

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1853.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1853.

14 Victoria – Chapter 85 (1852)

**An Act for establishing a Tender in all payments to be made in this Province, and for consolidating and amending the Laws relating to the Currency therein. Passed 7th April 1852.**

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. The unit of account in this Province shall be the Pound, equal to twenty shillings currency of the present currency, and shall be such that the pound sterling as represented by the British sovereign of the weight and fineness now fixed by the law of the United Kingdom of Great Britain and Ireland, shall be equal to, and any such British sovereign shall be legal tender for one pound four shillings and four pence currency; provided always, that all sums of money and accounts may be legally mentioned, described and stated either in dollars and decimal parts of a dollar, or in the present currency.
2. The eagle of the United States coined after the first day of July in the year of our Lord one thousand eight hundred and thirty four, and before the first day of March in the year of our Lord one thousand eight hundred any fifty two, and weighing ten penny weights eighteen grains troy, shall pass and be a legal tender for two pounds ten shillings currency.
3. The gold coins of Great Britain and Ireland, or of the United States coined before the day last aforesaid, being multiples or divisions of those hereinbefore mentioned, and of proportionate weight, shall for proportionate sums pass current and be a legal tender to any amount by tale, so long as such coins shall not want more than two grains of the weight hereby assigned to them respectively, deducting one half penny currency for each quarter of a grain any such coin shall want of such weight; provided always, that in any one payment above the sum of fifty pounds, the person paying may pay or the person to receive may insist on receiving the said British gold coins by weight, at the rate of ninety four shillings and ten pence currency per ounce troy; and in like manner any sums tendered or to be received in the gold coin of the United States may be weighed in bulk as aforesaid, and shall be a legal tender at the rate of ninety three shillings currency per ounce troy, when offered in sums of not less than fifty pounds currency.
4. Such coins representing pounds currency, or multiples or divisions of pounds currency, as Her Majesty shall see fit to direct to be struck for the purpose, shall by such names and at such rates as Her Majesty shall assign to them respectively, pass current and be a legal tender in this Province; the standard of fineness of the said coins, when of silver or gold, being the same respectively as that now adopted for coins of the United Kingdom; and the intrinsic value of the said coins, when of gold, bearing the same proportion to that of the British sovereign as the sum for which they are respectively to pass current shall bear to one pound four shillings and four pence of the present currency, or to four dollars eighty six cents and two thirds of a cent; and the intrinsic value of such coins, when of silver or copper, bearing the same proportion to their nominal or current value

which the intrinsic value of British silver or copper coins respectively bears to their nominal or current value; provided always, that such gold coins shall be a legal tender to any amount by tale so long as they shall not want more than two grains of the standard weight to be assigned to them respectively by Her Majesty, subject to the same deduction for want of weight as is provided by the preceding section with regard to British and American gold coins, and shall also be a legal tender to any amount by weight in sums not less than fifty pounds currency, or two hundred dollars, at the same rate and on the same conditions as provided in this Act with regard to British gold coins; and provided also, that such silver coins shall not be a legal tender to the amount of more than two pounds ten shillings currency or ten dollars in any one payment, nor such copper coins to the amount of more than one shilling currency or twenty cents in any one payment; provided further, that the holder of the notes or obligations of any person or body corporate to the amount of more than two pounds ten shillings currency or ten dollars, shall not be bound to receive in such silver coins more than that amount in payment of such notes, if presented at one time, although each or any of such notes be for a less sum.

5. The Lieutenant Governor of this Province, with the advice of the Executive Council, may by Proclamation extend all the provisions of this Act having reference to the gold coins of the United States coined before the first day of March in the year of our Lord one thousand eight hundred and fifty two, to any gold coins of the said United States coined on or after the first day of March in the year last aforesaid, of the weight and denominations mentioned or referred to in this Act, which, having been assayed at the Royal Mint, shall have been found equal in fineness to the coins mentioned or referred to in this Act.

6. It shall be lawful for the Lieutenant Governor of the Province, with the advice of the said Executive Council, out of any unappropriated moneys, to defray the cost of obtaining and importing such quantity of the said coins respectively as the said Lieutenant Governor, with the advice aforesaid, shall from time to time think it for the interest of the Province to obtain and import.

7. All British silver coins not herein enumerated and now in circulation, shall be a legal tender for sums not exceeding two pounds ten shillings, at six shillings and one penny for the crown piece, three shillings and a half penny for the half crown, one shilling and two pence half penny for the fifth part of the crown, and seven pence farthing for the tenth part of the crown; provided always, that it shall be lawful for the Lieutenant Governor, by Proclamation in the Royal Gazette, to stop the circulation of the coins in this section mentioned, giving six months notice in such Proclamation for that purpose.

8. The provisions of an Act passed in the present Session of Assembly, intituled *An Act in addition to and in amendment of an Act relating to the definition of offences and the punishment thereof*, shall, so far as the same relate to counterfeit coin, extend to the coins mentioned in or made current by this Act, in the same manner and as fully in all respects as if those provisions were herein enacted.

9. The terms and matters following, wheresoever occurring or referred to throughout this Act, shall be understood as hereafter defined, unless it be otherwise specially provided, or there be something in the context repugnant thereto; “the Lieutenant Governor” shall mean the Administrator of the Government for the time being; “currency” and “current” shall mean current money of this Province at the time of the passing of this Act; persons or things used in the singular number shall include persons or things in the plural; and all descriptions of persons or things and words in the plural, shall be understood to be singular, unless otherwise provided for as aforesaid; the stamp of the year on each of the coins in this Act specified, shall establish the fact of the coinage at any time within that year, and the stamp on such coins of the country of such coinage, shall establish the fact of the same being the coinage of such country; and all the coins hereby made a legal tender shall be deemed to have the character of standard and weight, except where payments may be made by actual weight, unless objected to on that account, in which case the standard and weight must be ascertained.

10. The several Acts of Assembly following are hereby repealed:—An Act passed in the twenty sixth year of the Reign of His Majesty George the Third, *intituled An Act for establishing a Tender in all payments to be made in this Province*; an Act passed in the fifty eighth year of the same Reign, *intituled An Act in addition to an Act intituled ‘An Act for establishing a Tender to be made in all payments in this Province;’* an Act passed in the fifth year of the Reign of His Majesty William the Fourth, *intituled An Act in addition to the Laws now in force for establishing a legal Tender in all payments to be made in this Province*; and an Act passed in the seventh year of the Reign of Her present Majesty, *intituled An Act to establish the value of certain British coins in this Province, and to amend the Acts relating to the establishment of a legal Tender*; provided always, that all payments or tenders of payments heretofore made, and all money transactions completed under any of such laws, shall be good and effectual notwithstanding such repeal.

11. This Act shall not be in force until Her Majesty’s Royal approbation be first obtained, nor until a day thereafter to be fixed by Proclamation of His Excellency the Lieutenant Governor duly published in the Royal Gazette.

[This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council, dated the 30th day of June 1852, and published and declared in the Province the 11th day of August 1852. The Proclamation referred to in Section 11, appointed the 1st day of October 1852, for the Act to come in force. It was first published in the Royal Gazette on 15th September 1852.]