

C H A P. III.

An Act to extend the provisions of an Act passed in the forty-seventh year of His Majesty's Reign, intituled, "*An Act for the preservation of SALMON,*"

47th Geo. III. c 12.

[*Passed 12th March, 1810.*]

WHEREAS, the provisions of an Act passed in the forty-seventh year of His Majesty's Reign, intituled, "*An Act for the preservation of Salmon,*" are found inadequate. Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That no person or persons shall, within the Home District of this Province, from and after the twenty-fifth day of October in each and every year hereafter, take, catch, or kill, or attempt to take, catch, or kill, in any manner whatever, any Salmon or Salmon Fry, until the first day of January in each succeeding year, nor in any time whatever, in any River or Creek in the said District, within one hundred yards of any Mill or Mill Dam already erected, or to be hereafter erected.

Preamble.

No person in the Home District, after 25th October, shall kill any Salmon or Salmon Fry, until the 1st of January, nor at any time within 100 yds. of any Mill or Mill-Dam erected, or to be erected.

II. *And be it further enacted by the authority aforesaid,* That any person or persons, convicted in the manner and form as prescribed by the above-mentioned Act, of any offence under this Act, shall suffer all the pains and penalties, fines and forfeitures, as by the abovementioned Act are inflicted upon offenders against the provision of the said Act, to be levied and recovered in like manner as by the said Act is directed.

Penalties for offending against this Act.

How to be recovered.

C H A P. IV.

An Act for preventing the FORGING and COUNTERFEITING of FOREIGN BILLS of EXCHANGE, and of FOREIGN NOTES and ORDERS for the payment of MONEY.

[*Passed 12th March, 1810.*]

WHEREAS, it is expedient that effectual provision should be made to prevent Forging and Counterfeiting of Foreign Bills of Exchange, Foreign Promissory Notes, and Foreign Orders for the payment of Money within this Province. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council

Preamble.

Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That if any person from and after the passing of this Act, shall, within this Province, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or knowingly aid or assist in the false making, forging, or counterfeiting any Bill of Exchange, or Promissory Note, Undertaking or Order for the payment of Money, purporting to be the Bill of Exchange, Promissory Note, Undertaking or Order for the payment of Money, of any Foreign Prince, State or Country whatsoever, or of any Minister, or Officer intrusted by, or employed in the service of any Foreign Prince, State or Country, or of any Person or Company of Persons resident in any Foreign State or Country, or of any Body Corporate and Politic, or body in the nature of a Body Corporate and Politic, created or constituted by any Foreign Prince or State, with intent to deceive, or to defraud His Majesty, his Heirs and Successors, or any such Foreign Prince, State or Country, or with intent to deceive or defraud any Person or Company of Persons whomsoever, or any Body Corporate or Politic, or body in the nature of a Body Corporate and Politic whatsoever, whether the same be respectively resident carrying on business, constituted or being in any part of this Province, or in any Foreign State or Country, or if any Person from and after the passing of this Act, shall within any part of this Province, tender in payment or in exchange or otherwise, utter or publish as true, any such false, forged, or counterfeited Bill of Exchange, Promissory Note, Undertaking or Order, knowing the same to be false, forged, or counterfeited, with intent to deceive or defraud His Majesty, His Heirs and Successors, or any Foreign Prince, State, or Country, or any Person or Company of Persons, or any Body Corporate and Politic, or in the nature of a Body Corporate and Politic as aforesaid; then every Person so offending, shall be deemed and taken to be guilty of Felony, and being thereof lawfully convicted, shall be punished by fine or imprisonment, not exceeding two years, or by other corporal punishment, not extending to life or loss of member, and also by banishment from this Province, or by one or more of the said punishments, at the discretion of the Court.

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

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

II. *And be it further enacted by the authority aforesaid,* That no Person after the passing of this Act, shall within any part of this Province, engrave, cut, etch, scrape, or by any other means or device, make, or knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making in or upon any plate whatsoever, any Bill of Exchange or Promissory Note, or Undertaking, or Order for the payment of Money, purporting to be the Bill of Exchange, Promissory Note, or Undertaking, or Order of any Foreign Prince, State or Country, or of any Minister or Officer entrusted by, or employed in the service of any Foreign State or Country, or of any Person or Company of Persons resident

or being in any Foreign State or Country, or of any Body Corporate and Politic, or in the nature of a Body Corporate and Politic, or constituted by any Foreign Prince or State, or any part of such Bill of Exchange, Promissory Note, Undertaking or Order, without an authority in writing for that purpose, from such Foreign Prince, State or Country, Minister or Officer, Person, Company of Persons, or Body Corporate and Politic, or body in the nature of a Body Corporate and Politic, or from some Person duly authorised to give such authority, or shall in any part of this Province without such authority as aforesaid, by means of any such plate, or by any other device or means, make or print any such Foreign Bill of Exchange, Promissory Note, Undertaking, or Order for the payment of Money, or any part thereof, or knowingly, wilfully, and without lawful excuse (the proof whereof shall lie upon the party accused) have in his or her custody, any such plate or device, or any impression taken from the same, and if any person shall offend in any of the cases aforesaid, he shall be deemed and taken to be guilty of a misdemeanor, and being thereof convicted according to Law, shall be liable for the first offence, to be imprisoned for any time not exceeding six months, or to be fined, or to be publicly or privately whipped, or to suffer one or more of the said punishments; and for the second offence, shall be punished by fine or imprisonment, not exceeding two years, or by other corporeal punishment, not extending to life or loss of member, and also by banishment from the said Province, or by one or more of the said punishments, at the discretion of the Court. *Provided always,* That nothing in this Act contained, shall extend or be construed to extend in any manner whatsoever, to repeal or alter any Law or Statute now in force for the prevention and punishment of the crime of Forgery in any respect whatsoever, within any part of the said Province.

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

For second offence fine, imprisonment, not exceeding 2 years or by other corporeal punishment, banishment, or by one or more of the said punishments at the discretion of the Court.

This Act not to alter the Laws in force against Forgery.

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

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

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

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

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any one Justice of the Peace, on complaint made before

him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is, or are, or hath, or have been concerned in the making, forging, or counterfeiting such Foreign Bills of Exchange, Promissory Notes, Undertakings or Orders for the payment of Money as aforesaid, or in engraving, cutting, etching, scraping, or by any other means or device making upon any plate whatsoever, any of the said Foreign Bills of Exchange, Promissory Notes, Undertakings, or Orders for the payment of Money as aforesaid, or by means of any such plate, or by any other device or means of making or printing the same, or that the said suspected person or persons hath or have in his, her, or their custody, any such plate or device for the purpose aforesaid, or any impression taken from such plate, or otherwise printed or made, of the said Foreign Bills of Exchange, Promissory Notes, Undertakings or Orders for the payment of Money, by warrant under the hand and seal of the said Justice, to cause the dwelling house, room, workshop, out-house, or other building, yard, garden, or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making, forging, counterfeiting, engraving, cutting, etching, scraping or printing as aforesaid, to be searched for any such false, forged and counterfeited Foreign Bills of Exchange, Promissory Notes, Undertakings or Orders for the payment of Money, and for the tools, plates, or devices for the making, forging, printing or counterfeiting of the same. And if any such tools, plates, implements or devices shall be found in any place so searched, or in the custody of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whatsoever discovering the same, to seize, and he or they are hereby authorised and required to seize such false, forged and counterfeited Foreign Bills of Exchange, Promissory Notes, Undertakings or Orders for the payment of Money, tools, plates, implements and devices, and to carry the same forthwith before a Justice of the Peace of the District where the same shall be seized, who shall cause the same to be secured, and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, and after the same shall have been so produced in evidence, they shall forthwith by order of the Court where such offender or offenders shall be tried, or by order of some Justice of the Peace, in case there shall be no trial, be defaced or destroyed, or otherwise disposed of, as such Court or such Justice shall direct.

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

Limitation for matters done under this Act, three months.

General issue.

Treble costs.

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

tiffs, and have the like remedy for the same as any defendant or defendants hath or have in other cases, to recover costs at Law.

C H A P. V.

An Act to declare the Common Gaols in the several Districts of this Province to be
HOUSES of CORRECTION for certain purposes.

[*Passed 12th March, 1810.*]

WHEREAS, it is expedient that until Houses of Correction shall be erected in the several Districts of this Province, that the Common Gaol in each and every of the said Districts shall be held and taken to be for certain purposes, a House of Correction: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That until such Houses of Correction shall be erected as aforesaid, the Common Gaol in each of the said several Districts respectively shall be, and the same is hereby constituted a House of Correction; and that all and every idle and disorderly person, or rogues and vagabonds, and incorrigible rogues, or any other person or persons who may by Law be subject to be committed to a House of Correction, shall be committed to the said Common Gaols in the said Districts respectively, any Law or usage to the contrary in any wise notwithstanding.

Preamble.

Until Houses of Correction shall be erected, the common Gaols in each respective District are constituted Houses of Correction.

C H A P. VI.

An Act for granting to His Majesty a Duty upon BILLIARD TABLES.

[*Passed 12th March, 1810.*]

MOST GRACIOUS SOVEREIGN,

WE Your Majesty's most dutiful and loyal Subjects the Commons of the Province of Upper-Canada in Parliament assembled, for the uses of this Province, have freely and voluntarily resolved to give and grant to Your Majesty, Your Heirs and Successors, a Duty on Billiard Tables; therefore,

Preamble.