

*The Provincial Statutes of Lower-Canada, Being the fourth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fourteenth day of February, 1839.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 5 (Session 4)

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

Whereas great frauds have been practised upon the inhabitants of this Province, by evil disposed 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, “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.

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 fee paid.

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.

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.

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.

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 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.

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.

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 Pier Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall direct.

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.

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, which he 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.

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 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.