

or to be imprisoned and kept to hard labour in any Penitentiary or House of Correction, for a longer period than two years.

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any Court having Jurisdiction in cases of Larceny, if they shall think fit, to sentence any person convicted thereof to be banished from the Province, for any number of years not exceeding seven, to commence from the expiration of the Term for which the same person may, upon the same conviction, be sentenced to be imprisoned in the Common Gaol, or imprisoned and kept to hard labour in a Penitentiary or House of Correction.

Banishment.

V. *And be it further enacted by the authority aforesaid,* That notwithstanding any thing contained in this Act, it shall not be necessary for any Court of Quarter Sessions to deliver the Gaol of all Prisoners who may be confined upon charges of Simple Larceny, but it shall be in the discretion of such Court to leave such case to be tried at the next Court of Oyer and Terminer, and General Gaol Delivery, if by reason of the difficulty or importance of the case, or for any cause, it shall appear to them proper so to do.

Court of Quarter Sessions may leave cases for the Assizes.

VI. *And be it further enacted by the authority aforesaid,* That if upon the trial of any case of Larceny, in which the value of the goods stolen shall be stated in the Indictment at a sum not exceeding Twenty Pounds, it shall appear in evidence that the value of such goods was in reality greater than Twenty Pounds, such trial may nevertheless proceed, and no legal exception to the Jurisdiction of the Court shall lie on that account, but the provision of this Act restraining such Court to cases where the value of the goods shall not exceed Twenty Pounds, shall be deemed and taken merely to be a direction to such Court, but shall not be construed to affect their legal Jurisdiction.

Value of the goods being above £20, not to affect jurisdiction of the Court.

CHAP. V.

AN ACT to amend the Law respecting Bills of Exchange and Promissory Notes.

[Passed 4th March, 1837.]

WHEREAS the present construction of Law in regard to Bills of Exchange accepted, payable at a particular place, and Promissory Notes made payable at a particular place, leads to much inconvenience and

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expense, by rendering it necessary to produce evidence of presentment at such place, and sometimes subjecting the Plaintiff to be Non-suited for failure of proof thereof: *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 first day of June now next ensuing, if any person shall accept a Bill of Exchange payable at a Bank, or at any other particular place, without further expression in his acceptance; or if any person shall after that day make a Promissory Note, payable at a Bank, or at any other particular place, without further expression in that respect, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance, and such promise shall be deemed and taken to be a promise to pay generally; but if the Acceptor shall in his acceptance express that he accepts the Bill payable at a Bank, or at any other particular place only, and not otherwise or elsewhere, or if the maker of a Promissory Note, shall in the body of the Note express that he promises to pay at a Bank, or at any other particular place only, and not otherwise or elsewhere, then such acceptance or promise shall be deemed and taken to be respectively, a qualified acceptance or promise; and the Acceptor or maker shall not be liable to pay the Bill or Note, except in default of payment when such payment shall have been first duly demanded, at such Bank or other place.

Acceptance of a Bill payable at a Bank, or other particular place, to be deemed a general acceptance.

But otherwise if the acceptance be special;

Or if the body of the Note express payment at a particular place.

Acceptance to be in writing.

II. *And be it further enacted by the authority aforesaid,* That from and after the said first day of June, no acceptance of any Inland Bill of Exchange shall be sufficient to charge any person, unless such acceptance be in writing on such Bill, or if there be more than one part to such Bill, on one of the said parts.

Contracts for payment of money not to be affected in the hands of other persons by usurious consideration, without express notice.

III. *And whereas,* by Law, all Contracts and Assurances whatsoever for payment of money made for an Usurious consideration are utterly void: *And whereas,* in the course of Mercantile transactions, negotiable securities often pass into the hands of persons who have discounted the same, without any knowledge of the original considerations for which the same were given, and the avoidance of such securities in the hands of such bona fide Endorsees, without notice, is attended with great hardship and injustice: for remedy thereof, *be it further enacted by the authority*

aforesaid, That no Bill of Exchange or Promissory Note that shall be drawn or made after the passing of this Act shall, though it may have been given for an Usurious consideration, or upon an Usurious contract, be void in the hands of an Endorsee, or in the case of a Note transferable, by delivery, in the hands of a person who shall have acquired the same as bearer for valuable consideration, unless such Endorsee or bearer had, at the time of discounting or paying such consideration for the same, actual knowledge that such Bill of Exchange or Promissory Note had been originally given for an Usurious consideration, or upon an Usurious contract.

CHAP. VI.

AN ACT to provide more effectually for the Punishment of certain Offences, and to enable the Governor, Lieutenant Governor, or Person administering the Government of this Province, to commute the sentence of Death, in certain cases, for other Punishment in this Act mentioned.

[Passed 4th March, 1837.]

WHEREAS it is expedient to make further provision for the effectual punishment of certain offences hereinafter mentioned: *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 in case of the conviction of any person after the passing of this Act, of any Larceny; or of Manslaughter; or of any Assault with intent to commit any Felony; or of Felonious Rescue; or of Assaulting with any weapon a Sheriff, or other Peace Officer, in the execution of his duty; or of any Forgery which before the passing of this Act was not punishable with Death, with or without benefit of Clergy; or of Perjury; or of Fraud; or Cheating; or Conspiracy; or of being Accessory, before or after the fact, to Larceny, or any other Felony; or of Receiving Stolen Goods; or of Embezzlement; or of uttering or tendering in payment False or Counterfeit Money, resembling any of the gold or silver Coins current in this Province, knowing the same

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Larceny, and other offences, to be punished as heretofore;