

THE  
**S T A T U T E S**  
 OF  
 HIS MAJESTY'S PROVINCE  
 OF  
**U P P E R - C A N A D A.**

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Passed in the Second Session of the Sixth Provincial Parliament of Upper Canada, met at York, on the Twenty-Fifth Day of February, in the Fifty-Third Year of the Reign of our Sovereign Lord GEORGE the THIRD, and Prorogued on the Thirteenth day of March following.

CHAP. I.

*An Act to facilitate the Circulation within this Province of Army Bills, issued by authority of the Province of Lower Canada.*

[Passed the 13th day of March, 1813.]

**W**HEREAS it is expedient at this important juncture to facilitate the circulation of Army Bills in this Province, and to give them the same effect and force which they have in the Province of Lower Canada, 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, 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 each and every the said Army Bills which have been or shall be lawfully issued by the authority of the Province of Lower Canada, and shall from time to time remain undischarged and uncancelled, 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 Upper 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 whatever there 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 Cash, 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.

Preamble.

Army Bills of Lower Canada to be received in payment by Collectors and Receivers of Customs, and at the Office of the Receiver General.

II. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Army Bills as aforesaid which shall be issued, before the same shall be paid off, discharged or cancelled, or any stamp, indorsement or writing thereupon, or therein, or tender in payment any such forged or counterfeit Army Bills, or any such Army Bill with such counterfeit Stamp, Indorsement or writing thereupon or therein, or shall demand to have such counterfeit Army Bills or any such

Penalty for forging the said Bills, or uttering them, or bringing them to be forged.

Army Bill with such counterfeit stamp, indorsement or writing thereupon or therein, exchanged for Bills of Exchange or for Cash or ready money by any person or persons, body or bodies politic or corporate, who shall be obliged or required to exchange the same, or by any other person or persons whatsoever, knowing the Bills so tendered in payment or demanded to be so exchanged, or the stamp or indorsement 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 thereon, 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 whatsoever, 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.

Assidavits of debt to hold to bail must fit to that no offer has been made to pay in Army Bills.

III. *And be it further enacted by the authority aforesaid,* That for and during the continuance of this act, 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 law now in force respecting affidavits to hold to Bail, shall not only contain the several matters required necessary by the Law aforesaid, 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 no 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 proceeding 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. Provided always that if an affidavit shall be made upon which any person or persons might be 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 held to special Bail if this act had not been made, to be deposited in the Court out of which such process shall issue, or 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.

In what cases the Court may order the Army Bills tendered to be deposited, and if they are not deposited, as ordered, the party to be arrested.

Deposit of Army Bills shall suffice to discharge the Defendant.

IV. *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 or other Officer 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 Superfedeas of such Writ of Capias ad Satisfaciendum, and it shall be lawful 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 the Court out of which such Writ of Capias ad Satisfaciendum shall issue, or in such a manner as such Court or such Judge shall direct, to satisfy the Judgement 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 judgement obtained by such Plaintiff or Plaintiffs shall thereby be and for ever 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 such Army Bills shall operate to stay all proceedings whatever in such action and upon such judgement until the expiration of this act, and from after the expiration of this act, and not before process of Execution shall be allowed and be issued for the amount of such judgement, but that no interest shall be allowed thereon from the time of the deposit of such Army Bills 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 have been so deposited.

V. *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 Writs of Fieri Facias, Venditioni Exponas, or other Writ of Execution shall have issued out of any of his Majesty's Courts in this Province, shall deposit in the hands of the Sheriff or other Officer to whom such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall be addressed, the amount of the sums for which such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution shall have issued in Army Bills, such deposit so made shall operate as a Superfedeas of such Writ of Fieri Facias 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 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 such Writ of Fieri Facias Venditioni Exponas or other Writ of Execution to be stayed, and to direct and order such Army Bills to remain or be deposited in the Court out of which such Writs shall have issued, or in such manner as such Court or such Judge shall direct, to satisfy the judgement so obtained by the Plaintiff or Plaintiffs in the action in which such Writ of Fieri Facias 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 judgement 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 such Army Bills shall operate to stay all proceedings whatever in such action and upon such judgement until the expiration of this act, and from and after the expiration of this act, and not before process of Execution shall be allowed and be issued for the satisfaction of the amount of such judgement, but that no interest shall be allowed thereon from the time of the deposit of such Army Bills in such and

The Bills in that case to be deposited in Court.

How if Plaintiff accepts them.

How if he refuses to accept them.

Deposit of Army Bills to operate as a Superfedeas of Writs of Fieri Facias and other Writs of Execution.

Court will thereupon order the said Writs to be stayed, and the money to remain deposited in Court.

How if Plaintiff accepts them.

How if Plaintiff refuses to accept them.

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 have been so deposited.

Swearing falsely in any matter herein contained shall be perjury, & incur all the penalties thereof.

VI. *And be it further enacted by the authority aforesaid,* That any person taking a false Oath in any case wherein an Oath is required to be taken by this act, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to such pains and penalties as by any Laws now in force any persons convicted of wilful and corrupt perjury are subject and liable to.

Limitation of Actions for any thing done in pursuance of this Act.

Defendants may plead the general issue, & give this Act, & special matter in evidence.

VII. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be 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 offence shall have been committed, and not afterwards, and the Defendant or Defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of this act, and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants, and if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their action after the Defendant or Defendants shall have appeared, or if judgement shall be given against the Plaintiff the Defendant or Defendants shall and may recover treble costs, and have the like remedy for the same as Defendants have in other cases by Law.

Continuance of this Act.

VIII. *And be it further enacted by the authority aforesaid,* That this act shall be and continue to be in force for the space of one year, and from thence until the end of the then next ensuing Session of Parliament, unless peace between Great Britain and the United States shall previously thereto be officially declared, in which case it shall immediately after such official declaration, cease and determine.

## CHAP. II.

*An Act to repeal and amend certain parts of the Militia Law, and also for the Transporting Naval and Military Stores.*

[Passed the 13th day of March, 1813.]

Preamble.

WHEREAS it is expedient to repeal some parts of the Militia Laws and to introduce certain amendments in lieu thereof, 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 Justice or Justices of the Peace before whom any person or persons shall be convicted and fined for any offence against the Militia Laws of this Province or against this act, are hereby authorized and empowered to levy the amount of such fine or fines, and all reasonable costs and charges incurred both before and after the conviction, by distress and sale of the goods and chattels of such offender or offenders, if the said Justice or Justices shall deem such a proceeding expedient and proper. Provided always, that if any such offender or offenders shall be convicted before a Court Martial of such offences, and the sentence of such Court Martial shall be, that the offender or offenders shall pay a certain fine or fines, and the costs and charges so incurred as aforesaid, then and in such case it shall and may be lawful for the Officer under whose authority the said Court Martial is called and approved, and he is hereby au-

Justices of the Peace empowered to levy the amount of fines, imposed by them by distress and sale of the offender's Goods and Chattels.

How, when the convictions have been by Courts Martial.