

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1821. York: R. C. Horne, 1821.

2 George IV – Chapter 5

**An Act to authorise the Governor, Lieutenant Governor or Person administering the Government of this Province, to borrow a sum of money upon the securities therein mentioned, to be applied in discharging the arrearages due to Militia Pensioners. Passed 14th April, 1821.**

Whereas large arrearages are due to the persons placed on the Militia Pension List of this Province, which the Governor, Lieutenant Governor or Person administering the Government is not enabled to discharge by reason of the proportion of duties payable to this Province upon articles imported into Lower Canada, since the first day of July, in the year of our Lord one thousand eight hundred and nineteen, not having been received, which amount of duties is yet to be adjusted by Commissioners to be appointed on the part of the Provinces of Upper and Lower Canada: And whereas, it is expedient to make certain provision for the payment of the said Pensions within a limited time, 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 on the first day of August next, more than one third of the sum which may then be due on account of Militia Pensions up to the thirtieth day of June now next ensuing, shall remain undischarged, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, so soon thereafter, as he may deem expedient, to authorize and direct His Majesty's Receiver General of this Province, to raise by loan, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, such sums of money, not exceeding twenty-five thousand pounds, as may be sufficient to discharge the whole amount which may be then due on account of the said Pensions, for arrearages up to the thirtieth day of June now next ensuing.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver General now or for the time being, to cause or direct any number of Debentures, to be made out for any such sum or sums of money not exceeding in the whole the said sum of twenty-five thousand pounds, as any person or persons, body politic or corporate shall agree to advance on the credit of the said Debentures; which Debentures shall be prepared and made out in such method and form, as His Majesty's Receiver General shall think most safe and convenient, and that for each loan or advance, three several Debentures shall issue at the same time, bearing date on the day on which the same shall

actually be issued, and being each for the payment of one third of the sum so advanced, at the expiration of one, two, and three years respectively, with interest at six per cent per annum from the date of each Debenture, until the same shall be discharged, Provided always, That every such Debenture shall and may be signed by the said Receiver General of this Province for the time being.

III. And be it further enacted by the authority aforesaid, That all such Debentures with the interest thereon, and all charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the monies that shall come into the hands of the Receiver General of this Province, to and for the public uses of this Province, on account of the proportion payable to this Province, of duties which already have been or may hereafter be levied and received in the Province of Lower Canada, upon goods imported into the said Province.

IV. And be it further enacted by the authority aforesaid, That the Debentures which shall be lawfully issued by the authority of this Act, and shall from time to time remain undischarged and uncanceled, shall and may, after the period therein appointed for the payment thereof, be received and taken, and shall pass and be current to all and every the Receivers and Collectors in this Province of the Customs or of any Revenue or Tax whatsoever, granted due or payable, or which may hereafter be granted due or payable to His Majesty His Heirs and Successors, under or 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 person making any payment there to His Majesty, His Heirs or Successors, upon any account, or for any cause 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 aforesaid, respectively, in their accounts with each other, and with His Majesty, His Heirs and Successors.

V. And be it further enacted by the authority aforesaid, That the interest which shall from time to time be due upon any Debenture which may be so issued, shall be allowed to all persons, bodies politic and corporate, paying the same to any Receiver or Collector of any of His Majesty's Revenues in this Province, to the respective days whereupon such Debenture shall be so paid. Provided always, That no interest shall run or be paid upon or for any such Debenture during the time such Debenture so paid shall remain in the hands of any of the said Receivers or Collectors, but for such time the interest on every such Debenture shall cease.

VI. And to the end that it may be known for what time such Debentures bearing interest shall from time to time remain in the hands of such Receivers or Collectors as aforesaid. Be it further enacted by the authority aforesaid, That the Person or Persons who shall pay any such Debenture or Debentures so bearing interest to the Receivers or Collectors of any of His Majesty's revenues or taxes, shall, at the time of making such payment, put his or their

name or names, and write thereupon in words at length, the day of the month and year in which he she or they so paid such Debenture bearing interest, all which the said Collectors and Receivers respectively shall take care to see done and performed accordingly; to which respective days, the said Receivers and Collectors shall be allowed again the interest which he or they shall have allowed or paid upon such respective Debenture, upon his or their paying the same into the hands of the Receiver General as aforesaid.

VII. And be it further enacted by the authority aforesaid, That if any Person or Persons shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act and uncanceled, or any stamp, indorsement or writing thereon or therein, or tender in payment any such forged or counterfeited Debenture, or any Debentures with such counterfeited endorsement or writing thereon, or shall demand to have such counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereupon or therein exchanged for ready money, by any Person or Persons who shall be obliged or required to exchange the same, or by any other Person or Persons whomsoever, knowing the Debenture so tendered in payment or demanded to be exchanged, or the 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 to pay off the same, or any of them; or any other Person or Persons, bodies politic or corporate, 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.

VIII. And be it further enacted by the authority aforesaid, That the Receiver General of this Province for the time being, shall before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor or Person administering the Government of this Province, a correct account of the numbers, amount and dates of the different Debentures which he may have issued under the authority of this Act, of the amount of the Debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the said Debentures outstanding and unredeemed at the periods aforesaid, and of the expences attending the issuing the same, and of carrying this Act into execution, to be laid before the Legislature of this Province.

IX. And be it further enacted by the authority aforesaid, That the interest growing due upon the said Debentures, shall and may be demandable in half yearly periods, computing from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, who shall take care to have the same indorsed on each Debenture at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the parties respectively, and that the Governor, Lieutenant Governor or Person administering the Government of this Province, shall after the thirtieth day of June, and thirty-first day of December in each year, issue Warrants to the Receiver General for the payment of the amount of interest that shall have been advanced according to the receipts to be by him taken as aforesaid.

X. And be it further enacted by the authority aforesaid, That the Receiver General of this Province and the person or persons necessarily employed under him in the execution of this Act, shall severally have and receive such rewards and allowances as the Governor, Lieutenant Governor or Person administering the Government of this Province and the Executive Council thereof, shall adjudge to be reasonable, and shall direct to be allowed them for their respective services in the execution of this Act, and that the same shall be paid in discharge of such Warrant or Warrants, as the Governor, Lieutenant Governor or Person administering the Government of this Province, shall from time to time issue for that purpose.

XI. And be it further enacted by the authority aforesaid, That a separate Warrant shall be made to the Receiver General by the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being for the payment of each Debenture as the same may become due and be presented in favor of the lawful holder thereof; and that such Debentures as shall from time to time be discharged and paid off shall be cancelled and made void by the said Receiver General.

XII. And be it further enacted by the authority aforesaid, That at any time after the said Debentures or any of them shall respectively become due according to the terms thereof it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette requiring all holders of the said Debentures to present the same for payment according to this Act; and if after insertion of the said notice for three months, any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures, after the expiration of the said six months, shall cease, and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

XII. And be it further enacted by the authority aforesaid, That all monies required to be paid by the authority of this Act, shall be paid by the Receiver General in discharge of such Warrant or Warrants as shall, for that purpose be issued by the Governor, Lieutenant Governor or Person administering the Government of this Province, and shall be accounted for to His Majesty by the Receiver General of this Province through the Lords Commissioners of His Treasury for the time being in such manner and form as His Majesty His Heirs and Successors shall be graciously pleased to direct.