

*Statutes of Upper-Canada, Passed in the second session of the fifth provincial parliament (1810). From The Provincial Statutes of Upper-Canada: Revised, Corrected, and Republished (York, R. C. Horne, 1818.)*

50 George III – Chapter 4

**An Act for preventing the Forging and Counterfeiting of Foreign Bills of Exchange, and of Foreign Notes and Orders for the payment of Money. (Passed 12th March, 1810.)**

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

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

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

IV. And be it further enacted by the authority aforesaid, That if any person shall be convicted of any offence against this Act, and shall afterwards be guilty of the like offence in any other District within this Province, the Clerk of the Crown where such former conviction shall have been 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.

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 malting 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, Undertaking or Orders for the payment of Money, tools, plates, implements and devices, and to carry the same forthwith before a Justice of the Peace of the District where the same shall be seized, who shall cause the same to be secured, and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, and after the same shall have been so produced in evidence, they shall forthwith by order of the Court where such offender or offenders shall be tried, or by order of some Justice of the Peace, in case there shall be no trial, be defaced or destroyed, or otherwise disposed of, as such Court or such Justice shall direct.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within three months next after the matter or thing done, and not afterwards: and the defendant or defendants in such action or suit, may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon: and, if afterwards judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall become 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, and have the like remedy for the same as any defendant or defendants hath or have in other cases, to recover costs at Law.