

*The Provincial Statutes of Lower-Canada, Being the fifth session of the seventh Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1814.

54 George III – Chapter 3

**An Act further to extend the Provisions of two several Acts therein mentioned, for facilitating the circulation of Army Bills. (17th March, 1814.)**

MOST GRACIOUS SOVEREIGN,

Whereas an Act was made and passed in the fifty-second Year of His Majesty's Reign, intituled, "An Act to facilitate the circulation of Army Bills," And whereas another Act was made and passed in the fifty-third year of His Majesty's Reign, intituled, "An Act to extend the Provisions of an Act made and passed in the fifty second year of His Majesty's Reign, intituled, 'An Act to facilitate the circulation of Army Bills,' and to make further regulations respecting the same," And that by the fourth clause of the last mentioned Act, it is provided and enacted, that no greater sum than Five Hundred Thousand Pounds, currency, in Army Bills, shall be in circulation at any one time. And whereas it appears by His Excellency the Governor in Chief's Message to the House of Assembly of the seventeenth January, that the exigencies of the public service render it indispensably necessary that he, as Commander of the Forces, should direct a further and more extensive issue of Army Bills to be made. And whereas it also appears by the Accounts of the Director of the Army Bill Office laid, before the House of Assembly, that a greater Sum in Army Bills has been and now remains in circulation, than the aforesaid Sum of Five Hundred Thousand Pounds, and that it is expedient and necessary to extend the provisions of the said Acts to all such Army Bills as now are in circulation, and to a further issue to be made to make further regulations respecting the same, and also to indemnify all persons concerned in the making and issuing of Army Bills, over and above the said Sum of Five Hundred Thousand Pounds; 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 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 said Province;" And it is hereby enacted by the authority aforesaid, that from and after the passing of this Act, all Army Bills issued heretofore and now in circulation or which shall be made and issued at the Army Bill Office in the City of Quebec, from and after the passing of this Act, until the first day of February one thousand eight hundred and fifteen, shall be deemed and taken to be within the purview of the Act made and passed in the fifty-second year of His Majesty's Reign, intituled, "An Act to facilitate the circulation of Army Bills," subject nevertheless to the restrictions contained in the Act made and passed in the fifty-third year of His Majesty's Reign, intituled; "An Act to extend the provisions of an Act made and passed in the fifty-second year of His Majesty's Reign, intituled 'An Act to facilitate the circulation of Army Bills' and to make further regulations respecting the same," and that all the provisions, regulations, and enactments in the said Acts contained, (save and except as aforesaid) and each and every of them shall be applied and put in force in respect to all and every such Army Bills so issued, or that may hereafter be issued as fully and effectually to all intents and purposes

as if the same were severally and separately repeated and herein recited, and made part of this Act, in so far as the said provisions and enactments are not herein after altered or repealed.

II. Provided always, and be it further enacted by the authority aforesaid, that the amount of Army Bills in circulation, as well those already made and issued, as such as may hereafter be made and issued, shall not at any one period, exceed the Sum of Fifteen Hundred Thousand Pounds, Current money of this Province.

III. And whereas it is essential for the security of the Persons who may become possessed of Army Bills to be issued as aforesaid, and in order to assure to such persons the advantages conferred on the said Bills by this Act, and to promote the public confidence in the said Bills, that the aforesaid limitation prescribed to the issue of the said Bills shall be strictly adhered to, and under no circumstances infringed; Be it therefore enacted by the authority aforesaid, that the Director of the Army Bill Office, the Cashier of the said Office, and any other Officer or Officers concerned in the making, signing and issuing of the Army Bills so to be issued as aforesaid, for the time being, shall in no instance and under no circumstances whatever, make, sign or issue any such Army Bill or Army Bills, when and so long as the Army Bills in circulation shall amount in value to, and not be less than Fifteen Hundred Thousand Pounds, Current money of this Province: and that if the said Director of the Army Bill Office, the Cashier of the said Office, or any other Officer or Officers concerned in the making, signing or issuing of Army Bills so to be issued as aforesaid for the time being, shall make, sign or issue any Army Bill or Army Bills after the said Army Bills already issued and to be issued and in circulation at the same time, shall amount to Fifteen Hundred Thousand Pounds, such Director of the Army Bill Office, Cashier of the said Office, and other Officer or Officers concerned in the making, signing or issuing of Army Bills, beyond that amount, shall thereby be rendered incapable of serving His Majesty, in any Office, Civil or Military in this Province; and shall moreover severally and respectively, forfeit to His Majesty, his Heirs and Successors, the amount of all such Army Bills as shall have been made, signed and issued over and beyond the said limitation of Fifteen Hundred Thousand Pounds, to be recovered by Action of Debt, Bill, Plaint or Information in any of His Majesty's Courts of Record in this Province; one moiety whereof, when recovered, shall be to and for the use of Our Sovereign Lord the King, his Heirs and Successors, and the other moiety thereof (with all costs of suit) to and for the use of such person or persons as shall inform or sue for the same; and that in default of Goods, Chattels, Lands, and Tenements out of and from which the Money so forfeited may be levied, such Director of the Army Bill Office, Cashier, Officer or Officers as aforesaid, against whom Judgment may be rendered, for the Money so forfeited, shall be taken and conveyed into the Common Gaol of the District in which such judgment shall be rendered, and there detained, until he or they, respectively, do pay the amount of such Judgment, any Law, usage or custom to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, that each and every of such Army Bills, as aforesaid, shall and may be received and taken and shall pass and be current to all and every the Collectors and Receivers in this Province of Lower Canada, of the Customs or any Revenue or Tax whatsoever already granted, due or payable, or which shall or may hereafter be granted, due or payable to His Majesty, his Heirs and Successors, under and by virtue of any Act of the Parliament of Great Britain, or of the Provincial Parliament or otherwise; and also at the Office of the Receiver General of this Province, from the said Collectors and Receivers, or from any other person or persons,

bodies politic or corporate whatsoever making any payments whatsoever to His Majesty, his Heirs and Successors for or upon any account, cause or occasion whatsoever, and that the same in the hands of such Collectors and Receivers and in the hands of the Receiver General of this Province, shall be deemed and taken as if paid in the Gold or Silver Coin passing Current in this Province, and as such shall be charged against and credited to such Collectors and Receivers, and to such Receiver General as aforesaid, respectively, in their respective Accounts with each other, and with His Majesty, his Heirs and Successors.

V. And be it further enacted by the authority, aforesaid that the Interest which from time to time shall be due upon any such Army Bill, as aforesaid, shall be allowed to all persons, Bodies politic and corporate paying the same to the Receiver General of this Province, or to any Collector or Receiver of any of His Majesty's Customs, Revenues or Taxes up to the respective days whereupon such Bill or Bills shall be so paid; Provided always, that every such Receiver General, Collectors and Receivers as aforesaid, shall be accountable for the Interest on every such Bill so by them or either of them received, for and during the time during which such Bill shall remain in their hands.

VI. And be it further enacted by the authority aforesaid that if any person or persons shall forge or counterfeit any such Army Bill or Bills as aforesaid, or any stamp, endorsement or writing thereupon or thereon, or tender in payment any such forged or counterfeit Army Bill or Bills, or any such Army Bill or Bills with such counterfeit, stamp, endorsement or writing thereupon or therein or shall demand to have such counterfeit Army Bill or Bills or any such Army Bill or Bills with such counterfeit, stamp, endorsement or writing thereupon or therein, exchanged for Bills of Exchange or for Cash or ready Money by any person or persons, body of bodies politic or corporate, who shall be obliged or required to exchange the same, or by any other person or persons whatsoever knowing the Bill or Bills so tendered in payment or demanded to be so exchanged, or the stamp or endorsement or writing thereupon or therein to be forged or counterfeited, and with intent to defraud His Majesty, his Heirs and Successors or the persons appointed or to be appointed to pay off the same or any of them, or to pay any interest hereon, or the person or persons, Officer or Officers, body or bodies politic or corporate, who shall issue or exchange the same for Bills of Exchange, or any of them or any other person or persons, body or bodies politic or corporate whatever, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of Felony, without benefit of Clergy.

VII. And be it further enacted by the authority aforesaid, that if any person or persons shall steal or take by robbery any Army Bill or Bills, being the property of His Majesty, His Heirs or Successors, or of any other person or persons, or of any corporation, it shall be deemed and construed to be Felony of the same nature and in the same degree and with or without the Benefit of Clergy, in the same manner, as it would have been if the offender had stolen or taken by robbery any other goods of like value with the money due on such Army Bill, or Bills or secured thereby, and remaining unsatisfied; and such offender shall suffer such punishment as he or she should or might have done, if he or she had stolen other goods of the like value, with the monies due on such Army Bill or Bills, or secured thereby and remaining unsatisfied, any Law to the contrary thereof in anywise notwithstanding.

VIII. And be it further enacted by the authority aforesaid, that if any person or persons in any contract, covenant, agreement, promise or other engagement whatever, written or verbal, shall specially undertake to pay, or stipulate to be paid for any work, labour, goods, wares, merchandise, chattels or estate moveable or immoveable, or for any other matter or thing whatever in specie or in any gold, silver or copper Coin, or shall otherwise make any distinction in value between the Current Coin and Money of this Province, and such Army Bills as aforesaid, then and in every such case, such contract, covenant, agreement, promise or other engagement, written or verbal as aforesaid, shall be utterly and entirely null and void, to all intents and purposes whatsoever; and every and any such undertaking to pay or stipulation to be paid in specie or in any gold, silver or copper Coin as aforesaid, and every such distinction in value as aforesaid, so made as aforesaid, shall and may be proved in every and any of His Majesty's Courts of Law in this Province by parol proof, any Law, usage or custom to the contrary notwithstanding.

IX. And be it further enacted by the authority aforesaid, that for and during the period of five years, to be computed from the first day of August one Thousand eight hundred and twelve, no person shall be held to special bail upon any process issuing out of any Court of Judicature in this Province, unless the affidavit which shall be made for that purpose, according to the provisions contained in the Ordinance made and passed in the twenty-fifth year of the reign of His Majesty, King George the third, intituled, "An Ordinance to regulate the proceedings in the Courts of Civil Judicature and to establish Trials by Juries in actions of a commercial nature and personal wrongs to be compensated by damages," shall not only contain the several matters required by the said Ordinance, but also, that no offer has been made to pay in Army Bills the sum of money in such affidavit mentioned, and therein sworn to, for the purpose of holding such person to special bail: and if any process shall be issued against any person upon which such person might have been held to special bail before the passing of this Act, and affidavit shall be made as aforesaid, that no such offer of payment in Army Bills had been made as aforesaid, such person shall not be arrested on such process, but proceedings shall be had against such person in the same manner as if no affidavit had been made for the purpose of holding such person to special bail under the provisions of the Ordinance, last aforesaid; Provided always, that if an affidavit shall be made upon which any person or persons might have been held to special bail upon any such process as aforesaid, before the passing of this Act, and it shall be likewise sworn in such affidavit that such offer of payment in Army Bills has been made as aforesaid, so that the person or persons who might have been arrested and held to special bail, upon such process if this Act had not been made, cannot by reason of such offer and of the provisions in this Act contained, be so arrested and held to special bail: it shall be lawful for the Court out of which such process shall issue or for any Judge of such Court, in a summary way, in term or vacation, to order the defendant or defendants in the action in which such process shall issue, and who might have been so held to special bail as aforesaid, if this Act had not been made, to cause Army Bills to the amount of the sum of money for which such person or persons might have been so held to special bail, if this Act had not been made, to be deposited in such manner as such Court or such Judge shall direct, to answer the demand of the plaintiff or plaintiffs in such action, and if such deposit shall not be made within the time limited by such order after such notice thereof as shall thereby be directed to be given, it shall be lawful upon affidavit duly made and filed, that such deposit has not been made according to such order, to arrest such defendant or defendants, and to hold him or them, to special bail, in such and the same manner, as if this Act had not been made.

X. And be it further enacted by the authority aforesaid, that for and during the period of five years, to be computed from the first day of August, one thousand eight hundred and twelve, no process of attachment for attaching the estates, debts and effects of what nature soever, of any person or persons whomsoever, whether in the hands of the owner, the debtor or of a third person prior to trial and judgment, shall issue, unless the affidavit which shall be made for that purpose according to the provisions contained in the Ordinance, made and passed in the twenty-seventh year of the Reign of His Majesty, King George the Third, intituled, "An Ordinance to continue in force for a limited time, 'An Ordinance made in the twenty-fifth year of His Majesty's Reign, intituled, 'An Ordinance to regulate the proceedings in the Courts of Civil Judicature and to establish Trials by Juries in actions of Commercial nature and personal wrongs to be compensated in damages,'" with such additional regulations as are expedient and necessary, shall not only contain the several matters required by the said Act, but also, that no offer has been made to pay in Army Bills the sum of money in such affidavit mentioned; and therein sworn to for the purpose of obtaining such Attachment; And if any process of Attachment shall be issued upon which the estate, debts and effects of any nature soever, of any person whomsoever in the hands of the owner, of the debtor or of a third person, might have been attached prior to trial and judgment before the passing of this Act, and no affidavit shall be made, that no such offer of payment in Army Bills had been made as aforesaid, such Attachment shall not be executed, and proceedings shall be had against the owner or owners of the estate, debts or effects which might otherwise have been attached in the same manner as if no affidavit had been made for the purpose of obtaining an Attachment under the provisions of the Ordinance last aforesaid; Provided always, that if affidavit shall be made upon which any Attachment against the estate, debts and effects of any person or persons whomsoever in the hands of the owner, of the debtor, or of a third person, might have been obtained before the passing of this Act, and it shall likewise be sworn in such affidavit, that such offer of payment in Army Bills has been made as aforesaid, so that such attachment which might have been obtained and issued if this Act had not been made, cannot by reason of such offer and of the provisions in this Act contained, be so obtained and issued, it shall be lawful for the Court out of which the process ad respondendum in such case shall issue or for any Judge of such Court, in a summary way, in term or vacation, to order the defendant or defendants in the action in which such process ad respondendum shall issue, to cause such Army Bills as aforesaid, to the amount of the sum of money for which such attachment might have issued, if this act had not been made, to be deposited in such manner as such Court or such Judge shall direct to answer the demande of the plaintiff or plaintiffs in such action; and if such deposit shall not be made within the time limited by such order, after such notice thereof as shall there by be directed to be given, it shall be lawful upon affidavit duly made and filed, that such deposit has not been made according to such order, to award and cause to be issued an attachment or attachments against the estate, debts and effects of any nature whatsoever of such defendant or defendants in such action, in the hands of the owner, of the debtor, or of a third person, prior to trial or judgment in such and the same manner, as if this Act had not been made.

XI. And be it further enacted by the authority aforesaid, that if any person or persons against whom any Writ of Capias ad satisfaciendum shall have issued out of any of His Majesty's Courts in this Province, shall deposit in the hands of the Sheriff to whom such Writ of Capias ad satisfaciendum shall be addressed, the amount of the sum for which such Capias ad satisfaciendum shall have issued in Army Bills, such deposit so made, shall operate as a supersedeas of such Writ of Capias ad

satisfaciendum, and it shall be lawful to and for the Court out of which such Capias ad satisfaciendum shall have issued, or for any Judge of such Court, in a summary way, upon affidavit duly made and filed, that such deposit has been so made as aforesaid, forthwith to discharge such person or persons against whom such Capias ad satisfaciendum shall have issued, out of custody, and to direct and order such Army Bills to remain or be deposited in such manner as such Court or such Judge shall direct to satisfy the Judgment obtained by the plaintiff or plaintiffs in the action in which such Capias ad Satisfaciendum shall have issued; and if such plaintiff or plaintiffs shall see fit to take up and receive such Army Bills so deposited, then and in such case and from thenceforth, the judgment obtained by such plaintiff or plaintiffs shall thereby be and forever shall remain fully and entirely paid, discharged and satisfied to all intents and purposes whatever. But if such plaintiff or plaintiffs shall not see fit to take up or receive such Army Bills so deposited, then and in such case such deposit of Army Bills shall operate to stay all proceedings whatever in such action and upon such judgment, until the expiration of five years, to be computed from the first day of August, one thousand eight hundred and twelve, and from and after the expiration of five years, to be computed from the said first day of August, one thousand eight hundred and twelve and not before, process of execution shall be allowed and issued for the satisfaction of the principal sum of such judgment, with interest thereon, to the day on which such deposit of such Army Bills shall be so made, and not after, in such and the same manner as if this Act had not been made, and such Army Bills so deposited, shall be returned and restored to the person or persons by whom the same shall have been so deposited.

XII. And be it further enacted by the authority aforesaid, that if any person or persons against whose Goods or Chattels, Lands or Tenements, debts or credits, any Writ of Fieri facias, Attachment, Venditioni exponas, or other Writ of Execution shall have issued after Judgment, out of any of His Majesty's Courts in this Province, shall deposit in the hands of the Sheriff, to whom such Writ of Fieri facias, Attachment, Venditioni exponas, or other Writ of Execution shall be addressed, the amount of the sums for which such Writ of Fieri facias, Attachment Venditioni exponas, or other Writ of Execution shall have issued in Army Bills, such deposit so made, shall operate as a supersedeas to such Writ of Fieri facias, Attachment, Venditioni exponas or other Writ of Execution, and it shall be lawful to and for the Court out of which such Writ of fieri facias, Attachment, Venditioni exponas or other Writ of execution shall have issued, or for any Judge of such Court, in a summary way, upon affidavit duly made and filed, that such deposit has been so made as aforesaid, forthwith to order main levée of such Writ of fieri facias, Attachment, Venditioni exponas or other Writ of execution, and to direct and order such Army Bills to remain or be deposited in such manner as such Court or such Judge shall direct, to satisfy judgment so obtained by the plaintiff or plaintiffs, in the action in which such Writ of fieri facias, Attachment, Venditioni exponas or other Writ of execution shall have issued, and if such plaintiff or plaintiffs shall see fit to take up and receive such Army Bills so deposited, then and in such case and from thenceforth, the judgment obtained by such plaintiff or plaintiffs shall thereby be and forever shall remain fully and entirely paid, discharged and satisfied to all intents and purposes whatever; and if such plaintiff or plaintiffs shall not see fit to take up or receive such Army Bills so deposited, then and in such case, such deposit of such Army Bills shall operate to stay all proceedings whatever in such action and upon such judgment, until the expiration of five years, to be computed from the first day of August, one thousand eight hundred and twelve, and from and after the expiration of five years, to be computed from the said first day of August, one thousand eight hundred and twelve and not before, process of execution shall be allowed and be issued for the satisfaction of the principal sum of such

judgment, with interest there on to the day on which such deposit of such Army Bills shall be so made and not after, in such and the same manner as if this Act had never been made, and such Army Bills so deposited shall be returned and restored to the person or persons by whom the same shall be so deposited.

XIII. And be it further enacted by the authority aforesaid, that of the amount of Army Bills now in circulation, and hereafter to be issued a sum no less than Two Hundred Thousand Pounds, and not exceeding Five Hundred Thousand pounds shall be in bills of One, Two, Three, Five and Ten Dollars, such Bills payable as those of larger denominations in Bills of Exchange on London, and not bearing interest, and that the holders of such Bills shall be entitled to demand and receive at the Army Bill Office, on demand, Army Bills of Fifty Dollars, and upwards, bearing interest, for the amount of all such Bills.

XIV. And be it further enacted by the authority aforesaid, that during three months, to be computed from the passing of this Act, it shall and may be lawful to and for all and every person in possession of Army Bills of the value of Twenty-five Dollars, only, bearing interest to have and receive at the Army Bill Office, on demand, Bills of One, Two, Three, Five and Ten Dollars, in exchange for such Army Bills of Twenty-five Dollars, together with the interest due and payable thereon, up to the day of making such exchange. Provided always, that the Director of the Army Bill Office, or those employed under him, in exchanging the said Army Bill, shall not, during the said three months next, after the passing of this Act, be bound so to exchange such Army Bills to a greater amount in any one day than that of Two Hundred and Fifty Pounds. Provided also, that the same person shall not, in any one week, require to be so exchanged, more than one Army Bill of Twenty-five Dollars, bearing interest as aforesaid.

XV. And be it further enacted by the authority aforesaid, that it shall be the duty of the Officer or Officers, to whom it may appertain, as having the direction of the Army Bill Office, to lay before the Commissioners immediately after the passing of this Act, a correct account of the amount of all such Army Bills, as shall then be in circulation, and at each second subsequent meeting of the said Commissioners a true and correct account of all such Bills as shall have been issued and put in circulation from the date of the last account rendered, in order that the same may be laid before the Legislature at its next ensuing meeting.

XVI. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained, shall extend or be construed to extend to entitle any holder or holders of any such Army Bills as aforesaid, as may, at any time hereafter remain unpaid or unsatisfied, save and except the holder or holders of such Army Bills, as were heretofore issued, subsequent to the passing of the Act to facilitate the circulation of Army Bills, and until the same exceeded in the whole the sum of Two Hundred and fifty Thousand Pounds, and which now remain unpaid and unsatisfied, to receive out of or from any monies that there may be in the hands of the Receiver General in this Province, or from any monies that may hereafter come into his hands, arising out of any taxes or duties heretofore imposed, or that may hereafter be imposed, levied or raised by virtue of any Act of the Provincial Legislature, or from the rents and revenues of His Majesty's territorial Domains in this Province, or from any other monies in the hands of the Receiver General, payment of any such Army Bill or Bills as aforesaid.

XVII. And be it further enacted by the authority aforesaid, that the Director of the Army Bill Office, and all and every person or persons aiding and assisting him in the making and issuing of Army Bills over and above the sum of Five Hundred Thousand Pounds, as limited by the Act Fifty-third George Third, Chapter third, shall be freed, discharged and indemnified as well against the King's Majesty, his Heirs and Successors, as against all and every other person or persons of, so or concerning the making and issuing of all, any and every such Army Bills, as shall have been so made and issued beyond the said limitation.