

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.

C A P. 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 48 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. cur-
rency.

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.

and £2 10 0.
currency.

Spanish, Me-
xican or Co-
lumbian Dou-
bloon for £3
17 8. currency.

French Coin
of 40 francs for
£1 15 7 cur-
rency.

The above
Coins and divi-
sions thereof to
be a legal ten-
der to any a-
mount 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 re-coined.

The expense of recoinage to be borne by the Province.

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 re-coined 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 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.

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.

Guilty of felony for any subsequent offence.

Punishment
of persons
knowingly ut-
tering, tender-
ing or impor-
ting 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 coun-
terfeit 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 Ordi-
nance not to
have force till
Her Majesty's
assent is pro-
claimed 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.

C A P. XLVII.

An Ordinance to amend and continue the Act to regulate the exercise of certain rights of Lessors and Lessees.

Preamble.

The power &c. vested in the Judges, in vacation, by the Act. 3 Will. IV. are also vested in them, in term.

WHEREAS it is expedient to amend and further to continue for a limited time the Act hereinafter mentioned:—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 all the powers, jurisdiction, authority and duties assigned to and vested in any Judge or in any two Judges of the Court of King's Bench, or to and in any Provincial Judge, or to and in the Resident Judge of the District of Three Rivers respectively, in vacation, by a certain Act passed in the third year of His late Majesty's Reign, intituled, “*An Act to regulate the exercise of certain rights of Lessors and Lessees,*” shall be, and are hereby assigned to and vested in such Judges or Judge, Provincial Judge, or Resident Judge respectively, in term as well as in vacation, any thing in the said Act to the contrary notwithstanding.

II.