

whatsoever, directly or indirectly, prevail upon, procure, persuade or encourage any such Soldier or Sailor to Desert or leave Her Majesty's Naval or Military Service as aforesaid, and shall be thereof lawfully convicted before any Court of Oyer and Terminer and General Gaol Delivery in this Province, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to be punished by imprisonment in the Common Gaol of the District in which such conviction shall happen, or by imprisonment in the Provincial Penitentiary in this Province, for such period as the Court before which such trial shall take place shall in their discretion adjudge, and shall be further liable to the payment of such Fine as the said Court shall impose upon and require to be paid by such offender.

Any person harboring a deserter liable to the same penalties.

III. *And be it further enacted by the authority aforesaid,* That if any person other than an enlisted Soldier, or Sailor engaged in the Naval Service of Her said Majesty, shall, after the passing of this Act harbor, conceal, receive or assist any Deserter from Her Majesty's Naval or Military Service, knowing him to be a Deserter, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to the same penalties and punishments as are mentioned and set forth in the preceding clause of this Act.

CHAP. IV.

AN ACT to prevent the circulation of Printed Promissory Notes, under the value of Five Shillings.

[Passed 10th February, 1840.]

Preamble.

WHEREAS the issue of small Promissory Notes, in form of Bank Notes, and intended for general circulation, has been found productive of much evil and inconvenience: *Be it therefore enacted* by the Queen'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 Québec, 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, it shall not be lawful for any person, or Body Corporate, to make or issue any Note or undertaking for the payment of money for an amount less than Five Shillings of lawful money of Upper Canada, in the whole or in part printed, stamped or impressed from a Plate or Engraving; and that any person who shall make or issue any such Note or undertaking for the payment of money, shall be liable to pay to the holder thereof treble the amount of the Note or undertaking so issued, to be recovered by action in any Court of Requests in this Province.

No note wholly or in part printed, &c., for less than five shillings, to be issued by any person;

Forfeiture of treble the amount of such note.

II. *And be it further enacted by the authority aforesaid,* That in case any such Note or undertaking now made, or issued before the passing of this Act, shall be presented for payment to the maker or makers thereof, and in case default shall be made in the payment of the same in the current Coin, or in the current Bank Notes of this Province, whether such Note or undertaking shall purport to be payable in Money or in Bank Notes or otherwise, the person making such default shall be liable to pay to the holder of such Note or undertaking treble the amount for which the same is made, to be recovered by action in any Court of Requests in this Province.

If default made in payment of any such note heretofore issued on demand;

Treble the sum may be recovered from the defaulter.

III. *Provided always, and be it further enacted by the authority aforesaid,* That nothing contained in this Act shall be construed to give authority to any person or persons, or Body Corporate, to issue any Note or undertaking for the payment of Money, who are now by law prohibited from issuing the same.

This Act not to authorize issue of any notes by persons now by law prohibited from such issue.

CHAP. V.

AN ACT to provide for the continuation of Suits and Process, in cases of Formation of New Districts.

[Passed 10th February, 1840.]

WHEREAS in cases where New Districts have been erected by Acts of the Provincial Parliament, much inconvenience has been found to arise from the want of legal authority in the respective Sheriffs of the Districts, of which the New Districts formed a part, to continue to execute Legal Process already issued; and to execute Process in Suits already commenced: *Be it therefore enacted* by the Queen'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

Recital of inconvenience to suits from the formation of new Districts;