Timeline of Acts Respecting Currency and Banking Passed in Lower Canada, 1793–1840

1793. 'An Act to permit the importation of Wampum, from the neighbouring states by the inland communication of Lake Champlain, and the River Richelieu or Sorel' (33 Geo III, c. 2). Importation of Wampum made only in the States. Wampum must enter through the port of St John or be forfeit.

1793. 'An Act to facilitate the negotiation of promissory notes' (34 Geo III, c.2).

1796. May 7. 'An Act for better regulating the weights and rates at which coins shall pass current in this Province; for preventing the falsifying, counterfeiting or impairing of same; and for repealing the act and ordinance therein mentioned' (36 Geo III, c.5).

1805. Mar 25. 'An Act to authorise Thomas Porteous, Esquire, to build a bridge over a branch of the River Ottawas, otherwise Des Prairies, from La Chenaye, to the island, called Bourdon; and another bridge, from that island to the island of Montreal, to establish the rate of toll payable thereon, and for regulation the said bridges' (45 Geo III, c.14).

1808. Apr 14. 'An Act for better regulating the weight and rates at which certain coins shall pass current in this Province; for preventing the falsifying, counterfeiting or impairing of same; and for repealing the act and ordinance therein mentioned' (48 Geo III, c.8).

1808. Apr 14. 'An Act to prolong the time granted to Thomas Porteous of Terrebonne, Esquire, for rebuilding certain bridges therein mentioned' (48 Geo III, c.23).

1808. Apr 14. 'An Act to authorise Thomas Porteous, Esquire, to erect a bridge, from Repentigny to the island called Bourdon' (48 Geo III, c.24).

1811. Mar 21. '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' received royal assent (51 Geo III, c.10).

1812. Aug 1. 'An Act to facilitate the circulation of army bills' (52 Geo III, c.1).

1813. Feb 15. 'An Act to extend the provisions of and act passed in the fifty-second year of His Majesty's reign, intituled, "An Act to facilitate the circulation of army bills"' (53 Geo III, c.3).

1817. Mar 8. 'An Act to repeal in part an act passed in the fifty-second year of His Majesty's reign, intituled, "An Act to facilitate the circulation of army bills," and to grant a sum of money for the purpose therein mentioned' (57 Geo III, c.7).

1819. Apr 24. 'An Act to amend an act passed in the forty-eighth year of His Majesty's reign, intituled, "An Act for better regulating the weight and rates at which certain coins shall pass current in this Province; for preventing the falsifying, counterfeiting or impairing of same; and for repealing the act and ordinance therein mentioned"' (59 Geo III, c.1).

1822. Jul 22. 'An Act for incorporating certain persons therein named, under the name of "President, Directors and Company of the Bank of Montreal" (1 Geo IV, c.25).

1822. Nov 30. 'An Act for the incorporation of certain persons therein mentioned, under the name of the "Quebec Bank"' (1 Geo IV, c.26).

1822. Nov. 30. 'An Act to incorporate certain persons therein named, under the name of the "Bank of Canada"' (1 Geo IV, c.27).

1830. Mar 26. ‘An Act to ascertain the rate at which certain coins therein mentioned shall pass current in this Province, and for other purposes’ (10-11 Geo IV, c.5).

1830. Mar 26. ‘An Act to continue for a limited time and to amend a certain act passed in the first year of His Majesty's reign, intituled, “An Act to incorporate certain persons therein mentioned, under the name of the President, Directors and Company of the Bank of Montreal” (10-11 Geo IV, c.6).

1831. Mar 31. ‘An Act to amend to continue for a limited time a certain act passed in the first year of His Majesty's reign, intituled, “An Act for the incorporation of certain persons therein-mentioned, under the name of the Quebec Bank” (1 Wm IV, c.13).

1833. ‘An Act to incorporate certain persons therein mentioned under the name of the “The City Bank,” to be established in Montreal’ (3 Wm IV, c.32).

1836. Mar 21. ‘An Act to continue for a limited time a certain act therein mentioned, concerning the Quebec Bank’ (6 Wm IV, c.48). Legislation extending charter of Quebec Bank.

1838. ‘An Ordinance to incorporate certain persons therein named, under the name of “The President, Directors, and Company of the Bank of “Montreal”’ (1 Vic, c. 14).

1838. ‘An Ordinance to authorize the incorporated and chartered, and other banks in this Province to suspend the redemption of their notes in specie, under certain regulations, for a limited time’ (1 Vic, c.24).

1838. ‘An Ordinance 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 or more of its local directors or managers, for the time being, and for other purposes therein in mentioned’ (1 Vic, c.25).

1838. ‘An Ordinance to authorize certain banks therein named to suspend specie payments in certain cases’ (2 Vic, c.1). This legislation appears the 3rd volume of the Ordinances Made and Passed by the Administrator of the Government and Special Council for the Affairs of the Province of Lower Canada, [etc…] (1838).

1839. ‘An Ordinance to prevent the fraudulent manufacture, importation or circulation of spurious copper and brass coin’ (2 Vic, c.5).

1839. ‘An Ordinance to prolong the term of the Royal Charter incorporating the Quebec Bank, and to make further provision for government and management of the said bank’ (2 Vic, c.24).

1839. ‘An Ordinance to regulate the currency of this Province’ (2 Vic, c.46).

1839. ‘An Ordinance to regulate private banking, and the circulation of the notes of private bankers’ (2 Vic, c.57).

1840. ‘An Ordinance to amend and render permanent an ordinance passed in the second year of Her Majesty’s reign, intituled, “an Ordinance to prevent the fraudulent manufacture, importation, or circulation of spurious copper and brass coin”’ (3 Vic, c.8).

1840. 23 Jul. 'An Act to reunite the Provinces of Upper and Lower Canada and for the Government of Canada' (3-4 Vic, c.35).

1840. ‘An Ordinance to amend the ordinance incorporating the Bank of Montreal’ (4 Vic, c.40).

Gun-powder to be stored in the powder magazine, near to the English burying ground, shall be transported to the said magazine by the Recollets-gate, and thence along the Ramparts behind the houses of that part of the town of Montreal aforesaid, under a penalty of forty shillings for every cart or truck transporting Gun-Powder contrary to this Act. And the penalties and forfeitures incurred under this Act shall be sued for within eight days after the offence committed, before any one or more of His Majesty's Justices of the peace for the District of Montreal in weekly sessions; one half thereof to belong to the informer and the other half to the Poor. And the said Justices of the peace are hereby authorised and required to hear and determine the same on the oath of one credible witness, other than the informer, and to levy the same with costs of suit by warrant of distress and sale of the guns, boats, tackle and apparel and furniture of such ship or vessel, or of the goods and chattles of other persons offending in these cases, under the hands and seals of such Justices of the peace, directed to the constable, rendering the surplus, if any, after deducting the costs and charges of distress and sale, to the master or person having command of such ship or other vessel or to other persons to whom of right it may appertain. And the fines, forfeitures and Penalties hereby granted and reserved for the Crown are to be for the public uses of this Province, and for the support of the Government thereof, and shall be accounted for to the Crown through the Commissioners of the royal treasury for the time being, as the Crown shall direct.

Penalties how recovered and fines applied.

CAP. II.

An Act to permit the importation of Wampum, from the neighbouring States by the Inland communication of Lake Champlain, and the River Richelieu or Sorel.

Preamble.

WHEREAS the Article of Wampum in the form of beads, moons or shells and hair pipes, is indispensably necessary in the Indian trade carried on from this Province to the western country, and whereas the said article of Wampum in the form of beads, moons or shells not being the product or manufactory of any part of the British dominions, can only be had from the neighbouring states of which it is the product. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Assembly of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain intituled "An Act for repealing 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;*" that from

Liberty granted to import Wampum from the neighbouring States by inland communication.

from and after the publication of this Act, it shall be lawful to his Majesty's Subjects to import from the Neigbouring States by the Inland communication of Lake Champlain and the River Richelieu or Sorel, the article of Wampum, in the form of Beads, Moons or Shells and Hair-pipes of such nature and kind as are used in the Indain trade to the Western Country,

Wampum to be entered at the Port of St. John's otherwise forfeited.

II. And in order to guard against the clandestine importation of such articles of Merchandise as are by Law prohibited, which articles might be packed with Wampum. Be it enacted by the authority aforesaid, that every person importing Wampum by the said communication, shall make entry thereof at his Majesty's Custom House at the Port of St. John's, and any Wampum coming by the said communication, which shall be brought past or beyond the said Port without such entry being made, the said Wampum shall be forfeited, and it shall be lawful to and for the Coustom House Officer or Officers at St. John's to inspect and examine all packages said to contain Wampum, and should there be found therein any prohibited Goods, Wares or Merchandise, the whole of the Wampum so packed, shall be forfeited in like manner as prohibited Goods, Wares or Merchandise.

Custom house officers to execute this act with the same powers given them by the several statutes relative to the plantation trade.

III. And it is hereby also enacted by the same autority, that it shall be the duty of the Officers of the Customs to execute this Act, in the manner of executing any of the Statutes made for the regulation of plantation Trade, and they shall be entitled to all such aid and assistance therein, as they are entitled to and may demand, under all or any of the Statutes aforesaid, and the forfeitures by this Act inflicted, shall and may be recovered and divided in the same manner and form, and by the same rules and regulations in all respects as other forfeitures for offences against the law, relating to the customs and trade of His Majesty's Colonies in America, shall or may by any act or acts of Parliament be sued for, prosecuted, recovered and divided. And the fines, forfeitures and penalties hereby granted and reserved for the Crown, are to be for the public uses of this province, and for the support of the government thereof, and shall be accounted for to the Crown through the Commissioners of the royal treasury for the time being, as the Crown shall direct.

Fines granted by this act how to be applied.

C A P. III.

An Act to prevent the inconveniences that may arise by the discontinuance of certain temporary ordinances, passed by the Lieutenant Governor and the Executive Council.

Preamble.

WHEREAS two certain ordinances were made and passed on the twenty-fourth day of February in the thirty second year of His Majesty's reign, the

sent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliam[illegible] of Great Britain, passed in the thirty-first year of his Maj[illegible]'s reign, intitul[illegible] Act to repeal certain parts of an Act, passed in [illegible]teenth "year o[illegible]sty's reign, intituled, "*An Act for making more e[illegible]ovision "for the [illegible]t of the Province of Quebec in North Amer[illegible]* to make "further p[illegible] the Government of the said Provinc[illegible]t is hereby enacted by au[illegible] the same, that all laws, passed i[illegible]ession of the Legislature of th[illegible], shall be deemed and consid[illegible]ve had full force and effect from t[illegible] passing the same; any [illegible]e or custom to the contrary notwithstan[illegible]

All laws passed in the first Session of the Legislature of this Province, shall take effect from the day of passing the same.

II. And for the general [illegible]n of the [illegible] it further enacted by the same authority, that all laws [illegible]ve b[illegible] hereafter be passed, in the Legislature of this Province, u[illegible]stitution, shall be printed with all convenient speed, after they h[illegible]e assent of His Majesty's Representative, by such printer or printe[illegible]overnor, Lieutenant Governor, or person having the administration [illegible]ment of this Province, for the time being, shall employ for th[illegible]

All laws shall be printed so soon after being passed as may be, by the Government printer.

And copies of all such laws shall be transmitted to the Governor, &c. the members of the Legislature, and of the Executive Council.

III. And as it is exped[illegible] there s[illegible] further and more ample means of the Public ha[illegible]mation of th[illegible]t have been or may be passed in the Legislat[illegible]id, it is also enac[illegible] same authority, that as soon after the en[illegible]ession as can convenie[illegible]cted, copies of the laws passed ther[illegible]nted in both languages, s[illegible]ansmitted by the Clerk of the L[illegible]Council, to the Governor, Lieut[illegible]ernor, or person administ[illegible] Government of this Province, for t[illegible]ing, to the members [illegible]gislature, and of his Majesty's Executi[illegible]l, to the Judges [illegible]s of the courts, the Sheriffs, Coroners and Just[illegible] Peace, to the [illegible]ficers and Captains of Militia, of each parish in [illegible]vince, and on t[illegible]eath or dismission of any Captain of Militia, then the sa[illegible] be delivered over to his successor in office: Provided, always, that only one copy thereof in both languages, shall be transmitted to the same person, at the public expense.

The Judges and Clerks of the Courts, Sheriffs, Coroner, Justices of the Peace, the Field Officers and Captains of Militia One copy only to be transmitted to the same person.

CAP. II.

An Act to facilitate the Negotiation of *Promissory Notes*.

Preamble.

WHEREAS it will tend to the encouragement of trade and commerce within this province, that the Negotiation of Promissory Notes be facilitated

itated, 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 Lower Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great Britain, passed in the thirty-first Year of His Majesty's Reign, 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 Goverment of the said Province;" And it is hereby enacted by the authority of the same, that from and after the passing of this act, all Notes in writing, commonly called Promissory Notes, hereafter to be made and signed by any person or persons, or by his, her or their Attorney or Attorneys, legally authorized to sign such Promissory Notes for him, her or them; whereby such person or persons, his, her or their Attorney or Attorneys, as aforesaid, shall promise to pay to any other person or persons, his her, or their order, any sum of money mentioned in such Promissory Note, shall be taken and construed to be, by virtue thereof, due and payable to any such person or persons to whom the same shall be made payable, and also every such Promissory Note, payable to any person or persons, his, her or their order, shall be assignable and indorsable over to any other person or persons, by an indorsement, or assignment written and signed on such Promissory Note, specifying the date of such indorsement, the name of the person or persons, to whom or to whose order such Note is indorsed, and that such transfer is made for value received; and shall, by every new holder or holders under such indorsement or assignment as aforesaid, be further indorsable and assignable to any other person or persons, in the like manner, as often as the case may require: and that the person or persons to whom such sum of money shall be, by such Promissory Note, made payable, shall and may maintain an action for the same against the person or persons who, or whose Attorney or Attorneys, as aforesaid, made and signed the same; and that any person or persons, to whom such Promissory Note, that is payable to any person or persons, his, her or their order, shall be indorsed or assigned, or the money therein mentioned ordered to be paid by indorsement or assignment thereon as aforesaid, shall and may maintain his, her or their action for such sum of money, either against the person or persons who, or whose Attorney or Attorneys, as aforesaid, made and signed such Promissory Note, or against any of the persons, who indorsed or assigned the same as aforesaid: And in every such action, the plaintiff or plaintiffs shall recover his, her or their damages and costs of suit: and if such plaintiff or plaintiffs shall be nonsuited, or a judgment or a verdict be given against him, her or them, the defendant or defendants shall recover his, her or their costs against the plaintiff or plaintiffs; and every such plaintiff or plaintiffs, or defendant or defendants, respectively recovering, may sue out execution for such damages and costs, in such manner as is lawful in other cases; any law, usage or custom to the contrary notwithstanding.

All Promissory Notes signed by any person shall be held to be due to the person, to whom made payable.

And all Promissory Notes payable to order, shall be assignable by indorsement, specifying the day of assignment, &c.

And shall be so indorsed on every new transfer thereof.

The payee may maintain action against the drawer.

Or against any drawer or indorser.

And the plaintiff shall recover damages and costs: but upon a nonsuit or verdict against the Plaintiff, Defendant shall recover costs.

II.

Notes made by Bankers, merchants, brokers, traders or their Attornies may be indorsed in blank.

II. Provided always, and be it further enacted, that any Promissory Note, hereafter to be made and signed by any banker or bankers, merchant or merchants, broker or brokers, trader or traders, or by his, her or their Attorney or Attorneys, as aforesaid, payable to any person or persons whatsoever, his, her or their order, may be transferred or assigned by an indorsement in blank; and the holder or holders thereof, under such blank indorsement or indorsements, may and shall have the same remedy and action against the said person or persons, who, or whose Attorney or Attorneys, as aforesaid, first made and signed the same, or against the indorser or indorsers thereof, as is herein before provided.

Protest not necessary to maintain an action upon a Promissory Note; but protest shall warrant a recovery of interest, though not expressed in the note.

III. And be it further enacted by the authority aforesaid, that a protest shall not be necessary to enable the holder or holders of a Promissory Note, to maintain an action against the person or persons who, or whose Attorney or Attorneys as aforesaid, first made and signed the same, for the principal sum due on such Promissory Note, and interest thereon, if therein expressed; but if a Promissory Note does not express that it shall bear interest, such Note being duly protested, interest shall be due thereon from the date of the Protest.

Indorsee shall not maintain an action against any indorser without a demand on the drawer, or a protest, and notice of such non payment.

IV. Provided always, and it is further enacted, that no holder or holders of a Promissory Note, under an indorsement or assignment as aforesaid, shall maintain his, her, or their action against an indorser or indorsers thereon, unless payment of such Promissory Note shall have been demanded of the person or persons who, or whose Attorney or Attorneys, as aforesaid, first made and signed the same, and upon refusal thereof, a Protest for non-payment shall have been made after the third, and before the expiration of the sixth day, after the same shall have become due: and that notice of such non-payment and protest shall have been sent to such indorser or indorsers, or to the usual place or places of his, her or their residence, within ten days, if such place of residence is not more than ten leagues distant from the place where such note shall be protested; and after the rate of one day more for every five leagues, that the place of residence of such indorser or indorsers may be further distant, if it is within that part of this Province lying between the Long Sault, on the Ottawa River to the Westward, and the Eastern boundary of the Seigniories of Rimouski and Mal-Bay to the Eastward; and if such place of residence is without the foregoing limits, or out of the Province, then in such reasonable time, as the distance of such place of residence and the nature of the intermediate communication may require.

Particular species of value need not be expressed.

V. And be it further enacted by the authority aforesaid, that to maintain an action for payment of any Promissory Note, it shall not be necessary that the particular species of value received for the same, be therein specified, but only that value has been received.

VI.

Act not to repeal any law against usurious contracts, or money won by gaming.

VI. Provided always, that nothing herein contained shall extend, or be construed to extend, to repeal or make void any law, usage or custom, against Promissory Notes granted for usurious or unlawful considerations, or for money won by gaming, or lent knowingly for the purpose of gaming.

Protest may be made by a Justice of the Peace before two witnesses, where there is not a Notary.

VII. And be it further enacted by the authority aforesaid, that in places where there is not a Notary, a Protest may be made by a Justice of the Peace, before two witnesses, which shall be, to all the intents and purposes of this Act, as valid as if it had been made by a Notary and witnesses; and every Protest shall be written underneath a copy of the Promissory Note, and the indorsement or indorsements thereon.

Promissory Notes made and due at the passing of this Act, shall not be recovered after three years. Limitation of five years for Notes already made, &c.

VIII. And be it further enacted, by the authority aforesaid, that every Promissory Note, already made and due, shall be taken and considered to be paid and discharged, if no suit or action is brought thereon, within three Years from and after the passing of this Act: and every such Promissory Note already made but not due, or that shall hereafter be made, shall be taken and considered to be paid and discharged, if no suit or action is brought thereon, within five years next after the day on which such Promissory Note shall become due and payable: Provided, always, that every debtor or debtors on such Promissory Note, shall, if thereunto required, make oath that such Promissory Note is *bona fide* discharged and paid: and in case of such action being brought against heirs or other representatives, against whom an action may be legally instituted, such heirs or representatives shall, if thereunto required, make oath, that they do believe that such Promissory Note has been, *bona fide*, paid and discharged.

Notes, not signed with the hand writing of the maker not to be negotiable nor proveable, but by two witnesses.

IX. Provided always, and be it further enacted, that nothing in this Act shall extend, or be construed to extend to render negotiable any Notes whatsoever, that are not subscribed, in the hand writing of the person making the same which Notes not subscribed, although bearing the ordinary mark, shall not be proveable but by two witnesses, and no other action and decision shall lie thereupon, but such as are established by the laws, customs and usages in force in this Province.

CAP. III.

AN ACT for appointing *Commissioners* to treat with Commissioners on behalf of the Province of Upper Canada for the purposes therein mentioned.

[*Expired.*]

CAP.

C A P. IV.

AN ACT for allowing the Importation of fresh or salted Beef and Pork and Hogslard, for a limited time, from the United States of America.

(7th. May, 1796.)

Preamble.

WHEREAS it [illegible] esent expedient to allow the Impo[illegible] of Beef, fresh or salted, of Por[illegible] or salted, and of Hogslard fro[illegible] eighbouring States of America, for and du[illegible] nited time; be it therefor[illegible] d by the King's most Excellent Majesty, by an[illegible] he advice and consen[illegible] Legislative Council and Assembly of the Province [illegible]-Canada, cons[illegible] and assembled by virtue of and under the authority of an A[illegible] d in the P[illegible] t of Great Britain, intituled "*An Act to repeal certain parts of an* [illegible] *d in th* [illegible] *h year of His Majesty's Reign, intituled* "*An Act for making more effectu* [illegible] *e Government of the Province of Quebec* "*in North America, and to make further P* [illegible] *e Government of the said Province,*" and it is hereby enacted by the authority of [illegible] that from and after the passing of this Act, it shall and may be lawful to [illegible] he neighbouring States of America, and to bring into this Province, b[illegible] ay [illegible] te of Lake Champlain, and the River Richelieu, any Beef, fresh [illegible] d, Por[illegible] or salted, and Hogslard, until the first day of September [illegible] nder the sam[illegible] and Regulations as are now established by Law for the [illegible] tion of certain e[illegible] d Articles by an Act or Ordinance passed in the t[illegible] ghth year of His Maje[illegible] ign, intituled "*An Act* "*or Ordinance further to* [illegible] *he Inland Commerce of this Pro* [illegible] *to extend the same.*"

Beef, Pork, &c. may be imported into this Province till the 1st. of September next, by inland navigation.

II. And be it fu[illegible] acted by the authority aforesaid, t[illegible] present Act shall and may be altered [illegible] repealed by any Act to be made in this [illegible] nt Session of the Legislature.

This Act may be altered, &c. by the present Legislature.

C A P. V.

AN ACT for better regulating the Weight and Rates at which certain Coins shall pass Current in this Province, for preventing the falsifying, counterfeiting or impairing the same, and for repealing the Act or Ordinance therein mentioned.

(7th. May, 1796.)

Preamble.

WHEREAS it will tend to prevent the diminution of the Specie circulating in this Province, that the same be regulated according to a Standard that shall not present an Advantage by carrying it to the neighbouring Countries, and whereas by the Ordinance now in force for regulating the Currency of this Province, an Advantage does arise by carrying Gold Coin out of 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 Lower-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 Pro-* "*vince,*" that the Gold and Silver Coins hereafter 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 Bri-

Weight of Gold and Silver Coins established.

tish

tish Guinea weighing five penny weight and six grains Troy, at one pound three Shillings and four pence; the Johannes of Portugal, weighing eighteen penny weight Troy, at four pounds; the Moidore of Portugal weighing six penny weight and eighteen grains Troy, at one pound ten shillings; the milled doubloon or four pistole piece of Spain, weighing seventeen penny weight 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 weight and four grains Troy at one pound two shillings and six pence; the French Pistole piece, coined before the same period, weighing four penny weight and four grains, at eighteen shillings; the American Eagle piece, weighing eleven penny weight 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 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 and 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 or deduction on certain Coins above or under the standard.

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 coin 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 such payments, two-pence and one farthing currency.

Penalty on the persons altering any false or counterfeit money.

III. And be it further enacted by the authority aforesaid, that if any person whatsoever 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 coin 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 market 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.

Penalty on persons bringing into this Province any false brass or copper money.

IV. 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 such false and counterfeit money, suffer imprisonment at the discretion of the Court of King's Bench of the District wherein such person shall be tried and convicted. Provided always, that such Imprisonment shall not exceed twelve Calendar Months. And provided also, that the prosecution for such offence shall be commenced in six Months after the fact committed, and not afterwards.

Provided that the imprisonment does not exceed a certain time.

And the Prosecution to be commenced within six months.

V. And

Counterfeit brass or copper money may be seized.

V. 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 thereof 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.

No Person obliged to receive at one time more than one shilling in copper money.

VI. 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.

Gold coins above £50, after the 1st. of June 1797. to be weighed in bulk.

VII. And whereas it would be a great facility in making payments if Gold coin was 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 weight in bulk, and not in single pieces, that is to say; the Gold coin 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 by 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.

Counterfeit gold, silver or copper coins to be cut or defaced.

VIII. 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 the same, 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, and if any question shall arise, whether any piece so cut, broke 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.

Counterfeit gold or silver coin produced in Court to be cut in pieces.

IX. 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 then to be delivered to or for the person or persons to whom it belongs,

X. And

Ordinance 17 Geo: III repeated.

X. 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.

C~~A P. VI.~~

AN ACT for appointing Commissioners on behalf of this Province to treat further with Commissioners on behalf of the Province of Upper-Canada for the purposes therein mentioned.

(7th. May, 1796.)

Preamble.

WHEREAS An Act was past by the Legislature of this Province in the thirty-fifth year of His Majesty's Reign, intituled "*An Act to ratify, approve and confirm the provisional agreement entered into by the Commissioners on behalf of this Province with the Commissioners of the Province of Upper-Canada.*" And whereas the said articles [illegible] ment the[illegible]d, approved and confirmed, will cease to have force an[illegible]er the last [illegible]mber one thousand, seven hundred and ninety six [illegible]ve, your Maje[illegible]utiful and loyal Subjects, the Representative[illegible]eople of the Provi[illegible]er-Canada in Provincial Parliament assem[illegible]g taken the same into o[illegible]onsideration, and being anxious th[illegible]rovision be made for establish[illegible]ons founded upon justice and [illegible]or the intercourse between Provi[illegible]same Empire, so intimate[illegible] in point of safety and interest, do m[illegible] beseech your Majest[illegible]y be enacted, and be it enacted by the King [illegible]llent Majesty by [illegible]e advice and consent of the Legislative Council an[illegible] of the Pro[illegible]er-Canada, constituted and assembled by virtue of and [illegible] author[illegible]t passed in the Parliament of Great Britain, intituled, "*An [illegible]s of an Act passed in the fourteenth year of His Majesty's Reign, intituled [illegible] more effectual provision for the Government of the Province of Quebec in N[illegible] to make further provision for the Government of the said Province,*" and it [illegible]ted by the authority of the same, that James McGill, François Malhi[illegible]on, Joseph Papineau and James Walker, Esquires, shall be, and the[illegible] and appointed Commissioners on the part of the Province, wh[illegible]ree [illegible]e authorised and empowered to meet, treat, consult a[illegible]n such [illegible]rs, as may be appointed on the part of the Provin[illegible]-Canada, of [illegible]ing the establishing of regulations for the coll[illegible]ties or payment of [illegible] imposed or allowed, or that may be impos[illegible]d by the Legislature of [illegible]ce respectively on goods, wares and [illegible] passing from one Province [illegible]other, and also of and concern[illegible] portion to be received or to be p[illegible]uties already imposed, or t[illegible] may be imposed, by the said Legislatu[illegible]ely, on any article or [illegible] passing from one Province into the other, to [illegible]d therein, and [illegible]erning any regulations, provisions, matters and [illegible]h may regard[illegible]erce, Manufactures or produce of the said Provinces [illegible] may affect [illegible]ests thereof in respect to each other.

James McGill, François Malhiot, John Richardson, Joseph Papineau and James Walker to be Commissioners.

Commissioners may require returns by officers of Customs and examine persons papers.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Commissioners, to require returns to be furnished to them by the proper Officers of His Majesty's Customs, and to send for and examine such persons, papers and Records, as they shall judge necessary for their information, in the execution of the powers vested in the said Commissioners by this Act.

III. Provided

CAP. XIV.

AN ACT to authorise *Thomas Porteous*, Esquire, to build a Bridge over a Branch of the River Ottowas, otherwise *Des Prairies*, from La Chenaye to the Island, called *Bourdon*; and another Bridge, from that Island to the Island of Montreal, to establish the Rates of Toll payable thereon, and for regulating the said Bridges.

[25th March, 1805.]

Preamble.

WHEREAS the convenience and the facility of intercourse of the inhabitants of the adjacent Parishes, and of the Public in general would be much promoted, by the erection of a Bridge or Bridges over that branch of the river Ottawas, otherwise *Des Prairies*, which separates La Chenaye in the County of Leinster, from the Island of Montreal; And whereas *Thomas Porteous* of Terrebonne, in the County of Effingham, Esquire, hath by his petition in this behalf prayed leave to build a Toll-Bridge, over the said branch of the said river, from La Chenaye aforesaid, to an Island, called *Bourdon*, lying between that place and the Island of Montreal; and another Toll-Bridge, from the said Island *Bourdon*, to the said Island of Montreal, whereby a safe and commodious communication from La Chenaye aforesaid, to the said Island of Montreal, will be afforded; therefore may it 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 Lower 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 it is hereby enacted by the authority of the same, that it shall be lawful, for the said *Thomas Porteous*, and he is hereby authorised and empowered, at his own costs and charges, to erect and build a good and substantial Bridge, over the said river Ottawas, otherwise *Des Prairies*, from the bank or shore at Lachenaye, aforesaid, to the said Island *Bourdon*, and another good and substantial Bridge from that Island to the said Island of Montreal, at such convenient place and places, as the said *Thomas Porteous* may find best adapted to the purpose, and to erect and build one or more Toll House or Toll Houses, and Turnpike or Turnpikes, with other conveniencies, on or near the said Bridges; and also, to do, perform and execute all other matters and things requisite and necessary, useful or convenient, for erecting and building, maintaining and supporting the said intended Bridges, Toll Houses, Turnpikes and conveniencies, according to the tenor and true meaning of this Act; and further, that for the purpose of erecting, building, maintaining or supporting the said Bridges, the said *Thomas Porteous*, his heirs, executors, curators, and assigns, shall from time to time, have full power and authority

Thomas Porteous authorised to build a Bridge over the river Ottawas to the island Bourdon, and another from that island, to the island of Montreal.

thority to take and use the land, on either side of the said river, and there to work up or cause to be worked up, the materials and other things necessary, for erecting, constructing or repairing, the said Bridges, accordingly, he the said *Thomas Porteous*, his Heirs, Executors, Curators or Assigns, and the persons by him or them employed doing as little damage as may be, and making reasonable and just satisfaction to the respective owners and occupiers of all such lands and grounds, as shall be altered, damaged or made use of, by means of or for the purpose of erecting the said Bridges; and in case of difference and dispute, about the *quantum* of such satisfaction, the same shall be settled by his Majesty's Court of King's Bench of and for the District of Montreal, after a previous visitation, examination, and estimation of the premises shall have been made by *Experts*, to be named by the parties, respectively, and in default of such nomination, by them, or either of them, then by the said Court in manner and form prescribed by Law, for the nomination and appointment of *Experts* in Civil Suits at Law, and the said Court is hereby authorised and empowered to hear, settle and finally determine the same, accordingly.

Grand Voyer or his Deputy of the District of Montreal authorised to change the direction of the King's highway.

II. And whereas it may be necessary for the purpose of effecting a communication with the said Bridges to change the direction of the King's highway in the vicinity thereof, or to open a new highway or highways, Be it further enacted by the authority aforesaid, that it shall be lawful for the Grand Voyer, or his Deputy of the said District of Montreal, to send an Order to the Surveyor of highways, in every Parish, through which the said King's highway or highways may pass, to be by him read and published in the usual manner at the Church door of every such parish, in which order, the said Grand Voyer or his Deputy shall require the persons interested in the said King's highway or highways, to meet on the day and at the hour and place, which he shall fix, to give such information as they may judge necessary or proper, and after such meeting, the said Grand Voyer or his Deputy, shall go upon the spot to change the direction of such part or parts of the said King's highway or highways, or bye roads, and open such other highway or highways, bye road or bye roads, as may be necessary for communicating with the said Bridges; and the said Grand Voyer or his Deputy shall fix and allot the work to be performed, and by whom upon such parts of the King's highway or highways, to be so as aforesaid changed, and upon such highway or highways, bye road or bye roads, which shall be opened as aforesaid, of all which he shall make his *Procès Verbal*, to be heard, examined and determined upon, in due course of Law.

A Draw Bridge to be made for the passage of vessels.

III. And be it further enacted by the authority aforesaid, that the said *Thomas Porteous*, shall, and he is hereby directed and required to cause a Draw Bridge, or opening, of at least twenty five feet wide, to be made in the Bridge to be erected over the said river from the said Island *Bourdon* to the said Island of Montreal, where the said river is sufficiently deep, and to cause the same to be so constructed, that it may be drawn up or otherwise opened, for the passage of

of sloops, schooners or other vessels, with standing rigging, navigating upon the said river; and the said *Thomas Porteous*, his heirs, executors, curators or assigns, shall and they are hereby also required to employ, one or more proper person or persons, who shall, during the season of navigation, attend at the said Draw Bridge to be drawn up or otherwise opened without delay, as often as required so to do, by the owners or other person or persons navigating, or having the care of any sloop, schooner or other vessel, which shall have occasion to pass through the said Bridge, so that such sloop, schooner or other vessel may pass through the same, with standing rigging, without interruption, fee or reward, any thing in this Act contained to the contrary notwithstanding.

A person to attend to draw up the drawn Bridge during the season of Navigation.

IV. And be it further enacted by the authority aforesaid, that the said Bridges and the said Toll Houses, Turnpikes and conveniencies to be erected thereon or near thereto, and also, the ascents or approaches to the said Bridges, and all materials which shall be, from time to time, gotten or provided for erecting, building, making, maintaining and repairing the same, shall be vested in the said *Thomas Porteous*, his heirs and assigns for ever: Provided, that after the expiration of fifty years, to be accounted from the passing of this Act, it shall and may be lawful for his Majesty, his Heirs and Successors, to assume the possession and property, of the said Bridges, Toll Houses, Turnpikes, and conveniencies, and the ascents and approaches thereto, upon paying to the said *Thomas Porteous*, his heirs, executors, curators or assigns, the full and entire value which the same may, at the time of such assumption, bear, and be worth: and when and so soon as the said Bridges shall be erected and built and made fit and proper for the passage of Travellers, Cattle and Carriages, and that the same shall be certified by any two or more Justices of the Peace, for the District of Montreal, after examination thereof by three *Experts* to be appointed and sworn by the said Justices, and be advertised in the Quebec and Montreal Gazettes, it shall be lawful for the said *Thomas Porteous*, his heirs, executors, curators and assigns, from time to time, and at all times, to ask, demand, receive, recover and take to and for their own proper use and behoof for Pontage, as or in the name of a Toll or Duty, before any passage over the said intended Bridges, shall be permitted, the several sums following, that is to say: For every Coach or other four wheel Carriage, loaded or unloaded with the driver and four persons, or less drawn by two or more horses, or other beasts of draught, Four Shillings, currency; For every Chaise, Calash, Chair, with two wheels, or Cariole or other such carriage loaded or unloaded with the driver, and two persons or less drawn by two horses or other beasts of draught, Two Shillings and Nine Pence currency; and if drawn by one horse, or other beast of draught Two Shillings and Six Pence currency; For every Cart, Sled or other such carriage loaded or unloaded, drawn by two horses, oxen or other beasts of draught, with the drivers, Two Shillings and Three Pence, currency; and if drawn by one horse or other beast of draught, Two Shillings currency; For every person on foot, Six Pence currency; For every Horse, Mare, Gelding, Mule or other beast of draught, laden or unladen, Ten Pence currency; For a Horse and his Rider, One Shilling and

The Bridges &c. vested in Thomas Porteous his heirs and assigns for ever.

After the expiration of 50 years his Majesty may assume the possessions of the Bridges &c. paying to Thomas Porteous &c. the full value thereof.

When the Bridges are built and fit for the passage of travellers &c. Thomas Porteous &c. authorised to take for Pontage, Certain Tolls.

The Tolls.

and Six Pence currency; For every Bull, Ox, Cow and all other horned and neat Cattle, each Nine, Pence currency; For every Hog, Goat, Sheep, Calf or Lamb, Three Pence currency.

Exemption in certain cases.

V. Provided always, and be it further enacted by the authority aforesaid, that no person, horse or carriage employed in conveying a Mail or Letters under the authority of his Majesty's Post Office, nor for the horses, carriages, laden or not laden and drivers, attending Officers and Soldiers of his Majesty's Forces, whilst upon their march, or on duty, nor carriages and drivers on the guard sent with prisoners of any description, be chargeable with any Toll or Rate, whatsoever. Provided also, that it shall and may be lawful for the said *Thomas Porteous*, his heirs, executors, curators or assigns to diminish the said Tolls or any of them and afterwards, if he or they shall see fit again to augment the same, or any of them, so as not to exceed in any case the Rates herein before authorised to be taken. Provided also, that the said *Thomas Porteous*, his heirs, executors, curators or assigns shall affix or cause to be affixed, in some conspicuous place, at or near each Toll Gate, a Table of the Rates payable for passing over the said Bridges, and so often as such Rates may be diminished or augmented, he or they shall cause such alteration to be affixed in manner aforesaid.

Thomas Porteous &c. may reduce and afterwards advance the Tolls.

Table of Rates to be affixed in some conspicuous place at each Toll Gate.

Tolls vested in Thomas Porteous &c.

VI. And be it further enacted by the authority aforesaid, that the said Tolls shall be, and the same are hereby vested in the said *Thomas Porteous*, his heirs and assigns, for ever. Provided, that if his Majesty shall in the manner herein before mentioned, after the expiration of fifty years, from the passing of this Act, assume the possession and property of the said Bridges, Toll Houses, Turnpikes and conveniencies, and the ascents and approaches thereto, then the said Tolls, shall, from the time of such assumption, appertain and belong to his Majesty, his Heirs and Successors, who shall from thence forward, be substituted into the place and stead of the said *Thomas Porteous*, his heirs and assigns, for all and every the purposes of this Act.

Unless his Majesty at the end of 50 years shall assume the possession of the Bridges &c. then, the same shall be vested in his Majesty.

Penalty on persons forcibly passing the Turnpike without paying the Tolls, or who shall obstruct the said Thomas Porteous in building the Bridge &c.

VII. And be it further enacted by the authority aforesaid, that if any person shall forcibly pass through the said Turpike or Turnpikes, without paying the Toll or any part thereof, or shall interrupt or disturb the said *Thomas Porteous*, his heirs, executors, curators or assigns, or any person or persons employed by him or them, for building or repairing the said Bridges, or for making or repairing the way over the same, or any road or avenue leading thereto, every person so offending in each of the cases aforesaid, shall for every such offence, forfeit a sum not exceeding twenty Shillings currency.

Ferries to cease between Lachemaye & Montreal.

VIII. And be it further enacted by the authority aforesaid, that as soon as the said Bridge shall be passable and opened for the use of the Public, the present ferries

No Bridge &c. to be built within three Miles.

ries between Lachenaye aforesaid, and the said Island of Montreal, shall cease to be worked, and from thence forwarded, no person or persons shall erect or cause to be erected any Bridge or Bridges or work or use any ferry, for the carriage of any persons, cattle or carriages whatsoever, for hire, across the said river Ottawas otherwise *Desprairies*, within three miles from the lower end of the said Island *Bourdon* upwards in the said river Ottawas, otherwise *Desprairies*; and if any person or persons shall erect a Bridge or Bridges over the said river within the said limits, he or they shall pay, to the said *Thomas Porteous*, his heirs, executors, curators and assigns treble the Tolls hereby imposed, for the persons, cattle and carriages which shall pass over such Bridge or Bridges. And if any person or persons shall, at any time for hire or gain pass or convey any person or persons, cattle, carriage or carriages, across the said river, within the limits, aforesaid, such offender or offenders shall, for each carriage, person, or animal, so carried across, forfeit and pay the sum of Twenty Shillings currency.

Penalty.

Penalty on persons pullingdown &c. the Bridgesor Toll Houses.

IX. And be it further enacted by the authority aforesaid, that if any person shall maliciously pull down; burn or destroy the said Bridges or any part thereof, or any Toll House, to be erected by virtue of this Act, every person so offending, and being thereof lawfully convicted, shall be deemed guilty of felony.

Thomas Porteous required to erect the Bridges within three years.

X. And be it further enacted by the authority aforesaid, that the said *Thomas Porteous* to entitle himself to the benefits and advantages, to him by this Act granted, shall and he is hereby required, to erect and complete the said Bridges, Toll Houses, Turnpikes and conveniencies, within three years from the day of the passing of this Act, and if the same shall not be completed within the time last mentioned, so as to afford a convenient and safe passage over the said Bridges he the said *Thomas Porteous*, his heirs, executors, curators and assigns, shall cease to have any right, title or claim, of, in or to the Tolls hereby imposed, which shall, from thence forward belong to his Majesty; and the said *Thomas Porteous* shall not by the said Tolls, or in any other manner or way be intitled to any reimbursement of the expence, he may have incurred in and about the building of the said Bridges; and in case the said Bridges, after they shall have been erected and completed, shall at any time, become impassable or unsafe for Travellers, Cattle or Carriages, he the said *Thomas Porteous*, his heirs, executors, curators or assigns, shall and they are hereby required, within eighteen months from the time at which the said Bridges shall by his Majesty's Court of General Quarter Sessions of the Peace, in and for the said District of Montreal, be ascertained to be impassable or unsafe, and notice thereof to him or them by the said Court given, to cause the same to be rebuilt or repaired, and made safe and commodious for the passage of Travellers, Cattle and Carriages; and if within the time last mentioned, the said Bridges be not so repaired, or rebuilt, as the case may require, then the said Bridges or such part or parts thereof, as shall be remaining, shall be and be taken, and considered to be the property of his Majesty, and after such default, to

Penalty if not completed.

to repair or rebuild the said Bridges, the said *Thomas Porteous*, his heirs, executors, curators or assigns shall cease to have any right, title or claim, of, in, to or out of the said Bridges, or the remaining parts thereof, and the Tolls hereby granted, and his and their right in the premisses, shall be wholly and for ever determined. Provided always, that before the said default is incurred and during the interval hereby allowed for the repairing or rebuilding of the said Bridges, it shall and may be lawful for the said *Thomas Porteous*, his heirs, executors, curators or assigns, and he and they is and are hereby authorised and obliged to provide proper and convenient ferry boats or scows for the passage of Travellers, Cattle and Carriages over the said river, as near to the said Bridges as conveniently may be, and to demand, collect and receive for the passage of such Travellers, Cattle and Carriages in the said ferry Boats or Scows before they respectively shall be permitted to pass, the like Tolls as are hereby authorised to be taken, for passing over the said Bridges, any thing herein before contained to the contrary notwithstanding.

During the interval for repairing or rebuilding the Bridges, proper & convenient Ferry Boats to be provided.

And to take the same Tolls.

Penalties, how recoverable.

XI. And be it further enacted by the authority aforesaid, that the Penalties hereby inflicted, shall upon proof of the offences respectively before any one or more of the Justices of the Peace for the District of Montreal, either by confession of the offender or by the oath of one or more credible Witness or Witnesses, (which oath such Justice is hereby empowered and required to administer,) be levied by distress and Sale of the Goods and Chattels of such offender, by Warrant signed by such Justice or Justices, and the overplus, after such Penalties and the charges of such distress and sale are deducted, shall be returned upon demand to the owner of such Goods and Chattels; one half of which Penalties respectively, when paid or levied, shall belong to his Majesty, and the other half, to the person suing for the same.

Money levied by this act, & not granted to Thomas Porteous, and the several Fines & Penalties granted to his Majesty to be accounted for to his Majesty.

XII. And be it further enacted by the authority aforesaid, that the money to be levied by virtue of this Act, and not herein before granted to the said *Thomas Porteous*, his heirs and assigns and the several Fines and Penalties hereby inflicted, shall be and the same are hereby granted and reserved to his Majesty, his Heirs and Successors, for the Public uses of this Province, and the government thereof, in manner herein before set forth and contained, and the due application of such Money, Fines and Penalties, shall be accounted for to his Majesty, his Heirs and Successors, in such manner and form, as he or they shall direct through the Lords Commissioners of his Majesty's Treasury for the time being.

Public Act.

XIII. And be it further enacted by the authority aforesaid, that this Act shall be deemed a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices and the persons whomsoever without being specially pleaded.

XV.

Duty of the Clerk of the Court of Appeals, when the Governor shall have fixed the place of meeting.

II. And be it further enacted by the authority aforesaid, that when and so often, as the Governor, Lieutenant Governor or person administering the Government of this Province for the time being shall, by such Warrant as aforesaid, appoint any place as aforesaid for the purpose aforesaid, it shall be the duty of the Clerk of the Provincial Court of Appeals, and he is hereby required, forthwith to give public notice in the Quebec Gazette, of the place wherein the Provincial Court of Appeals, under and by virtue of such Warrant, will be kept and holden.

Continuance of the Act.

III. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first day of January one Thousand Eight Hundred and Ten, and from thence to the end of the next Session of the Provincial Parliament, and no longer.

CAP. VIII.

AN ACT for better regulating the weight and rates at which certain Coins shall pass current in this Province; for preventing the falsifying, counterfeiting or impairing of the same; and for repealing the Act and Ordinance therein mentioned.

(14th. April, 1808.)

Preamble.

WHEREAS by the Act, now in force, the relative value of Gold Coins current, in this Province, is not accurately established. 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 Lower 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 it is hereby enacted 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, when weighed by the single piece, the British Guinea weighing five Pennyweights and six Grains, Troy, at one Pound, three Shillings and four Pence; the Johannes of Portugal, weighing eighteen Pennyweight, Troy, at four Pounds; the Moidore of Portugal, weighing six Pennyweight and eighteen Grains, Troy, at one Pound, ten Shillings; the Milled Doubloon or four Pistole Piece of Spain, weighing seventeen Pennyweight, Troy, at three Pounds, fourteen Shillings and six Pence; the French Louis d'Or, coined

Gold and Silver coins established.

coined before the year, one thousand seven hundred and ninety three, weighing five Penny weight and four Grains, Troy, at one Pound two Shillings and eight Pence; the French Pistole piece, coined before the same period, weighing four Penny weight and four Grains, Troy, at eighteen Shillings and three Pence; the American Eagle piece, weighing eleven Penny weight 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 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 and 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 or deduction on certain coins above or under the standard.

II. And be it further enacted by the authority aforesaid, that for every grain which any piece of the aforesaid British, Portugal, or American Gold coins shall respectively weigh more than the Standard aforesaid, when weighed by the single piece, there shall be allowed and added, in all payments, 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 allowed and deducted in all payments, two pence and one farthing, currency, and for every grain which any piece of the aforesaid Spanish or French Gold coins shall respectively weigh, more than the Standard aforesaid, when weighed by the single piece, there shall be allowed and added in all payments, two pence and one fifth of a penny, currency; and for every grain which any piece of the same shall respectively weigh less than the Standard aforesaid, there shall be allowed and deducted, in all payments, two pence and one fifth of a penny, currency.

Penalty on persons uttering any false or conterfeit money.

III. And be it further enacted by the authority aforesaid, that if any person whatsoever, 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 coin 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 Market 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

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.

Penalty on persons bringing into this Province any false Brass or Copper money.

IV. 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 such false and counterfeit Money, suffer imprisonment, at the discretion of the Court of King's Bench of the District wherein such person shall be tried and convicted. Provided always, that such imprisonment shall not exceed twelve Calendar Months; and provided also, that the prosecution for such offence, shall be commenced in Six Months after the offence committed, and not afterwards.

Provided that the imprisonment does not exceed a certain time.

Prosecution to be commenced within six months.

Counterfeit Brass or Copper money may be seized.

V. 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 thereof, 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.

No person bound to receive at any one time more than one shilling in copper money.

VI. 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.

Gold coins above £20 may be weighed in bulk.

VII. And whereas it would be a great facility in making payments if Gold coin, in certain cases, was weighed in bulk, and not by the single piece, as herein before mentioned. Be it therefore enacted by the authority aforesaid, that in every payment, exceeding the sum of Twenty Pounds, currency, which shall be made in Gold coin, after the passing of this Act, where one of the parties making or receiving the same, shall require it, such Gold shall be weighed in bulk, and not by the single piece, that is to say; the Gold coin of Great Britain, Portugal, and America together; and that of Spain and France together; and the Gold coins of Great Britain, Portugal, and America shall be computed at the rate of eighty nine Shillings, currency, for each ounce, Troy, according to the Table hereunto annexed, marked A. and that of Spain and France, at the rate of eighty seven shillings and eight pence, half penny, currency, for each ounce, Troy, according to the table hereunto annexed, marked B. and on each of such weighings, a deduction shall be made of

of one half of a grain, Troy, for each piece of Gold coin ſo weighed, as a compenſation to the Receiver or Receivers for the loſs that may accrue to him, her or them in afterwards paying away the ſame, by the ſingle piece, which deductions ſhall be computed, reſpectively, at the rates aforeſaid, or according to the Table aforeſaid to which the deſcription or deſcriptions of the Gold coin ſo weighed, may belong.

Counterfeit Gold Silver or Copper coins to be cut or defaced.

VIII. 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 the ſame, 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 according to its actual weight, in proportion to the value it was coined for: and if any queſtion ſhall ariſe, whether any piece ſo cut, broke 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 ſkilful perſons to give their opinion thereon, whoſe opinions, or the majority thereof, ſhall be final.

Counterfeit Gold or Silver coin produced in court to be cut in pieces.

IX. 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 then to be delivered to, or for the perſon or perſons to whom it belongs.

Act 36 Geo. III. cap. 7 alſo the Act and Ordinance 17 Geo. III. cap. 9. repealed.

X. And be it further enacted by the authority aforeſaid, that from and after the paſſing of this Act, an Act paſſed in the thirty ſixth year of His Majeſty's reign, intituled, "*An Act for the better regulating the weight and rates at which certain coins "ſhall paſs current in this Province, for preventing the falſifying, counterfeiting or "impairing the ſame; and for repealing the Act or Ordinance therein mentioned;*" as alſo, the Act or Ordinance therein mentioned, made in the ſeventeenth year of His "Majeſty's Reign, intituled, "*An Ordinance for regulating the Currency of the Pro-"vince,*" are, and the ſame and each of them, is, and are hereby repealed.

TABLE.

A.

TABLE

Exhibiting the value of British, Portugal and American Gold, when weighed in Bulk.

Grains.						Pennyweights.						Ounces.			Pounds.			
	Pounds.	Shillings.	Pence.	Farthings.	Parts.		Pounds.	Shillings.	Pence.	Farthings.	Parts.		Pounds.	Shillings.		Pounds.	Shillings.	Pence.
1	:	:	2	:	9-10	1	:	4	5	1	6-10	1	4	9	1	53	8	:
2	:	:	4	1	8-10	2	:	8	10	3	2-10	2	8	18	2	106	16	:
3	:	:	6	2	7-10	3	:	13	4	:	8-10	3	13	7	3	160	4	:
4	:	:	8	3	6-10	4	:	17	9	2	4-10	4	17	16	4	213	12	:
5	:	:	11	:	5-10	5	1	2	3	:	:	5	22	5	5	267	:	:
6	:	1	1	1	4-10	6	1	6	8	1	6-10	6	26	14	6	320	8	:
7	:	1	3	2	3-10	7	1	11	1	3	2-10	7	31	3	7	373	16	:
8	:	1	5	3	2-10	8	1	15	7	:	8-10	8	35	12	8	427	4	:
9	:	1	8	:	1-10	9	2	:	:	2	4-10	9	40	1	9	480	12	:
10	:	1	10	1	:	10	2	4	6	:	:	10	44	10	10	534	:	:
11	:	2	:	1	9-10	11	2	8	11	1	6-10	11	48	19	11	587	8	:
12	:	2	2	2	8-10	12	2	13	4	3	2-10				12	640	16	:
20	:	3	8	2	:	13	2	17	10	:	8-10				13	694	4	:
30	:	5	6	3	:	14	3	2	3	2	4-10				14	747	12	:
40	:	7	5	:	:	15	3	6	9	:	:				15	801	:	:
50	:	9	3	1	:	16	3	11	2	1	6-10				16	854	8	:
60	:	11	1	2	:	17	3	15	7	3	2-10				17	907	16	:
70	:	12	11	3	:	18	4	0	1	0	8-10				18	961	4	:
80	:	14	10	:	:	19	4	4	6	2	4-10				19	1014	12	:
90	:	16	8	1	:										20	1068		:
100	:	18	6	2	:													
200	1	17	1	:	:													
300	2	15	7	2	:													
400	3	14	2	:	:													
500	4	12	8	2	:													
600	5	11	3	:	:													
700	6	9	9	2	:													
800	7	8	4	:	:													
900	8	6	10	2	:													
1000	9	5	5	:	:													

For every Grain over or under, when weighed by the Single Piece, add or deduct 2d. $\frac{1}{4}$, and when weighed in Bulk, one half a Grain so to be deducted for each Piece so weighed, the Value of which deduction, may be easily found in the Table.

B.

B

TABLE.

Of French and Spanish Gold at 87s. 8½d. per Ounce.

Grains	Value.			Dwts	Value.				Oun	Value.			Libs.	Value.		
	Sgs.	Pce.	Far.		£.	Sgs.	Pce	Far.		£.	Sgs.	Pce.		£.	Sgs.	Pce.
1	0	2	0½	1	0	4	4	2½	1	4	7	8½	1	52	12	6
2	0	4	1½	2	0	8	9	1	2	8	15	5	2	105	5	0
3	0	6	2	3	0	13	1	3½	3	13	3	1½	3	157	17	6
4	0	8	3	4	0	17	6	2	4	17	10	10	4	210	10	0
5	0	10	3½	5	1	1	11	0½	5	21	18	6½	5	263	2	6
6	1	1	0½	6	1	6	3	3	6	26	6	3	6	315	15	0
7	1	3	1	7	1	10	8	1½	7	30	13	11½	7	368	7	6
8	1	5	2	8	1	15	1	0	8	35	1	8	8	421	0	0
9	1	7	2½	9	1	19	5	2½	9	39	9	4½	9	473	12	6
10	1	9	3½	10	2	3	10	1	10	43	17	1	10	526	5	0
11	2	0	0	11	2	8	2	3½	11	48	4	9½	20	1052	10	0
12	2	2	1	12	2	12	7	2	12	is one Lib.						
20	3	7	3	13	2	17	0	0								
30	5	5	3	14	3	1	4	3								
40	7	3	2½	15	3	5	9	1½								
50	9	1	2½	16	3	10	2	0								
60	10	11	2	17	3	14	6	2½								
70	12	9	1½	18	3	18	11	1								
80	14	7	1½	19	4	3	3	3½								
90	16	5	1	20	is one Ounce.											
100	18	3	1													
200	36	6	2													
300	54	9	3													
400	73	1	0													
500	91	4	1													
600	109	7	2½													
700	127	10	3½													
800	146	2	0½													
900	164	5	1½													
1000	182	8	2½													

For every Grain over or under, when weighed by the single piece, add or deduct 2 1-5 and when weighed in bulk one half of a grain to be deducted for each piece so weighed, the value of which deduction may be easily found in the Table.

CAP. IX

or more persons to be sworn, say) I, A. B. of——and I, C. D. of——do make Oath and swear, that in the presence of E. F. the Plaintiff and G. H. the Defendant, named in an Interlocutory Sentence, pronounced in His Majesty's Court of King's Be[illegible] for the District of——bearing date the——of——or in thei[illegible], after due notification shall have been give[illegible] to attend at a place t[illegible]nated, and on a day and hour to be spec[illegible]med to them, respectively, [illegible]ithfully proceed as an *Expert* to t[illegible]d examination required by th[illegible]locutory Sentence, and that I wil[illegible]ort my opinion in the premises, wi[illegible] or partiality, towards eith[illegible]aid parties.

[illegible] help me God."

Form No. 2.

[illegible] NUMBER [illegible]

The Certif[illegible] gi[illegible] Commissioner.

Sworn before me by virtue of [illegible]iven by the annexed Commission, at——this——day of——[illegible]ear——

FO[illegible]HREE.

Form No. 3.

The O[illegible] admin[illegible] Witnesses.

I, (insert th[illegible]rofession or qua[illegible]place of residence of the Witness,) do make [illegible] swear, that I am no[illegible] allied to, or a Servant or Domestick of [illegible]e Plaintiff or G. H. the [illegible]t, and that I am not interested in th[illegible]f the cause pending between th[illegible] Witness says, he is, state in [illegible]ree he declares himself to be relat[illegible]d to either, and which of t[illegible] or what situation he holds in the family, [illegible] of them,) and and I do[illegible]ear, that the Evidence which I shall give betw[illegible] said parties, before t[illegible]*perts*, (or Arbiters or Arbitrators, as the case may [illegible]named in the Interlocutory Sentence, pronounced by His Majesty's Court of King's Bench, in the said cause, shall be the truth, the whole truth, and nothing but the truth,

"So help me God".

C A P. XXIII.

AN ACT to prolong the time granted to *Thomas Porteous* of Terrebonne, Esquire, for rebuilding certain Bridges therein mentioned.

(14th April, 1808.)

Preamble.

WHEREAS by an Act of the Provincial Parliament, made and passed in the forty fifth year of His Majesty's reign, Chapter fourteenth, intituled, "*An Act*

Clause in A. 44 Geo. III, Cap. 14 recited.

"*Act to authorise Thomas Porteous, Esquire, to build a Bridge over a branch of the river Outaouais, otherwise des Prairies, from Lachenaye to the Isle called Bourdon; and another Bridge, from that Island to the Island of Montreal, to establish the rates of Toll payable thereon, and for regulating the said Bridges,*" it is amongst other things enacted, that if, at any time after the said Bridges shall have been erected and completed, they shall become impassable or unsafe for Travellers, Cattle or Carriages, he the said *Thomas Porteous*, his heirs, executors, curators or assigns, shall, within eighteen months after the same shall be ascertained, and notice thereof given by His Majesty's Court of General Quarter Sessions of the Peace, in and for the District of Montreal, repair or rebuild the same, on pain of forfeiting all his right, title or claim of, into, or out of the said Bridge. And whereas the said *Thomas Porteous*, in virtue of the afore recited Act, did cause the said Bridges to be erected and opened, at a great expence. and that the same were unfortunately carried away by the breaking up of the ice, last spring, to the great damage of the said *Thomas Porteous*, and to the great inconvenience of the Public; and that he hath stated, by his humble petition to the Legislature, that the time so allowed for rebuilding as aforesaid, is not sufficient: for remedy whereof; May it 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 Lower 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 it is hereby enacted by the authority of the same, that there shall be allowed and granted unto the said *Thomas Porteous* a delay of six years from and after the passing of this Act for rebuilding the said Bridges. Provided always, that nothing in the present Act, shall be held or construed to change, alter, or amend any other part of the above recited Act, of the forty fifth year of His present Majesty's reign, Chapter fourteenth, which said Act, in every other respect, shall remain in full force and effect, as if this Act had never been passed.

Thomas Porteous allowed a delay of six years for the rebuilding the Bridges.

Proviso.

CAP. XXIV.

AN ACT to authorise *Thomas Porteous* of Terrebonne, Esquire, to erect a Bridge, from Repentigny to the Island, called, Bourdon.

(14 April, 1808.)

Preamble.

WHEREAS the convenience and the facility of intercourse of the Inhabitants of the adjacent Parishes, and of the public in general, would be much promoted

moted by the erection of a Bridge from Repentigny, in the County of Leinster, to the Island, called Bourdon, to communicate with two other Bridges to be rebuilt from the said Island to Lachenaye, and to the Island of Montreal, by the authority of an Act of the Provincial Parliament, made and passed in the forty fifth year of His Majesty's reign, intituled, *An Act to authorise* Thomas Porteous, *Esquire, to build* " *a Bridge over a branch of the River Outaouais, otherwise, des Prairies from Lache-* " *naye, to the Island, called Bourdon; and another Bridge from that Island to the Is-* " *land of Montreal; to establish the rates of Toll, payable thereon, and for regulating* " *the said Bridges.*" 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 Lower 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 it is hereby enacted by the authority of the same, that it shall be lawful for the said *Thomas Porteous*, and he is hereby authorised and empowered, at his own costs and charges, to erect and build a good and substantial Bridge over the said River Outaouais, otherwise des Prairies, from the bank or shore, at Repentigny aforesaid, to the said Island, Bourdon, at such convenient place as the said *Thomas Porteous* may find best adapted to the purpose, and to erect and build one or more Toll House or Toll Houses and Turnpike or Turnpikes, with other conveniencies, on or near the said Bridge; and also, to do, perform and execute all other matters and things requisite and necessary, useful or convenient, for erecting and building, maintaining and supporting the said intended Bridge, Toll Houses, Turnpikes and conveniencies, according to the true meaning and tenor of this Act: and further, that for the purpose of erecting building, maintaining or supporting the said Bridge, the said *Thomas Porteous*, his heirs, executors, curators and assigns, shall, from time to time, have full power and authority to take and use the land, on either side of the said river, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said Bridge accordingly: he the said *Thomas Porteous*, his heirs, executors, curators or assigns, and the persons by him or them employed, doing as little damage as may be, and making reasonable and just satisfaction to the respective owners and occupiers of all such lands and grounds as shall be altered, damaged or made use of, by means of and for the purpose of erecting the said Bridge; and in case of difference and dispute about the quantum of such satisfaction, the same shall be settled by His Majesty's Court of King's Bench, of and for the District of Montreal, after a previous visitation, examination and estimation of the premises, shall have been made by *Experts*, to be named by the Parties respectively: and in default of such nomination by them, or either of them, then by the said Court, in manner and form prescribed by law, for the nomination and appointment of *Experts* in Civil Suits at Law; and the said Court is hereby authorised and empowered to hear, settle

Thomas Porteous authorised to build a Bridge over the River Outaouis from Repentigny, to the Island Bourdon.

Proviso.

settle and finally determine the same, accordingly. Provided always, that the said Bridge, shall not be erected until the Bridges, from Lachenaye, to the aforementioned Island, and thence to the Island of Montreal, which were heretofore erected by the authority of the Act of the Provincial Parliament herein before recited, and which were subsequently carried away by the ice, shall have been rebuilt and opened for the passage of Travellers; and Provided also, that an open space, shall be left between the Pillars of said Bridge, of at least one hundred and fifty feet for the safe and commodious passage of Rafts.

An open space to be left for passage of Rafts.

Grand Voyer, or his Deputy, of the District of Montreal, authorised to change the direction of the King's highway.

II. And whereas it may be necessary for the purpose of effecting a communication with the said Bridge, to change the direction of the King's highway, in the vicinity thereof, or to open a new highway or highways. Be it further enacted by the authority aforesaid, that it shall be lawful for the *Grand Voyer*, or his deputy of the said District of Montreal, to send an order to the Surveyor of highways, in every Parish through which the said King's highway or highways may pass, to be by him read and published in the usual manner, at the Church door of every such Parish; in which order the said *Grand Voyer* or his Deputy, shall require the persons interested in the King's highway or highways to meet, on the day and at the hour and place which he shall fix, to give such information as they may judge necessary or proper, and after such meeting, the said *Grand Voyer*, or his Deputy, shall go upon the spot to change the direction of such part or parts of the said King's highway or highways or bye roads, and open such other highways or highways, bye road or bye roads as may be necessary for communicating with the said Bridge; and the said *Grand Voyer*, or his Deputy, shall fix and allot the work to be performed, and by whom, upon such parts of the King's highway or highways to be so as aforesaid changed, and upon such highway or highways, bye road or bye roads, which shall be opened as aforesaid, of all which he shall make his *Procès Verbal* to be heard, examined and determined upon, in due course of law.

The Bridge, &c vested in Thomas Porteous, his heirs and Assigns for ever.

After the expiration of 50 years His Majesty may assume the possession of the said Bridge, &c paying to Thomas Porteous, &c the full value thereof.

When the Bridge is built and fit for the passage of Travellers, &c. Thomas Porteous &c.

III. And be it further enacted by the authority aforesaid, that the said Bridge and the said Toll Houses, Turnpikes and conveniencies to be erected thereon, or near thereto, and also the ascents and approaches to the said Bridge, and all materials which shall be from time to time gotten or provided, for erecting, building, making, maintaining and repairing the same, shall be vested in the said *Thomas Porteous*, his heirs and assigns for ever. Provided, that after the expiration of fifty years, to be accounted from the passing of this Act, it shall and may be lawful for His Majesty, his heirs and successors, to assume the possession and property of the said Bridge, Toll Houses, Turnpikes and conveniencies and the ascents and the approaches thereto, upon paying to the said *Thomas Porteous*, his heirs, executors, curators or assigns the full and entire value which the same may at the time of such assumption, be worth; and when and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of Travellers, Cattle and Carriages, and that the same shall be certified by any two or more Justices of the Peace, for the District of

authorised to take for Pontage the same Tolls as in Act 45, Geo. III, Cap. 14,

of Montreal, after examination thereof, by three *Experts*, to be appointed and sworn by the said Justices, and to be advertised in the Quebec and Montreal Gazettes, it shall be lawful for the said *Thomas Porteous*, his heirs, executors, curators and assigns, from time to time and at all times, to ask, demand, receive, recover and take to and for their own proper use and behoof, for Pontage, as or in the name of a Toll or Duty, before any passage over the said intended Bridge, shall be permitted, at and after the same rates as mentioned in the aforementioned Act, of the forty fifth year of His present Majesty, chapter fourteenth, for passing the same, and one or other of the Bridges, therein mentioned, either to Lachenaye or to the Island of Montreal.

Exemption in certain cases.

IV. Provided always and be it further enacted by the authority aforesaid, that no Person, Horse or Carriage, employed in conveying a Mail or Letters, under the authority of His Majesty's Post Office, nor the Horses, Carriages, laden or not laden, and Drivers attending Officers and Soldiers of His Majesty's Forces, or of the Militia, nor the said forces or Militia men, whilst upon their march or on duty, nor Carriages and Drivers attending on the Guard sent with Prisoners of any description, be chargeable with any Toll or rate whatsoever. Provided also, that it shall and may be lawful for the said *Thomas Porteous*, his heirs, executors, curators and assigns, to diminish the said tolls, or any of them, and afterwards, if he or they shall see fit, again to augment the same, or any of them, so as not to exceed, in any case, the rates herein before authorised to be taken. Provided also, that the said *Thomas Porteous*, his heirs, executors, curators or assigns, shall affix or cause to be affixed, in some conspicuous place, at or near each Toll gate, a Table of the rates, payable for passing over the said Bridge, and so often as such rates may be diminished, or augmented, he or they shall cause such alteration to be affixed in manner aforesaid.

Thomas Porteous, &c. may reduce and afterwards advance the Tolls.

Table of Rates to be affixed in some conspicuous place at each Toll Gate.

Tolls vested in Thomas Porteous &c.

V. And be it further enacted by the authority aforesaid, that the said Tolls shall be, and the same are hereby vested in the said *Thomas Porteous*, his heirs and assigns for ever. Provided, that if His Majesty shall, in the manner herein before mentioned, after the expiration of fifty years, from the passing of this Act, assume the possession and property of the said Bridge, Toll Houses, Turnpikes and conveniencies, and the ascents and approaches thereto, then the said Tolls shall, from the time of such assumption, appertain and belong to His Majesty, his Heirs and Successors, who shall, from thence forward, be substituted in the place and stead of the said *Thomas Porteous*, his heirs and assigns, for all and every the purposes of this Act.

Unless His Majesty, at the end of 50 years shall assume the possession of the Bridge &c. then the same shall be vested in His Majesty.

Penalty on persons forcibly passing the Turnpike without paying the Tolls, or who shall obstruct the said Thomas Porteous in building

VI. And be it further enacted by the authority aforesaid, that if any person shall forcibly pass through the said Turnpike or Turnpikes, without paying the Toll or any part thereof, or shall interrupt or disturb the said *Thomas Porteous*, his heirs, executors, curators or assigns, or any person or persons employed by him or them, for building or repairing the said Bridge, or for making or repairing the way over the same

he Bridge &c.

same, or any road or avenue leading thereto, every person, so offending, in each of the cases aforetaid, shall, for every such offence, forfeit a sum, not exceeding twenty Shillings, currency.

Ferries to cease between Repentigny and the Island of Montreal. No Bridge, &c. to be built within 3 miles.

VII. And be it further enacted by the authority aforesaid, that as soon as the said Bridge, shall be passable and opened for the use of the Public, the present Ferries, between Repentigny aforesaid, and the said Island of Montreal, shall cease to be worked, and from thence forward, no person or persons, shall erect or cause to be erected any Bridge or Bridges, or work or use any Ferry for the carriage of any Persons, Cattle or Carriages wnatsoever, for hire, across the said River Outaouais, otherwise des Prairies, from the entrance upwards in the River Outaouais, otherwise des Prairies, for three miles; and if any person or persons shall erect, or cause to be erected, a Bridge or Bridges, over the said River, within the said limits, he or they shall pay to the said *Thomas Porteous*, his heirs, executors, curators and assigns, treble the Tolls hereby imposed for the Persons, Cattle and Carriages which shall pass over such Bridge or Bridges; and if any person or persons shall, at any time, for hire or gain, pass or convey any Person or Persons, Cattle, Carriage or Carriages, across the said River, within the limits aforesaid, such Offender or Offenders shall, for each Carriage, Person or Animal, so carried across, forfeit and pay the sum of twenty Shillings, currency.

Penalty.

Penalty on persons pulling down &c. the Bridge or Toll Houses.

VIII. And be itfurther enacted by the authority aforesaid, that if any person, shall, maliciously pull down, burn or destroy the said Baidge, or any part thereof, or any Toll House to be erected by virtue of this Act, every person, so offending and being thereof lawfully convicted, shall be deemed guilty of felony.

Thomas Porteous required to erect the said Bridge within two years after having erected two other several Bridges.

IX. And be it further enacted by the authority aforesaid, that the said *Thomas Porteous*, to entitle himself to the benefits and advantages to him by this Act granted, shall, and he is hereby required, to erect and complete the said Bridge, Toll Houses, Turnpikes and conveniencies within two years after having rebuilt the Bridges from Lachenaye, to the Island called Bourdon, and thence to the Island of Montreal; and if the same shall not be completed, within the time last mentioned, so as to afford a convenient and safe passage over the said Bridge, he the said *Thomas Porteous*, his heirs, executors, curators and assigns, shall cease to have any right, title or claim of, in, or to the Tolls hereby imposed, which shall, from thence forward, belong to His Majesty; and the said *Thomas Porteous*, shall not, by the said Tolls, or in any other manner or way, be entitled to any reimbursement of the expence he may have incurred in and about the building of the said Bridge; and in case the said Bridge, after it shall have been erected and completed, shall, at any time, become impassable or unsafe for Travellers, Cattle or Carriages, he the said *Thomas Porteous*, his heirs, executors, curators and assigns, shall, and they are hereby required, within five years, from the time at which the said Bridge, shall by His

His Majesty's Court of General Quarter Sessions of the Peace, in and for the said District of Montreal, be ascertained to be impassable or unsafe, and notice thereof to him or them, by the said Court given, to cause the same to be rebuilt or repaired and made safe and commodious, for the passage of Travellers, Cattle and Carriages; and if within the time last mentioned, the said Bridge be not so repaired or rebuilt, as the case may require, then the said Bridge, or such part or parts thereof, as shall be remaining, shall be, and be taken and considered to be the property of His Majesty; and after such default to repair or rebuild the said Bridge, the said *Thomas Porteous*, his heirs, executors, curators or assigns, shall cease to have any right, title or claim of, in, to, or out of the said Bridge, or the remaining parts thereof, and the Tolls hereby granted, and his and their right in the premises, shall be wholly and for ever determined. Provided always, that before the said default is incurred, and during the interval hereby allowed for the repairing or rebuilding of the said Bridge, it shall and may be lawful for the said *Thomas Porteous*, his heirs, executors, curators or assigns, and he and they is, and are hereby authorised and obliged to provide proper and convenient Ferry Boats or Scows, for the passage of Travellers, Cattle and Carriages over the said River, as near to the said Bridge as conveniently as may be, and to demand, collect and receive, for the passage of such Travellers, Cattle and Carriages over the said River, in the said Ferry Boats or Scows, before they respectively shall be permitted to pass, the like Tolls as are hereby authorised to be taken, for passing over the said Bridges, any thing herein before contained to the contrary notwithstanding.

Penalty if not completed.

During the interval for repairing or the building the Bridge, proper and convenient Ferry Boats to be provided.

And to take the same Tolls.

Penalties how recoverable.

X. And be it further enacted by the authority aforesaid, that the penalties hereby inflicted, shall, upon proof of the offences respectively, before any or more of the Justices of the Peace, for the District of Montreal, either by confession of the offender, or by the oath of one or more credible witness or witnesses, (which oath such Justice is hereby empowered and required to administer,) be levied by distress and sale of the goods and chattels of such offender, by warrant, signed by such Justice or Justices; and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owners of such goods and chattels, one half of which penalties, respectively, when paid or levied, shall belong to His Majesty, and the other half to the person suing for the same.

Money levied by this Act and not granted to Thomas Porteous, and the several fines and penalties granted to His Majesty, to be accounted for to His Majesty.

XI. And be it further enacted by the authority aforesaid, that the money to be levied by virtue of this Act, and not herein before granted to the said *Thomas Porteous*, his heirs and assigns, and the several fines and penalties hereby inflicted, shall be, and the same are hereby granted and reserved to His Majesty, his Heirs, and Successors, for the public uses of this Province, and the Government thereof, in manner herein before set forth and contained; and the due application of such money, fines and penalties, shall be accounted for to His Majesty, his Heirs and Successors, in such manner and form, as he or they shall direct, through the Lords Commissioners of His Majesty's Treasury: for the time being.

XI.

Public Act.

XII. And be it further enacted by the authority aforesaid, that this Act, shall be deemed a Public Act, and shall be Judicially taken notice of as such, by all Judges, Justices and other persons whomsoever, without being specially pleaded.

~~C. A. P. XXV.~~

AN ACT more effectually to provide for the making, altering and repairing the Highways and Bridges, within the Inferior District of Gaspé, and [illegible] al so much of an Act, passed in the thirty-sixth [illegible] f His Maje[illegible]gn, intituled, "*An Act for making, repairi[illegible]tering* "*the [illegible] and Bridges within this Province, and f[illegible]urposes*" as regard[illegible] Inferior District.

[illegible]pril, 1808.)

Preamble.

Clause in Act 36 Geo. III. Cap. 9. recited.

WHEREAS that [illegible] Act, made and p[illegible]e Legislature of this Province, in the [illegible]h year of His [illegible]jesty's Reign, intituled, "*An Act for making, repai[illegible]tering th[illegible]s and Bridges within this* "*Province, and for other pur[illegible]ich [illegible]r the Highways and Bridges in the Inferior District of Gaspé, [illegible]ce, been found insufficient; in order therefore to facilitate the ma[illegible] and altering of the said Highways and Bridges within the said Inferior [illegible] Be it enacted by the King's Most Excellent Majesty, by and with [illegible]onsent of the Legislative Council and Assembly of the Province [illegible] constituted and assembled by virtue of, and under the auth[illegible] Act [illegible] the Parliament of Great Britain, intituled, "An A[illegible] certain [illegible] Act, passed in the four-

So much of the Act 36 Geo. III. Cap. 9 which has reference to Gaspé, repealed and the other provisions of the Act extended to the Inferior District of Gaspé.

"teenth year of His Ma[illegible]gn, intituled, "*for making more effectual* "*provision for the Go[illegible] the Province of Q[illegible] North America;*" and "to make further p[illegible] the Government of th[illegible]ince;" And it is hereby enacted b[illegible]uthority, that so much of [illegible]id Act, of the thirty-fixth of [illegible] Majesty, as is contained in the t[illegible] clause thereof, and which [illegible]e Judge of the Provincial Court of C[illegible] three Justices of th[illegible] the Grand Voyer for the said Inferior [illegible] Gaspé, to make a[illegible]e, in their discretion, Bye Laws and Regulation[illegible]ng out, making [illegible]airing Highways and Bridges within the same, and [illegible] directs, that no p[illegible]on shall be obliged to contribute more than twelve days la[illegible], in any year, towards the making and repairing of Highways and Bridges, which shall be necessary to be made by joint labour; and every matter and thing in the said Clause contained be and the same are hereby repealed, and that, from and after the passing of this Act, all and every the regulations and provisions in and by the said in part recited

"*nances therein mentioned*," which said Act was continued until the first day of July one thousand eight hundred and ten, by another act passed in the forty eight year of His Majesty's Reign, intituled, "*An Act to continue for a limited time, an act passed* "*in the [illegible]ird year of his Majesty's reign, intituled:* "*An Act for [illegible]r regu-* "*lation [illegible]litia of this Province, and for repealing certain A[illegible]inances therein m[illegible]*" And whereas the term fixed for the duration [illegible] Act, to the first day [illegible]onth of July, of the year of our Lo[illegible]land eight hundred and [illegible]pired; except, in as much as it [illegible]d by the said Act, that if at th[illegible]n of the term so fixed, the [illegible]as in a state of War, Invasion, o[illegible]on, the said Act should [illegible]n force, until the end of such War, i[illegible] insurrection. And [illegible] great inconveniences may result to this Pro[illegible]he possible ca[illegible]e unexpected news of a Peace, might arrive at the [illegible]nt we sha[illegible] the necessity of preparing to repel an expected attack, [illegible]r qu[illegible]urther term for the duration of the said Act, is not fixed. [illegible]d, by the King's Most Excellent Majesty, by and with the a[illegible]t of the Legislative Council, and Assembly of the Province of Lower [illegible]tituted and assembled by virtue of and under the authority of an A[illegible]ment of Great Britain, intituled: "An Act to repeal certain pa[illegible]d in the fourteenth year of his "Majesty's reign," intituled [illegible] *more effectual provision for the* "*Government of the Provin[illegible]c in No[illegible]a: and to make further pro-* "*vision for the Governme[illegible]id Province,* [illegible] hereby enacted by the authority of the same, [illegible]d Act, intituled [illegible] *for the better regula-* "*tion of the Militi[illegible]rovince, and for repea[illegible] Acts or Ordinances* "*therein mentione[illegible]* matters and things therein [illegible] shall continue to be in force, un[illegible]ay of March in the year of our [illegible] thousand eight hundred and [illegible] Provided always, that if at the end o[illegible]erein before fixed for th[illegible] of the said Act, the Province was in a state [illegible]urrection, or invasi[illegible]d Act shall continue to be in force until the e[illegible]id war, insurre[illegible] invasion.

Act 43. Geo. III. Cap. I. continued.

In cause of war, this Act continued to the end of the war.

II. And be it further enacted by the authority aforesaid, that this Act, and the Act hereby continued, may be altered, amended, or repealed, at any time, during the present Session of the Provincial Parliament.

This Act and the former Act may be altered &c. during the present Session.

CAP. X.

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.

(21st. March, 1811.)

WHEREAS the Practice of forging and counterfeiting foreign Bills of Exchange, foreign promissary Notes and foreign Orders for payment of Money, and

and of circulating ſuch Forgeries as well within the limits of the King's Government in America, as without, has of late greatly increaſed, and whereas it is expedient that effectual provision ſhould be made for the preventing of 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 Lower 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 it is hereby enacted by the authority of the ſame, that if any perſon from and after the paſſing of this Act, ſhall, within any part of the aforeſaid Province of Lower-Canada 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 any promiſſory Note, Undertaking, or Order for the payment of Money, purporting to be the Bill of Exchange, promiſſory Note, Undertaking or Note or Order for the payment of Money of any foreign Prince, State or Country whatſoever, or 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 Politick, or Body in the nature of a Body Corporate and Politick, created or conſtituted by any foreign Prince or State, with intent to deceive or 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 of Perſons whomſoever or any Body corporate and Politick, or Body in the Nature of a Body Corporate and Politick whatſoever, whether the ſame be reſpectively reſident, carrying on Buſineſs, conſtituted, or being in any part of the ſaid Province of Lower-Canada or in any foreign State or Country, and whether ſuch Bill of Exchange, Promiſſory Note or Order be in the Engliſh Language or in any other Language or Languages, or partly in one and partly in the other, or if any Perſon from and after the paſſing of this Act, ſhall within any part of the ſaid Province of Lower-Canada, 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 Body in the Nature of a Body Corporate and Politick as aforeſaid, then every perſon ſo offending, ſhall be deemed and taken to be guilty of a Misdemeanour and a breach of the Peace for the firſt offence and being thereof lawfully convicted, ſhall be liable for ſuch Offence, to be impriſoned for any time not exceeding two years, and kept to hard Labour, or to be publickly whipped or ſet in and upon the Pillory, or to ſuffer one or more of the ſaid Puniſhments at the discretion of the Court in which ſuch conviction ſhall be had; and for a ſecond or ſubſequent offence, ſhall be deemed and taken to be guilty of felony and ſhall be liable to be impriſoned for any time not leſs than two years nor more than four, and be kept to hard labour or to be publickly whipped or ſet in

Penalty on perſons forging or counterfeiting foreign Bills of Exchange and of foreign Promiſſory Notes and Orders for the payment of Money.

in and upon the Pillory, or to suffer one or more of the said punishments at the discretion of the Court in which such conviction shall be had.

Penalty on persons engraving, cutting, etching, any Bill of Exchange or any Promissory Note or Undertaking or Order for the payment of Money of any foreign Prince, &c.

II. And be further enacted by the authority aforesaid, that no person from and after the passing of this Act, shall within any part of the said Province of Lower Canada, 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 any Promissory Note or Undertaking or Order for the payment of Money, purporting to be the Bill of Exchange, Promissory Note, Undertaking or Order of any foreign Prince, State or Country or of any Minister or Officer entrusted by or employed in the service of any foreign Prince, 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 Politick, or Body in the Nature of a Body Corporate and Politick created or constituted by anyforeign Prince, State or Country or any part of any 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 Politick, or Body in the nature of a Body Corporate and Politick, or from some Person duly authorized to give such authority, or shall, within any part of the said Province of Lower Canada, 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, 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 Breach of the Peace, and being thereof convicted according to law, shall be liable for each and every such offence, to be imprisoned for any time not exceeding six months and kept to hard labour or to be publickly whipped, or to suffer one or more of the said Punishments at the discretion of the Court in which such conviction shall be had. 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 or Punishment of the Crime of Forgery in any respect whatsoever, within any part of the said Province of Lower Canada.

Not to alter or repeal any Law or Statute now in force for the punishment of the Crime of forgery.

Penalty on Performing, making or mending any Plates, Paper, Rolling Press, &c.

III. And be it further enacted by the authority aforesaid, that if any person shall engrave, form, make or mend any Plate or Plates, Paper Rolling Press or other Tool, Instrument, or Material, devised, adapted and designed for stamping, forging or making any false and counterfeit Bills of Exchange, Promissory Notes, Undertakings or Orders as aforesaid, or shall have in his possession, any such Plate or Plates engraven in any part or any Paper, Rolling Press or other Tool, Instrument or Material devised, adapted or designed as aforesaid with the intent to use and employ the same, or to cause or permit the same to be used and employed in forging and making any such false and counterfeit Bills of Exchange, Promis-

and

ſory Notes, Undertakings or Orders, every perſon ſo offending, ſhall be deemed and taken to be guilty of a Misdemeanor and Breach of the Peace; and being thereof convicted according to Law, ſhall be liable for each and every ſuch Offence to be impriſoned for any time not exceeding ſix months and kept to hard labour or to be publickly whipped or to be ſet in and upon the Pillory, or to ſuffer one or more of the ſaid Puniſhments at the diſcretion of the Court in which ſuch conviction ſhall be had.

On complaint, Juſtice of Peace empowered to grant ſearch warrant, &c. in the dwelling houſe, &c. of Perſons ſuſpected of having falſe Bills of Exchange or for Plates Rolling Preſſes, &c.

IV. And be it further enacted by the authority aforeſaid, that it ſhall and may be lawful to, and 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 making or counterfeiting any ſuch falſe Bills of Exchange, Promiſſory Notes Undertakings or Orders as aforeſaid, by warrant under the hand of ſuch Juſtice to cauſe the dwelling Houſe, Room, Work ſhop, 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 or counterfeiting, to be ſearched for any ſuch falſe Bills of Exchange, Promiſſory Notes, Undertakings or Orders, or for ſuch Plates, Rolling Preſſes or other Tools, Inſtruments, or Materials for making and counterfeiting ſuch falſe Bills of Exchange, Promiſſory Notes, Undertakings or Orders; and if any ſuch falſe Bills of Exchange, Promiſſory Notes, Undertakings or Orders or any ſuch Plates, Rolling Preſſes or other Tools, Inſtruments or Materials, ſhall be found in any place ſo ſearched, or if any ſuch Plates, Rolling Preſſes or other Tools, Inſtruments or Materials ſhall be found in the cuſtody or poſſeſſion 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 and they are hereby authoriſed and required to ſeize ſuch falſe or counterfeit Bills of Exchange, Promiſſory Notes, Undertakings or Orders, and ſuch Plates, Rolling Preſſes or other Tools, Inſtruments or Materials, and to carry the ſame forthwith to a Juſtice of the Peace of the Diſtrict or County 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, in ſome Court of Juſtice proper for the determination thereof, and after ſuch time as any ſuch falſe or counterfeit Bills of Exchange, Promiſſory Notes, Undertakings or Orders or any ſuch Plates, Rolling Preſſes or other Tools, Inſtruments or Materials ſhall have been produced in evidence as aforeſaid, as well ſo much and ſuch parts thereof as ſhall have been ſo produced as every other part thereof ſo ſeized and not made uſe of in evidence, ſhall forthwith, by Order of the Court where ſuch Offender or Offenders ſhall be tried, be defaced or destroyed, or otherwiſe diſpoſed of, as ſuch Court ſhall direct.

Perſons convicted in one of the Diſtricts of this Province and af-

V. And be it further enacted by the authority aforeſaid, that if any perſon ſhall be convicted of any offence againſt this Act in any one of the Diſtricts of this Province and ſhall afterwards be guilty of the like offence in an other Diſtrict, the

Clerk

terwards guilty of the same offence in another, Clerk of the Crown of the district where former conviction was had, to certify the same and be evidence fo to such former conviction.

Clerk of the Crown for the District where such former conviction shall have been had or his Deputy, shall certify the same by a transcript of the Record of such conviction, certified under the hand of such Clerk of the Crown or Deputy as aforesaid, and the seal of the Court in which such conviction was had, and such transcript, the hand writing of such Clerk of the Crown or Deputy as aforesaid thereto, and the seal of such Court being proved, shall be sufficient evidence of such former conviction.

Persons against whom Bills of Indictment are found not entitled to traverse the same to a subsequent Term, except they shew cause why the same should be taken place.

VI. And be it further enacted by the authority aforesaid, that no person against whom any Bill of Indictment shall be found for any offence against this Act, shall be entitled to traverse the same to any subsequent term or sessions, 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 cause to be allowed by the Court, why his, her or their Trial should be put off.

~~CAP. XI.~~

An Act to provide temporary Houses of Correction in the several Districts of this Province.

(21st. M[illegible] 1811.)

Preamble

WHEREAS fo[illegible] finement and employement of all O[illegible] and persons liable to be se[illegible] House of Correction, it is ne[illegible] hat temporary Houses of Correction sh[illegible] provided in the several D[illegible] of this Province, until permanent Houses of [illegible] n shall be erected th[illegible] e it therefore enacted by the King's most Excel[illegible] sty, by and with [illegible] ce and consent of the Legislative Council and Assemb[illegible] Province o[illegible] Canada, constituted and assembled by virtue of and under [illegible] hority [illegible] ct passed in the Parliament of Great Britain, intituled, "An Ac[illegible] parts of an Act passed in the "in the fourteenth year of His Majesty [illegible] uled, "*An Act for making more* "*effectual provision for the Government o*[illegible] *nce of Quebec in North America*, "and to make further provision for the [illegible] of the said Province," and it is hereby enacted by the authority of t[illegible] l Houses of Correction shall be erected in the said several Distri[illegible] ctively [illegible] and may be lawful to and for the Governor, Lieutenant G[illegible] or person [illegible] ring the Government of this Province for the time bei[illegible] of any unappro[illegible] onies in the hands of the Receiver General of th[illegible] nce, which now are [illegible] be hereafter in the hands of the said Receiv[illegible] al, and which have been o[illegible] levied in virtue of and under the auth[illegible] n Act passed in the forty fifth [illegible] His Majesty's reign, intituled, "*A*[illegible] *provide for the erecting of a commo*[illegible] *each of the* "*Districts of Queb*[illegible] *ontreal respectively, and the means for de*[illegible] *he expences* "*thereof*," to adva[illegible] to the Committees to be appointed under a[illegible] y virtue of this

A

PROVINCIAL STATUTE

OF

LOWER-CANADA,

Anno Regni GEORGII III. Quinquagesimo Secundo.

HIS EXCELLENCY

SIR GEORGE PREVOST, Baronet.

GOVERNOR IN CHIEF.

"AT the Provincial Parliament, begun and holden at *Quebec*, the Twelfth day "of December, *Anno Domini*, one thousand eight hundred and ten, in the "fifty first year of the Reign of our Sovereign Lord GEORGE the Third, by the "Grace of GOD, of the United Kingdom of *Great Britain* and *Ireland*, KING, "Defender of the Faith. And from thence continued by several Prorogations to "the sixteenth day of July, one thousand eight hundred and twelve."

"Being the third Session of the Seventh Provincial Parliament of Lower-Canada."

ACT to facilitate the circulation of Army Bills.

(1st August, 1812.)

MAY IT PLEASE YOUR MAJESTY,

Preamble.

WHEREAS by minute of your Majesty's Executive Council of this Province, made on the Sixth day of July in this year of our Lord one thousand eight hundred and twelve upon reference by his Excellency Sir George Prevost, Baronet, your Majesty's Captain General and Governor in Chief in and over the Provinces of Lower-Canada, Upper-Canada, Nova Scotia, New Brunswick and their several dependencies, Lieutenant General and Commander of your Majesty's Forces in British North America, it was declared to be the unanimous opinion of that Board, That for the purposes of maintaining the means of circulation and answering the exigencies of the public service at this important conjuncture, it was adviseable,

"FIRST,

"First, That His Excellency the Governor, as the Commander of His Majesty's Forces, from time to time, should prepare and make or cause to be prepared and made, any number of Bills to be denominated, ARMY BILLS, containing one common sum or different sums in the principal monies, so that all the principal sums to be contained in the said Army Bills so to be made, do not exceed two hundred and fifty thousand pounds currency. Second, that such Army Bills should be issued from an office to be established for that purpose to be called the *Army Bill Office.* Third, that the said Army Bills of twenty-five dollars each and upwards, should bear interest at the rate of four pence per centum per diem, upon or in respect of the several amounts of each. Fourth, that the principal sums of the said Army Bills of twenty-five dollars each and upwards, should at the option of the Commander of the Forces, be payable on demand to the holders of such Army Bills in cash or in government Bills of Exchange in London, at thirty days sight at the current rate of Exchange. Fifth, that the interest of all such Army Bills of twenty-five dollars each and upwards upon the payment thereof in cash or in Bills of Exchange as aforesaid, should be paid in Army Bills or in cash at the Army Bill Office at the option of the Holders of such Army Bills. Sixth, that the principal sums of all such Army Bills of twenty-five dollars each and upwards, if paid in cash, should be paid at the Army Bill Office, but if paid in Government Bills of Exchange, should be paid at the Office of the Commissary General, upon a deposit in Army Bills of the amount of the Bills of Exchange to be so paid, and a certificate of such deposit under the hand of the Superintendant of the Army Bill Office, to the Commissary General. Seventh, that it will be adviseable for His Excellency the Governor as Commander of the Forces, from time to time to prepare and make or cause to be prepared and made such number of Army Bills of the value of four dollars each as he shall see fit, provided, the said Army Bills of four dollars each, and the said Army Bills of twenty-five dollars each and upwards, do not together exceed the aforesaid sum of two hundred and fifty thousand pounds currency. Eighth, that the said Army Bills of four dollars each should be payable at the Army Bill Office in cash, to the bearer on demand. Ninth, that all Army Bills whatever should be issued as cash, upon the warrants of His Excellency as Commander of the Forces, to such person or persons, as he by such warrants shall see fit to direct such payments to be made. Tenth, that the current rate of Exchange should be established on oath once in every fortnight by five persons to be named by His Excellency and publickly notified before any Army Bills whatever shall be issued. Eleventh, that if any Army Bill shall be filled up by indorsements or be by accident defaced, the same on application being delivered up should be cancelled, and new Army Bills should be issued in lieu of such Army Bills so cancelled and such new Army Bills should bear the same numbers, dates and principal sums and carry the like interest as the Army Bills, so cancelled. Twelfth, that no Army Bills should be re issued, those of four dollars each excepted, and that all Army Bills whatever should at all times be redeemable by being called in and paid, both principal and interest, in cash." And whereas His Excellency Sir George Prevost, Baronet, hath been pleased thereupon to prepare and cause to be prepared such Army Bills as aforesaid, to the value of two hundred and fifty thousand pounds, currency, which from time to time as required will be issued. And whereas it is the bounden duty of the Legislature of this Province, to furnish every possible

possible aid and assistance towards the defence and protection of the Province, and to this end it is necessary to facilitate and support the circulation of all such Army Bills; 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 Lower-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 fur- "ther provision for the Government of the said province," And it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, and each of them is hereby enabled, authorised and empowered from time to time and at all times, to pay and allow or cause to be paid and allowed out of all every and any the monies, customs, taxes and revenues of this Province, and in preference to all other claims and demands whatsoever, all such interest at the rate of four pence per hundred pounds per diem, as aforesaid as shall have arisen and grown due upon all, every and any such Army Bill, as aforesaid, which shall be so issued as aforesaid, not exceeding in the whole the sum of fifteen thousand pounds currency, per annum, which said interest shall run from the day of the date of such Bill or Bills, and such other charges as shall be necessarily incurred in, to or for the issuing, circulating or cancelling of the said Army Bills, not exceeding in the whole two thousand five hundred pounds, currency per annum, any thing herein or in any other Act contained, to the contrary notwithstanding.

Interest allowed on Army Bills.

Monies issued out of Customs, &c. of this Province to be replaced.

II. Provided always and be it enacted by the authority aforesaid, that whatever monies shall be issued out of the aforesaid monies, customs, taxes and revenues of this Province, shall from time to time be replaced by and out of the first supplies to be then after granted to His Majesty, his heirs and successors, in the Provincial Parliament.

Army Bills shall be current in the revenue.

III. And be it further enacted by the authority aforesaid, that all each and every the said Army Bills which shall be issued as aforesaid, 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 Lower 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

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.

In revenue payments, interest allowed to the day of payment.

IV. And be it enacted by the authority aforeſaid, that the intereſt which from time to time ſhall be due upon any ſuch Army Bill as aforeſaid, ſhall be allowed to all perſons bodies politic and corporate paying the ſame to the Receiver General of this Province, or to any Collector or Receiver of any of His Majeſty's Cuſtoms, revenues or taxes up to the reſpective days whereupon ſuch Bill or Bills ſhall be so paid; Provided always that every such Receiver General, Collectors and Receivers as aforeſaid shall be accountable for the interest on every such Bill so by them or either of them received for and during the time during which such Bill shall remain in their hands.

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Interest to cease from the day on which the Bills are called in to be paid in specie.

V. And be it further enacted by the authority aforeſaid, that all intereſt upon ſuch Army Bills as aforeſaid ſhall ceaſe from and after the fourteenth day next after the day on which the ſame by any proclamation or other public requiſition by the Commander of His Majeſty's Forces for the time being, ſhall be called in to be redeemed in caſh and that money ſhall be reſerved in hand for diſcharging the ſame.

Penalty on forging Army Bills.

VI. 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 Bill or any ſuch 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 Bill 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 whatever, 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.

VII.

All Contracts to be void in which any distinction shall be made between army Bills and cash.

VII. And be it further enacted by the authority aforesaid, that if any person or persons in any contract covenant agreement promise or other engagement whatever written or verbal shall specially undertake to pay or stipulate to be paid for any work, labour, goods, wares, merchandize, chattels or estate, moveable or immoveable or for any other matter or thing whatever, in specie or in any gold, silver or copper coin or shall otherwise make any distinction in value between the current coin and money of this Province, and such Army Bills as aforesaid then and in every such case, such contract, covenant, agreement, promise or other engagement written or verbal as aforesaid, shall be utterly and entirely null and void to all intents and purposes whatsoever, and every and any such undertaking, to pay or stipulation to be paid in specie or in any gold, silver or copper coin as aforesaid, and every such distinction in value as aforesaid, so made as aforesaid, shall and may be proved in any and every of His Majesty's Courts of Law in this Province, by parol proof, any law, usage or custom to the contrary notwithstanding.

No arrest if a tender in Army Bills be made.

VIII. And be it further enacted by the authority aforesaid that for and during the period of five years from the passing 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 Provisions contained in the Ordinance made and passed in the twenty fifth year of the Reign of His Majesty King George the Third, intituled "*An Ordinance to regulate the "proceedings in the Court of Civil Judicature and to establish Trials by Juries "in actions of a commercial nature and personal wrongs to be compensated in damages,*" shall not only contain the several matters required by the said Ordinance, 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 proceedings 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 under the provisions of the Ordinance last aforesaid. Provided always, that if an affidavit shall be made upon which any person or persons might been 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 so held to special Bail if this Act had not been made

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made to be depoſited in ſuch manner as ſuch Court or ſuch Judge ſhall direct to anſwer the *demande* 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.

No attachment shall issue if there be not an affidavit of no tender in Army Bills.

IX. And be it further enacted by the authority aforeſaid, that for and during the period of five years from the paſſing of this Act no proceſs of attachment for attaching the eſtate, debts and effects of what nature ſoever of any perſon or perſons whomſoever whether in the hands of the owner, the debtor or of a third perſon prior to trial and judgment ſhall iſſue, unleſs the affidavit which ſhall be made for that purpoſe according to the proviſions contained in the Ordinance made and paſſed in the twenty-ſeventh year of the reign of His Majeſty King George the Third, intituled, "*An Ordinance to continue in force for a limited time an Ordinance made in the twenty-fifth year of His Majeſty's reign, intituled, An Ordinance to regulate the proceedings in the Court of Civil Judicature and to eſtabliſh Trials by Juries in actions of a Commercial nature and perſonal wrongs to be compenſated in damages with ſuch additional regulations as are expedient and neceſſary,*" ſhall not only contain the ſeveral matters required by the ſaid Act 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 obtaining ſuch attachment. And if any proceſs of attachment ſhall be iſſued upon which the eſtate debts and effects of any nature ſoever of any perſon or perſons whomſoever in the hands of the owner of the debtor or of a third perſon, might have been attached prior to Trial and Judgment before the paſſing of this Act, and no affidavit ſhall be made that no ſuch offer of payment in Army Bills had been made as aforeſaid, ſuch attachment ſhall not be executed, and proceedings ſhall be had againſt the owner or owners of the eſtate debts or effects which might otherwiſe have been attached in the ſame manner as if no affidavit had been made for the purpoſe of obtaining an attachment under the proviſions of the Ordinance laſt aforeſaid. Provided always, that if affidavit ſhall be made upon which any attachment againſt the eſtate, debts and effects of any perſon or perſons whomſoever in the hands of the owner of the debtor or of a third perſon, might have been obtained before the paſſing of this Act, and it ſhall likewiſe be ſworn in ſuch affidavit, that ſuch offer of payment in Army Bills has been made as aforeſaid ſo that ſuch attachment which might have been obtained and iſſued if this Act had not been made, cannot by reaſon of ſuch offer and of the proviſions in this Act contained be ſo obtained or iſſued, it ſhall be lawful for the Court out of which the *Proceſs ad Reſpondendum* in ſuch caſe 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 ad Reſpondendum* ſhall iſſue, to cauſe ſuch Army Bills as aforeſaid to the amount of the ſum of money for which ſuch attachment might have iſſued if this Act had not been made, to be depoſited in ſuch manner as ſuch Court or ſuch Judge ſhall direct to anſwer the *demande* of the plaintiff or plaintiffs in

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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 award and cauſe to be iſſued an attachment or attachments againſt the eſtate, debts and effects of any nature whatſoever of ſuch defendant or defendants in ſuch action in the hands of the owner, of the debtor, or of a third perſon prior to trial or judgment, in ſuch and the ſame manner, as if this Act had not been made.

On *Capias ad satisfaciendum* a deposit of the debt and costs in Army Bills shall stay proceedings.

X. 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 depoſite in the hands of the Sheriff 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 *ſupersedeas* of ſuch Writ of *Capias ad ſatisfaciendum*, and it ſhall be lawful to and 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 ſuch manner as ſuch Court or ſuch Judge ſhall direct, to ſatisfy the judgment 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 Bill ſo depoſited, then and in ſuch caſe and from thenceforth, the judgment 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 judgment until the expiration of five years from the paſſing of this Act, and from and after the expiration of five years from the paſſing of this Act and not before, proceſs of execution ſhall be allowed and be iſſued for the ſatisfaction of the principal ſum of ſuch judgment with intereſt, thereon to the day on which ſuch depoſit of ſuch Army Bills ſhall be ſo made and not after, 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.

On *Fieri Facias*, &c. a deposit of the debt and costs in Army Bills shall stay proceedings.

XI. 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 Writ of *Fieri facias*, attachment, *Venditioni exponas* or other Writ of execution ſhall have iſſued after judgment, out of any of His Majeſty's Courts in this Province, ſhall depoſit in the hands of the ſheriff to whom ſuch Writ of *Fieri facias*, attachment, *Venditioni exponas* or other writ of execution ſhall be addreſſed, the amount of

of the sums for which such writ of *Fieri Facias*, attachment, *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*, attachment, *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* attachment, *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 *Main levée* of such Writ of *Fieri facias* attachment, *Venditioni exponas* or other Writ of Execution, and to direct and order such Army Bills to remain or be deposited in such manner as such Court or such Judge shall direct, to satisfy the Judgment so obtained by the plaintiff or plaintiffs in the action in which such Writ of *Fieri facias* attachment, *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 then ceforth the judgment 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 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 judgment until the expiration of five years from the passing of this Act, and from and after the expiration of five years from the passing of this Act, and not before process of execution shall be allowed and be issued for the satisfaction of the principal sum of such judgment with interest thereon to the day on which such deposit of such Army Bills shall be so made and not after, 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.

Relief for Bills lost or destroyed.

XII. And be it further enacted by the authority aforesaid, that in case proof shall be made on the oath or oaths of one or more credible Witness or Witnesses, before the Chief Justice or other Justices of His Majesty's Court of King's Bench, or any of them in this Province, that any Army Bills shall by casualty or mischance have been lost, burnt, or otherwise destroyed before the same shall have been paid off and discharged; and if by such oath or oaths the numbers and sums of such Bill or Bills shall be correctly ascertained, and the said Chief Justice and other of the said Justices or any of them before whom such oath or oaths shall be made, shall certify that he or they are satisfied with such proof, then and in every such case the proprietor or possessor of such Bill or Bills shall be entitled to receive, on application at the Army Bill Office, another Bill or other Bills, bearing the same arithmetical number and value as the Bill or Bills so lost, burnt or destroyed. Provided that the person or persons so receiving the money, do give security to the King, to the good liking of the person or persons appointed, or who shall be appointed as aforesaid, to pay off and take in the said Bills, to pay into the receipt of the Pay Master or Pay Masters of the Army Bill Office for the use of the Public, so much money as shall be paid upon such Certificate or Certificates, if the Bill or Bills so certified to be lost, burnt or destroyed, shall be thereafter produced.

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XIII.

Provincial security for ultimate payment of Army Bills.

XIII. And whereas there may be many persons desirous of coming forward in aid of His Majesty's Government, with the loan of monies, who, having no commercial concerns whereby to dispose of Bills of Exchange, and whom on that account may be deterred therefrom; for remedy thereof, Be it enacted by the authority aforesaid, that from and after the expiration of five years after the passing of this Act, each and every holder of any and every such Army Bill as may then remain unpaid and unsatisfied, shall be entitled to receive out of and from the monies that then may be in the hands of the Receiver General of this Province, or from the first monies that may thereafter come into his hands arising out of any taxes or duties heretofore imposed or that may hereafter be imposed, levied or raised by virtue of any Act or Acts of the Provincial Legislature, or from the rents and revenues of His Majesty's Territorial Domains in this Province, the full amount of all such Army Bills in money, with the interest remaining due thereon.

Duty of the Receiver General on the receipt and payment of Army Bills.

XIV. And be it further enacted by the authority aforesaid, that it shall be the duty of the Receiver General of the Province, on receipt and payment of all or any of such Army Bills as aforesaid, to pay over the same His Majesty's Commissary General for the time being, and to receive from him the amount thereof in Government Bills of Exchange, at the current rate of Exchange, or in Cash at the option of the said Commissary General; and said Receiver General shall immediately thereafter render a true and exact account of all such payments and receipts to the Governor, Lieutenant Governor or Person administering the Government for the time being, in order that the same may be laid before the House of Assembly at the next Session thereafter.

The exportation of Specie and Bullion prohibited under penalty of forfeiture.

XV. And be it further enacted by the authority aforesaid, that for and during the period of five years from the passing of this Act, no person whatever shall export or otherwise carry out of this Province, any Gold, Silver, or Copper Coin of any description whatsoever, or any molten Gold or Silver in any shape or shapes whatever; and if any person whatever shall export or otherwise carry out of this Province, or procure to be exported or otherwise carried out of this Province, or put on board of any ship, vessel or boat or into any land carriage, to be exported or otherwise carried out of this Province, or shall in any manner or way whatsoever attempt or endeavour to export or otherwise carry out of this Province, or attempt or endeavour to procure to be exported or otherwise carried out of this Province, any Gold, Silver or Copper Coin of any description whatever, or any molten Gold or Silver in any shape or shapes whatever, then, in each and every such case, such Gold, Silver and Copper Coin and such molten Gold and Silver shall be forfeited, one half to His Majesty, his Heirs and Successors, and one half to the person who shall sue for the same, and the same shall and may be seized, sued for, prosecuted, condemned and recovered in such Courts, and by such and the like ways, means and methods, and the produce thereof disposed of and applied in such and the like manner and to such and the like uses and purposes as any forfeiture incurred by any law respecting the Revenue of the Customs may now be seized, sued for, prosecuted, condemned or recovered, disposed of or applied.

XV.

An action against the exporter of Specie or Bullion.

XVI. And be it further enacted by the authority aforesaid, that every person whatever, who during the aforesaid period of five years from the passing of this Act, shall export or otherwise carry out of this Province, or procure to be exported or otherwise carried out of this Province, or shall put on board of any ship, or vessel or boat or into any land carriage to be exported or otherwise carried out of this Province, or shall in any manner or way whatsoever attempt or endeavour to export or otherwise carry out of this Province, or attempt or endeavour to procure to be exported or otherwise carried out of this Province, any Gold, Silver or Copper Coin of any description whatever, or any molten Gold or Silver, in any shape or shapes whatever, for every such offence, over and above the forfeiture of such Gold, Silver and Copper Coin, and of such molten Gold or Silver, if the same shall be seized, shall forfeit the sum of Two hundred Pounds, and double the value of such Gold, Silver and Copper Coin, and of such molten Gold and Silver, one half to His Majesty, his Heirs and Successors, and one half to the person who shall sue for the same, by bill, suit, action or information in any of his Majesty's Courts in this Province.

Not to prevent persons taking out of the Province the sum of £10, or such further sum &c. with licence from the Governor.

XVII. Provided always, and it is hereby enacted by the authority aforesaid, that nothing in this Act contained shall extend or be construed to extend to any person leaving this Province, and carrying with him no greater or other sum than the sum of Ten Pounds, Sterling, in coin, and no molten Gold or Silver, in any shape or shapes whatever, save and except such further sum and such articles of plate as he, she, or they, by licence under the hand of the Governor, or Lieutenant Governor or Person administering the Government of this Province for the time being, shall be permitted and allowed to carry with him, her or them.

Penalty on persons convicted of perjury.

XVIII. 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.

Fines &c. to be paid into the hands of the Receiver General and to be accounted for to the Crown.

XIX. And be it further enacted by the authority aforesaid, that the fines, forfeitures and penalties, by this Act imposed, except the part granted to informers, shall be paid into the hands of his Majesty's Receiver General of this Province, by the person or persons receiving the same, for the use of his Majesty, and shall be accounted for to the Crown, through the Commissioners of his Majesty's Treasury for the time being, as the Crown shall direct.

Limitation of actions.

XX. 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 two years next

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 Court ſhall find for the defendant or defendants, and if the plaintiff or plaintiffs ſhall be non-ſuited or diſcontinue his or their action, after the defendant or defendants ſhall have appeared, or if judgment 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.

CAP. III.

An Act to extend the Provisions of an act made and passed in the fifty-second year of His Majesty's Reign, intituled, "*An Act to facilitate the circulation of Army Bills*," and to make further regulations respecting the same.

(15th February, 1813.)

Preamble.

WHEREAS an act was made and passed in the fifty-second year of His Majesty's Reign, intituled, "*An Act to facilitate the circulation of Army Bills*," And whereas it appears by the message of the Governor in Chief to the House of Assembly, of the eighth day of January, one thousand eight hundred and thirteen, that the exigencies of the Public service have rendered it indispensably necessary for him, as Commander of the Forces to direct an issue of Army Bills to be made, to a greater amount than two hundred and fifty thousand Pounds provided for by the said act, and that the further exigencies of the Public service may render a further issue indispensably necessary; and whereas it is expedient to subject such Army Bills as have been so issued as well as such as may be hereafter issued, to the provisions, regulations, and enactments of the afore recited act, and to make further provisions and regulations respecting 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 Lower Canada, constituted and and assembled, by virtue of and under the authority of an act of the Parliament of Great Britain, passed in the thirty-first year of His Majesty's Reign, 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 it is hereby enacted by the authority of the same, that all Army Bills which have been so issued after the time at which the Army Bills then issued amounted to the sum of two hundred and fifty thousand Pounds, and each and every of them, and all such Army Bills as shall be issued during the next twelve months, from and after the passing of this act, shall be deemed and taken to be within the Purview of the act made and passed in the fifty-second year of His Majesty's Reign, intituled, "*An Act to facilitate the "circulation of Army Bills*," And that all the provisions, regulations and enactments in the said last mentioned act contained, and each and every of them, shall be applied and put inforce in respect to all and every such Army Bills so issued, or that may hereafter be issued, as fully and effectually to all intents and purposes as if the same were severally and separately repeated and herein recited, and made part of this act under the restrictions herein after mentioned.

Army Bills that have been issued beyond the amount of 250,000l as well as the Army Bills that may be issued under the authority of this Act, to be within the purview of the Act 52 Geo. 3. Cap. I.

Governor em-

II. And it is hereby enacted by the authority afore said, that it shall and may be lawful

powered to allow out of any monies, customs, taxes & revenues of this Province in preference to all other claims, a certain interest, that may grow due, on any Army Bills which have or may be issued.

lawful for the Governor, Lieutenant Governor or Person administering the Government for the time being, and each of them is hereby authorised and empowered from time to time, and at all times, to pay and allow, or caused to be paid and allowed, out of all and every and any the monies, Customs, Taxes and Revenues of this Province, and in preference to all other claims and demands whatsoever, all such interest at the rate of four pence per one hundred Pounds per diem, as shall arise and grow due upon all and every and any Army Bill or Bills, which have been issued, or which shall hereafter be issued.

Sum to be paid not to exceed £15,000 per an.

III. Provided always and be it further enacted by the authority aforesaid, that the sum so to be paid out of and from the Customs, Taxes and Revenues aforesaid, for interest as aforesaid, shall not in the whole and together exceed the sum of fifteen thousand Pounds, currency, per annum.

Army Bills in circulation not to exceed at any one period £500,000.

IV. Provided also and be it further enacted by the authority aforesaid, that the amount of Army Bills in circulation as well those already issued as such as may be hereafter issued, shall not at any one period, exceed the sum of five hundred thousand Pounds, currency.

Interest on Army Bills to run from the day of the date of such Bills, until paid, and the holders of Bills shall be entitled to receive payment of the interest at stated periods, every 6 months, at the Army Bill Office in the city of Quebec; of which notice to be given in the Quebec gazette.

V. And be it further enacted by the authority aforesaid, that interest upon such Army Bills as have been or shall hereafter be issued, shall run from the day of the date of such Bill or Bills, until the same shall be paid, and that the holder or holders of every such Bill or Bills shall be intitled to demand and receive payment of all such interest at stated periods, once in every six months, at the Army Bill Office in the City of Quebec, and further that Public notification shall be given in the Quebec Gazette immediately after the passing of this act, by order of the Governor, Lieutenant Governor or the Person administering the Government for the time being, of the periods at which such payments shall be made.

Army Bills not to exceed £250,000 in circulation 12 months after the passing of this Act, unless notification be given by the Commander of the Forces that interest shall be paid at the Army Bill office.

VI. And whereas it is expedient in order that the Public confidence in such Army Bills may remain undiminished, that the holders thereof may be assured of the punctual payment of all interest that may become due and payable on Army Bills, and whereas the sum of fifteen thousand Pounds per annum herein before provided may not suffice for the full payment thereof on the whole amount of Bills so issued and to be issued, Be it therefore enacted by the authority aforesaid, that the provisions, regulations and enactments of the act herein before recited, intituled, "*An Act to facilitate the circulation of Army Bills*," shall not extend or be construed to extend to a greater amount of Army Bills in circulation at any one time, during the next twelve months after the passing of this act, than two hundred and fifty thousand Pounds, currency, unless Public notification shall be given in the Quebec Gazette within one month after the passing of this act by the commander of His Majesty's Forces in this Province for the time being, that all such interest as aforesaid, shall be paid at the Army Bill Office, at the like stated periods.

VII.

Commissioners appointed to certify the current rate of Exchange at which Bills of Exchange on London are to be be given in payment of army Bills, to continue to meet and fix the Exchange.

VII. And be it further enacted by the authority aforesaid, that the five Commissioners heretofore appointed for the purpose of certifying the current rate of Exchange, at which Bills of Exchange on London were and are to be given in payment of Army Bills, and their successors or any three of them, shall continue to meet and certify under Oath the rate of Exchange in like manner, and that in due execution of their office, as aforesaid, they shall be guided by the fair current rate of Bills of Exchange on London at thirty days sight, and by all such other information as they may be able to procure, so as to enable them to do substantial justice to the holders of such Bills, and to the Government.

Duty of the Officer, having the direction of the Army Bill office.

VIII. And be it further enacted by the authority aforesaid, that it shall be the duty of the officer or officers to whom it may appertain as having the direction of the Army Bill office, to lay before the said Commissioners immediately after the passing of this act, a correct account of the amount of all such Army Bills as shall then be in circulation, and at each second subsequent meeting of the said Commissioners, a true and correct account of all such Bills as shall have been issued and put in circulation from the date of the last account rendered, in order that the same may be laid before the Legislature, at its next ensuing meeting.

Sheriffs and Bailiffs, receiving Army Bills, upon execution to be accountable for the Interest.

IX. And be it further enacted by the authority aforesaid, that all sheriffs and bailiffs who shall or may receive Army Bills upon execution, shall be accountable for the interest on all such Bills which by them or any of them shall be so received, for and during the time that such Bills may remain in their hands, to the persons interested therein, and to this end, the said Sheriffs and Bailiffs shall mention in their respective returns, whether they received the amount or any part of the amount of such executions in money or in such Bills, and also the day on which they received it.

No public officer having Army Bills in his hands to profit by the interest on them to; render an account annually on the 1st. November.

X. And be it further enacted by the authority aforesaid, that no Public officer whatsoever shall profit by the interest on the Army Bills which may be placed in his hands as such Public officer, to be given in payment, and shall render an account of the said interest, annually, on the first day of November to the Receiver General to be employed according to the dispositions of the fourth section of the aforesaid act, passed in the fifty-second year of His Majesty's Reign.

Such interest to be applied to the payment of the Interest with which the Province is charged.

XI. And be it further enacted by the authority aforesaid, that the interest for which the Receiver General and Collector and all Public officers are accountable to the Province, shall be employed and applied in the payment of the interest wherewith the Province is by this act charged.

Nothing in this Act contained to entitle holders of such Army Bills as may at any

XII. Provided always and be it further enacted by the authority aforesaid, that nothing in this act contained, shall extend or be construed to extend to entitle any holder or holders of any such Army Bills, as aforesaid, as may at any time hereafter remain

time hereafter remain unpaid or unsatisfied save and except the holders of such Army Bills as have been issued subsequent to the passing of the former Act to receive out of any Monies in the hands of the Receiver General, payment of such Army Bills.

remain unpaid or unsatisfied (save and except the holder or holders of such Army Bills aswere heretofore issued subsequent to the passing of the Act, to facilitate the circulation of Army Bills, and until the same exceeded in the whole the sum of two hundred and fifty thousand Pounds, and which now remain unpaid and unsatisfied) to receive out of or from any monies that then may be in the hands of the Receiver General of this Province, or from any Monies that may hereafter come into his hands arising out of any taxes, or duties heretofore imposed or that may hereafter be imposed, levied or raised by virtue of any act of the Provincial Legislature, or from the rents and revenues of His Majesty's Territorial Domains in this Province, or from any other monies in the hands of the Receiver General, payment of any such Army Bill or Bills, as aforesaid.

Governor empowered to appoint a person, or persons to sign Army Bills, giving notice in the Quebec Gazette.

XIII. And be it further enacted by the authority aforesaid, that should the Governor in Chief, as Commander of the Forces deem it expedient, to cause the whole or any part of the Army Bills to be hereafter issued to be signed by any other person or persons, by and under his authority, public notification shall be given during one month in the Quebec Gazette of the name or names of such person or persons to authorised, and that all Army Bills signed by such person or persons shall be considered as forming part of the sum of five hundred thousand Pounds, at which the whole amount of Army Bills to be in circulation at the same period is herein before limited.

£500,000 may be issued in Army Bills of different denominations, £50,000 of which are to bear no interest & payable in cash.

XIV. And be it further enacted by the authority aforesaid, that of the sum of five hundred thousand Pounds, at which the amount of Army Bills to be in circulation at any one period is limited, such amount may be issued in Army Bills of One, Two, Eight, Ten, Twelve, Sixteen and Twenty Dollars each, as the Commander of the Forces may deem expedient and necessary, such Bills bearing no interest and payable in cash on demand at the Army Bill Office. Provided always, that the amount of such Bills and of Bills of Four dollars each, shall not in the whole and together exceed the sum of fifty Thousand Pounds.

Governor empowered to establish Army Bill offices at Montreal and elsewhere, provided the expence together with the one already established does not exceed £2,500.

XV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor in Chief as Commander of the Forces to establish such other office or offices at Montreal, or elsewhere in the Province as to him may seem expedient and necessary for the payment of all such Bills as have been or may hereafter be issued payable in cash on demand. Provided, that the whole expence thereby incurred, together with the expence of the office already established, do not in the whole exceed the sum of two thousand five hundred Pounds per annum, appropriated by the act herein before mentioned.

CAP. VI.

oth[illegible]anner or way as may be pr[illegible]ed and ag[illegible]d upon between the Legifl[illegible]s of the P[illegible]ces of Lower-Canada [illegible] Upper-Cana[illegible]r the proportion of d[illegible] upon ſuch go[illegible]wares and merch[illegible]ze imported int[illegible]wer-Canada and [illegible]ng into Upper-Ca[illegible] which m[illegible]e found due to the P[illegible]ce of Up[illegible]anada, or Upper-Cana[illegible] its p[illegible]unding to this Province fu[illegible]rt of [illegible]oreſaid ſum of twenty thou[illegible]s as may exceed the ſum of mo[illegible] when the ſaid proportion ſhall [illegible]een eſtabliſhed as herein before me[illegible]d, ſhall be found due to the afore[illegible]vince of Upper-Canada.

Application of the Money to accounted for to His Majesty.

II. And [illegible] further [illegible]ed by the authority afore[illegible] that the [illegible]application of the fu[illegible]wenty thoula[illegible]ounds ſhall be ac[illegible]ed for to His [illegible]ſty, His Heirs [illegible]Succeſſors through[illegible] Lords Comm[illegible]ers of His Majeſty [illegible]eaſury for t[illegible]me being, in ſuch ma[illegible]nd form [illegible]is Majeſty, His Heirs [illegible]Succeſſo[illegible], ſhall direct.

CAP. VII.

AN ACT to repeal in part an Act paſſed in the fifty-ſecond year of His Majeſty's Reign, intituled "*An Act to facilitate the circulation of "Army Bills,*" and to grant a ſum of Money for the purpoſes therein mentioned.

(8th March, 1817.)

MOST GRACIOUS SOVEREIGN,

Preamble.

Clause in Act 52. Geo. 3. Cap. recited.

WHEREAS by an Act paſſed in the fifty-ſecond year of His Majeſty's Reign, intituled "An Act to facilitate the circulation of Army-Bills," it is among other things, provided "that, for and during the period of five years, from the "paſſing of the ſaid Act, no perſon whatever ſhall export or otherwiſe carry out "of this Province any gold, ſilver or copper Coin of any deſcription whatſoever, or "any molten gold or ſilver in any ſhape or ſhapes whatever, and if any perſon what-"ever ſhall export or otherwiſe carry out of this Province or procure to be exported "or otherwiſe carried out of this Province or put on board of any ſhip, veſſel or "boat, or into any land carriage to be exported or otherwiſe carried out of this Pro-"vince, or ſhall in any manner or way whatſoever attempt or endeavour to export "or otherwiſe carry out of this Province or attempt or endeavour to procure to be "exported or otherwiſe carried out of this Province, any gold, ſilver or copper Coin of "any deſcription whatever, or any molten gold or ſilver in any ſhape or ſhapes what-"ever then in each and every ſuch caſe, ſuch gold, ſilver or copper Coin and ſuch "molten gold and ſilver ſhall be forfeited, one half to His Majeſty, His Heirs "and

" and Successors and one half to the person who shall sue for the same, and " that the same shall and may be seized, sued for, prosecuted, condemned and " recovered in such Courts and by such and the like ways, means and methods, " and the produce thereof disposed of and applied in such and the like manner and " to such and the like uses and purposes as any forfeiture incurred by any law " respecting the revenue of the Customs might then be seized, sued for, prosecut- " ed, condemned or recovered, disposed of or applied;" And whereas it is is expedient and necessary that so much of the above mentioned Act as is herein-before recited, should be repealed; 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 Lower-Canada, constituted and assembled by virtue of and underthe authority of an Act passed in the Parliament of Great-Britain, intituled, " An Act to repeal cer- " tain parts of Act passed in the fourteenth year of His Majesty'sReign, ntituled, " *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 " the said Province." And it is hereby enacted by the authority of the same, that so much of the aforesaid Act passed in the fifty-second year of His Majesty's Reign, intituled, "An Act to facilitate the circulation of Army-Bills," as is herein-before mentioned and recited, shall be and the same is from henceforth hereby repealed.

Repeal of a part of Act 52, Geo. III.

Army Bill office, continued.

II. And whereas it is expedient and necessary to continue the Army-Bill Office established under and by virtue of the Act herein-before mentioned, for a limited time, beyond the first day of August next, when by the said Act the holders of Army-Bills issued under and in virtue of the same will be entitled to recover and receive the full amount of such Army-Bills in money, with the interest remaining due thereon, and to provide a further sum of money for the payment of such Officers in the said Army-Bill Office as it may be found necessary to continue in employ for the purposes of calling in and cancelling and paying all such Army-Bills as may remain in circulation after the first day of August next: Be it therefore enacted by the authority aforesaid, that in order to pay such Officer or Officers in the said Army-Bill Office, as the Governor, Lieutenant-Governor or Person administering the Government of this Province for the time being, may for the purposes aforesaid think proper to continue in employ from and after the first day of August, next until the first day of August, one thousand eight hundred and eighteen, it shall and may be lawful for the Governor, Lieutenant-Governor and Person administering the Government of this Province for the time being, to issue his Warrant for the payment of a sum or sums of money not exceeding the sum of seven hundred and fifty Pounds, current money of this Province, out of the unappropriated monies which now are in or shall hereafter come into the hands of the Receiver-General of this Province.

£750 allowed to pay the Officers.

Application of the money to be accounted for to His Majesty.

III. And be it further enacted by the authority aforesaid, that the due application

tion of the money herein-before appropriated for the purposes of this Act, 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 direct.

~~CAP. VIII.~~

AN ACT to amend an Act passed in the forty-first year of His Majesty's Reign, intituled, "*An Act for better regulating the Common belonging to the Town of Three-Rivers.*"

(8th March, 1817.)

Preamble.

WHEREAS by an Act passed in the forty-first year of His Majesty's Reign, intitule[illegible] An Act for better regulating the Common belonging to t[illegible]wn of Three-Riv[illegible]e Chairman and Trustees appointed pursuant t[illegible] Act, are only au[illegible] manage and direct the business relating to th[illegible]mmon, to concede lo[illegible]d in the same and to make rules and reg[illegible]ncerning the said Commo[illegible]not empowered to survey or cause th[illegible]mmon to be surveyed, and to [illegible]blish metes and bounds to the li[illegible]its of the said Common and betwee[illegible] and the adjacent lands, th[illegible] of individuals. In order therefore to [illegible]ablish such metes and [illegible]s aforesaid, Be it enacted by the King's Mo[illegible]t Majesty, by a[illegible]e advice and consent of the Legislative Council a[illegible]y of the P[illegible] Lower Canada, constituted and assembled by virtue [illegible]der t[illegible]y of an Act passed in the Parliament of Great-Britain, in[illegible] repeal certain parts of an "Act passed in the fourteenth year [illegible]'s Reign, intituled, "*An Act* "*for making more effectual provision* [illegible]*ernment of the Province of Quebec* "*in North-America;*" and to make [illegible]sion for the Government of the "said Province;" and it is hereby [illegible]uthority of the same, that the Chairman and Trustees of the C[illegible] of Three Rivers, shall from and after the passing of this [illegible] power [illegible]ity to cause the aforesaid Common to be measured a[illegible]d and to ca[illegible]its thereof to be ascertained, and fixed by such [illegible] or Surveyors as [illegible]eed upon by and between the said Chairm[illegible]ustees and the severa[illegible]rs of the lots or lands adjoining the [illegible]ommon, and to establish m[illegible]ounds as aforesaid, and if neces[illegible]ntract, agree and conclude with [illegible]roprietors of the adjacent lo[illegible]aforesaid, concerning the boundary [illegible] said Common in such [illegible]er as they the said Chairman and Trustees [illegible] expedient and in [illegible]ect all or any of the foregoing purposes: they, th[illegible]irman and Trust[illegible]ereby authorized and empowered to institute and [illegible] such suit or suits, [illegible]ion or actions at law as they may deem fit and expedie[illegible]y law, usage or custom to the contrary in any wise notwithstanding.

Certain powers granted to the Chairman and Trustees of the Common of Three-Rivers.

CAP. IX.

THE PROVINCIAL STATUTES OF LOWER-CANADA.

Anno Regni GEORGII III. Quinquagesimo Nono.

HIS GRACE

THE DUKE OF RICHMOND, LENNOX & AUBIGNY, K. G.

GOVERNOR IN CHIEF.

"AT the Provincial Parliament, begun and holden at *Quebec*, the fifteenth day of "January, *Anno Domini* one thousand eight hundred and seventeen, in the Fifty-" seventh year of the Reign of our Sovereign Lord GEORGE the Third, by the " Grace of GOD, of the United Kingdom of *Great-Britain* and *Ireland* KING, " Defender of the Faith," &c, and from thence continued by several Prorogations to " the twenty-second day of January, one thousand eight hundred and nineteen;

" Being the third Session of the Ninth Provincial Parliament of Lower-Canada."

CAP. I.

AN ACT to amend an Act passed in the Forty-eighth Year of His Majesty's Reign, intituled, "*An Act for better regulating the Weight and* " *Rates at which certain Coins shall pass current in this Province, for* " *preventing the falsifying, counterfeiting and impairing of the same, and* " *for repealing the Act and Ordinance therein-mentioned.*"

(24th April, 1819.)

Preamble. WHEREAS it is expedient and necessary to provide that the Gold and Silver Coins of France, coined since the year one thousand seven hundred and ninety-two,

two, shall be made current and be deemed a legal tender 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 Lower-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 it is hereby enacted by the authority of the same, that from and after the passing of this Act, the following Coins shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, at the following rates and weights, that is to say, of the gold coin, coined in France since the year one thousand seven hundred and ninety-two, when weighed by the single piece, the forty francs piece, weighing eight penny-weights six grains, Troy, at one pound sixteen shillings and two pence, currency, the twenty francs piece, weighing four penny-weights three grains, Troy, at eighteen shillings and one penny, currency; and of the silver coins of France coined since the year one thousand seven hundred and ninety-two, the piece of six livres at five shillings and six pence, currency, and the piece of five francs Tournois, at four shillings and eight pence, currency, 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.

From and after the passing of this Act, the following coins to pass current.

The rates and weights.

Penalty on persons uttering counterfeit money in payment.

II. And be it further enacted by the authority aforesaid, that if any person whatsoever 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 and silver coin made current, or intended to pass current in this Province, as above-said and provided, 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 market-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.

Allowance and deduction for grains above and below the standard, on French gold coins, when weighed by the single piece.

III. And be it further enacted by the authority aforesaid, that for every grain which any piece of the aforesaid French gold Coins shall respectively weigh more than the standard aforesaid, when weighed by the single piece, there shall be allowed and added, in all payments, two pence and one fifth of a penny, currency, and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid,

aforesaid, there shall be allowed and deducted in all payments, two pence and one fifth of a penny, currency.

~~C A P. II.~~

An Act further to continue for a limited time, and to amend an Act passed in the forty-third year of His Majesty's Reign, intituled, "*An Act for the better regulation of the Militia of this Province, and for repealing certain Acts or Ordinances therein-mentioned.*"

(24th April, 1819.)

Preamble.

WHER[illegible] by an Act passed in the fifty-seventh year of His Maje[illegible] Reign, inti[illegible] An Act for reviving and continuing for a limited [illegible] d a- "mending [illegible] ed in the forty-third year of His Majesty's R[illegible] tuled, "*An Act for t[illegible] gulation of the Militia of this Province an[illegible] ing cer- "tain Acts or O[illegible] therein-mentioned;*" the aforesaid A[illegible] the forty-third year of His M[illegible] eign, intituled, "An Act for [illegible] regulation of "the Militia of this P[illegible] nd for repealing certain A[illegible] nances therein- "mentioned," was revi[illegible] ded and continued i[illegible] til the first day of May, one thousand eight [illegible] nd nineteen, wh[illegible] will expire; which said Act passed in the forty-[illegible] of His Ma[illegible] gn, it is expedient further to continue, for a limited [illegible] mended [illegible] oresaid Act, passed in the fifty-seventh year of His Majesty [illegible] fore enacted by the King's Most Excellent Majesty, by and wit[illegible] onsent of the Legislative Council and Assembly of the Province of [illegible] a, constituted and assembled by virtue of and under the authority of [illegible] d in the Parliament of Great-Britain, intituled, "An Act to repeal [illegible] n Act passed in the fourteenth "year of His Majesty's Reign, i[illegible] *making more effectual provi- "sion for the Government of th[illegible] of Que[illegible] th-America,*" and to make "further provision for the [illegible] nt of the [illegible] nce:" And it is hereby enacted by the authority [illegible], that the said A[illegible] the forty-third year of His Majesty's Reign [illegible] "An Act for the be[illegible] ion of the Militia "of this Province, a[illegible] aling certain Acts or Ordi[illegible] ein-mentioned," as amended by th[illegible] entioned Act, passed in the [illegible] h year of His Majesty's Reign [illegible], "An Act for reviving and continu[illegible] mited time "and amend[illegible] passed in the forty-third year of His Ma[illegible] n, inti- "tuled, "[illegible] *or the better regulation of the Militia of this Pro[illegible] for re- "pealing [illegible] cts or Ordinances therein-mentioned;*" and all and ev[illegible] auses, "provisions, [illegible] wers, authorities, directions and regulations therein co[illegible] d, shall be, and the same is, and are hereby continued in full force and effect until the first day

Act 48, Geo. 3. cap. 1. continued.

A PROVINCIAL STATUTE OF LOWER-CANADA.

Anno Regni Primo GEORGII IV.

HIS EXCELLENCY

GEORGE, EARL OF DALHOUSIE, G. C. B.

GOVERNOR IN CHIEF.

"AT the Provincial Parliament begun and holden at *Quebec*, the Fourteenth "day of December *Anno Domini*, one thousand eight hundred and twenty, "in the first year of the Reign of Our Sovereign Lord, GEORGE the Fourth, by "the Grace of GOD, of the United Kingdom of *Great Britain* and *Ireland* KING, "Defender of the Faith, &c.

"Being the first Session of the Eleventh Provincial Parliament of Lower Canada."

CAP. XXV.

AN ACT for incorporating certain persons therein-named, under the name of "President, Directors and Company of the Bank of Montreal"

17th March, 1821. Presented for His Majesty's Assent, and reserved "for the signification of His Majesty's pleasure thereon."

18th May, 1822. Assented to by His Majesty, in His Privy Council.

22d July, 1822. The Royal Assent signified by Proclamation of His Excellency the Governor in Chief.

Preamble.

WHEREAS the establishment of a Bank at the City of Montreal, by Legislative authority, would be conducive to the advancement of Agriculture and Commerce, and promote the prosperity of this Province; and whereas divers loyal subjects

subjects of His Majesty in this Province, by their humble petition in this behalf, have represented, that an association has been formed in which they have become Subscribers and Stockholders for the purpose of establishing a Bank at the said City of Montreal, under certain articles of agreement, by which the Capital Stock of the said association is limited to Two Hundred and Fifty Thousand Pounds, current money of this Province, divided into five thousand shares of fifty pounds each, and provisions made for the conduct and management of the said Bank; that the said Capital Stock has been subscribed, is in part paid, and is held by them; and that the said Bank is now engaged in carrying on the business for which it was instituted, and have prayed that for the better effecting of the purposes of their association, they, their successors and assigns, may be incorporated under regulations and provisions as nearly corresponding with the terms of their original association as may be; 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 Lower-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 it is hereby enacted by the authority of the same, that Samuel Gerrard, James Leslie, F. A. Larocque, W. P. Ord, Joseph LaRocque, Peter Guerout, Charles Stewart, Thomas Porteous, David David, John Johnson, Frederick William Ermatinger, C. C. Ermatinger, Margaret Gray, John Macnaught, Peter Burnet, Donald Taylor, Donald Fraser, C. G. Leslie, C. W. Bordwine, H. Mackenzie, Simon MacGillivray, Charles Carvall, Henry Cary, Laura E. Brevoort, Henry Brevoort, Junior, John Inglis, Edward Ellice, J. B. Inglis, James Inglis, John Forsyth, Peter Smith, William Allan, David Ross, Charlotte David, Charles Brooke, Samuel Gale, Thomas Torrance, James Millar, M. Appleton, Abel Bellows, William Cochran, Edward Dwight, Charles Bancroft, Nathaniel Jones, Junior, Daniel Hinsdale, J. Hinsdale, A. Lanfear, H. G. Rice, David Wagstaff, Horatio Gates, N. Prime, S. Ward, Joseph Lands, Cornelius Peck, Maria Peck, Jean Bouthillier, A. Webster, Henry Joseph, Thomas Thain, William Walker, J. Bleakley, Kennith Walker, John Jameison, Joseph Domigany, Richard McCall, C. Stuart, Toussaint Pothier, Emily McTavish, Sara King, Maria Mitchell, John Macdonald, Alexander Macdougall, Alexander Mackenzie, Mary MacGillivray, David Thompson, John Torrance, F. J. Weeks, Alexander Auldjo, William Maitland, William Maitland, Junior, Roderick Mathison, George Auldjo, George Moffat, Thomas Dickson, Paul Glasford, James Gordon, Samuel Hatt, William Porteous, Thomas Busby, Joseph Henshaw, John Try,

Bank of Montreal established by this Act.

Jean

Jean Baptiſte Raymond, John Leeds, W. J. Holt, James Logan, Hart Logan, G. J. Holt, Alexander Alliſon, S. Romilly, W. D. Selby, John Gray, Peter McCutcheon, Keneth Dowie, Robert Froſte, W. M. Porter, Robert Kennedy, Thomas Wilſon, Robert Gilleſpie, William Mackay, M. J. Hays, Benjamin Holmes, J. T. Bouthillier, Charles Grant, Joſeph Levis, Senior, William Hallowell, George Selby, L. Leroux, Margaret Barrett, John Purple, John Seybold, James Milne, William Yule, John Sheridan, James Buchanan, Robert Griffin, Daniel Sutherland, Joſeph Jones, Thomas White, Noah Freer, William Finlay, Charles Dixie Shekleton, Benjamin Tremain, Hammond Gowen, Matthew Bell, David Monro, John Stewart, Robert Hamilton, George Symes, James Roſs, Andrew Moir, Andrew Patterſon, Peter Patterſon, James Heath, and William Bachelor Coltman, their ſeveral and reſpective heirs, executors, curators, adminiſtrators, ſucceſſors and aſſigns, ſhall be, and are hereby ordained, conſtituted and declared, to be a Corporation, Body Corporate and Politic, by the name of "The Preſident, Directors and Company of the Bank of Montreal," and ſhall ſo continue and have ſucceſſion till the firſt day of June, which will be in the year of our Lord one thouſand eight hundred and thirty-one, and ſhall and may by the ſaid name be perſons able and capable in Law to ſue, be ſued, implead, and be impleaded, anſwer and be anſwered, defend and be defended, in all Courts and places whatſoever: and ſhall alſo be able and capable in Law to purchaſe, acquire, hold and enjoy, and retain to them, and their ſucceſſors, lands and tenements, real or immoveable eſtate, for the convenient conduct and management of the buſineſs of the ſaid Bank, not exceeding the yearly value of one thouſand pounds, current money of this Province, and for no other purpoſe; and may ſell, alienate, and diſpoſe of ſuch lands, tenements, real or immoveable eſtate, and purchaſe and acquire others in their ſtead, for the ſame purpoſe, not exceeding the yearly value aforeſaid, and may have a common ſeal, and may change and alter the ſame at their pleaſure; and may alſo ordain, eſtabliſh and put in execution ſuch bye laws, ordinances and regulations, (the ſame not being contrary to the preſent Act or any Laws in force in this Province) as may appear to them neceſſary or expedient for the management of the ſaid Bank; which bye-laws, ordinances and regulations ſhall be made by the Directors already appointed or who may hereafter be appointed, which bye-laws, ordinances and regulations ſhall be ſubmitted to the Stockholders in the ſaid Bank for their approval and confirmation, at a general meeting called for that purpoſe, to be held in the manner herein-after mentioned; and ſhall and may do and execute by the name aforeſaid, all and ſingular other the matters and things touching the management of the buſineſs of the ſaid Corporation, which to them ſhall or may appertain to do, ſubject nevertheleſs to the rules, regulations, limitations and proviſions herein-after preſcribed and eſtabliſhed.

Created a body corporate and politic.

Capital Stock not to exceed £250,000.

II. And be it further enacted by the authority aforesaid, that the capital stock of the said Montreal Bank, hereby incorporated and established, shall not exceed the said sum of two hundred and fifty thousand pounds, current money aforesaid, divided into five thousand shares of fifty pounds each; which shares shall be, and the same are hereby vested in the said several persons herein-before named, their successors and assigns, according to the shares and interest which they may respectively have subscribed, purchased, or acquired, and may now have in the same; and that such part of the capital sum of two hundred and fifty thousand pounds, as may not yet have been paid in, shall be paid by the Stock holders respectively, by whom the same is due, by instalments not exceeding ten per centum on the capital stock of each Stock-holder, at such time and times and place as the Directors of the said Montreal Bank shall appoint, after notice of not less than thirty days in this behalf to be previously given, in one or more of the public Newspapers published at the said city of Montreal. Provided always, that the whole of the said capital stock shall be called in and paid by the said Stock-holders in manner aforesaid, within nine years from and after the passing of this Act; and all executors, curators and administrators, who shall pay up the Instalments due by the estate or succession which they respectively represent in obedience to any call made for that purpose in the manner aforesaid, shall be and they are hereby respectively indemnified.

The Capital Stock to be paid in within a given time.

Directors to be annually chosen.

III. And be it further enacted by the authority aforesaid, that for the management of the affairs of the said Corporation, there shall be thirteen Directors who shall be annually elected by the Proprietors of the capital stock of the said Bank, at a general meeting of them to be annually held on the first Monday of June; at which annual meeting, the said Stock-holders shall vote according to the rule herein after established, as to the manner of voting at General Meetings; and the Directors so chosen by a majority, in conformity to such rule, shall be capable of serving as Directors for the then next ensuing twelve months; (unless removed for mal-administration before that period, by the Stock-holders, at a General Meeting to be held by them, or unless suspended as herein-after provided) and at their first Meeting after such election, shall choose out of their number a President, and Vice-President, who shall hold their offices respectively during the same period, for which the said Directors shall have been elected, as aforesaid; and it shall be lawful for the said Directors, from time to time, in case of the death, resignation, absence from the Province, or removal of the persons so chosen to be President and Vice-President, or either of them, to choose in their or his stead, from among them the said Directors, another person or persons to be President and Vice-President respectively; and in case of the death, resignation, absence from the Province for three months at a time, or the removal of a Director by the Stock-holders as aforesaid

ſaid, his place, in caſe of ſuch removal, ſhall be filled up by the ſaid Stock-holders at any one of their General Meetings, and in the other caſes laſt mentioned by the remaining Directors, or a majority of them; and the perſon ſo appointed, in the place and ſtead of ſuch Director, ſhall ſerve till the next General Meeting for the election of Directors.

Stock-holders not being natural born subjects of His Majesty, &c. not allowed to vote for the election of a Director.

IV. Provided, and it is hereby expreſsly enacted, that no Stock-holder who ſhall not be a natural born ſubject of His Majeſty or a ſubject of His Majeſty naturalized by Act of the Britiſh Parliament, or a ſubject of His Majeſty by the effect of the conqueſt and ceſſion of this Province, or being a ſubject of any Foreign Prince or State, ſhall either in perſon or by proxy vote for the election of any Director to be elected in the manner herein-before directed, nor ſhall vote at any Meeting of the ſaid Stock-holders, for the purpoſe of ordaining, eſtabliſhing or putting in execution, any by-laws, ordinances or regulations to be made under the authority of this Act, or ſhall aſſiſt in the calling of any meeting of ſuch Stock-holders, or ſhall vote for any other purpoſe or purpoſes whatſoever, herein-before authoriſed, any thing herein-before contained to the contrary notwithſtanding.

The Directors, President and Vice President of the association to be continued until the first Monday of June next, but may be removed from their offices, in certain cases.

V. And be it further enacted by the authority aforeſaid, that the perſons who have been elected Directors, Preſident and Vice-Preſident of the ſaid aſſociation, under the ſaid articles of agreement, and ſhall be Directors, Preſident and Vice-Preſident reſpectively of the ſaid aſſociation, at the time of paſſing this Act, ſhall be and continue Directors, Preſident and Vice-Preſident of the ſaid Corporation, until the firſt Monday of June next, being the day herein-before appointed for the annual Election of Directors of the ſaid Corporation; Provided always, that any of the ſaid Directors in the mean time may be removed by the ſaid Stock-holders at a general meeting for mal-adminiſtration; and that in caſe of death, reſignation, abſence from the Province, or removal of any of the ſaid Directors ſo appointed to continue in office as aforeſaid, it ſhall be lawful for the ſaid Stock-holders at a general meeting, to fill up the vacancy or vacancies, in caſe of removal, and in the other caſes by the remaining Directors or a majority of them; and the ſaid Director or Directors ſo appointed to be and continue in office, until the firſt Monday in June next, ſhall have the ſame power as to the appointment of a Preſident and Vice-Preſident, in the caſe of the death, reſignation, abſence from the Province or removal of the Preſident or Vice-Preſident before that period, that is herein-before given to the Directors to be choſen at the period fixed for the annual meeting as aforeſaid. Provided always that the ſaid Directors ſhall not, during the period of their ſervices as Directors of the ſaid Bank, act as private Bankers.

Directors not to act as Private Bankers during the period of their service.

VI.

Though the Election of Directors may not have taken effect, when it ought to be made, Corporation not to be dissolved.

VI. And be it further enacted by the authority aforesaid, that if, at any time, it shall happen that an Election of Directors shall not be made or take effect on the day when, in pursuance of this Act, it ought to be made and take effect, the said Corporation shall not be deemed or taken to be dissolved, but it shall be lawful, at any other time, to make such Election at a general meeting of the Stockholders, to be called in the manner herein-after prescribed.

Directors to appoint the necessary officers.

VII. And be it further enacted by the authority aforesaid, that the Directors for the time being, shall have power to appoint such Officers, Clerks and Servants under them as shall be necessary for conducting the business of the said Corporation, and to allow them such compensation for their services respectively, as shall be reasonable and proper, and the said Directors shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the Bye-Laws, Ordinances and Regulations of the said Corporation.

In suits at Law against the Bank, process to be served on the President, or at the office of the Bank — and suits on behalf of the Bank, against any persons, to be prosecuted by the President and Directors, in the name of the Bank.

VIII. And be it further enacted by the authority aforesaid, that in all and every Suit or Suits at Law, which, at any time hereafter, may be instituted by or on the part and behalf of any person or persons against the said Bank, service of Process upon the President or Vice-President of the same, for the time being, or at the Office of the said Bank, shall, to all intents and purposes, be sufficient to compel the said Bank or Corporation to appear and to plead to such Suit or Suits at Law, any law, usage or custom to the contrary in any wise notwithstanding; and all and every Suit or Suits at Law, which, at any time, may be instituted by or on the behalf of the said Bank, against any person or persons, body or bodies politic or corporate, shall be instituted and prosecuted by the President and Directors of the said Bank for the time being, for and in the name of the said Bank.

Votes of the Stockholders to be taken according to certain proportions.

IX. And be it further enacted by the authority aforesaid, that the following Rules, restrictions, and provisions, shall form and be deemed and held to be fundamental Articles of the said Corporation, that is to say, First, The number of votes to which each Stock-holder or Stock-holders, Co-partnership, Body Politic, or Corporate, holding Stock in the said Corporation shall be entitled on every occasion, when in conformity, to the provisions of this Act, the votes of the Members of the said Corporation are to be given, shall be in the proportions following, that is to say, for one share, and not more than two, one vote; for every two shares above

The proportions.

above two and not exceeding ten, one vote, making five votes for ten ſhares; for every four ſhares above ten, and not exceeding thirty, one vote, making ten votes for thirty ſhares; for every ſix ſhares above thirty, and not exceeding ſixty, one vote making fifteen votes for ſixty ſhares; and for every eight ſhares above ſixty, and not exceeding one hundred, one vote, making twenty votes for one hundred ſhares, but no perſon or perſons, Co-partnerſhip, Body Politic or Corporate, being a Member or Members of the ſaid Corporation, ſhall be entitled to a greater number than twenty votes; and all Stock-holders reſident within the Province or elſewhere may vote by Proxy, if he, ſhe or they ſhall ſee fit; Provided, that ſuch Proxy be a Stock-holder and do produce an authority from his conſtituent or conſtituents for ſo repreſenting and voting for him, her or them, according to the form A. annexed to this Act; and Provided alſo, that after the firſt Election of Directors, to be made after the paſſing of this Act, no ſhare or ſhares of the Capital Stock of the ſaid Corporation ſhall confer a right of voting either in perſon or by proxy which ſhall not have been held during three Calendar months at the leaſt, prior to the day of Election, or of the general meeting when the votes of the Stock-holders are to be given; and where two or more perſons are the joint owners of any part of the ſaid Stock, it ſhall be lawful that one perſon only be empowered by letter of attorney from the other owners or a majority of them, to repreſent the ſaid Stock, and to vote accordingly. SECOND—No perſon other than a Stock-holder actually reſident in the city of Montreal, and holding at leaſt ten ſhares of the capital ſtock of the ſaid Corporation, and being a natural born ſubject of His Majeſty, or a ſubject of His Majeſty naturalized, by Act of the Britiſh Parliament, or a ſubject of His Majeſty, by the effect of the conqueſt and ceſſion of this Province; or who ſhall have reſided ſeven years in this Province—and in any of the above caſes, who ſhall have reſided three years in the city of Montreal, ſhall be capable of being elected or choſen a Director of the ſaid Corporation, or ſhall ſerve as ſuch. THIRD—Nine of the Directors in office at the period of each annual election, ſhall be re-elected for the next ſucceeding twelve months; and the Preſident and Vice-Preſident ſhall always be two, of the number to be re-elected. FOURTH—No Director ſhall be entitled to any ſalary or emolument, unleſs the ſame ſhall have been allowed to him by a General Meeting of the Stock-holders; but the Stock-holders may make ſuch compenſation to the Preſident or Vice-Preſident, for their extraordinary attendance at the Bank, or other ſervices, as ſhall appear to them to be reaſonable and proper. FIFTH—Not leſs than five Directors ſhall conſtitute a Board for the tranſaction of Buſineſs, of which number the Preſident or Vice-Preſident ſhall always be one, except in caſe of ſickneſs, and neceſſary abſence; in which caſe, their places may be ſupplied by any other Director whom the Preſident or Vice-Preſident ſhall reſpectively by writing under his hand, appoint for that purpoſe. The

Stockholders may vote by proxy.

After the first election of Directors, after the passing of this Act, no share to confer a right of voting, unless held three months prior to the day of election or general meeting.

Certain qualifications necessary to enable a Stockholder to be chosen a Director.

Nine Directors to be re-elected for the next succeeding twelve months, of whom the President and Vice President always to be two of the number.

No Director entitled to a salary, —President and Vice President may receive a compensation for their services.

Five Directors to constitute a Board.

The President and Vice-President shall vote at the Board as Directors; and in any case of there being an equal number of votes for and against any question before them, the President, and in his absence the Vice-President, shall have a casting vote. SIXTH—Any number of Stock-holders, not less than fifty, who together, shall be Proprietors of two hundred and fifty shares of the capital stock of the said Corporation, shall have power at any time, by themselves or their proxies to call a General Meeting of the Stock-holders, for purposes relating to the said Corporation, giving at least six week's notice thereof, in at least one of the Newspapers published in the city of Montreal; and specifying in such Notice, the time and place of such Meetings with the object, or the objects thereof. And the Directors of the said Corporation, for the time being, or any seven of them, shall have the like power at any time (upon their observing the like formalities) to call a General Meeting, as above-said; and if the object of such Meeting to be called by the Stock-holders, or Directors as aforesaid, shall be to consider of the proposed removal of the President or Vice-President, or a Director or Directors for mal-administration, then, and in such case, the person or persons whom it shall be so proposed to remove, shall, from the day from which such Notice shall be first published, be suspended from the execution of the duties of his or their office; and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining Directors, who shall appoint a Director to serve as such President or Vice-President, during the time such suspension shall continue. SEVENTH—Every Cashier and Clerk of the Bank, before he enters upon the duties of his office, shall give Bond, with two or more Sureties, to the satisfaction of the Directors: that is to say, every Cashier in a sum not less than five thousand pounds; and every Clerk in such sum as the Directors shall consider adequate to the trust to be reposed in him, with condition for his good and faithful behaviour. EIGHTH—The Lands and Tenements which it shall be lawful for the said Corporation to hold, shall be such only as are herein-before permitted to be held by it: Provided always, that the said Corporation may take and hold Mortgages, *hypothèques* on real property, according to the Law of this Province, by way of additional security for Debts contracted to the said Corporation in the course of its dealings; but on no account shall money be lent on Mortgage, *hypothèque*, or upon Land, or other fixed Property; nor shall such be purchased by the Corporation, upon any pretext, except as above mentioned. NINTH—The total amount of the Debts which the said Corporation shall at any time owe, whether by Bond, Bill or Note, or other Contract whatsoever, shall not exceed treble the amount of the capital stock actually paid in (over and above a sum equal in amount to such money as may be deposited in the Bank for safe keeping) and in case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their private capacities

How general meetings may be called.

Cashier and Clerks to give security.

Corporation may hold mortgages as additional security, but not to lend money on mortgages.

Bank not to owe more than treble the amount of their capital actually paid in.

capacities; as well to the Stock-holders as to holders of Bank Notes, and an action in this behalf may be brought against them, or any of them, their, or any of their Heirs, Executors, Administrators and Curators, and be prosecuted to judgment and execution, according to the Laws of this Province; but this shall not exempt the said Corporation, or the lands, tenements, goods or chattels thereof, from being also liable for such excess. Provided always, that such Directors, as shall have been absent when the said excess was contracted or incurred, or shall have entered their Protest against it upon the book, or books of the said Corporation, may respectively exonerate and discharge themselves therefrom, by publishing such protest in the public papers, within eight days. TENTH—The Stock of the said Corporation shall be assignable and transferable according to the form B. annexed to this Act; but no assignment or transfer shall be valid or effectual, unless such transfer or assignment be entered or registered in a book or books to be kept by the Directors for that purpose; nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them, to the said Corporation, which may exceed in amount the remaining Stock belonging to such person or persons; and in no case shall any fractional part of a share or shares, or other than a complete share or shares, be assignable or transferable. ELEVENTH—Bank Obligations, Bank Bonds, Bank Bills, obligatory, and of credit, under the common seal of the said Corporation, signed by the President or Vice-President, and countersigned by a Cashier, which shall be made to any person or persons, shall be assignable by indorsements thereupon, without signification thereof, any law or usage to the contrary notwithstanding; and Bank Bills or Bank Notes, which shall be issued by order of the said Corporation, signed and countersigned as aforesaid, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of the said Corporation, shall be binding and obligatory upon the same, and shall be assignable and negotiable by blank or other indorsement or otherwise, in like manner as if they were made and issued by private persons; that is to say; those which shall be payable to any person or persons, his, her or their order, shall be assignable by blank or other indorsement, in like manner, and with the like effect as foreign Bills of Exchange now are; and those which shall be payable to bearer, shall be negotiable by delivery only. TWELFTH—The Books, Papers, Correspondence, and Funds of the said Corporation shall at all times be subject to the inspection of the Directors; but no Stock-holder, not being a Director, shall inspect the account of any individual or individuals, with the said Corporation. THIRTEENTH—Half-yearly Dividends shall be made of so much of the profits of the said Corporation as shall appear to the Directors for the time being, adviseable, and shall be payable at such place or places as the said Directors shall appoint, of

Proviso.

Stock assignable and transferable.

Bank obligations, &c. how transferable.

Books to be subject to the inspection of the Directors.

No Stockholder, unless he be a Director, entitled to inspect the accounts of any individual, with the Corporation.

Half-yearly dividends to be paid.

of which they ſhall give public notice thirty days previouſly, in at leaſt two Newſpapers, publiſhed at the ſaid city of Montreal, which Dividends ſhall not in any manner whatſoever leſſen or impair the Capital Stock of the ſaid Corporation; and the ſaid Directors ſhall every year at the General Meeting held for the election of Directors, lay before the Stock-holders for their information, an exact and particular ſtatement of the amount of the Debts due to, and by the ſaid Corporation, ſpecifying the amount of the Bank Notes then in circulation, and the amount of ſuch Debts as in their opinion are bad or doubtful; alſo ſtating the ſurplus or profit (if any remaining) after deduction of loſſes, and proviſion for dividends. Provided, that the making and rendering of ſuch ſtatements ſhall not give, or be conſtrued to give any right to the Stock-holders, not being Directors, to inſpect the Account of any individual or individuals, with the ſaid Corporation. FOURTEENTH—

Penalty on perſons, &c. not paying up the amount of their inſtalment.

If there ſhall be a failure by, or on the part of any perſon or perſons, copartnerſhip, body politic or corporate, to pay the amount of any inſtalment, required to be paid on account of his, her, or their ſhares, in the ſaid capital ſtock of the ſaid Corporation, the perſon or perſons failing to pay the amount of ſuch inſtalment, ſhall incur a forfeiture to and for the uſe of the ſaid Corporation of five per centum on the amount of his or their ſhares in the ſaid Corporation, and of the dividends due to him, her or them, at the time appointed for the payment of ſuch inſtalments, and alſo of all dividends which may afterwards accrue, and become due to him, her or them, until the payment of the amount of ſuch inſtalment. FIFTEENTH—

Bank not to deal in any thing except Bills of Exchange, &c.

The ſaid Corporation ſhall not directly or indirectly deal in any thing except Bills of Exchange, Diſcounting on Notes of hand or promiſſory Notes, and to receive the Diſcount at the time of negociating; gold or ſilver bullion, or in the ſale of ſtock pledged for money lent, and not redeemed; which ſaid ſtock ſo pledged, and not redeemed, ſhall be ſold by the ſaid Corporation at public ſale, at any time not leſs than ten days after the period for redemption, without any judgment firſt obtained, and without any previous ſuit or proceedings at law—any law, uſage, or cuſtom to the contrary notwithſtanding. And if upon the ſale of ſuch ſtock, there ſhall be a ſurplus, after deducting the expences of ſale, over and above the money lent, ſuch ſurplus ſhall be paid to the Proprietors of ſuch ſtock reſpectively.

X.

Notes of the Corporation payable in gold or silver coin.

Corporation not to demand any interest, exceeding the lawful interest of the Province.

X. And be it further enacted by the authority aforesaid, that the Notes of the Corporation shall be payable in gold or silver coin, current by the laws of this Province. And that the said Corporation shall not demand, receive and require upon its loans or discounts, or upon any other pretext whatsoever, any interest exceeding the lawful interest of six per centum per Annum, as fixed by the Laws of this Province.

Shares &c. considered and adjudged as personal property.

XI. And be it further enacted by the authority aforesaid, that the share and shares, and dividends of the Stock-holders in the said Corporation, shall be held, considered and adjudged to be personal property, and as such be liable to *bona fide* creditors for debts, and may be attached and sold under Writs of Attachment and Execution, issued out of His Majesty's Courts of this Province, in like manner as other personal property may be attached and sold under such Writs of Attachment and Execution. And in cases where an Attachment may issue for attaching the said share and shares, and dividends, the same shall be served on the Cashier of the said Corporation, who shall be held to appear in Court, and answer upon such Writ of Attachment according to the Laws of this Province, and to declare the number of shares of stock, and the amount of dividends belonging and due to the person or persons against whom such Attachment shall have been obtained; and that when the said share or shares may have been sold, under a Writ or Writs of Execution, the Sheriff by whom such Writ or Writs shall be executed, shall within thirty days after such sale, leave with the Cashier of the said Corporation, an attested copy of the said Writ or Writs of Execution, with the Certificate of such Sheriff indorsed thereon, certifying to whom the sale of the said share or shares, under the said Writ or Writs of Execution, has been by him made; and the person or persons who shall have purchased such share or shares, so sold under such Writ or Writs of Execution, shall be held and considered as Stock-holder, or Stock-holders of the said share or shares, and have the same rights, and be under the same obligations as if he or they had purchased the said share or shares from the Proprietor or Proprietors thereof.

Stockholders not answerable for the debts of the Corporation except Directors, who are made liable in certain cases.

XII. And be it further enacted by the authority aforesaid, that no Stock-holder or Stock-holders, shall be answerable in his, her, or their private or natural capacity or capacities for the debts of the said Corporation, excepting Directors, who may be liable as herein-before mentioned, in cases where the total amount of debts contracted by the said Corporation, shall, during their administration, exceed the limitation by this Act prescribed.

Governor &c. may require a statement of the amount of the capital stock of the

XIII. And for the better security of the public, be it further enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or the person administering

Corporation, and of the debts &c. but not to disclose the private account of any individual.

administering the Government of this Province for the time being, or for any or either Branch of the Provincial Parliament, from time to time, to require from the President, Vice-President and Directors of the said Corporation, Statements of the amount of the Capital Stock of the said Corporation, and of the debts due to the same, of the monies deposited in the Bank, of the Notes in circulation, and of the Cash in hand, which Statements the said President, Vice-President and Directors shall be bound to furnish, when required as aforesaid, under oath. Provided always, that nothing herein contained, shall extend to compel or authorize the said President, Vice-President and Directors in such Statements, to particularize the private account of any person or persons with the said Corporation.

Penalty on officers, defrauding the Bank, or secreting and running away, with money, bond, &c.

XIV. And be it further enacted by the authority aforesaid, that if any Officer, Cashier, Clerk or Servant of the said Corporation, entrusted with any Bond, Obligation, Bill obligatory, or of credit, or of any other bill or note, or any security, money or effects belonging to the said Corporation, or having any bond, obligation, or bill obligatory, or of credit, or any other bill or note, or any security, money, or effects of any other person or persons, lodged or deposited with the said Corporation, or with him, as an Officer, Cashier, Clerk or Servant of the said Corporation, shall secrete, embezzle, or run away with any such bill, bond, obligation, bill obligatory, or of credit, or any such other bill or note, security, money or effects, or any of them, or any part of them, every such Officer, Cashier, Clerk or Servant so offending, and being thereof convicted in due form of Law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of the clergy.

Penalty on persons forging the common Seal of the Bank.

XV. And be it further enacted by the authority aforesaid, that if any person or persons shall forge or counterfeit the common Seal of the said Bank, or shall forge or counterfeit, or alter any bond, obligation, bill obligatory, or of credit, or any other bill or note of the said Corporation, or any indorsement or indorsements thereon, with an intention to defraud the said Corporation, or any person or persons whomsoever: or shall alter or pass any forged, counterfeit, or altered Bond, Obligation, Bill obligatory, or of credit, or any other bill or note of the said Corporation, or indorsement or indorsements thereon; or shall demand the money therein mentioned and contained, knowing the same to be forged, counterfeit or altered, every such person, for every such offence, upon conviction thereof, in due form of Law, for the first offence, shall be deemed and adjudged to be guilty of a misdemeanor, and on being lawfully convicted thereof, shall be liable for such offence to be imprisoned for a time, which shall not be less than six months, nor more than

six

ſix years, and to be kept at hard labour, or be publicly whipped, or to ſtand in the pillory, or undergo one or more of the ſaid puniſhments, at the diſcretion of the Court before which ſuch conviction ſhall take place; and ſhall for a ſecond offence, be deemed and adjudged to be guilty of felony.

Penalty on perſons engraving or making any Plates &c. deſigned, for forging Bills of Exchange.

XVI. And be it further enacted by the authority aforeſaid, that if any perſon ſhall engrave, form, make or mend any plate or plates, paper, rolling preſs, or other tool, inſtrument or material deviſed, adapted and deſigned for ſtamping, forging, or making any falſe and counterfeit Bill of Exchange, Promiſſory Note, undertaking or order, for the payment of money, purporting to be the Bill of Exchange, Promiſſory Note, undertaking or order of the ſaid Corporation, or of any of the officers or perſons engaged in the management of the concerns of the ſaid Corporation, in the name and on the behalf of the ſaid Corporation; or ſhall have in his poſſeſſion any ſuch plate or plates engraven in any part, or any paper, rolling-preſs, or other tool, inſtrument, or material deviſed, adapted or deſigned as aforeſaid, with the intent to uſe and employ the ſame, or to cauſe or permit the ſame to be uſed and employed in forging and making any ſuch falſe and counterfeit Bills of Exchange, Promiſſory Notes, undertakings or orders, every perſon ſo offending, ſhall be deemed and taken to be guilty of felony, and being thereof convicted, ſhall ſuffer death as a felon, without benefit of clergy.

Search Warrants may be iſſued against perſons concerned in making falſe bills of Exchange.

XVII. And be it further enacted by the authority aforeſaid, that it ſhall and may be lawful to, and 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 making or counterfeiting any ſuch falſe Bills of Exchange, promiſſory Notes, undertakings, or orders as aforeſaid, by Warrant under the hand of ſuch Juſtice, to cauſe the dwelling-houſe, room, workſhop, out-houſe, or other buildings, 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, or counterfeiting, to be ſearched for any ſuch falſe Bills of Exchange, Promiſſory Notes, undertakings or orders; and if any ſuch falſe Bills of Exchange, Promiſſory Notes, Undertakings or orders, or any ſuch plates, rolling-preſſes, or other tools, inſtruments, or materials ſhall be found in the cuſtody or poſſeſſion 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 whomſoever diſcovering the ſame, to ſeize, and he and they are hereby authoriſed and required to ſeize ſuch falſe or counterfeit Bills of Exchange, Promiſſory Notes, undertakings or orders, and ſuch plates, rolling-preſſes, or other tools, inſtruments or materials, and to carry the ſame

ſame forthwith before a Juſtice of the Peace of the county or diſtrict in which 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 the offences aforeſaid, in ſome Court of Juſtice proper for the determination thereof; and the ſame after being ſo produced in evidence, ſhall by order of the Court before which ſuch offender or offenders ſhall be tried, be defaced or deſtroyed, or otherwiſe diſpoſed of, as ſuch Court ſhall direct.

Not to affect King's or the rights of any other bodies, politic or corporate.

XVIII. And be it further enacted by the authority aforeſaid, that nothing in the preſent Act contained, ſhall affect or be conſtrued to affect in any manner or way whatſoever, the rights of His Majeſty, His Heirs or Succeſſors, or of any perſon or perſons, or of any Bodies Politic or Corporate, ſuch only excepted as are herein mentioned.

Public Act.

XIX. And be it further enacted by the authority aforeſaid, that this Act ſhall be deemed and taken to be a Public Act, and as ſuch ſhall be judicially taken notice of by all Judges, Juſtices, and other perſons whomſoever, without ſpecially pleading the ſame.

Corporation not to loan money to any foreign state.

XX. And be it further enacted by the authority aforeſaid, that it ſhall not be lawful for the ſaid Corporation, at any time whatever, directly or indirectly, to advance or lend to, or for the uſe or on account of any foreign Prince or State, any ſum or ſums of money whatever, and if any ſuch unlawful advance or loan be made, then and from thenceforth, the ſaid Corporation ſhall be diſſolved, and alſo the powers, authorities, rights and advantages hereby granted to the ſaid Corporation, ſhall from thenceforth ceaſe and determine, any thing in the preſent Act contained to the contrary thereof in any wiſe notwithſtanding. And provided alſo, that the ſaid Corporation ſhall not raiſe loans of money, nor increaſe its capital.

Nor shall the Corporation raise loans of money, nor increase its capital.

Continuance of this Act.

Proviso.

XXI. And be it further enacted by the authority aforeſaid, that this Act ſhall continue and be in force till the firſt day of June, in the year of our Lord one thouſand eight hundred and thirty-one, and no longer. Provided that if before the expiration of that period, it ſhall at any time be found expedient to eſtabliſh a Provincial Bank in this Province, and that the ſame be ſo eſtabliſhed by an Act of the Legiſlature thereof, then and in that caſe the ſaid Corporation hereby created under the name of the Preſident, Directors and Company of the Bank of Montreal, ſhall from and after the expiration of ſeven years from the paſſing of ſuch Act, be diſſolved, and all and every the powers, rights, privileges and benefits hereby given and granted to the ſaid Corporation, ſhall from thenceforth wholly and utterly ceaſe and determine, any thing in the preſent Act contained to the contrary in any wiſe notwithſtanding.

FORM

Form A.

MONTREAL BANK STOCK,

ACCEPTANCE, DIVIDENDS, SALE AND TO VOTE.

Form A.

KNOW all men by these presents, that I of do make, constitute and appoint of my true and lawful Attorney for me, in my name and on my behalf to accept all such transfers as are or may here-after be made unto me of my interest or share in the Capital or Joint Stock in the Montreal Bank, also to receive and give receipts for all Dividends that are now due and that shall hereafter become due and payable for the same for the time being—Likewise to sell, assign and transfer all or any part of my said Stock, to receive the consideration money, and give a receipt or receipts for the same, and to vote at all Elections, and to do all lawful Acts requisite for effecting the premises; hereby ratifying and confirming all that my said Attorney shall do therein by virtue hereof. In witness whereof I have hereunto set my hand and seal at this day of in the year of Our Lord, one thousand eight hundred and

Signed and Sealed in the presence of

Form B.

Form B.

FOR value received of hereby assign and transfer unto of and assign shares on each which has been paid pounds, shillings, currency, amounting to the sum of pounds, shillings, in the Capital Stock of the Montreal Bank, subject to the Rules and Regulations contained in the Articles of Association of the said Bank. Witness hand at the Bank aforesaid, this day of one thousand eight hundred and

Witness

I do hereby accept the foregoing assignment of shares in the Montreal Bank, assigned to as above-mentioned at the Bank, this day of one thousand eight hundred and

PROVINCIAL STATUTES
OF
LOWER-CANADA.

Anno Regni Primo GEORGII IV.

HIS EXCELLENCY

GEORGE, EARL OF DALHOUSIE, K. G. C.

GOVERNOR IN CHIEF.

"AT the Provincial Parliament begun and holden at *Quebec*, the Fourteenth "day of December, *Anno Domini*, one thousand eight hundred and twenty, "in the first year of the Reign of Our Sovereign Lord, GEORGE the Fourth, by "the Grace of GOD, of the United Kingdom of *Great Britain* and *Ireland* KING, "Defender of the Faith, &c.

"Being the first Session of the Eleventh Provincial Parliament of Lower Canada."

CAP. XXVI.

AN ACT for the incorporation of certain persons therein-mentioned, under the name of the "Quebec Bank."

17th March, 1821. Presented for His Majesty's Assent, and reserved "for the signification of His Majesty's pleasure thereon."

16th September, 1822. Assented to by His Majesty, in His Privy Council.

30th November, 1822. The Royal Assent signified by the Proclamation of His Excellency the Governor in Chief.

Preamble. WHEREAS the incorporation of a Bank in the City of Quebec, would essentially contribute to the prosperity of the Agriculture and Commerce

merce of the Province; And whereas divers loyal subjects of His Majesty in this Province, by their humble petition in this behalf, have represented, that an association has been formed, in which they have become Subscribers and Stockholders for the purpose of establishing a Bank in the City of Quebec, under certain articles of agreement, by which the Capital Stock of the said association is limited to Seventy-five Thousand Pounds, current money of this Province, divided into three thousand shares of twenty-five pounds each, and provisions made for the conduct and management of the said Bank; that the said Capital Stock has been subscribed, is in part paid into the said Bank, and is held by them; and that the said Bank is now engaged in carrying on the business for which it was instituted, and have prayed that for the better effecting of the purposes of their association, they, their successors and assigns, may be 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 Lower-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 it is hereby enacted by the authority of the same, that John William Woolley, James M'Callum, senior, John Jones, junior, Charles Smith, Louis Massue, Jean Langevin, Pierre Casgrain, Jacob Pozer, William Henderson, junior, Gilbert Henderson, Charles Hunter, Peter Grant, Moses Hart, Nicolas Massue, William Grut Sheppard, James Hunt, Thomas White, James Black, John Black, John Goudie, Jean Baptiste Raymond, Louis Guerout, Pierre Pelletier, Vincent Bonenfant, François Buteau, Joseph Morin, James Lemprière Marrett, Jean Olivier Brunet, Amable Dionne, Joseph Leblond, William Pemberton, Pierre Guerout, Jean Fortier, François Laurent, fils, James Fraser, John Miller, Etienne Claude Lagueux, George Henderson, Margaret Papps, John Saxton Campbell, Jacques Leblond, Louis Picotte, Noah Freer, Charles François Roi, Thomas Graham, Jean Thomas Taschereau, John Foster Fitzgerald, Michel Sauvageau, George M'Beath, François Durette, John Davidson, Joseph Jones, Claude Dénéchau, Charles Jourdain, George J. Pozer, Maria Pozer, Charlotte Pozer, Caroline Pozer, Louis Fortier, Sarah Montizambert, Joseph Lagueux, fils, Pierre Fortier, Joseph Deblois, Martin Chinic, John Wright, M. D. Edward Stayner Freer, Augustus Charles Freer, Charles Montizambert, William Measam, Louis Moquin, Charles Bancroft, François Bellet, Pierre Edouard Desbarats, Thomas Fargues, Donald Fraser, William Finlay, Horatio Gates, Robert Jones, senior, Robert Jones, junior, John Jones, senior, Jane Jones, Pierre Lagueux, Thomas Lloyd, Hugh Nicoll, Estate of the late John Taylor, William Walker,

Bank of Quebec established by this Act.

Walker, Benjamin Tremain and John Macnider, their ſeveral and reſpective heirs, executors, curators, adminiſtrators, ſucceſſors and aſſigns, ſhall be and they are hereby ordained, conſtituted and declared, to be a Body Politic and Corporate, by the name and ſtyle of the "The Quebec Bank," and ſhall ſo continue and have ſucceſſion until the firſt day of Auguſt, in the year one thouſand eight hundred and thirty-one, and ſhall and may, by the ſaid name, be able and capable in Law to ſue, be ſued, plead, and be impleaded, anſwer and be anſwered, defend and be defended, in all Courts and places whatſoever; and ſhall alſo be able and capable in Law to purchaſe, acquire, hold, enjoy, and retain to them, and their ſucceſſors, lands and tenements, real or immoveable eſtate, for the convenient conduct and management of the buſineſs of the ſaid Bank, and for no other purpoſe; and may ſell, alienate, and diſpoſe of ſuch lands, tenements, real or immoveable eſtate, and purchaſe and acquire others in their ſtead, for the purpoſe aforeſaid, and may have a common ſeal, and may change and alter the ſame at pleaſure; and may alſo ordain, eſtabliſh and put in execution ſuch bye-laws, ordinances and regulations, (the ſame not being contrary to the preſent Act, or any Laws in force in this Province) as may appear to them neceſſary and expedient for the management of the ſaid Bank; which bye-laws, ordinances and regulations ſhall be made by the Directors of the ſaid Bank, or a majority of them, and the ſaid Directors ſhall and may do and execute in the name aforeſaid, all and ſingular other the matters and things that to them ſhall or may appertain to do, ſubject nevertheleſs to the rules, regulations, limitations and proviſions herein-after preſcribed and enacted.

Created a body corporate and politic.

Capital Stock not to exceed £75,000.

II. And be it further enacted by the authority aforeſaid, that the capital ſtock of the ſaid Quebec Bank, hereby incorporated, ſhall not exceed the ſaid ſum of ſeventy-five thouſand pounds, current money aforeſaid, divided into three thouſand ſhares of twenty-five pounds each; which ſhares ſhall be, and the ſame are hereby veſted in the ſaid ſeveral perſons herein-before named, their ſucceſſors and aſſigns, according to the ſhares and intereſt which they may reſpectively have ſubſcribed, purchaſed, or acquired, and may now have or hold in the ſame; and that ſuch part of the capital ſum of ſeventy-five thouſand pounds, as may not yet have been paid into the ſaid Quebec Bank, ſhall be paid by the Stockholders reſpectively, by whom the ſame is due, by inſtalments not exceeding ten per centum on the capital ſtock of each Stockholder, at ſuch time or times and place as the Directors of the ſaid Quebec Bank ſhall appoint, after notice of not leſs than thirty days in this behalf to be previouſly given, in one or more of the public Newſpapers printed and publiſhed at the ſaid City of Quebec. Provided, the whole of the capital ſtock be paid up in the courſe of nine years from the paſſing of this

The Capital Stock to be paid in within a given time.

this Act; and all executors, curators and adminiſtrators, who ſhall pay up the inſtalments due by the eſtate or ſucceſſion which they reſpectively repreſent in obedience to any call made for that purpoſe in the manner aforeſaid, ſhall be hereby, reſpectively, indemnified.

Directors to be annually chosen.

III. And be it further enacted by the authority aforeſaid, that for the management of the affairs of the ſaid Bank, there ſhall be thirteen Directors, who ſhall be annually choſen and elected by the Proprietors of the ſaid capital ſtock of the ſaid Bank, at a general meeting of them to be annually held on the firſt Monday of Auguſt; at which annual meeting, the ſaid Stockholders ſhall vote according to the rule herein-after eſtabliſhed, as to the manner of voting at General Meetings; and the Directors ſo choſen by a majority, in conformity to ſuch rule, ſhall be capable of ſerving as Directors for the then next enſuing twelve months; (unleſs removed for mal-adminiſtration before that period, or ſuſpended as herein-after provided) and at their firſt meeting after ſuch election, ſhall chooſe out of their number a Preſident, and Vice-Preſident, who ſhall hold their offices reſpectively during the ſame period, for which the ſaid Directors ſhall have been elected, as aforeſaid: and it ſhall be lawful for the ſaid Directors, from time to time, in caſe of death, reſignation, abſence from the Province, or removal of the perſons ſo choſen to be Preſident and Vice-Preſident, or either of them, to chooſe in their or his ſtead, from among them the ſaid Directors, another perſon or perſons to be Preſident and Vice-Preſident reſpectively; and in caſe of the death, reſignation, abſence from the Province for three months at a time, or the removal of a Director as aforeſaid, his place, in caſe of ſuch removal, ſhall be filled up by the ſaid Stockholders at any one of their General Meetings; and the perſon ſo appointed, in the place and ſtead of ſuch Director, ſhall ſerve till the next General Meeting for the election of Directors; and the ſaid Directors, appointed as aforeſaid, are hereby prohibited, during the period of their ſervices as Directors of the ſaid Bank, from acting as Private Bankers.

Directors not to act as private Bankers during the period of their service.

The Directors, President and Vice President of the association to be continued until the first Monday in August next but may be removed from their offices in certain cases.

IV. And be it further enacted by the authority aforeſaid, that the perſons who may have been elected, and ſhall be the Directors, Preſident and Vice-Preſident reſpectively of the ſaid Quebec Bank, at the time of paſſing this Act, ſhall be and continue Directors, Preſident and Vice-Preſident of the ſaid Bank, until the firſt Monday in Auguſt next, being the day herein-before appointed for the annual election of Directors of the ſaid Bank; Provided always, that any of the ſaid Directors, in the mean time may, at a general meeting, be removed for mal-adminiſtration; and that in caſe of death, reſignation, abſence from the Province, or removal of any of the ſaid Directors ſo appointed to continue in office as aforeſaid, it ſhall be lawful for the ſaid Stockholders, at a general meeting, to fill up the va-

cancy

cancy or vacancies, as aforesaid, by the appointment of another or other Director or Directors, to continue in office till the said first Monday in August then next ensuing; and the said Director or Directors so appointed to be and continue in office, until the first Monday in August then next ensuing, shall have the same power as to the appointment of a President and Vice-President, in case of the death, resignation, absence from the Province or removal of the President or Vice-President before the period, that is herein-before given to the Directors to be chosen and elected, at the period fixed for the annual meeting as aforesaid.

Stockholders not being natural born subjects of His Majesty, &c. not allowed to vote for the election of a Director.

V. Provided always, and be it further enacted by the authority aforesaid, that no Stockholder who shall not be a natural born subject of His Majesty, or a subject of His Majesty naturalized by Act of the British Parliament, or a subject of His Majesty by the effect of the conquest and cession of this Province, or being a subject of any Foreign Prince or State, shall either in person or by proxy, vote for the election of any Director to be elected in the manner herein-before directed, nor shall vote at any meeting of the said Stockholders, for the purpose of ordaining, establishing or putting in execution, any bye-laws, ordinances or regulations to be made under the authority of this Act, or shall assist in the calling of any meeting of such Stockholders, or shall vote for any other purpose or purposes whatsoever, herein-before authorised, any thing herein-before contained to the contrary thereof in any wise notwithstanding.

Though the Election of Directors may not have taken effect, when it ought to be made, Bank not to be dissolved.

VI. And be it further enacted by the authority aforesaid, that if, at any time, it shall happen that an Election of Directors shall not be made or take effect on the day when, in pursuance of this Act, it ought to be made and take effect, the said Bank, shall not be deemed or taken to be dissolved, but it shall be lawful, at any other time, to make such election at a general meeting of the Stockholders, to be called in the manner herein-after prescribed.

Directors to appoint the necessary officers

VII. And be it further enacted by the authority aforesaid, that the Directors for the time being, shall have power to appoint such Officers, Clerks and Servants under them as shall be necessary for conducting the business of the said Quebec Bank, and to allow them such compensation for their services respectively, as shall be reasonable and proper, and the said Directors shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Bank, as shall be prescribed by the bye-laws, ordinances and regulations of the said Bank.

Votes of the Stockholders

VIII. And be it further enacted by the authority aforesaid, that the following rules

to be taken according to certain proportions.

rules, restrictions, limitations and provisions, shall form and be deemed and held to be fundamental Articles of the said Quebec Bank, that is to say: First,—The number of votes to which each Stockholder or Stockholders, Co-partnership, Body Politic or Corporate, holding stock in the said Bank, shall be entitled, on every occasion, when in conformity to the provisions of this Act, the votes of the Members of the said Bank are to be given, shall be in proportion following, that is to say; for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; but no person or persons, co-partnership or body politic or corporate, being a Member or Members of the said Bank, shall be entitled to a greater number than twenty votes; and all Stockholders in the said Bank, resident within this Province or elsewhere, may vote by proxy, if he, she or they shall see fit, provided that such proxy be a Stockholder in the said Bank, and do produce an authority from his constituents for so representing and voting for him, her or them, according to the Schedule (A) affixed to this Act.—Provided always, that after the first election of Directors, to be made after the passing of this Act, no share or shares of the Capital Stock of the said Bank shall confer a right of voting either in person or by proxy which shall not have been held during three calendar months at least prior to the day of election or of the general meeting when the votes of the Stockholders in the said Bank are to be given, and when two or more persons are the joint owners of any part of the said Stock, it shall be lawful, that one person only be empowered by letter of Attorney from the other owners, or a majority of them, to represent the said Stock and to vote accordingly. Second—No person other than a Stockholder, actually resident in the City of Quebec, and holding at least twenty shares in the Capital Stock of the said Quebec Bank, and being a natural born subject of His Majesty, or a subject of His Majesty naturalized by Act of Parliament, or who shall have resided seven years in this Province; and in any of the above cases, who shall have resided in the City of Quebec, three years, shall be capable of being elected or chosen a Director of the said Bank or shall serve as such. Third—Nine of the Directors in office at the period of each annual election, shall be re-elected for the next succeeding twelve months, and the President and Vice-President shall always be two of the number to be re-elected as Directors. Fourth—No Director shall be entitled to any salary or emolument, unless the same shall have been allowed to him by a general meeting of the Stockholders in the said Bank, but the Stockholders may make such compensation to the President or Vice President of the said Bank for their extraordinary attendance at the said Bank, or

The proportions.

Stockholders may vote by proxy.

After the first election of Directors, after the passing of this Act, no share to confer a right of voting unless held three months prior to the day of election or General Meeting.

Certain qualifications necessary to enable a Stockholder to be chosen a Director.

Nine Directors to be re-elected for the next succeeding twelve months, of whom the President and Vice-President always to be two of the number.

No Director entitled to a salary, Presi-

dent and Vice President may receive a compensation for their services.

Five Directors to constitute a Board.

or other services, as to them may appear reasonable and proper.—FIFTH—Not less than five Directors shall constitute a Board for the transaction of the business of the said Bank, whereof the President or Vice-President shall always be one, except in case of sickness or necessary absence, in which case their places may be supplied by any other Director whom the President or Vice-President so sick or absent shall respectively, by writing, under their hands appoint for that purpose. The President and Vice-President shall vote at the Board as Directors, and in case of there being an equal number of votes for and against any question before them, the President, and in his absence, the Vice President shall have a casting vote. SIXTH—Any number of Stockholders not less than twenty five, who shall together be proprietors of at least two hundred and fifty shares in the said Bank, shall have power, at any time, by themselves or their proxies, to call a general meeting of the Stockholders for purposes relative to the said Bank, giving at least six weeks notice thereof in at least one of the newspapers printed and published in the City of Quebec, and specifying in such notice the time and place for such meeting, with the object or objects thereof; and the Directors or any seven of them, shall have the like power, at any time, (upon observing the like formalities) to call a general meeting as aforesaid, and if the object for which any general meeting, called either by the Stockholders or Directors in the said Bank as aforesaid, shall be to take into consideration any charge or complaint against the President, Vice-President or other Director or Directors, for mal-administration, then and in such case, the person or persons against whom such charge or complaint shall be made, shall from the day on which such notice shall be first published, be suspended from the execution of the duties of his or their office, and if he be the President or Vice-President, his place shall be filled up by the remaining Directors, who shall appoint a Director to serve as such President or Vice President during the time such suspension shall continue; and the Stockholders in the said Bank shall at the first meeting held in pursuance of such notice, nominate and appoint by ballot, twelve persons, being Stockholders in the said Bank, none of whom shall be Directors in the said Bank, which persons so nominated and appointed shall proceed in a summary manner to take into consideration the subject for which such Director shall have been suspended, and shall declare whether such Director is innocent of the charge alleged against him, in which case such Director shall be forthwith reinstated, and in case such Director shall be found guilty of the charge laid against him, the persons so as aforesaid nominated and appointed, shall, if they may think it expedient, declare him incapable of continuing to Act as a Director in the said Bank, and such Director shall accordingly forthwith thereafter be disqualified to serve any longer as a Director in the said Bank. Provided always, that the verdict of any nine of the persons so as aforesaid nominated and appointed, shall be binding and conclusive. And provided also, that in case

How general meetings may be called.

Manner of proceeding in cases of complaint against President, Vice-President, or Directors.

Verdict of nine of the persons nominated to be conclusive.

Evidence may be given on Oath.

case the Director whose conduct is the subject of inquiry shall require that the evidence produced against him be given on oath, it shall be lawful for any one of His Majesty's Justices of the Peace to administer the necessary oath for that purpose, and any person or persons who, upon being so as aforesaid sworn, shall wilfully and knowingly take a false oath, shall, on being lawfully convicted, incur and suffer the pains and penalties of wilful and corrupt perjury.

Cashier and Clerks to give security.

SEVENTH—Every Cashier and Clerk of the said Bank, before he enter upon the duties of his office, shall give bond, with two or more sureties to the satisfaction of the Directors of the said Bank, that is to say: every Cashier in a sum not less than five thousand pounds, with condition for his good and faithful behaviour, and every Clerk with like condition and sureties, in such sum as the Directors shall consider adequate to the trust to be reposed in him.

Value beyond which the Bank shall not be entitled to hold Lands and Tenements.

EIGHTH—The lands and tenements which it shall be lawful for the said Bank to hold, shall be such only as may be necessary for the transaction and accommodation of the business of the said Bank, and shall in no case exceed the value of six thousand pounds, or three hundred and sixty pounds the legal interest thereof, *per annum*. It shall nevertheless be competent for the Directors on behalf of the said Bank, to take and hold mortgages, *hypothêques*, according to the Laws of the Province, on real property, by way of additional security for debts contracted with the said Bank, in the course of its dealings, but on no account shall money be lent upon mortgage or *hypothêques* on lands or other real property; nor shall such be purchased by the said Bank, upon any pretext, except in the case herein-above mentioned.

Bank may hold mortgages as additional security, but not to lend money on mortgages.

Bank not to owe more than treble the amount of their capital Stock actually paid in.

NINTH—The total amount of the debts which the said Bank shall, at any time owe, whether by Bond, Bill or Note, or other contract whatsoever, shall not exceed treble the amount of the Capital Stock actually paid in, (over and above a sum equal in amount to such money as may be deposited in the said Bank for safe keeping) and in case of excess, the Directors under whose administration it may happen, shall be jointly and severally personally liable for the same, as well towards the Stockholders as to the bearers of Bonds, Bills and Notes of the said Bank, and an action or actions in this behalf, may by the bearer or bearers of such Bonds, Bills or Notes be brought against them or any of them, their heirs, executors, administrators and curators respectively, as well as against the Stockholders in the said Bank, or any of them, their heirs, executors, administrators and curators, and be prosecuted to judgment and execution, according to the Laws of this Province, but the same shall not exempt the said Bank, nor the lands, tenements, goods or chattels thereof from being also liable for such excess.

Proviso.

Provided always, that such Director or Directors as shall have been absent when the said excess may have been contracted or incurred, or shall have entered his or their protest against it upon the Book or Books of the said Bank, may respectively exonerate and discharge himself or themselves therefrom, by pleading and proving such absence or entry

entry of ſuch proteſt as aforeſaid, and publiſhing the ſame in the Newſpapers within eight days. TENTH—The Stock of the ſaid Bank ſhall be aſſignable and transferable according to the form and tenor of the Act of transfer or aſſignment in the Schedule (B) affixed to this Act, but no aſſignment or trasfer ſhall be valid or effectual, unleſs ſuch transfer or aſſignment be entered or regiſtered on a Book or Books, to be kept by the Directors of the ſaid Bank, for that purpoſe, nor until the perſon or perſons making the ſame, ſhall previouſly diſcharge all debts actually due by him, her or them to the ſaid Quebec Bank, which may exceed in amount the remaining ſtock, belonging to ſuch perſon or perſons; and in no caſe ſhall any fractional part of a ſhare or ſhares or other than a complete ſhare or ſhares, be aſſignable or transferable. ELEVENTH—All Bank Bills, Bank Bonds, Bank Notes, and engagements or contracts on behalf of the ſaid Quebec Bank, ſigned by the Preſident or Vice-Preſident and counterſigned by the Caſhier of the ſaid Bank, which ſhall be made to or in favor of any perſon or perſons, ſhall be aſſignable by indorſements thereupon, without ſignification thereof, any law or uſage to the contrary in anywiſe notwithſtanding; and Bank Notes which ſhall be iſſued by order of the ſaid Bank, ſigned and counterſigned as aforeſaid, promiſing the payment of money to any perſon or perſons, his, her or their order, or to bearer, although not under ſeal of the ſaid Bank, ſhall be binding and obligatory upon the ſame, and ſhall be aſſignable and negotiable by blank or other indorſement or otherwiſe, in like manner as if they were made and iſſued by private perſons—that is to ſay: thoſe which ſhall be payable to any perſon or perſons, his, her, or their order, ſhall be aſſignable by blank or other indorſement, in like manner, and with the like effect as foreign Bills of Exchange now are, and thoſe which ſhall be payable to Bearer, ſhall be aſſignable and negotiable by delivery only. TWELFTH—The Books, Papers, Correſpondence and Funds of the ſaid Bank, ſhall at all times be ſubject to the inſpection of any Director appointed by the Directors or a majority of them for that purpoſe, and not otherwiſe, nor ſhall any Stockholder in the ſaid Bank, inſpect the account of any individual or individuals with the ſaid Bank. THIRTEENTH.—Half-yearly dividends ſhall be made of ſo much of the profits of the ſaid Bank as ſhall appear to the Directors for the time being adviſable, and ſhall be payable at ſuch place or places as the ſaid Directors may appoint, of which they ſhall give public notice thirty days previouſly in at leaſt two of the public newſpapers, printed and publiſhed at the City of Quebec, and the ſaid Directors ſhall every year, at a general meeting held for the election of Directors, lay before the Stockholders, for their information, an exact and particular ſtatement of the amount of debts due to and by the ſaid Bank, ſpecifying the amount of the Bank Notes then in circulation, and the amount of ſuch debts as in their opinion are bad or doubtful; alſo ſtating the ſurplus of profit (if any remaining) after deduction of the loſſes and proviſion for dividends. Provided, that the

Stock assignable and transferable.

Bank obligations, &c. how transferable.

Books to be subject to the inspection of the Directors.

But no Stockholder, entitled to inspect the accounts of any individual with the Bank

Half-yearly dividends to be paid.

the making and rendering of ſuch ſtatements ſhall not give, nor be conſtrued to give, any right to the Stockholders, not being Directors in the ſaid Bank, to inſpect the account of any individual or individuals with the ſaid Bank; and Provided always, that no dividend ſhall be madewhereby the Capital Stock of the ſaid Bank ſhall be reduced or impaired. FOURTEENTH—If there ſhall be a failure by or on the part of any perſon or perſons, co-partnerſhip, body politic or corporate, to pay the amount of any inſtalment required to be paid on account of his, her or their ſhares in the ſaid Capital Stock of the ſaid Quebec Bank, the perſon or perſons failing to pay the amount of ſuch inſtalment, ſhall incur a forfeiture and penalty for the uſe of the ſaid Bank of five per centum on the amount of his, her or their ſhares in the ſaid Bank, and of the dividends due to him, her or them at the time appointed for the payment of ſuch inſtalments, and alſo of all dividends which may afterwards accrue and become due to him, her or them until the payment of the amount of ſuch inſtalment. FIFTEENTH.—The ſaid Bank ſhall not directly nor indirectly deal in any thing except Bills of Exchange, diſcounts on Notes of Hand or Promiſſory Notes, and to receive the diſcount at the time of negociatingGold or Silver Bullion, or in the ſale of Stock pledged for Money lent and not redeemed, which ſaid Stock ſo pledged and not redeemed, ſhall be ſold by the ſaid Bank at public ſale, at any time not leſs than ten days after the period of redemption, without judgment previouſly obtained, and without any previous ſuit or proceedings at law, any law, uſage or cuſtom to the contrary notwithſtanding; and if upon the ſale of ſuch Stock, there ſhall be a ſurplus after deducting the expences of ſale over and above the Money lent, ſuch surplus ſhall be paid to the Proprietors of ſuch Stock, reſpectively.

Penalty on persons, &c. not paying up the amount of their instalment.

Bank not to deal in any thing except Bills of Exchange, &c.

Bank not to loan money to any foreign State.

IX. And be it further enacted by the authority aforesaid, that it ſhall not be lawful for the ſaid Bank at any time whatever, directly or indirectly, to advance or lend to or for the uſe, or on account of any foreign Prince or State, any ſum or ſums of money whatever, and if any ſuch unlawful advance or loan be made, then and from thenceforth the ſaid Bank ſhall be diſſolved, and all the powers, authorities, rights, and advantages hereby granted to the ſaid Bank, ſhall from thenceforth ceaſe and determine, any thing in the preſent Act contained to the contrary thereof in anywiſe notwithstanding, nor ſhall it be lawful for the ſaid Bank, at any time whatever, to raiſe any ſum or ſums of money by loan or to increaſe the Capital Stock of the ſaid Bank otherwiſe than is herein-before provided.

Nor shall the Bank raise loans of money nor increase its capital.

Notes of the Bank payable in gold or silver coin.

Bank not to demand any interest, exceeding the lawful interest of the Province

X. And be it further enacted by the authority aforeſaid, that the Notes of the ſaid Quebec Bank ſhall be payable in Gold and Silver Coin, current by the Laws of this Province. And that the ſaid Bank ſhall not demand, receive or require upon its loans or discounts, or upon any other pretext whatſoever, any intereſt exceeding the

the lawful intereſt of ſix per centum per annum, as eſtabliſhed by the Laws of this Province.

Seizures of Shares, &c. how to be made.

XI. And be it further enacted by the authority aforeſaid, that all ſeizures of any ſhare or ſhares in the capital ſtock of the ſaid Bank, or of any dividend or profit or of any ſum or ſums of money, effects or things ſoever at the ſuit of any perſon or perſons againſt any proprietor or proprietors of ſuch ſhares, dividends, profits, ſums of money or other things inveſted in the ſaid Bank, ſhall be notified and ſerved at the ſuit of the party ſeizing on the Caſhier of the ſaid Bank, at the office thereof, and on the proprietor whoſe ſhares are ſeized (ſaiſies) as by law required, and in caſe the proprietor (ſaiſie) ſhould not be reſident within the juriſdiction where ſuch ſeizure ſhall be made, ſervice of the proceſs at the office of the ſaid Bank, ſhall be valid and ſufficient to all intents and purpoſes.

Stockholders not answerable personally for the debts of the Bank, except in certain cases.

XII. And be it further enacted by the authority aforeſaid, that no Stockholder or Stockholders in the ſaid Quebec Bank, ſhall be perſonally anſwerable or liable for the debts of the ſaid Bank, except as herein-before provided, in caſes where the total amount of debts contracted by the ſaid Bank, ſhall exceed the limits preſcribed by this Act.

Governor, &c. may require a statement of the amount of the capital stock of the Bank, and of the debts, &c. but not to disclose the private account of any individual

XIII. And for the better ſecurity of the public, be it further enacted by the authority aforeſaid, that it ſhall and may be lawful for the Governor, Lieutenant Governor, or the perſon adminiſtering the Government of this Province for the time being, or for any or either Branch of the Provincial Parliament, from time to time, to require from the Preſident, Vice-Preſident and Directors of the ſaid Bank, ſtatements of the amount of the Capital Stock of the ſaid Bank, and of the debts due to the ſame, of the monies depoſited in the Bank, of the Notes in circulation, and of the caſh in hand, which ſtatements the ſaid Preſident, Vice-Preſident and Directors ſhall be bound to furniſh, when required as aforeſaid, under oath, which oath any Juſtice of the Peace is hereby authorized to adminiſter, and in caſe ſuch Preſident, Vice-Preſident and Directors, ſhall in making ſuch oath, be guilty of wilful and corrupt perjury or of ſubornation of perjury, they ſhall on conviction thereof incur the pains and penalties of wilful and corrupt perjury or of ſubornation of perjury according to law. Provided always, that nothing herein contained, ſhall extend to compel or authorize the ſaid Preſident, Vice-Preſident and Directors in ſuch ſtatements, to particularize the private account of any perſon or perſons with the ſaid Bank.

Proviso.

XIV.

Penalty on officers, defrauding the Bank, or secreting and running away, with money, bond, &c.

XIV. And be it further enacted by the authority aforesaid, that if any Officer, Cashier, Clerk or Servant of the said Bank, entrusted with any Bond, Obligation, Bill obligatory, or of Credit, or of any other Bill or Note, or any Security, Money or Effects belonging to the said Bank, or having any Bond, Obligation or Bill obligatory or of Credit, or any other Bill or Note, or any Security, Money or Effects of any other person or persons, lodged or deposited with the said Bank, or with him, as an Officer, Cashier, Clerk or Servant of the said Bank, shall secrete, embezzle, or run away with any such Bill, Bond, Bill obligatory or of Credit, or any such other Bill or Note, Security, Money or Effects, or any part of them, every such Officer, Cashier, Clerk or Servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony without benefit of Clergy.

Penalty on persons forging the common seal of the Bank.

XV. And be it further enacted by the authority aforesaid, that if any person or persons shall forge or counterfeit the common seal of the said Bank, or shall forge, or counterfeit or alter any Bond, Obligation, Bill obligatory, or of credit, or any other Bill or Note of the said Bank, or any indorsement or indorsements thereon, with intention to defraud the said Bank or any person or persons whomsoever, or shall alter, or pass any forged, counterfeit or altered Bond, Obligation, Bill obligatory or of credit, or any other Bill or Note of the said Bank or indorsement or indorsements thereon, or shall demand the money therein-mentioned and contained, knowing the same to be forged, counterfeited or altered, every such person for every such offence upon conviction thereof in due form of law for the first offence, shall be deemed and adjudged to be guilty of a misdemeanor, and on being lawfully convicted thereof shall be liable for such offence to be imprisoned for a time which shall not be less than six months, nor more than six years, and to be kept at hard labour or be publicly whipped, or stand in the pillory, or undergo one or more of the said punishments at the discretion of the Court before which such conviction shall take place and shall for a second offence be deemed and adjudged guilty of Felony.

Penalty on persons engraving or making any Plates, &c. designed for forging Bills of Exchange.

XVI. And be it further enacted by the authority aforesaid, that if any person or persons shall engrave, form, make or mend any plate or plates, paper, rolling press, or other tool, instrument or material devised, adapted and designed for stamping, forging or making any false and counterfeit Bill of Exchange, Promissory Note, undertaking or order for the payment of money, purporting to be a Bill of Exchange, Promissory Note, undertaking, or order of the said Quebec Bank or of any of the

officers

officers or persons engaged in the management of the concerns of the said Bank, in the name and on the behalf of the said Bank, or shall have in his possession any such plate or plates engraven in any part, or any paper, rolling press or other tool, instrument or material devised, adapted or designed as aforesaid with intent to use and employ the same, or to cause or permit the same to be used and employed in forging and making any such false and counterfeit Bills of Exchange, Promissory Notes, undertakings or orders, every person so offending, shall be deemed and taken to be guilty of felony, and being thereof convicted, shall suffer death as a felon, without benefit of Clergy.

Search Warrants may be issued against persons concerned in making false bills of Exchange.

XVII. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and 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 making or counterfeiting any such false Bills of Exchange, Promissory Notes, Undertakings, or Orders, as aforesaid, by warrant under the hand of such Justice, to cause the dwelling-house, room, work-shop, 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 such making or counterfeiting, to be searched for any such false bills of exchange, promissory notes, undertakings or orders, and if any such false bills of exchange, promissory notes, undertakings or orders, or any such plates, rolling presses or other tools, instruments, or materials shall be found in the custody or possession 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 whomsoever discovering the same, to seize and he and they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, rolling presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District in which 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 in some Court of justice competent for the determination thereof, and the same after being so produced in evidence, shall by order of the Court before which such offender or offenders shall be tried, be defaced or destroyed or otherwise disposed of as such Court shall direct.

XVIII.

Not to affect King's or the rights of any other bodies, politic or corporate.

XVIII. And be it further enacted by the authority aforesaid, that nothing in the present Act contained, shall affect or be construed to affect in any manner or way whatsoever, the rights of His Majesty, His Heirs or Successors, or of any person or persons, or of any Bodies Politic or Corporate, such only excepted as are hereinmentioned.

Public Act.

XIX. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and other persons whomsoever, without specially pleading the same.

Continuance of this Act.

Proviso.

XX. And be it further enacted by the authority aforesaid, that this Act shall continue to be in force until the first day of August, in the year of our Lord one thousand eight hundred and thirty-one, and no longer. Provided that if before the expiration of such period, it shall at any time be found expedient to establish a Provincial Bank in this Province, and that the same should be so established by an Act of the Legislature thereof, then and in that case, the said Bank hereby established shall from and after the expiration of seven years from the passing of such Act, be dissolved, and all and every the powers, rights, privileges and benefits hereby given and granted to the said Bank, shall from thenceforth wholly and utterly cease and determine, any thing in the present Act contained to the contrary in any wise notwithstanding.

Schedule

Schedule A.

QUEBEC BANK STOCK,

ACCEPTANCE, DIVIDENDS, SALE AND TO VOTE.

Schedule A.

KNOW all men by these presents, that I of do make, constitute and appoint of my true and lawful Attorney for me, in my name and on my behalf to accept all such transfers as are or may here-after be made unto me of my interest or share in the Capital or Joint Stock in the Quebec Bank, also to receive and give receipts for all Dividends that are now due and that shall hereafter become due and payable for the same for the time being—Likewise to sell, assign and transfer all or any part of my said Stock, to receive the consideration money, and give a receipt or receipts for the same, and to vote at all Elections, and to do all lawful Acts requisite for effecting the premises; hereby ratifying and confirming all that my said Attorney shall do therein by virtue hereof. In witness whereof I have hereunto set my hand and seal at this day of in the year of Our Lord, one thousand eight hundred and

Signed and Sealed in the presence of

Schedule B.

Schedule B.

FOR value received of hereby assign and transfer unto of and assign shares on each which has been paid pounds, shillings, currency, amounting to the sum of pounds, shillings, in the Capital Stock of the Quebec Bank, subject to the Rules and Regulations contained in the Articles of Association of the said Bank. Witness hand at the Bank aforesaid, this day of one thousand eight hundred and

Witness,

I do hereby accept the foregoing assignment of shares in the Quebec Bank, assigned to as above-mentioned at the Bank, this day of one thousand eight hundred and

CAP. XXVII.

AN ACT to incorporate certain persons therein-named, under the name of the "Bank of Canada."

17th March, 1821. Presented for His Majesty's Assent, and reserved "for the signification of His Majesty's pleasure thereon."

16th September, 1822. Assented to by His Majesty, in His Privy Council.

30th November, 1822. The Royal Assent signified by Proclamation of His Excellency the Governor in Chief.

Preamble.

WHEREAS the establishment of a Bank at the City of Montreal, by Legislative authority, would be conducive to the advancement of Agriculture and Commerce, and promote the prosperity of this Province; And whereas divers loyal subjects of His Majesty in this Province, by their humble petition in this behalf, have represented, that an association has been formed, in which they have become Subscribers and Stockholders for the purpose of establishing a Bank at the said City of Montreal, under certain articles of agreement, by which the Capital Stock of the said association is limited to Two Hundred Thousand Pounds, current money of this Province, divided into four thousand shares of fifty pounds each, and provisions made for the conduct and management of the said Bank; that the said Capital Stock has been subscribed, is in part paid, and is held by them; and that the said Bank is now engaged in carrying on the business for which it was instituted, and have prayed that for the better effecting of the purposes of their association, they, their successors and assigns, may be incorporated under regulations and provisions as nearly corresponding with the terms of their original association as may be; 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 Lower-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, in-"tituled, "*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 it is hereby enacted by the authority of the same, that Thomas Andrew Turner, Benjamin Hall, Benjamin Throop, Joseph Trumbull Barrett, Adam Lymburner Macnider, Abner Bagg, Zabdiel Thayer, Jacob Dewit, John Frothingham, John Brown, Normand Bethune, Samuel May, Francis Baylies, Robert Armour, Elizabeth Armour, Thomas Dickson, Noah Freer, S. B. King, John Torrance, James M'Douall, John Fisher, Benjamin Tremain,

Bank of Canada established by this Act.

Tremain, Benjamin Anſell, Margaret Barett, Joſeph Carmel, John Scott, Jaber D. Dewit, William Forbes, Samuel Froſt, E. Barnard, John Wragg, Thomas French, W. D. Baldwyn, James Milne, William Yule, Abner Rice, Lewis N. Pomroy, William Peddie, May M'Innis, Charles Brooke, Joſeph Roy, Joſeph Maſſon, Hugh Robertſon, Joſeph Lovis, ſenior, Benaiah Gibb, Louis Michel Viger, Joſeph Breſſe, Jacob Bigelow, William Reeves, Samuel F. Foſter, S. Girardin, Louis Pleſſis, John Armour, J. M. Frothingham, William Hall, John Macdonell, Wright Chamberlain, Anthony Rhoads, Stephen S. Keyes, Roderick Mackenzie, John Purple, J. C. Peaſly, James Bryant, John Mackenzie, Hector Ruſſell, John Hitchcock, John Aird, Janet Aird, Andrew Shaw, Kenneth Dowie, Peter M'Cutcheon, Joſhua Copp, Roſwell Corſe, Henry Corſe, M. J. Siſſon, Charles C. Nichols, James Savage, Foſter Iſrael Weeks, Zenno B. Clark, William Walker, Phoebe Rea, Alexander Grant, Turton Penn, Samuel Southby Bridge, John Donegani, Robert Watſon, James Adams Dwight, Jaſon C. Pierce, M. Brown, William Hutchinſon, Joſeph Chevallier, Stanley Bagg, Horatio Gates, Charles Bancroft, Nathaniel Jones, junior, E. Hart, R. P. Hart, A. Douglaſs, O. Buell, Samuel Huckok, Charles Dwight, François Ricard, Thomas Phillips, John Hall, Alexander M'Dougall, Jean Baptiſte Raymond, Jean Moyſe Raymond, Lawrence Kid, Henry Graſſett and John Try, their ſeveral and reſpective heirs, executors, curators, adminiſtrators, ſucceſſors and aſſigns, ſhall be and they are hereby ordained, conſtituted and declared, to be a Corporation, Body Corporate and Politic, by the name of "The Preſident, Directors and Company of the Bank of Canada," and ſhall ſo continue and have ſucceſſion till the firſt day of June, which will be in the year of our Lord one thouſand eight hundred and thirty-one, and ſhall and may, by the ſaid name, be perſons able and capable in Law to ſue, be ſued, implead, and be impleaded, anſwer and be anſwered, defend and be defended, in all Courts and places whatſoever; and ſhall alſo be able and capable in Law to purchaſe, acquire, hold, enjoy, and retain to them, and their ſucceſſors, lands and tenements, real or immoveable eſtate, for the convenient conduct and management of the buſineſs of the ſaid Bank, not exceeding the yearly value of one thouſand pounds, current money of this Province, and for no other purpoſe; and may ſell, alienate, and diſpoſe of ſuch lands, tenements, real or immoveable eſtate, purchaſe and acquire others in their ſtead, for the ſame purpoſe, not exceeding the yearly value aforeſaid, and may have a common ſeal, and may change and alter the ſame at their pleaſure; and may alſo ordain, eſtabliſh and put in execution ſuch bye-laws, ordinances and regulations, (the ſame not being contrary to the preſent Act, or any Laws in force in this Province) as may appear to them neceſſary or expedient for the management of the ſaid Bank; which bye-laws, ordinances and regulations ſhall be made by the Directors already appointed or who may

Created a body corporate and politic.

may hereafter be appointed, which bye-laws, ordinances and regulations shall be submitted to the Stockholders in the said Bank for their approval and cofirmation, at a general meeting called for that purpose, to be held in the manner herein-after mentioned; and shall and may do and execute by the name aforesaid, all and singular other the matters and things touching the management of the said Corporation, which to them shall or may appertain to do, subject nevertheless to the rules, regulations, limitations and provisions herein-after prescribed and established.

Capital Stock not to exceed £200,000.

II. And be it further enacted by the authority aforesaid, that the capital stock of the said Bank of Canada, hereby incorporated and established, shall not exceed the said sum of two hundred thousand pounds, current money aforesaid, divided into four thousand shares of fifty pounds each; which shares shall be, and the same are hereby vested in the said several persons herein-before named, their successors and assigns, according to the shares and interest which they may respectively have subscribed, purchased, or acquired, and may now have in the same; and that such part of the said capital sum of two hundred thousand pounds, as may not yet have been paid in, shall be paid by the Stockholders respectively, by whom the same is due, by instalments not exceeding ten per centum on the capital stock of each Stockholder, at such time and times and place as the Directors of the said Bank of Canada, shall appoint, after notice of not less than thirty days in this behalf to be previously given, in one or more of the public Newspapers published at the said City of Montreal. Provided always, that the whole of the said capital stock shall be called in and paid by the said Stockholders in manner aforesaid, within nine years from and after the passing of this Act; and all executors, curators and administrators, who shall pay up the instalments due by the estate or succession which they respectively represent in obedience to any call made for that purpose in the manner aforesaid, shall be and they are hereby, respectively, indemnified.

The Capital Stock to be paid in within a given time.

Directors to be annually chosen.

III. And be it further enacted by the authority aforesaid, that for the management of the affairs of the said Corporation, there shall be thirteen Directors, who shall be annually elected by the Proprietors of the capital stock of the said Bank, at a general meeting of them to be annually held on the first Monday of June; at which annual meeting, the said Stockholders shall vote according to the rule herein-after established, as to the manner of voting at General Meetings; and the Directors so chosen by a majority, in conformity to such rule, shall be capable of serving as Directors for the then next ensuing twelve months; (unless removed for mal-administration before that period, by the Stockholders, at a General Meeting to be held by them, or unless suspended as herein-after provided) and at their first meeting after such election, shall choose out of their number a President, and Vice-President, who

who ſhall hold their offices reſpectively during the ſame period, for which the ſaid Directors ſhall have been elected, as aforeſaid: and it ſhall be lawful for the ſaid Directors, from time to time, in caſe of death, reſignation, abſence from the Province, or removal of the perſons ſo choſen to be Preſident and Vice-Preſident, or either of them, to chooſe in their or his ſtead, from among them the ſaid Directors, another perſon or perſons to be Preſident and Vice-Preſident reſpectively; and in caſe of the death, reſignation, abſence from the Province for three months at a time, or the removal of a Director by the Stockholders as aforeſaid, his place, in caſe of ſuch removal, ſhall be filled up by the ſaid Stockholders at any one of their General Meetings; and in the other caſes laſt mentioned by the remaining Directors or a majority of them; and the perſon ſo appointed in the place and ſtead of ſuch Director, ſhall ſerve till the next General Meeting for the election of Directors.

Stockholders not being natural born subjects of His Majesty, &c. not allowed to vote for the election of a Director.

IV. Provided, and it is hereby expreſsly enacted by the authority aforeſaid, that no Stockholder who ſhall not be a natural born ſubject of His Majeſty, or ſubject of His Majeſty naturalized by Act of the Britiſh Parliament, or a ſubject of His Majeſty by the effect of the conqueſt and ceſſion of this Province, or being a ſubject of any Foreign Prince or State, ſhall either in perſon or by proxy, vote for the election of any Director to be elected in the manner herein-before directed, nor ſhall vote at any meeting of the ſaid Stockholders, for the purpoſe of ordaining, eſtabliſhing or putting in execution, any bye-laws, ordinances or regulations to be made under the authority of this Act, or ſhall aſſiſt in the calling of any meeting of ſuch Stockholders, or ſhall vote for any other purpoſe or purpoſes whatſoever, herein-before authoriſed, any thing herein-before contained to the contrary notwithſtanding.

The Directors, President and Vice President of the association to be continued until the first Monday in June next but may be removed from their offices in certain cases.

V. And be it further enacted by the authority aforeſaid, that the perſons who have been elected Directors, Preſident and Vice-Preſident of the ſaid aſſociation, under the ſaid articles of agreement, and ſhall be Directors, Preſident and Vice-Preſident reſpectively of the ſaid aſſociation, at the time of paſſing this Act, ſhall be and continue Directors, Preſident and Vice-Preſident of the ſaid Corporation, until the firſt Monday of June next, being the day herein-before appointed for the annual election of Directors of the ſaid Corporation; Provided always, that any of the ſaid Directors, in the mean time may be removed by the ſaid Stockholders at a general meeting for mal-adminiſtration; and that in caſe of death, reſignation, abſence from the Province, or removal of any of the ſaid Directors ſo appointed to continue in office as aforeſaid, it ſhall be lawful for the ſaid Stockholders, at a general meeting, to fill up the vacancy or vacancies, in caſe of removal, and in the other caſes by the remaining Directors or a majority of them; and the ſaid Director or Directors

Directors so appointed to be and continue in office, until the first Monday in June next, shall have the same power as to the appointment of a President and Vice-President, in the case of the death, resignation, absence from the Province or removal of the President or Vice-President before that period, that is herein-before given to the Directors to be chosen at the period fixed for the annual meeting as aforesaid.—Provided always, that the said Directors shall not, during the period of their services as Directors of the said Bank, act as private Bankers.

Directors not to act as private Bankers during the period of their service.

Though the Election of Directors may not have taken effect, when it ought to be made, Corporation not to be dissolved.

VI. And be it further enacted by the authority aforesaid, that if, at any time, it shall happen that an Election of Directors shall not be made or take effect on the day when, in pursuance of this Act, it ought to be made and take effect, the said Corporation, shall not be deemed or taken to be dissolved, but it shall be lawful, at any other time, to make such election at a general meeting of the Stockholders, to be called in the manner herein-after prescribed.

Directors to appoint the necessary officers

VII. And be it further enacted by the authority aforesaid, that the Directors for the time being, shall have power to appoint such Officers, Clerks and Servants under them as shall be necessary for conducting the business of the said Corporation, and to allow them such compensation for their services respectively, as shall be reasonable and proper, and the said Directors shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporarion, as shall be prescribed by the bye-laws, ordinances and regulations of the said Corporation.

In suits at law against the Bank, process to be served on the President, or at the office of the Bank, and suits on behalf of the Bank against any persons to be prosecuted by the President and Directors, in the name of the Bank.

VIII. And be it further enacted by the authority aforesaid, that in all and every Suit or Suits at Law, which may at any time hereafter, be instituted by or on the part and behalf of any person or persons against the said Bank, service of Process upon the President or Vice-President of the same, for the time being, or at the Office of the said Bank, shall, to all intents and purposes, be sufficient to compel the said Bank or Corporation to appear and to plead to such Suit or Suits at Law, any law, usage or custom to the contrary in anywise notwithstanding; and all and every Suit or Suits at Law, which, at any time, may be instituted by or on the behalf of the said Bank, against any person or persons, body or bodies politic or corporate, shall be instituted and prosecuted by the President and Directors of the said Bank for the time being, for and in the name of the said Bank.

Votes of the Stockholders to be taken according to cer-

IX. And be it further enacted by the authority aforesaid, that the following rules, restrictions, limitations and provisions, shall form and be deemed and held to

tain proportions.

to be fundamental Articles of the ſaid Corporation that is to ſay: First,—The number of votes to which each Stockholder or Stockholders, Co-partnerſhip, Body Politic or Corporate, holding ſtock in the ſaid Corporation ſhall be entitled, on every occaſion, when in conformity to the proviſions of this Act, the votes of the Members of the ſaid Corporation are to be given, ſhall be in the proportions following, that is to ſay: for one ſhare, and not more than two, one vote; for every two ſhares above two, and not exceeding ten, one vote, making five votes for ten ſhares; for every four ſhares above ten, and not exceeding thirty, one vote, making ten votes for thirty ſhares; for every ſix ſhares above thirty, and not exceeding ſixty, one vote, making fifteen votes for ſixty ſhares; and for every eight ſhares above ſixty, and not exceeding one hundred, one vote, making twenty votes for one hundred ſhares; but no perſon or perſons, co-partnerſhip, body politic or corporate, being a Member or Members of the ſaid Corporation ſhall be entitled to a greater number than twenty votes; and all Stockholders reſident within the Province or elſewhere, may vote by proxy, if he, ſhe or they ſhall ſee fit, provided that ſuch proxy be a Stockholder and do produce an authority from his conſtituent or conſtituents for ſo repreſenting and voting for him, her or them, according to the Form (A) annexed to this Act: and provided alſo, that after the firſt election of Directors, to be made after the paſſing of this Act, no ſhare or ſhares of the Capital Stock of the ſaid Corporation ſhall confer a right of voting either in perſon or by proxy which ſhall not have been held during three calendar months at the leaſt, prior to the day of election or of the general meeting when the votes of the Stockholders are to be given, and where two or more perſons are the joint owners of any part of the ſaid Stock, it ſhall be lawful, that one perſon only be empowered by letter of Attorney from the other owners, or a majority of them, to repreſent the ſaid Stock and to vote accordingly. Second—No perſon other than a Stockholder, actually reſident in the City of Montreal, and holding at leaſt ten ſhares of the Capital Stock of the ſaid Corporation, and being a natural born ſubject of His Majeſty, or a ſubject of His Majeſty naturalized, by Act of the Britiſh Parliament, or a ſubject of His Majeſty, by the effect of the conqueſt and ceſſion of this Province; or who ſhall have reſided ſeven years in this Province; and in any of the above caſes, who ſhall have reſided three years in the City of Montreal, ſhall be capable of being elected or choſen a Director of the ſaid Corporation, or ſhall ſerve as ſuch. Third—Nine of the Directors in office at the period of each annual election, ſhall be re-elected for the next ſucceeding twelve months, and the Preſident and Vice-Preſident ſhall always be two of the number to be re-elected. Fourth—No Director ſhall be entitled to any ſalary or emolument, unleſs the ſame ſhall have been allowed to him by a general meeting of the Stockholders; but the Stockholders may make ſuch compenſation to the Preſident or Vice Preſident, for their extraordinary attendance at the Bank, or other ſervices, as ſhall appear to them to be reaſonable and

The proportions.

Stockholders may vote by proxy.

After the first election of Directors, after the passing of this Act, no share to confer a right of voting unless held three months prior to the day of election or General Meeting.

Certain qualifications necessary to enable a Stockholder to be chosen a Director.

Nine Directors to be re-elected for the next succeeding twelve months, of whom the President and Vice-President always to be two of the number.

No Director entitled to a salary, Presi-

dent and Vice President may receive a compensation for their services.

Five Directors to constitute a Board.

and proper.—Fifth—Not less than five Directors shall constitute a Board for the transaction of business of which number the President or Vice-President shall always be one, except in caseof sickness and necessary absence, in which case their places may be supplied by any other Director whom the President or Vice-President shall respectively, by writing, under his hand appoint for that purpose. The President and Vice-President shall vote at the Board as Directors, and in any case of there being an equal number of votes for and against any question before them, the President, and in his absence, the Vice-President shall have a casting vote. Sixth—Any number of Stockholders not less than fifty, who together shall be proprietors of two hundred and fifty shares of the capital stock of the said Corporation, shall have power, at any time, by themselves or their proxies, to call a general meeting of the Stockholders for purposes relating to the said Corporation giving at least six weeks notice thereof in at least one of the newspapers published in the City of Montreal, and specifying in such notice the time and place of such meetings, with the object or the objects thereof; and the Directors of the said Corporation, for the time being, or any seven of them, shall have the like power, at any time, (upon their observing the like formalities) to call a general meeting as above-said, and if the object of such meeting to be called by the Stockholders or Directors as aforesaid, shall be to consider of the proposed removal of the President or Vice-President, or a Director or Directors, for mal-administration, then and in such case, the person or persons whom it shall be so proposed to remove, shall from the day from which such notice shall first be published, be suspended from the execution of the duties of his or their office, and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining Directors who shall appoint a Director to serve as such President or Vice-President during the time such suspension shall continue. Seventh—Every Cashier and Clerk of the Bank, before he enters upon the duties of his office, shall give bond, with two or more sureties to the satisfaction of the Directors, that is to say: every Cashier in a sum not less than five thousand pounds, and every Clerk in such sum as the Directors shall consider adequate to the trust to be reposed in him with condition for his good and faithful behaviour. Eighth—The lands and tenements which it shall be lawful for the said Corporation to hold, shall be such only as are herein-before permitted to be held by it: Provided always, that the said Corporation may take and hold mortgages and *hypothêques*, on real property, according to the Laws of this Province, by way of additional security for debts contracted to the said Corporation in the course of its dealings, but on no account shall money be lent on mortgage or *hypothêque* or upon land or other fixed property; nor shall such be purchased by the Corporation, upon any pretext, except as above-mentioned. Ninth—The total amount of the debts which the said Corporation shall, at any time owe, whether by Bond,

How general meetings may be called.

Cashier and Clerks to give security.

Corporation may hold mortgages as additional security, but not to lend money on mortgages.

Bank not to owe more than treble the a-

mount of their capital actually paid in.

Bond, Bill or Note, or other contract whatsoever, shall not exceed treble the amount of the Capital Stock actually paid in, (over and above a sum equal in amount to such money as may be deposited in the Bank for safe keeping) and in case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their private capacities; as well to the Stockholders as to holders of Bank Notes, and an action in this behalf, may be brought against them, or any of them, their, or any of their heirs, executors, administrators and curators and be prosecuted to judgment and execution, according to the Laws of this Province; but this shall not exempt the said Corporation, or the lands, tenements, goods or chattels thereof, from being also liable for such excess. Provided always, that such Directors as shall have been absent when the said excess was contracted or incurred, or shall have entered their protest against in upon the Book or Books of the said Corporation, may respectively exonerate and discharge themselves therefrom, by publishing such protest in the public papers, within eight days. TENTH—The Stock of the said Corporation shall be assignable and transferable according to the form (B) annexed to this Act, but no assignment or transfer shall be valid or effectual, unless such transfer or assignment be entered or registered in a Book or Books, to be kept by the Director for that purpose, nor until the person or persons making the same, shall previously discharge all debts actually due by him, her or them to the said Corporation, which may exceed in amount the remaining stock, belonging to such person or persons; and in no case shall any fractional part of a share or shares or other than a complete share or shares, be assignable or transferable.—ELEVENTH—Bank Obligations, Bank Bonds, Bank Bills, obligatory, and of credit, under the common seal of the said Corporation, signed by the President or Vice-President and countersigned by a Cashier, which shall be made to any person or persons, shall be assignable by indorsements thereupon, without signification thereof, any law or usage to the contrary notwithstanding; and Bank Bills or Bank Notes, which shall be issued by order of the said Corporation, signed and countersigned as aforesaid, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of the said Corporation, shall be binding and obligatory upon the same, and shall be assignable and negotiable by blank or other indorsement or otherwise, in like manner as if they were made and issued by private persons—that is to say: those which shall be payable to any person or persons, his, her, or their order, shall be assignable by blank or other indorsement, in like manner, and with the like effect as foreign Bills of Exchange now are, and those which shall be payable to Bearer, shall be negotiable by delivery only.—TWELFTH—The Books, Papers, Correspondence and Funds of the said Corporation, shall at all times be subject to the inspection of the Directors; but no Stockholder, not being a Director, shall inspect the account of any individual or individuals,

Provise.

Stock assignable and transferable.

Bank obligations, &c. how transferable.

Books to be subject to the inspection of the Directors.

No Stockholder, unless he be a Director, entitled to inspect the accounts of any individual with the Corporation.

Half-yearly dividends to be paid.

individuals, with the ſaid Corporation. THIRTEENTH.—Half-yearly dividends ſhall be made of ſo much of the profits of the ſaid Corporation as ſhall appear to the Directors for the time being, adviſable, and ſhall be payable at ſuch place or places as the ſaid Directors ſhall appoint, of which they ſhall give public notice thirty days previouſly in at leaſt two newſpapers, publiſhed at the ſaid City of Montreal, which Dividends ſhall not in any manner whatſoever leſſen or impair the Capital Stock of the ſaid Corporation; and the ſaid Directors ſhall every year, at a general meeting held for the election of Directors, lay before the Stockholders, for their information, an exact and particular ſtatement of the amount of the debts due to, and by the ſaid Corporation, ſpecifying the amount of the Bank Notes then in circulation, and the amount of ſuch debts as in their opinion are bad or doubtful; alſo ſtating the ſurplus of profit (if any remaining) after deduction of loſſes, and

Proviſo.

proviſion for dividends. Provided, that the making and rendering of ſuch ſtatements ſhall not give, or be conſtrued to give, any right to the Stockholders, not being Directors to inſpect the account of any individual or individuals with the ſaid Corporation. FOURTEENTH—If there ſhall be a failure by or on the part of any

Penalty on persons, &c. not paying up the amount of their instalment.

perſon or perſons, co-partnerſhip, body politic or corporate, to pay the amount of any inſtalment required to be paid on account of his, her or their ſhares, in the ſaid Capital Stock of the ſaid Corporation, the perſon or perſons failing to pay the amount of ſuch inſtalment, ſhall incur a forfeiture to and for the uſe of the ſaid Corporation of five per centum on the amount of his or their ſhares in the ſaid Corporation, and of the dividends due to him, her or them at the time appointed for the payment of ſuch inſtalments, and alſo of all dividends which may afterwards accrue and become due to him, her or them, until the payment of the amount of ſuch inſtalment. FIFTEENTH.—The ſaid Corporation ſhall not directly or in-

Bank not to deal in any thing except Bills of Exchange, &c.

directly deal in any thing except Bills of Exchange, diſcounts on Notes of hand or Promiſſory Notes, and to receive the diſcount at the time of negociating; Gold or Silver Bullion, or in the ſale of Stock pledged for Money lent and not redeemed, which ſaid Stock ſo pledged and not redeemed, ſhall be ſold by the ſaid Corporation at public ſale, at any time not leſs than ten days after the period for redemption, without any judgment firſt obtained, and without any previous ſuit or proceedings at law, any law, uſage or cuſtom to the contrary notwithſtanding. And if upon the ſale of ſuch Stock, there ſhall be a ſurplus, after deducting the expences of ſale, over and above the Money lent, ſuch surplus ſhall be paid to the Proprietors of ſuch Stock, reſpectively.

Notes of the Corporation payable in gold or silver coin.

Corporation not to demand any interest, exceeding the lawful interest of the Province.

X. And be it further enacted by the authority aforesaid, that the Notes of the Corporation shall be payable in Gold or Silver Coin, current by the Laws of this Province. And that the said Corporation shall not demand, receive and require upon its loans or discounts, or upon any other pretext whatsoever, any interest exceeding the lawful interest of six per centum per annum, as fixed by the Laws of this Province.

Shares, &c. considered and adjudged as personal property.

XI. And be it further enacted by the authority aforesaid, that the share and shares, and dividends of the Stockholders in the said Corporation, shall be held, considered and adjudged to be personal property, and as such be liable to *bona fide* creditors for debts, and may be attached and sold under Writs of attachment and Execution, issued out of His Majesty's Courts of this Province, in like manner as other personal property may be attached and sold under such Writs of Attachment and Execution. And in cases where an Attachment may issue for attaching the said share and shares, and dividends, the same shall be served on the Cashier of the said Corporation, who shall be held to appear in Court, and answer upon such Writ of Attachment according to the Laws of this Province, and to declare the number of shares of stock, and the amount of dividends belonging and due to the person or persons against whom such Attachment shall have been obtained; and that when the said share or shares may have been sold, under a Writ or Writs of Execution, the Sheriff by whom such Writ or Writs shall be executed, shall, within thirty days after such sale, leave with the Cashier of the said Corporation, an attested copy of the said Writ or Writs of Execution, with the Certificate of such Sheriff indorsed thereon, certifying to whom the sale of the said share or shares, under the said Writ or Writs of Execution has been by him made; and the person or persons who shall have purchased such share or shares so sold under such Writ or Writs of Execution, shall be held and considered as Stockholder or Stockholders of the said share or shares, and have the same rights, and be under the same obligations as if he or they had purchased the said share or shares from the Proprietor or Proprietors thereof.

Stockholders not answerable personally for the debts of the Corporation except Directors who are made liable in certain cases.

XII. And be it further enacted by the authority aforesaid, that no Stockholder or Stockholders shall be answerable in his, her, or their private or natural capacity or capacities for the debts of the said Corporation, excepting Directors, who may be liable as herein-before mentioned, in cases where the total amount of debts contracted

tracted by the ſaid Corporation, ſhall, during their adminiſtration, exceed the limitation by this Act preſcribed.

Governor, &c. may require a ſtatement of the amount of the capital ſtock of the Corporation, and of the debts &c. but the private account of any individual not to be diſcloſed.

XIII. And for the better ſecurity of the public, be it further enacted, that it ſhall and may be lawful for the Governor, Lieutenant-Governor, or the perſon adminiſtering the Government of this Province for the time being, or for any or either Branch of the Provincial Parliament, from time to time, to require from the Preſident, Vice-Preſident and Directors of the ſaid Corporation, ſtatements of the amount of the Capital Stock of the ſaid Corporation, and of the debts due to the ſame, of the monies depoſited in the Bank, of the Notes in circulation, and of the caſh in hand, which ſtatements the ſaid Preſident, Vice-Preſident and Directors ſhall be bound to furniſh, when required as aforeſaid, under oath. Provided always, that nothing herein contained, ſhall extend to compel or authorize the ſaid Preſident, Vice-Preſident and Directors in ſuch ſtatements, to particularize the private account of any perſon or perſons with the ſaid Corporation.

Penalty on officers, defrauding the Bank, or ſecreting and running away, with money, bond, &c.

XIV. And be it further enacted by the authority aforeſaid, that if any Officer, Caſhier, Clerk or Servant of the ſaid Corporation, entruſted with any Bond, Obligation, Bill obligatory, or of Credit, or of any other Bill or Note, or any Security, Money or Effects belonging to the ſaid Corporation, or having any Bond, Obligation or Bill obligatory or of Credit, or any other Bill or Note, or any Security, Money or Effects of any other perſon or perſons, lodged or depoſited with the ſaid Corporation, or with him, as an Officer, Caſhier, Clerk or Servant of the ſaid Corporation, ſhall ſecrete, embezzle, or run away with any ſuch Bill, Bond, Obligation, Bill obligatory or of Credit, or any ſuch other Bill or Note, Security, Money or Effects, or any of them, or any part of them, every ſuch Officer, Caſhier, Clerk or Servant ſo offending and being thereof convicted in due form of law, ſhall be deemed guilty of felony, and ſhall ſuffer death as a felon, without benefit of Clergy.

Penalty on perſons forging the common ſeal of the Bank.

XV. And be it further enacted by the authority aforeſaid, that if any perſon or perſons ſhall forge or counterfeit the common ſeal of the ſaid Bank, or ſhall forge, or counterfeit or alter any Bond, Obligation, Bill obligatory, or of credit, or any other Bill or Note of the ſaid Corporation, or any indorſement or indorſements thereon, with an intention to defraud the ſaid Corporation or any perſon or perſons whomſoever, or ſhall alter, or paſs any forged, counterfeit or altered Bond, Obligation,

gation, Bill obligatory or of credit, or any other Bill or Note of the ſaid Corporation or indorſement or indorſements thereon, or ſhall demand the money therein-mentioned and contained, knowing the ſame to be forged, counterfeit or altered, every ſuch perſon for every ſuch offence upon conviction thereof in due form of law for the firſt offence, ſhall be deemed and adjudged to be guilty of a miſdemeanor, and on being lawfully convicted thereof ſhall be liable for ſuch offence to be impriſoned for a time which ſhall not be leſs than ſix months, nor more than ſix years, and to be kept at hard labour or be publicly whipped, or to ſtand in the pillory, or undergo one or more of the ſaid puniſhments at the diſcretion of the Court before which ſuch conviction ſhall have taken place and ſhall for a ſecond offence be deemed and adjudged to be guilty of Felony.

Penalty on perſons engraving or making any Plates, &c. designed for forging Bills of Exchange.

XVI. And be it further enacted by the authority aforeſaid, that if any perſon ſhall engrave, form, make or mend any plate or plates, paper, rolling press, or other tool, inſtrument or material deviſed, adapted and deſigned for ſtamping, forging or making any falſe and counterfeit Bill of Exchange, Promiſſory Note, undertaking or order for the payment of money, purporting to be the Bill of Exchange, Promiſſory Note, undertaking, or order of the ſaid Corporation, or of any of the officers or perſons engaged in the management of the concerns of the ſaid Corporation, in the name and on the behalf of the ſaid Corporation, or ſhall have in his poſſeſſion any ſuch plate or plates engraven in any part, or any paper, rolling preſs or other tool, inſtrument or material deviſed, adapted or deſigned as aforeſaid with the intent to uſe and employ the ſame, or to cauſe or permit the ſame to be uſed and employed in forging and making any ſuch falſe and counterfeit Bills of Exchange, Promiſſory Notes, undertakings or orders, every perſon ſo offending, ſhall be deemed and taken to be guilty of felony, and being thereof convicted, ſhall ſuffer death as a felon, without benefit of Clergy.

Search Warrants may be iſſued against perſons concerned in making falſe bills of Exchange.

XVII. And be it further enacted by the authority aforeſaid, that it ſhall and may be lawful to and 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 making or counterfeiting any ſuch falſe Bills of Exchange, Promiſſory Notes, Undertakings, or Orders, as aforeſaid, by warrant under the hand of ſuch Juſtice, to cauſe the dwelling-houſe, room, work-ſhop, out-houſe or other buildings, 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 or counterfeiting, to be ſearched for any ſuch falſe bills of exchange, promiſſory notes, undertakings or orders,

orders, and if any ſuch falſe bills of exchange, promiſſory notes, undertakings or orders, or any ſuch plates, rolling preſſes or other tools, inſtruments, or materials ſhall be found in the cuſtody or poſſeſſion 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 whomſoever diſcovering the ſame, to ſeize and he and they are hereby authorized and required to ſeize ſuch falſe or counterfeit bills of exchange, promiſſory notes, undertakings or orders, and ſuch plates, rolling preſſes or other tools, inſtruments or materials, and to carry the ſame forthwith before a Juſtice of the Peace of the County or Diſtrict in which 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 in ſome Court of juſtice proper for the determination thereof, and the same after being ſo produced in evidence, ſhall by order of the Court before which ſuch offender or offenders ſhall be tried, be defaced or deſtroyed or otherwiſe diſpoſed of as ſuch Court ſhall direct.

Not to affect King's or the rights of any other bodies, politic or corporate.

XVIII. And be it further enacted by the authority aforeſaid, that nothing in the preſent Act contained, ſhall affect or be conſtrued to affect in any manner or way whatſoever, the rights of His Majeſty, His Heirs or Succeſſors, or of any perſon or perſons, or of any Bodies Politic or Corporate, ſuch only excepted as are hereinmentioned.

Public Act.

XIX. And be it further enacted by the authority aforeſaid, that this Act ſhall be deemed and taken to be a Public Act, and as ſuch ſhall be judicially taken notice of by all Judges, Juſtices and other perſons whomſoever, without ſpecially pleading the ſame.

Corporation not to loan money to any Foreign State.

XX. And be it further enacted by the authority aforesaid, that it ſhall not be lawful for the ſaid Corporation at any time whatever, directly or indirectly, to advance or lend to or for the uſe, or on account of any foreign Prince or State, any ſum or ſums of money whatever, and if any ſuch unlawful advance or loan be made, then and from thenceforth the ſaid Corporation ſhall be diſſolved, and all the powers, authorities, rights, and advantages hereby granted to the ſaid Corporation, ſhall from thenceforth ceaſe and determine, any thing in the preſent Act contained to the contrary thereof in anywiſe notwithstanding. And provided alſo, that the ſaid Corporation ſhall not raiſe loans of money nor increaſe their Capital.

Nor shall the Corporation raise loans of money, nor increase its capital.

XXI.

Continuance of this Act.

Proviso.

XXI. And be it further enacted by the authority aforesaid, that this Act shall continue to be in force till the first day of June, in the year of our Lord one thousand eight hundred and thirty-one, and no longer. Provided that if before the expiration of such period, it shall at any time be found expedient to establish a Provincial Bank in this Province, and that the same be so established by an Act of the Legislature thereof, then and in that case, the said Corporation hereby created under the name of the Bank of Canada, shall from and after the expiration of seven years from the passing of such Act, be dissolved, and all and every the powers, rights, privileges and benefits hereby given and granted to the said Corporation, shall from thenceforth wholly and utterly cease and determine, any thing in the present Act contained to the contrary in any wise notwithstanding.

Form A.

Form A.

BANK OF CANADA STOCK,

ACCEPTANCE, DIVIDENDS, SALE AND TO VOTE.

Form A.

KNOW all men by theſe preſents, that I of do make, conſtitute and appoint of my true and lawful Attorney for me, in my name and on my behalf to accept all ſuch transfers as are or may here-after be made unto me of my intereſt or ſhare in the Capital or Joint Stock in the Bank of Canada, alſo to receive and give receipts for all Dividends that are now due and that ſhall hereafter become due and payable for the ſame for the time being—Likewiſe to ſell, aſſign and transfer all or any part of my ſaid Stock, to receive the conſideration money, and give a receipt or receipts for the ſame, and to vote at all Elections, and to do all lawful Acts requiſite for effecting the premiſes; hereby ratifying and confirming all that my ſaid Attorney ſhall do therein by virtue hereof. In witneſs whereof I have hereunto ſet my hand and seal at this day of in the year of Our Lord, one thouſand eight hundred and

Signed and Sealed in the preſence of

Form B.

Form B.

FOR value received of hereby aſſign and transfer unto of and aſſign ſhares on each which has been paid pounds, ſhillings, currency, amounting to the ſum of pounds, ſhillings, in the Capital Stock of the Bank of Canada, ſubject to the Rules and Regulations contained in the Articles of Aſſociation of the ſaid Bank. Witness hand at the Bank aforeſaid, this day of one thouſand eight hundred and

Witneſs,

I do hereby accept of the foregoing aſſignment of ſhares in the Bank of Canada, aſſigned to as above-mentioned at the Bank, this day of one thouſand eight hundred and

jesty, and shall [illegible] into the hands of the Receiver-Ge[illegible] and shall await the disposal of th[illegible]cial Legislature for the public [illegible] this Province.

If there be no goods to satisfy the penalty, offender may be committed to Prison.

V. Provided always, [illegible] further enacted [illegible] authority aforesaid, that if goods and chattels sha[illegible] found belon[illegible] such offender, sufficient to satisfy the penalty, costs an[illegible]es as af[illegible] then and in that case it shall be lawful for such Justices of th[illegible] to [illegible] such offender to the common Gaol of the District of Quebec, t[illegible]fined for a space of time which shall not be less than one month, no[illegible]an six months.

Application of the money to be accounted for, to His Majesty.

VI. And be it further enacted [illegible] aforesaid, that the due application of all monies levied by vi[illegible] this A[illegible] be accounted for to His Majesty, his heirs and successor[illegible]gh the Lo[illegible]missioners of His Majesty's Treasury for the time bei[illegible]ch manner a[illegible]as His Majesty, his heirs and successors shall be [illegible] to direct.

Continuance of this Act.

VII. And be it [illegible] enacted by the authority af[illegible] that this Act shall be and remain i[illegible] until the first day of May, one [illegible] eight hundred and thirty-thre[illegible] no longer.

CAP. V.

An Act to ascertain the rate at which certain Coins therein mentioned shall pass current in this Province, and for other purposes.

[March 26th, 1830.]

Most Gracious Sovereign,

Preamble.

WHEREAS it is expedient to establish and ascertain by Law the rates at which certain Coins shall hereafter pass current in this Province, and to prohibit the circulation of certain notes and other negotiable securities; 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 Lower 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*

"*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 it is hereby enacted by the authority of the same, that from and after the passing of this Act, the Silver Coins commonly known by the name of Pistareens, shall pass current at the rate of Tenpence currency each, and no more, and the silver coins commonly known by the name of half Pistareens or sixpences, shall pass current at the rate of Fivepence currency each, and no more, any law, usage, or custom to the contrary in anywise notwithstanding.

The rate at which Pistareens or half Pistareens shall pass current.

II. And be it further enacted by the authority aforesaid, that after the expiration of three months from and after the passing of this Act, no Bank Note or other Note whatsoever made payable to "Bearer," nor any Note under the nominal value of Five Dollars, issued by any Bank or Joint Stock Company, or persons trading as Bankers, save and except only such Bank Notes as may be issued by any Bank incorporated by law in this Province, shall be offered or given in payment, on pain of forfeiting the nominal amount of such Note, which amount shall be recovered on information and conviction in any Court of competent jurisdiction in this Province.

Three months from the passing of this Act, no Bank Note or other note under the value of 5 dollars except notes of incorporated Banks shall be offered or given in payment.

CAP. VI.

An Act to continue for a limited time and to amend a certain Act passed in the first year of His Majesty's Reign, intituled, "An Act to incor- "porate certain persons therein mentioned, under the name of the "President, Directors and Company of the Bank of Montreal."

(26th March, 1830.)

Preamble.

WHEREAS certain Merchants, and other persons being Inhabitants of the Cities of Quebec and Montreal, as well as certain Stockholders in the Bank of Montreal, have, by their humble Petition in this behalf, prayed, that a certain Act passed in the first year of His Majesty's Reign, intituled, "An "Act for incorporating certain persons therein named, under the name of "'President, Directors and Company of the Bank of Montreal,'" be further continued for a limited time, and certain amendments made therein, and it is expedient 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 Lower 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

Act 1, Geo. 4, cap. 25, continued and amended.

" 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 it is hereby enacted by the authority of the same, that the said Act passed in the first year of His Majesty's Reign, intuled, " An Act for incorporating certain persons therein named, under the " name of " President, Directors and Company of the Bank of Montreal," as amended hereby, shall remain in force, and the Corporation thereby created under the name of " The President, Directors and Company of the Bank of " Montreal," shall continue and have succession until the expiration of this Act.

Directors of the Bank to submit the Bye Laws they make to a general meeting of the Stockholders, and if approved to be binding on all the Members of the corporation.

II. And be it further enacted by the authority aforesaid, that it shall be lawful for the Directors of the said Bank of Montreal, to submit such bye-laws, ordinances and regulations as they shall hereafter make as such Directors, to a General meeting of the Stockholders in the said Bank, called for that purpose, or to the General Annual Meeting of the said Stockholders, as they shall deem it expedient, and such bye-laws, ordinances and regulations so submitted, shall, if they are approved at such meeting, and are not repugnant to the Laws of this Province, have force and effect, and be binding on all the Members of the said Corporation. Provided always, that six weeks public notice shall have been previously given of the intention of the Directors to submit such bye-laws, ordinances and regulations for revision.

Proviso.

Absence of President supplied by the Vice President.

III. And be it further enacted by the authority aforesaid, that in the event of any temporary absence of the President of the said Bank, whether occasioned by sickness or otherwise, the Directors of the said Bank may, by a vote duly recorded in the register of their proceedings, devolve upon the Vice President of the said Bank, during the continuance of such temporary absence, all the duties of the said President.

Not necessary that nine of the Directors in office at the annual election should be re-elected.

IV. And be it further enacted by the authority aforesaid, that it shall not be necessary that nine of the Directors of the said Bank, in office at the period of each annual election, be re-elected for the next succeeding twelve months; Provided always, that seven of the Directors of the said Bank in office at the period of such annual election shall be re-elected for the next succeeding year, and that it shall not be obligatory re-elected, the President and Vice-President of the said Bank.

Proviso.

Absence of both President and Vice President how supplied.

V. And be it further enacted by the authority aforesaid, that in the event of the unavoidable absence of the President and Vice President at any Board of the said Directors, held for the transaction of business, the said Directors when assembled,

assembled, shall appoint one of themselves to supply the place of the said President or Vice President, and the Directors so appointed, shall vote as a Director at the Board, and if there be an equal division on any question, shall have a casting vote.

Stockholders holding a certain amount of Stock may call a general meeting for the affairs of the Bank, giving notice thereof.

VI. And be it further enacted by the authority aforesaid, that any number of the Stockholders in the said Bank, not less than twenty, who together shall be Proprietors of two hundred and fifty shares of the Capital Stock of the said Bank, shall have power at any time by themselves or their proxies, to call a General Meeting of the Stockholders in the said Bank, for purposes relating to the affairs of the said Corporation, giving at least six weeks notice thereof in at least one of the newspapers published in Montreal, and specifying in such notice the object of such meeting, and the time and place thereof.

Governor or either Branch of the Legislature authorised to require from the President &c. of the Bank a statement of the affairs of the corporation.

VII. And whereas it is expedient that a more explicit statement than that required by the thirteenth section of the said Act, passed in the first year of His Majesty's Reign, should from time to time be laid before the Legislature of this Province: Be it therefore further enacted by the authority aforesaid, that instead of the statement required by the said section of the said Act, it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government, or for either of the other branches of the Provincial Legislature, from time to time, to require from the President, Vice-President, and Directors of the said Bank, a statement of the affairs of the said Corporation, containing on the one part, the amount of Capital Stock paid in, the amount of their notes in circulation, the net profits in hand, the balances due to other Banks, and the cash deposited in the said Bank of Montreal, distinguishing deposits bearing interest, if any there be; and on the other part, the amount of current coins, and gold and silver bullion in the vaults of the said Bank, the value of the buildings, and other real estate belonging to the said Corporation, the notes of other Banks held by the said Corporation, the balances due to them from other Banks, and the amount of all debts owing to the said Corporation, including and particularizing the amount so owing on Bills of Exchange, Discounted Notes, Mortgages, and other securities; thus exhibiting on the one hand the debts due by the said Corporation, and on the other hand the resources thereof; and that the said statement shall also contain the rate and amount of the then last dividend declared by the said Corporation, the amount of the profits reserved at the time of declaring such dividend, the amount of debts due to the said Corporation, and secured by the pledge of the stock thereof, belonging to the persons from whom such debts are due, and the amount of debts overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts; and a list of the names of all persons who shall at the commencement of every

every quarter of the year during the time for which such statement shall be required and made have been shareholders in the said Bank; specifying the number of shares held by each and every such person at the commencement of each quarter; and also the amount of paper discounted for or monies loaned to the Directors or for which they may be in any way security to the said Bank which statement the said President, Vice-President, and Directors of the said Corporation, shall be bound to furnish under oath, when so required as aforesaid: Provided always, that nothing herein contained shall compel or authorize the said President, Vice-President, and Directors, to particularize in any such statement, the private account of any person with the said Corporation.

Proviso.

The total amount of Notes being for a less sum than one pound five shillings each issued at one time not to exceed one fifth of the amount of the Capital then paid in.

VIII. And be it further enacted by the authority aforesaid, that the total amount of the notes of the said Corporation being for a less sum than one pound five shillings Currency each; which shall be issued and in circulation at any one time shall not exceed one fifth of the amount of the Capital of the said Corporation then paid in: Provided always, that no Note under the nominal value of five shillings Currency, shall be issued or put into circulation by the said Corporation and that the issue and circulation of all denominations of Notes for a less sum than five dollars each; may be suppressed or further limited by any Act or Acts of the Provincial Legislature without its being considered as an infringement of the privileges granted by this Act.

Proviso.

This and the former Act, to cease when the amount of Notes issued exceeds the amount fixed and if no notice be given of such excess by the President &c. they will then be liable for all debts affecting the Corporation.

IX. And be it further enacted by the authority aforesaid, that if the total amount of all the Notes of the said Corporation then issued and in circulation, shall at any one time exceed the amount fixed and determined by the Act hereby continued and amended, the said Act and the present Act shall cease and determine from the time such excessive issue shall have taken place and in such case, the President, Vice President, and each and every of the Directors of the said Bank, who shall know that such excessive issue has taken place, or has been anthorized, and shall not within forty-eight hours after he shall have acquired such knowledge, give public notice thereof in one of the news papers printed and published in the City of Montreal, shall be personally and jointly and severally responsible for all debts and for all claims and demands of any nature whatsoever due by or affecting the said Corporation.

Public Act.

X. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and as such shall be judicially taken notice of by all Judges, Justices and other persons whatsoever, without being specially pleaded.

XI.

Continuance of this Act.

XI. And be it further enacted by the authority aforesaid, that this Act shall be in force until the first day of June one thousand eight hundred and thirty seven and no longer.

When this and former Act to cease unless continued and amended or another Act passed for the establishment of any other Bank.

XII. Provided also, and be it further enacted by the authority aforesaid, that this Act and the Act hereby amended and continued shall cease and determined within ten months after the expiration of the Act passed in the first year of His Majesty's Reign, intituled, " An Act for the incorporating of certain persons " therein mentioned, under the name of the Quebec Bank," unless the said last mentioned Act should be continued or amended or unless an Act should be passed for the incorporation of some other Bank by the Provincial Legislature.

~~CAP. VII.~~

An Act to continue further for a limited time a certain Act passsed in the third year of His Majesty's Reign, intituled, " An Act to erect certain " Townships [illegible] in mentioned, into an Inferior Dist[illegible] to be called " the Inferior [illegible] of *St. Francis*, and to establ[illegible]urts of Judi- " cature therein, [illegible] to make further provision [illegible]e due administration of Justice in [illegible] Inferior District.

[illegible]th March 1830.)

Preamble.

WHEREAS it is expedien[illegible]r to co[illegible]r a limited time, a certain Act passed in the third [illegible] His [illegible]y's Reign, intituled, " An " Act to erect certain Townships t[illegible]ed into an Inferior District to " be called the Inferior District o[illegible]ncis, and to establish Courts of " Judicature therein :" Be it theref[illegible]d by the King's Most Excellent Majesty, by and with the advice a[illegible] Legislative Council and Assembly of the Province of Lowe[illegible]a, co[illegible]d and assembled by virtue of and under the authority of [illegible] passed in t[illegible]liament of Great Britain, intituled, " An Act to rep[illegible]ain parts of a[illegible]assed in the fourteenth " year of His Majesty's [illegible] intituled, " *An Ac*[illegible]*aking more effectual* " *provision for the Go*[illegible]*of the Province of Queb*[illegible]*rth America*," and to make further pro[illegible]r the Government of the sa[illegible]vince ; and it is hereby enacted by [illegible]thority of the same, that the said A[illegible]d in the third year of His Majes[illegible]eign, intituled, " An Act to erect [illegible]n Townships " therein mentioned into an Inferior District, to be called the Inferior District " of St. Francis, and to establish Courts of Judicature therein," shall remain in force until the expiration of this Act, and no longer.

Act 3, Geo. 4, cap. 17, continued.

II.

CAP. XIII.

AN ACT to amend and continue for a limited time a certain Act passed in the First year of the Reign of His late Majesty, intituled, "An Act for the Incorporation of certain persons therein-mentioned, under the name of the "QUEBEC BANK."

[31st March, 1831.]

Preamble.

WHEREAS certain Merchants and other persons being Inhabitants of the Cities of Quebec and Montreal, as well as certain Stockholders in the Quebec Bank, have by their humble Petition in this behalf, prayed that a certain Act passed in the first year of His late Majesty's Reign, intituled, "An Act for "the Incorporation of certain persons therein-mentioned, under the name of the "Quebec Bank," be further continued for a limited time, and certain amendments made therein, and it is expedient 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 Lower 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, in-"tituled, "*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 Go-"vernment of the said Province;" and it is hereby enacted by the authority of the same, that the said Act passed in the first year of His late Majesty's Reign, intituled, "An Act for the Incorporation of certain persons therein-mentioned, under "the name of the Quebec Bank," as amended hereby shall remain in force, and the Corporation thereby created under the name of the "Quebec Bank," shall continue and have succession until the expiration of this Act.

Act 6, Geo. 4, cap. 26, continued and amended.

Capital Stock of the Bank augmented.

II. And whereas the Capital Stock of the said Bank is by the Act, hereby amended and continued, limited to the sum of seventy-five thousand pounds, currency, which said sum has been found insufficient for the convenience and accommodation of the public, wherefore it is expedient to permit the augmentation thereof; Be it further enacted by the authority aforesaid, that in addition to the said sum of seventy-five thousand pounds mentioned in the said Act, it shall be lawful for the Corporation thereby erected to increase the Capital Stock of the said Bank, by a further sum not exceeding one hundred and fifty thousand pounds, currency, divided into six thousand shares, of twenty-five pounds each to be paid by the holders of such shares respectively, by instalments of not less than ten per centum on the amount held by each of them, at such time or times and place as the Directors of the

the said Bank shall apppoint, after notice of not less than thirty days in this behalf, to be previously given in one or more of the Public Newspapers printed and published in the said City of Quebec. Provided always, that the whole of the additional amount of Capital Stock which the said Bank is hereby empowered to raise and which shall be raised under the authority of this Act, shall be paid up by the persons who shall subscribe for the same, or any part thereof, within five years from the date of the passing of this Act, and all executors, curators and administrators who shall pay up the instalments thereon, due by the estate or succession, which they respectively represent, in obedience to any call made for that purpose, in the manner aforesaid, shall be hereby respectively indemnified.

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Persons holding shares of the additional Stock to have votes according to the number of their shares on which the full amount in specie shall have been paid in. Qualification for a Director.

III. And be it further enacted by the authority aforesaid, that the several persons who shall hold any share, or any number of shares, of the additional Capital Stock, which the said Bank is hereby empowered to raise, shall only have a vote or votes at any general meeting of the said Corporation according to the number of such shares on which the full amount of twenty-five pounds currency, in specie, shall have been paid in by them respectively; nor shall any such person be elected or act as one of the Directors of the said Bank, until he shall have paid in the full amount of twenty such Shares, that is to say, a sum not less than five hundred pounds currency, and shall be otherwise qualified to be so elected, and to act under the provisions of the Act hereby continued and amended.

Directors of the Bank to submit the bye Laws they make to a general meeting of the Stockholders, and if approved to be binding on all the Members of the corporation.

IV. And be it further enacted by the authority aforesaid, that it shall be lawful for the Directors of the said Quebec Bank to submit such by-laws, ordinances and regulations as they shall hereafter make as such Directors, to a general meeting of the Stockholders of the said Bank called for that purpose, or to the General Annual Meeting of the said Stockholders, as they shall deem it expedient, and such by-laws, ordinances and regulations so submitted shall, if they are approved at such meeting, and are not repugnant to the Laws of this Province, have force and effect and be binding on all the members of the said Corporation :— Provided always that six weeks public notice shall have been previously given, of the intention of the Directors to submit such by-Laws, ordinances, and regulations for revision.

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Absence of President supplied by the Vice President.

V. And be it further enacted by the authority aforesaid, that in the event of any temporary absence of the President of the said Bank, whether occasioned by sickness or otherwise, the Directors of the said Bank may by a vote duly recorded in the Register of their proceedings, devolve upon the Vice-President, of the said Bank during the continuance of such temporary absence, all the duties of the said President.

VI.

Not necessary that nine of the Directors in office at the annual election should be re-elected.

Proviso.

VI. And be it further enacted by the authority aforesaid, that it shall not be necessary that nine of the Directors of the said Bank, in office at the period of each annual election, be re-elected for the next succeeding twelve months. Provided always that seven of the directors of the said Bank in office at the period of such annual election, shall be re-elected for the next succeeding year, and that it shall not be obligatory to re-elect the President and Vice-President of the said Bank.

Absence of both President and Vice President, how supplied.

VII. And be it further enacted by the authority aforesaid that in the event of the unavoidable absence of the President and Vice-President, at any Board of the said Directors held for the transaction of business, the said Directors, when assembled, shall appoint one of themselves to supply the place of the said President or Vice-President, and the directors so appointed shall vote as a director at the Board, and if there be an equal division on any question shall have a casting vote.

Stockholders holding a certain amount of Stock, may call a general meeting for the affairs of the Bank, giving notice thereof.

VIII. And be it further enacted by the authority aforesaid, that any number of the Stockholders in the said Bank, not less than twenty, who together shall be Proprietors of two hundred and fifty shares of the Capital Stock of the said Bank, shall have power at any time by themselves or their proxies to call a general meeting of the Stockholders in the said Bank, for purposes relating to the affairs of the said Corporation, giving at least six weeks notice thereof in at least one of the Newspapers published in the City of Quebec, and specifying in such notice the object of such meeting and the time and place thereof.

Governor or either Branch of the Legislature authorized to require from the President &c. of the Bank, a statement of the affairs of the corporation.

IX. And whereas it is expedient, that a more explicit statement than that required by the thirteenth section of the said Act passed in the First year of His late Majesty's Reign, should from time to time be laid before the Legislature of this Province :—Be it therefore further enacted by the authority aforesaid, that instead of the statement required by the said Section of the said Act, it shall be lawful for the Governor, Lieutenant Governor or Person administering the Government, or for either of the other Branches of the Provincial Legislature, from time to time to require from the President, Vice President and Directors of the said Bank, a statement of the affairs of the said Corporation containing, on the one part, the amount of Capital Stock paid in, the amount of their notes in circulation, the nett profits in hand, the Balances due to other Banks, and the Cash deposited in the said Quebec Bank distinguishing deposits bearing Interest, if any there be, and on the other part the amount of Current Coins and gold and silver Bullion in the Vaults of the said Bank, the value of the Buildings and other real Estate belonging to the said Corporation, the notes of other Banks held by the said Corporation, the Balances due to them from other Banks, and the amount of all debts owing to the said Corporation including and particularizing the amount so owing on Bills of Exchange, Discounted Notes, Mortgages, and other securities, thus exhibiting on the one hand

hand the debts due by the said Corporation, and on the other hand the resources thereof, and that the said Statement shall also contain the rate and amount of their last dividend declared by the said Corporation, the amount of the profits reserved at the time of declaring such dividend, the amount of debts due to the said Corporation and secured by the pledge of the Stock thereof belonging to the persons from whom such debts are due, and the amount of debts over due and not paid, with an Estimate of the loss which may probably be incurred from the non-payment of such debts, and a list of the names of all persons who shall at the commencement of every quarter of the year, during the time for which such statement shall be required and made, have been share holders in the said Bank, specifying the number of Shares held by each and every such person at the commencement of each quarter, and also the amount of paper discounted for or monies loaned to the Directors, or for which they may be in any way security to the said Bank, which statement the said President, Vice President and Directors of the said Corporation shall be bound to furnish under oath when so required as aforesaid. Provided always that nothing herein contained, shall compel or authorize the said President, Vice President and Directors to particularize in any such statement the private account of any person with the said Corporation.

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The total amount of Notes being for a less sum than one pound five shillings each issued at one time not to exceed one fifth of the amount of the Capital then paid in.

X. And be it further enacted by the authority aforesaid, that the total amount of the Notes of the said Corporation being for a less sum than one pound five shillings, currency each, which shall be issued and in circulation at any one time shall not exceed one fifth of the amount of the Capital of the said Corporation then paid in. Provided always, that no Note under the nominal value of five shillings, currency, shall be issued or put into circulation by the said Corporation, and that the issue and circulation of all denominations of Notes for a less sum than five dollars each, may be suppressed or further limited by any Act or Acts of the Provincial Legislature, without its being considered as an infringement of the privileges granted by this Act.

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This and the former Act, to cease when the amount of Notes issued exceeds the amount fixed and if no notice be given of such excess by the President &c. they will then be liable for all debts affecting the Corporation.

XI. And be it further enacted by the authority aforesaid, that if the total amount of all the Notes of the said Corporation then issued and in circulation shall, at any one time exceed the amount fixed and determined by the Act hereby continued and amended, the said Act, and the present Act shall cease and determine from the time such excessive issue shall have taken place, and in such case the President, Vice-President, and each and every of the Directors of the said Bank, who shall know that such excessive issue has taken place or has been authorized, and shall not within forty-eight hours after he shall have acquired such knowledge, give public notice thereof in one of the Newspapers printed and published in the City of Quebec, shall be

be personally and jointly and severally responsible for all debts and for all claims and demands of any nature whatsoever due by or affecting the said Corporation.

Public Act.

XII. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and other persons whatsoever without being specially pleaded.

Continuance of this Act.

XIII. And be it further enacted by the authority aforesaid, that this Act shall be in force until the first day of May, one thousand eight hundred and thirty-six, and no longer.

~~CAP. XIV.~~

An Act to [illegible]horize the payment of certain monies due by t[illegible] Commissioners [illegible] erection of the Gaol at Sherbrooke.

[31[illegible] 1831.]

Most Gracious S[illegible]

Preamble.

WHEREAS it is e[illegible] appropriate a c[illegible] of Money to pay certain sums due and [illegible] the Commi[illegible]ppointed under a certain Act passed in the fourth yea[illegible]eign of [illegible] Majesty, to authorize the erecting of a Common Gaol [illegible]eri[illegible]t of Saint Francis, and for providing the means of defrayi[illegible] thereof and for other purposes:—May it therefore please [illegible]y that it may be enacted, and be it enacted by the King's M[illegible]nt Majesty, by and with the advice and consent of the Le[illegible] and Assembly of the Province of Lower-Canada, cons[illegible]nd [illegible]d by virtue of and under the authority of an Act pa[illegible]he Par[illegible]f Great Britain, intituled, "An Act to repeal certain [illegible]n Act passed [illegible]rteenth year of His Majesty's Reign, intitule[illegible]*ct for making mo[illegible] provision for the Government of the Pr[illegible] Quebec, in North-Ame[illegible]* to make further provision for the [illegible]ent of the said Province": [illegible] hereby enacted by the authority [illegible]he, that it shall be lawful for the [illegible]r, Lieutenant-Governor, or p[illegible]inistering the government, by Warra[illegible]rants under his hand, t[illegible] of any unapproprated monies in the han[illegible] Receiver-General, a[illegible]t exceeding twelve hundred pounds currency, [illegible]plied to repay Mis[illegible]ainter, her heirs, curators, administrators or assig[illegible] like sum borrowed

Governor empowered to take out of any unappropriated Monies certain sums to repay Money borrowed for the Gaol at Sherbrooke.

CAP. XXXII.

Act to Incorporate certain persons therein mentioned under the name of the "The City Bank," to be established in Montreal.

[3d April, 1833.]

Preamble.

WHEREAS it has been prayed by Petition to the Legislature, that James Henry Lambe, Thomas Storrow Brown, Stephen Field, John Adams Perkins, William Ritchie, Stanley Bagg, James Fisher, John Donegani, Nicholas P. M. Kurzyn, James Millar, J. Dominique Bernard, John Frothingham, Joseph Trumbull Barrett, Joseph Roy and William Peddie, and others, their respective heirs, executors, curators, administrators, successors and assigns might be incorporated for the purpose of establishing a Bank in the City of Montreal; and whereas it would be conducive to the advancement of the Commercial and Agricultural interests of this Province that the said persons, their respective heirs, executors, curators, administrators, successors and assigns, should be incorporated for the said purpose: 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 Lower 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 it is hereby enacted by the authority of the same, that the several persons herein above named, and their several and respective heirs, executors, curators, administrators, successors and assigns, shall be and they are hereby constituted and declared to be a Corporation, body corporate and politic, by the name of "The City Bank," and shall so continue and have succession until the first day of June, which will be in the year of our Lord, one thousand eight hundred and thirty-seven, and shall and may by the said name, be persons able and capable in law to sue, be sued, implead, and be impleaded, answer, be answered unto, defend and be defended, in all Courts and places whatsoever; and shall also be capable in law to purchase, acquire, hold and enjoy, and retain to them and their successors, lands and tenements, real or immoveable estate, for the convenient conduct and management of the business of the said Bank, not exceeding the yearly value of one thousand pounds current money of this Province, and for no other purpose; and may sell, alienate and dispose of such lands, tenements, real or immoveable estate, and purchase and acquire others in their stead, for the same purpose, not exceeding the yearly value aforesaid, and may have a common seal, and may change and alter the same at their pleasure, and

The City Bank established at Montreal.

Created a body politic and corporate.

May hold property of certain yearly value.

and may also ordain, establish, and put in execution such bye-laws, ordinances and regulations (the same not being contrary to the present Act or any laws in force in this Province) as may appear to them necessary or expedient for the management of the said Bank; which bye-laws, ordinances and regulations, shall be made by the Directors who may hereafter be appointed, and shall be submitted to the Stockholders in the said Bank for their approval and confirmation, at a general meeting called for that purpose, to be held in the manner hereinafter mentioned, and shall and may do and execute by the name aforesaid, all and singular the other matters and things, touching the management of the business of the said Corporation, which to them shall or may appertain to do, subject nevertheless to the rules and regulations, limitations and provisions hereinafter prescribed and established.

Capital stock not to exceed £200,000.

II. And be it further enacted by the authority aforesaid, that the capital stock of "the said City Bank," hereby incorporated and established, shall not exceed the sum of two hundred thousand pounds, current money aforesaid, divided into eight thousand shares of twenty-five pounds each, which shares shall be, and the same are hereby vested in the several persons who shall subscribe therefor, their successors and assigns, according to the shares and interest which they may respectively subscribe, purchase or acquire.

Subscription Books to be opened for raising this sum.

III. And be it further enacted by the authority aforesaid, that for the purpose of raising the said amount of capital stock, it shall be lawful for the persons hereby incorporated as aforesaid, or for any seven or more of them to cause books of subscription to be opened in the said City of Montreal, for receiving the signatures of persons willing to become Stockholders in the said Bank, and for this purpose they shall be held and bound to give public notice, during at least four successive weeks in one or more of the public newspapers published in the said City of Montreal of the time and place at which such books will be opened and ready for receiving signatures as aforesaid and of the persons by them authorized to receive such subscriptions; and that so soon as the whole amount of the said Capital Stock shall have been so subscribed for as aforesaid, it shall be lawful for the said persons or for those among them under whose superintendance the said books of subscription shall have been opened by an advertisement inserted during at least three weeks, in one or more of the public newspapers published in the said City of Montreal, to call a meeting of the Subscribers, whose signatures shall appear in the said books, for the purpose of electing eleven Directors for the management of the affairs of the said Corporation, until the first Monday in June then next ensuing, and such election shall be had and conducted under the provisions hereinafter made with respect to the annual election of Directors of the said Bank. Provided always that no bill or note for any sum whatsoever shall be issued or put into circulation by the said Bank, until forty thousand pounds of the capital Stock of the said Bank shall have been actually paid in, and shall be held by and in the actual possession of

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of the said Corporation, in gold or silver coin current in this Province. And provided also, that a further sum of thirty-six thousand pounds shall be paid in within three calendar months after the day upon which the said Bank shall commence issuing Notes, by three equal instalments of twelve thousand pounds each, payable at intervals of thirty days.

Capital Stock of the Corporation to be paid in by the Shareholders.

IV. And be it further enacted by the authority aforesaid, that the Capital Stock of the said Corporation shall be paid in by the Shareholders in the manner following, that is to say: five per cent. at the time such share shall be subscribed for, and the remainder by instalments not exceeding ten per cent. on every such share, at such time and place as the said Directors shall appoint, by an advertisement inserted in one or more of the public newspapers published in the said City of Montreal, during at least thirty days previous to the time at which the payment of such instalments respectively shall be required: Provided always that the whole of the said Capital Stock shall be called in and paid by the said Shareholders respectively, within four years from the passing of this Act; and all executors, curators and administrators, who shall pay in any instalment due by the estate or succession which they shall respectively represent, in obedience to any call made to that effect, in the manner aforesaid, shall be and they are hereby respectively indemnified.

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Directors to be annually chosen for the management of the affairs of the Corporation.

V. And be it further enacted by the authority aforesaid, that for the management of the affairs of the said Corporation, there shall be eleven Directors, who shall be annually elected by the Proprietors of the said Capital Stock of the said Bank, at a General Meeting, to be annually held on the first Monday in June; at which Annual Meeting the said Stockholders shall vote according to the rule hereinafter established, as to the manner of voting at General Meetings; and the Directors so chosen by a majority, in conformity to such rule, shall be capable of serving as Directors for the then next ensuing twelve months, (unless removed for mal-administration before that period by the Stockholders, at a General Meeting to be held by them, or unless suspended as hereinafter provided,) and at their first meeting after such election, shall choose out of their number a President and Vice-President, who shall hold their offices respectively during the same period, for which the said Directors shall have been elected as aforesaid, and it shall be lawful for the said Directors, from time to time, in case of the death, resignation, absence from the Province for three months at a time, or removal of the persons so chosen to be President and Vice-President, or either of them, to choose in their or his stead from among them the said Directors, another person or persons to be President or Vice-President respectively, and in case of the death, resignation, absence from the Province for three months at a time, or the removal of a Director by the Stockholders as aforesaid, the vacancy or vacancies so occurring shall be filled up by the said Stockholders at any one of their General Meetings, and the person or persons so appointed to fill up the said vacancies, respectively, shall serve until the next General

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General Meeting for the election of Directors. Provided always, that in the event of any temporary absence of the President or Vice-President of the said Bank, whether occasioned by sickness or otherwise, the Directors of the said Bank may, by a vote, duly recorded in the register of their proceedings, assign to the Vice-President, or to one of the Directors, during the continuance of such temporary absence all the duties of the said President.

No Stockholders, not been a natural born subject allowed to vote in person or by Proxy for the election of a Director.

VI. Provided always and it is hereby expressly enacted, that no Stockholder who shall not be a natural born subject of His Majesty, or a subject of His Majesty naturalized by Act of the British Parliament or of the Parliament of this Province, or a subject of His Majesty by the effect of the conquest and cession of this Province, or being a subject of any Foreign Prince or State, shall either in person or by proxy vote for the election of any Director, to be elected in the manner herein before directed, nor shall vote at any meeting of the said Stockholders, for the purpose of ordaining, establishing or putting into execution any By-Laws, Ordinances or Regulations, to be made under the authority of this Act, or shall assist in the calling of any meeting of such Stockholders, or shall vote for any other purpose whatsoever hereinbefore authorized, any thing hereinbefore contained to the contrary notwithstanding.

Directors, President and Vice-President may continue in office until the first Monday in June next.

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VII. And be it further enacted by the authority aforesaid, that the persons who may be elected Directors, President and Vice-President of the said Association, under the authority of this Act, shall be and continue Directors, President and Vice-President of the said Corporation, until the first Monday of June then next ensuing, (being the day hereinbefore appointed for the annual election of Directors of the said Corporation ;) Provided always, that any of the said Directors may in the meantime, be removed by the said Stockholders at a General Meeting, for maladministration, and that in the case of death, resignation, absence from the Province for three months at a time, or removal of any of the said Directors so appointed as aforesaid, it shall be lawful for the said Stockholders, at a General Meeting, to fill up the vacancy or vacancies, and the Director or Directors so appointed, to be and continue in office, until the first Monday in June then next ensuing, shall have the same power as to the appointment of a President and Vice-President, in the case of the death, resignation, absence from the Province, or removal of the President or Vice-President before that period, that is hereinbefore given to the Directors, to be chosen at the period fixed for the Annual Meeting as aforesaid ; Provided always, that the said Directors shall not, during the period of their services as Directors for the said Bank, act as private bankers.

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Though the Election of Directors may not have taken

VIII. And be it further enacted by the authority aforesaid, that if at any time it shall happen that an election of Directors shall not be made or take effect on the day when, in pursuance of this Act, it ought to be made and take effect, the said Corporation

effect, when it ought to be made, Corporation not to be dissolved.

Corporation shall not be deemed or taken to be dissolved, but it shall be lawful at any other time, to make such election at a General Meeting of the Stockholders, to be called in the manner hereinafter prescribed.

Directors to appoint the necessary officers.

IX. And be it further enacted by the authority aforesaid, that the Directors of the said Bank, for the time being, shall have power to appoint such officer, clerks and servants under them, as shall be necessary for conducting the business of the said Corporation, and to allow them such compensation for their services respectively, as shall be reasonable and proper; and the said Directors shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the bye-laws, ordinances and regulations of the said Corporation,

On whom process is to be served.

X. And be it further enacted by the authority aforesaid, that in all and every suit or suits at law, which at any time hereafter may be instituted, by or on the part and behalf of any person or persons against the said Corporation, service of process upon the President or Vice-President of the same, for the time being, or at the office of the said Bank, shall, to all intents and purposes, be sufficient to compel the said Corporation to appear and plead to such suit or suits at law, any law, usage or custom to the contrary, in anywise notwithstanding; and all and every suit or suits at law, which at any time may be instituted by or on behalf of the said Corporation, against any person or persons, body or bodies politic or corporate, shall be instituted and prosecuted by the said President and Directors of the said Bank, for the time being, for and in the name of the said Corporation.

Votes of the Stockholders how to be taken.

XI. And be it further enacted by the authority aforesaid, that the following rules, restrictions and provisions shall form and be deemed and held to be fundamental articles of the said Corporation, that is to say:—Firstly, The number of votes to which each Stockholder or Stockholders, copartnership, body politic or corporate, holding stock in the said Corporation, shall be entitled on every occasion, when in conformity to the provisions of this Act, the votes of the members of the said Corporation are to be given, shall be given in the proportion following, that is to say: for one share, and not more than two, one vote; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for every thirty shares; and for every six shares above thirty, and not exceeding sixty, one vote, making fifteen votes for every sixty shares; and for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; but no person or persons, copartnership, body politic or corporate, being a member or members of the said Corporation, shall be entitled to a greater number than twenty votes, and all Stockholders, resident within the Province or elsewhere, may vote by proxy, if he or she or they shall see fit; provided that such proxy be a Stockholder and do produce an authority

The proportions.

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thority from his constituent or constituents for so representing and voting for him, her or them according to the form A. annexed to this Act; and provided also, that after the first election of Directors, to be made after the passing of this Act, no share or shares of the Capital Stock of the said Corporation shall confer a right of voting, either in person or by proxy, which shall not have been held during three calendar months at least, prior to the day of election, or of a General Meeting, when the votes of the Stockholders are to be given, and where two or more persons are the joint owners of any part of the said stock, it shall be lawful that one person only be empowered by letter of Attorney from the owners, or a majority of them, to represent the said stock, and to vote accordingly.—Secondly, No person other than a Stockholder, resident at Montreal, holding at least twenty shares of the Capital Stock of the said Corporation, and being a natural born subject of His Majesty, or a subject of His Majesty, naturalized by Act of the British Parliament, or of the Parliament of this Province, or a subject of His Majesty by the effect of the conquest and cession of the Province, or who shall have resided seven years in this Province, and in any of the above cases who shall have resided three years in the city of Montreal, shall be capable of being elected or chosen a Director of the said Corporation, or shall serve as such.—Thirdly, five of the Directors in office at the period of each annual election, shall be re-elected for the next succeeding twelve months.—Fourthly, No director shall be entitled to any salary or emolument unless the same shall have been allowed to him by a General Meeting of the Stockholders, but the Stockholders may make such compensation to the President or Vice-President for their extraordinary attendance at the Bank, or other services, as shall appear to them reasonable or proper.—Fifthly, Not less than five Directors shall constitute a Board for the transaction of business, of which number, the President or Vice-President shall always be one, except in case of sickness or unavoidable absence, in which case, the said Directors then assembled, shall appoint one of themselves to supply the place of the said President or Vice-President, and the Directors so appointed shall, as also the President and Vice-President, when present, vote at the Board as Directors, and in any case of there being an equal number of votes for and against any question before them, the President, and in his absence, the Vice-President, or the Director so appointed in his place, shall have a casting vote.—Sixthly, Any number of Stockholders, not less than twenty, who together shall be proprietors of five hundred shares of the Capital Stock of the said Corporation, shall have power, at any time, by themselves or by proxies, to call a General Meeting of the Stockholders, for the purposes relating to the said Corporation, giving at least six weeks notice thereof, in one of the Newspapers published in the City of Montreal, and specifying in such notice the time and place of such meeting, with the object or the objects thereof; and the Directors of the said Corporation, for the time being, or any six of them, shall have the like power, at any time, upon observing the like formalities, to call a General Meeting as aforesaid, and if the object of such meeting, to be called either by the Stockholders

holders or Directors as aforesaid, shall be to consider of the proposed removal of the President or Vice-President, or a Director or Directors, for mal-administration, then and in such case the person or persons whom it shall be so proposed to remove, shall from the day on which such notice shall be first published, be suspended from the execution of the duties of his or their office, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining Directors, who shall appoint a Director to serve as such President or Vice-President, during the time such suspension shall continue. Seventhly, Every Cashier and Clerk of the Bank before he enters upon the duties of his office, shall give a bond, with two or more sureties, to the satisfaction of the Directors, that is to say, every Cashier, in a sum not less than five thousand pounds currency, and every Clerk in such a sum as the Directors shall consider adequate to the trust to be reposed in him, with condition for his good and faithful behaviour.—Eighthly, The lands and tenements, which it shall be lawful for the said Corporation to hold, shall be such only as are hereinbefore permitted to be held by it ; Provided always, that the said Corporation may take and hold mortgages (*hypothéques*) on real property, according to the law of this Province, by way of additional security for debts contracted to the said Corporation in the course of its dealings ; but on no account shall money be lent on mortgage, (*hypothéque*,) or upon land, or other immoveable property ; nor shall such property be purchased by the said Corporation, upon any pretext.—Ninthly, The total amount of the debts which the said Corporation may at any time owe, whether by bond, bill or note, or other contract whatsoever, shall not treble the amount of the Capital Stock actually paid in, (over and above a sum equal in amount to such money as may be deposited in the Bank for safe keeping,) and in case of excess, the Directors under whose administration it shall happen, shall be jointly and severally liable for the same in their private capacities, as well to the Stockholders as to holders of bank notes, and an action in this behalf may be brought against them, or any of them, or any of their heirs, executors, administrators and curators, and be prosecuted to judgment and execution, according to the laws of this Province ; but this shall not exempt the said Corporation, or the lands, tenements, goods or chattels thereof, from being also liable for such excess ; Provided always, that such Directors as shall have been absent when the said excess was contracted or incurred, or shall have entered their protest against it upon the book or books of the said Corporation, may respectively exonerate and discharge themselves therefrom, by publishing such protest in the public papers within eight days.—Tenthly, The stock of the said Corporation shall be assignable and transferable, according to the form B. annexed to this Act ; but no assignment or transfer shall be valid or effectual, unless such transfer or assignment be entered or enregistered in a book or books, to be kept by the Directors for that purpose, nor until the person or persons making the same, shall previously discharge all debts actually due by him, her or them, to the said Corporation, which may exceed in amount the

the remaining stock belonging to such person or persons, and in no case shall any fractional part of a share or shares, or other than a complete share or shares be assignable or transferable.—Eleventhly, Bank obligations, Bank Bonds, bank bills, obligatory, aud of credit, under the common seal of the said Corporation, signed by the President or Vice-President, and countersigned by a Cashier, which shall be made to any person or persons shall be assignable by endorsements thereupon without signification thereof, any law or usage to the contrary notwithstanding; and bank bills or bank notes which shall be issued by order of the said Corporation, signed and countersigned as aforesaid, promising the payment of money to any person or persons, his her or their order, or to bearer, although not under the seal of the said Corporation, shall be binding and obligatory upon the same, and shall be assignable and negotiable by blank or other endorsement or otherwise, in like manner as if they were made and issued by private persons, that is to say, those which shall be payable to any person or persons, his,her or their order shall be assignable by blank or other endorsement in like manner, and with the like effect as foreign bills of exchange now are; and those which shall be payable to bearer, shall be negotiable by mere delivery.—Twelfth, The books, papers and correspondence and funds of the said Corporation, shall at all times be subject to the inspection of the Directors; but no Stockholder, not being a Director, shall inspect the account of any individual or individuals with the said Corporation.—Thirteenthly, Half-yearly dividends shall be made of so much of the profits of the said Corporation as shall appear to the Directors, for the time being, advisable, and shall be payable at the office of the said Bank, of which they shall give public notice, at least thirty days previously, in at least two newspapers, published in the said City of Montreal, which dividends shall not in any manner whatsoever lessen or impair the Capital Stock of the said Corporation, and the said Directors shall, every year, at the General Meeting, held for the election of Directors, lay before the Stockholders, for their information, an exact and particular statement of the amount of the debts due to and by the said Corporation, specifying the amount of the bank notes in circulation, and the amount of such debts as in their opinion are bad or doubtful; also stating the surplus or profit, (if any remaining,) after deduction of losses and provision for dividends; Provided always, that the making and rendering of such statements shall not give, or be constructed to give, any right to the Stockholders not being Directors, to inspect the account of any individual or individuals with the said Corporation.—Fourteenthly, If there shall be a failure by or on the part of any person or persons, copartnership, body politic or corporate, to pay the amonnt of any instalment, required to be paid on account of his, her or their ahares in the Capital Stock of the said Corporation, the person or persons so in default shall incur a fine to the use of the said Corporation of five per centum on the amount of his, her or their shares in the said Corporation, and of the dividend due to him, her or them at the time appointed for the payment of such instalments, and also of all dividends

dividends which may afterwards accrue and become due to him, her or them, until payment of the amount of such instalment.—Fifteenthly, The said Corporation shall not directly or indirectly deal in any thing excepting bills of exchange, discounting on notes of hand or promissory notes, of which they may receive the discount at the time of negociating, gold or silver bullion, or in the sale of stock, pledged for money lent and not redeemed, which said stock so pledged and not redeemed, shall be sold by the said Corporation, at public sale, at any time not less than ten days after the period for redemption, without any judgment first obtained and without any previous suit or proceedings at law, any law, usage or custom to the contrary notwithstanding, and if upon the sale of such stock, there shall be a surplus, after deducting the expences of sale, over and above the money lent, and interest, such surplus shall be paid to the proprietors of such stock respectively.

Directors to submit By-Laws to the General Meeting of the Stockholders, and if approved, to be binding on the members of the Corporation.

XII. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Directors of the said "City Bank" to submit such bye-laws, ordinances and regulations as they shall hereafter make as such Directors to a general meeting of the Stockholders of the said Bank, called for that purpose, or to the general annual meeting of the said Stockholders as they shall deem it expedient, and such bye-laws, ordinances and regulations so submitted shall, if they are approved at such meetings and are not repugnant to this Act, or to the laws of this Province, have force and effect, and be binding on all the members of the said Corporation. Provided always that six weeks public notice shall have been previously given of the intention of the Directors to submit such bye-laws, ordinances and regulations for approbation.

Proviso.

Notes to be payable in gold and silver.

XIII. And be it further enacted by the authority aforesaid, that the notes of the Corporation shall be payable in gold or silver coin current by laws of this Province: And that the said Corporation shall not demand, receive nor require upon its loans or discounts, or upon any other pretext whatsoever any interest exceeding the lawful interest of six per centum per annum, as fized by the laws of this Province.

Shares and dividends of share-holders considered personal property.

XIV. And be it further enacted by the authority aforesaid, that the shares and dividends of the Stockholders in the said Corporation, shall be held, considered and adjudged to be personal property, and as such be liable to *bonâ fide* creditors for debts and may be attached and sold under writs of attachment and execution, issued out of His Majesty's Courts in this Province, in like manner as other personal

personal property may be attached and sold under such writs of attachment and execution: and in cases where an attachment may issue for attaching the said share or shares and dividends, the same shall be served on the Cashier of the said Corporation, who shall be held to appear in Court and answer upon such writ of attachment according to the laws of this Province, and to declare the number of shares of Stock, and the amount of the dividends belonging to and due to the person or persons against whom such attachment shall have been obtained; and that when the said share or shares may have been sold under a writ or writs of execution, the sheriff by whom such writ or writs shall be executed, shall within thirty days after such sale, leave with the Cashier of the said Corporation, an attested copy of the said writ or writs of execution, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale of the said share or shares under the said writ or writs of execution has been by him made, and the person and persons who shall have purchased such share or shares so sold under such writ or writs of execution, shall be held and considered as Stockholder or Stockholders for the said share or shares, and have the same rights and be under the same obligations as if he or they had purchased the said share or shares from the proprietor or proprietors thereof.

No Stockholders answerable in their private capacities for the debts of the Corporation.

XV. And be it further enacted by the authority aforesaid, that no Stockholder or Stockholders shall be answerable in his, her or their private capacity for the debts of the said Corporation, excepting Directors who may be liable as hereinbefore mentioned in cases where the total amount of debts contracted by the said Corporation shall, during their administration, exceed the limitation of this Act prescribed.

Amount of Notes in circulation not to exceed one-fifth of the Capital paid in.

Proviso.

XVI. And be it further enacted by the authority aforesaid, that the total amount of the notes of the said Corporation being for a less sum than one pound five shillings currency each which shall be issued and in circulation at any one time, shall not exceed one-fifth of the amount of the Capital of the said Corporation then paid in:—Provided always, that no note under the nominal value of five shillings currency, shall be issued or put into circulation by the said Corporation, and that the issue and circulation of all denominations of notes for a less sum than five dollars each may be suppressed or further limited by any Act or Acts of the Provincial Legislature, without its being deemed an infringement of the privileges granted by this Act.

Total amount of all Notes of the Corporation issued, not to exceed the amount fixed by this Act.

XVII. And be it further enacted by the authority aforesaid, that if the total amount of all the notes of the said Corporation then issued and in circulation, shall at any one time exceed the amount fixed and determined by this Act, the present Act shall cease and determine from the time such excessive issue shall have taken place, and in such case the President, Vice-President, and each and every of the Directors

Directors of the said Bank who shall know that such excessive issue has taken place or has been authorized, and shall not within forty-eight hours after he shall have acquired such knowledge give public notice thereof in one of the newspapers printed and published in the City of Montreal, shall be personally and jointly and severally responsible for all debts and for all claims and demands of any nature whatsoever due by or affecting the said Corporation.

Corporation to lay before the Legislature statement of their affairs.

XVIII. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor or Lieutenant Governor, or person administering the Government for the time being, or for either of the branches of the Provincial Legislature from time to time, to require from the President, Vice-President and Directors of the said Bank a statement of the affairs of the said Corporation, containing on the one part the amount of Capital Stock paid in, the amount of their notes in circulation, (distinguishing those for a sum less than five dollars,) the net profits in hand, the balances due to other Banks, and the cash deposited in the said City Bank, distinguishing deposits bearing interest (if any such there be ;) and on the other part, the amount of current coins, and gold and silver bullion in the vaults of the said Bank, the value of the buildings and other real estate belonging to the said Corporation, the notes of other Banks held by the said Corporation, the balances due to the said Corporation from other Banks, and the amount of all debts owing to the said Corporation, including and particularizing the amount so owing in Bills of Exchange, discounted notes, mortgages and other securities, thus exhibiting on the one hand the debts due by the said Corporation, and on the other the resources thereof; and that the said statement shall also contain the rate and amount of the then last dividend declared by the said Corporation, the amount of the profits reserved at the last time of declaring such dividend, the amount of the debts due to the said Corporation and secured by the pledge of the Stock thereof belonging to the persons from whom such debts are due, and the amount of debts over-due and not paid, with an estimate of the loss which may probably occur from the non-payment of such debts, and a list of the names of all persons who shall at the commencement of every quarter of the year during the time for which such statement shall have been required and made, have been Shareholders in the said Bank, specifying the number of shares held by each, and every such person at the commencement of every such quarter, and also the amount of the paper discounted for or monies loaned to the Directors, or for which they may in any wise be security to the said Corporation, which statement the President, Vice-President and Directors of the said Bank shall be bound to furnish under oath when so required as aforesaid ; Provided always, that nothing herein contained shall compel or authorise the said President, Vice-President and Directors to particularize in such statement the private account of any person with the said Corporation.

XIX.

Corporation not to lend money to any foreign Prince or State.

XIX. And be it further enacted by the authority aforesaid, that it shall not be lawful for the said Corporation at any time whatever, directly or indirectly, to advance or lend to or for the use of any foreign Prince or State, any sum or sums of money whatever, and if any such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and also all the powers, authorities, rights and advantages hereby granted to the said Corporaiion, shall thenceforth cease and determine, any thing in this Act contained to the contrary notwithstanding: and provided also that the said Corporation shall not raise loans of money nor increase its Capital.

Proviso.

Saving of His Majesty's Rights.

XX. And be it further enacted by the authority aforesaid, that nothing in the present Act contained shall affect or be construed to affect in any manner or way whatsoever, the rights of His Majesty, His Heirs or Successors, or of any person or persons, or of any bodies politic or corporate, such only excepted, as are herein mentioned.

Public Act.

XXI. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and as such shall be judiciously taken notice of by all Judges, Justices of the Peace, and other persons whomsoever, without being specially pleaded.

Continuance of this Act.

XXII. And be it further enacted by the authority aforesaid, that this Act shall be in force until the first day of June, one thousand eight hundred and thirty-seven and no longer.

FORM (A.)

Form A.

City Bank Stock, Acceptance, Dividends, Sales and Vote.

Know all men by these presents, that I,
of do make, constitute and appoint
of my true and lawful Attorney, for me, in my name, and in my behalf, to accept all such transfers as are or may hereafter be made unto me, of my interest or share in the Capital or Joint Stock in the City Bank, also to receive and give receipts for all dividends that are now due or shall hereafter become due and payable for the same for the time being, likewise to sell, assign and transfer all or any part of my said stock, to receive the consideration money, and give a receipt or receipts for the same, and to vote at all elections, and to do all lawful acts requisite for effecting the premises, hereby ratifying and confirming all that my said Attorney shall do therein by virtue thereof.

In

In witness whereof, I have hitherto set my hand and seal, at this day of in the year of our Lord one thousand eight hundred and

Signed and sealed in the presence of

FORM (B.)

Form B.

For value received, of hereby assign and transfer unto of and assigns shares, in each of which has been paid pounds shillings currency, amounting to the sum of pounds shillings in the Capital Stock of the City Bank, subject to the rules and regulations contained in the articles of association of the said Bank.

Witness hand at the Bank aforesaid, this day day of one thousand eight hundred and

Witness

I do hereby accept the foregoing assignment of shares in the City Bank, assigned to me as abovementioned at the Bank, this day of one thousand eight hundred and

~~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 direct; and that a detailed account of the expenditure of all such monies shall be laid before the several Branches of the Provincial Legislature, within the first fifteen days of the next Session thereof.~~

CAP. XLVIII.

An Act to continue for a limited time a certain Act therein mentioned, concerning the Quebec Bank.

[21st March, 1836.]

Preamble.

WHEREAS it is expedient to continue for a limited time the Act herein after mentioned relative to the Quebec Bank:—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 Lower 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 Ma- "jesty'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 it is hereby enacted by the authority of the same that the Act passed in the first year of the Reign of His present Majesty, Chapter thirteen, intituled, "An Act "to amend and continue for a limited time a certain Act passed in the first year "of the Reign of His late Majesty, intituled, "An Act for the Incorporation of "certain persons therein mentioned, under the name of the "Quebec Bank," shall continue to be in force until the first day of June, one thousand eight hundred and thirty-seven, and no longer.

Act 1, Will. IV. cap. 13, continued.

CAP.

CAP. XIV.

An Ordinance to incorporate certain persons therein named, under the name of "The President, Directors, and Company of the Bank of "Montreal."

Preamble.

WHEREAS under and by virtue of an Act of the Parliament of the Province of Lower Canada, passed in the first year of the Reign of His Majesty King George the Fourth of blessed memory, intituled, "An Act for incorporating "certain persons therein named under the name of the President, Directors and "Company of the Bank of Montreal," the persons therein named and their several and respective heirs, executors, curators, administrators, successors and assigns, were duly ordained, constituted and declared to be a Corporation, body corporate and politic, by the said name of "The President, Directors and Company of the "Bank of Montreal," which Act was subsequently amended and continued by another Act of the said Parliament, passed in the tenth and eleventh years of the Reign of His said Majesty King George the Fourth: And whereas by the efflux-tion of the time limited by the said Acts, the said Corporation ceased to exist on the first day of June last; And whereas certain persons hereinafter named have by their Petition represented, that on the said first day of June last, they and divers other persons had associated themselves together for the purposes of assuming and carrying on the business of Banking heretofore carried on by the said Corporation, and for the said purposes had subscribed a Capital of five hundred thousand pounds currency of the said Province, whereof three hundred and ninety thousand pounds is actually paid in, and thereupon prayed for the enactment of an Ordinance to incorporate them; And whereas there is reason to believe that the encouragement of an Institution established for the purposes aforesaid, will tend much to the relief and benefit of all Her Majesty's loyal subjects in the said Province:—Be it therefore Ordained and Enacted by His Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower "Canada;*"—And it is hereby Ordained and Enacted, by the authority of the same, that the Honorable Peter McGill and Joseph Masson, Thomas Brown Anderson, Charles Brooke, John Jamieson, James Logan, John Molson, Joseph Shuter, John Redpath, John Torrance, William Lunn and Joseph M'Pherson, all of the City of Montreal,

Certain persons holding Stock of the Association now carrying

Banking business under the firm of *President, &c. of Bank of Montreal*, constituted a Corporation. So to continue till 1st Nov. 1842.

Powers confined.

Montreal, in the said Province, Esquires, and such other persons as now are holders of the Stock of the Association, now carrying on Banking business at the said City of Montreal under the name and firm of "The President, Directors and Company "of the Bank of Montreal," and their several and respective heirs, executors, curators, administrators, successors and assigns, shall be and are hereby ordained, constituted and declared to be a Corporation, body corporate and politic, by the name of "The President, Directors and Company of the Bank of Montreal;" and shall so continue and have succession till the first day of November, which will be in the year of Our Lord, one thousand eight hundred and forty-two: and shall and may by the said name be persons able and capable in Law to sue, be sued, implead, and be impleaded, answer and be answered, defend and be defended, in all Courts and places whatsoever; and shall also be able and capable in Law to purchase, acquire, hold and enjoy, and retain to them, and their successors, lands and tenements, real or immovable estate, for the convenient conduct and management of the business of the said Bank, not exceeding the yearly value of one thousand eight hundred pounds, current money of this Province, and for no other purpose; and may sell, alienate and dispose of such lands, tenements, real or immovable estate, and purchase and acquire others in their stead for the same purpose, not exceeding the yearly value aforesaid; and may have a common seal, and may change and alter the same at their pleasure; and may also from time to time at any general meeting of the Stockholders, called for that purpose, or at any general annual meeting of the said Stockholders, ordain, establish, and put in execution such by-laws, ordinances and regulations (the same not being contrary to the present Ordinance or to any Laws in force in this Province) as may appear to them necessary or expedient for the management of the said Bank, and may from time to time alter and repeal the same, or any of them; and the said by-laws, ordinances and regulations shall be made by the Directors already appointed, or who may be hereafter appointed, and shall be submitted to the Stockholders of the said Bank for their approval and confirmation at a general meeting called for that purpose, to be held in the manner hereinafter mentioned, or at any general annual meeting; Provided always, that six weeks public notice shall have been previously given of the intention of the Directors to submit such by-laws, ordinances and regulations for approval and confirmation, or for revision; and the said Corporation shall and may do and execute by the name aforesaid, all and singular, other the matters and things touching the management of the business of the said Corporation, which to them shall or may appertain to do, subject nevertheless to the rules, regulations, limitations and provisions hereinafter prescribed and established.

Proviso.

II.

Capital not to exceed £500,000 currency, divided into 10,000 shares of £50 each.

II. And be it further Ordained and enacted by the authority aforesaid, that the Capital Stock of the said Bank of Montreal hereby incorporated and established, shall not exceed the sum of five hundred thousand pounds, current money aforesaid, divided into ten thousand shares of fifty pounds each; which shares shall be, and the same are hereby vested in the said several persons hereinbefore named, their successors and assigns, according to the shares and interest which they may respectively have subscribed, purchased, or acquired, and may now have in the same; and that such part of the said sum of five hundred thousand pounds, as may not yet have been paid in, shall be paid by the Stockholders respectively, by whom the same is due, by instalments not exceeding ten per centum on the Capital Stock of each Stockholder, at such time and times and places as the Directors of the said Bank at Montreal shall appoint, after notice of not less than thirty days in this behalf to be previously given, in one or more of the public Newspapers published at the city of Montreal; and all executors, curators and administrators, who shall pay up the Instalments due by the estate or succession which they respectively represent, in obedience to any call made for that purpose in the manner aforesaid, shall be, and they are hereby respectively indemnified.

Thirteen Directors to be annually elected.

III. And be it further Ordained and Enacted by the authority aforesaid, that for the management of the affairs of the said Corporation, there shall be thirteen Directors, who shall be annually elected by the proprietors of the Capital Stock of the said Bank, at a general meeting of them to be annually held on the first Monday of June; the first whereof shall be held on the first Monday in June now next ensuing; at which annual meeting the said Stockholders shall vote according to the rule hereinafter established as to the manner of voting at general meetings; and the Directors so chosen by a majority in conformity to such rule, shall be capable of serving as Directors for the next ensuing twelve months; unless removed for mal administration before that period by the Stockholders at a general meeting to be held by them, or unless suspended as hereinafter provided; and at their first meeting after such election, they shall choose out of their number a President and Vice President, who shall hold their offices respectively, during the same period, for which the said Directors shall have been elected as aforesaid; and it shall be lawful for the said Directors, from time to time, in case of the death, resignation, absence from the Province, or removal of the persons so chosen to be President and Vice President, or either of them, to choose in their or his stead, from among them, the said Directors, another person or persons to be President and Vice-President respectively; and in case of the death, resignation, absence from the Province for three months at a time, or the removal of the Director by the Stockholders as aforesaid, his place, in case of such removal, shall be filled up by the said Stockholders at any one of their general meetings, and in the other cases last mentioned by the remaining Directors, on

President to be chosen.

In case of death, &c.

or a majority of them; and the person so appointed, in the place and stead of such Director, shall serve till the next general meeting for the election of the Directors; and in the event of any temporary absence of the President of the said Bank, whether occasioned by sickness or otherwise, the remaining Directors of the said Bank may, by a vote duly recorded in the Register of their proceedings, devolve upon the Vice President of the said Bank, during the continuance of such temporary absence, all the duties of the said President; and in the event of the unavoidable absence of both the President and Vice President at any Board of the said Directors held for the transaction of business, the said Directors when assembled shall appoint one of themselves to supply the places of such President or Vice President, and the Director so appointed, shall vote as a Director at the Board, and if there be an equal division on any question, shall have a casting vote.

Foreigners and Aliens not to vote on any proceedings of Corporation.

IV. Provided always, and it is hereby expressly Ordained and Enacted, that no Stockholder who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or a subject of Her Majesty by the effect of the conquest and cession of the Province, or who shall be a subject of any foreign Prince or State, shall either in person or by proxy vote for the election of any Director to be elected in the manner hereinbefore directed, or shall vote at any meeting of the said Stockholders for the purpose of ordaining, establishing, or putting in execution, any by-laws, ordinances, or regulations to be made under the authority of this Ordinance, or shall assist in calling any meeting of such Stockholders, or shall vote for any other purpose or purposes whatsoever, hereinbefore authorized; any thing herein contained to the contrary notwithstanding.

Peter McGill and others to continue Directors, President and Vice President till first Monday of June next.

V. And be it further Ordained and Enacted by the authority aforesaid, that the aforesaid Peter McGill, Joseph Masson, Thomas Brown Anderson, Charles Brooke, John Jamieson, James Logan, John Molson, Joseph Shuter, John Redpath, John Torrance, William Lunn, and John McPherson, shall be and continue Directors, President and Vice President of the said Corporation, until the first Monday of June next, being the day hereinbefore appointed for the Annual Election of Directors of the said Corporation; Provided always that in case of death, resignation or absence from the Province of any of the said Directors, so appointed, to continue in office as aforesaid, it shall be lawful for the remaining Directors, or a majority of them, to fill up the vacancy or vacancies, and the said Director or Directors so appointed to be and continue in office until the first Monday in June next, shall have the same power as to the appointment of a President and Vice President, in the case of the death, resignation, or absence from the Province of the President or Vice President before that period,

period, that is hereinbefore given to the Directors to be chosen at the period fixed for the Annual Meeting as aforesaid. Provided always that the said Directors shall not, during the period of their services as Directors of the said Bank, act as private Bankers.

Election of Directors not taking place on day appointed.

VI. And be it further Ordained and Enacted by the authority aforesaid, that if at any time it shall happen, that an Election of Directors shall not be made or take effect on the day, when, in pursuance of this Act, it ought to be made and take effect, the said Corporation shall not be deemed or taken to be dissolved, but it shall be lawful, at any other time to make such election at a general meeting of the Stockholders to be called in the manner hereinafter prescribed.

Directors to appoint officers &c.

VII. And be it further Ordained and Enacted by the authority aforesaid, that the Directors for the time being, shall have power to appoint such officers, clerks, and servants under them as shall be necessary for conducting the business of the said Corporation, and to allow them such compensation for their services respectively, as shall be reasonable and proper, and the said Directors shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the by-laws, ordinances, and regulations of the said Corporation.

Service of Process.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that in all and every suit or suits at law, which at any time hereafter may be instituted by, or on the part and behalf of any person or persons against the said Bank, service of process, upon the President, or Vice President of the same, for the time being, or at the Office of the said Bank, shall, to all intents and purposes, be sufficient to compel the said Bank or Corporation to appear, and to plead to such suit or suits at law, any law, usage, or custom to the contrary in any wise notwithstanding; and all and every suit or suits at law, which at any time may be instituted, by or on the behalf of the said Bank, against any person or persons, body or bodies, politic or corporate, shall be instituted and prosecuted by the President and Directors of the said Bank, for the time being, for and in the name of the said Bank.

Suits instituted by the Bank.

Rules which are to be held fundamental articles of the Corporation.

IX. And be it further Ordained and Enacted by the authority aforesaid, that the following rules, restrictions, and provisions, shall form and be deemed, and held to be fundamental articles of the said Corporation, that is to say, First,—The number of votes to which each Stockholder or Stockholders, co-partnership, body politic or corporate

corporate, holding stock in the said Corporation, shall be entitled on every occasion, when, in conformity to the provisions of this Ordinance, the Votes of the Members of the said Corporation are to be given, shall be in the proportions following, that is to say, for one share, and not more than two, one vote; for every two shares, above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares, above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares, above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares, above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares. But no person or persons, co-partnership, body politic or corporate, being a Member or Members of the said Corporation, shall be entitled to a greater number than twenty votes; and all Stockholders resident within the Province or elsewhere, may vote by proxy, if he, she or they shall see fit. Provided, that such proxy be a Stockholder, and do provide an authority from his constituent or constituents, for so representing and voting for him, her or them, according to the form A. annexed to this Ordinance; and provided also, that after the first election of Directors, to be made after the passing of this Act, no share or shares of the Capital Stock of the said Corporation shall confer a right of voting, either in person or by proxy, which shall not have been held during three Calendar months at the least, prior to the day of election, or of the general meeting when the votes of the Stockholders are to be given; and where two or more persons are the joint owners of any part of the said Stock, it shall be lawful that one person only be empowered by Letter of Attorney from the other owners, or a majority of them, to represent the said Stock and to vote accordingly. Second,—No person other than a Stockholder, actually resident in the City of Montreal, and holding at least ten shares of the Capital Stock of the said Corporation, and being a natural born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or a subject of Her Majesty by the effect of the conquest and cession of this Province, and who shall have resided seven years in this Province, and in any of the above cases, who shall have resided three years consecutively in the City of Montreal, shall be capable of being elected or chosen a Director of the said Corporation, or shall serve as such. Third,—Seven of the Directors in office at the period of each annual election, shall be re-elected for the next succeeding twelve months. Fourth,—No Director shall be entitled to any salary or emolument, unless the same shall have been allowed to him by a general meeting of the Stockholders; but the Stockholders may make such compensation to the President or Vice President, for their extraordinary attendance at the Bank, or other services, as shall appear to them to be reasonable and proper. Fifth,—Not less than five Directors shall constitute a Board for the transaction of business, of which number the President or Vice President shall always be one, except in case of sickness and necessary absence; in which case, their places

Votes in proportion to shares.

Twenty the maximum of votes by one person, &c.

Votes by proxy.

Shares to be held for three months to confer right of voting.

Joint owners.

Qualification of a Director.

Directors to be re-elected.

No Director entitled to salary unless, &c.

Five Directors to constitute a Board, &c.

places may be supplied by any other Director whom the President or Vice President shall, respectively, by writing under his hand appoint for that purpose. The President and Vice President shall vote at the Board, as Directors, and in any case of their being an equal number of votes for and against any question before them, the President, and in his absence, the Vice President, or in their absence, the President for the time being, shall have a casting vote. Sixth,—Any number of Stockholders, not less than twenty, who together shall be Proprietors of two hundred and fifty shares of the Capital Stock of the said Corporation, shall have power at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for purposes relating to the said Corporation, giving at least six weeks notice thereof, in at least one of the newspapers published in the City of Montreal, and specifying in such notice, the time and place of such meetings, with the object or the objects thereof. And the Directors of the said Corporation for the time being, or any seven of them, shall have the like power at any time (upon their observing the like formalities, to call a general meeting as aforesaid;) and if the object of such meeting to be called by the Stockholders, or Directors as aforesaid, shall be to consider of the proposed removal of the President, or Vice President, or a Director or Directors, for mal-administration, then and in such cases, the person or persons whom it shall be so proposed to remove, shall, from the day from which such notice shall be first published, be suspended from the execution of the duties of his or their offices; and if it be the President or Vice President, whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining Directors, who shall appoint a Director to serve as such President or Vice President, during the time such suspension shall continue. Seventh,—Every Cashier and Clerk of the Bank, before he enters upon the duties of his office, shall give Bond, with two or more sureties, to the satisfaction of the Directors. That is to say; every Cashier in a sum not less than five thousand pounds, and every Clerk in such sum as the Directors shall consider adequate to the trust to be reposed in him; with condition for his good and faithful behaviour. Eighth,—The lands and tenements which it shall be lawful for the said Corporation to hold, shall be such only as are hereinbefore permitted to be held by it; Provided always, that the said Corporation may take and hold mortgages, hypothèques, on real property, according to the Law of this Province, by way of additional security for debts contracted to the said Corporation in the course of its dealings; but on no account shall money be lent on mortgages, hypothèques, or upon land, or other fixed property; nor shall such be purchased by the Corporation, upon any pretext as above mentioned. Ninth,—The total amount of the debts which the said Corporation shall at any time owe, whether by Bond, Bill or Note, or other Contract whatsoever, shall not exceed treble the amount of the Capital Stock actually paid in (over and above a sum equal in amount to such money as may be deposited in the Bank for safe keeping) and in case of excess, the Directors under whose

Number and qualification of Stockholders to call a general meeting.

Seven Directors may call a general meeting.

Suspension of Directors.

Security to be given by Cashier and Clerks.

Lands which may be held.

May take mortgages, &c.

Obligations of Bank not to exceed treble the amount of Capital Stock paid in.

Liability of Directors.

whose administration it shall happen, shall be liable for the same in their private capacities, as well to the Stockholders as to the holders of Bank notes, and an action in this behalf may be brought against them, or any of them, their, or any of their heirs, executors, administrators and curators, and be prosecuted to judgment and execution, according to the Laws of this Province; but this shall not exempt the said Corporation, or the lands, tenements, goods or chattels thereof, from being also liable for such excess; Provided always, that such Directors as shall have been absent when the said excess was contracted or incurred, or shall have entered their protest against it upon the Book or Books of the said Corporation, may respectively exonerate and discharge themselves thereupon by publishing such protest in the public papers, within eight days. Tenth,—The Stock of the said Corporation shall be assignable and transferable according to the form B. annexed to this Act; but no assignment, or transfer, shall be valid or effectual, unless such transfer or assignment be entered or registered in a book or books to be kept by the Directors for that purpose; nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them, to the said Corporation, which may exceed in amount the remaining Stock belonging to such person or persons; and in no case shall any fractional part of a share or shares, or other than a complete share or shares, be assignable or transferable. Eleventh,—Bank obligations, Bank Bonds, Bank Bills, obligatory and of credit, under the Common Seal of the said Corporation, signed by the President or Vice President, and countersigned by a Cashier, which shall be made payable to any person or persons, shall be assignable by indorsements thereupon, without signification thereof, any law or usage to the contrary notwithstanding: and Bank Bills or Bank Notes, which shall be issued by order of the said Corporation, signed and countersigned as aforesaid, promising the payment of money to any person or persons, his, her, or their order, to the bearer, although not under the Seal of the said Corporation, shall be binding and obligatory upon the same, and shall be assignable and negotiable by blank or other indorsement, or otherwise, in like manner as if they were made and issued by private persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by blank or other indorsement, in like manner and with the like effect as foreign Bills of Exchange now are; and those which shall be payable to bearer shall be negotiable by delivery only. Twelfth,—The Books, Papers, Correspondence, and Funds of the said Corporation shall at all times be subject to the Inspection of the Directors; but no Stockholder, not being a Director, shall inspect the account of any Individual or Individuals, with the said Corporation. Thirteenth,—Half yearly Dividends shall be made of so much of the profits of the said Corporation as shall appear to the Directors for the time being advisable, and shall be payable at such place or places as the said Directors shall appoint, of which they shall give public notice, thirty days previously, in at least two newspapers, published

Proviso.

Stock assignable according to form Schedule B.

Bank obligations how assignable.

Books, papers, correspondence and funds.

Half yearly dividends.

published at the said City of Montreal, which Dividends shall not in any manner whatsoever lessen or impair the Capital Stock of the said Corporation ; and the said Directors shall every year, at the general meeting held for the Election of Directors, lay before the Stockholders for their information, a statement of the affairs of the said Corporation, containing, on the one part, the amount of Capital Stock paid in, the amount of their notes in circulation, the net profits in hand, the balances due, to other Banks, and the cash deposited in the said Bank, distinguishing deposits bearing interest if any there be ; and on the other part, the amount of current coins, and gold and silver bullion in the vaults of the said Bank, the value of buildings, and other real estate belonging to the said Corporation, the balances due to them from other Banks, and the amount of debts owing to the said Corporation, including and particularizing the amounts so owing on Bills of Exchange, Discounted Notes, Mortgages and other Securities ; thus exhibiting, on the one hand, the debts due by the said Corporation, and on the other hand, the resources thereof ; and which statement shall also contain the rate and amount of the then last dividend declared by the said Corporation, the amount of the profits reserved at the time of declaring such dividend, the amounts of debts due to the said Corporation, and secured by the pledge of the Stock thereof, belonging to the persons from whom such debts are due, and the amount of debts overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts ; and it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of the said Province, from time to time to require from the President, Vice President and Directors of the said Bank, a like statement in detail of the affairs of the said Corporation, together with a list of the names of all persons, who shall, at the commencement of every quarter of the year during the time for which such statements shall be required and made, have been Shareholders in the said Bank, specifying the number of shares held by each and every such person at the commencement of each quarter ; and also an account of the amount of paper discounted for, or moneys loaned to the Directors, or for which they may be security to the said Bank ; and when so required by the Governor, Lieutenant Governor, or person administering the Government of the said Province, the said statement, list, and account, shall be rendered under the oaths of the President, Vice President and Cashier, or principal officer of the said Corporation : Provided always, that nothing herein contained shall be held or construed to compel or authorize the said President, Vice President, Directors, Cashier, or other principal officer, or any or either of them, to particularize in any such statement, the private account of any person or persons with the said Corporation ; nor shall any thing herein contained be held or construed to give a right to Stockholders of the said Bank, not being Directors, to inspect the account of any person or persons with the said Corporation. Fourteenth,—If there shall be a failure by or on the part of any person or persons, co-partnership, body politic or corporate, to pay the amount of any Instalment, required to be paid on account of his, her

Proviso respecting private accounts.

Penalty for failure in payment of instalment on shares

her or their shares in the said Capital Stock of the said Corporation, the person or persons failing to pay the amount of such Instalment, shall incur a forfeiture to and for the use of the said Corporation of five per centum on the amount of his or their shares in the said Corporation, and of the dividends due to him, her or them, at the time appointed for the payment of such instalments, and also of all dividends which may afterwards accrue, and become due to him, her or them, until the payment of the amount of such Instalment. Fifteenth,—The said Corporation shall not directly or indirectly deal in any thing except Bills of Exchange, discounting of Notes of Hand, or Promissory Notes, receiving the discount at the time of negotiating, gold or silver bullion, or in the sale of stock pledged for money lent, and not redeemed; and stock so pledged, and not redeemed, shall be sold by the said Corporation at public sale, at any time not less than ten days after the period of redemption, without any judgment first obtained, and without any previous suit, or proceedings at Law; any Law, usage or custom to the contrary notwithstanding. And if upon the sale of such Stock, there shall be a surplus after deducting the expenses of sale, over and above the money lent, such surplus shall be paid to the proprietors of such stock respectively.

Corporation not to deal except, &c.

Notes payable in current coin

X. And be it further Ordained and Enacted by the authority aforesaid, that the Notes of the said Corporation shall be payable in gold or silver coin, current by the Laws of this Province. And the said Corporation shall not demand, receive and require upon its Loans or discounts, or upon any other pretext whatsoever, any Interest exceeding the lawful Interest of six per centum per annum, as fixed by the Laws of this Province.

XI.

Notes under 25s. currency.

XI. And be it further Ordained and Enacted by the authority aforesaid, that the total amount of the Notes of the said Corporation, being for a less sum than One Pound five shillings currency aforesaid, each, which shall be issued and in circulation at any one time, shall not exceed one-fifth of the amount of the capital stock of the said Corporation then paid in. Provided always that no Note under the nominal value of five shillings currency shall be issued or put into circulation by the said Corporation, and that the issue and circulation of all denominations of Notes for a less sum than one pound five shillings each, may be suppressed or further limited by any Ordinance of Law of this Province, without such suppression or further limitation being considered an infringement of the privileges granted by this Ordinance.

If Notes issued exceed the amount fixed, this Ordinance shall cease, unless, &c.

XII. And be it further Ordained and Enacted by the authority aforesaid, that if the total amount of all the Notes of the said Corporation, issued and in circulation, shall at any one time exceed the amount fixed and determined by this Ordinance, this Ordinance shall cease and determine from the time when such excessive issue shall have occurred; and in such case, the President, Vice President, and each and every of the Directors of the said Bank, who shall know that such excessive issue has occurred, or has been authorized, and shall not, within forty-eight hours after he shall have acquired such knowledge, give public notice thereof in one of the newspapers printed and published in the City of Montreal, shall be personally, and jointly and severally, responsible and liable for all debts, claims and demands due by the said Corporation.

Shares and dividends of Stockholders liable for debts, &c.

Attachments.

XIII. And be it further Ordained and Enacted by the authority aforesaid, that the share and shares, and dividends of the Stockholders in the said Corporation, shall be held, considered, and adjudged to be personal property, and as such be liable to *bona fide* creditors for debts, and may be attached and sold under Writs of Attachment and Execution, issued out of Her Majesty's Courts of this Province, in like manner as other personal property may be attached and sold under such Writs of Attachment and Execution. And in cases where an Attachment may issue for attaching the said share and shares, and dividends, the same shall be served on the Cashier of the said Corporation, who shall be held to appear in Court, and answer upon such Writ of Attachment according to the Laws of this Province, and declare the number of shares of Stock, and the amount of dividends belonging and due to the person or persons against whom such Attachment shall have been obtained; and when the said share or shares have been sold, under a Writ or Writs of Execution, the Sheriff by whom such Writ or Writs shall have been executed, shall, within thirty days after such sale, leave with the Cashier of the said Corporation an attest-

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ed copy of the said Writ or Writs of Execution, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale of the said share or shares, under the said Writ or Writs of Execution, has been by him made; and the person or persons who shall have purchased such share or shares, so sold under such Writ or Writs of Execution, shall be held and considered as Stockholder or Stockholders of the said share or shares, and shall have the same rights, and be under the same obligations, as if he, she, or they, had purchased the said share or shares from the proprietor or proprietors thereof.

Liabilities of Stockholders and Directors

XIV. And be it further Ordained and Enacted by the authority aforesaid, that no Stockholder or Stockholders shall be answerable in his, her, or their private or natural capacity or capacities for the debts of the said Corporation, excepting Directors who may be liable as hereinbefore mentioned in cases where the total amount of debts contracted by the said Corporation, shall, during their administration, exceed the limitation by this Ordinance prescribed. Provided always, that the said Corporation hereby ordained, constituted and declared, shall assume and pay, and be held, bound and liable to pay, all and every the Notes in circulation, and all other the debts and liabilities of the Corporation, created and constituted by the Acts of Parliament of this Province hereinbefore mentioned, passed in the first, and in the tenth and eleventh years of the Reign of His Majesty King George the Fourth, and also all and every the Notes in circulation, and all other the debts and liabilities of the Association, hereinbefore mentioned, which, on the first day of June last, assumed and continued the business of the said Corporation, created and continued to that day by the said Acts. And the said Corporation by this Ordinance ordained constituted and declared to be a corporate body by the name aforesaid, shall be and they are hereby authorized and empowered in the name aforesaid, to demand, recover, have and receive all the debts remaining due and owing to the said Corporation, which expired on the first day of June last, and to the said Association, which assumed and carried on the business thereof as aforesaid, in like manner as if the said debts were due and owing to the said Corporation hereby ordained and constituted.

Liabilities of Corporation.

Officers secreting or embezzling.

XV. And be it further Ordained and Enacted by the authority aforesaid, that if any officer, cashier, clerk or servant of the said Corporation, intrusted with any Bond, Obligation, Bill, obligatory or of credit, or of any other bill or note, or any security, money or effects belonging to the said Corporation, or having any bond, obligation, or bill, obligatory or of credit, or any other bill or note, or any security, money or effects of any other person or persons, lodged or deposited with the said Corporation, or with him as an officer, cashier, clerk or servant of the said Corporation, shall secrete, embezzle, or run away with any such bill, bond, obligation, bill, obligatory or of credit, or any such other bill or note, security, money or effects,

effects, or any of them, or any part of them, every such officer, cashier, clerk or servant so offending, and being thereof convicted in due form of Law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Forging or counterfeiting common seal, or bond or note of Corporation.

XVI. And be it further Ordained and Enacted by the authority aforesaid, that if any person or persons shall forge or counterfeit the Common Seal of the said Bank, or shall forge or counterfeit, or alter any boud, obligation, bill, obligatory or of credit, or any other bill or note of the said Corporation, or any indorsement or indorsements thereon, with an intention to defraud the said Corporation, or any person or persons whomsoever ; or shall alter or pass any forged, counterfeit or altered bond, obligation, bill, obligatory or of credit, or any other bill or note of the said Corporation, or indorsement or indorsements thereon ; or shall demand the money thereinmentioned and contained, knowing the same to be forged, counterfeit or altered, every such person, for every such offence, upon conviction thereof in due form of Law, for the first offence, shalt be deemed and adjudged to be guilty of a misdemeanor, and on being lawfully convicted thereof, shall be liable for such offence to be imprisoned for a time, which shall not be less than six months, nor more than six years, and to be kept at hard labour, or be publicly whipped, or stand in the pillory, or undergo one or more of the said punishments, at the discretion of the Court before which such conviction shall take place ; and shall, for a second offence, be deemed and adjudged to be guilty of felony.

Engraving plates or counterfeiting notes

XVII. And be it further Ordained and Enacted by the authority aforesaid, that if any person shall engrave, form, make or mend any plate or plates, paper, rolling press, or other tool, instrument or material, devised, adapted and designed for stamping, forging, or making any false and counterfeit Bill of Exchange, Promissory Note, undertaking or order for the payment of money, purporting to be the Bill of Exchange, Promissory Note, undertaking or order of the said Corporation, or of any of the officers or persons engaged in the management of the concerns of the said Corporation, in the name and on the behalf of the said Corporation ; or shall have in his possession any such plate or plates engraven in any part, or any paper, rolling press or other tool, instrument or material, devised, adapted or designed as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used and employed in forging, and making any such false and counterfeit Bills of Exchange, Promissory Notes, undertakings or orders, every person so offending, shall be deemed and taken to be guilty of felony, and being thereof convicted, shall suffer death as a felon, without benefit of clergy.

XVIII.

Powers of Justices of the Peace when accusation shall be made.

XVIII. And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful to, and 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 making or counterfeiting any such false Bills of Exchange, Promissory Notes undertakings, or orders as aforesaid, by Warrant under the hand of such Justice, to cause the dwelling house, room, workshop, outhouse, or other buildings, 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 or counterfeiting, to be searched for any such false Bills of Exchange, Promissory Notes, undertakings or orders, and if any such false Bills of Exchange, Promissory Notes, undertakings or orders, or any such plates, rolling presses, or other tools, instruments, or materials, shall be found in the custody or possession of any person or persons whomsoever, not having the same by lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize; and he and they are hereby authorized and required to seize such false or counterfeit Bills of Exchange, Promissory Notes, undertakings or orders, and such plates, rolling presses, or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District in which 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 the offences aforesaid, in some Court of Justice proper for the determination thereof; and the same, after being produced in evidence, shall by order of the Court, before which such offender or offenders shall be tried, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Rights of Her Majesty not affected.

XIX. And be it further Ordained and Enacted by the authority aforesaid, that nothing in the present Ordinance contained, shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, her heirs and successors, or of any person or persons, or of any bodies politic or corporate, such only excepted as are herein mentioned.

This Ordinance to be received as a public law of the Province.

XX. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be deemed and taken to be a public Ordinance and Law of this Province, and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without the same being specially pleaded.

XXI.

No loan to be made to a foreign Prince or State.

XXI. And be it further Ordained and Enacted by the authority aforesaid, that it shall not be lawful for the said Corporation at any time whatever, directly or indirectly, to advance or lend to, or for the use or on account of any foreign prince or state, any sum or sums of money whatever, and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, and advantages hereby granted to the said Corporation, shall from thenceforth cease and determine; any thing in the present Ordinance contained to the contrary thereof in any wise notwithstanding. And provided also, that the said Corporation shall not raise loans of money, nor increase its capital.

Corporation not to increase its Capital.

Duration of Ordinance.

XXII. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall continue and be in force till the first day of November, in the Year of Our Lord, one thousand eight hundred and forty-two, and no longer.

Form A.

STOCK OF THE BANK OF MONTREAL.

POWER OF ATTORNEY

To accept Transfers, receive Dividends, Sell and Vote.

KNOW ALL MEN BY THESE PRESENTS, that I (or we) of do make, constitute, and appoint of my (or our) true and lawful Attorney, for me (or us) in my (or our) name, and on my (or our) behalf to accept all such transfers as are or may hereafter be made unto me (or us) of any interest or share in the Capital or Joint Stock of the Bank of Montreal, to receive and give receipts for all Dividends that are now due and that shall hereafter become due and payable for the same for the time being, to sell, assign and transfer, all or any part of my (or our) said Stock, to receive the consideration money, and give a receipt or receipts for the same, and to vote at all elections, and generally to do all lawful acts requisite for effecting the premises, hereby ratifying and confirming all that my (or

(or our) said Attorney shall do therein, by virtue hereof. In Witness whereof, I (or we) have hereunto set my (or our) hand and seal at this day of in the year of Our Lord, one thousand eight hundred and

Signed and sealed in the presence of }

Form B.

For value received from of I (or we) do hereby assign and transfer unto of shares (on each of which has been paid Pounds shillings currency, amounting to the sum of pounds shillings,) in the Capital Stock of the Bank of Montreal, subject to the Rules and Regulations of the said Bank. WITNESS hand , at the said Bank, this day of one thousand eight hundred and

WITNESS

I (or we) do hereby accept the foregoing assignment of shares in the Stock of the Bank of Montreal, assigned to as above mentioned at the Bank, this day of one thousand eight hundred and

J. COLBORNE

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the fourth day of May, in the first year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the year of Our Lord, one thousand eight hundred and thirty-eight.

By His Excellency'sCommand,

WM. B. LINDSAY,

Clerk Special Council.

CAP.

of all such moneys s laid before the Governor, Lieuter overnor, or person administering the ment of this Province, on e the fifteenth day of December, in each an year.

OLBORNE.

Ordained and Enacted by t oresaid, and passed in Special Council, under the Great ne Province, at the Government House, in the City of the fifth day of May, in the first year of the Reign n Lady Victoria, by the Grace of God, of Great Britai relan n, Defender of the Faith, and so forth, in the Ye r Lord O usand Eight Hundred and Thirty-eight.

By Hi ency's Command,

Wm. B. D SAY,

Clerk Special Council.

CAP. XXIV.

An Ordinance to authorize the Incorporated and Chartered, and other Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations, for a limited time.

Preamble.

WHEREAS the Banks of the United States of America and of Upper Canada have generally suspended, and continue to suspend the redemption of their Notes in Specie, and by the laws of those Countries, British Gold and Silver Coins are current at a higher value than they are by law in this Province ;—And, whereas it is necessary to protect the Banking Institutions in this Province from the danger to be apprehended from the withdrawal of the British Gold and Silver Coins and other Specie therein, which would result if the said Banking Institutions should be bound to redeem their Notes with Specie, while the Notes of the said Banks of the United States and of Upper Canada are not redeemed in like manner : Be it Ordained and Enacted by the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, by and with the advice and consent

sent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the "Government of Lower Canada,*";—And it is hereby ordained and enacted by the authority of the same, that any Bank in this Province now incorporated or chartered by any Ordinance or Law thereof, or by Royal Charter, which has heretofore ceased, or which shall cease to redeem its Notes or other liabilities in the Current Coin of this Province, shall not in consequence thereof be compelled to cease its Banking operations, or be deemed to have forfeited its Ordinance, Act, or Royal Charter of Incorporation, or be rendered liable to 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, or any Ordinance, or Law, or Act of Incorporation of this Province, or in any Royal Charter, of such Bank, to the contrary notwithstanding; Provided that it shall appear proper to the Governor, Lieutenant Governor, or person administering the Government of the Province, that such Banks should, under the circumstances disclosed by them, be allowed to continue their business of Banking, notwithstanding their suspension of Cash payments, in which case it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of the Province, in Council, to make an Order or Minute to that effect, which shall be published in the Quebec Gazette during the time of such suspension of Cash payments; and such Order or Minute of the Governor, Lieutenant Governor, or person administering the Government of the Province, and Council, shall have the effect of saving such Bank from any forfeiture of the rights, benefits, or privileges and other advantages conferred on or granted to it by any Ordinance of the Governor and Special Council for the affairs of this Province, or by any Act of the Legislature of this Province, or by Royal Charter, by reason of their suspension of Cash payments, before or after the making of such Order or Minute, and from any and every penalty or disability which would or might otherwise ensue thereon; and Provided also, that such Bank shall, with its petition or application for an Order or Minute in the behalf aforesaid, and whensoever afterward, during the time of such suspension of Specie or Cash payments the same shall be required, render unto the Governor, Lieutenant Governor, or person administering the Government of this Province, a statement of the affairs of the said Bank, containing on the one part, the amount of Notes in circulation, the net profits in hand, the balances due to other Banks and the Cash deposited in such Bank, distinguishing deposits bearing interest, if any there be, and on the other part, the amount of current coins, and gold and silver bullion in the Vaults of the said Bank, the value of the buildings and other real estate belonging to the said Bank, and notes of other Banks held by the said Bank, the balances due from other Banks, and the amount of all debts owing to the said

Banks which have suspended or may suspend specie payments do not incur forfeiture of charter.

Provided upon application to Governor and making statements of their affairs, a Proclamation may issue to authorize the same.

Provided also that when required during such suspension, statement of affairs be rendered to Government.

said Bank, including and particularizing the amount so owing on Bills of Exchange, discounted notes, mortgages and other securities, thus exhibiting, on the one hand, the debts due by the said Bank, and on the other hand, the resources thereof, and which statement of the affairs of the said Bank shall also contain a statement of the amount of the Capital Stock subscribed, and of the amount thereof actually paid in, the rate and amount of the then last dividend declared by the said Bank, the amount of the profits reserved at the time of declaring such dividend, the amount of debts due to the said Bank, and secured by the pledge of the Stock thereof, belonging to the persons from whom such debts are due, and the amount of debts overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts ; and a list of the names of all persons, who shall, at the commencement of every quarter of the year during the time for which such statement shall be required and made, have been Shareholders in the said Bank, specifying the number of shares held by each and every such person at the commencement of each quarter, and also the amount of paper discounted for, or moneys loaned to the Directors, or for which they may be in any way security to the said Bank, and the said statement of the affairs of the said Bank shall be rendered as aforesaid under the oaths of the President or Vice President, and three of the Directors, and the Cashier or principal officer of the Bank rendering the same ; which oaths shall and may be administered by any Judge of Her Majesty's Court of King's Bench for this Province. Provided always, that nothing herein contained shall compel or authorize any Bank to particularize in any such statement the private account of any person or persons with the said Bank.

Statement to be rendered upon oath.

During such authorized suspension notes of Chartered Banks shall be a legal tender in stay of proceedings at Law.

II. And whereas it may be found impracticable for individuals or associations of individuals, during the suspension of payments in specie by all or any of the Incorporated or Chartered Banks in this Province, to obtain gold or silver coins legally current therein, and it is necessary to make such provision as may afford reasonable protection in that behalf ;—Be it therefore Ordained and Enacted by the authority aforesaid, that so long as the said Incorporated or Chartered Banks in this Province, or any of them, shall, under the provisions of this Ordinance, have authority to suspend payments in specie, it shall and may be lawful for the Courts of this Province, in any actions depending or to be hereinafter brought in any of the said Courts, on summary proof being made that the amount of debt was tendered by the Defendant to the Plaintiff before the institution of the action, in notes of the said Incorporated or Chartered Banks, which shall have been authorized to avail themselves of the provisions of this Ordinance (the said notes being generally current at par, and payable to the bearer thereof,) and on the said amount of debt being in such notes also paid into Court, to be accepted by the Plaintiff if he see fit, to stay proceedings in such action

tion without costs, until further orders shall be made thereon, and the amount of said debts shall not bear interest from the day that the tender thereof shall be made, if the said amount be subsequently paid into Court in notes as aforesaid. 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.

During continuance of this Ordinance, no action shall be prosecuted to compel any Bank authorized so to suspend, to pay its notes in specie.

III. And be it further Ordained and Enacted by the authority aforesaid, that during the continuance of this Ordinance, no action or suit shall be prosecuted against any of the aforesaid Banks, which shall have been authorized to suspend payment in specie under the provisions of this Ordinance, 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 Director of every such Bank, during the continuance of their suspension of cash payments in the manner allowed by this Ordinance, to apply to the Court wherein 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 Ordinance or during the suspension of cash payments as provided by this Ordinance: 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.

Notes in circulation not to exceed amount of stock actually paid in.

IV. And be it further Ordained and Enacted by the authority aforesaid, that so long as any of the said Incorporated or Chartered Banks in this Province shall, under the provisions of this Ordinance, continue their business of Banking without paying their notes in specie on demand, the total amount of the notes of such Bank in circulation shall not, at any time, exceed the amount of Capital Stock of such Bank actually paid in.

Banks suspending specie payments not to sell gold or silver.

V. And be it further Ordained and Enacted by the authority aforesaid, that during the time of such suspension of specie or cash payments, it shall not be lawful for any Incorporated or Chartered Bank in this Province, which hath suspended or shall suspend

pend specie or cash payments, to sell any portion of the gold or silver which may be in its possession, or to make any other disposition thereof which shall diminish the amount according to its legal value, then by paying in change the fractional parts of a dollar.

Provisions of Ordinance extended to the People's Bank of Montreal.

VI. And be it further Ordained and Enacted by the authority aforesaid, that all and every the provisions in this Ordinance contained, shall and may extend to a certain Association carrying on the business of Banking at the City of Montreal, under the name and firm of Viger, Dewitt and Company, and commonly called the "People's Bank, or *La Banque du Peuple*". Provided always, that in addition to the Statement and Statements required by the first section of this Ordinance, the said Association do furnish under the Oaths therein expressed, a list of the names, places of residence and additions of the Co-partners and Stockholders of and in the said Association; with the number of shares and amount of Capital Stock subscribed by each of them respectively, and the amount of Stock, Capital Stock by each of them respectively, actually paid in; and distinguishing also in such list of Copartners and Stockholders the names of such of them as are the President, Vice President and Directors of the said Association.

And to Bank of British North America.

VII. And be it further Ordained and Enacted by the authority aforesaid, that all and every the provisions in this Ordinance contained, shall and may likewise extend to a certain Association or Joint Stock Company, established in London for the purpose of carrying on the business of Banking in the Provinces of British North America, under the name or title of "The Bank of British North America," and whereof a Branch has been established in each of the Cities of Quebec and Montreal. Provided always, that in lieu of the Statement and Statements required of the other Banks by the first section of this Ordinance, the Local Directors and Managers of each of the said Branches, shall furnish under the Oaths of three of the said Local Directors and of the Manager respectively, a true and faithful return of the affairs of each of the said Branches in conformity with the Schedule A. hereunto annexed.

This Ordinance may be revoked by Proclamation to take effect sixty days from the date thereof.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, in Council, when it shall appear proper and advisable to His Excellency the Governor, Lieutenant Governor, or person administering the Government, and Council, at any time during the suspension of payment in specie by any of the said Banks or Associations in this Ordinance mentioned, to revoke the Order or Minute, whereby any of the said Banks or Associations were or was allowed

lowed to continue their business of Banking, notwithstanding their suspension of cash payments, and that on the expiration of sixty days from and after the publication in the Quebec Gazette of an Order or Minute to that effect, of the Governor, Lieutenant Governor, or person administering the Government of this Province, in Council, the Bank or Banks, Association or Associations in the last mentioned Order or Minute specified and described, shall be divested and deprived of all and every the benefits, rights, privileges and advantages, which they or any of them before that time had and possessed under the provisions of this Ordinance. And that from and after the lapse of the said space of sixty days after such publication, this Ordinance shall be of no force or effect whatever, as to the said Bank or Banks, Association or Associations specified and described in such Order or Minute, or as to the notes issued by them, or any of them, or other their liabilities according to Law.

False swearing under this Ordinance deemed perjury.

IX. And be it further Ordained and 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 Ordinance, he shall, on conviction, be deemed guilty of wilful and corrupt perjury.

Ordinance limited to 1st June, 1839.

X. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall continue and be in force until the first day of June, one thousand eight hundred and thirty-nine, and no longer. Provided always, that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice of the Executive Council thereof, by his Proclamation under the Great Seal of the Province, to declare that this Ordinance, and all the provisions thereof, shall cease and determine at any time before the lapse of the period aforesaid, but not less than two months from and after the date and publication of the said Proclamation.

SCHEDULE

SCHEDULE A.

Abstract from the Books of the Bank of British North America, Montreal, exhibiting a General Statement of the Affairs of the Branch.

Gold and Silver, and other Coined Metals on hand,.....					Capital Stock. Amount actually paid in,			
Bills and Cheques on Banks in these Provinces,.....					Bank Notes in circulation,.....			
Do. on other Banks elsewhere,.....					Net Profits on hand,.....			
Amount of debts due, including Notes, Bills of Exchange, and all stock and Funded Debts of any description, except the Balances due from other Banks and Branches,.....					Balances due other Banks and Branches			
Balances due from other Banks and Branches.....					Bank Acceptances outstanding,.....			
Real Estate,.....					Cash Deposits, bearing interest.....			
					Cash Deposits, including all sums whatsoever due from the Bank not bearing interest, its Bills in circulation, Profits and Balances excepted,.....			
					Amount of Dividends unclaimed,.....			

We do hereby certify, to the best of our knowledge and belief, that the above Statement of the affairs of the Bank of British North America at Montreal is correct.

Sworn before me at Montreal,

this day of

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and Passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the fifth day of May, in the First Year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the Year of our Lord, One Thousand Eight Hundred and Thirty-eight.

By His Excellency's Command,

WM. B. LINDSAY,

Clerk Special Council.

CAP XXV.

An Ordinance 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 or more of its Local Directors or Managers, for the time being, and for other purposes therein mentioned.

Preamble.

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 the several British Settlements and Colonies in North America, and have subscribed or raised a considerable sum of money, in order to carry on the business of the said Bank, it is expedient to make certain regulations for the proper conduct of the affairs of the Branches of the said Bank established in this Province;—Be it therefore Ordained and Enacted by His Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the First Year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada;*"—And it is hereby Ordained and Enacted by the authority of the same, that it shall be lawful from and after the passing

Any one of local Directors of Bank of British N. A. may sue and be sued in suits affecting the Company.

passing of this Act, for the Proprietors of the Capital Stock of the Bank of British North America, in the name of any one or more of its Local Directors, or in the name of any one of the Managers for the time being, to sue and be sued, to plead and be impleaded, to answer and be answered, to defend and be defended, in all Courts and places whatsoever, in all manner of actions, suits and complaints, matters or causes whatsoever, in the said Province of Lower Canada; and for the ends of Justice, it shall be lawful for the said Company of Proprietors, in the name of any one or more of its Local Directors or Managers for the time being, to institute an action or actions at Law and suits against any proprietor or proprietors of the Capital Stock of the said Company, or against any of the Local Directors or Managers; Also, for any Proprietors, Local Directors or Managers to prosecute the said Company or Association, by any action or suit against any one or more of the said Local Directors or Managers, in any Court of Law in this Province; any Act, Law, or Ordinance to the contrary notwithstanding.

May issue at each of its Branches notes for a less sum than £1 5s., under limitations.

II. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Company of Proprietors of the Capital Stock of the Bank of British North America, to issue an amount in notes, at each of their Branches in this Province, being for a less sum than One Pound Five Shillings Currency each, the total amount whereof shall not exceed one fifth of the actual amount placed at the credit and disposal of their respective Branches; any law, usage, or custom to the contrary notwithstanding. Provided that no Note or Bill so issued shall be of a less denomination or amount than Five Shillings of the current money of this Province.

Governor may receive statement of affairs of said Bank.

III. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of the Province, to require from the Local Directors and Managers of the said Bank a statement of the affairs of the Company, in conformity with the Schedule appended hereto, marked A. which statement the said Local Directors and Managers shall be bound to furnish, under oath, when so required, as aforesaid. Provided always, that such statement shall also set forth the amount of Capital actually placed at the disposal of the different Branches respectively.

The proprietors may hold such lands and tenements as

IV. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Company of Proprietors to hold such lands, tenements, hereditaments, and only such as shall be requisite or convenient for the transaction of

are necessary for carrying on their business.

of their business, the same to be vested in the names of Trustees, who shall consist of two or more of the Local Directors, and the Managers for the time being. Provided the said lands, tenements, and hereditaments shall not exceed the yearly value of one thousand pounds, of the current monery of this Province.

And mortgages on real property as additional security.

Provided also, that the said Bank may take and hold mortgages, *hypothèques*, on real property, according to the Law of this Province, by way of additional security for debts contracted to the said Bank in the course of its dealings; but on no account shall money be lent on mortgage, *hypothèque*, or upon land, or other fixed property; nor shall such be purchased by the said Bank upon any pretext as above mentioned.

Penalty on officers defrauding the Bank.

V. And be it further Ordained and Enacted by the authority aforesaid, that if any officer, manager, clerk or servant of the said Bank of British North America, intrusted with any Bond, Obligation, Bill, obligatory or of credit, or of any other bill or note, or any security, money or effects belonging to the said Bank of British North America, or having any bond, obligation, or bill, obligatory or of credit, or any other bill or note, or any security, money or effects of any other person or persons, lodged or deposited with the said Bank of British North America, or with him as an officer, manager, clerk or servant of the said Bank of British North America, shall secrete, embezzle, or run away with any such bill, bond, obligation, bill, obligatory or of credit, or any such other bill or note, security, money or effects, or any of them, or any part of them, every such officer, manager, clerk or servant so offending, and being thereof convicted in due form of Law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Forgeries upon the Bank.

VI. And be it further Ordained and Enacted by the authority aforesaid, that if any person or persons shall forge or counterfeit the Common Seal of the said Company, or shall forge or counterfeit, or alter any bond, obligation, bill, obligatory or of credit, or any other bill or note of the said Bank of British North America, or any indorsement or indorsements thereon, with an intention to defraud the said Bank, or any person or persons whomsoever; or shall alter or pass any forged, counterfeit or altered bond, obligation, bill, obligatory or of credit, or any other bill or note of the said Bank of British North America, or indorsement or indorsements thereon; or shall demand the money therein mentioned and contained, knowing the same to be forged, counterfeit or altered, every such person, for every such offence, upon conviction thereof in due form of Law, for the first offence, shall be deemed and adjudged to be guilty of a misdemeanor, and on being lawfully convicted thereof, shall be liable for such offence to be imprisoned for a time, which shall not be less than six months, nor more than six years, and to be kept at hard labour, or to be publicly whipped, or stand in the pillory, or undergo one or more of the said punishments, at the discretion of the Court before which such conviction shall take place; and shall, for a second offence, be deemed and adjudged to be guilty of felony.

VII.

Penalty on persons engraving plates or counterfeiting notes

VII. And be it further Ordained and Enacted by the authority aforesaid, that if any person shall engrave, form, make or mend any plate or plates, paper, rolling press, or other tool, instrument or material, devised, adapted and designed for stamping, forging, or making any false and counterfeit Bill of Exchange, Promissory Note, undertaking or order for the payment of money, purporting to be the Bill of Exchange, Promissory Note, undertaking or order of the said Bank of British North America, or of any of the officers or persons engaged in the management of the concerns of the Bank, in the name and on the behalf of the said Bank; or shall have in his possession any such plate or plates engraven in any part, or any paper, rolling press or other tool, instrument or material, devised, adapted or designed as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used and employed in forging, and making any such false and counterfeit Bills of Exchange, Promissory Notes, undertakings or orders, every person so offending, shall be deemed and taken to be guilty of felony, and being thereof convicted, shall suffer death as a felon, without benefit of clergy.

Search warrants may issue against persons suspected.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful to, and 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 making or counterfeiting any such false Bills of Exchange, Promissory Notes undertakings, or orders as aforesaid, by Warrant under the hand of such Justice, to cause the dwelling house, room, workshop, outhouse, or other buildings, 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 or counterfeiting, to be searched for any such false Bills of Exchange, Promissory Notes, undertakings or orders, and if any such false Bills of Exchange, Promissory Notes, undertakings or orders, or any such plates, rolling presses, or other tools, instruments, or materials, shall be found in the custody or possession 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 whomsoever discovering the same, to seize; and he and they are hereby authorized and required to seize such false or counterfeit Bills of Exchange, Promissory Notes, undertakings or orders, and such plates, rolling presses, or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District in which 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 the offences aforesaid, in some Court of Justice proper for the determination thereof; and the same, after being produced in evidence, shall by order of the Court, before which such offender or offenders shall be tried, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

IX.

Nothing in this Act to be held to discharge Shareholders from personal liability.

IX. And be it further Ordained and Enacted by the authority aforesaid, that nothing herein contained, shall be construed or taken to extend to incorporate the said Company, or to discharge the holders of shares from personal and individual liability to which they are now subject by Law, either as between the Company and any of the individual Proprietors, or as between or among themselves, or in any other manner whatsoever.

Public Act.

X. And be it further Ordained and Enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of by all Judges, Justices, and others.

Continuance of Ordinance may be sooner determined by Proclamation.

XI. And be it further Ordained and Enacted, that this Ordinance shall continue in force till the first November, one thousand eight hundred and forty-two, and no longer; and it shall and may be lawful for the Governor, Lieutenant Governor, with the advice of the Executive Council, by his Proclamation under the Great Seal of the Province, to declare that this Ordinance and all the provisions thereof shall cease and determine at any time before the lapse of the period aforesaid, but not less than three months from and after the date of the said Proclamation.

SCHEDULE

SCHEDULE A.

Abstract from the Books of the Bank of British North America, Montreal, exhibiting a General Statement of the Affairs of the Branch.

Gold and Silver, and other Coined Metals on hand,.....					Capital Stock. Amount actually paid in,			
Bills and Cheques on Banks in these Provinces,.....					Bank Notes in circulation,.....			
Bills and Cheques in other Banks elsewhere,.....					Net Profits on hand,.....			
Amount of debts due to the Branch, including Notes, Bills of Exchange, and all stock and Funded Debts of any description, except the Balances due from other Banks and Branches,.....					Balances due other Banks and Branches			
Balances due from other Banks and Branches.....					Bank Acceptances outstanding,.....			
Real Estate,.....					Cash Deposits, bearing interest.....			
					Cash Deposits, including all sums whatsoever due from the Bank not bearing interest, its Bills in circulation, Profits and Balances excepted,.....			
					Amount of Dividends unclaimed,.....			

We do hereby certify, to the best of our knowledge and belief, that the above Statement of the affairs of the Bank of British North America at Montreal is correct.

Sworn before me at Montreal,
this day of 183 }

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the fifth day of May, in the First Year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the Year of Our Lord, one thousand eight hundred and thirty-eight.

By His Excellency's Command,

WM. B. LINDSAY,

Clerk Special Council.

~~CHAP. XXVI~~.

An Ordinance to make provision for the Survey of Lake Saint Peter.

Preamble.

WHEREAS it is expedient to provide for the survey of Lake Saint Peter in this Province: Be it therefore Ordained and Enacted by His Excellency the Administrator of the Government of the said Province, authorized to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada;*"—And it is hereby Ordained and Enacted, by the authority of the same, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of Lower Canada, to advance by Warrant under his hand, and out of the appropriated moneys in the hands of the Receiver General, a sum not exceeding [illegible] hundred pounds currency, as an aid towards causing a Survey to be made of Lake Saint Peter in this Province.

A sum not exceeding £500 cury., granted for survey of Lake St.Peter.

Governor may appoint Commissioners.

II. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to appoint, by an instrument under his hand and seal, one or more Commissioner or Commissioners to carry this Ordinance into effect.

III.

ORDINANCES

MADE AND PASSED

BY THE

ADMINISTRATOR OF THE GOVERNMENT,

AND

SPECIAL COUNCIL

FOR THE AFFAIRS OF THE PROVINCE OF LOWER CANADA;

Constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled, " *An Act to make temporary provision for* " *the Government of the Province of Lower Canada.*"

VOLUME THIRD.

Quebec:

PRINTED BY JOHN CHARLTON FISHER & WILLIAM KEMBLE,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1838.

PROVINCIAL ORDINANCES

OF

LOWER CANADA,

Anno Secundo

VICTORIÆ REGINÆ.

HIS EXCELLENCY

SIR JOHN COLBORNE, *K. C. B. & G. C. H.*

ADMINISTRATOR OF THE GOVERNMENT.

Being the THIRD Session of the Special Council,

Begun and holden at the City of Montreal, in the said Province of Lower Canada, the fifth day of November, *Anno Domini* 1838, in the second year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., and ended on the twenty-first day of December, of the same year.

CAP. I.

An Ordinance to authorize certain Banks therein named to suspend Specie Payments in certain cases.

Preamble.

WHEREAS it is expedient in the present disturbed state of the Province that certain Banking Institutions thereof should be authorized to suspend the redemption of their Notes in Specie ;—Be it Ordained and Enacted by the Administrator of the Government of this Province, authorized to execute the Commission of Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great-Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, " *An Act to* " *make temporary provision for the Goverument of Lower-Canada,*" and it is hereby Ordained and Enacted by the authority of the same, that any Bank in this Province now incorporated or chartered by any Ordinance or Law thereof, or by Royal Charter, which has heretofore ceased or which shall cease to redeem its Notes or other liabilities in the Current Coin of the Province, shall not in consequence thereof be compelled to cease its Banking operations, or be deemed to have forfeited its Ordinance, Act, or Royal Charter of Incorporation, or be liable to 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, or any Ordinance, or Law, or Act of Incorporation of this Province, or in any Royal Charter of such Bank, to the contrary notwithstanding ; Provided that it shall appear proper to the Governor, Lieutenant Governor, or person administering the Government of the Province, that such Banks should, under the circumstances disclosed by them, be allowed to continue their business of Banking, notwithstanding their suspension of Cash payments, in which case it shall be lawful for the Governor, Lieutenant Governor, or person Administering the Government of the Province, in Council, to make an Order or Minute to that effect, which shall be published in the *Quebec Gazette* during the time of such suspension of Cash payments, and such Order or Minute of the Governor, Lieutenant Governor, or person Administering the Government of the Province, and Council, shall have the effect of saving such Banks from any forfeiture of the rights, benefits, or privileges and other advantages conferred on or granted to it by any Ordinance of the Governor and Special Council for the affairs of this Province, or by any Act of the Legislature of this Province, or by Royal Charter, by reason of their suspension of Cash payments, before or after the making of such Order

Chartered Banks in this Province ceasing to redeem their notes in specie, shall not forfeit their charter, certain conditions, by this Act established, being complied with.

Proviso.

Order or Minute, and from any and every penalty or disability which would or might otherwise ensue to thereon; and Provided also, thst such Bank shall, with its petition or application for an Order or Minute in the behalf aforesaid, and whensoever afterward, during the time of such suspension of Specie or Cash payments, the same shall be required, render unto the Governor, Lieutenant Governor, or person Administering the Government of this Province, a statement of the affairs of the said Bank, containing on the one part, the amount of Notes in circulation, the net profits in hand, the balance due to other Banks and the Cash deposited in such Bank, destinguishing deposits bearing interest, if any there be, and on the other part, the amount of Current Coins, and Gold and Silver Bullion in the Vaults of the said Bank, the value of the Buildings and other real estate belonging to the said Bank, and notes of other Banks held by the said Bank, the balances due from other Banks, and the amount of all debts owing to the said Bank, including and particularizing the amount so owing on Bills of Exchange, discounted Notes, Mortgages, and other securities; thus exhibiting on the one hand, the debts due by the said Bank, and on the other hand, the resources thereof, and which statement of the affairs of the said Bank shall also contain a statement of the amount of the Capital Stock subscribed, and of the amount thereof actually paid in, the rate and amount of the then last dividend declared by the said Bank, the amount of the profits reserved at the time of declaring such dividend, the amount of debts due to the said Bank, and secured by the pledge of the Stock thereof, belonging to the persons from whom such debts are due, and the amount of debts overdue and not paid, with an estimate of the loss which mny probably be incurred from the non-payment of such debts; and a list of the names of all persons who shall at the commencement of every quarter of the year, during the time for which such statement shall be required and made, have been Shareholders in the said Bank, specifying the number of shares held by each and every such person at the commencement of each quarter, and also the amount of paper discounted for, or monies loaned to the Directors, or for which they may be in any way security to the said Bank, and the said statement of the affairs of the said Bank shall be rendered as aforesaid under the Oaths of the President or Vice President and three of the Directors and the Cashier or Principal Officer of the Bank rendering the same; which Oaths shall and may be administered by any Judge of Her Majesty's Court of King's Bench for this Province: Provided always, that nothing herein contained shal compel or authorize any Bank to particularize in any such statement the private account of any person or persons with the said Bank.

Statement of the affairs of the Bank, applying for leave to suspend, to be laid before the Governor.

Particulars to be described in such statement.

Private accounts not to be particularized.

II. And whereas it may be found impracticable for individuals or associations of individuals, during the suspension of payments in Specie by all or any of the Incorporated

Tender of notes of Banks authorized to suspend specie payments, (being generally received at par) to stay proceedings and interest.

porated or Chartered Banks in this Province, to obtain gold or silver coins legally current therein, and it is necessary to make such provision as may afford reasonable protection in that behalf;—Be it therefore Ordained and enacted by the authority aforesaid, that so long as the said Incorporated or Chartered Banks of this Province, or any of them, shall, under the provisions of this Ordinance, have authority to suspend payments in Specie, it shall and may be lawful for the Courts of this Province, in any actions depending or to be hereafter brought in any of the said Courts, on a summary proof being made that the amount of debt was tendered by the Defendant to the Plaintiff before the institution of the action, in Notes of the said Incorporated or Chartered Banks which shall have been authorized to avail themselves of the provisions of this Ordinance (the said notes being generally current at par, and payable to the bearer thereof,) and on the said amount of debt being in such notes also paid into Court, to be accepted by the Plaintiff if he see fit, to stay proceedings in such action without costs, until further orders shall be made thereon, and the amount of the said debt shall not bear interest from the day that the tender thereof shall be made, if the said amount be subsequently paid into Court in Notes as aforesaid; Provided it be made to appear to the satisfaction of the Court, that the necessity for proceeing in such action does not arise from the want of the amount of debt being ascertained.

During the continuance of this Act, if any suit shall be prosecuted against any Bank availing itself of the provisions thereof, to compel the payment of any note of such Bank payable on demand, Court in which such action is brought may stay proceedings, &c.

III. And be it further Ordained and Enacted by the authority aforesaid, that during the continuance of this Ordinance, no action or suit shall be prosecuted against any one of the aforesaid Banks, which shall avail itself of the provisions of this Ordinance 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 Ordinance 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 Ordinance, or during the suspension of Cash payments as provided by this Ordinance: Provided always, that if it shall appear to such Court to be necessary for the purpose of ascertaining the amount of any demand upon 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

Proviso.

Costs not recoverable.

debt or demand, unless the Court wherein the same shall be brought, shall be of opinion that the same was necessary for the purposes of ascertaining the amount of such debt or demand, or the title thereto, or for the furtherance of justice as aforesaid.

During suspension of specie payments, circulation of notes of chartered Banks of this Province limited.

IV. And be it further Ordained and Enacted by the authority aforesaid, that so long as any of the said Incorporated or Chartered Banks in this Province shall, under the provisions of this Ordinance, continue their business of Banking without paying their notes in Specie on demand, the total amount of the Notes of such Bank in circulation, shall not, at any time, exceed the amount of the Capital Stock of such Bank actually paid in.

Banks suspending not to sell or otherway diminish gold and silver in their possession.

V. And be it further Ordained and Enacted by the authority aforesaid, that during the time of such suspension of Specie or Cash payments, it shall not be lawful for any Incorporated or Chartered Bank, in this Province, which hath suspended or shall suspend Specie or Cash payments, to sell any portion of the Gold or Silver which may be in its possession, or to make any other disposition thereof which shall diminish the amount according to its legal value than by paying in change the fractional parts of a dollar: Provided always, that nothing herein contained shall prevent the the said Banks respectively, from disposing of the Specie in their Vaults to Her Majesty's Government for the public service by and with the consent of the Governor, Lieutenant Governor, or person administering the Government of this Province, and the Executive Council thereof.

Provisions of this Act extended to the "Bank of British North America."

VI. And be it further Ordained and Enacted by the authority aforesaid, that all and every the provisions in this Ordinance contained, shall and may likewise extend to a certain Association or Joint Company, established in London, for the purpose of carrying on the business of banking in the Provinces of British North America, under the name or title of "The Bank of British North America," and whereof a branch has been established in each of the Cities of Quebec and Montreal. Provided always, that in lieu of the Statement and Statements required of the other Banks by the first section of this Ordinance, the Local Directors and Managers of each of the said Branches, shall furnish under the oaths of three of the said Local Directors and of the Manager respectively, a true and faithful return of the affairs of the said Branches, in conformity with Schedule A., hereunto annexed.

VII. And be it further Ordained and Enacted by the authority aforesaid, that all and every the provisions in this Ordinance contained, shall and may likewise extend

And to the Joint Stock Association called the "People's Bank," or "La Banque du Peuple."

tend to a certain Association, or Joint Stock Company, carrying on the business of Banking at the City of Montreal, under the name and firm of Viger, Dewitt and Company, and commonly called the "People's Bank," or "*La Banque du Peuple.*" Provided always, that in addition to the Statement and Statements required by the first Section of this Ordinance, the said Association do furnish, under the oaths therein expressed, a list of the names, places of residence and additions of the Co-partners and Stockholders of and in the said Association; with the number of Shares and amount of Capital Stock subscribed by each of them respectively, and the amount of such Capital Stock by each of them actually paid in; and distinguishing also, in such List of the Co-partners and Stockholders the names of such of them as are the President, Vice-President, and Directors of the said Association.

Persons swearing falsely in any matter under this Act, to be deemed guilty of perjury.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that if any person shall knowingly swear falsely, in any matter stated by him under the provisions of this Ordinance, he shall on conviction, be deemed guilty of wilful and corrupt perjury.

To continue in force until 1st June 1839. Proviso.

IX. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall continue and be in force until the first day of June, one thousand eight hundred and thirty-nine, and no longer. Provided always that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice of the Executive Council thereof, by His Proclamation under the Great Seal of the Province, to declare that this Ordinance and all the provisions thereof, shall cease and determine at any time before the lapse of the period aforesaid, but not less than two months from and after the date and publication of the said Proclamation.

This Ordinance to take effect so soon as assented to by the Governor.

X. And be it further Ordained and Enacted by the authority aforesaid, that in so far only as this Ordinance is concerned, an Ordinance of the Administrator of the Government of the said Province, by and with the consent and advice the Special Council for the affairs of the said Province, passed in the first year of the Reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the period when the "Laws and Ordinances made and passed by the Governor, or person authorized to "execute the Commission of Governor, and Special Council of this Province, shall "take effect," be repealed, and the same is hereby repealed, in so far only as this Ordinance is concerned; and it is hereby further Ordained and Enacted by the authority aforesaid, that the present Ordinance shall commence, and have full power, effect, and authority, so soon as the Governor, Lieutenant Governor, or person administering the Government of the said Province, shall have assented to and signed this present Ordinance.

SCHEDULE

SCHEDULE A.

Abstract from the Books of the Bank of British North America, Montreal, exhibiting a General Statement of the affairs of the Branch.

	Gold and Silver and other Coined Metals on hand.....				Capital Stock. Amount actually paid in,			
					Bank Notes in circulation,.....			
	Bills and Cheques on Banks in these Provinces.....				Net Profits on hand.....			
	Do. on other Banks elsewhere.....				Balances due other Banks and Branches,			
	Amount of Debts due, including Notes, Bills of Exchange, and all Stock and Funded Debts of any description, except the Balances due from other Banks and Branches.....				Bank Acceptances outstanding.....			
					Cash Deposits bearing interest,.....			
					Cash Deposits, including all sums whatsoever due from the Bank not bearing interest, its Bills in circulation, profits and Balances excepted.....			
	Balances due from other Banks and Branches.....							
	Real Estate.....				Amount of Dividends unclaimed,.....			

We do hereby certify, to the best of our knowledge and belief, that the above Statement of the affairs of the Bank of British North America at Montreal is correct.

Sworn before me, at Montreal,
this day of

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and duly passed in Special Council, at the Government House, in the City of Montreal, the sixth day of November, in the second year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the Year of our Lord One Thousand Eight Hundred and Thirty-eight.

By His Excellency's Command,

THOS. LEIGH GOLDIE,

Asst. Clerk of the Special Council.

~~CAP. II.~~

An Ordinance to authorize the Seizing and Detaining for a limited time of Gunpowder, Arms, Weapons, Lead, and Munitions of War.

Preamble.

WHEREAS it [illegible] ssary, during the Insurrection a[illegible]ellion now existing within the [illegible]ct of Montreal, to prevent [illegible]wder, Arms, Lead, or other materials for ma[illegible] casting Musket Bulle[illegible]apons and Munitions of War from being acqui[illegible] conveyed to t[illegible]ffected and rebellious within this Province :—B[illegible] therefore O[illegible] and Enacted, by His Excellency the Administrator [illegible]he Gov[illegible] of this Province, authorized to execute the Comm[illegible] of [illegible]vernor thereof, by and with the advice and consent of the [illegible]l for the affairs of the said Province, constituted and assembled [illegible]ue of and under the authority of an Act of the Parliament of the U[illegible]dom of Great Britain and Ireland, passed in the First Year of the Re[illegible]nt Majesty, intituled, "*An Act "to make temporary provision fo[illegible]overnm[illegible] Lower Canada ;*"—And it is hereby Ordained and Enacted [illegible] authority [illegible]d, that from and after the passing of this Ordinance, i[illegible]nd may be law[illegible]ny Justice of the Peace, Magistrate, or other perso[illegible]sons whomsoever, by [illegible]them authorized, subject or subjects of Her [illegible], to take possession of, [illegible]d detain any Gunpowder, Arms, Lead [illegible] materials for making or cast[illegible]ket bullets, weapons and munition[illegible]r in the possession of any person [illegible]s whomsoever within this Provin[illegible]e and except such as are or may be in [illegible]ands and possession of Her Majesty's Forces, or of Her Majesty's officers, or of persons holding the

After the passing of this Act, Justices of the Peace or persons authorized by them, may seize and detain arms, amunition and munitions of war, unless in possession of H. M. Forces.

ORDINANCES

MADE AND PASSED

BY

HIS EXCELLENCY

THE GOVERNOR GENERAL,

AND

SPECIAL COUNCIL

FOR THE AFFAIRS OF THE PROVINCE OF LOWER CANADA;

Constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled, " *An Act to make temporary provision for " the Government of the Province of Lower Canada.*"

VOLUME FOURTH.

Quebec:

PRINTED BY JOHN CHARLTON FISHER & WILLIAM KEMBLE,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1839.

PROVINCIAL ORDINANCES

OF

LOWER CANADA,

Anno Secundo

VICTORIÆ REGINÆ.

HIS EXCELLENCY

SIR JOHN COLBORNE, *G. C. B. & G. C. H.*

GOVERNOR GENERAL.

Being the FOURTH Session of the Special Council,

Begun and holden at the City of Montreal, in the said Province of Lower Canada, the fourteenth day of February, *Anno Domini* 1839, in the second year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., and adjourned on the thirteenth day of April, of the same year.

Certified Copies to have effect in Law.

passing of this O[illegible]ce, and the entries therein, and the co[illegible]ereof, when duly certified, shall ha[illegible]me authenticity, force and effect [illegible]as if such Registers had been authe[illegible] (*paraphé*) on every leaf the[illegible]th the initials of a Judge, as heretofore [illegible] observed in this Provin[illegible]

[illegible]OLBORNE.

Ordained and Enacted by [illegible] aforesaid, and passed in Special Council, under the [illegible] of the Province, at the Government House in the City of [illegible], the twenty-first day of February, in the second year of [illegible] Our Sovereign Lady Victoria, by the Grace of God [illegible]at [illegible]nd Ireland, Queen, Defender of the Faith, and [illegible], and in [illegible]r of Our Lord, one thousand eight hundre[illegible]irty-nine.

B[illegible]xcellency's Command,

W. B. LIN[illegible]

Clerk [illegible]pecial Council.

CAP. V.

An Ordinance to prevent the fraudulent manufacture, importation or circulation of Spurious Copper and Brass Coin.

Preamble.

WHEREAS great frauds have been practised upon the inhabitants of this Province, by evil dispossd persons who have imported into the same or manufactured therein, Spurious Copper, or Brass Coin, or Tokens, for the purpose of passing them, for a much higher value than they were intrinsically worth:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled,

No Copper or Brass Coin, or Token, except the lawful Copper Coin of the United Kingdom to be imported, nor any to be manufactured in the Province except by permission from the Governor.

intituled, "*An Act to make temporary provision for the Government of Lower Canada,*" And it is hereby Ordained and Enacted by the authority of the same, that no Copper, or Brass Coin, or Tokens of any description, except the lawful Copper Coin of the United Kingdom of Great Britain and Ireland, shall be imported into this Province, nor shall any Copper, or Brass Coin, or Tokens be manufactured therein, except under the authority of an express permission, to some certain person, body politic or corporate, to import or manufacture the same, granted by and under the hand of the Governor, Lieutenant Governor, or person administering the Government, such permission containing a description of the Coin or Tokens to which it shall extend, the quantity thereof to be imported or manufactured, and the time during which such permission shall be in force: Provided always that all Coins imported or manufactured as aforesaid, shall have the same relative value to the British penny or half-penny, with those recently imported by the Bank of Montreal, under the sanction and authority of the Executive of the Province.

Proviso.

Coin or Tokens imported or manufactured in contravention of this Ordinance to be forfeited, and the manufacturer or importer subjected to fine.

Any Justice of the Peace may take cognizance of such offence.

May declare Coins illegally manufactured to be forfeited and place them in safe keeping.

May commit persons having such Coin in possession.

II. And be it further Ordained and Enacted by the authority aforesaid, that all such Coin or Tokens as aforesaid, imported or manufactured in contravention of this Ordinance, shall be forfeited to Her Majesty for the public uses of this Province, and the person or persons who shall have manufactured or imported the same, shall thereby incur a penalty not exceeding five pounds currency, for every pound troy of the weight thereof; and it shall be lawful for any Justice of the Peace, on the oath of any credible person, that any such Coin or Tokens have been so unlawfully manufactured or imported as aforesaid, to cause the same to be seized and detained, and to summon the person or persons, or any one of them, in whose possession the same shall be found, to appear before him; and if it shall appear to his satisfaction, on the oath of any credible witness, other than the informer, that such Coin or Tokens have been manufactured or imported in contravention of this Ordinance, such Justice of the Peace shall declare the same forfeited, and shall place them in safe keeping to await the disposal of the Governor, Lieutenant Governor, or person administering the Government, for the public uses of this Province; and if it shall, in like manner, appear to the satisfaction of such Justice of the Peace, that the person or persons in whose possession such Coin or Tokens were found, knew the same to have been so illegally manufactured or imported, he may condemn such person or persons, or any of them, to pay the penalty aforesaid, with costs, and may commit him, her or them, to the Common Gaol of the District, for a period not exceeding two months, if such penalty and costs be not forthwith paid, or until the same be paid.

III.

When persons in possession of such Coin or Tokens are not aware of its having been illegally manufactured or imported, penalty may be recovered from Owner.

III. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that if it shall appear to the satisfaction of such Justice of the Peace, that the person or persons in whose possession such Coin or Tokens shall have been found, was not, or were not aware of their having been so illegally manufactured or imported, such penalty may be recovered, by any person who shall sue for the same in any Court of competent Jurisdiction, from the owner or any of the owners thereof, on the oath of any one credible witness, other than the person so suing.

Any Officer of Her Majesty's Customs may seize such coin or Tokens.

IV. And be it further Ordained and Enacted by the authority aforesaid, that it shall also be lawful for any Officer of Her Majesty's Customs to seize any Coin or Tokens, which any person shall import, or attempt to import into this Province in contravention of this Ordinance, and to detain the same, as forfeited, to await the disposal of the Governor, Lieutenant Governor, or person administering the Government, for the public uses of the Province.

Coin or Tokens, other than the lawful Coin of the United Kingdom in possession of other than the owner.

V. And be it further Ordained and Enacted by the authority aforesaid, that if any such Coin or Tokens, other than the lawful Coin of the United Kingdom aforesaid, shall, at the time this Ordinance shall go into force, be in the possession of any person, other than the owner thereof, such person may refuse to deliver the same, except upon a permission to that effect from the Governor, Lieutenant Governor, or person administering the Government, who may, if he shall deem it advisable, make it a condition on which such permission shall be granted, that the person applying for the same shall immediately re-export such Coin or Tokens, in which case any duty paid on the importation thereof shall be returned to the owner, as a drawback, by the Chief Officer of the Customs, at the Port whence such exportations shall be made.

Penalty on persons offering unlawful Coin or Tokens, after the expiration of fifteen days from the time of this Ordinance going into force.

How to be recovered.

VI. And be it further Ordained and Enacted by the authority aforesaid, that from and after the expiration of fifteen days from the time when this Ordinance shall go into force, no person shall utter, tender, or offer in payment, any Copper or Brass Coin, other than the lawful Coin of the United Kingdom aforesaid, or the Tokens of some one of the Chartered Banks of this Province, or of the *Banque du Peuple*, or American Cents, or such Coin or Tokens as may have been lawfully imported into, or manufactured in this Province, according to the provisions of this Ordinance, under a penalty of the forfeiture of double the nominal value thereof; which penalty may be recovered, with costs, in a summary manner, on the oath of any one credible witness, other than the informer, before any Justice of the Peace, who may, if such

such penalty and costs be not forthwith paid, commit the offender to the Common Gaol of the District, for a time not exceeding eight days, or until the same be paid.

Moiety of penalty to informer.

VII. And be it further Ordained and Enacted by the authority aforesaid, that one moiety of all penalties imposed by this Ordinance, (but not the Coins or Tokens forfeited under the provisions thereof,) shall go to the informer or person suing the the same, and the other moiety shall belong to Her Majesty, for the public uses of this Province.

Application of penalties.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that the due application of all penalties and forfeitures received for Her Majesty, Her Heirs and Successors, under the provisions of this Ordinance, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall direct.

To be published in *Quebec Official Gazette* and *Montreal Gazette.*

IX. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall not go into force, until it shall have been published in the *Quebec Official Gazette* and the *Montreal Gazette.*

Copies of this Ordinance to be furnished to Church Warden of each parish.

X. And be it further Ordained and Enacted by the authority aforesaid, that the Church Warden in office in every parish within this Province, shall be furnished as speedily as can be, with a copy of the said Ordinance in both languages, whichhe shall read, or cause to be read, at the Church door, immediately after Divine Service in the forenoon, the first Sunday after having received the same, and for every and for each neglect or refusal by the said Church Warden in office, to read, or cause to be read, the said Ordinance, on the day and in the manner above mentioned he shall be subject to a fine of twenty shillings.

To remain in force to 1st Nov. 1842.

XI. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be, and remain in force, until the first day of November, one thousand eight hundred and forty-two, and no longer.

J. COLBORNE.

Ordained

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House in the City of Montreal, the twenty-first day of February, in the second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and thirty-nine.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

~~CAP. VI.~~

An Ordinance to Incorporate the Canada Marine Insurance Company.

Preamble.

WHEREAS [illegible] Bell Forsyth, William Pri[illegible]d Burnet, Jeremiah Leaycraft, Ja[illegible]n, and others, associate[illegible]ompany, under the name and style of the "Cana[illegible]e Insurance Comp[illegible]have, by their humble petition presented to the Gov[illegible]neral, praye[illegible] Act of Incorporation, for the purpose of insuring against [illegible]y sea; [illegible]hereas the said Association has been established in the City of [illegible] a[illegible]ng on their said business of Insurance against losses by sea, there[illegible]re, for upwards of a year past, and has become of great public utility a[illegible]age, and materially contributed to the security and relief of individuals a[illegible]ic; And whereas the said petitioners have represented that the Capit[illegible] said Association, subscribed and to be subscribed, is limited [illegible]e sum [illegible]e hundred and fifty thousand pounds, divided into fifte[illegible]dred share[illegible]ne hundred pounds each:— Be it therefore Ordain[illegible] Enacted by [illegible]cellency the Governor of the Province of Lo[illegible]ada, by and with [illegible]ice and consent of the Special Council for [illegible]airs of the said Provin[illegible]stituted and assembled by virtue of, and [illegible] the authority of an Act of th[illegible]ment of the United Kingdom of G[illegible]ain and Ireland, passed in the first [illegible] the Reign of Her present

receiving Governor's assent.

Majesty, intitul[illegible] "An Ordinance to declare and ascertai[illegible] period when the "Laws and Or[illegible]s made and passed by the Governor [illegible]son authorized to "execute the Co[illegible] of Governor, and Special Counc[illegible] said Province, shall "take effect," be, [illegible] same is hereby repealed as [illegible] Ordinance only, and that this present Ordi[illegible] all commence and have [illegible] within the said Province, so soon as the Governor, [illegible]on authorized to [illegible] the Commission of Governor of the said Province, s[illegible]e assented t[illegible]gned this present Ordinance.

J COLBORNE.

Ordained and Enacted by [illegible] foresaid, and duly passed in Special Council, at [illegible]ern[illegible]use in the City of Montreal, the Nineteenth d[illegible]arch, in [illegible]ond year of the Reign of Our Sovereign [illegible]toria, by the [illegible] of God, of Great Britain and Ireland, [illegible] Defender of the [illegible] and so forth, and in the year of [illegible]ord one thousand eigh[illegible]d and thirty-nine.

[illegible] His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

CAP. XXIV.

An Ordinance to prolong the term of the Royal Charter incorporating the Quebec Bank, and to make further provision for the government and management of the said Bank.

Preamble.

WHEREAS His late Majesty King William the Fourth, by Letters Patent, bearing date at Westminster, the thirty-first day of May, in the seventh year of His Reign, did grant, ordain and appoint that Charles Smith, Louis Massue, François Buteau, Hypolite Dubord, Thomas Fargues, John Malcolm Fraser, James Gibb, William Henderson, James Hunt, Jeremiah Leaycraft, Colin McCallum, Pierre Pelletier, and Thomas Allen Stayner, and all other persons who were then Stockholders

Stockholders in a certain Bank therein-mentioned, and all or any person or persons, bodies politic and corporate, who as Executors, Administrators, Curators, Successors, or Assigns, or by any other lawful title to any other part, share or interest of and in the capital stock of the said Bank, so long as they should respectively have any such part, share or interest therein, should, from the first day of June, one thousand eight hundred and thirty-seven, be one body politic and corporate by themselves, in deed and in name, by the name of "The Quebec Bank" and should so continue and have perpetual succession, and should and might by the said name, be able and capable, in Law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts and places whatsoever, and should also be able and capable in Law to purchase, hold, enjoy and retain to them and their successors, lands and tenements, real or immoveable estate, for the convenient conduct and management of the business of the said Bank, and for no other purpose, and might sell, alienate, and dispose of such lands, tenements, real or immoveable estate, and purchase and acquire others in their stead, for the purpose aforesaid, and might have a common seal, and might change and alter the same at pleasure, and might also ordain, establish and put in execution such bye-laws, ordinances and regulations, (the same not being contrary to the said Letters Patent, or any Laws in force in this Province,) as might appear to them necessary and expedient, for the management of the said Bank, which by-laws, ordinances, and regulations should be made by the Directors of the said Bank, or a majority of them, and the said Directors should and might do and execute, in the name aforesaid, all and singular other the matters and things that to them should or might appertain to do, subject nevertheless to the rules, regulations, limitations and provisions therein after prescribed; and His said late Majesty did thereby declare and ordain, that at the expiration of twelve months from and after the determination of the Session of Parliament for this Province, which should be holden next after the date of the said Charter, the business to be carried on by the said Corporation should cease and determine, and that it should not be lawful for the said Corporation to carry on the business of Bankers for any longer period, but that all the powers and directions for carrying on such business contained in the said Charter, should at the expiration of such period, become void and of none effect: and whereas it would, essentially contribute to the advancement of the agriculture and commerce of this Province, if the said Corporation should be continued from the expiration of twelve months, from and after the Session of Parliament for this Province, holden next after the date of the said Charter, until the first day of November, in the year one thousand eight hundred and forty-two, with such additional powers and provisions as are necessary to enable the said Corporation to carry into full effect the several purposes declared in the said Charter, many of which cannot be attained without Legislative aid:—

aid:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada,*" And it is hereby Ordained and Enacted by the authority of the same, that the said Charter, with the several clauses, powers, provisos, authorities, matters and things therein contained, shall be and the same is hereby ratified and confirmed, and that the said Corporation shall be, and the same is hereby continued until the first day of November, one thousand eight hundred and forty-two, with all, each and every the powers, authorities, matters and things in the said Charter contained, subject nevertheless to the rules, regulations, limitations, and provisions hereinafter prescribed and enacted; and may also from time to time, at any General Meeting of the Stockholders called for that purpose, or at any General Annual Meeting of the said Stockholders, ordain, establish and put in execution such bye-laws, ordinances, and regulations, (the same not being contrary to the present Ordinance, or to any Laws in force in this Province,) as may appear to them necessary or expedient for the management of the said Bank, and may from time to time alter and repeal the same or any of them; and such bye-laws, ordinances and regulations shall be made, altered, or repealed by the Directors for the time then being, and submitted to the Stockholders for their approval at any General Meeting called, as hereinafter prescribed, or at any Annual Meeting: Provided always, that at least six weeks public notice shall have been previously given of the intention of the Directors to submit such by-laws, ordinances, or regulations, or the repeal or alteration thereof, at such meeting, for confirmation or revision, and no new by-law, ordinance or regulation shall have any force until so confirmed, and those lawfully in force at the time of the passing of this Ordinance, shall remain in force until their alteration or repeal shall be so confirmed.

Charter of Quebec Bank continued in full force till 1st Nov. 1842.

Proviso.

Bank authorized to increase its stock by a further sum of £150,000, divided into 6000 shares of £25 each.

II. And whereas the capital stock of the said Quebec Bank under the said Charter, consists of the sum of seventy-five thousand pounds, current money of this Province, divided into three thousand shares of twenty-five pounds each, which said sum has been found insufficient for the convenience and accommodation of the public, and it is expedient to permit the augmentation thereof: be it further Ordained and Enacted by the authority aforesaid, that in addition to the said sum of seventy-five thousand pounds mentioned in the said Charter, it shall be lawful for the said Quebec

Quebec Bank to encrease the capital stock of the said Quebec Bank by a further sum not exceeding one hundred and fifty thousand pounds current money aforesaid, divided into six thousand shares of twenty-five pounds each, to be paid by the holders of such shares respectively, by instalments of not less than ten per cent, on the amount held by each of them, at such time or times and place as the Directors of the said Quebec Bank shall appoint, after notice of not less than thirty days in this behalf to be previously given in one or more of the public newspapers published in the said City of Quebec, and all, Executors, Curators, and Administrators, who shall pay up the instalments thereon due by the estate or succession which they respectively represent, in obedience to any call made for that purpose in the manner aforesaid, shall be hereby respectively indemnified; Provided, however, that the several persons who shall hold any share or any number of shares of the additional capital stock which the said Quebec Bank is hereby empowered to raise, shall only have a vote or votes at any General Meeting of the said Corporation, according to the number of such shares on which the full amount of twenty-five pounds currency, in specie, shall have been paid in by them respectively; nor shall any person be elected or act as one of the Directors of the said Bank, until he shall have paid in the full amount of twenty such shares, that is to say, a sum not less than five hundred pounds, current money aforesaid, and shall be otherwise qualified to be so elected, and to act under the provisions in the present Ordinance contained.

Votes.

Election of Directors.

III. And be it further Ordained and Enacted by the authority aforesaid, that for the management of the affairs of the said Corporation, there shall be thirteen Directors; who shall be annually elected by the Proprietors of the capital stock of the said Bank, at a General Meeting of them, to be annually held on the first Monday of June, the first whereof shall be held on the first Monday in June now next ensuing; at which Annual Meeting, the said Stockholders shall vote according to the rule hereafter established as to the manner of voting at General Meetings, and the Directors so chosen by a majority in conformity to such rule, shall be capable of serving as Directors for the next ensuing twelve months, unless removed for maladministration before that period by the Stockholders at a General Meeting to be held by them, or unless suspended as hereinafter provided; and at their first meeting after such election, they shall choose out of their number a President and Vice President, who shall hold their offices respectively, during the same period, for which the said Directors shall have been elected as aforesaid; and it shall be lawful for the said Directors, from time to time, in case of the death, resignation, absence from the Province for three months consecutively, or removal of the persons so chosen to be President and Vice President, or either of them, to choose, in their or his stead from among them, the said Directors, another person or persons to be President

Directors to choose a President and Vice President who may be removed and successors appointed.

Vacancies in the Directors.

dent and Vice President respectively; and in case of the death, resignation, absence from the Province for three months at a time, or the removal of the Director by the Stockholders as aforesaid, his place in case of such removal, shall be filled up by the said Stockholders, at any one of their General Meetings, and in the other cases last mentioned, by the remaining Directors, or a majority of them; and the person so appointed in the place and stead of such Director, shall serve till the next General Meeting for the election of the Directors, and in the event of any temporary absence of the President of the said Bank, whether occasioned by sickness or otherwise, the remaining Directors of the said Bank may, by a vote duly recorded in the Register of their proceedings, devolve upon the Vice President of the said Bank, during the continuance of such temporary absence, all the duties of the said President; and in the event of the unavoidable absence of both the President and Vice President, at any Board of the said Directors held for the transaction of business, the said Directors, when assembled, shall appoint one of themselves to supply the places of such President or Vice President, and the Director so appointed shall vote as a Director at the Board, and if there be an equal division on any question, shall have a casting vote.

Absence of President.

and Vice President.

Foreigners and Aliens who may be Stockholders not entitled to vote.

IV. Provided always, and it is hereby expressly Ordained and Enacted by the authority aforesaid, that no Stockholder who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or a subject of Her Majesty by the effect of the conquest and cession of the Province, or who shall be a subject of any foreign Prince or State, shall, either in person or by proxy, vote for the election of any Director to be elected in the manner hereinbefore directed, or shall vote at any meeting of the said Stockholders for the purpose of ordaining, establishing, or putting in execution any bye-laws, ordinances, or regulations, to be made under the authority of this Ordinance, or shall assist in calling any meeting of such Stockholders, or shall vote for any other purpose or purposes whatsoever hereinbefore authorized, anything herein contained to the contrary notwithstanding.

President, Vice President and Directors continued to 1st June, 1839.

V. And be it further Ordained and Enacted by the authority aforesaid, that John Fraser, James Gibb, Charles Smith, James Hunt, Thomas Allen Stayner, Benjamin Tremain, Jeremiah Leaycraft, William Petry, Thomas Fargues, Antoine Archange Parent, Joseph William Leaycraft, and Daniel McCallum, shall be and continue Directors, President, and Vice President of the said Corporation until the first Monday of June next, being the day hereinbefore appointed for the annual election of Directors of the said Corporation: Provided always, that in case of death, resignation or absence from the Province of any of the said Directors, so appointed to continue in office as aforesaid, it shall be lawful for the remaining Directors,

Directors, or a majority of them, to fill up the vacancy or vacancies, and the said Director or Directors, so appointed, to be and continue in office until the first Monday in June next, shall have the same power as to the appointment of a President and Vice President, in the case of the death, resignation, or absence from the Province, of the President or Vice President before that period, that is hereinbefore given to the Directors to be chosen at the period fixed for the Annual Meeting as aforesaid: Provided always, that the said Directors shall not, during the period of their services as Directors of the said Bank, act as private Bankers.

When election of Directors shall not take place on day appointed.

VI. And be it further Ordained and Enacted by the authority aforesaid, that if at any time it shall happen that an election of Directors shall not be made or take effect on the day when, in pursuance of this Ordinance, it ought to be made and take effect, the said Corporation shall not be deemed or taken to be dissolved, but it shall be lawful at any other time to make such election at a General Meeting of the Stockholders, to be called in the manner hereinafter prescribed.

Directors for the time being to have power to appoint officers, &c.

VII. And be it further Ordained and Enacted by the authority aforesaid, that the Directors for the time being, shall have power to appoint such Officers, Clerks and servants under them, as shall be nesessary for conducting the business of the said Corporation, and to allow them such compensation for their services respectively, as shall be reasonable and proper; and the said Directors shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the bye-laws, ordinances, and regulations of the said Corporation.

In suits at law, service upon President or Vice President to be sufficient.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that in all and every suit or suits at law, which at any time hereafter may be instituted by or on the part and behalf of any person or persons against the said Bank, service of process upon the President or Vice President of the same, for the time being, or at the Office of the said Bank, shall, to all intents and purposes, be sufficient to compel the said Bank or Corporation to appear and to plead to such suit or suits at law, any law, usage, or custom to the contrary in anywise notwithstanding; and all and every suit or suits at law, which at any time may be instituted by or on the behalf of the said Bank, against any person or persons, body, or bodies politic or corporate, shall be instituted and prosecuted by the President and Directors of the said Bank, for the time being, for and in the name of the said Bank.

IX.

Fundamental articles of the Corporation.

IX. And be it further Ordained and Enacted by the authority aforesaid, that the following rules, restrictions and provisions shall form and be deemed and held to be fundamental articles of the said Corporation, that is to say:—*First*, The number of votes to which each Stockholder or Stockholders, co-partnership, body politic or corporate, holding Stock in the said Corporation, shall be entitled, on every occasion when, in conformity to the provisions of this Ordinance, the votes of the Members of the said Corporation are to be given, shall be in the proportions following, that is to say, for one share, and not more than two, one vote; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; but no person or persons, co-partnership, body politic or corporate, being a member or members of the said Corporation, shall be entitled to a greater number than twenty votes; and all Stockholders, resident within the Province, or elsewhere, may vote by proxy, if he, she, or they shall see fit, provided that such proxy be a Stockholder, and do provide an authority from his constituent or constituents, for so representing and voting for him, her or them, according to the Form A. annexed to this Ordinance; and provided also, that after the first election of directors to be made after the passing of this Ordinance, no share or shares of the Capital Stock of the said Corporation shall confer a right of voting, either in person or by proxy, which shall not have been held during three calendar months, at the least, prior to the day of election, or of the General Meeting, when the votes of the Stockholders are to be given; and where two or more persons are the joint owners of any part of the said Stock, it shall be lawful that one person only be empowered, by Letter of Attorney from the other owners, or a majority of them, to represent the said Stock and to vote accordingly. *Second*, No person, other than a Stockholder actually resident in the City of Quebec, and holding at least twenty shares of the Capital Stock of the said Corporation, and being a natural born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or a subject of Her Majesty by the effect of the conquest and cession of this Province, and who shall have resided seven years in this Province, and in any of the above cases, who shall have resided three years consecutively in the City of Quebec, shall be capable of being elected or chosen a Director of the said Corporation, or shall serve as such. *Third*, Seven of the Directors in office at the period of each Annual Election, shall be re-elected for the next succeeding twelve months. *Fourth*, No Director shall be entitled to any salary or emolument, unless the same shall have been allowed to him by a General Meeting of the Stockholders; but the Stockholders may make such compensation

Number of votes in proportion to shares.

Limitations.

Votes by proxy.

Qualification of Directors.

Compensation to President or Vice President.

compensation to the President or Vice President, for their extraordinary attendance at the Bank, or other services, as shall appear to them to be reasonable and proper. *Fifth,* Not less than five directors shall constitute a Board for the transaction of business, of which number the President or Vice President shall always be one, except in case of sickness and necessary absence, in which case their places may be supplied by any other Director whom the President or Vice President shall respectively, by writing under his hand, appoint for that purpose. The President and Vice President shall vote at the Board as Directors, and in any case of their being an equal number of votes, for and against any question before them, the President, and in his absence, the Vice President, or in their absence, the President for the time being shall have a casting vote. *Sixth,* Any number of Stockholders, not less than twenty, who, together shall be proprietors of two hundred and fifty shares of the capital stock of the said Corporation, shall have power at any time, by themselves or their proxies, to call a General Meeting of the Stockholders for purposes relating to the said Corporation, giving at least six weeks notice thereof, in at least one of the Newspapers published in the City of Quebec, and specifying in such notice, the time and place of such Meeting, with the object or the objects thereof, and the Directors of the said Corporation for the time being, or any seven of them, shall have the like power at any time (upon their observing the like formalities, to call a General Meeting as aforesaid,) and if the object of such meeting to be called by the Stockholders or Directors as aforesaid, shall be to consider of the proposed removal of the President or Vice President, or a Director or Directors, for mal-administration, then and in such cases, the person or persons whom it shall be so proposed to remove, shall, from the day from which such notice shall be first published, be suspended from the execution of the duties of his or their offices; and if it be the President or Vice President whose removal shall be proposed, as aforesaid, his place shall be filled up by the remaining Directors, who shall appoint a Director to serve as such President or Vice President during the time such suspension shall continue. *Seventh,* Every Cashier and Clerk of the Bank, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the Directors, that is to say, every Cashier in a sum not less than five thousand pounds, and every Clerk in such sum as the Directors shall consider adequate to the trust to be reposed in him, with condition for his good and faithful behaviour. *Eighth,* The lands and tenements which it shall be lawful for the said Corporation to hold, shall be such only as are hereinbefore permitted to be held by it: Provided always, that the said Corporation may take and hold mortgages (*hypothèques*) on real property, according to the Law of this Province, by way of additional security for debts contracted to the said Corporation, in the course of its dealings, but on no account shall money be lent on mortgages (*hypothèques*) or upon land or other fixed property, nor shall such be purchased by

Quorum.

Powers of Stockholders to call a General Meeting.

Cashiers and Clerks to give security.

What lands may be held.

Bank not to owe more than treble the amount of Capital Stock actually paid in.

by the Corporation upon any pretext, as abovementioned. *Ninth*, The total amount of the debts which the said Corporation shall at any time owe, whether by Bond, Bill, or Note, or other contract whatsoever, shall not exceed treble the amount of the capital stock actually paid in (over and above a sum equal in amount to such money as may be deposited in the Bank for safe keeping,) and in case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their private capacities, as well to the Stockholders as to the holders of Bank Notes, and an action in this behalf may be brought against them, or any of them, their, or any of their heirs, executors, administrators, and curators, and be prosecuted to judgment and execution, according to the Laws of this Province; but this shall not exempt the said Corporation, or the lands, tenements, goods or chattels thereof from being also liable to such excess: Provided always, that such Directors as shall have been absent when the said excess was contracted or incurred, or shall have entered their protest against it upon the Book or Books of the said Corporation, may respectively exonerate and discharge themselves thereupon by publishing such protest in the public papers, within eight days. *Tenth*, The Stock of the said Corporation shall be assignable and transferable according to the Form B, annexed to this Ordinance; but no assignment or transfer shall be valid or effectual, unless such transfer or assignment be entered or registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him, her, or them, to the said Corporation, which may exceed in amount the remaining Stock belonging to such person or persons; and in no case shall any fractional part of a share or shares, or other than a complete share or shares, be assignable or transferable. *Eleventh*, Bank Obligations, Bank Bonds, Bank Bills obligatory and of credit, under the common seal of the said Corporation, signed by the President or Vice President, and countersigned by a Cashier, which shall be made payable to any person or persons, shall be assignable by endorsements thereupon, without signification thereof, any law or usage to the contrary notwithstanding, and Bank Bills or Bank Notes, which shall be issued by order of the said Corporation, signed and countersigned as aforesaid, promising the payment of money to any person or persons, his, her, or their order, or to the bearer, although not under the seal of the Corporation, shall be binding and obligatory upon the same, and shall be assignable and negotiable by blank or other endorsement, or otherwise, in like manner, as if they were made and issued by private persons, that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by blank or other endorsement, in like manner and with the like effect as foreign Bills of Exchange now are, and those which shall be payable to bearer shall be negotiable by delivery only.

Proviso.

Stock assignable and transferable.

Manner of transferring Bank obligations.

Twelfth.

Books subject to inspection of Directors.

Twelfth, The Books, Papers, Correspondence and Funds of the said Bank shall, at all times, be subject to the inspection of any Director or Directors appointed by the Directors or a majority of them, for that purpose and not otherwise, but no Stockholder, not being a Director, shall inspect the account of any individual or individuals with the said Corporation

Dividends to be paid half yearly.

Thirteenth, Half-yearly Dividends shall be made of so much of the profits of the said Corporation as shall appear to the Directors, for the time being, advisable, and shall be payable at such place or places as the said Directors shall appoint, of which they shall give public notice, thirty days previously, in at least two newspapers, published at the said City of Quebec, which Dividends shall not in any manner whatsoeverlessen or impair the Capital Stock of the said Corporation ; and the said Directors shall, every year, at the General Meeting held for the election of Directors, lay before the Stockholders, for their information, a Statement of the affairs of the said Corporation, containing, on the one part, the amount of Capital Stock paid in, the amount of their Notes in circulation, the net profits in hand, the balances due to other Banks, and the Cash deposited in the said Bank, distinguishing Deposits bearing interest, if any there be ; and on the other part, the amount of Current Coins, and Gold and Silver Bullion in the Vaults of the said Bank, the value of buildings, and other real estate belonging to the said Corporation, the balances due to them from other Banks, and the amount of debts owing to the said Corporation, including and particularizing the amounts so owing on Bills of Exchange, discounted Notes, Mortgages and other Securities ; thus exhibiting on the one hand, the debts due by the said Corporation, and, on the other hand, the resources thereof, and which Statement shall also contain the rate and amount of the then last Dividend declared by the said Corporation, the amount of the profits reserved at the time of declaring such Dividend, the amount of debts due to the said Corporation, and secured by the pledge of the Stock thereof, belonging to the persons from whom such debts are due, and the amount of debts over due and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts ; and it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of the said Province, from time to time, to require from the President, Vice President and Directors of the said Bank, a like Statement, in detail, of the affairs of the said Corporation, together with a list of the names of all persons who shall, at the commencement of every quarter of the year during the time for which such Statements shall be required and made, have been Shareholders in the said Bank, specifying the number of shares held by each and every such person at the commencement of each quarter ; and also an account of the amount of paper discounted for, or monies loaned to, the Directors, or for which they may be security to the said Bank, and when so required by the Governor, Lieutenant Governor, or person administering the Government of the said Province, the said

Directors to lay a full statement of affairs of the Bank before the Stockholders at the Annual General Meeting held for election of Directors.

Governor may, from time to time, require a like statement, to be rendered under oath.

said Statement, List, and Account shall be rendered under the oaths of the President, Vice President, and Cashier, or principal officer of the said Corporation: Provided always, that nothing herein contained shall be held or construed to compel or authorize the said President, Vice President, Directors, Cashier, or other principal officer, or any or either of them, to particularize in any such Statement the private account of any person or persons with the said Corporation; nor shall any thing herein contained be held or construed to give a right to Stockholders of the said Bank, not being Directors, to inspect the account of any person or persons with the said Corporation. *Fourteenth*, If there shall be a failure by or on the part of any person or persons, co-partnership, body politic or corporate, to pay the amount of any instalment required to be paid on account of his, her, or their shares, in the said Capital Stock of the said Corporation, the person or persons failing to pay the amount of such instalment, shall incur a forfeiture to and for the use of the said Corporation, of five per centum on the amount of his, her, or their shares, in the said Corporation, and of the Dividends due to him, her, or them, at the time appointed for the payment of such instalments, and also of all Dividends which may afterwards accrue and become due to him, her, or them, until the payment of the amount of such instalment. *Fifteenth*, The said Corporation shall not, directly or indirectly, deal in any thing except Bills of Exchange, discounting of Notes of Hand, or Promissory Notes, receiving the Discount at the time of negotiating, Gold or Silver Bullion, or in the sale of Stock pledged for money lent and not redeemed, and Stock so pledged and not redeemed, shall be sold by the said Corporation at public sale, at any time not less than ten days after the period of redemption, without any judgment first obtained, and without any previous suit or proceedings at law, any law, usage or custom to the contrary notwithstanding, and if upon the sale of any such Stock, there shall be a surplus, after deducting the expenses of sale, over and above the money lent, such surplus shall be paid to the proprietors of such Stock respectively.

Proviso.

Penalty for not paying up amount of instalment.

Bank not to deal in any thing except Bills of Exchange, &c.

Notes payable in Gold or Silver Coin.

X. And be it further Ordained and Enacted by the authority aforesaid, that the Notes of the said Corporation shall be payable in Gold or Silver Coin, current by the Laws of this Province; and the said Corporation shall not demand, receive and require

Interest not to exceed six per cent.

require upon its loans or discounts, or upon any other pretext whatsoever, any interest exceeding the lawful interest of six per centum, per annum, as fixed by the Laws of this Province.

Amount of Notes of a less sum than 25s. each, not to exceed one-fifth of capital stock paid in. Proviso.

XI. And be it further Ordained and Enacted by the authority aforesaid, that the total amount of the Notes of the said Corporation, being for a less sum than one pound five shillings currency, aforesaid, each, which shall be issued and in circulation, at any one time, shall not exceed one-fifth of the amount of the Capital Stock of the said Corporation, then paid in: Provided always, that no note, under the nominal value of five shillings currency, shall be issued or put into circulation by the said Corporation, and that the issue and circulation of all denominations of Notes, for a less sum than one pound five shillings each, may be suppressed or further limited by any Ordinance or Law of this Province, without such suppression or further limitation being considered an infringement of the privileges granted by this Ordinance.

Bank to forfeit Charter if notes beyond the limit fixed by Charter, is exceeded.

XII. And be it further Ordained and Enacted by the authority aforesaid, that if the total amount of all the Notes of the said Corporation, issued and in circulation, shall, at any one time, exceed the amount fixed and determined by this Ordinance, this Ordinance shall cease and determine from the time when such excessive issue shall have occurred; and in such case, the President, Vice President, and each and every of the Directors of the said Bank, who shall know that such excessive issue has occurred, or has been authorized, and shall not, within forty-eight hours after he shall have acquired such knowledge, give public notice thereof in one of the Newspapers printed and published in the City of Quebec, shall be personally, and jointly and severally responsible and liable for all debts, claims and demands, due by the said Corporation.

Penalty on Directors.

Shares and dividends of Stockholders subject to seizure.

XIII. And be it further Ordained and Enacted by the authority aforesaid, that the share and shares and dividends of the Stockholders in the said Corporation, shall be held, considered and adjudged to be personal property, and as such, be liable to *bona fide* creditors for debts, and may be attached and sold, under writs of attachment and execution issued out of Her Majesty's Courts of this Province, in like manner as other personal property may be attached and sold under such writs of attachment and execution; and in cases where an attachment may issue for attaching the said share and shares and dividends, the same shall be served on the Cashier of the said Corporation, who shall be held to appear in Court, and answer upon such writ of attachment, according to the Laws of this Province, and declare the number of shares of Stock, and the amount of dividends belonging and due to the person or persons

Process in such cases.

against whom such attachment shall have been obtained, and when the said share or shares have been sold, under a writ or writs of execution, the Sheriff by whom such writ or writs shall have been executed, shall, within thirty days after such sale, leave with the Cashier of the said Corporation, an attested copy of the said writ or writs of execution, with the certificate of such Sheriff endorsed thereon, and certifying to whom the sale of the said share or shares, under the said writ or writs of execution has been by him made; and the person or persons who shall have purchased such share or shares, so sold under such writ or writs of execution, shall be held and considered as Stockholder or Stockholders of the said share or shares, and shall have the same rights, and be under the same obligations as if he, she, or they had purchased the said share or shares from the proprietor or proprietors thereof.

Stockholders not personally answerable for the debts of the Bank.

XIV. And be it further Ordained and Enacted by the authority aforesaid, that no Stockholder or Stockholders shall be answerable in his, her, or their private or natural capacity or capacities, for the debts of the said Corporation, excepting Directors who may be liable, as hereinbefore mentioned, in cases where the total amount of debts contracted by the said Corporation shall, during their administration, exceed the limitation by this Ordinance prescribed.

Not to affect the rights of Her Majesty, &c.

XV. And be it further Ordained and Enacted by the authority aforesaid, that nothing in the present Ordinance contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, her heirs and successors, or of any person or persons, or of any bodies politic or corporate, such only excepted as are herein mentioned.

A Public Ordinance.

XVI. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be deemed and taken to be a public Ordinance and Law of this Province, and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without the same being specially pleaded, and that in any suit or suits, or other proceedings at law, brought, or had, or to be brought or had in any of Her Majesty's Courts in this Province, it shall not be necessary to produce in evidence, or fyle His late Majesty's aforesaid Charter of Incorporation, nor a copy thereof; but that the present Ordinance shall be, and be held and taken to be sufficient evidence of the incorporation of the said Bank, by the said Charter, as hereinbefore mentioned, and of all matters and things touching and concerning the management of the business of the said Bank

XVII.

Not to advance money to any foreign Prince or State.

XVII. And be it further Ordained and Enacted by the authority aforesaid, that it shall not be lawful for the said Corporation, at any time whatever, directly or indirectly, to advance or lend to, or for the use, or on account of any foreign Prince or State, any sum or sums of money whatever, and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights and advantages hereby granted to the said Corporation, shall, from thenceforth cease and determine; anything in the present Ordinance contained to the contrary thereof in any wise notwithstanding; and provided also, that the said Corporation shall not raise loans of money, nor increase its capital.

To continue in force until 1st Novr. 1842.

XVIII. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall continue and be in force until the first day of November, in the year of our Lord, one thousand eight hundred and forty-two, and no longer.

To commence and have effect as soon as assented to.

XIX. And be it further Ordained and Enacted by the authority aforesaid, that an Ordinance of this Province, made and passed in the first year of the Reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the period when the "Laws and Ordinances made and passed by the Governor or person authorised to "execute the Commission of Governor, and Special Council of this Province, shall "take effect," be, and the same is hereby repealed as to this Ordinance only, and that this present Ordinance shall commence and have effect within the said Province, so soon as the Governor or person authorised to execute the Commission of Governor of the said Province shall have assented to and signed this present Ordinance.

FORM, A.

STOCK OF THE QUEBEC BANK.

POWER OF ATTORNEY

To accept Transfers, receive Dividends, Sell and Vote.

Know all men by these presents, that I (or we) of do make, constitute and appoint of my (or our) true and lawful Attorney, for me (or us), in my (or our) name, and on my (or our) behalf,

behalf, to accept all such transfers as are, or may hereafter be made unto me (or us) of any interest or share in the Capital or Joint Stock of the Quebec Bank, to receive and give receipts for all dividends that are now due, and that shall hereafter become due and payable for the same, for the time being, to sell, assign, and transfer all or any part of my (or our) said stock, to receive the consideration money, and give a receipt or receipts for the same, and to vote at all elections, and generally to do all lawful acts requisite for effecting the premises, hereby ratifying and confirming all that my (or our) said Attorney shall do therein, by virtue hereof. In witness whereof, I, (or we) have hereunto set my (or our) hand and seal, at this day of in the year of our Lord, one thousand eight hundred and

Signed and Sealed }
in the presence of }

FORM, B.

For value received from of I (or we) do hereby assign and transfer unto of shares, on each of which has been paid pounds shillings currency, in the Capital Stock of the Quebec Bank, subject to the Rules and Regulations of the said Bank—Witness hand at the said Bank, this day of one thousand eight hundred and

Witness
I (or we) do hereby accept the foregoing assignment of shares, in the Stock of the Quebec Bank, assigned to as above mentioned, at the Bank, this day of one thousand eight hundred and

J. COLBORNE.

Ordained

Ordained and Enacted by the authority aforesaid, and duly passed in Special Council, at the Government House, in the City of Montreal, the Nineteenth day of March, in the second year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

~~CAP. XXV.~~

An Ordinance to suspend in part certain Acts therein mentioned, and to consolidate th[illegible]s relating to duties levied under t[illegible]hority of the Provincial Leg[illegible]e.

Preamble.

WHEREAS great [illegible]nience hath arisen fro[illegible]ultiplicity and complication of the A[illegible]der which the se[illegible]ies and drawbacks imposed and allowed by the P[illegible]l Legislature [illegible]rtain goods and articles imported into, or exported from, [illegible]ovince, [illegible]therto been levied and paid, and by which the exemptions, ab[illegible]s, [illegible]s, and modes of collection and payment, allowances, fines, penalties [illegible]atters and things relating to the said duties, have been hitherto prescr[illegible]ulated and provided for, and it is therefore highly expedient that such o[illegible]ions of the said Acts as are now in force, should be consolidated into o[illegible]ance of the present Legislature, under which all the duties so imp[illegible] such [illegible]d articles as aforesaid, but no other or greater duties, may b[illegible] be levied, [illegible]ch amendments to certain provisions of the said Acts [illegible]regard to the [illegible]anted for the payment of the said duties in cer[illegible]es, and to the co[illegible] thereof as will facilitate commerce and a[illegible] the public good ;"—[illegible]herefore Ordained and Enacted by Hi[illegible]lency the Governor of the [illegible]ce of Lower Canada, by and with [illegible]ice and consent of the Special C[illegible]r the affairs of the said Province, [illegible]tuted and assembled by virtue of and u[illegible]e authority of an

Ordained and [illegible]d by the authority afor[illegible] and passed in Special Cou[illegible]nder the Great Sea[illegible]e Province, at the Government [illegible] in the City [illegible]ontreal, the Third day of April, [illegible]he second [illegible] of the Reign of Our Sovereign Lady V[illegible], by th[illegible]ce of God, of Great Britain and Ireland, [illegible] De[illegible] of the Faith, and so forth, and in the year of Our L[illegible]usand eight hundred and thirty-nine.

By His Excellen[illegible]omma[illegible]

W. B. [illegible]DSAY,

C[illegible]pecial Council.

CAP. XLVI.

An Ordinance to regulate the Currency of this Province.

Preamble.

WHEREAS the values assigned by the Acts hereinafter cited, to the several coins therein mentioned, are now inconsistent with each other, and in many cases highly erroneous; and whereas the several coins now forming the lawful money of the United Kingdom of Great Britain and Ireland, have no legal value in this Province, nor has any proportion been legally established between the pound sterling, as represented by the British sovereign, and the pound currency of this Province, and it is highly desirable to establish such proportion, and as far as the circumstances of the Province will permit, to assimilate the currency thereof to that of the Mother Country, but without injuriously affecting the interests of any party, to any existing contract:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada,*" And it is hereby Ordained and Enacted by the authority of the same, that a certain Act, passed in the forty-eighth year of the Reign of King George the Third, intituled,

Act 43 Geo. III. suspended.

tuled, "An Act for better regulating the weight and rates at which certain Coins shall pass current in this Province, for preventing the falsifying, counterfeiting, or impairing of the same, and for repealing the Act and Ordinance therein mentioned," shall be, and the said Act is hereby suspended during the time this Ordinance shall be in force, in so far only as the said Act, or any of the provisions thereof, may be contrary to those of this Ordinance.

The British Sovereign to pass for £1 4 4 currency.

II. And be it further Ordained and Enacted by the authority aforesaid, that the pound currency shall be such, that the pound sterling, as represented by the British sovereign, of the weight and fineness now fixed by the laws of the United Kingdom aforesaid, shall be equal to, and any such British sovereign shall pass for one pound four shillings and four pence currency.

The American Eagle, for £2 13 4. currency.

and £2 10 0. currency.

Spanish, Mexican or columbian Doubloon for £3 17 8. currency.

French Coin of 40 francs for £1 18 7 currency.

III. And be it further Ordained and Enacted by the authority aforesaid, that the eagle of the United States of America, coined before the first day of July, one thousand eight hundred and thirty-four, and weighing eleven penny weights, six grains, troy, shall pass for two pounds thirteen shillings and four pence currency; the eagle of the United States aforesaid, coined after the day last mentioned, and before the commencement of the year one thousand eight hundred and thirty nine, and weighing ten penny weights, eighteen grains, troy, for two pounds ten shillings currency; the old Spanish doubloons, or quadruple pistole, and the Mexican or Columbian doubloon, coined in the years one thousand eight hundred and twenty six, one thousand eight hundred and twenty-seven, and one thousand eight hundred and twenty-eight, weighing not less than seventeen penny weights, nine grains, troy, for three pounds seventeen shillings and eight pence currency, and the French coins of forty francs each, coined before the commencement of the present year, and weighing eight penny weights, seven grains, troy, for one pound, eighteen shillings and seven pence currency.

The above Coins and divisions thereof to be a legal tender to any amount in tale.

IV. And be it further Ordained and Enacted by the authority aforesaid, that the several gold coins aforesaid, and the gold coins of the same nations and dates respectively, being multiples or divisions thereof, and of proportionate weight, shall, for proportionate sums, pass current and be a legal tender to any amount by tale, so long as such coins shall not want more than two grains, troy, of the weight hereby assigned to them respectively, deducting one half penny currency for each quarter of a grain, any such coin shall want of such weight, and shall in any case be a legal tender

And by weight in sums exceeding £20 currency.

tender by weight, in sums exceeding twenty pounds currency; and in any payment above that sum, the payer may pay, or the receiver may insist on receiving such gold coins by weight at the following rates, that is to say, the said British gold coins, and the gold coins of the United States of America aforesaid, coined before the first day of July, one thousand eight hundred and thirty-four, at the rate of ninety-four shillings and ten pence per ounce, troy, the said Gold coins of France, at the rate of ninety-three shillings and one penny per ounce, troy, and those of the United States of America, coined after the day last aforesaid, at the rate of ninety-three shillings per ounce, troy, and the said doubloons or quadruple pistoles at the rate of eighty-nine shillings and five pence per ounce, troy.

Spanish American and Mexican dollars to pass for 5s. and be a legal tender to any amount.

Subdivision of such dollars.

The Governor may extend the provisions of this and the preceding Section.

V. And be it further Ordained and Enacted by the authority aforesaid, that the Spanish milled dollar, the dollars of the United States aforesaid, and of the several States of South America and of Mexico, coined respectively before the first day of January, one thousand eight hundred and thirty-nine, and not weighing less than seventeen penny weights, four grains, troy, shall pass for five shillings each, and shall be a legal tender by tale to any amount, as shall also any silver coins of the same nations, and date, being subdivisions of such dollars for proportionate sums when of the same fineness and of proportionate weights, and not otherwise; but the subdivisions of such dollars, being less than quarters thereof, shall be a legal tender by tale to the amount of two pounds, ten shillings currency, and no more at any one time, until they shall have lost one twenty-fifth part of such weight respectively, after which they shall not be lawful money; Provided always, that the Governor, Lieutenant Governor, or person administering the Government, may by proclamation extend all the provisions of this section, and of the section immediately preceding it, to any gold or silver coins of the nations, weights and denominations therein mentioned or referred to, but of later date, which having been assayed at the Royal mint, shall have been found equal in fineness to those therein mentioned or referred to, respectively.

Rates at which British Silver is to pass, and to be a legal tender.

VI. And be it further Ordained and Enacted by the authority aforesaid, that all silver coins of the United Kingdom of Great Britain and Ireland, while lawfully current therein, shall pass in this Province at the rates following, that is to say, the British crown, at six shillings currency; the British half crown, at three shillings currency;

currency; the British shilling, at one shilling and three pence currency; the British six pence, at seven pence half penny currency; and the British groat or four penny piece, at five pence currency; and the said crowns and half crowns shall, at the said rates, be a legal tender to any amount, but the said shillings, six pences and groats, shall, at the said rates, be a legal tender to the amount of two pounds ten shillings currency, and no more at any one time; Provided always, that the holder of the notes of any person or body corporate, to the amount of more than two pounds, ten shillings, shall not be bound to receive more than that amount in payment of such notes if presented at one time, although each or any of such notes be for a less sum.

British Copper coin to pass and be a legal tender.

VII. And be it further Ordained and Enacted by the authority aforesaid, that the copper penny of the United Kingdom aforesaid, or any other which Her Majesty may cause to be coined, if not less than five-sixths of the weight of such copper penny, shall pass for one penny currency, and the halves and quarters thereof, for proportionate sums, and such copper coin shall be a legal tender to the amount of one shilling currency, at any one time, and no more.

Certain coins current under Acts 48 and 59. Geo. III. may be called in and recoined.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that at any time while this Ordinance shall be in force, it shall be lawful for Her Majesty to direct, that the coins lawfully current under the authority of the Act first above cited, or of a certain Act passed in the fifty-ninth year of the Reign of King George the Third, chapter one, intituled, "An Act to amend an Act passed in the forty-eighth "year of His Majesty's Reign, intituled, "An Act for better regulating the weight "and rates at which certain coins shall pass current in this Province, for preventing the falsifying, counterfeiting and impairing of the same, and for repealing the "Act and Ordinance therein mentioned," and to which no current value is assigned by this Ordinance, be called in and recoined into British gold and silver coins, and that the actual expense only of such recoinage be borne by this Province; and from the day which Her Majesty shall appoint for that purpose, by proclamation of the Governor, Lieutenant Governor, or person administering the Government, the said Acts herein above cited, shall, (excepting always that part of the Act first cited which repeals the Act and Ordinance therein mentioned) be wholly suspended while this Ordinance shall remain in force, and the several coins hereinbefore mentioned

The expense of recoinage to be borne by the Province.

and

Public Officers to continue to receive all the present lawful current coins, during six months after this Ordinance shall be in force.

and referred to as lawful money of this Province, shall be the only legal tender as money therein; excepting always that the several Collectors of the Customs and all public officers to whom any sums of money shall be payable for the public uses of the Province, under any Statute or law in force therein, shall continue during the six months next after this Ordinance shall be in force, to receive in payment of such sums, the several coins current by law in this Province immediately before this Ordinance shall come into force, at the rates at which they were so current; and such coins shall be received from such Collectors and Officers by the Receiver General at the said rates, and shall be by him delivered to be so recoined as aforesaid, at such times, and under such regulations as Her Majesty may appoint; Provided always, that it shall also be lawful for Her Majesty to adopt such other means of calling in and collecting such uncurrent coins as Her Majesty may think fit to appoint.

The pound Sterling to have the value of the British Sovereign in currency.

IX. And be it further Ordained and Enacted by the authority aforesaid, that nothing in this Ordinance shall affect the meaning to be affixed to the words "sterling," "sterling money of Great Britain," or other words of like import, in any law in force in this Province when this Ordinance shall come into force, or in any contract or agreement then made therein, but any such law, contract or agreement shall be construed according to the intention of the Legislature, or of the parties who made the same; but in any law, contract or agreement made in this Province, after this Ordinance shall be in force, the pound sterling shall be understood to have the value in currency, hereby assigned to the British sovereign of the lawful weight and fineness aforesaid.

Persons knowingly uttering or tendering counterfeit gold or silver Coins, may be fined and imprisoned.

Guilty of felony for any subsequent offence.

X. And be it further Ordained and Enacted by the authority aforesaid, that if any person shall utter or tender in payment to any person or persons (as being any of the gold or silver coins hereby made or declared to be current money) any false or counterfeit coin, knowing the coin so uttered or tendered to be false or counterfeit such person may, on being thereof duly convicted, be sentenced to pay a fine not exceeding fifty pounds currency, and to imprisonment and hard labour for not more than one year, or until such fine be paid; and if such person shall afterwards offend in like manner, he or she may for such second or for any subsequent offence, on being thereof duly convicted, be adjudged to be guilty of felony without benefit of Clergy.

XI.

Punishment of persons knowingly uttering, tendering or importing false or counterfeit copper coins.

XI. And be it further Ordained and Enacted by the authority aforesaid, that any person, who shall utter or tender in payment to any person or persons, or who shall import or cause to be imported into this Province, as being any of the copper coins hereby declared to be lawful current money, any false or counterfeit coin, knowing the coin so uttered, tendered or imported, to be false or counterfeit, shall, for such offence, over and above any forfeiture or pecuniary penalty imposed by law for such offence, be liable to be imprisoned and kept at hard labour for not more than one year, at the discretion of the Court before whom he or she shall be convicted, but no prosecution for any such offence shall be commenced under this Ordinance more than six months after the offence committed.

Pretended gold or silver coin tendered in payment, how to be dealt with.

XII. And be it further Ordained and Enacted by the authority aforesaid, that any person to whom any pretended gold or silver coin shall be tendered in payment, which shall by the stamp, impression, colour, or weight thereof, afford reason to suspect that the same is false or counterfeit, may cut or break such coin; and if the same shall be found counterfeit, the person who tendered it shall bear the loss, otherwise the person who shall have cut or broken it, shall receive it for a sum proportionate to its weight; and if any question shall arise whether such coin be counterfeit, it shall be determined by any Justice of the Peace, who, if he entertain any doubt in that behalf, may summon three skilful persons, the decision of a majority of whom shall be final.

False or counterfeit Coin produced in Court.

XIII. And be it further Ordained and Enacted by the authority aforesaid, that if any false or counterfeit coin shall be produced in any Court of Law, the Court shall order the same to be cut in pieces in open Court, or in the presence of a Justice of the Peace, and then delivered to or for the lawful owner thereof.

This Ordinance not to have force till Her Majesty's assent is proclaimed by the Governor.

XIV. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be printed and published as the other Ordinances passed by the present Legislature, but shall have no further force or effect, until it shall have been laid before Her Majesty in Her Privy Council, nor until Her Majesty's assent thereto shall have been proclaimed in this Province, by the Governor, Lieutenant Governor, or person administering the Government thereof.

J. COLBORNE.

Ordained

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Third day of April, in the second year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the Year of our Lord One Thousand Eight Hundred and Thirty-nine.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

~~CAP. XLVII.~~

An Ordinance to amend and continue the Act to regulate the exercise of certain rights [illegible] Lessors and Lessees.

Preamble.

WHEREAS it [illegible] dient to amend and further to [illegible] for a limited time the Act herein [illegible] entioned:—Be it therefor[illegible] ied and Enacted by His Excellency the [illegible] of the Province [illegible] wer Canada, by and with the advice and co[illegible] the Special [illegible] for the affairs of the said Province, constituted a[illegible] mbled by [illegible] and under the authority of an Act of the Parliament of [illegible] ted Ki[illegible] of Great Britain and Ireland, passed in the first year of the Rei[illegible] Majesty, intituled, "*An Act to make temporary provision for the* [illegible] *of Lower Canada;*"—And it is hereby Ordained and Enacted by the [illegible] of the same, that all the powers, jurisdiction, authority and duties as[illegible] vested in any Judge or in any two Judges of the Court of King'[illegible] and in any Provincial Judge, or to and in the Resident [illegible] of the [illegible] of Three Rivers respectively, in vacation, by a cert[illegible] passed in t[illegible] year of His late Majesty's Reign, intituled, "An Ac[illegible] late the exercise [illegible] in rights of Lessors and "Lessees," shall be, an[illegible] reby assigned to and [illegible] such Judges or Judge, Provincial Judge, or [illegible] Judge respectively, in [illegible] well as in vacation, any thing in the sa[illegible] o the contrary notwithstanding.

The power &c. vested in the Judges, in vacation, by the Act. 3 Will. IV. are also vested in them, in term.

II.

ORDINANCES

MADE AND PASSED

BY

HIS EXCELLENCY

THE GOVERNOR GENERAL,

AND

SPECIAL COUNCIL

FOR THE AFFAIRS OF THE PROVINCE OF LOWER CANADA;

Constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled, " *An Act to make temporary provision for " the Government of the Province of Lower Canada.*"

VOLUME FOURTH.

Quebec:

PRINTED BY JOHN CHARLTON FISHER & WILLIAM KEMBLE,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1839.

PROVINCIAL ORDINANCES

OF

LOWER CANADA,

Anno Secundo

VICTORIÆ REGINÆ.

HIS EXCELLENCY

SIR JOHN COLBORNE, *G. C. B. & G. C. H.*

GOVERNOR GENERAL.

Being the FOURTH Session of the Special Council,

Begun and holden at the City of Montreal, in the said Province of Lower Canada, the fourteenth day of February, *Anno Domini* 1839, in the second year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., and adjourned on the thirteenth day of April, of the same year.

of the monies advanced to him.

shall ren[illegible] account, and support the same by such vouche[illegible] transmit it at such t[illegible] Governor, or person administering the Gov[illegible] shall direct; and the du[illegible]on of all such monies shall be account[illegible] Her Majesty, her heirs and [illegible], through the Lords Commissio[illegible]e Treasury, in such manner a[illegible] Her Majesty, her heirs and [illegible]s shall direct.

To be in force till 1st Nov. 1842.

III. And be it fu[illegible]ined and Enacted b[illegible]ority aforesaid, that this Ordinance shall conti[illegible]main in force u[illegible]st day of November, one thousand eight hundred a[illegible]wo, and n[illegible]

J. COLBORNE.

Ordained and Enacted b[illegible]rity aforesaid, and passed in Special Council, under t[illegible] of the Province, at the Government House, i[illegible]réal, the Eleventh day of April, in the sec[illegible] of [illegible]n of Our Sovereign Lady Victoria, b[illegible]ace of G[illegible] Great Britain and Ireland, Queen, [illegible] of the Faith, [illegible]orth, and in the year of Our L[illegible] thousand eight hund[illegible]hirty-nine.

[illegible] His Excellency's Command,

W. B. LI[illegible]

Clerk Sp[illegible]ouncil.

CAP. LVII.

An Ordinance to regulate Private Banking, and the Circulation of the Notes of Private Bankers.

Preamble.

WHEREAS it is expedient to regulate, by Law, the issuing or circulation of Notes and other written promises and undertakings, for the payment of money, intended for circulation in this Province, and not being those of any Bank chartered or recognized, or authorized by the Legislature of this Province, or by competent

competent authority in any part of Her Majesty's Dominions, or in the United States of America:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty. intituled, "*An Act to make "temporary provision for the Government of Lower Canada,*" and it is hereby Ordained and Enacted by the authority of the same, that after the expiration of fifteen days from the passing of this Ordinance, it shall not be lawful for any person or persons, body politic or corporate, except the Banks which are or may be chartered or recognized as aforesaid, to make, sign or indorse, or draw any bill, note, bon, check, or other promise or undertaking, for the payment of any sum less than five pounds currency, either in money or in other notes purporting to be payable in money, if the same be made payable, either in form or in fact, to the bearer thereof, or on demand, or less than thirty days thereafter, or at sight, or less than thirty days thereafter, or be over due, or antedated, or be in any way whatever calculated or intended for circulation, as a substitute for money, or of any notes of such chartered or recognized Banks as aforesaid, or of any thing which is itself a substitute for money, unless such maker or makers, signer or signers, indorser or indorsers, shall have obtained a Licence from the Governor, Lieutenant Governor, or person administering the Government of this Province, to act as a Banker or Bankers in this Province; and any person or persons, body politic or corporate, who shall offend against the provisions of this section, shall, for each such offence, incur a penalty of triple the nominal amount of each bill, note, bon, check, promise, or undertaking, made, signed, indorsed, or drawn, contrary to the provisions of this Ordinance; Provided always, that nothing in this section shall extend to any check upon any chartered or incorporated, or recognized Bank, or licenced Banker, paid by the maker or makers thereof, to his, her or their immediate creditor or creditors.

No person to issue Notes under £5 currency, without Licence to act as a Banker.

Offenders to incur a penalty.

Licence to be forfeited, if Notes are not paid when due.

II. And be it further Ordained and Enacted by the authority aforesaid, that any licence granted under the authority of this Ordinance shall be forfeited, if the person or persons, body politic or corporate, holding such licence shall, in any case, refuse or neglect to pay, on demand, and according to the purport and tenor thereof, any bill,

bill, note, bon, promise, or undertaking, made and issued, signed, drawn, or endorsed at any time, either before or after the receiving such Licence, by such person or persons, body politic or corporate, who shall, from and after the time of such refusal be subject to all the restrictions and penalties to which persons having no such licence are liable under this Ordinance; Provided always, that if at any time it shall happen that the chartered or recognized Banks in this Province shall be legally authorized to suspend the redemption of their notes in specie, it shall be sufficient for any party licenced under this Ordinance, to redeem his, her, or their liabilities, with the notes of any such chartered or recognized Banks; And provided also, that if any Bank, chartered, recognized, or authorized as aforesaid by competent authority, in any part of Her Majesty's Dominions or in the United States of America, but not so chartered or recognized, or authorized in this Province, shall establish an agency or office therein, all the provisions of this section shall extend to such Bank, and any refusal or neglect on the part of such Bank, to redeem any bill, note, bon, promise, or undertaking of such Bank, in specie, (or in case of the legal suspension of specie payments, as aforesaid, in the notes of some Bank chartered or recognized by competent authority in this Province, and authorized to such suspension,) shall, from the date thereof, render such Bank liable for each and every note, bill, bon, promise or undertaking of such Bank, issued thereafter, by or from such agency or office, to the pains and penalties to which any person would be liable for issuing any such bill, note, bon, promise or undertaking, without a licence under this Ordinance.

Respecting agencies of Banks not chartered in the Province.

Penalty on persons issuing Notes under 5s. currency.

III. And be it further Ordained and Enacted by the authority aforesaid, that no such person or persons, body corporate or politic, shall make, sign, draw, or indorse any such bill, note, bon, promise, or undertaking, for any less sum than five shillings currency, under a penalty of five pounds currency for each offence.

Licences to be granted for one year.

IV. And be it further Ordained and Enacted by the authority aforesaid, that all licences granted under the authority of this Ordinance, shall be granted for one year from the date thereof, and no longer, and shall be published by the party receiving them, in both languages, in at least two newspapers published in each of the Cities of Quebec and Montreal.

V.

Licensed Bankers to transmit a statement of their affairs to the Governor.

V. And be it further Ordained and Enacted by the authority aforesaid, that the person or persons, body politic or corporte, to whom any licence shall be granted under the authority of this Ordinance, shall respectively transmit to the Governor, Lieutenant Governor, or person administering the Government of this Province, before such licence shall be granted, and at the end of every three months afterwards, reckoning from the date of the licence, and at any other time when he shall think fit to demand the same, a statement of his, her or their affairs at the time, and shall answer in writing all such questions touching such statement, as shall be put by order of the Governor, Lieutenant Governor, or person administering the Government, but shall not be bound in such statement or answer to disclose the private account of any third party, nor shall it be requisite to state more of the affairs of the party making the statement, than is requisite to prove the ability of such party to meet his or their liabilities; and such statement shall be in the form of the Schedule A, and shall be attested on oath, as shall also the answers so to be given as aforesaid respecting the same by the person, or one of the persons, or by the legal representatives of the body politic or corporate, to whom the licence was granted; and if such statement be not transmitted, or if such answer be not given in the manner herein required, the licence of the party so in default shall be forfeited; Provided always, that such statement shall show the amount of notes issued by the party making it, for less than five dollars each, and such amount shall not exceed one fifth of the capital of such party (as shown by such statement) whose licence shall be forfeited by any such excess; and in calculating such capital, all liabilities, except notes and promises issued under the authority of such licence, shall be deducted from the amount of effects shown in the statement.

To forfeit Licence in case of default.

Public Notice to be given when a Licence is forfeited.

VI. And be it further Ordained and Enacted by the authority aforesaid, that in any case of refusal or neglect to transmit such statement or give such answers, it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, to cause official notice to be inserted in the Quebec Gazette, published by authority, and in the Montreal Gazette, that the licence of the party in default is forfeited; and the party whose licence shall have been forfeited for such cause, or for any other contravention of this Ordinance, shall be held to have had no licence from the time such forfeiture was incurred.

Statements of affairs &c. to be published officially.

VII. And be it further Ordained and Enacted by the authority aforesaid, that the statement so transmitted as aforesaid shall be published officially in the Quebec Gazette, published by authority, and the Montreal Gazette, and in one other Newspaper published in each City, by the party making the statement; and it shall be lawful

lawful for the Governor, Lieutenant Governor, or person administering the Government to publish any part of any answers thereunto relating, which he shall deem it expedient to make public.

After 15th June 1839, no Notes to be given or received in payment of any sum less than £5. currency, except those of chartered or Licensed Banks.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that from and after the fifteenth day of June next after the passing of this Ordinance it shall not be lawful for any person or persons, directly or indirectly, to give or receive as money, or as a substitute for money or for such Bank notes, or other thing which may be itself intended as a substitute for money as aforesaid, or to pass or utter in any way, any bill, note, bon, check, or other promise or undertaking, for the payment of any sum less than five pounds currency, if the same be in fact or in form payable on demand, or less than thirty days thereafter, or at sight, or less than thirty days thereafter, and be in form, or in fact payable to the bearer thereof, or be in any way whatever intended or calculated to form a circulating medium in place of money, or of bank notes, or other thing as aforesaid in this Province, unless such bill, note, bon, check or other promise or undertaking as aforesaid shall have been made and issued by some chartered or recognized Bank within Her Majesty's Dominions, or by some chartered Bank in the United States of America, or by some party duly licenced under this Ordinance, and made and dated after such party shall have been so licenced, or be a check drawn by the party paying or uttering it on some such Bank as aforesaid, or on some party licenced as aforesaid, and not passed into the hands of any third party; Provided always, that nothing herein contained shall prevent any person or persons, who is, are, or shall become, on or before the said fifteenth day of June, the holder or holders of any such bill, note, bon, check, or other promise or undertaking, or his, her, or their legal representatives, from demanding, enforcing and receiving payment of the same from the maker or makers, drawer or drawers, acceptor or acceptors, indorser or indorsers thereof, or his, her, or their legal representatives.

Proviso with respect to holders of Notes on or before 15th June 1839 not issued by chartered or Licenced Bankers.

Penalty upon persons who shall pay or receive any such Notes.

IX. And be it further Ordained and Enacted by the authority aforesaid, that each and every person who shall, contrary to the provisions of this Ordinance, pay, utter or receive any such bill, note, bon, check, promise or undertaking as aforesaid, shall incur a penalty of triple the nominal amount thereof.

Penalties how to be recovered.

X. And be it further Ordained and Enacted by the authority aforesaid, that the penalties imposed by this Ordinance, may be recovered in a summary manner, with costs,

costs, on the oath of one credible witness, other than the informer (or of the informer, if he, or she be a credible witness, and shall forego the moiety of the penalty which would otherwise belong to him, or her) before any two or more Justices of the Peace, if the penalty sued for does not exceed the sum of twenty pounds currency; and if it exceed that amount, then in any Court of competent jurisdiction, and the Court or Justices rendering judgment for any such penalty and costs against any offender, may award execution or distress for the same, or may condemn the offender to be imprisoned for not more than six months, or until such penalty and costs be paid: Provided always that no person, who shall be a witness or informer against either the giver or payer, or the receiver of any such bill, note, bon, check or other promise or undertaking, or against both of them, shall thereupon be liable to any prosecution, or to any penalty under this Ordinance, by reason of his, or her share or part in such giving, paying or receiving, nor shall his, or her evidence be invalidated by reason of the same.

Proviso respecting informers or witnesses.

Mortgages &c. given for any loan in such Notes as are prohibited to be circulated, to be null and void.

XI. And be it further Ordained and Enacted by the authority aforesaid, that any mortgage or *hypothèque*, or any deed, bond or obligation, note, bill, or other security, which may, directly or indirectly, mediately or immediately, be given or taken for securing any loan or advance made in such bills, notes, bons, promises or undertakings as are prohibited by this Ordinance to be circulated, shall be absolutely null and void; and any person or persons who may have been concerned in taking such mortgage or *hypothèqne*, or other deed, bond, obligation, note, bill, or other security, or in making such loan or advance, whether on his, her or their own behalf, or that of others, shall be liable to be interrogated with respect to the same, in any Court of Law, as freely and fully as any party may be interrogated in his own cause, or in that of any other person or persons, and to incur all the legal consequences of refusing to answer, or of answering untruly, any law, usage or custom to the contrary notwithstanding.

Nothing in this Ordinance to extend to make valid any Notes circulated in contravention of any Law.

XII. And be it further Ordained and Enacted by the authority aforesaid, that nothing in this Ordinance shall extend, or be construed to extend, to make valid any bill, note, bon, check, or other undertaking, for the payment of money notes, or substitute for money as aforesaid, which may have been, or may hereafter be made, issued, or circulated in contravention of any Law, Statute, or Ordinance in force in this Province.

XIII.

Penalties how to be applied and accounted for.

XIII. And be it further Ordained and Enacted by the authority aforesaid, that one moiety of all penalties recovered under this Ordinance, shall go to Her Majesty, for the public uses of the Province, and the other moiety shall belong to the informer unless he or she shall forego the same as aforesaid, in which case the whole shall go to Her Majesty, for the said uses; and all such penalties and monies received for the said uses, under this Ordinance, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of the Treasury, in such manner and form as Her Majesty, her heirs and Successors, shall direct.

SCHEDEULE, A.

SCHEDULE A.

Schedule A. *Statement of the affairs of*

EFFECTS.		LIABILITIES.	
Amount of Gold, Silver, and other Coined Metals in hand, £		Amount of monies on hand of any kind, belonging to other persons, - - - £	
Bills or Checks on Banks, or licensed Bankers in this Province, - - -		Amount of debts due to Banks and Bankers, - -	
Amount of Balances due from any such Bank or Banker,		Amount of debts due to other persons, - - -	
Amount of Stock in any such Bank,		Amount of Bills, Notes, Bons, and other promises in writing, for the payment of money outstanding or in circulation,	
Amount of Balances due from any other parties secured on any real property, -		Amount of Notes or Bills, endorsed for or of security given for others, which it is believed will become payable by the party making the statement,	
Amount of such Balances not so secured, but which are believed to be good, -		Other liabilities, (specify their nature and amount,)	
Real Property, that is to say, (describe such property,) the clear value of which over and above all incumbrances thereon or rents or dues of any kind, payable out of it, is, at least, - - -			
£		£	

(If any other effects they may be stated and described.)

(I or we) solemnly swear, that the above Statement is correct and true, and that (I am) or (we are) or (is) worth and able to raise and pay the the sum of by which

which the effects "mentioned in the said Statement exceed the liabilities" also mentioned therein, after having paid all debts, dues, demands, and liabilities of (me, us, or them, &c.) the said

Witness my or our hand (or hands)

Sworn before me, one of the Judges of the Court of King's Bench at this day of 18

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Eleventh day of April, in the second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

~~CAP. LVIII.~~

An Ordinance to establish Circuit Courts of Requests in the Districts of Quebec, Montreal, and Three Rivers, and for other purposes.

Preamble.

WHEREAS it is expedient to suspend in part an Act of the Legislature of this Province passed in the sixth year of the Reign of the late Majesty King William the Fourth, intituled "An Act to provide for the Summary Trial of Small Causes,"

ORDINANCES

MADE AND PASSED

BY

HIS EXCELLENCY

THE GOVERNOR GENERAL

AND

SPECIAL COUNCIL

FOR THE AFFAIRS OF THE PROVINCE OF LOWER CANADA,

Constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled, "*An Act to make temporary provision for the Government of Lower Canada,*" and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "*An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada.*"

CONTINUATION OF VOLUME FIFTH.

Quebec:

PRINTED BY JOHN CHARLTON FISHER & WILLIAM KEMBLE,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1840.

PROVINCIAL ORDINANCES

OF

LOWER CANADA.

Anno tertio

VICTORIÆ REGINÆ.

HIS EXCELLENCY

THE RIGHT HONORABLE

CHARLES POULETT THOMSON,

GOVERNOR GENERAL.

Being a continuation of the FIFTH Session of the Special Council,

Which resumed its Sittings at Montreal, on the twentieth day of April, *Anno Domini* 1840, in the third year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., and again adjourned on the thirteenth day of May following.

CAP. VIII.

An Ordinance to amend and render permanent an Ordinance passed in the second year of Her Majesty's Reign, intituled, "An Ordinance to "prevent the fraudulent manufacture, importation, or circulation of "spurious Copper and Brass Coin."

Preamble.

WHEREAS it is expedient to amend and render permanent the Ordinance hereinafter mentioned :—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make tempo-* "*rary provision for the Government of Lower Canada,*" and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Mbjesty, intituled, "*An Act to amend an Act of the last Session of Parliament for making tem-* "*porary provision for the Government of Lower Canada ;*" And it is herely Ordained and Enacted by the authority of the said Acts of Parliament, and by virtue of the powers in them vested, by the Act last above mentioned and under the provisions thereof, that a certain Ordinance of the Governor of this Province, and of the Special Council for the affairs thereof, passed in the second year of Her Majesty's Reign, and intituled, "An Ordinance to prevent the fraudulent manufacture, im- "portation, or circulation of Spurious Copper and Brass Coin," which said Ordinance would otherwise expire on the first day of November, one thousand eight hundred and forty-two, shall be, and the said Ordinance as amended by this Ordinance, is hereby made permanent, and shall remain in force until it be repealed or amended by competent authority.

Ordinance 2 Vict. c.5, made permanent.

Conditions upon which Copper Coins or Tokens may be permitted to be imported or manufactured.

II. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that no permission shall be hereafter given by the Governor, Lieutenant Governor, or person administering the Government of the said Province, for the importation or manufacture of any Copper or Brass Coin or Tokens, under the provisions of the said Ordinance, by any person or persons, body politic or corporate, unless such Coins or Tokens be stamped with the nominal value thereof, and with the name of such person or persons, body politic or corporate, and such Coins or Tokens shall be payable or redeemable on demand by such person or persons, body politic or corporate, at the nominal value thereof, in lawful current coin being

a

a legal tender in this Province, in payment of a debt equal to the nominal value of the Coins or Tokens for which payment shall be so demanded.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Thirtieth day of April, in the third year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and forty.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

~~CAP. IX.~~

An Ordinance to amend and render permanent the Act therein mentioned, passed to facilitate the administration of Justice in Civil matters, in the District of Quebec, Montreal, Three Rivers and Saint Francis.

Preamble.

WHEREAS it is expedient to amend and render permanent the Act hereinafter mentioned, which has been continued in force by subsequent Acts until the first day of one thousand eight hundred and forty, when it would otherwise expire: Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year

the Fa[illegible] and so forth and in the [illegible]ar of our L[illegible] one thousand eight hu[illegible]red and [illegible]ty.

B[illegible]is Excellency's Comman[illegible]

W. B. L[illegible]DSA[illegible]

Clerk Spe[illegible]al Council.

CAP. XI.

An Ordinance to amend the Ordinance incorporating the Bank of Montreal.

Preamble.

WHEREAS the President, Directors and Company of the Bank of Montreal have, by their Petition to His Excellency the Governor in Chief, prayed that certain amendments may be made in the Ordinance whereby the said Bank is incorporated, and it is expedient to grant the prayer of the said Petition :—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs thereof, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act "to make temporary provision for the Government of Lower Canada,*" and it is hereby Ordained and Enacted by the authority of the same, that the fourth clause of the ninth section of an Ordinance passed in the first year of Her Majesty's reign, intituled, "An Ordinance to incorporate certain persons therein named, under the "name of the President, Directors and Company of the Bank of Montreal," which said clause is in the words following—"no director shall be entitled to any salary "or emolument, unless the same shall have been allowed to him by a general meet-"ing of the Stockholders ; but the Stockholders may make such compensation to "the President or Vice President for their extraordinary attendances at the Bank, "or other services, as shall appear to them to be reasonable and proper," shall be, and the said clause is hereby repealed.

The 4th clause of the 9th Sec. of Ord. 1st Vict. cap. 11. repealed.

II.

The President of the Bank may have a salary for his services, upon conditions.

II. And be it further Ordained and Enacted by the authority aforesaid, that no Director, other than the President of the said Bank of Montreal, shall be entitled to any salary or emolument for his services as a Director; but that it shall be lawful for the Directors of the said Bank to allow a salary to the President thereof, upon the following conditions, that is say: that during his Presidency the said President shall not, either directly or indirectly engage in, or use any trade, business or profession of any description whatever on his private account, or on account of any person or persons, institution or institutions other than the Bank of Montreal; and that before entering upon the duties of the said Presidency he shall enter into a bond in the sum of five thousand pounds currency, with two or more sureties approved by the Directors, in a further sum of not less than five thousand pounds, current money of this Province, with condition for his good and faithful behaviour; which bond shall be accepted by the Vice President of the said Bank on behalf of the said Corporation, and shall avail to it, and shall be renewed when and so often as the sureties or any one of them, shall remove their or his domicile from this Province, or become insolvent or die, or whenever the Directors require its renewal. Provided always, that nothing herein contained shall be held to prevent the election to the Presidency of the said Bank, of any Director who may be, and may continue to be engaged in trade or business (other than that of banking,) whenever the Presidency of the said Bank shall become vacant; but in that case the President of the said Bank shall not be required to give bond as aforesaid, nor shall he be entitled to any compensation for his services, except such as shall be granted to him by a general meeting of the Stockholders, in the manner heretofore practised under the provisions of the Ordinance aforesaid.

Proviso.

This Ordinance to be a public one.

III. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be deemed and taken to be a public Act or Ordinance, and as such shall be judicially taken notice of by all Judges, Justices and other persons whomsoever, without being specially pleaded.

And have force till 1st November 1842.

IV. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and remain in force until the expiration of the Ordinance hereinbefore in part recited and amended, and no longer.

C. POULETT THOMSON.

Ordained

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-fifth day of June, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

~~CAP. XLI.~~

An Ordinance for making a Rail-Road from the City of Montreal to the Province Line, at or near Point à Beaudet.

Preamble.

WHEREAS it is expedient to afford facilities for the transport and safe conveyance of passengers and goods between the two Provinces of Upper and Lower Canada; and whereas the several persons hereinafter named have petitioned to be authorized under an Ordinance to be enacted for that purpose, whereby they may be incorporated, to make and maintain at their own costs and charges, a Rail-Road between the City of Montreal and the Province Line, at or near Point à Beaudet, through the several intermediate parishes, connecting the Island of Montreal with the main land, at Vaudreuil by means of bridges, with a view of thereafter effecting a continuation of such Rail-Road to Dickinson's Landing, Brockville or Prescott, in Upper Canada, and thereby to avoid the detention and difficulties experienced by reason of the present mode of conveyance by water: Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada,*"

ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

CAP. XXXV.

An Act to Re-unite the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*.

[23d *July*, 1840.]

WHEREAS it is necessary that Provision be made for the good Government of the Provinces of *Upper Canada* and *Lower Canada*, in such Manner as may secure the Rights and Liberties and promote the Interests of all Classes of Her Majesty's Subjects within the same: And whereas to this end it is expedient that the said Provinces be re-united and form One Province for the Purposes of Executive Government and Legislation; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to declare, or to authorize the Governor General of the said Two Provinces of *Upper* and *Lower Canada* to declare, by Proclamation, that the said Provinces, upon, from, and after a certain Day in such Proclamation to be appointed, which Day shall be within Fifteen Calendar Months next after the passing of this Act, shall form and be One Province, under the name of the Province of *Canada*, and thenceforth the said Provinces shall constitute and be One Province, under the name aforesaid, upon, from, and after the Day so appointed as aforesaid.

Declaration of Union.

II. And be it enacted, That so much of an Act passed in the Session of Parliament held in the Thirty-first Year of the Reign of King *George* the Third, intituled

Repeal of Acts 31 G. 3, c. 31.

tuled *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 Gov-'ernment of the Province of* Quebec *in* North America,' *and to make further Provision for the Government of the said Province*, as provides for constituting and composing a Legislative Council and Assembly within each of the said Provinces respectively, and for the making of Laws; and also the whole of an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to make temporary provision for the Government of* Lower Canada; and also the whole of an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to amend an Act of the last Session of Parliament, for making temporary Provision for the Government of* Lower Canada; and also the whole of an Act passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act of the Fourteenth Year of His Majesty King* George *the Third, for establishing a Fund towards defraying the Charges of the Administration of Justice and the Support of Civil Government in the Province of* Quebec *in* America, shall continue and remain in force until the Day on which it shall be declared, by Proclamation as aforesaid, that the said Two Provinces shall constitute and be One Province as aforesaid, and shall be repealed on, from, and after such Day: Provided always, that the Repeal of the said several Acts of Parliament and Parts of Acts of Parliament shall not be held to revive or give any Force or Effect to any Enactment which has by the said Acts, or any of them, been repealed or determined.

1 & 2 Vict. c. 9.

2 & 3 Vict. c. 53.

1 & 2 W. 4 c. 23.

14 G. 3, c. 88.

Composition and Powers of Legislature.

III. And be it enacted, That from and after the Re-union of the said Two Provinces there shall be within the Province of *Canada* One Legislative Council and One Assembly, to be severally constituted and composed in the Manner hereinafter prescribed, which shall be called "The Legislative Council and Assembly "of *Canada*;" and that, within the Province of *Canada*, Her Majesty shall have power, by and with the Advice and Consent of the said Legislative Council and Assembly, to make laws for the Peace, Welfare, and good Government of the Province of *Canada*, such Laws not being repugnant to this Act, or to such Parts of the said Act passed in the Thirty-first Year of the Reign of His said late Majesty as are not hereby repealed, or to any Act of Parliament made or to be made, and not hereby repealed, which does or shall, by express Enactment or by necessary Intendment, extend to the Provinces of *Upper* and *Lower Canada*, or to either of them, or to the Province of *Canada*; and that all such Laws being passed by the said Legislative Council and Assembly, and assented to by Her Majesty, or assented to in Her Majesty's Name by the Governor of the Province of *Canada*, shall be valid and binding to all Intents and Purposes within the Province of *Canada*.

IV.

IV. And be it enacted, That for the Purpose of composing the Legislative Council of the Province of *Canada* it shall be lawful for Her Majesty, before the Time to be appointed for the First Meeting of the said Legislative Council and Assembly, by an Instrument under the Sign Manual, to authorize the Governor, in Her Majesty's Name, by an Instrument under the Great Seal of the said Province, to summon to the said Legislative Council of the said Province such Persons, being not fewer than Twenty, as Her Majesty shall think fit; and that it shall also be lawful for Her Majesty from Time to Time to authorize the Governor in like Manner to summon to the said Legislative Council such other Person or Persons as Her Majesty shall think fit, and that every Person who shall be so summoned shall thereby become a Member of the Legislative Council of the Province of *Canada*: Provided always, that no Person shall be summoned to the said Legislative Council of the Province of *Canada* who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of Her Majesty, or a Subject of Her Majesty naturalized by Act of the Parliament of *Great Britain*, or by Act of the Parliament of the United Kingdom of *Great Britain* and *Ireland*, or by an Act of the Legislature of either of the Provinces of *Upper* or *Lower Canada*, or by an Act of the Legislature of the Province of *Canada*.

Appointment of Legislative Councillors.

Qualification of Legislative Councillors.

V. And be it enacted, That every Member of the Legislative Council of the Province of *Canada* shall hold his Seat therein for the Term of his Life, but subject nevertheless to the Provisions hereinafter contained for vacating the same.

Tenure of Office of Councillor.

VI. And be it enacted, That it shall be lawful for any Member of the Legislative Council of the Province of *Canada* to resign his Seat in the said Legislative Council, and upon such Resignation the Seat of such Legislative Councillor shall become vacant.

Resignation of Legislative Councillor.

VII. And be it enacted, That if any Legislative Councillor of the Province of *Canada* shall for Two successive Sessions of the Legislature of the said Province fail to give his Attendance in the said Legislative Council, without the Permission of Her Majesty or of the Governor of the said Province, signified by the said Governor to the Legislative Council, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or shall do, concur in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or whereby he may become entitled to the Rights, Privileges, or Immunities of a Subject or Citizen of any Foreign State or Power, or shall become bankrupt, or take the Benefit of any Law relating to Insolvent Debtors, or become a public Defaulter, or be attainted of Treason, or be convicted of Felony or of any infamous Crime, his Seat in such Council shall thereby become vacant.

Vacating Seat by Absence.

VIII.

Trial of Questions.

VIII. And be it enacted, That any Question which shall arise respecting any Vacancy in the Legislative Council of the Province of *Canada*, on occasion of any of the Matters aforesaid, shall be referred by the Governor of the Province of *Canada* to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, that it shall be lawful, either for the Person respecting whose Seat such Question shall have arisen, or for Her Majesty's Attorney General for the said Province on Her Majesty's Behalf, to appeal from the Determination of the said Council in such Case to Her Majesty, and that the Judgment of Her Majesty given with the advice of Her Privy Council thereon shall be final and conclusive to all Intents and Purposes.

Appointment of Speaker.

IX. And be it enacted, That the Governor of the Province of *Canada* shall have Power and Authority from Time to Time, by an Instrument under the Great Seal of the said Province, to appoint One Member of the said Legislative Council to be Speaker of the said Legislative Council, and to remove him, and appoint another in his Stead.

Quorum.

Division.

Casting Vote.

X. And be it enacted, That the Presence of at least Ten Members of the said Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers; and that all Questions which shall arise in the said Legislative Council shall be decided by a Majority of Voices of the Members present other than the Speaker, and when the Voices shall be equal the Speaker shall have the casting Vote.

Convoking the Assembly.

XI. And be it enacted, That for the Purpose of constituting the Legislative Assembly of the Province of *Canada* it shall be lawful for the Governor of the said Province, within the Time hereinafter mentioned, and thereafter from Time to Time as Occasion shall require, in Her Majesty's Name, and by an Instrument or Instruments under the Great Seal of the said Province, to summon and call together a Legislative Assembly in and for the said Province.

Representatives for each Province.

XII. And be it enacted, That in the Legislative Assembly of the Province of *Canada* to be constituted as aforesaid the parts of the said Province which now constitute the Provinces of *Upper* and *Lower Canada* respectively shall, subject to the Provisions hereinafter contained, be represented by an equal number of Representatives, to be elected for the Places and in the Manner hereinafter mentioned.

County of Halton.

XIII. And be it enacted, That the County of *Halton* in the Province of *Upper Canada* shall be divided into Two Ridings, to be called respectively the East Riding and the West Riding; and that the East Riding of the said County shall consist

consist of the following Townships, namely, *Trafalgar*, *Nelson*, *Esquesing*, *Nassagawega*, *East Flamborough*, *West Flamborough*, *Ering*, *Beverley*; and that the West Riding of the said County shall consist of the following Townships, namely, *Garafraxa*, *Nichol*, *Woolwich*, *Guelph*, *Waterloo*, *Wilmot*, *Dumfries*, *Puslinch*, *Eramosa*; and that the East Riding and West Riding of the said County shall each be represented by One Member in the Legislative Assembly of the Province of *Canada*,

County of Northumberland.

XIV. And be it enacted, That the County of *Northumberland* in the Province of *Upper Canada* shall be divided into Two Ridings, to be called respectively the North Riding and the South Riding; and that the North Riding of the last mentioned County shall consist of the following Townships, namely, *Monaghan*, *Otonabee*, *Asphodel*, *Smith*, *Douro*, *Dummer*, *Belmont*, *Methuen*, *Burleigh*, *Harvey*, *Emily*, *Gore*, *Ennismore*; and that the South Riding of the last mentioned County shall consist of the following Townships, namely, *Hamilton*, *Haldimand*, *Cramak*, *Murray*, *Seymour*, *Percy*; and that the North Riding and South Riding of the last mentioned County shall each be represented by One Member in the Legislative Assembly of the Province of *Canada*.

County of Lincoln.

XV. And be it enacted, That the County of *Lincoln* in the Province of *Upper Canada* shall be divided into Two Ridings, to be called respectively the North Riding and the South Riding; and that the North Riding shall be formed by uniting the First Riding and Second Riding of the said County, and the South Riding by uniting the Third Riding and Fourth Riding of the said County; and that the North and South Riding of the last mentioned County shall each be represented by One Member in the Legislative Assembly of the Province of *Canada*.

Other County Constituency of Upper Canada.

XVI. And be it enacted, That every County and Riding, other than those hereinbefore specified, which at the Time of the passing of this Act was by Law entitled to be represented in the Assembly of the Province of *Upper Canada*, shall be represented by One Member in the Legislative Assembly of the Province of *Canada*.

Town Constituency of Upper Canada.

XVII. And be it enacted, That the City of *Toronto* shall be represented by Two Members, and the Towns of *Kingston*, *Brockville*, *Hamilton*, *Cornwall*, *Niagara*, *London*, and *Bytown* shall each be represented by One Member in the Legislative Assembly of the Province of *Canada*.

County Constituency of Lower Canada 1 & 2 Vict. c. 9.

XVIII. And be it enacted, That every County which before and at the Time of the passing of the said Act of Parliament, intituled *An Act to make temporary* + *Provision*

+ The Imperial —

Provision for the Government of Lower Canada, was entitled to be represented in the Assembly of the Province of *Lower Canada*, except the Counties of *Montmorency*, *Orleans*, *L'Assomption*, *La Chesnaye*, *L'Acadie'* *Laprairie*, *Dorchester*, and *Beauce*, hereinafter mentioned, shall be represented by One Member in the Legislative Assembly of the Province of *Canada*.

Further Provision as to Constituency of Lower Canada

XIX. And be it enacted, That the said Counties of *Montmorency* and *Orleans* shall be united into and form One County, to be called the County of *Montmorency;* and that the said Counties of *L'Assomption* and *La Chesnaye* shall be united into and form One County, to be called the County of *Leinster;* and that the said Counties of *L'Acadie* and *Laprairie* shall be united into and form One County, to be called the County of *Huntingdon;* and that the Counties of *Dorchester* and *Beauce* shall be united into and form One County, to be called the County of *Dorchester;* and that each of the said Counties of *Montmorency*, *Leinster*, *Huntingdon*, and *Dorchester* shall be represented by One Member in the Legislative Assembly of the said Province of *Canada*.

Town Constituency of Lower Canada.

XX. And be it enacted, That the Cities of *Quebec* and *Montreal* shall each be represented by Two Members, and the Towns of *Three Rivers* and *Sherbrooke* shall each be represented by One Member in the Legislative Assembly of the Province of *Canada*.

Boundaries of Cities and Towns to be settled by Governor.

XXI. And be it enacted, That for the Purpose of electing their several Representatives to the said Legislative Assembly, the Cities and Towns hereinbefore mentioned shall be deemed to be bounded and limited in such Manner as the Governor of the Province of *Canada*, by Letters Patent under the Great Seal of the Province, to be issued within Thirty Days after the Union of the said Provinces of *Upper Canada* and *Lower Canada*, shall set forth and describe; and such Parts of any such City or Town (if any) which shall not be included within the Boundary of such City or Town respectively by such Letters Patent, for the Purposes of this Act shall be taken to be a Part of the adjoining County or Riding, for the Purpose of being represented in the said Legislative Assembly.

Returning Officers.

XXII. And be it enacted, That for the Purpose of electing the Members of the Legislative Assembly of the Province of *Canada*, it shall be lawful for the Governor of the said Province, from Time to Time, to nominate proper Persons to execute the Office of Returning Officer in each of the Counties, Ridings, Cities, and Towns which shall be represented in the Legislative Assembly of the Province of *Canada*, subject nevertheless to the Provisions hereinafter contained.

XXIII. And be it enacted, That no Person shall be obliged to execute the said Office

Office of Returning Officer for any longer Term than One Year, or oftener than once, unless it shall be at any Time otherwise provided by some Act or Acts of the Legislature of the Province of *Canada*.

Term of Office of Returning Officer.

XXIV. And be it enacted, That Writs for the Election of Members to serve in the Legislative Assembly of the Province of *Canada* shall be issued by the Governor of the said Province, within Fourteen Days after the sealing of such Instrument as aforesaid, for summoning and calling together such Legislative Assembly; and that such Writs shall be directed to the Returning Officers of the said Counties, Ridings, Cities and Towns respectively; and that such Writs shall be made returnable within Fifty Days at farthest from the Day on which they shall bear Date, unless it shall at any Time be otherwise provided by any Act of the Legislature of the said Province; and that Writs shall in like Manner and Form be issued for the Election of Members in the Case of any Vacancy which shall happen by the Death or Resignation of the Person chosen, or by his being summoned to the Legislative Council of the said Province, or from any other legal Cause; and that such Writs shall be made returnable within Fifty Days at farthest from the Day on which they shall bear date, unless it shall be at any time otherwise provided by any Act of the Legislature of the said Province; and that in any Case of any such Vacancy which shall happen by the Death of the Person chosen, or by reason of his being so summoned as aforesaid, the Writ for the Election of a new Member shall be issued within Six Days after Notice thereof shall have been delivered to or left at the Office of the proper Officer for issuing such Writs of Election.

Writs of Election.

XXV. And be it enacted, That it shall be lawful for the Governor of the Province of *Canada* for the Time being to fix the Time and Place of holding Elections of Members to serve in the Legislative Assembly of the said Province, until otherwise provided for as herein-after is mentioned, giving not less than Eight Days Notice of such Time and Place.

Time and place of holding Elections.

XXVI. And be it enacted, That it shall be lawful for the Legislature of the Province of *Canada*, by any Act or Acts to be hereafter passed, to alter the Divisions and Extent of the several Counties, Ridings, Cities, and Towns which shall be represented in the Legislative Assembly of the Province of *Canada*, and to establish new and other Divisions of the same, and to alter the Apportionment of Representatives to be chosen by the said Counties, Ridings, Cities, and Towns respectively, and make a new and different Apportionment of the Number of Representatives to be chosen in and for those Parts of the Province of *Canada* which now constitute the said Provinces of *Upper* and *Lower Canada* respectively, and in and for the several Districts, Counties, Ridings, and Towns in the same, and to

Power to alter System of Representation.

to alter and regulate the Appointment of Returning Officers in and for the same, and make Provision, in such Manner as they may deem expedient, for the issuing and Return of Writs for the Election of Members to serve in the said Legislative Assembly, and the Time and Place of holding such Elections: Provided always, that it shall not be lawful to present to the Governor of the Province of *Canada* for Her Majesty's Assent any Bill of the Legislative Council and Assembly of the said Province by which the Number of Representatives in the Legislative Assembly may be altered, unless the Second and Third Reading of such Bill in the Legislative Council and the Legislative Assembly shall have been passed with the Concurrence of Two Thirds of the Members for the Time being of the said Legislative Council, and of Two Thirds of the Members for the time being of the said Legislative Assembly respectively, and the Assent of Her Majesty shall not be given to any such Bill unless Addresses shall have been presented by the Legislative Council and the Legislative Assembly respectively to the Governor, stating that such Bill has been so passed.

Proviso.

The present Election Laws of the Two Provinces to apply until altered. 1 & 2 Vict. c. 9.

XXVII. And be it enacted, That until Provisions shall otherwise be made by an Act or Acts of the Legislature of the Province of *Canada* all the Laws which at the Time of the passing of this Act are in force in the Province of *Upper Canada*, and all the Laws which at the Time of the passing of the said Act of Parliament, intituled *An Act to make temporary Provision for the Government of* Lower Canada, were in force in the Province of *Lower Canada*, relating to the Qualification and Disqualification of any Person to be elected or to sit or vote as a Member of the Assembly in the said Provinces respectively, (except those which require a Qualification of Property in Candidates for Election, for which Provision is herein-after made,) and relating to the Qualification and Disqualification of Voters at the Election of Members to serve in the Assemblies of the said Provinces respectively, and to the Oaths to be taken by any such Voters, and to the Powers and Duties of Returning Officers, and the Proceedings at such Elections, and the Period during which such Elections may be lawfully continued, and relating to the Trial of controverted Elections, and the Proceedings incident thereto, and to the vacating of Seats of Members, and the issuing and Execution of new Writs in case of any Seat being vacated otherwise than by a Dissolution of the Assembly, shall respectively be applied to Elections of Members to serve in the Legislative Assembly of the Province of *Canada* for Places situated in those Parts of the Province of *Canada* for which such Laws were passed.

Qualification of Members.

XXVIII. And be it enacted, That no Person shall be capable of being elected a Member of the Legislative Assembly of the Province of *Canada* who shall not be legally or equitably seised as of Free-hold, for his own Use and Benefit, of Lands or Tenements held in Free and Common Socage, or seised or possessed, for

for his own Use and Benefit, of Lands or Tenements held in Fief or in Roture, within the said Province of *Canada*, of the Value of Five hundred Pounds of Sterling Money of *Great Britain*, over and above all Rents, Charges, Mortgages, and Incumbrances charged upon and due and payable out of or affecting the same; and that every Candidate at such Election, before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following declaration:

Declaration of Candidates for Election.

'I, A. B., do declare and testify, That I am duly seised at Law or in Equity as 'of Freehold, for my own Use and Benefit, of Lands or Tenements held in Free 'and Common Socage [*or* duly seised or possessed, for my own Use and Benefit, of 'Lands or Tenements held in Fief or in Roture (*as the case may be*),] in the Pro-'vince of *Canada*, of the Value of Five hundred Pounds of Sterling Money of '*Great Britain*, over and above all Rents, Mortgages, Charges, and Incumbrances 'charged upon or due and payable out of or affecting the same; and that I have 'not collusively or colourably obtained a Title to or become possessed of the said 'Lands and Tenements, or any Part thereof, for the Purpose of qualifying or en-'abling me to be returned a Member of the Legislative Assembly of the Province 'of *Canada*.'

Persons making false Declaration liable to the Penalties of Perjury.

XXIX. And be it enacted, That if any Person shall knowingly and wilfully make a false Declaration respecting his Qualification as a Candidate at any Election as aforesaid, such Person shall be deemed to be guilty of a Misdemeanor, and being thereof lawfully convicted shall suffer the like Pains and Penalties as by Law are incurred by Persons guilty of wilful and corrupt Perjury in the Place in which such false Declaration shall have been made.

Place & Times of holding Parliament.

XXX. And be it enacted, That it shall be lawful for the Governor of the Province of *Canada* for the Time being to fix such Place or Places within any Part of the Province of *Canada*, and such Times for holding the First and every other Session of the Legislative Council and Assembly of the said Province as he may think fit, such Times and Places to be afterwards changed or varied as the Governor may judge advisable and most consistent with general Convenience and the Public Welfare, giving sufficient Notice thereof; and also to prorogue the said Legislative Council and Assembly from Time to Time, and dissolve the same, by Proclamation or otherwise, whenever he shall deem it expedient.

Duration of Parliament.

XXXI. And be it enacted, That there shall be a Session of the Legislative Council and Assembly of the Province of *Canada* once at least in every Year, so that a period of Twelve Calendar Months shall not intervene between the last Sitting of the Legislative Council and Assembly in One Session and the First Sitting of

of the Legislative Council and Assembly in the next Session; and that every Legislative Assembly of the said Province hereafter to be summoned and chosen shall continue for Four Years from the Day of the Return of the Writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor of the said Province.

First calling together of the Legislature.

XXXII. And be it enacted, That the Legislative Council and Assembly of the Province of *Canada* shall be called together for the First Time at some Period not later than Six Calendar Months after the time at which the Provinces of *Upper* and *Lower Canada* shall become re-united as aforesaid.

Election of the Speaker.

XXXIII. And be it enacted, That the Members of the Legislative Assembly of the Province of *Canada* shall, upon the First Assembling after every General Election, proceed forthwith to elect One of their Number to be Speaker; and in case of his Death, Resignation, or Removal by a Vote of the said Legislative Assembly, the said Members shall forthwith proceed to elect another of such Members to be such Speaker; and the Speaker so elected shall preside at all Meetings of the said Legislative Assembly.

Quorum.

Division.

Casting Vote.

XXXIV. And be it enacted, That the Presence of at least Twenty Members of the Legislative Assembly of the Province of *Canada*, including the Speaker, shall be necessary to constitute a Meeting of the said Legislative Assembly for the Exercise of its Powers; and that all Questions which shall arise in the said Assembly shall be decided by the Majority of Voices of such Members as shall be present, other than the Speaker, and when the Voices shall be equal the Speaker shall have the casting Voice.

No Member to sit or vote until he has taken the following Oath of Allegiance.

XXXV. And be it enacted, That no Member, either of the Legislative Council or of the Legislative Assembly of the Province of *Canada*, shall be permitted to sit or vote therein until he shall have taken and subscribed the following Oath before the Governor of the said Province, or before some Person or Persons authorized by such Governor to administer such oath:

Oath of Allegiance.

'I, A. B., do sincerely promise and swear, That I will be faithful and bear true 'Allegiance to Her Majesty Queen *Victoria*, as lawful Sovereign of the United 'Kingdom of *Great Britain* and *Ireland*, and of this Province of *Canada*, depen- 'dent on and belonging to the said United Kingdom; and that I will defend Her to 'the utmost of my Power against all traitorous Conspiracies and Attempts what- 'ever which shall be made against Her Person, Crown, and Dignity; and that I 'will do my utmost endeavour to disclose and make known to Her Majesty, Her 'Heirs and Successors, all Treasons and Traitorous Conspiracies and Attempts 'which

'which I shall know to be against Her or any of them; and all this I do swear 'without any Equivocation, mental Evasion, or secret Reservation, and renouncing 'all Pardons and Dispensations from any Person or Persons whatever to the con- 'trary. So help me GOD.'

Affirmation instead of Oath

XXXVI. And be it enacted, That every Person authorized by Law to make an Affirmation instead of taking an Oath may make such Affirmation in every case in which an oath is hereinbefore required to be taken.

Giving or withholding Assent to Bills.

XXXVII. And be it enacted, That whenever any Bill which has been passed by the Legislative Council and Assembly of the Province of *Canada* shall be presented for Her Majesty's Assent to the Governor of the said Province, such Governor shall declare, according to his discretion, but subject nevertheless to the Provisions contained in this Act, and to such Instructions as may from time to time be given in that Behalf by Her Majesty, Her Heirs or Successors, that he assents to such Bill in Her Majesty's Name, or that he withholds Her Majesty's Assent, or that he reserves such Bill for the Signification of Her Majesty's Pleasure thereon.

Disallowance of Bills assented to.

XXXVIII. And be it enacted, That whenever any Bill which shall have been presented for Her Majesty's Assent to the Governor of the said Province of *Canada*, shall by such Governor have been assented to in Her Majesty's Name, such Governor shall, by the first convenient Opportunity, transmit to one of Her Majesty's Principal Secretaries of State an authentic Copy of Such Bill so assented to; and that it shall be lawful, at any Time within Two Years after such Bill shall have been so received by such Secretary of State, for Her Majesty, by Order in Council, to declare Her Disallowance of such Bill; and that such Disallowance, together with a Certificate under the Hand and Seal of such Secretary of State, certifying the Day on which such Bill was received as aforesaid, being signified by such Governor to the Legislative Council and Assembly of *Canada*, by Speech or Message to the Legislative Council and Assembly of the said Province, or by Proclamation, shall make void and annul the same from and after the Day of such Signification.

Assent to Bills reserved.

XXXIX. And be it enacted, That no Bill which shall be reserved for the Signification of Her Majesty's Pleasure thereon shall have any Force or Authority within the Province of *Canada* until the Governor of the said Province shall signify, either by Speech or Message to the Legislative Council and Assembly of the said Province, or by Proclamation, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same; and

and that an Entry shall be made in the Journals of the said Legislative Council of every such Speech, Message, or Proclamation, and a Duplicate thereof, duly attested, shall be delivered to the proper Officer, to be kept among the Records of the said Province; and that no Bill which shall be so reserved as aforesaid shall have any Force or Authority in the said Province unless Her Majesty's Assent thereto shall have been so signified as aforesaid within the Space of Two Years from the Day on which such Bill shall have been presented for Her Majesty's Assent to the Governor as aforesaid.

Authority of the Governor.

XL. Provided always, and be it enacted, That nothing herein contained shall be construed to limit or restrain the Exercise of Her Majesty's Prerogative in authorizing, and that notwithstanding this Act, and any other Act or Acts passed in the Parliament of *Great Britain*, or in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, or of the Legislature of the Province of *Quebec*, or of the Provinces of *Upper* or *Lower Canada* respectively, it shall be lawful for Her Majesty to authorize the Lieutenant Governor of the Province of *Canada* to exercise and execute, within such Parts of the said Province as Her Majesty shall think fit, notwithstanding the Presence of the Governor within the Province, such of the Powers, Functions, and Authority, as well judicial as other, which before and at the Time of passing of this Act were and are vested in the Governor, Lieutenant Governor, or Person adminstering the Government of the Provinces of *Upper Canada* and *Lower Canada* respectively, or of either of them, and which from and after the said Re-union of the said Two Provinces shall become vested in the Governor of the Province of *Canada;* and to authorize the Governor of the Province of *Canada* to assign, depute, substitute, and appoint any Person or Persons, jointly or severally, to be his Deputy or Deputies within any Part or Parts of the Province of *Canada*, and in that Capacity to exercise, perform, and execute during the Pleasure of the said Governor, such of the Powers, Functions, and Authorities, as well judicial as other, as before and at the Time of the passing of this Act were and are vested in the Governor, Lieutenant Governor, or Person administering the Government of the Provinces of *Upper* and *Lower Canada* respectively, and which from and after the Union of the said Provinces shall become vested in the Governor of the Province of *Canada*, as the Governor of the Province of *Canada* shall deem to be necessary or expedient: Provided always, that by the Appointment of a Deputy or Deputies as aforesaid, the Power and Authority of the Governor of the Province of *Canada* shall not be abridged, altered, or in any way affected, otherwise than as Her Majesty shall think proper to direct.

Language of Legislative Records.

XLI. And be it enacted, That from and after the said Re-union of the said Two Provinces all Writs, Proclamations, Instruments for summoning and calling together

together the Legislative Council and Legislative Assembly of the Province of *Canada*, and for proroguing and dissolving the same, and all Writs of Summons and Election, and all Writs and public Instruments whatsoever relating to the said Legislative Council and Legislative Assembly, or either of them, and all Returns to such Writs and Instruments, and all Journals, Entries, and written or printed Proceedings, of what Nature soever, of the said Legislative Council and Legislative Assembly, and of each of them respectively, and all written or printed Proceedings and Reports of Committees of the said Legislative Council and Legislative Assembly, respectively, shall be in the *English* Language only: Provided always, that this Enactment shall not be construed to prevent translated Copies of any such Documents being made, but no such Copy shall be kept among the Records of the Legislative Council or Legislative Assembly, or be deemed in any Case to have the Force of an original Record.

Ecclasiastical and Crown Rights.

XLII. And be it enacted, That whenever any Bill or Bills shall be passed by the Legislative Council and Assembly of the Province of *Canada*, containing any Provisions to vary or repeal any of the Provisions now in force contained in an Act of the Parliament of *Great Britain* passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making more effectual Provision for the Government of the Province of* Quebec *in* North America, or in the aforesaid Acts of Parliament passed in the Thirty-first Year of the same Reign, respecting the accustomed Dues and Rights of the Clergy of the Church of *Rome*; or to vary or repeal any of the several Provisions contained in the said last mentioned Act, respecting the Allotment and Appropriation of Lands for the Support of the Protestant Clergy within the Province of *Canada*, or respecting the constituting, erecting, or endowing of Parsonages or Rectories within the Province of *Canada*, or respecting the Presentation of Incumbents or Ministers of the same, or respecting the tenure on which such Incumbents or Ministers shall hold or enjoy the same; and also that whenever any Bill or Bills shall be passed containing any Provisions which shall in any Manner relate to or affect the Enjoyment or Exercise of any Form or Mode of Religious Worship, or shall impose or create any Penalties, Burdens, Disabilities, or Disqualifications in respect of the same, or shall in any Manner relate to or affect the Payment, Recovery, or Enjoyment of any of the accustomed Dues or Rights hereinbefore mentioned, or shall in any Manner relate to the granting, imposing, or recovering of any other Dues, or Stipends, or Emoluments, to be paid to or for the Use of any Minister, Priest, Ecclesiastic, or Teacher, according to any Form or Mode of Religious Worship, in respect of his said Office or Function; or shall in any Manner relate to or affect the Establishment or Discipline of the United Church of *England* and *Ireland* among the Members thereof within the said Province; or shall in any Manner relate to or affect Her Majesty's Prerogative touching the granting of Waste

14 G. 3. . c 83.

Waste Lands of the Crown within the said Province; every such Bill or Bills shall, previously to any Declaration or Signification of Her Majesty's Assent thereto, be laid before both Houses of Parliament of the United Kingdom of *Great Britain* and *Ireland;* and that it shall not be lawful for Her Majesty to signify Her Assent to any such Bill or Bills until Thirty Days after the same shall have been laid before the said Houses, or to assent to any such Bill or Bills in case either House of Parliament shall, within the said Thirty Days, address Her Majesty to withhold Her Assent from any such Bill or Bills; and that no such Bill shall be valid or effectual to any of the said Purposes within the said Province of *Canada* unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor of the said Province an Address or Addresses specifying that such Bill or Bills contains Provisions for some of the Purposes hereinbefore specially described, and desiring that, in order to give Effect to the same, such Bill or Bills may be transmitted to *England* without Delay, for the Purpose of its being laid before Parliament previously to the Signification of Her Majesty's Assent thereto.

Colonial Taxation. 18 G. 3. c. 12.

XLIII. And whereas by an Act passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for removing all Doubts and apprehensions concerning Taxation by the Parliament of* Great Britain *in any of the Colonies, Provinces, and Plantations in* North America *and the* West Indies; *and for repealing so much of an Act made in the Seventh Year of the Reign of His present Majesty as imposes a Duty on Tea imported from* Great Britain *into any Colony or Plantation in* America, *or relating thereto*, it was declared, that "the King and Parliament of *Great Britain* would not impose any Duty, Tax, or Assessment whatever, payable in any of His Majesty's Colonies, Provinces, and Plantations in *North America* or the West Indies, except only such Duties as it might be expedient to impose for the Regulation of Commerce, the net Produce of such Duties to be always paid and applied to and for the Use of the Colony, Province, or Plantation in which the same shall be respectively levied, in such Manner as other Duties collected by the Authority of the respective General Courts or General Assemblies of such Colonies, Provinces, or Plantations were ordinarily paid and applied:" And whereas it is necessary, for the general Benefit of the Empire, that such Power of Regulation of Commerce should continue to be exercised by Her Majesty and the Parliament of the United Kingdom of *Great Britain* and *Ireland*, subject nevertheless to the Conditions hereinbefore recited with respect to the Application of any Duties which may be imposed for that Purpose; Be it therefore enacted, That nothing in this Act contained shall prevent or affect the Execution of any Law which hath been or shall be made in the Parliament of the said United Kingdom for establishing Regulations and Prohibitions, or for the imposing, levying, or collecting Duties for the Regulation of Navigation, or

or for the Regulation of the Commerce between the Province of *Canada* and any other Part of Her Majesty's Dominions, or between the Said Province of *Canada* or any Part thereof and any Foreign Country or State, or for appointing and directing the Payment of Drawbacks of such Duties so imposed, or to give to Her Majesty any Power or Authority, by and with the Advice and Consent of such Legislative Council and Assembly of the said Province of *Canada*, to vary or repeal any such Law or Laws, or any Part thereof, or in any Manner to prevent or obstruct the Execution thereof: Provided always, that the net Produce of all Duties which shall be so imposed shall at all Times hereafter be applied to and for the Use of the said Province of *Canada*, and (except as hereinafter provided) in such Manner only as shall be directed by any Law or Laws which may be made by Her Majesty, by and with the Advice and Consent of the Legislative Council and Assembly of such Province.

Courts of Appeal, Probate, Queen's Bench, and Chancery, in Upper Canada: and Court of Appeal in Lower Canada.

XLIV. And whereas by the Laws now in force in the said Province of *Upper Canada* the Governor, Lieutenant Governor, or Person administering the Government of the said Province, or the Chief Justice of the said Province, together with any Two or more of the Members of the Executive Council of the said Province, constitute and are a Court of Appeal for hearing and determining all Appeals from such Judgments or Sentences as may lawfully be brought before them: And whereas by an Act of the Legislature of the said Province of *Upper Canada*, passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to establish a Court of Probate in the said Province, and also a Surrogate Court in every District thereof*, there was and is established a Court of Probate in the said Province, in which Act it was enacted that the Governor, Lieutenant Governor, or Person administering the Government of the said last-mentioned Province should preside, and that he should have the Powers and Authorities in the said Act specified: And whereas by an Act of the Legislature of the said Province of *Upper Canada*, passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act respecting the Time and Place of Sitting of the Court of King's Bench*, it was among other things enacted, that His Majesty's Court of King's Bench in that Province should be holden in a Place certain; that is, in the City, Town, or Place which should be for the Time being the Seat of the Civil Government of the said Province or within One Mile therefrom: And whereas by an Act of the Legislature of the said Province of *Upper Canada*, passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to establish a Court of Chancery in this Province*, it was enacted, that there should be constituted and established a Court of Chancery, to be called and known by the Name and Style of "The Court of Chancery for the Province of *Upper Canada*," of which Court the Governor, Lieutenant Governor, or Person administering the Government of the said Province

(Laws of Upper Canada, 33 G. 3. sess 2. c. 8.)

(Laws of Upper Canada, 2 W. 4. c. 8.)

(Laws of Upper Canada, 7 W. 4. c. 2.)

Province should be Chancellor; and which Court, it was also enacted, should be holden at the Seat of Government in the said Province, or in such other Place as should be appointed by Proclamation of the Governor, Lieutenant Governor, or Person administering the Government of the said Province: And Whereas by an Act of the Legislature of the Province of *Lower Canada*, passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Division of the Province of* Lower Canada, *for amending the Judicature thereof, and for repealing certain Laws therein mentioned*, it was enacted, that the Governor, Lieutenant Governor, or the Person administering the Government, the Members of the Executive Council of the said Province, the Chief Justice thereof, and the Chief Justice to be appointed for the Court of King's Bench at Montreal, or any Five of them, the Judges of the Court of the District wherein the Judgment appealed from was given excepted, should constitute a Superior Court of Civil Jurisdiction, or Provincial Court of Appeals, and should take cognizance of, hear, try, and determine all Causes, Matters, and Things appealed from all Civil Jurisdictions and Courts wherein an Appeal is by Law allowed; Be it enacted, That until otherwise provided by an Act of the Legislature of the Province of *Canada*, all judicial and ministerial Authority which before and at the Time of passing this Act was vested in or might be exercised by the Governor, Lieutenant Governor, or Person administering the Government of the said Province of *Upper Canada*, or the Members or any Number of the Members of the Executive Council of the same Province, or was vested in or might be exercised by the Governor, Lieutenant Governor, or the Person administering the Government of the Province of *Lower Canada*, and the Members of the Executive Council of that Province, shall be vested in and may be exercised by the Governor, Lieutenant Governor, or Person administering the Government of the Province of *Canada*, and in the Members or the like Number of the Members of the Executive Council of the Province of *Canada*, respectively; and that, until otherwise provided by Act or Acts of the Legislature of the Province of *Canada*, the said Court of King's Bench, now called the Court of Queen's Bench of *Upper Canada*, shall from and after the Union of the Provinces of *Upper* and *Lower Canada* be holden at the City of *Toronto*, or within One Mile from the Municipal Boundary of the said City of *Toronto*: Provided always, that, until otherwise provided by Act or Acts of the Legislature of the Province of *Canada*, it shall be lawful for the Governor of the Province of *Canada*, by and with the Advice and Consent of the Executive Council of the same Province, by his Proclamation to fix and appoint such other Place as he may think fit within that Part of the last-mentioned Province which now constitutes the Province of *Upper Canada* for the holding of the said Court of Queen's Bench.

(Laws of Lower Canada, 34 G. 3.)

Powers to be

XLV. And be it enacted, That all Powers, Authorities, and Functions which by

by the said Act passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Third, or by any other Act of Parliament, or by any Act of the Legislature of the Provinces of *Upper* and *Lower Canada* respectively, are vested in or are authorized or required to be exercised by the respective Governors or Lieutenant Governors of the said Provinces, with the Advice or with the Advice and Consent of the Executive Council of such Provinces respectively, or in conjunction with such Executive Council, or with any Number of the Members thereof, or by the said Governors or Lieutenant Governors individually and alone, shall, in so far as the same are not repugnant to or inconsistent with the Provision of this Act, be vested in and may be exercised by the Governor of the Province of *Canada* with the Advice or with the Advice and Consent of, or in conjunction, as the Case may require, with such Executive Council, or any Members thereof, as may be appointed by Her Majesty for the Affairs of the Province of *Canada* or by the said Governor of the Province of *Canada* individually and alone in cases where the Advice, Consent, or Concurrence of the Executive Council is not required.

exercised by Governor with the Executive Council or alone.

XLVI. And be it enacted, That all Laws, Statutes and Ordinances, which at the Time of the Union of the Provinces of *Upper Canada* and *Lower Canada* shall be in force within the said Provinces or either of them, or any part of the said Provinces respectively, shall remain and continue to be of the same Force, Authority, and Effect in those parts of the Province of *Canada* which now constitute the said Provinces respectively as if this Act had not been made, and as if the said Two Provinces had not been united as aforesaid, except in so far as the same are repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue and under the Authority of this Act, be repealed or varied by any Act or Acts of the Legislature of the Province of *Canada*.

Existing Laws saved.

XLVII. And be it enacted, That all the Courts of Civil and Criminal Jurisdiction within the Provinces of *Upper* and *Lower Canada* at the Time of the Union of the said Provinces, and all legal Commissions, Powers, and Authorities, and all Officers, judicial, administrative, or ministerial, within the said Provinces respectively, except in so far as the same may be abolished, altered, or varied by or may be inconsistent with the Provisions of this Act, or shall be abolished, altered, or varied by any Act or Acts of the Legislature of the Province of *Canada*, shall continue to subsist within those Parts of the Province of *Canada* which now constitute the said Two Provinces respectively, in the same Form and with the same Effect as if this Act had not been made, and as if the said Two Provinces had not been re-united as aforesaid.

Courts of Justice, Commissions, Officers, &c.

XLVIII.

Provision respecting temporary Acts.

XLVIII. And whereas the Legislatures of the said Provinces of *Upper* and *Lower Canada* have from Time to Time passed Enactments, which Enactments were to continue in force for a certain Number of Years after the passing thereof, " and from thence to the End of the then next ensuing Session of the Legislature of the Province in which the same were passed ;" Be it therefore enacted, That whenever the Words " and from thence to the End of the then next ensuing Session of the Legislature," or Words to the same Effect, have been used in any temporary Act of either of the said Two Provinces which shall not have expired before the Re-union of the said Two Provinces, the said Words shall be construed to extend and apply to the next Session of the Legislature of the Province of *Canada*.

Repeal of part of 3 G. 4 c. 119.

XLIX. And whereas by a certain Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the Trade of the Provinces of* Lower *and* Upper Canada, *and for other purposes relating to the said Provinces*, certain Provisions were made for appointing Arbitrators, with Power to hear and determine certain Claims of the Province of *Upper Canada* upon the Province of *Lower Canada* and to hear any Claim which might be advanced on the Part of the Province of *Upper Canada* to a Proportion of certain Duties therein mentioned, and for prescribing the Course of Proceeding to be pursued by such Arbitrators ; Be it enacted, That the said recited Provisions of the said last-mentioned Act, and all Matters in the same Act contained which are consequent to or dependent upon the said Provisions or any of them, shall be repealed.

Revenues of the Two Provinces to form a Consolidated Revenue Fund of the Province of Canada.

L. And be it enacted, That upon the Union of the Provinces of *Upper* and *Lower Canada* all Duties and Revenues over which the respective Legislatures of the said Provinces before and at the Time of the passing of this Act had and have Power of Appropriation shall form one Consolidated Revenue Fund, to be appropriated for the Public Service of the Province of *Canada*, in the Manner and subject to the Charges hereinafter mentioned.

Consolidated Revenue Fund to be charged with Expense of Collection and Management.

LI. And be it enacted, That the said Consolidated Revenue Fund of the Province of *Canada* shall be permanently charged with all the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof, such Costs, Charges, and Expenses being subject nevertheless to be reviewed and audited in such Manner as shall be directed by any Act of the Legislature of the Province of *Canada*.

£45,000 to be granted permanently, for the services in Schedule A. and £30,000,

LII. And be it enacted, That out of the Consolidated Revenue Fund of the Province of *Canada*, there shall be payable in every year to Her Majesty, Her Heirs and Successors, the sum of Forty-five thousand pounds, for defraying the expense of the several services and purposes named in the Schedule marked A. to this Act annexed ;

annexed; and during the Life of Her Majesty, and for Five years after the Demise of Her Majesty, there shall be payable to Her Majesty, Her Heirs and Successors, out of the said Consolidated Revenue Fund, a further sum of Thirty thousand pounds, for defraying the Expense of the several Services and Purposes named in the Schedule marked B. to this Act annexed; the said sums of Forty-five thousand Pounds and Thirty thousand Pounds to be issued by the Receiver General in discharge of such Warrant or Warrants as shall be from time to time directed to him under the Hand and Seal of the Governor; and the said Receiver General shall account to Her Majesty for the same, through the Lord High Treasurer or Lords Commissioners of Her Majesty's Treasury, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

for the Life of Her Majesty and Five Years following, for those in Schedule B.

LIII. And be it enacted, That until altered by any Act of the Legislature of the Province of *Canada*, the Salaries of the Governor and of the Judges shall be those respectively set against their several Offices in the said Schedule A.; but that it shall be lawful for the Governor to abolish any of the Offices named in the said Schedule B., or to vary the Sums appropriated to any of the Services or Purposes named in the said Schedule B.; and that the Amount of Saving which may accrue from any such Alteration in either of the said Schedules shall be appropriated to such Purposes connected with the Administration of the Government of the said Province as to Her Majesty shall seem fit; and that Accounts in detail of the Expenditure of the several Sums of Forty-five thousand Pounds and Thirty thousand Pounds hereinbefore granted, and of every part thereof shall be laid before the Legislative Council and Legislative Assembly of the said Province within Thirty Days next after the Beginning of the Session after such Expenditure shall have been made: Provided always, that not more than Two thousand Pounds shall be payable at the same Time for Pensions to the Judges out of the said Sum of Forty-five thousand Pounds, and that not more than Five thousand Pounds shall be payable at the same Time for Pensions out of the said sum of Thirty thousand Pounds; and that a List of all such Pensions, and of the Persons to whom the same shall have been granted, shall be laid in every Year before the said Legislative Council and Legislative Assembly.

How the Appropriation of Sums granted may be varied.

LIV. And be it enacted, That during the Time for which the said several Sums of Forty-five thousand Pounds and Thirty thousand Pounds are severally payable the same shall be accepted and taken by Her Majesty by way of Civil List, instead of all Territorial and other Revenues now at the Disposal of the Crown, arising in either of the said Provinces of *Upper Canada* or *Lower Canada*, or in the Province of *Canada*, and that Three Fifths of the net Produce of the said Territorial and other Revenues now at the Disposal of the Crown within the Province of *Canada* shall be paid over to the Account of the said Consolidated Revenue Fund; and

Surrender of Hereditary Revenues of the Crown.

and also during the Life of Her Majesty, and for Five Years after the Demise of Her Majesty, the remaining Two Fifths of the net Produce of the said Territorial and other Revenues now at the Disposal of the Crown within the Province of *Canada* shall be also paid over in like Manner to the Account of the said Consolidated Revenue Fund.

Charges already created in either Province.

LV. And be it enacted, That the Consolidation of the Duties and Revenues of the said Province shall not be taken to affect the Payment out of the said Consolidated Revenue Fund of any sum or sums heretofore charged upon the Rates and Duties already raised, levied, and collected, or to be raised, levied, and collected, to and for the Use of either of the said Provinces of *Upper Canada* or *Lower Canada*, or of the Province of *Canada*, for such time as shall have been appointed by the several Acts of the Legislature of the Province by which such Charges were severally authorized.

The Order of Charges on the Consolidated Fund to be:—1st. Expense of Collection; 2d. Interest of the Debt; 3d. Payments to the Clergy; 4th. and 5th. Civil List;

LVI. And be it enacted, That the Expenses of the Collection, Management and Receipt of the said Consolidated Revenue Fund, shall form the First Charge thereon; and that the annual Interest of the Public Debt of the Provinces of *Upper* and *Lower Canada*, or of either of them, at the time of the Re-union of the said Provinces, shall form the Second Charge thereon; and that the Payments to be made to the Clergy of the United Church of *England* and *Ireland*, and to Clergy of the Church of *Scotland*, and to Ministers of other Christian Denominations, pursuant to any Law or Usage whereby such Payments, before or at the time of passing this Act, were or are legally or usually paid out of the Public or Crown Revenue of either of the Provinces of *Upper* and *Lower Canada*, shall form the Third Charge upon the said Consolidated Revenue Fund; and that the said sum of Forty-Five thousand Pounds shall form the Fourth Charge thereon; and that the said sum of Thirty thousand Pounds, so long as the same shall continue to be payable, shall form the Fifth Charge thereon; and that the other Charges upon the Rates and Duties levied within the said Province of *Canada* hereinbefore reserved shall form the Sixth Charge thereon, so long as such Charges shall continue to be payable.

6th. Other Charges already made on the Public Revenue.

Subject to the above Charges, the Consolidated Revenue Fund to be appropriated by the Provincial Legislature by Bills originating in the House of Assembly for Ob-

LVII. And be it enacted, That, subject to the several payments hereby charged on the said Consolidated Revenue Fund, the same shall be appropriated by the Legislature of the Province of *Canada* for the public service, in such manner as they shall think proper: Provided always, that all Bills for appropriating any part of the Surplus of the said Consolidated Revenue Fund, or for imposing any new Tax or Impost, shall originate in the Legislative Assembly of the said Province of *Canada*: Provided also, that it shall not be lawful for the said Legislative Assembly to originate or pass any Vote, Resolution, or Bill for the Appropriation of any part of the Surplus of the said Consolidated Revenue Fund, or of any other Tax or

or Impost, to any purpose which shall not have been first recommended by a Message of the Governor to the said Legislative Assembly during the Session in which such Vote, Resolution, or Bill shall be passed.

jects recommended by the Governor.

LVIII. And be it enacted, That it shall be lawful for the Governor, by an Instrument or Instruments to be issued by him for that purpose under the Great Seal of the Province, to constitute Townships in those parts of the Province of *Canada* in which Townships are not already constituted, and to fix the Metes and Bounds thereof, and to provide for the Election and appointment of Township Officers therein, who shall have and exercise the like powers as are exercised by the like Officers in the Townships already constituted in that part of the Province of *Canada* now called *Upper Canada;* and every such Instrument shall be published by Proclamation, and shall have the Force of Law from a Day to be named in each case in such Proclamation.

Townships to be constituted.

LIX. And be it enacted, That all Powers and Authorities expressed in this Act to be given to the Governor of the Province of *Canada* shall be exercised by such Governor in conformity with and subject to such Orders, Instructions, and Directions as Her Majesty shall from Time to Time see fit to make or issue.

Powers of Governor to be exercised subject to Instructions of Her Majesty.

LX. And whereas His late Majesty King *George* the Third, by His Royal Proclamation, bearing Date the Seventh Day of *October*, in the Third Year of His Reign, was pleased to declare that he had put the Coast of *Labrador*, from the River *Saint John* to *Hudson's Straits*, with the Islands of *Anticosti* and *Madelaine*, and all other smaller Islands lying on the said Coast, under the Care and Inspection of the Governor of *Newfoundland:* And whereas by an Act passed in the Fourteenth Year of the Reign of His said late Majesty, intituled *An Act for making more effectual Provision for the Government of the Province of* Quebec *in* North America, all such Territories, Islands, and Counties, which had, since the Tenth Day of *February* in the Year One thousand seven hundred and sixty-three, been made Part of the Government of *Newfoundland*, were during His Majesty's Pleasure annexed to and made Part and Parcel of the Province of *Quebec*, as created and established by the said Royal Proclamation; Be it declared and enacted, That nothing in this or any other Act contained shall be construed to restrain Her Majesty, if She shall be so pleased, from annexing the *Magdalen Islands* in the Gulf of *Saint Lawrence* to Her Majesty's Island of *Prince Edward*.

Magdalen Islands may be annexed to the Island of Prince Edward

14 G. 3. c. 83

LXI. And be it enacted, That in this Act unless otherwise expressed therein the Words "Act of the Legislature of the Province of *Canada*" are to be understood to mean "Act of Her Majesty, Her Heirs or Successors, enacted by Her Majesty, or by the Governor on behalf of Her Majesty, with the Advice and Consent of the Legislative Council and Assembly of the Province of *Canada;*" and the

Interpretation Clause.

the Words "Governor of the Province of *Canada*;" are to be understood as comprehending the Governor, Lieutenant Governor, or Person authorized to execute the Office or the Functions of Governor of the said Province.

Act may be altered this Session.

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

SCHEDULES.

SCHEDULE A.

	£
Governor	7,000
Lieutenant Governor	1,000
UPPER CANADA.	
1 Chief Justice	1,500
4 Puisne Judges, at 900*l.* each	3,600
1 Vice Chancellor	1,125
LOWER CANADA.	
1 Chief Justice, Quebec	1,500
3 Puisne Judges, Quebec, at 900*l.* each	2,700
1 Chief Justice, Montreal	1,100
3 Puisne Judges, Montreal, at 900*l.* each	2,700
1 Resident Judge at Three Rivers	900
1 Judge of the Inferior District of St. Francis	500
1 Judge of the Inferior District of Gaspé	500
Pensions to the Judges, Salaries of the Attornies and Solicitors General, and Contingent and Miscellaneous Expenses of Administration of Justice throughout the Province of Canada	20,875
	£45,000

SCHEDULE B.

Civil Secretaries and their Offices	8,000
Provincial Secretaries and their Offices	3,000
Receiver General and his Office	3,000
Inspector General and his Office	2,000
Executive Council	3,000
Board of Works	2,000
Emigrant Agent	700
Pensions	5,000
Contingent Expenses of Public Offices	3,300
	£30,000