

Laws of His Majesty's Province of Upper Canada, passed in the year 1837. Toronto: Robert Stanton, 1837.

7 William IV – Chapter 14

An Act to supply, by a General Law, certain forms of Enactment in common use, which may render it unnecessary to repeat the same in Acts to be hereafter passed. Passed 4th March, 1837.

Whereas it is expedient to prevent by a General Enactment, the necessity of repeating in different Statutes certain forms of Expression, and certain Clauses and Provisions which are in their nature generally applicable to Statutes of a certain description, and which may therefore be conveniently provided for by a General Law: 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 established 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 whenever in any Act of the Parliament of this Province which shall be hereafter passed, the words "the Governor of this Province," or the words "the Lieutenant Governor of this Province," shall be used, such words, without further addition, shall be construed to extend to and include the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being.

II. And be it further enacted by the authority aforesaid, That in any Act of the Parliament of this Province to be hereafter passed, the word "Person" shall extend to a Body Politic or Corporate, as well as to an Individual, and every word importing the Singular Number only, shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the Plural Number shall extend and be applied to one person or thing, as well as several persons or things; and every word importing the Masculine Gender only, shall extend and be applied to a Female as well as to a Male: Provided always, that those words and expressions occurring in this Clause, to which more than one meaning is to be attached, shall not have the different meanings given to them by this Clause, in those cases in which there may be any thing in the subject or context repugnant to such construction, and in which such construction could not reasonably be supposed to have been intended.

III. And be it further enacted by the authority aforesaid, That wherever, by any Act of the Parliament of this Province hereafter to be passed, any sum of Money shall be granted, to be paid out of the Public Revenues of this Province, such Money shall be paid by the Receiver General of this Province, 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, for the time being.

IV. And be it further enacted by the authority aforesaid, That when any Statute of the Parliament of this Province shall be hereafter passed, by which any sum of Money shall be granted, to be paid out of the Revenues at the disposal of the Legislature of this Province, or by or under which any sum or sums of Money shall come into the hands of the Receiver General of this Province, or be paid out by him, such sum or sums of Money shall be accounted for by the Receiver General of this Province, to His Majesty, his Heirs, and Successors, through the Lords' Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, his Heirs and Successors, shall be graciously pleased to direct, notwithstanding it may be omitted in such Statute to make any provision in that respect.

V. And be it further enacted by the authority aforesaid, That wherever by any Act of the Parliament of this Province to be hereafter passed, it shall be provided that any fine or penalty shall be imposed for the punishment of any Offence prohibited by such Act, then if no provision shall be made in such Act for the appropriation of such Fine or Penalty, the same shall be paid into the hands of His Majesty's Receiver General of this Province, to and for the public uses of this Province, and shall be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors, shall be graciously pleased to direct.

VI. And be it further enacted by the authority aforesaid, That whenever by any Statute of the Parliament of this Province which shall be hereafter passed, authority shall be given to raise Money by way of Loan upon Debentures, to be issued by or on behalf of the Government of this Province, then unless it shall be provided otherwise in such Statute, the Debenture or Debentures to be issued under the authority thereof, shall be signed by the Receiver General of this Province, for the time being, and all such Debentures, with the Interest thereon, and all Charges incident to or attending the same shall be chargeable upon, and shall be repaid or borne, by or out of the monies that shall come into the hands of the Receiver General, to and for the public uses of this Province, and that shall be subject to be appropriated by the Legislature thereof; and the Debentures that shall be lawfully issued by the authority of any such Act, and which 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 thereafter 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 United Kingdom of Great Britain and Ireland, or of the Parliament of this Province, 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, and 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 Corporate and

Politie, paying the same to any Receiver or Collector of any of His Majesty's Revenues in this Province, to the respective days whereupon such respective Debentures 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 and Collectors, but for such time the interest on every such Debenture shall cease.

VII. 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 therefore 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.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons shall Forge or Counterfeit any Debenture, which shall be issued under the authority of any Act of the Parliament of this Province, hereafter to be passed and remaining uncanceled, or any Stamp, Endorsement, or Writing thereon or therein, or tender in payment any such Forged or Counterfeit Debenture, or any Debentures with such Counterfeited Endorsement or Writing thereon, or shall demand to have such Counterfeited 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 Endorsement 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 be liable to be punished in the manner provided by the twenty-fifth and twenty-sixth Clauses of an Act of the Parliament of this Province, passed in the third year of the Reign of His present Majesty King William the Fourth, entitled "*An Act to reduce the Number of Cases in which Capital Punishment may be inflicted, to provide other punishment for offences which shall no longer be Capital after the passing of this Act, to abolish the privilege called Benefit of Clergy, and to make other alterations in certain Criminal Proceedings before and after conviction.*"

IX. 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 Legislature, 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 shall issue under the authority of any Act which shall be hereafter passed, 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 expenses attending the issuing of the same, and of carrying into execution the several Acts for that purpose, to be laid before the Legislature of this Province.

X. And be it further enacted by the authority aforesaid, That except where it shall be otherwise provided, the Interest growing due upon Debentures that may be issued under any Act or Acts which shall be hereafter passed, 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 endorsed 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.

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 Debenture 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 Debentures, or any of them, that shall be issued under the authority of any Act or Acts which shall be hereafter passed, 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 shall think 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 the conditions of the Act or Acts under the authority of which the same shall have been issued; and if after the 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.

XIII. And be it further enacted by the authority aforesaid, That all Monies required to be paid by the authority of any Act or Acts hereafter to be passed, for authorising Money to be borrowed upon Debenture, 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.

XIV. And be it further enacted by the authority aforesaid, That wherever, by any Act of the Parliament of this Province hereafter to be passed, a Corporation shall be created, to consist of individuals who may associate for the purpose of making or amending any Highway or Railroad, or any Harbour, Canal, or other Navigable Channel, or for carrying on any Art or Manufacture, or for carrying on the business of Banking, or of Insurance, or for advancing any object of public utility, then and in every such case, unless it shall be otherwise provided in the Act, the persons composing such Corporation, and their Successors, shall have continued succession, and by the name given to them in the Act shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of Actions, Suits, Complaints, Matters and Causes whatsoever; and they and their Successors may have a Common Seal, and may change and alter the same at their will and pleasure, and by their Corporate Name shall be in Law capable of purchasing, taking, having and holding, to them and their Successors, any Estate, real, personal or mixed, to and for the use of such Corporation, and of selling, letting, or otherwise disposing of the same, for the benefit and on account of such Corporation, from time to time, as they shall deem necessary or expedient: Provided always, that the Real Estate which any such Corporation shall be allowed to hold under the provisions of this Act, shall be only such as shall be necessary for carrying into effect the specific object of such Corporation.

XV. And be it further enacted by the authority aforesaid, That in case it shall at any time happen, that an Election of Directors of any such Corporation shall not be made on any day, when pursuant to the Act in that behalf it ought to have been made, the Corporation shall not for that cause be deemed to be dissolved, but that it shall be lawful on any day thereafter to make an Election of Directors, in such manner as shall be prescribed by the Act, or by the Laws and Ordinances of the said Corporation.

XVI. And be it further enacted by the authority aforesaid, That the Directors for the time being of any such Corporation, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall seem needful and proper, touching the management and disposition of the Stock, Property, Estate and effects, of the Corporation, and touching the duty and conduct of the Officers, Clerks and Servants, employed by the said Company, and all such other matters as appertain to the business of the said Company; and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, and with such salaries, and allowances as to them shall seem meet: Provided, that such Rules and Regulations be not repugnant to the Laws of this Province.

XVII. And be it further enacted by the authority aforesaid, That it shall not be lawful for any such Corporation, their Agents or Servants, or any of them, (unless where it is expressly authorised by the Act creating such Corporation) to enter upon, hold, use or enjoy, for any purpose, any Lands or grounds of or belonging to His Majesty, His Heirs and Successors,

without the licence and consent of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, signified under his hand and seal.

XVIII. And be it further enacted by the authority aforesaid, That it shall not be lawful for any Corporation to carry on the business of Banking, unless where such power shall be expressly conferred by the Act creating such Corporation.

XIX. And be it further enacted by the authority aforesaid, That when it shall not be otherwise provided in any Act to be hereafter passed, for any of the purposes aforesaid, and whereby powers and authority are given to be exercised over the Property, Real or Personal, or over the Person of any individual, for the promoting and securing the objects intended to be advanced by the Corporation created by any such Act, then if any action shall be brought against any person or persons, for anything done in pursuance or in execution of the powers and authorities given by such Act, such action shall be commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action may plead the general issue, and give such Act, and the special matter, in evidence at the trial.

XX. And be it further enacted by the authority aforesaid, That notwithstanding the privileges that may be conferred by any Act hereafter to be passed, upon any Corporation to be created for the purposes aforesaid, or any of them, the Legislature may, at any time thereafter, in their discretion, make such additions to the Act creating such Corporations, or such alteration of any of its provisions, as they may think proper, for affording just protection to the Public, or to any Person or Persons, Body Corporate or Politic, in respect to their Estate, Property or Rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way, or right of way, public or private, that may be affected by any of the powers given to such Corporation; and that unless it shall be otherwise provided in any Act that shall be passed for Chartering any Bank, it shall be in the discretion of the Legislature, at any time thereafter, to make such provisions, and impose such restrictions, with respect to the amount and description of Notes which may be issued by such Bank, as may to them appear expedient.