

## CHAP. XXXIV.

*AN ACT to enable the Proprietors or Shareholders of a Company called the Bank of British North America, to Sue and be Sued in the name of any one of the Local Directors, or Manager, for the time being, of the said Company in this Province, and for other purposes therein mentioned.*

[Passed 4th March, 1837.]

**WHEREAS** several persons have formed themselves into a Company, or Partnership, called or known by the name of “the Bank of British North America,” for the purpose of establishing and carrying on Banks of Issue and Deposite at various Cities, Towns and places, within this Province, as well as in other British Provinces and Colonies in North America, and adjacent to British North America, and have subscribed a considerable sum of money in order to carry on the business of the said Bank: *And whereas*, it is expected that this Province will be greatly benefited by the formation of such Company: *And whereas*, difficulties may hereafter arise in recovering debts due to the said Company, and also in enforcing claims for or on account of the said Company, and generally in suing and being sued, and also in prosecuting persons who may steal, injure or embezzle, the property of, or who may commit or be guilty of any other offence against, or with intent to injure or defraud the said Company, since, by the law, all the said Proprietors or Shareholders, for the time being, of the said Company, must in such cases sue and be sued, and prosecute by their several and distinct names and descriptions; wherefore, for obviating and removing the difficulties aforesaid: *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 from and after the passing of this Act, all actions and suits whatsoever, at Law or in Equity, which may be brought, instituted or prosecuted, within this Province, against any person or persons already indebted, or who may be hereafter indebted to the

Preamble.

All actions against persons indebted to the Bank of British North America;

or for any wrong to their real or personal estate ;

or on any liabilities to the said Company ;

or upon any bonds, &c. given to the said Company.

or any proceeding against insolvent debtors ;

and generally, all proceedings in law or equity wherein the Company is concerned against any person or Corporation ;

whether shareholder in the said Company or not ;

may be brought in the name of any one of the local Directors or Manager of the Company in this Province, as nominal Plaintiff.

And all proceedings at law or in equity against the said Company ;

may be instituted against any one of the local Directors or Manager as the nominal Defendant.

said Company, called “ the Bank of British North America ” ; and all actions, suits and other proceedings whatsoever, in Law or in Equity, within this Province, for any injury or wrong done to any real or personal property of the said Company, in whomsoever the same may, for the time being, be vested, whether in the said Company, or some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof ; or upon, or in respect of any present or future liability or liabilities to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof ; or upon any Bonds, covenants, contracts or agreements, which already have been, or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Company, or to or with any person or persons for the use or benefit thereof, or wherein the said Company is or shall be interested ; and all instruments, petitions or proceedings, for issuing or prosecuting any Writ of Attachment or proceeding under any law against Insolvent or Absconding Debtors, now or hereafter to be in force in this Province, against any person or persons indebted, or who may hereafter be indebted to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof ; and generally, all other proceedings whatsoever, at Law or in Equity, within this Province, wherein the said Company is or shall be concerned or interested against any person or persons, or Body or Bodies Politic or Corporate, or others, whether such person or persons, or any such persons, or such Body or Bodies Politic or Corporate, or any member or members thereof respectively, is or are or shall be a proprietor or proprietors, or other holder or holders of any Share or Shares in the said Company or not, shall, and lawfully may be commenced, made, instituted and prosecuted, in the name of any one of the local Directors, or of the Manager of the said Company in this Province, at the time when any such action or suit, or other proceeding, shall be commenced or instituted, as the nominal Plaintiff, or as acting in any other character for or on behalf of the said Company ; and all actions, suits, and other proceedings, at Law or in Equity, within this Province, to be commenced, instituted or prosecuted, against the said Company, by any person or persons, or Body or Bodies Politic or Corporate, whether such person or persons, or any of such persons, or such Body or Bodies Politic or Corporate, or any member or members thereof, respectively, is or are or shall be a proprietor or proprietors, or other holder or holders of any share or shares in the said Company or not, shall, and lawfully may be commenced, instituted and prosecuted, against one of the local Directors or Manager of the said Company, at the time when any such action or suit, or other proceeding, shall be commenced or instituted, as the nominal Defendant in such

last-mentioned action, suit or proceeding, for and on behalf of the said Company; and the death, resignation or removal, or any other act of such local Director or Manager, shall not abate or prejudice any action, suit, or other proceeding, at Law or in Equity, commenced or instituted under this Act, but the same may be continued, prosecuted, carried on or defended, in the name of any other local Director, or of the Manager for the time being in this Province, of the said Company.

Death &c. of any such Director or Manager not to abate the action.

II. *And be it further enacted by the authority aforesaid, That from and after the passing of this Act, it shall be lawful for the said Company, by any local Director or Manager for the time being within this Province, of the said Company, to prefer any indictment or indictments, information or informations, or other criminal proceeding or proceedings, in any Court or Courts within this Province, against any person or persons, for any offence already committed, or which shall hereafter be committed, against the said Company; and on all indictments, informations, and other proceedings against any person or persons, whether such person or persons, or any of such persons, be a proprietor or proprietors, or other holder or holders of any Share or Shares in the said Company or not, for feloniously taking, stealing or embezzling, damaging or destroying, or for any offence whatever relating to any goods, chattels, notes, bills, bonds, deeds, or any securities, monies, effects, or any real or personal property whatever, of or belonging to the said Company, in whomsoever the same may be vested, whether in the Company or in some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof, such goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property respectively, may be laid and stated to be the goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property respectively, of the Bank of British North America; and in all indictments, informations, or other proceedings against any person or persons, whether such person or persons, or any such persons, be a proprietor or proprietors, or other holder or holders of any Share or Shares in the said Company, or not, for any conspiracy, crime, fraud or offence, already committed, or which shall hereafter be committed, with intent to injure or defraud the said Company, the same may be laid or stated to have been done with intent to injure or defraud the Bank of British North America; and it shall not be necessary to state in any such indictment, information, or other proceeding, the name or names of all or any of the persons now or at any time hereafter constituting the said Company; and any offender or offenders shall or may, thereupon, be lawfully convicted of such conspiracy, crime, fraud or offence, in as full, valid, and effectual a manner, to all intents and purposes, as if the names of all the persons constituting the said Company,*

Criminal proceedings may be instituted on behalf of said Company by any Local Director or Manager;

and in all proceedings for offences against the property of the Company;

the property may be laid as the property of the Bank of British North America;

And in all indictments &c. for an offence with intent to injure or defraud the said Company;

the same may be laid as done with intent to injure or defraud the Bank of British North America;

and the names of persons composing the Company need not be stated;

and any offender may be convicted as effectually as if all names, &c. had been mentioned.

and the name or names of the person or persons in whom the goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property, relating to which such indictment, information, or other proceeding, shall be preferred, were inserted or used in such indictment, information, or other proceeding, or in any proceeding or proceedings consequent or attendant thereon.

Shareholder of the Company having a claim thereon, may sue Local Director or Manager, as nominal Defendant;

and Local Director or Manager may sue (as nominal Plaintiff) any Shareholder in the Company, against whom the Company have a demand.

Death of Local Director or Manager, not to abate suits.

Any Proprietor other than Local Director or Manager may, at the Plaintiff's option, be included in proceedings in Equity.

III. *And be it further enacted by the authority aforesaid,* That any person being or having been a Proprietor or other holder of any Share or Shares in the said Company, and having any claim or demand upon the Company, or the funds or property thereof, on any account whatsoever, may for such claim or demand commence, prosecute and carry on, any Action, Suit, or other proceeding, either at Law or in Equity, within this Province, against any local Director or Manager, for the time being, of the said Company, in this Province, as the nominal Defendant; and any local Director, or the Manager, for the time being, of the said Company, in this Province, may, as the nominal Plaintiff, commence and carry on in his own name any Action, Suit, or other proceeding, at Law or in Equity, within this Province, against any individual Proprietor or other holder of any Share or Shares in the said Company, against whom the said Company may have any claim or demand, and all such Actions, Suits, or other proceedings, shall be as valid and effectual as if all the Proprietors or other holders of Shares in the said Company had been made parties thereto, and every Judgment, Decree and Order, made therein shall be binding, for or against the said Company, and all the Proprietors or other holders of Shares in the said Company, and no abatement shall arise from the death, resignation, removal, or any other act of the said local Director or Manager, pending any such Action, Suit, or other proceeding, but that the same may be continued, defended, prosecuted or carried on, in the name of any other local Director or Manager, for the time being, of the said Company, in this Province.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That in case, for the purpose of discovery, or for any other purpose, any person or persons having any claims or demands against the said Company, whether such person or persons, or any of such persons, be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, or not, shall be desirous to include any Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, beside such local Director or Manager as aforesaid, as a Defendant or Defendants in any Bill or other proceeding, in any Court of Equity, it shall be lawful for him, her or them, so to do, any thing in this Act contained to the contrary notwithstanding.

V. *Provided always, and be it further enacted by the authority aforesaid,* That every person being a Proprietor or other holder of any Share or Shares in the said Company, shall, in all cases, be liable to be sued, prosecuted or proceeded against, by or for the benefit of the said Company, under the powers of this Act, by such Actions, Suits and other proceedings, in such and the same manner, as effectually and with such and the same legal consequences, as if such person had not been a Proprietor or other holder of any Share or Shares in the said Company.

Shareholders may be proceeded against for the benefit of the Company, as fully as if they had no Shares therein.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That no person or persons, or body or bodies politic or corporate, having or claiming, or who shall have or claim any demand upon or against the said Company, whether such person or persons, or any of such persons shall be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, or not, shall bring more than one Action or Suit in respect of such demand; and in case the merits in respect of any demand shall have been determined, in any Action or Suit, against any local Director or Manager of the said Company, in this Province, the proceedings in such Action or Suit may be pleaded in bar of any other Action or Suit, or Actions or Suits for the same demand, against any other local Director or Manager of the said Company, in this Province; and in case the merits in respect of any demand which the Company now has, or hereafter may have, on any person or persons, or body or bodies politic or corporate, whether such person or persons, or any of such persons, shall be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, or not, shall have been determined in any Action or Suit commenced and prosecuted by any local Director or Manager of the said Company, in this Province, the proceedings in such Action or Suit may be pleaded in bar of any other Action or Suit, or Actions or Suits for the same demand, which may be commenced or prosecuted by the same or any other local Director or Manager of the said Company, in this Province.

Not more than one action to be brought in respect of a demand against the Company.

In case the merits have been determined in an action against any Director, &c.

such Judgment may be pleaded in bar of any other action for the same demand; and if the merits have been determined in any suit brought by the Company in the name of any Director, &c.

the Judgment may be pleaded in bar of any other suit for the same demand.

VII. *Provided always, and be it further enacted by the authority aforesaid,* That any local Director or Manager of the said Company, in this Province, being the Plaintiff or Prosecutor, or being the Defendant in any Action, Suit, Proceeding, Prosecution or Indictment, commenced, instituted, prosecuted or preferred, under the authority of this Act, or any other Proprietor or holder of any Share or Shares in the said Company, shall not, by reason thereof, be deemed incompetent to be Witness in any such Action, Suit, Proceeding, Prosecution or Indictment, but such local Director, Manager, or other Proprietor or Proprietors, or other holder or holders, shall and may, if not otherwise interested or objectionable, be a

Local Director or Manager being Plaintiff or Prosecutor, or Defendant in any proceeding,

or other Shareholder, not incompetent witnesses in any such action, &c ;

but such Director, Manager, or Shareholder, if not other-

wise interested or objectionable, may be as competent witnesses, as if their names had not been made use of as Plaintiff, Prosecutor or Defendant.

good and competent Witness, or good and competent Witnesses, and be admissible and be admitted as such in all Courts, by and before all Judges, Justices and others, in any such Action, Suit, Proceeding, Prosecution or Indictment, in the same manner as he or they might have been, if his or their name or names had not been made use of as the Plaintiff, Prosecutor or Defendant, in such Action, Suit, Prosecution, Proceeding or Indictment, or as if he or they had not been a local Director or Manager, or Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company.

Execution upon any Judgment or Decree against Local Director or Manager,

may be issued against any Stockholder;

and if such Execution against any Shareholder be ineffectual,

Execution may issue against any one who was a Shareholder,

at the time the contract was made in respect whereof such suit was instituted:

no such Execution to issue without leave of Court.

Past proprietors not liable excepting when as partners they would have been liable if originally sued;

This Act not to enable more to be recovered of any proprietor &c. than he would have been liable for, if this Act had not passed;

VIII. *And be it further enacted by the authority aforesaid,* That execution upon any Judgment or Decree in any Action or Suit, or other proceeding under this Act, obtained against any local Director or Manager, for the time being, of the said Company, in this Province, whether as Plaintiff or as Defendant, may be issued against any Proprietor or Proprietors, or other holder or holders, for the time being, of any Share or Shares in the said Company: *Provided always,* that in case such execution against any Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, shall be ineffectual for obtaining payment of, and satisfaction for the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties who shall have obtained a Judgment or Decree against any local Director or Manager, for the time being, of the said Company, in this Province, to issue execution against any other person or persons who was or were a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, at the time the contract or contracts was or were entered into, upon which such Action, Suit or other proceeding, may have been brought or instituted, but no such execution as last mentioned, shall be issued without leave first granted by the Court in which such Action, Suit or other proceeding, may have been brought or instituted, which leave shall be applied for, on motion to be made in open Court, on notice to the person or persons sought to be charged: *Provided also,* that nothing herein contained shall render such past Proprietor liable for payment of any Debt for which such Action, Suit or other proceeding, may have been brought, to which they would not have been liable by operation of Law, as Partners, in case any Action, Suit or other proceeding, had been originally brought against them for the same: *Provided also,* that nothing herein contained shall be deemed or taken to enable any Plaintiff, Prosecutor or Defendant, in any Action, Suit or other proceeding, under this Act, to recover from any Proprietor or other holder, for the time being, of Shares in the said Company, or any other person whomsoever, any greater sum or sums of money than such Proprietor or other holder, or person, would or might have been liable to pay, either at Law or in Equity, un-

der any contract for the time being subsisting, if this Act had not been passed: *Provided also*, that every local Director or Manager in whose name any Action, Suit or proceeding under this Act, shall be commenced, prosecuted or defended, and every Proprietor or other holder of any Share or Shares in the said Company, against whom any execution upon any Judgment or Decree obtained in any such Action, Suit or proceeding, shall be issued as aforesaid, shall always be reimbursed and repaid out of the funds of the said Company, all such costs, charges, losses, and damages, as by the event of such action, suit, or proceeding, he or they shall be put unto or become chargeable with; and if the funds of the said Company, for the time being, shall be insufficient to pay such costs, charges, losses, and damages in full, then the deficiency shall be made good by the Proprietors, or other holders for the time being, of Shares in the said Company.

Director or shareholder against whom execution shall have issued, to be reimbursed.

*IX. And be it further enacted by the authority aforesaid*, That all and every Judgment or Judgments, Decree or Decrees, which shall, at any time after the passing of this Act, be obtained or recovered in any action, suit, or other proceeding, in Law or Equity, against any Local Director or Manager of the said Company in this Province, shall have the like effect and operation upon and against the funds or property of the said Company, as if such Judgment or Judgments, Decree or Decrees, had been recovered or obtained against the said Company, in any Action, Suit or proceeding, in Law or Equity, brought or commenced against the said Company, by or in the several and distinct names and descriptions of the several Proprietors or other holders of Shares in the said Company, and as if this Act had not been passed; and further, that the insolvency of such local Director or Manager, in his individual character or capacity, shall not be, or construed to be the insolvency of the said Company; and the said Company, and the funds and property thereof, shall, notwithstanding the insolvency of any such local Director or Manager, be attached or attachable, and be in all respects liable to the lawful claim and demands of the Creditor or Creditors of the said Company, in like manner as if no such insolvency had happened or taken place.

Judgments and decrees against local Directors &c.

to be as effectual against property of the Company,

as if obtained against the Company;

Insolvency of the Director &c. not to be considered the insolvency of the Company.

*X. And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Company, to cause a Memorial of the names of the several local Directors or Managers, for the time being, of the said Company, within this Province, and of the names, residences and description, of the several Proprietors or other holders of Shares in the said Company, whether in this Province or elsewhere, in the form or to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit, which shall be verified by a declaration in writing,

Memorial of the Directors &c. within the Province;

And of Shareholders in the Province or elsewhere,

verified by declaration;

to be enrolled in the office of the Secretary of the Province in 12 months after passing of this Act ;

and between the 1st August and 1st Nov. in each succeeding year ;

Memorial of change of Directors &c. to be enrolled ;

and of changes of Shareholders,

and of new Proprietors ;

A general memorial of all such changes may be made and enrolled.

in the form (or as near thereto as the circumstances of the case will admit) prescribed in the Schedule to this Act, which shall be made by one of the local Directors or Manager, for the time being, of the said Company, before the Chief Justice, or one of the Puisne Judges of His Majesty's Court of King's Bench, in this Province, and when so verified, to be enrolled in the Office of the Secretary of this Province, within twelve calendar months next after the passing of this Act, and between the first day of August and the first day of November, in every succeeding year ; and when any new local Director or Directors, Manager or Managers, shall be appointed, a memorial of the name or names of the new Director or Directors, Manager or Managers, specifying in whose place or places he or they shall have been appointed, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company, in this Province, and enrolled within twelve calendar months after such appointment or appointments, in the form or to the effect expressed in the said Schedule for that purpose ; and when any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Company, a memorial of his, her or their name or names, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company, in this Province, and enrolled within twelve calendar months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors ; and when any new Proprietor or Proprietors shall be admitted into the said Company, a memorial of his, her or their name or names, shall in like manner be verified by one of the local Directors or Manager, for the time being, of the said Company, in this Province, and enrolled within twelve calendar months after any such new Proprietor or Proprietors shall have been so admitted into the said Company ; and when and so often as it shall be necessary and proper to memorialize the name or names of any person or persons who shall have been appointed a new local Director or Directors, or Manager or Managers of the said Company, in this Province, and also of any person or persons who shall have ceased or discontinued to be a Proprietor or Proprietors of the said Company, and also of any person or persons who shall have been admitted a new Proprietor or Proprietors into the said Company, or to memorialize the names of any two or more of the above classes of persons, the names of such persons, respectively, may be contained in one and the same memorial, to the form and effect expressed in the said Schedule, and to be verified and enrolled as hereinbefore directed : *Provided always*, that if any declaration so made shall be false or untrue, in any material particular, the person wilfully making such false declaration, shall be deemed guilty of a misdemeanor.



XI. *Provided always, and be it further enacted by the authority aforesaid,* That until the first Memorial shall have been duly enrolled, in manner by this Act directed, no Action, Suit or other proceeding, shall be commenced, made or instituted, under the authority of this Act; and until the Memorial by this Act required to be enrolled, in the event of any person or persons ceasing or discontinuing to be a local Director or Directors, or Manager or Managers of the said Company, in this Province, or a Proprietor or Proprietors of the said Company, shall have been enrolled as hereinbefore mentioned, the person whose name shall appear in the last Memorial which shall have been made as hereinbefore required, shall be and continue liable to all such Actions, Suits, Executions and other proceedings under this Act, and shall be entitled to be reimbursed out of the funds or property of the said Company, all costs, charges, losses, damages and expenses, incurred or sustained thereby, in the same manner as if he, she or they, had not ceased or discontinued to be a local Director or Manager, or local Directors or Managers of the said Company, in this Province, or a Proprietor or Proprietors of the said Company.

No Action &c. to be commenced by virtue of this Act, until the first Memorial shall have been enrolled.  
And until new Memorial be enrolled,

Persons whose names appear in the last Memorial to continue liable,

And be entitled to be reimbursed, as if they had not ceased to be Director, Manager, or Shareholder.

XII. *And be it further enacted by the authority aforesaid,* That an examined copy of the enrollment of every Memorial to be enrolled, pursuant to this Act, shall be received in evidence, as proof of the contents of such Memorial, and proof shall not be required that the person by whom the Memorial purports to be verified was, at the time of such verification, one of the local Directors or Manager of the said Company, in this Province.

Examined copy of enrolled Memorial to be received as evidence.

XIII. *And be it further enacted by the authority aforesaid,* That this Act and the provisions herein contained shall extend, and be construed and taken to extend, to the said Company, called "The Bank of British North America," at all times during the continuance thereof, whether the said Company hath been heretofore, from time to time, or shall hereafter be composed of all or some of the persons who were the original Proprietors thereof, or of all or some of those persons, together with some other person or persons, or whether the said Company be, at the time of passing this Act, composed altogether of persons who were not original Proprietors of the Company, or whether the said Company shall hereafter be composed of persons who were not original Proprietors thereof, or of persons all of whom shall have become Proprietors of the said Company, subsequent to the passing of this Act.

This Act to extend to the Bank of British North America, during the continuance thereof,

notwithstanding any change in the Shareholders.

XIV. *Provided always, and be it further enacted by the authority aforesaid,* That nothing herein contained shall extend, or be deemed, con-

Nothing in this Act to extend to incorporate the Company.

strued or taken to extend, to incorporate the said Company, or to relieve or discharge the said Company, or any of the Proprietors or other holders of Shares in the said Company, from any responsibility, contract, duty or obligation whatsoever, to which, by Law, they, he or she now are, or is, or at any time hereafter may be subject or liable, either as between such Company and other parties, or as between the said Company and any of the individual Proprietors, or other holders of Shares in the said Company and others, or as between or among themselves, or in any other manner howsoever.

Fees of Registrar on enrolling Memorials, &c.

XV. *And be it further enacted by the authority aforesaid,* That for registering every such Memorial, which the Secretary of the Province, on receipt of the same, with the declaration hereinbefore mentioned, is required immediately to do, it shall and may be lawful for the said Secretary, to demand and receive the sum of Two Shillings and Six Pence for the first folio consisting of one hundred words, and at the rate of One Shilling per folio for the residue of every such Memorial; and for every search into such Memorial or Memorials, so registered, the said Secretary is authorised to demand and receive from the person making any such search, the sum of One Shilling and Six Pence, and for every examined copy of such Memorial or Memorials, which copy or copies the said Secretary is hereby required to make, or cause to be made and delivered, certified as aforesaid, to any person or persons requiring the same, the sum of One Shilling for every folio of one hundred words, and the sum of Two Shillings and Six Pence for every such certificate.

Penalty for neglecting to render Account and to renew same.

XVI. *And be it further enacted by the authority aforesaid,* That if the said Company shall neglect or omit to cause such account or return to be made and renewed yearly, and every year, between the days and times hereinbefore appointed for that purpose, such Company shall, for each and every week they shall so neglect to make such account or return, forfeit the sum of Five Hundred Pounds.

Fines and Forfeitures, how recoverable.

XVII. *And be it further enacted by the authority aforesaid,* That all pecuniary penalties and forfeitures imposed by this Act, shall and may be sued for and recovered in any Court of Record having Jurisdiction in this Province, and that no Suit, shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of His Majesty's Attorney General of the Province for the time being.

Return of affairs to be laid before the Legislature.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Company shall, once in every year, if thereto required by either branch of the Legislature of the Province, lay the same account before

the Legislature, of their affairs and concerns, within this Province, as is now by law required of the Bank of Upper Canada.

XIX. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Company, carrying on business under the provisions of this Act, to issue any Note or Bill under the value of Five Shillings, of lawful money of the Province of Upper Canada, or to issue any Note or Bill (except Drafts and Bills of Exchange) payable otherwise than on demand, within this Province; and in case the said Company shall issue any Bill or Note under the value of Five Shillings, of lawful money aforesaid, or shall issue any Bill or Note (except Drafts and Bills of Exchange) payable otherwise than on demand, within this Province, the said Company so offending, shall for every such offence forfeit and pay the sum of Twenty-five Pounds.

No Notes under Five Shillings to be issued,  
Nor payable otherwise than on demand.  
Penalty for offending against this provision.

XX. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said Manager or Directors shall refuse, on demand being made at their Banking House or Office now established, or hereafter to be established, during the regular hours of doing business, to redeem in Specie, or other Lawful Money of this Province, any of their Bills, Notes, or other evidences of debt, issued by the said Company, they shall wholly discontinue their Banking operations, either by way of Discount or otherwise, until such time as they shall resume the redemption of their Bills, Notes, or other evidences of debt, in Specie, or other Lawful Money of this Province.

On failure to redeem Notes &c. in specie, Company to discontinue Banking operations.

XXI. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken, or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions, as to the amount and description of Notes which may be issued by the said Bank, as may be deemed necessary; nor shall anything herein contained, be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions, which by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks in Upper Canada.

Nothing in this Act to prevent Legislature from making other provisions to affect the said Company.

### SCHEDULE TO WHICH THE ACT REFERS.

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_ of the names of the present Local Directors and Managers, in the Province of Upper Canada, of "The Bank of British North America," and the Proprietors of the said Bank in this Province and elsewhere, enrolled pursuant to an Act passed in the seventh year of the reign of His Majesty King William the Fourth,

entitled, “An Act to enable the Proprietors and Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the Local Directors, or of the Manager for the time being of the said Company, in this Province.”

A. B. of _____	}	Local Directors.
C. D. of _____		
E. F. of _____		Manager.
G. H. of _____	}	Proprietors.
I. K. of _____		
&c. &c.		

L. M., one of the Local Directors (or Manager) of the said Company, doth declare, that the above-written Memorial doth contain the names of the present Local Directors and Manager of the said Company in this Province, and of all the present Proprietors of the said Company, as the same appear in the Books of the said Company, by the latest returns received in this Province.

*In case of a change of Directors, or Manager.*

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_, of the names of the new Local Directors, (or Manager) in this Province, of the Bank of British North America, and of the persons in whose places they have (or he has) been appointed, enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the local Directors or Manager, for the time being, of the said Company, in this Province.”

E. F. of \_\_\_\_\_ in the place of A. B. of \_\_\_\_\_,  
G. H. of \_\_\_\_\_ in the place of C. D. of \_\_\_\_\_,

H. I. of \_\_\_\_\_ one of the \_\_\_\_\_ Local Directors (or Manager) of the said Company, doth declare that the above written Memorial contains the names of the new local Directors or Manager of the said Company, in this Province, and of the persons in whose places they have (or he has) been appointed, as the same appear in the Books of the Company.

Signed, H. J.

N.B. The last Memorial as to new local Directors (or Manager) was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_.

*In case of Persons ceasing to be Proprietors.*

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_ of the names of the persons who have ceased or discontinued to be Proprietors of the Bank of British North America, since the \_\_\_\_\_ day of \_\_\_\_\_, being the date of the

Memorial last registered, respecting the Proprietors of the said Company, enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company, in this Province.”

A. B. of \_\_\_\_\_

E. F. of \_\_\_\_\_ one of the Local Directors (or Manager) of the said Company, in this Province, doth declare, that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Proprietors of the said Company, since the \_\_\_\_\_ day of \_\_\_\_\_, so far as the latest Returns received in this Province shew.

Signed,

E. F.

*In case of Persons becoming new Proprietors.*

Memorial, made the \_\_\_\_\_ of \_\_\_\_\_ of the persons who have become new Proprietors in the Bank of British North America, since the \_\_\_\_\_ day of \_\_\_\_\_ (being the date of the Memorial last enregistered, respecting new Proprietors of the said Company,) enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or Shareholders of a Company, called ‘The Bank of British North America,’ to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company, in this Province.”

J. K. of \_\_\_\_\_,

L. M. of \_\_\_\_\_,

A. B. of \_\_\_\_\_, one of the Local Directors (or Manager) of the the said Company, in this Province, doth declare, that the above Memorial doth contain the names of the persons who have become new Proprietors of the said Company, since the \_\_\_\_\_ day of \_\_\_\_\_ so far as the latest Returns received in this Province shew.

Signed,

A. B.

*In case of Memorializing several changes at the same time.*

Memorial, made the \_\_\_\_\_ day of \_\_\_\_\_ of the names of the new local Directors, and of the Manager, in this Province, of the Company called the Bank of British North America, and of the persons in whose places they have been appointed, and of the names of the persons who have ceased or discontinued to be Proprietors of the said Company, enrolled pursuant to an Act passed in the seventh year of the Reign of His Majesty King William the Fourth, entitled, “An Act to enable the Proprietors or

Shareholders of a Company, called 'The Bank of British North America,' to sue and be sued in the name of any one of the local Directors, or of the Manager, for the time being, of the said Company, in this Province."

*Names of the New Directors, and of the Persons in whose place they have been appointed.*

E. F. of \_\_\_\_\_ in the place of A. B. of \_\_\_\_\_  
G. H. of \_\_\_\_\_ in the place of C. D. of \_\_\_\_\_

*Name of the Manager, and of the Person in whose place he has been appointed.*

E. F. of \_\_\_\_\_ in the place of A. B. of \_\_\_\_\_

*Names of Persons who have ceased to be Proprietors.*

A. B. of \_\_\_\_\_  
C. D. of \_\_\_\_\_

*Names of new Proprietors.*

J. K. \_\_\_\_\_ L. M. \_\_\_\_\_

E. F. of \_\_\_\_\_ in the District of \_\_\_\_\_ (description) one of the local Directors (or Manager) of the said Company, in this Province, doth declare, that the above written Memorial doth contain the names of the new local Directors, and of the Manager of the said Company, in this Province, and of the persons in whose place they have been appointed, and of the persons who have ceased or discontinued to be Proprietors of the said Company, and of the new Proprietors of the said Company, as the same respectively appear in the Books of the said Company, so far as the latest Returns received in this Province shew.

Signed, E. F.

N.B. The last Memorial as to new Directors was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_. The last Memorial as to the appointment of Manager was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_. The last Memorial as to the ceasing and discontinuing of Proprietors was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_. The last Memorial as to new Proprietors was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_.