II. *And be it further enacted by the authority aforesaid*, That if any person, after the passing of this Act, shall act as President, Director, Cashier, or other Officer of any Association of persons, acting in violation of this Act, such person shall, on conviction thereof before any Court of Oyer and Terminer, or General Gaol Delivery, be deemed guilty of a misdemeanor.

III. *And be it further enacted by the authority aforesaid, That if any person, after the first day of July next after the passing of this Act, shall knowingly utter, or tender in payment or in exchange, any Bill or Note in the nature of a Bank Note, which shall not have been issued by some person or Association of persons, or Body Corporate, legally authorised to issue such Bill or Note within this Province, or within the Country in which such Note or Bill shall have first issued, such person shall be deemed guilty of misdemeanor, and liable to be punished as before provided for other persons offending against the provisions of this Act.*

After the 1st of July next, persons knowingly uttering or tendering any Bill or Note, in nature of Bank Note, which Note, &c. shall not have been issued by parties legally authorised, to be deemed guilty of Misdemeanor.

IV. *And be it further enacted by the authority aforesaid, That the prohibitions contained in this Act shall not apply to, the Bank of British North America, the Farmers' Joint Stock Banking Company, the Agricultural Bank, or to the Bank of the People, or to the Niagara Suspension Bridge Bank: Provided the Directors of the said last mentioned Bank are Subjects of His Majesty, and residing within the Province, being Stockholders or Co-Partners in the said Company, and that the Associations or Companies of persons who have heretofore issued Bills or Notes under the names aforesaid respectively, shall have the same and no other rights and privileges, and be subject to the same liabilities as before the passing of this Act.*

Provisions of Act not to apply to Bank of British North America; The Farmer's Joint Stock Banking Company; The Agricultural Bank; to The Bank of the People; or to The Niagara Suspension Bridge Bank. Proviso with respect to last-mentioned Bank.

**CHAP. XIV.**

*AN ACT to supply, by a General Law, certain forms of Enactment in common use, which may render it unnecessary to repeat the same in Acts hereafter passed.*

[Passed 4th March, 1837]

WHEREAS it is expedient to prevent by a General Enactment, the necessity of repeating in different Statutes certain forms of Enactment, and certain Clauses and Provisions which are in their nature generally applicable to Statutes of a certain description, and which may therefore be conveniently provided for by a General Law: *Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and established by one of and under the authority of an Act passed by the Parliament of Great Britain, intitled, "An Act to repeal certain parts of an Act passed in the seventh year of His Majesty's Reign, entituled, 'An Act for making more effectual provision for the Government*

Preamble.

## CHAP. XXXIV.

*AN ACT to enable the Proprietors or Shareholders of a Company called the Bank of British North America, to Sue and be Sued in the name of any one of the Local Directors, or Manager, for the time being, of the said Company in this Province, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

**WHEREAS** several persons have formed themselves into a Company, or Partnership, called or known by the name of “the Bank of British North America,” for the purpose of establishing and carrying on Banks of Issue and Deposit at various Cities, Towns and places, within this Province, as well as in other British Provinces and Colonies in North America, and adjacent to British North America, and have subscribed a considerable sum of money in order to carry on the business of the said Bank: *And whereas*, it is expected that this Province will be greatly benefited by the formation of such Company: *And whereas*, difficulties may hereafter arise in recovering debts due to the said Company, and also in enforcing claims for or on account of the said Company, and generally in suing and being sued, and also in prosecuting persons who may steal, injure or embezzle, the property of, or who may commit or be guilty of any other offence against, or with intent to injure or defraud the said Company, since, by the law, all the said Proprietors or Shareholders, for the time being, of the said Company, must in such cases sue and be sued, and prosecute by their several and distinct names and descriptions; wherefore, for obviating and removing the difficulties aforesaid: *Be it therefore enacted*, by the King’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That from and after the passing of this Act, all actions and suits whatsoever, at Law or in Equity, which may be brought, instituted or prosecuted, within this Province, against any person or persons already indebted, or who may be hereafter indebted to the

Preamble.

All actions against persons indebted to the Bank of British North America;

or for any wrong to their real or personal estate ;  
 or on any liabilities to the said Company ;  
 or upon any bonds, &c. given to the said Company.  
 or any proceeding against insolvent debtors ;  
 and generally, all proceedings in law or equity wherein the Company is concerned against any person or Corporation ;  
 whether shareholder in the said Company or not ;  
 may be brought in the name of any one of the local Directors or Manager of the Company in this Province, as nominal Plaintiff.  
 And all proceedings at law or in equity against the said Company ;  
 may be instituted against any one of the local Directors or Manager as the nominal Defendant.

said Company, called “ the Bank of British North America ” ; and all actions, suits and other proceedings whatsoever, in Law or in Equity, within this Province, for any injury or wrong done to any real or personal property of the said Company, in whomsoever the same may, for the time being, be vested, whether in the said Company, or some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof ; or upon, or in respect of any present or future liability or liabilities to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof ; or upon any Bonds, covenants, contracts or agreements, which already have been, or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Company, or to or with any person or persons for the use or benefit thereof, or wherein the said Company is or shall be interested ; and all instruments, petitions or proceedings, for issuing or prosecuting any Writ of Attachment or proceeding under any law against Insolvent or Absconding Debtors, now or hereafter to be in force in this Province, against any person or persons indebted, or who may hereafter be indebted to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof ; and generally, all other proceedings whatsoever, at Law or in Equity, within this Province, wherein the said Company is or shall be concerned or interested against any person or persons, or Body or Bodies Politic or Corporate, or others, whether such person or persons, or any such persons, or such Body or Bodies Politic or Corporate, or any member or members thereof respectively, is or are or shall be a proprietor or proprietors, or other holder or holders of any Share or Shares in the said Company or not, shall, and lawfully may be commenced, made, instituted and prosecuted, in the name of any one of the local Directors, or of the Manager of the said Company in this Province, at the time when any such action or suit, or other proceeding, shall be commenced or instituted, as the nominal Plaintiff, or as acting in any other character for or on behalf of the said Company ; and all actions, suits, and other proceedings, at Law or in Equity, within this Province, to be commenced, instituted or prosecuted, against the said Company, by any person or persons, or Body or Bodies Politic or Corporate, whether such person or persons, or any of such persons, or such Body or Bodies Politic or Corporate, or any member or members thereof, respectively, is or are or shall be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company or not, shall, and lawfully may be commenced, instituted and prosecuted, against one of the local Directors or Manager of the said Company, at the time when any such action or suit, or other proceeding, shall be commenced or instituted, as the nominal Defendant in such



last-mentioned action, suit or proceeding, for and on behalf of the said Company; and the death, resignation or removal, or any other act of such local Director or Manager, shall not abate or prejudice any action, suit, or other proceeding, at Law or in Equity, commenced or instituted under this Act, but the same may be continued, prosecuted, carried on or defended, in the name of any other local Director, or of the Manager for the time being in this Province, of the said Company.

Death &c. of any such Director or Manager not to abate the action.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall be lawful for the said Company, by any local Director or Manager for the time being within this Province, of the said Company, to prefer any indictment or indictments, information or informations, or other criminal proceeding or proceedings, in any Court or Courts within this Province, against any person or persons, for any offence already committed, or which shall hereafter be committed, against the said Company; and on all indictments, informations, and other proceedings against any person or persons, whether such person or persons, or any of such persons, be a proprietor or proprietors, or other holder or holders of any Share or Shares in the said Company or not, for feloniously taking, stealing or embezzling, damaging or destroying, or for any offence whatever relating to any goods, chattels, notes, bills, bonds, deeds, or any securities, monies, effects, or any real or personal property whatever, of or belonging to the said Company, in whomsoever the same may be vested, whether in the Company or in some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof, such goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property respectively, may be laid and stated to be the goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property respectively, of the Bank of British North America; and in all indictments, informations, or other proceedings against any person or persons, whether such person or persons, or any such persons, be a proprietor or proprietors, or other holder or holders of any Share or Shares in the said Company, or not, for any conspiracy, crime, fraud or offence, already committed, or which shall hereafter be committed, with intent to injure or defraud the said Company, the same may be laid or stated to have been done with intent to injure or defraud the Bank of British North America; and it shall not be necessary to state in any such indictment, information, or other proceeding, the name or names of all or any of the persons now or at any time hereafter constituting the said Company; and any offender or offenders shall or may, thereupon, be lawfully convicted of such conspiracy, crime, fraud or offence, in as full, valid, and effectual a manner, to all intents and purposes, as if the names of all the persons constituting the said Company,

Criminal proceedings may be instituted on behalf of said Company by any Local Director or Manager;

and in all proceedings for offences against the property of the Company;

the property may be laid as the property of the Bank of British North America;

And in all indictments &c. for an offence with intent to injure or defraud the said Company;

the same may be laid as done with intent to injure or defraud the Bank of British North America;

and the names of persons composing the Company need not be stated;

and any offender may be convicted as effectually as if all names, &c. had been mentioned.

and the name or names of the person or persons in whom the goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property, relating to which such indictment, information, or other proceeding, shall be preferred, were inserted or used in such indictment, information, or other proceeding, or in any proceeding or proceedings consequent or attendant thereon.

Shareholder of the Company having a claim thereon, may sue Local Director or Manager, as nominal Defendant;

and Local Director or Manager may sue (as nominal Plaintiff) any Shareholder in the Company, against whom the Company have a demand.

Death of Local Director or Manager, not to abate suits.

Any Proprietor other than Local Director or Manager may, at the Plaintiff's option, be included in proceedings in Equity.

III. *And be it further enacted by the authority aforesaid,* That any person being or having been a Proprietor or other holder of any Share or Shares in the said Company, and having any claim or demand upon the Company, or the funds or property thereof, on any account whatsoever, may for such claim or demand commence, prosecute and carry on, any Action, Suit, or other proceeding, either at Law or in Equity, within this Province, against any local Director or Manager, for the time being, of the said Company, in this Province, as the nominal Defendant; and any local Director, or the Manager, for the time being, of the said Company, in this Province, may, as the nominal Plaintiff, commence and carry on in his own name any Action, Suit, or other proceeding, at Law or in Equity, within this Province, against any individual Proprietor or other holder of any Share or Shares in the said Company, against whom the said Company may have any claim or demand, and all such Actions, Suits, or other proceedings, shall be as valid and effectual as if all the Proprietors or other holders of Shares in the said Company had been made parties thereto, and every Judgment, Decree and Order, made therein shall be binding, for or against the said Company, and all the Proprietors or other holders of Shares in the said Company, and no abatement shall arise from the death, resignation, removal, or any other act of the said local Director or Manager, pending any such Action, Suit, or other proceeding, but that the same may be continued, defended, prosecuted or carried on, in the name of any other local Director or Manager, for the time being, of the said Company, in this Province.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That in case, for the purpose of discovery, or for any other purpose, any person or persons having any claims or demands against the said Company, whether such person or persons, or any of such persons, be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, or not, shall be desirous to include any Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, beside such local Director or Manager as aforesaid, as a Defendant or Defendants in any Bill or other proceeding, in any Court of Equity, it shall be lawful for him, her or them, so to do, any thing in this Act contained to the contrary notwithstanding.

V. *Provided always, and be it further enacted by the authority aforesaid*, That every person being a Proprietor or other holder of any Share or Shares in the said Company, shall, in all cases, be liable to be sued, prosecuted or proceeded against, by or for the benefit of the said Company, under the powers of this Act, by such Actions, Suits and other proceedings, in such and the same manner, as effectually and with such and the same legal consequences, as if such person had not been a Proprietor or other holder of any Share or Shares in the said Company.

Shareholders may be proceeded against for the benefit of the Company, as fully as if they had no Shares therein.

VI. *Provided always, and be it further enacted by the authority aforesaid*, That no person or persons, or body or bodies politic or corporate, having or claiming, or who shall have or claim any demand upon or against the said Company, whether such person or persons, or any of such persons shall be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, or not, shall bring more than one Action or Suit in respect of such demand; and in case the merits in respect of any demand shall have been determined, in any Action or Suit, against any local Director or Manager of the said Company, in this Province, the proceedings in such Action or Suit may be pleaded in bar of any other Action or Suit, or Actions or Suits for the same demand, against any other local Director or Manager of the said Company, in this Province; and in case the merits in respect of any demand which the Company now has, or hereafter may have, on any person or persons, or body or bodies politic or corporate, whether such person or persons, or any of such persons, shall be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, or not, shall have been determined in any Action or Suit commenced and prosecuted by any local Director or Manager of the said Company, in this Province, the proceedings in such Action or Suit may be pleaded in bar of any other Action or Suit, or Actions or Suits for the same demand, which may be commenced or prosecuted by the same or any other local Director or Manager of the said Company, in this Province.

Not more than one action to be brought in respect of a demand against the Company.

In case the merits have been determined in an action against any Director, &c.

such Judgment may be pleaded in bar of any other action for the same demand; and if the merits have been determined in any suit brought by the Company in the name of any Director, &c.

the Judgment may be pleaded in bar of any other suit for the same demand.

VII. *Provided always, and be it further enacted by the authority aforesaid*, That any local Director or Manager of the said Company, in this Province, being the Plaintiff or Prosecutor, or being the Defendant in any Action, Suit, Proceeding, Prosecution or Indictment, commenced, instituted, prosecuted or preferred, under the authority of this Act, or any other Proprietor or holder of any Share or Shares in the said Company, shall not, by reason thereof, be deemed incompetent to be Witness in any such Action, Suit, Proceeding, Prosecution or Indictment, but such local Director, Manager, or other Proprietor or Proprietors, or other holder or holders, shall and may, if not otherwise interested or objectionable, be a

Local Director or Manager being Plaintiff or Prosecutor, or Defendant in any proceeding,

or other Shareholder, not incompetent witnesses in any such action, &c ;

but such Director, Manager, or Shareholder, if not other-

wise interested or objectionable, may be as competent witnesses, as if their names had not been made use of as Plaintiff, Prosecutor or Defendant.

good and competent Witness, or good and competent Witnesses, and be admissible and be admitted as such in all Courts, by and before all Judges, Justices and others, in any such Action, Suit, Proceeding, Prosecution or Indictment, in the same manner as he or they might have been, if his or their name or names had not been made use of as the Plaintiff, Prosecutor or Defendant, in such Action, Suit, Prosecution, Proceeding or Indictment, or as if he or they had not been a local Director or Manager, or Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company.

Execution upon any Judgment or Decree against Local Director or Manager,

may be issued against any Stockholder;

and if such Execution against any Shareholder be ineffectual,

Execution may issue against any one who was a Shareholder,

at the time the contract was made in respect whereof such suit was instituted:

no such Execution to issue without leave of Court.

Past proprietors not liable excepting when as partners they would have been liable if originally sued;

This Act not to enable more to be recovered of any proprietor &c. than he would have been liable for, if this Act had not passed;

VIII. *And be it further enacted by the authority aforesaid,* That execution upon any Judgment or Decree in any Action or Suit, or other proceeding under this Act, obtained against any local Director or Manager, for the time being, of the said Company, in this Province, whether as Plaintiff or as Defendant, may be issued against any Proprietor or Proprietors, or other holder or holders, for the time being, of any Share or Shares in the said Company: *Provided always,* that in case such execution against any Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, shall be ineffectual for obtaining payment of, and satisfaction for the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties who shall have obtained a Judgment or Decree against any local Director or Manager, for the time being, of the said Company, in this Province, to issue execution against any other person or persons who was or were a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, at the time the contract or contracts was or were entered into, upon which such Action, Suit or other proceeding, may have been brought or instituted, but no such execution as last mentioned, shall be issued without leave first granted by the Court in which such Action, Suit or other proceeding, may have been brought or instituted, which leave shall be applied for, on motion to be made in open Court, on notice to the person or persons sought to be charged: *Provided also,* that nothing herein contained shall render such past Proprietor liable for payment of any Debt for which such Action, Suit or other proceeding, may have been brought, to which they would not have been liable by operation of Law, as Partners, in case any Action, Suit or other proceeding, had been originally brought against them for the same: *Provided also,* that nothing herein contained shall be deemed or taken to enable any Plaintiff, Prosecutor or Defendant, in any Action, Suit or other proceeding, under this Act, to recover from any Proprietor or other holder, for the time being, of Shares in the said Company, or any other person whomsoever, any greater sum or sums of money than such Proprietor or other holder, or person, would or might have been liable to pay, either at Law or in Equity, un-

der any contract for the time being subsisting, if this Act had not been passed: *Provided also*, that every local Director or Manager in whose name any Action, Suit or proceeding under this Act, shall be commenced, prosecuted or defended, and every Proprietor or other holder of any Share or Shares in the said Company, against whom any execution upon any Judgment or Decree obtained in any such Action, Suit or proceeding, shall be issued as aforesaid, shall always be reimbursed and repaid out of the funds of the said Company, all such costs, charges, losses, and damages, as by the event of such action, suit, or proceeding, he or they shall be put unto or become chargeable with; and if the funds of the said Company, for the time being, shall be insufficient to pay such costs, charges, losses, and damages in full, then the deficiency shall be made good by the Proprietors, or other holders for the time being, of Shares in the said Company.

Director or shareholder against whom execution shall have issued, to be reimbursed.

IX. *And be it further enacted by the authority aforesaid*, That all and every Judgment or Judgments, Decree or Decrees, which shall, at any time after the passing of this Act, be obtained or recovered in any action, suit, or other proceeding, in Law or Equity, against any Local Director or Manager of the said Company in this Province, shall have the like effect and operation upon and against the funds or property of the said Company, as if such Judgment or Judgments, Decree or Decrees, had been recovered or obtained against the said Company, in any Action, Suit or proceeding, in Law or Equity, brought or commenced against the said Company, by or in the several and distinct names and descriptions of the several Proprietors or other holders of Shares in the said Company, and as if this Act had not been passed; and further, that the insolvency of such local Director or Manager, in his individual character or capacity, shall not be, or construed to be the insolvency of the said Company; and the said Company, and the funds and property thereof, shall, notwithstanding the insolvency of any such local Director or Manager, be attached or attachable, and be in all respects liable to the lawful claim and demands of the Creditor or Creditors of the said Company, in like manner as if no such insolvency had happened or taken place.

Judgments and decrees against local Directors &c.

to be as effectual against property of the Company,

as if obtained against the Company;

Insolvency of the Director &c. not to be considered the insolvency of the Company.

X. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Company, to cause a Memorial of the names of the several local Directors or Managers, for the time being, of the said Company, within this Province, and of the names, residences and description, of the several Proprietors or other holders of Shares in the said Company, whether in this Province or elsewhere, in the form or to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit, which shall be verified by a declaration in writing,

Memorial of the Directors &c. within the Province;

And of Shareholders in the Province or elsewhere,

verified by declaration;

to be enrolled in the office of the Secretary of the Province in 12 months after passing of this Act ;

and between the 1st August and 1st Nov. in each succeeding year ;

Memorial of change of Directors &c. to be enrolled ;

and of changes of Shareholders,

and of new Proprietors ;

A general memorial of all such changes may be made and enrolled.

in the form (or as near thereto as the circumstances of the case will admit) prescribed in the Schedule to this Act, which shall be made by one of the local Directors or Manager, for the time being, of the said Company, before the Chief Justice, or one of the Puisne Judges of His Majesty's Court of King's Bench, in this Province, and when so verified, to be enrolled in the Office of the Secretary of this Province, within twelve calendar months next after the passing of this Act, and between the first day of August and the first day of November, in every succeeding year ; and when any new local Director or Directors, Manager or Managers, shall be appointed, a memorial of the name or names of the new Director or Directors, Manager or Managers, specifying in whose place or places he or they shall have been appointed, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company, in this Province, and enrolled within twelve calendar months after such appointment or appointments, in the form or to the effect expressed in the said Schedule for that purpose ; and when any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Company, a memorial of his, her or their name or names, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company, in this Province, and enrolled within twelve calendar months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors ; and when any new Proprietor or Proprietors shall be admitted into the said Company, a memorial of his, her or their name or names, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company, in this Province, and enrolled within twelve calendar months after any such new Proprietor or Proprietors shall have been so admitted into the said Company ; and when and so often as it shall be necessary and proper to memorialize the name or names of any person or persons who shall have been appointed a new local Director or Directors, or Manager or Managers of the said Company, in this Province, and also of any person or persons who shall have ceased or discontinued to be a Proprietor or Proprietors of the said Company, and also of any person or persons who shall have been admitted a new Proprietor or Proprietors into the said Company, or to memorialize the names of any two or more of the above classes of persons, the names of such persons, respectively, may be contained in one and the same memorial, to the form and effect expressed in the said Schedule, and to be verified and enrolled as hereinbefore directed : *Provided always*, that if any declaration so made shall be false or untrue, in any material particular, the person wilfully making such false declaration, shall be deemed guilty of a misdemeanor.

XI. *Provided always, and be it further enacted by the authority aforesaid,* That until the first Memorial shall have been duly enrolled, in manner by this Act directed, no Action, Suit or other proceeding, shall be commenced, made or instituted, under the authority of this Act; and until the Memorial by this Act required to be enrolled, in the event of any person or persons ceasing or discontinuing to be a local Director or Directors, or Manager or Managers of the said Company, in this Province, or a Proprietor or Proprietors of the said Company, shall have been enrolled as hereinbefore mentioned, the person whose name shall appear in the last Memorial which shall have been made as hereinbefore required, shall be and continue liable to all such Actions, Suits, Executions and other proceedings under this Act, and shall be entitled to be reimbursed out of the funds or property of the said Company, all costs, charges, losses, damages and expenses, incurred or sustained thereby, in the same manner as if he, she or they, had not ceased or discontinued to be a local Director or Manager, or local Directors or Managers of the said Company, in this Province, or a Proprietor or Proprietors of the said Company.

No Action &c. to be commenced by virtue of this Act, until the first Memorial shall have been enrolled.

And until new Memorial be enrolled,

Persons whose names appear in the last Memorial to continue liable,

And be entitled to be reimbursed, as if they had not ceased to be Director, Manager, or Shareholder.

XII. *And be it further enacted by the authority aforesaid,* That an examined copy of the enrollment of every Memorial to be enrolled, pursuant to this Act, shall be received in evidence, as proof of the contents of such Memorial, and proof shall not be required that the person by whom the Memorial purports to be verified was, at the time of such verification, one of the local Directors or Manager of the said Company, in this Province.

Examined copy of enrolled Memorial to be received as evidence.

XIII. *And be it further enacted by the authority aforesaid,* That this Act and the provisions herein contained shall extend, and be construed and taken to extend, to the said Company, called "The Bank of British North America," at all times during the continuance thereof, whether the said Company hath been heretofore, from time to time, or shall hereafter be composed of all or some of the persons who were the original Proprietors thereof, or of all or some of those persons, together with some other person or persons, or whether the said Company be, at the time of passing this Act, composed altogether of persons who were not original Proprietors of the Company, or whether the said Company shall hereafter be composed of persons who were not original Proprietors thereof, or of persons all of whom shall have become Proprietors of the said Company, subsequent to the passing of this Act.

This Act to extend to the Bank of British North America, during the continuance thereof,

notwithstanding any change in the Shareholders.

XIV. *Provided always, and be it further enacted by the authority aforesaid,* That nothing herein contained shall extend, or be deemed, con-

Nothing in this Act to extend to incorporate the Company.

strued or taken to extend, to incorporate the said Company, or to relieve or discharge the said Company, or any of the Proprietors or other holders of Shares in the said Company, from any responsibility, contract, duty or obligation whatsoever, to which, by Law, they, he or she now are, or is, or at any time hereafter may be subject or liable, either as between such Company and other parties, or as between the said Company and any of the individual Proprietors, or other holders of Shares in the said Company and others, or as between or among themselves, or in any other manner howsoever.

Fees of Registrar on enrolling Memorials, &c.

XV. *And be it further enacted by the authority aforesaid*, That for registering every such Memorial, which the Secretary of the Province, on receipt of the same, with the declaration hereinbefore mentioned, is required immediately to do, it shall and may be lawful for the said Secretary, to demand and receive the sum of Two Shillings and Six Pence for the first folio consisting of one hundred words, and at the rate of One Shilling per folio for the residue of every such Memorial; and for every search into such Memorial or Memorials, so registered, the said Secretary is authorised to demand and receive from the person making any such search, the sum of One Shilling and Six Pence, and for every examined copy of such Memorial or Memorials, which copy or copies the said Secretary is hereby required to make, or cause to be made and delivered, certified as aforesaid, to any person or persons requiring the same, the sum of One Shilling for every folio of one hundred words, and the sum of Two Shillings and Six Pence for every such certificate.

Penalty for neglecting to render Account and to renew same.

XVI. *And be it further enacted by the authority aforesaid*, That if the said Company shall neglect or omit to cause such account or return to be made and renewed yearly, and every year, between the days and times hereinbefore appointed for that purpose, such Company shall, for each and every week they shall so neglect to make such account or return, forfeit the sum of Five Hundred Pounds.

Fines and Forfeitures, how recoverable.

XVII. *And be it further enacted by the authority aforesaid*, That all pecuniary penalties and forfeitures imposed by this Act, shall and may be sued for and recovered in any Court of Record having Jurisdiction in this Province, and that no Suit, shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of His Majesty's Attorney General of the Province for the time being.

Return of affairs to be laid before the Legislature.

XVIII. *And be it further enacted by the authority aforesaid*, That the said Company shall, once in every year, if thereto required by either branch of the Legislature of the Province, lay the same account before



the Legislature, of their affairs and concerns, within this Province, as is now by law required of the Bank of Upper Canada.

XIX. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Company, carrying on business under the provisions of this Act, to issue any Note or Bill under the value of Five Shillings, of lawful money of the Province of Upper Canada, or to issue any Note or Bill (except Drafts and Bills of Exchange) payable otherwise than on demand, within this Province; and in case the said Company shall issue any Bill or Note under the value of Five Shillings, of lawful money aforesaid, or shall issue any Bill or Note (except Drafts and Bills of Exchange) payable otherwise than on demand, within this Province, the said Company so offending, shall for every such offence forfeit and pay the sum of Twenty-five Pounds.

No Notes under Five Shillings to be issued.  
Nor payable otherwise than on demand.  
Penalty for offending against this provision.

XX. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said Manager or Directors shall refuse, on demand being made at their Banking House or Office now established, or hereafter to be established, during the regular hours of doing business, to redeem in Specie, or other Lawful Money of this Province, any of their Bills, Notes, or other evidences of debt, issued by the said Company, they shall wholly discontinue their Banking operations, either by way of Discount or otherwise, until such time as they shall resume the redemption of their Bills, Notes, or other evidences of debt, in Specie, or other Lawful Money of this Province.

On failure to redeem Notes &c. in specie, Company to discontinue Banking operations.

XXI. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken, or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions, as to the amount and description of Notes which may be issued by the said Bank, as may be deemed necessary; nor shall anything herein contained, be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions, which by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks in Upper Canada.

Nothing in this Act to prevent Legislature from making other provisions to affect the said Company.

### SCHEDULE TO WHICH THE ACT REFERS.

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_ of the names of the present Local Directors and Managers, in the Province of Upper Canada, of "The Bank of British North America," and the Proprietors of the said Bank in this Province and elsewhere, enrolled pursuant to an Act passed in the seventh year of the reign of His Majesty King William the Fourth,

entitled, “An Act to enable the Proprietors and Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the Local Directors, or of the Manager for the time being of the said Company, in this Province.”

A. B. of _____	}	Local Directors.
C. D. of _____		
E. F. of _____		Manager.
G. H. of _____	}	Proprietors.
I. K. of _____		
&c. &c.		

L. M., one of the Local Directors (or Manager) of the said Company, doth declare, that the above-written Memorial doth contain the names of the present Local Directors and Manager of the said Company in this Province, and of all the present Proprietors of the said Company, as the same appear in the Books of the said Company, by the latest returns received in this Province.

*In case of a change of Directors, or Manager.*

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_, of the names of the new Local Directors, (or Manager) in this Province, of the Bank of British North America, and of the persons in whose places they have (or he has) been appointed, enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the local Directors or Manager, for the time being, of the said Company, in this Province.”

E. F. of \_\_\_\_\_ in the place of A. B. of \_\_\_\_\_,  
G. H. of \_\_\_\_\_ in the place of C. D. of \_\_\_\_\_,

H. I. of \_\_\_\_\_ one of the \_\_\_\_\_ Local Directors (or Manager) of the said Company, doth declare that the above written Memorial contains the names of the new local Directors or Manager of the said Company, in this Province, and of the persons in whose places they have (or he has) been appointed, as the same appear in the Books of the Company.

Signed, H. J.

N.B. The last Memorial as to new local Directors (or Manager) was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_.

*In case of Persons ceasing to be Proprietors.*

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_ of the names of the persons who have ceased or discontinued to be Proprietors of the Bank of British North America, since the \_\_\_\_\_ day of \_\_\_\_\_, being the date of the

Memorial last registered, respecting the Proprietors of the said Company, enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company, in this Province.”

A. B. of \_\_\_\_\_

E. F. of \_\_\_\_\_ one of the Local Directors (or Manager) of the said Company, in this Province, doth declare, that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Proprietors of the said Company, since the \_\_\_\_\_ day of \_\_\_\_\_, so far as the latest Returns received in this Province shew.

Signed, E. F.

*In case of Persons becoming new Proprietors.*

Memorial, made the \_\_\_\_\_ of \_\_\_\_\_ of the persons who have become new Proprietors in the Bank of British North America, since the \_\_\_\_\_ day of \_\_\_\_\_ (being the date of the Memorial last enregistered, respecting new Proprietors of the said Company,) enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company, in this Province.”

J. K. of \_\_\_\_\_,

L. M. of \_\_\_\_\_,

A. B. of \_\_\_\_\_, one of the Local Directors (or Manager) of the the said Company, in this Province, doth declare, that the above Memorial doth contain the names of the persons who have become new Proprietors of the said Company, since the \_\_\_\_\_ day of \_\_\_\_\_ so far as the latest Returns received in this Province shew.

Signed, A. B.

*In case of Memorializing several changes at the same time.*

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_ of the names of the new local Directors, and of the Manager, in this Province, of the Company called the Bank of British North America, and of the persons in whose places they have been appointed, and of the names of the persons who have ceased or discontinued to be Proprietors of the said Company, enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or

Shareholders of a Company, called 'The Bank of British North America,' to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company, in this Province."

*Names of the New Directors, and of the Persons in whose place they have been appointed.*

E. F. of \_\_\_\_\_ in the place of A. B. of \_\_\_\_\_  
G. H. of \_\_\_\_\_ in the place of C. D. of \_\_\_\_\_

*Name of the Manager, and of the Person in whose place he has been appointed.*

E. F. of \_\_\_\_\_ in the place of A. B. of \_\_\_\_\_

*Names of Persons who have ceased to be Proprietors.*

A. B. of \_\_\_\_\_  
C. D. of \_\_\_\_\_

*Names of new Proprietors.*

J. K. \_\_\_\_\_ L. M. \_\_\_\_\_

E. F. of \_\_\_\_\_ in the District of \_\_\_\_\_ (description) one of the local Directors (or Manager) of the said Company, in this Province, doth declare, that the above written Memorial doth contain the names of the new local Directors, and of the Manager of the said Company, in this Province, and of the persons in whose place they have been appointed, and of the persons who have ceased or discontinued to be Proprietors of the said Company, and of the new Proprietors of the said Company, as the same respectively appear in the Books of the said Company, so far as the latest Returns received in this Province shew.

Signed, E. F.

N.B. The last Memorial as to new Directors was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_. The last Memorial as to the appointment of Manager was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_. The last Memorial as to the ceasing and discontinuing of Proprietors was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_. The last Memorial as to new Proprietors was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_.

## CHAP. XXXV.

*AN ACT to authorise the President, Directors, and Company of the Bank of Montreal, to collect debts due to them in this Province, notwithstanding the expiration of their Charter, under certain restrictions therein mentioned.*

[Passed 4th March, 1837.]

**WHEREAS** the President, Vice President, and Directors of the Bank of Montreal, in the Province of Lower Canada, have by their Petition, signed on their own behalf and on behalf of the Stockholders of the said Institution, represented that the Act of Incorporation, under which they have heretofore conducted the business of the said Bank, will expire on the first day of June next: *And whereas* the said Petitioners have represented, that in the course of their business large sums of money have been lent and advanced upon promissory notes, bills, and other negotiable securities, to Merchants and others resident in this Province, and have also represented, that on the expiration of the said Act of Incorporation, the said Bank will be exposed to the liability of loss, as well in such of the said sums as may have previously become due and shall then remain unpaid, as those which may become due and remain payable after that date, unless by Legislative enactment the said Petitioners, or some other person or persons in trust for them, be authorized to recover such debts, notwithstanding such act of incorporation shall have expired: *And whereas* it is reasonable and just to grant the prayer of the said petition: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the said President, Directors, and Company of the Bank of Montreal, by their Corporate name, or in the name of their Assignee or Assignees, to prosecute any action or actions that they may deem necessary, for the recovery of any debt or debts that may be due and owing, or which having been contracted may afterwards become due and owing to the said President, Directors, and Company of

Preamble.

Bank of Montreal, by their Corporate name or in the name of their Assignee, may sue for Debts due or contracted, at the expiration of their Charter,

As they might have done before their Charter expired.

No authority given to bring any Action which could not have been sustained, if their Charter was in force.

the Bank of Montreal, at the time of the expiration of the said act of incorporation, in the same manner and under the same limitations and restrictions, that they or their assignee or assignees might or could do, if the said act of incorporation had not expired, but continued in full force and effect: *Provided always*, that nothing in this Act contained shall extend or be construed to extend, to authorize the said Corporation to bring any action after the expiration of their Charter, which they could not have done previous to the expiration thereof.

~~CHAP. XXXVI.~~

*AN ACT to authorize William Johnson to convey to Trustees a Lot of Land, for purposes therein mentioned.*

[Passed 4th March, 1837.]

Preamble.

**W**HEN William Johnson, of the Township of Georgia, in the Home District of Quebec, hath by Petition requested Leave of Authority to convey a certain piece or parcel of Land on the first lot number six, in the several concession of said Township of Georgia, containing two acres, upon which a School-house has been erected, to Trustees, for the purpose of having a School taught in such Building: *Be it therefore enacted*, by His Majesty's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, sitting together assembled by virtue of and under the authority of an Act of the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's said Majesty King George the Third, in relation to the Province of Quebec, in North America, and to make other provision for the Government of the said Province;" and by the authority of the said Majesty, That it shall and may be lawful for the said William Johnson to convey the said parcel of Land by metes and bounds to the purpose of having a School taught in such Building, to such person or persons as he may think proper, which person or persons, their successors, to be appointed in such manner as may be provided in any such Deed, shall have power and authority to hold the said Estate to the purpose aforesaid, any Law or Statute to the contrary notwithstanding: *Provided, nevertheless*, that such person or persons, and their successors aforesaid, as well as the Master and Teachers employed in such School as aforesaid, shall be British Subjects.

William Johnson may convey a certain lot of Land to Trustees, for a School, in Georgia.

Trustees, Master and Teachers, to be British Subjects.

# STATUTES

OF

## Upper Canada,

PASSED IN THE SECOND SESSION OF THE THIRTEENTH PROVINCIAL  
PARLIAMENT:

MET AT TORONTO ON THE NINETEENTH DAY OF JUNE, 1837, AND PROROGUED ON THE  
ELEVENTH DAY OF JULY, 1837, IN THE SEVENTH AND EIGHTH YEARS OF  
THE REIGN OF WILLIAM IV.

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SIR FRANCIS BOND HEAD, K.C.H.

LIEUTENANT GOVERNOR.

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ANNO DOMINI 1837.

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### CHAP. I.

*AN ACT to afford relief to certain Banking Institutions heretofore carrying on business in this Province, by enabling them more conveniently to settle their affairs, and for protecting the interests of persons holding their Notes.*

[Passed 11th July, 1837.]

**W**HEREAS there is reason to believe that about the time of the passing of the Act of Parliament of this Province, in the seventh year of His present Majesty's reign, entitled, "An Act to protect the public against injury from Private Banks," and before the passing of that Act became

Preamble.

generally known throughout this Province, several associations of persons were engaged in carrying on the business of Banking, not being among the number of those enumerated in that Act as intended to be exempt from its provisions : *And whereas* it is expedient to afford facility to such Associations in collecting their debts, and in the final arrangement of their affairs, in order that the prohibition against the continuance of their business may not operate injuriously to the public : *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That if any person, or Association of persons, were before the first day of April now last past, engaged in carrying on the business of Banking in this Province, and in the issuing of Bills or Notes, contrary to the provisions of the said Act passed in the seventh year of His present Majesty's reign, which person, or Association of persons, not being specified in the said Act, remains subject to the prohibitions and provisions therein contained, it shall and may be lawful for the person or persons in every such case, to apply by petition to the Judge of the District Court, for the District in which their principal Office or place of business was situated, to approve of any three persons to be named by them as Commissioners, for the purpose of settling the affairs of such Bank or Institution ; and in case the persons so named shall be approved of by such Judge, as being men of good character and substance, then such persons shall be and are hereby enabled, (using their individual names) to sue as Commissioners for settling the affairs of such Bank or Institution, for any debt or demand arising upon any Mortgage, Bond, Bill, Note or other Security, given to the said Bank or Institutions, or to any person or persons for their use, or in trust for them, or in order to secure any monies advanced by them ; and the amount due upon any such security may be recovered in an action for money had and received, to the use of the persons suing as Commissioners, a copy of the instrument or writing being attached to the copy of process which may be served upon the Defendant.

Provision made for the appointment of Commissioners to settle the affairs of persons engaged in the business of Banking, contrary to Act of last Session, upon application of the parties ; and authority given to such Commissioners to recover debts, &c.

Parties applying for appointment of Commissioners to state their names in a list to be filed in Office of Clerk of, District Court, &c.

II. *And be it further enacted by the authority aforesaid,* That before any appointment of Commissioners shall take place under this Act, the names of all persons who have been parties to the Association applying for the nomination of such Commissioners, from the commencement



thereof, shall be stated in a list which shall accompany the petition, and shall remain filed in the Office of the Clerk of the District Court, with such petition, and that in the said list shall be specified when each person became a Member of such Association, and when, if at any time, he ceased to be a Member thereof, and that the correctness of such list shall be attested by the oaths of the President and Cashier of such Association, or of one-third of the number of persons stated in such list to be Members thereof, which oath the Judge of such District Court is hereby authorised to administer; and a copy of the Articles of Association, Agreement or Deed of Settlement, attested in like manner, shall be annexed to the said list.

III. *And be it further enacted by the authority aforesaid,* That the Commissioners to be named in any case under the authority of this Act, shall have power to compel payment by any Subscriber to such Association or Institution, of the amount of Stock or Shares subscribed by him or her, and not paid in, in an action for money had and received to their use.

Commissioners may compel payment of Stock or Shares subscribed for by Stockholders.

IV. *And be it further enacted by the authority aforesaid,* That the holders of any Notes or Bills put in circulation by any person or Association of persons coming under the provisions of this Act, may, after demanding payment from any of the Commissioners that may be appointed for settling the affairs of such Bank or Institution, sue upon such Note or Bill in the Court of Requests, or in any other Court of higher jurisdiction, as the case may require, any one or more of the persons who shall appear upon the list delivered and attested as aforesaid, to have been associated in such Bank or Institution, at or after the time of such Note or Bill being issued: *Provided always,* that nothing herein contained shall interfere with any other remedy given by law to the holder of any Bill, Note, or other evidence of debt, of any such Association, Bank or Institution.

Persons whose names appear in list delivered in may be held for debts due by the Association.

V. *And be it further enacted by the authority aforesaid,* That no person or persons shall be liable to any penalty or punishment under the said Act, passed in the seventh year of His present Majesty's reign, for any thing done contrary to the provisions of the said Act, before the first day of April now last past.

Penalties imposed by Act of last Session relieved against.

VI. *And be it further enacted by the authority aforesaid,* That the nomination of Commissioners shall be made at a meeting of the Subscribers or Shareholders, to be held on the first Monday in August after the passing of this Act, at the place where the District Court is usually holden,

Manner in which Commissioners are to be nominated, and time of nomination.

for the District in which the principal Office of any such Bank or Institution shall have been, or shall be situated ; and in case the Judge shall not confirm such nomination, then others shall be chosen at a meeting to be held at the same place, on a day to be named by him, by advertisement in some public Newspaper of the District, giving ten days notice ; and that in case of any vacancy occurring by the death, removal or incapacity, of any of the Commissioners, a successor shall be nominated and appointed in like manner, upon a notice of meeting to be given as hereinbefore provided, by the Judge of the District Court.

## CHAP. II.

*AN ACT to authorise the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain Regulations, for a limited time, and for other purposes therein mentioned.*

[Passed 11th July, 1837.]

Preamble.

**WHEREAS** it is necessary to protect the Banking Institutions of this Province in case a suspension of Specie Payments on their part should, under the pressure of the present extraordinary circumstances, become unavoidable, and to enable them to continue their Banking operations: *And whereas* it is of great consequence to the Commercial and Agricultural interests of this Province, that the accommodation which Banks of undoubted solvency can safely extend to those engaged in business should not be suddenly discontinued, which, under the existing Laws, must be the consequence of their being compelled to suspend Cash Payments ; and it is therefore expedient to make such temporary provision as may afford relief against this inconvenience: *Be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, That any Incorporated Bank which shall cease to redeem its Notes or other liabilities, in the lawful Current Coin of this Province, shall not in consequence thereof be compelled to cease its Banking operations, or be deemed to have forfeited its Charter, or be rendered liable to

Incorporated Bank that shall not redeem its Notes in Specie, not thereby incapacitated from continuing its Banking operations.

any disability, penalty or forfeiture, by reason of its having ceased to redeem its Notes and liabilities in lawful Current Coin as aforesaid, any thing in any Act of Incorporation of such Bank to the contrary notwithstanding: *Provided* that it shall appear proper and advisable to the Lieutenant Governor and Council, that such Bank should, under the circumstances disclosed by them, be allowed to continue their business of Banking, notwithstanding their suspension of Cash Payment, in which case it shall be lawful for the Lieutenant Governor in Council to make a Minute to that effect, which shall be published in the Upper Canada Gazette, during the time of such suspension of Cash Payment, and such Minute of the Lieutenant Governor and Council shall have the effect of saving such Bank from any forfeiture of their Charter, by reason of their suspension of Cash Payments, before or after the making of such Minute, and from any and every penalty or disability which would or might otherwise ensue thereon.

Authority being first obtained from Governor and Council.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Lieutenant Governor in Council, to require from the President and Directors, or the Cashier or other Officer, of any such Bank, whatever information they may deem necessary for their satisfaction, in respect to the solvency of the Bank, and the actual condition and management of their affairs; which information they may desire to be given under the oath of the person or persons furnishing the same; and that such oath may be administered by any Judge of His Majesty's Court of King's Bench in this Province, or by any Judge of a District Court therein.

Governor and Council may require information from Bank, as to its solvency, &c.

III. *And whereas*, in case of its becoming necessary for the Chartered Banks in this Province to suspend payment in Specie, it may be found impracticable for individuals, or associations of individuals, during such suspension, to obtain Gold or Silver, and it is therefore necessary to make such provision as may afford reasonable protection in that behalf: *Be it therefore enacted by the authority aforesaid*, That so long as any of the Chartered Banks in this Province shall be authorised, under the provisions of this Act, to suspend payment in Specie, in case any action shall be depending or shall be hereafter brought in any Court in this Province, for the recovery of any debt, it shall be lawful for such Court, on the application of the Defendant, and on the hearing of the parties, to stay proceedings in such action, without costs, until further order shall be made thereon: *Provided* it be made to appear to the satisfaction of the Court, that the necessity for proceeding in such action does not arise from the want of the amount of debt being ascertained, or from the unwillingness or inability of the Defendant to pay the same.

During suspension of Specie payments by Banks, Courts before which actions are brought may stay proceedings in certain cases.

**IV.** *And be it further enacted by the authority aforesaid,* That during the continuance of this Act, no action or suit shall be prosecuted against any of the Banks which shall avail itself of the provisions of this Act, in order to compel payment of any Notes of such Bank, expressed to be payable on demand; and it shall be lawful for the President and Directors of every such Bank, during the continuance of their suspension of Cash Payments, in the manner allowed by this Act, to apply to the Court wherein any such action shall be brought, or shall be depending, to stay proceedings therein in a summary way; and in case such action or suit shall be brought to compel payment of any Note or Notes made payable on demand, such Court shall stay all proceedings accordingly during the continuance of this Act, or during the suspension of Cash Payments, as provided by this Act: *Provided always,* that if it shall appear to such Court to be necessary for the purpose of ascertaining the amount of any demand on such Bank, or otherwise, for the furtherance of Justice, that any proceedings should be had for such purpose, it shall be lawful for such Court to permit proceedings to be had in any such action or suit, for such necessary purpose only: *Provided also,* that no costs shall be recovered against any such Bank in any action or suit which shall be brought for the purpose of compelling payment of any debt or demand, unless the Court wherein the same shall be brought shall be of opinion that the same was necessary for the purpose of ascertaining the amount of such debt or demand, or the title thereto, or for the furtherance of Justice as aforesaid.

Actions against Banks suspended;

Unless brought to ascertain the amount of a demand; or otherwise, for the furtherance of Justice.

No costs to be allowed in such actions unless brought to ascertain amount of demand; or otherwise, for furtherance of Justice.

Actions against Incorporated Banks, and other Banking Institutions excepted in Act of last Session, to be brought in Court of King's Bench or District Court.,

**V.** *And be it further enacted by the authority aforesaid,* That during the continuance of this Act, any Incorporated Bank, or any one of the Banking Institutions in this Province excepted in an Act passed during the last Session of the Legislature, entitled, "An Act to protect the public against injury from Private Banks," against whom any action shall be brought by reason that such Bank has failed to redeem its Notes or other liabilities in Current Coin, shall be sued in His Majesty's Court of King's Bench, or in any District Court in this Province, and no other.

Banks during suspension of Specie payments not to issue a greater amount of Notes than amount of Capital Stock paid up.

**VI.** *And be it further enacted by the authority aforesaid,* That so long as any Bank shall continue, under the provisions of this Act, to conduct their business of Banking without paying their Notes in Specie on demand, their total amount of paper in circulation shall never exceed their Capital Stock actually paid up.

Chartered Banks not to make sale of Specie, or dispose of it otherwise than in paying fractional part of dollar.

**VII.** *And be it further enacted by the authority aforesaid,* That during the time of such suspension of Cash Payments, it shall not be lawful for any Chartered Bank which shall suspend Cash payments, to make sale

of any portion of the Gold or Silver which may be in their possession, or make any other disposition thereof which would diminish the amount according to its legal value, than by paying in change the fractional parts of a Dollar, or by paying on demand the amount of such of their Notes for One Dollar each as may be presented to them for payment; and that the amount of Notes of Five Shillings each which such Bank shall keep in circulation, shall not generally bear a less proportion to its total issues than five per cent.

Five Shilling Notes kept in circulation shall not generally bear a less proportion to total issues than five per cent.

VIII. *And be it further enacted by the authority aforesaid,* That if any person shall knowingly swear falsely in any matter stated by him on oath, under the provisions of this Act, he shall, on conviction, be deemed guilty of wilful and corrupt perjury.

Persons swearing falsely to be deemed guilty of perjury.

IX. *And be it further enacted by the authority aforesaid,* That this Act shall take effect immediately, and shall continue in force until the end of the next ensuing Session of Parliament, and no longer.

Act to take effect immediately, and continue in force until end of next Session.

X. *And be it further enacted by the authority aforesaid,* That the Legislature shall have power to repeal, alter or amend this Act at any time.

May be altered or amended.

**CHAP. III.**

*AN ACT to continue the expiring Laws to the end of the next Session of Parliament.*

[Passed 11th July, 1837.]

**WHEREAS** several of the Acts of the Legislature of this Province will expire during or at the close of this Session: *And whereas,* it is necessary to continue such Acts until the close of the next ensuing Session of the Provincial Parliament: *Be it therefore enacted,* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourth year of His Majesty George the Third, and of an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same,

Preamble.

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## CHAP. L.

*AN ACT to authorise the Receiver General to raise a sum of money by way of loan, on the security of the Provincial Stock in the Bank of Upper Canada.*

[Passed 6th March, 1838.]

**W**HEREAS there is reason to apprehend, that from the disturbed state of Lower Canada, the Revenue arising from duties levied at the Port of Quebec, on importations from England, may fall short of the ordinary amount, and that in consequence thereof the Receiver General may find it difficult to meet the demands on this Province, for interest due on the public debt thereof, unless some temporary provision is made in that behalf: *Be it therefore enacted*, by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor of this Province, by and with the advice and consent of the Executive Council, to authorise Her Majesty's Receiver General of this Province to raise by way of loan, such a sum on the security of the Stock owned and held by this Province in the Bank of Upper Canada, as may be necessary to meet any such deficiency.

Preamble.

Loan authorised to be raised by Lieutenant Governor.

XII. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend, <sup>Indians not included in this Act.</sup> *to extend, to any Indians now or hereafter to be resident within the limits of this Province*

XIII. *And be it further enacted by the authority aforesaid,* That this Act shall <sup>Limitation of Act, four years, &c.</sup> *and continue in force for and during the term of four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.*

### CHAP. XIII.

*AN ACT to continue in force, for a limited period, the Laws authorising the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations.*

[Passed 11th May, 1839.]

**WHEREAS** it is expedient under existing circumstances to amend and continue, for a limited time, the provisions of an Act passed in the <sup>Preamble.</sup> seventh and eighth years of William the Fourth, entitled “An Act to <sup>7 & 8, W. 4. c. 2;</sup> authorise the Chartered Banks in this Province, to suspend the redemption of their Notes in Specie, under certain regulations, for a limited time, and for other purposes therein mentioned,” and also an Act amending the same, passed in the first year of Her Majesty’s reign, entitled “An Act to <sup>And 1st Victoria, c. 22;</sup> repeal and amend part of an Act passed in the last Session, entitled ‘An Act to authorise the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations, for a limited time, and for other purposes therein mentioned’: *Be it therefore enacted* by the Queen’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, <sup>Continued until 1st Novr. 1839.</sup> That the provisions of the said recited Acts shall be and remain in force till the first day of November next.

Bank Directors not to declare any Dividend, during suspension of specie payments.

II. *And be it further enacted by the authority aforesaid,* That during the time which any Chartered Bank may suspend the redemption of its Notes in Specie under the provisions of this Act, it shall not be lawful for the Directors of such Bank to declare or divide any dividend among the Stockholders.

Lieutenant Governor may sanction further suspension.

III. *And be it further enacted by the authority aforesaid,* That notwithstanding the provisions of the first clause of this Act, His Excellency the Lieutenant-Governor in Council, shall upon any great emergency authorise such Banks to suspend for such further period, and under such restrictions, as he may think proper.

## ~~CHAP. XIV.~~

*AN ACT to extend and continue, for a limited period, the provisions of an Act passed in the first year of Her Majesty's reign, entitled "An Act to provide for the disposal of the Public Lands in this Province."*

[Passed 11th March 1839.]

Preamble.

**WHEREAS** and by virtue of the provisions of the Act passed in the first year of Her Majesty's reign, for the disposal of the Public Lands, it is imposed to procure the Registry of Assignments from a person entitled to the grant of Lands in the Province: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Council and Assembly of the Province of Upper Canada, and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to amend several parts of an Act passed in the fourteenth year of His Majesty King George the Third, and 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the said Act, That in all cases wherein the Witnesses to any Assignments as aforesaid, is or are dead, or shall or may leave the Province, proof of the hand-writing of such Witnesses, or of the oaths, sworn before any Justice of the Peace in and for any District in this Province, shall be taken and deemed to be sufficient evidence for the execution of any such Assignment.

In what cases hand-writing of witnesses to assignments may be proved.

II. *And be it further enacted by the authority aforesaid,* That the twenty-eighth clause of the said Act, passed in the first year of Her Ma-



erect a good and substantial Bridge over the Grand River, at or near the residence of Christian Shantz, the elder, in the Township of Waterloo, in the District of Gore, which Bridge shall be at least twenty-five feet in width": And whereas the said Bridge has been erected of twenty feet in width, owing to the timber used on said Bridge, and a Bill was prepared before the passing of the said Act, not permitting the same to be constructed of a greater width: It is expedient in the circumstances to indemnify the said Company, and to amend the said Act: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted in that behalf by virtue of and under the authority of an Act passed in the fourth year of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the said Council and Assembly, That the said Waterloo Bridge Company shall have the like privileges, advantages and powers, under the said Act, as if the said Bridge had been constructed at least twenty-five feet in width, and no other or greater.

Company indemnified,  
and Waterloo Bridge  
Act amended.

II. *And whereas* *enacted by the authority aforesaid* that any person shall be qualified as a Director of the said Company who is a Stockholder to the amount of two shares and upwards, any thing in the said Act contained to the contrary in anywise notwithstanding.

Qualification of  
Directors.

## CHAP. XLI.

*AN ACT to alter and amend an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Gore Bank."*

[Passed 11th May, 1839.]

**WHEREAS** it is provided in the first section of the Act passed in the sixth year of the reign of His late Majesty King William the Fourth, Preamble. entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Gore Bank," that no Incorporated Company shall be permitted to hold any Stock in the Corporation created by the said Act, unless the same shall be conveyed to it

in payment of debts previously contracted, in which case such Incorporated Company shall not be entitled to vote upon such Stock in the election of Officers: *And whereas*, it is expedient to repeal the said enactment: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the said clause as provides that "no Incorporated Company shall be permitted to hold any Stock in the said Corporation created by this Act, unless the same shall be conveyed to it in payment of debts previously contracted, in which case such Incorporated Company shall not be entitled to vote upon said Stock in the election of Officers," be and the same is hereby repealed: *Provided always*, that nothing in this Act contained shall authorise any Incorporated Company, holding any Stock in the said Bank to vote for the election of any Directors of the said Bank; or in case any Stock now held by any such Incorporated Company shall be sold or transferred previous to the next election of Directors, such purchaser or the holder of such Stock shall not be entitled to vote for Directors, or be eligible to be elected a Director at the ensuing election of Directors for the management of the affairs of the said Bank.

Restriction against Corporate Body holding Stock in the Gore Bank, repealed.

Corporate Companies holding Stock not entitled to vote for Directors.

~~CHAP. XLII.~~

*AN ACT to increase the Capital Stock of the Cobourg Harbour Company, and to extend the period for completing the same.*

Passed 11th May, 1839

**WHEREAS** the period for the completion of the Harbour at Cobourg has expired: *And whereas*, it has been found inexpedient to complete the same within the period allowed for that purpose, and the sum limited by the Act of Incorporation, in consequence whereof it is deemed expedient to extend the said period for the completion of the said Harbour, and to increase the Capital Stock of the Cobourg Harbour Company: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and

Preamble.

whatsoever, directly or indirectly, prevail upon, procure, persuade or encourage any such Soldier or Sailor to Desert or leave Her Majesty's Naval or Military Service as aforesaid, and shall be thereof lawfully convicted before any Court of Oyer and Terminer and General Gaol Delivery in this Province, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to be punished by imprisonment in the Common Gaol of the District in which such conviction shall happen, or by imprisonment in the Provincial Penitentiary in this Province, for such period as the Court before which such trial shall take place shall in their discretion adjudge, and shall be further liable to the payment of such Fine as the said Court shall impose upon and require to be paid by such offender.

Any person harboring a deserter liable to the same penalties.

III. *And be it further enacted by the authority aforesaid,* That if any person other than an enlisted Soldier, or Sailor engaged in the Naval Service of Her said Majesty, shall, after the passing of this Act harbor, conceal, receive or assist any Deserter from Her Majesty's Naval or Military Service, knowing him to be a Deserter, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to the same penalties and punishments as are mentioned and set forth in the preceding clause of this Act.

## CHAP. IV.

*AN ACT to prevent the circulation of Printed Promissory Notes, under the value of Five Shillings.*

[Passed 10th February, 1840.]

Preamble.

**W**HEREAS the issue of small Promissory Notes, in form of Bank Notes, and intended for general circulation, has been found productive of much evil and inconvenience: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Québec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after

the passing of this Act, it shall not be lawful for any person, or Body Corporate, to make or issue any Note or undertaking for the payment of money for an amount less than Five Shillings of lawful money of Upper Canada, in the whole or in part printed, stamped or impressed from a Plate or Engraving; and that any person who shall make or issue any such Note or undertaking for the payment of money, shall be liable to pay to the holder thereof treble the amount of the Note or undertaking so issued, to be recovered by action in any Court of Requests in this Province.

No note wholly or in part printed, &c., for less than five shillings, to be issued by any person;

Forfeiture of treble the amount of such note.

II. *And be it further enacted by the authority aforesaid,* That in case any such Note or undertaking now made, or issued before the passing of this Act, shall be presented for payment to the maker or makers thereof, and in case default shall be made in the payment of the same in the current Coin, or in the current Bank Notes of this Province, whether such Note or undertaking shall purport to be payable in Money or in Bank Notes or otherwise, the person making such default shall be liable to pay to the holder of such Note or undertaking treble the amount for which the same is made, to be recovered by action in any Court of Requests in this Province.

If default made in payment of any such note heretofore issued on demand;

Treble the sum may be recovered from the defaulter.

III. *Provided always, and be it further enacted by the authority aforesaid,* That nothing contained in this Act shall be construed to give authority to any person or persons, or Body Corporate, to issue any Note or undertaking for the payment of Money, who are now by law prohibited from issuing the same.

This Act not to authorize issue of any notes by persons now by law prohibited from such issue.

~~CHAP. V.~~

*AN ACT to provide for the continuation of Suits and Process, in cases of Formation of New Districts.*

[Enacted 10th February 1840.]

**WHEREAS** in those where New Districts have been created by Acts of the Provincial Parliament, much inconvenience has been found to arise from the want of legal authority in the respective Sheriffs of the Districts, of which the New Districts formed a part, to continue to execute Legal Process already issued; and to execute Process in Suits already commenced: *it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue

Recital of inconvenience to suits from the formation of new Districts;

And all proceedings under it declared as valid as if it had not expired.

said recited Act, or any of the provisions thereof, shall be as valid and effectual to all intents and purposes whatsoever as if the same had not expired.

## CHAP. VIII.

*AN ACT to make perpetual certain parts of an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the unnecessary multiplication of Law Suits, and increase of Costs in Actions on Notes, Bonds, Bills of Exchange and other Instruments," and for other purposes therein-mentioned.*

[ Passed 10th February, 1840.]

Preamble.

**WHEREAS** an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the unnecessary multiplication of Law Suits, and increase of Costs in Actions on Notes, Bonds, Bills of Exchange and other Instruments," is about to expire, and it is expedient to continue the said Act and make it permanent: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the fourth, sixth, seventh, tenth and fourteenth clauses of the said Act be and the same are hereby repealed.

4th, 6th, 7th, 10th, and 14th sections 5 Will. 4th, ch. 1, repealed.

Plaintiffs in actions against several parties to a bill or note, may declare in a given form.

II. *And be it further enacted by the authority aforesaid,* That the Plaintiff in any joint Action against the Drawers, Makers, Endorsers and Acceptors, or any of them, of any Bill of Exchange or Promissory Note, may declare in the form contained in the Schedule hereto annexed upon such Bill or Note, varying the same according to the circumstances of the case.

Defendants may set off several demands, when of a particular description;

III. *And be it further enacted by the authority aforesaid,* That in any such Action the person sued shall be entitled to set off against the said Plaintiff any payment, claim or demand, whether joint or several, which

in its nature and circumstances arises out of or is connected with the Bill or Promissory Note, which is the subject of such joint Action, or the consideration thereof, in the same manner and to the same extent as though such Defendant had been sued in the form heretofore used; and if the Jury shall allow any demand as a set off, and still find a balance in favour of the Plaintiff, they shall state in the verdict the amount which they allow to each Defendant as a set off against the Plaintiff's demand.

IV. *And be it further enacted by the authority aforesaid,* That any proceedings now pending under the said recited Act, shall be conducted to a final end, in the same manner as if this Act had not been passed.

Proceedings already instituted to be continued as before.

## SCHEDULES.

### 1.—*On a Promissory Note.*

For that whereas the said ———, (the maker of the Note,) on the ——— day of ———, at ———, made his Promissory Note in writing, and thereby promised ———, (setting forth the Note in the usual manner,) and the said, ———, (the first, second or other Endorsers,) afterwards duly endorsed the same, and the said ———, (the last Endorser) delivered the said Note so endorsed to the said Plaintiff. (aver presentment, notice, &c. where by law necessary in the particular case.) By reason whereof the said ——— (all the Defendants) became jointly and severally liable to pay to the said Plaintiff the said sum of Money in the said Note specified, and being so liable, afterwards jointly and severally promised the said Plaintiff to pay him the same. (Add the usual breach.)

### 2. *On a Bill of Exchange.*

For that whereas the said ——— (the drawer,) on the ——— day of ———, at ———, drew his certain Bill of Exchange, directed to ———, (setting forth the Bill according to its tenor and effect,) and the said ———, (the drawee) afterwards duly accepted the same, and the said ———, (the first and other endorsers) afterwards duly endorsed the said Bill of Exchange, and the said ———, (the last endorser) delivered the said Bill so endorsed to the said Plaintiff, (averment, presentment, protest, notice, &c., where by law necessary in the particular case.) By reason whereof the said ——— (all the Defendants) became jointly and severally liable to pay to the said Plaintiff the said sum of Money in the said Bill specified, and being so liable, afterwards jointly and severally promised the said Plaintiff to pay him the same. (Add the usual breach.)

V. *And be it further enacted by the authority aforesaid,* That in default of payment of any Fine imposed under the authority of this Act, together with the Costs attending the same, within the period specified for the payment thereof, at the time of the conviction by the Justices before whom such conviction shall have taken place, it shall and may be lawful for such Justices to issue their Warrant, directed to any Constable, to levy the amount of such Fine and Costs within a certain time, to be in the said Warrant expressed; and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for them to commit the offender to the Common Gaol or House of Correction of the District wherein the offence was committed, for any time not exceeding one calendar month, unless the Fine and Costs be sooner paid.

In default of payment of fines and costs;

Warrant may issue to levy same;

And if no distress; Offender may be committed;

Not longer than one month.

## CHAP. XV.

*AN ACT to continue an Act passed in the sixth year of His late Majesty's reign, entitled, "An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province."*

[Passed 10th February, 1840.]

**WHEREAS** it is expedient to continue the Law now in force for the regulation of certain Coins current in this Province: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That an Act passed in the sixth year of the reign of His late Majesty William the Fourth, entitled, "An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province," be and the same is hereby continued for two years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Preamble.

6 William 4, chap. 27, continued.

## CHAP. LVII.

*AN ACT to authorise the Receiver General to dispose of the Provincial Stock, in the Bank of Upper Canada.*

[ Passed 10th February, 1840. ]

**W**HEREAS it is expedient that the Stock of the Bank of Upper Canada, owned by this Province, be sold, and the proceeds placed at the disposal of the Legislature thereof: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That Her Majesty's Receiver General of this Province shall, and he is hereby authorised and required to sell and dispose of Two Thousand Shares of the Stock of the Bank of Upper Canada, held by this Province, with the sanction of His Excellency the Governor-General, or Person administering the Government in Council.

Preamble.

Receiver General, under the sanction of Governor in Council, may sell the Bank Stock held on behalf of the Province.

II. *And be it further enacted by the authority aforesaid,* That an Act passed during the third session of the present Legislature, entitled, "An Act to authorise the Receiver General to raise a loan on the security of the Provincial Stock in the Bank of Upper Canada," be and the same is hereby repealed.

1st Victoria, ch. 50, repealed.

III. *And be it further enacted by the authority aforesaid,* That so much of the first clause of an Act passed in the fourth year of the reign of His late Majesty George the Fourth, chapter eleven, entitled, "An Act to amend and repeal part of an Act, entitled, 'An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Bank of Upper Canada,'" as authorises the Lieutenant Governor of this Province to nominate and appoint annually four Directors of the said Bank of Upper Canada, be and the same is hereby repealed.

Part of sec. 1, 4th Geo. IV. chap. 11, repealed.



Directors to be appointed by Governor until Stock sold;

And after sale the whole number of Directors to be chosen by the Stockholders.

IV. *Provided always nevertheless, and be it further enacted by the authority aforesaid,* That the Directors appointed under the authority of the said last-recited clause, shall be named in the manner therein provided, so long as the Stock in this Act authorised to be sold shall not be disposed of; and that when the said Stock shall be sold or disposed of, as is hereinbefore provided, then the whole number of fifteen Directors, elected or appointed for the management of the said Bank, shall be elected in the manner now prescribed for the election of Directors, by the Stockholders of the said Institution, any thing in the said recited Act, or in this Act, to the contrary notwithstanding.

## CHAP. LVIII.

*AN ACT to authorise the Receiver-General of this Province to borrow a certain sum of money upon Debentures, for the purposes therein mentioned.*

[Passed 10th February, 1840.]

Preamble.

**WHEREAS** the Houses of Baring, Brothers and Company, and Glynn, Halifax, Mills and Company, of London, have advanced a large sum of money for the use of this Province: *And whereas* it is necessary to provide means to repay the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That in the event of no other arrangement being made with the said Firms of Baring, Brothers and Company, and Glynn, Halifax, Mills and Company, or other means of payment being at the disposal of the Executive Government, it shall and may be lawful for the Governor of this Province, to authorise the Receiver-General thereof to cause any number of Debentures to be made out for such sums of money, not exceeding seventy thousand pounds, currency, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the resources of this Province; which Debentures shall be prepared and made out in such method and form as has heretofore been in use, and shall be signed by the Receiver-General, and made redeemable in not more than twenty years from their respective dates, payable in London.

Under certain circumstances Governor may authorise Receiver-General to issue Debentures to the amount of £70,000;

Debentures when to be payable.

Proceeds of Debentures how to be disposed of.

II. *And be it further enacted by the authority aforesaid,* That from and out of the moneys to be obtained by the issue and sale of such Debentures,

it shall be the duty of the Receiver-General, without delay to pay to the said Houses of Baring, Brothers and Company, and Glynn, Halifax, Mills and Company, the debt due and owing to them by or on account of this Province, and that the residue of the moneys so obtained, shall be applicable to the general uses of the Province, under the authority of the Legislature.

III. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in a certain Act of Parliament of this Province, passed in the seventh year of the reign of His Majesty King George the Fourth, intituled, "An Act to authorise the Government to borrow a certain sum of money upon Debenture, to be loaned to the Welland Canal Company," regulating or affecting the issue of Debentures authorised thereby, or their passing current with certain public accountants; the suspension of interest thereon in certain cases; the submitting to the Legislature accounts of such Debentures, and the interest paid thereon; the expense attending the same; paying off and cancelling such Debentures; the punishment for forging any such Debentures, or any matter or thing relating to or affecting such Debentures, or the knowingly uttering any such forgery, shall apply to and be in force, in respect to the provisions of this Act.

Provisions of law applicable to Debentures issued under 7 Geo. IV. Chap. 20, declared to be in force as to Debentures authorised by this Act.

~~CHAP. LIX.~~

*AN ACT to provide for the support and maintenance of the Provincial Penitentiary.*

[Passed 10th February, 1840.]

Preamble; £5300 for the support of the Provincial Penitentiary accounts to be laid before the Legislature. Authority to the Deputy Warden granted.

4 & 5 VIC. CHAP. 69

IV. *And be it further enacted by the authority aforesaid,* That the Guards of the said Penitentiary now appointed hereafter to be appointed, shall severally take and subscribe to the President of the Board of Inspectors, the following oath:— "I, do promise and swear, that I will faithfully, diligently and justly discharge and perform the office and duties of Guard of the Provincial Penitentiary in Upper Canada, according to the best of my abilities."

Guards of the Penitentiary to be sworn;

Oath.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, for the President of the Board of Inspectors, to administer all oaths required to be taken by the Warden and other officers of the said Penitentiary, any thing in the ninth section of an Act passed in the fourth year of the reign of His late Majesty, intituled, "An

President of the Board of Inspectors may administer oaths.

[See 4 Wm. IV. Chap. 37, Sec. 9.]