

C A P. XVII.

An Act to prevent the fraudulent manufacture, importation, or circulation of Spurious Copper and Brass Coin.

[18th September, 1841.]

WHEREAS great frauds have been practised upon the Inhabitants of this Province, by evil disposed persons, who have imported into the same, or manufactured therein, Spurious Copper, or Brass Coin, or Tokens, for the purpose of passing them for a much higher value than they were intrinsically worth; 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 Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that no Copper or Brass Coin or Tokens of any description, except the Lawful Copper Coin of the United Kingdom of Great Britain and Ireland, shall be imported into this Province; nor shall any Copper or Brass Coin or Tokens be manufactured therein, except under the authority of an express permission to some certain person or persons, body politic or corporate, to import or manufacture the same, granted by and under the hand of the Governor, Lieutenant Governor, or Person administering the Government of the Province, who is hereby authorised to grant such permission by and with the advice and consent of the Executive Council thereof; such permission containing a description of the Coin or Tokens to which it shall extend, the quantity thereof to be imported or manufactured, and the time during which such permission shall be in force: Provided always, that such permission shall be announced in the Official Gazette, or Gazettes: Provided also that all Coins imported or manufactured as aforesaid, shall in purity, weight and quality, be equal to five sixths at the least, of the British penny or half-penny, lawfully current in the United Kingdom of Great Britain and Ireland.

Preamble.

No Copper or Brass Coin or Token, except the lawful Coin of the United Kingdom to be imported, nor any to be manufactured in the Province except by the permission of the Governor, &c. with the consent of the Executive Council.

Proviso.

II. Provided always, and be it enacted, that no such permission shall be granted by the Governor, Lieutenant Governor, or Person administering the Government of the said Province as aforesaid, for the importation or manufacture of any Copper or Brass Coin or Tokens, under the provisions of this Act, by any person or persons, body politic or corporate, unless such Coin or Tokens be stamped with the nominal value thereof, and with the name of such person or persons, body politic or corporate, and such Coins and Tokens shall be payable or redeemable

Conditions on which Copper Coins or Tokens may be permitted to be imported and manufactured.

on demand, by such person or persons, body politic or corporate, at the nominal value thereof, in lawful current Coin, being a legal tender in this Province, in payment of a debt equal to the nominal value of the Coins or Tokens for which payment shall be so demanded.

Coins or Tokens imported or manufactured in contravention of this Ordinance.

Any two Justices of the Peace may take cognizance of such offence.

May commit persons having such Coins in possession.

When persons in possession of such Coin or Tokens, are not aware of its having been illegally manufactured or imported, penalty may be recovered from owner.

Any Officer of Her Majesty's Customs may seize such Coins or Tokens.

III. And be it enacted, that all such Coin or Tokens as aforesaid, imported or manufactured in contravention of this Act, shall be forfeited to Her Majesty, Her Heirs and Successors, for the public uses of this Province ; and the person or persons who shall have manufactured or imported the same, shall thereby incur a penalty not exceeding five pounds currency, for every pound troy of the weight thereof; and it shall be lawful for any two or more Justices of the Peace, on the oath of any credible person, that any such Coin or Tokens have been so unlawfully manufactured or imported as aforesaid, to cause the same to be seized and detained, and to summon the person or persons, or any one of them, in whose possession the same shall be found, to appear before him, and if it shall appear to his satisfaction, on the oath of any credible witness, other than the informer, that such Coin or Tokens have been manufactured or imported in contravention of this Act, such Justices of the Peace shall declare the same forfeited, and shall place them in safe keeping to await the disposal of the Governor, Lieutenant Governor or Person administering the Government of the Province, for the public uses of this Province, and, if it shall, in like manner, appear to the satisfaction of such Justices of the Peace, that the person or persons in whose possession such Coin or Tokens were found, knew the same to have been so illegally manufactured or imported, he may condemn such person or persons, or any of them, to pay the penalty aforesaid with costs, and may commit him, her or them, or any of them, to the Common Gaol of the District, for a period not exceeding two months, if such penalty and costs be not forthwith paid, or until the same be paid.

IV. Provided always, and be it enacted, that if it shall appear to the satisfaction of such Justices of the Peace, that the person or persons in whose possession such Coins or Tokens shall have been found, was not or were not aware of their having been so illegally manufactured or imported, such penalty may be recovered, by any person or persons who shall sue for the same in any Court of competent Jurisdiction, from the owner or any of the owners thereof, on the oath of any one credible witness, other than the person so suing.

V. And be it enacted, that it shall also be lawful for any Officer of Her Majesty's Customs to seize any Coin or Tokens, which any person shall import or attempt to import into this Province in contravention of this Act, and to detain the same as forfeited, to await the disposal of the Governor, Lieutenant Governor or Person administering the Government of this Province, for the public uses of the Province.

VI.

VI. And be it enacted, that if any such Coin or Tokens, other than the lawful Coin of the United Kingdom aforesaid, shall at the time this Act shall go into force, be in the possession of any person, other than the owner thereof, such person may refuse to deliver the same, except upon a permission to that effect from the Governor, Lieutenant Governor or Person administering the Government of the Province, who may, if he shall deem it advisable, make it a condition on which such permission shall be granted, that the person applying for the same shall immediately re-export such Coin or Tokens, in which case any duty paid on the importation thereof shall be returned to the owner, as a draw back, by the Chief Officer of the Customs, at the Port whence such exportation shall be made.

Coin or Tokens other than the lawful Coin of the United Kingdom, in the possession of other than the owner.

VII. And be it enacted, that from and after the expiration of thirty days from the time when this Act shall go into force, no person shall utter, tender or offer in payment any Copper or Brass Coin, other than the lawful Coin of the United Kingdom, aforesaid, or the Tokens of some one of the Chartered Banks of this Province, or the *Banque du Peuple* at the City of Montreal, heretofore imported or manufactured under the sanction and authority of the Executive, or under and by virtue of the Ordinances of the late Province of Lower Canada hereinafter mentioned and hereby repealed, or American cents, or such Coin or Tokens as may have been lawfully imported into, or manufactured in this Province, according to the provisions of this Act, under a penalty of the forfeiture of double the nominal value thereof, which penalty may be recovered, with costs, in a summary manner, on the oath of any one credible witness, other than the informer, before any Justice of the Peace, who may, if such penalty and costs be not forthwith paid, commit the offender to the Common Goal of the District for a time not exceeding eight days, or until the same be paid.

Penalty on persons offering unlawful Coin or Tokens, after the expiration of thirty days from the time of this Act going into force.

How to be recovered.

VIII. And be it enacted, that one moiety of all the penalties imposed by this Act (but not the Coins or Tokens forfeited under the provisions thereof) shall go to the informer or person suing for the same, and the other moiety shall belong to Her Majesty, Her Heirs and Successors, for the public uses of this Province.

Moiety of penalty to informer.

IX. And be it enacted, that the due application of all penalties and forfeitures received for Her Majesty, her Heirs and Successors, under the provisions of this Act, shall be accounted for, to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall direct.

Application of penalties.

X. And be it enacted, that this Act shall not be in force until it shall have been published in the Official Gazette, or Gazettes of this Province.

This Act to be published in Official Gazette

All Acts or Ordinances relating to Copper Coin repealed, as soon as this Act comes into operation.

XI. And be it enacted, that when and so soon as this Act shall be in force, an Ordinance of the Special Council of the late Province of Lower Canada, passed in the second year of Her Majesty's reign, and intituled "An Ordinance to prevent the manufacture, importation or circulation of Spurious Copper and Brass Coin" and a certain other Ordinance of the said Special Council passed in the third year of Her Majesty's reign, intituled "An Ordinance to amend and render permanent an Ordinance passed in the second year of Her Majesty's reign," intituled "An Ordinance to prevent the fraudulent manufacture, importation or circulation of Spurious Copper and Brass Coin," and all other Acts or parts of Acts relating in any manner to the manufacture, importation, or circulation of Copper or Brass Coins and Tokens, or imposing penalties, or in any manner relating to Copper Coin or Tokens, shall be and are hereby repealed.

C A P. XVIII.

An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province.

18th September, 1841.

Preamble.

WHEREAS the Laws now in force for the maintenance and regulation of Common Schools, are insufficient, and it is necessary to make provision for the establishment and maintenance of such Schools throughout the Province; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Act of the Legislature of the late Province of Upper Canada, passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, and intituled *An Act granting to His Majesty, a sum of Money to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools*, and the Act of the said Legislature, passed in the sixtieth year of the Reign of His said late Majesty, and intituled *An Act to amend and continue, under certain modifications, an Act passed in the fifty-sixth year of His Majesty's Reign, intituled, An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide*

Act of Upper Canada 56, Geo. 3. Cap. 36.

Act of Upper Canada, 60, Geo. 3. Cap. 7.