

L A W S

OF HIS MAJESTY'S PROVINCE OF
U P P E R - C A N A D A :

PASSED IN THE FIFTH SESSION OF THE PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT NEWARK, ON THE SIXTHTEENTH DAY OF MAY, IN THE THIRTY-SIXTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD, GEORGE THE THIRD, AND PROROGUED ON THE THIRD DAY OF JUNE, FOLLOWING.

C H A P. I.

An ACT for the better Regulation of certain Coins current in this Province.

FOR the better regulation of certain coins current in this province ; 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, entitled "An act to repeal certain parts of an act passed in the fourteenth year of his majesty's reign, entitled, " 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 the gold and silver coins herein after mentioned, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this province, at the weights and rates following ; that is to say, of gold coins, the British guinea, weighing five penny weights and six grains Troy, at one pound three shillings and four pence, the johannes of Portugal, weighing eighteen penny weights Troy, at four pounds ; the moidore of Portugal weighing six penny weights and eighteen grains Troy, at one pound ten shillings ; the milled doubloon, or four pistole piece of Spain, weighing seventeen penny weights Troy, at three pounds and fourteen shillings ; the French louis d'or coined before the year one thousand seven hundred and ninety-three, weighing five penny weights and four grains Troy, at one pound two shillings and six pence ; the French pistole piece coined before the same period, weighing four penny weights and four grains, at eighteen shillings ; the American eagle piece, weighing eleven penny weights and six grains Troy, at two pounds and ten shillings ; and of silver coins, The British crown, at five shillings and six pence ; the British shilling, at

Preamble.

The gold and silver coins herein specified shall be deemed a legal tender. Specification, value, and respective weights, of such gold coins

Of such silver coins.

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one shilling and one penny; the Spanish milled dollar, at five shillings, equal to four shillings and six pence sterling money of Great-Britain; the Spanish pistereen at one shilling; the French crown coined before the year one thousand seven hundred and ninety-three, at five shillings and six pence; the French piece of four livres ten sols Tournois, at four shillings and two pence; the French piece of thirty-six sols Tournois, at one shilling and eight pence, the French piece of twenty-four sols Tournois, at one shilling and one penny; the American dollar, at five shillings, and all the higher and lower denominations of the said gold and silver coins shall also pass current, and be deemed a legal tender in payment of all debts and demands whatsoever in this province, in the same proportions respectively.

Allowance for excess or deficiency in the standard weight of pieces of gold, paid by detail.

II. *And be it further enacted by the authority aforesaid,* That for every grain which any piece of the aforesaid gold coins shall respectively weigh more than the standard aforesaid, there shall be allowed and added in all payments made in pieces of gold by detail, two pence and one farthing currency; and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be deducted in all payments, two pence and one farthing currency.

Counterfeiting or falsifying such current coins shall be deemed felony,

III. *And be it further enacted by the authority aforesaid,* That any person or persons, who shall color, gild or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any coin of coarse gold, or of coarse silver, or of base metal resembling any such foreign coin so declared current, and any person or persons, who shall gild over any piece of silver resembling any such foreign coin so declared current, and any person or persons who shall bring or cause to be brought into this province, any forged or counterfeit money like to the foreign gold or silver coin so declared current, knowing the same to be forged or counterfeit, or any coin of coarse gold, or of coarse silver, or of base metal, coloured, gilded or cased over with gold or silver, or with any wash or materials producing the colour of gold or silver, and resembling any such foreign coin, or any piece of gilded, silver resembling any such foreign coin knowing the same, every such person shall for every such offence be deemed guilty of felony and upon conviction thereof, in his majesty's court of his bench suffer death, as in cases of felony.

or knowingly importing such counterfeit & falsified coins.

Punishment for uttering or tendering false & counterfeit money knowingly.

IV. *And be it further enacted by the authority aforesaid,* That if any person whosoever, shall after the passing of this act, utter or tender in payment to any person or persons, any false or counterfeit money, counterfeit to any of the gold or silver coins of Great-Britain, Portugal, the United States of America, Spain or France, as herein before specified, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, and shall be thereof convicted, such person so offending shall suffer one year's imprisonment, and shall also be set in and upon the pillory for the space of one hour in some public and conspicuous place; and if the same person shall afterwards offend a second time, in uttering or tendering in payment any such false or counterfeit money as aforesaid, knowing the same to be so, and shall be convicted of such second offence, he or she shall be, and is hereby adjudged to be guilty of felony without benefit of clergy.

A second offence to be deemed felony.

Punishment for importing false or counterfeit brass or copper money to sell or pass away.

V. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after the passing of this act, import or bring, or cause to be imported or brought into this province, any false or counterfeit brass or copper money, in order to sell or pass away the same, knowing the same to be false and counterfeit, every such person shall for every such offence, besides forfeiting the same, suffer imprisonment at the discretion of the justice or justices, judge or judges of the court of his majesty's bench, or oyer and terminer, before whom such person or persons shall be tried and convicted; Provided always, That such imprisonment shall not exceed twelve calendar months.

VI. *And be it further enacted by the authority aforesaid,* That all such false or counterfeit brass or copper money, may be seized by any person having a warrant from a justice of the peace for that purpose, and shall be broken or defaced in open court after being found to be false or counterfeit, or in presence of a justice of the peace, and one moiety shall then belong to his majesty, his heirs and successors, to be applied to the public uses of this province, and the support of the civil government thereof, the due application of which shall be accounted for to his majesty, his heirs and successors, through the commissioners of his majesty's treasury for the time being, in such manner and form as his majesty shall direct; and the other moiety thereof shall belong to the person who shall have seized and prosecuted for the same.

Such brass or copper money to be seized & defaced, & one moiety thereof to belong to his majesty, & the other to the informer.

VII. *And be it further enacted by the authority aforesaid,* That no person shall be obliged to receive at any one payment more than the sum of one shilling currency of this province in copper money.

Tender in copper money limited to 1/ at one payment.

VIII. *AND* whereas it would be a great facility in making payments if gold coins were weighed in bulk, and not in single pieces as heretofore has been customary; Be it therefore enacted by the authority aforesaid, That in every payment exceeding the sum of fifty pounds currency, which shall be made in gold coin after the first day of June, which will be in the year of our Lord, one thousand seven hundred and ninety-seven, where one of the parties making or receiving the same shall require it, such gold shall be weighed in bulk and not in single pieces; that is to say, the gold of Great-Britain, Portugal and America together, and that of Spain and France together, from the weight of which a deduction shall be made of two thirds of a grain Troy, for each piece of gold coin so weighed as a compensation for the loss that may accrue in paying away the same in detail: and in all payments so made, the gold coin of Great-Britain, Portugal and America, shall be computed at the rate of eighty-nine shillings currency for each ounce Troy, and that of Spain and France, at the rate of eighty-seven shillings currency for each ounce Troy, therein contained after such deduction made, and so in proportion for a greater or lesser quantity.

After the 1st of June, 1797, the gold coins, in payments exceeding 50l. shall be weighed in bulk if either of the parties require it.

In what manner.

At what rate computed,

IX. *And be it further enacted by the authority aforesaid,* That any person or persons to whom any gold, silver or copper money shall be tendered in payment, any piece whereof shall by the stamp, impression, colour or weight thereof afford reason to suspect that the same, or any piece thereof, is false and counterfeit, such person or persons to whom the same is presented may cut, break or deface every such piece, and if any piece so cut, broken or defaced, shall be found to be false and counterfeit, the person tendering such false and counterfeit money shall bear the loss thereof; but if the same shall be found to be good and lawful money, the person that cut, broke or defaced the same, shall receive the same at the rate it was coined for.

Suspected pieces of money may be broken, cut or defaced.

By whom the loss arising thereby shall be borne.

X. *AND* if any question shall arise whether any piece so cut, broken, or defaced, be false or counterfeit it shall be determined by a justice of the peace, who, if he shall have any doubts touching the same, may summon three indifferent persons to give their opinion thereon, whose opinions, or the majority thereof shall be final.

Decision of questions arising thereupon.

XI. *And be it further enacted by the authority aforesaid,* That if any false or counterfeit gold or silver coin shall be produced in any court of justice in this province, the judges shall cause the same to be cut in pieces in open court, or in the presence of a justice of the peace, and there be delivered to or for the person or persons to whom it belongs.

Counterfeit gold & silver coin, produced in a court of justice, how disposed of.

XII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the act or ordinance made in the seventeenth year of his majesty's reign, entitled "An ordinance for regulating the currency of the province." be, and the same is hereby repealed.

Repeal of ordinance 17, Geo. 3. for regulating the currency.