

CHAP. V.

AN ACT to extend the Provisions of the Law of Set-off—and to prevent unnecessary and vexatious Law-Suits.

[Passed 6th March, 1830.]

WHEREAS the Provision for setting Mutual Debts, one against the other, is highly just and reasonable at all times, and ought to be extended, so as to allow a Defendant to recover the balance due to him: *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 if in any action to be hereafter commenced in His Majesty's Court of King's Bench, or in any of His Majesty's District Courts in this Province, the Defendant having given notice of Set-off, or pleaded the same according to Law, shall, on trial of said action, prove a sum due to him, or if he be sued as Executor or Administrator to the Testator or Intestate from the Plaintiff, or if the Plaintiff sue as Executor or Administrator from the Testator or Intestate, greater than such Plaintiff has proved due to him, or his Testator, or Intestate from such Defendant, or his Testator or his Intestate, it shall and may be lawful for the Jury to render a verdict for the Defendant to the amount of the difference of their respective claims proved as aforesaid, and for every such Defendant to enter up Judgment for such sum, besides his costs and charges, and to have execution therefore.

Preamble.

Defendants having given notice of, or pleaded a Set-off, may recover judgment for the amount proved by them beyond Plaintiff's demand, and have Execution therefore.

II. *And be it further enacted by the authority aforesaid*, That in any Action within its Jurisdiction which shall hereafter be commenced in any Court of Requests in this Province, the Commissioners thereof shall give Judgment against the Plaintiff, for such sum not exceeding the limit of their Jurisdiction, as they may judge from the evidence to be a balance due from him to the Defendant, and such Defendant shall thereupon be entitled to an execution therefore in the same manner as if he had been the Plaintiff in the case, and the other party Defendant:—*Provided always nevertheless*, That such Court shall not have power to take cognizance of any Demand advanced on the part of the Defendant, which,

Courts of Request may, in certain cases, give judgment for a balance due, from Plaintiffs to Defendants.

from its nature or amount, would not come within the Jurisdiction of such Court, if brought forward on the part of the Plaintiff,

CHAP. VI.

AN ACT for the better Regulation of the Currency.

[Passed 6th March, 1830.]

Preamble.

WHEREAS from the great quantities of depreciated Silver Coins at present in circulation in this Province, it is necessary to repeal part of An Act passed in the thirty-sixth year of His late Majesty's Reign, entitled, "An Act for the better regulation of certain Coins current in this Province:—*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 such of the Silver Coins of the United Kingdom as are depreciated in weight more than one-twenty-fifth part of their full weight, shall not be legal money in this Province.

Silver Coins of the United Kingdom depreciated one-twenty-fifth, shall not be current.

So much of 36 Geo. 3rd, Ch. 1. Sec. 1, as renders the Spanish Pistareen, French Crown, and other smaller French Coins a legal tender, repealed.

II. *And be it further enacted by the authority aforesaid*, That so much of the first clause of the said herein before recited Act, as establishes the value of the Spanish Pistareen 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 one Penny, and all the higher and lower denominations of the said Silver Coins, and renders them a legal tender in payment of all debts and demands whatsoever, in this Province, in the same proportions respectively, shall be, and the same is hereby repealed.

So much of the said Act as renders it

III. *And whereas*, it is inexpedient that the remaining clauses of the said Act, making it Penal to Counterfeit such Coin, should remain in force: *Be it therefore further enacted by the authority aforesaid*, That so much