

The Provincial Statutes of Lower-Canada, Being the first session of the seventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1811.

51 George III – Chapter 10

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 promissory Notes and foreign Orders for payment of Money, 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 Politick 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 publicly whipped or set in and upon the Pillory,

or 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 publicly 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.

II. And be it 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 any foreign 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 publicly 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.

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, Promissory 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 publicly 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.

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 hereof, 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 so 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.

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 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.

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.