

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 93

An Act to Regulate the Currency of this Province.

18th September 1841.—Presented for Her Majesty's Assent and reserved "for the signification of Her Majesty's pleasure thereon."

11th March, 1842.—Assented by Her Majesty, in Her Privy Council.

27th April, 1842.—The Royal Assent signified by the Proclamation of His Excellency Sir Charles Bagot, Governor General.

Whereas by the several Acts now in force within the respective portions of this Province, heretofore called Upper Canada and Lower Canada, the relative value of the Gold and Silver Coin therein current by Law has not been accurately established; and whereas the comparative value of the pound Sterling and of the pound in Halifax Currency is inaccurately described, and it has therefore become expedient that a just proportionate value be affixed to the pound Sterling, so as to determine its exact value in the Gold and Silver Coins current in this Province; and whereas it is also expedient to repeal all the existing Laws now in force in either Province, relating to the value of such Coins, which have been found to be based upon erroneous principles, and to give to the said Coins a fictitious value: 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 from and after the passing of this Act, an Act of the Legislature of the late Province of Lower Canada, passed in the forty-eighth year of the Reign of His late Majesty King George the Third, intituled *An Act for better regulating the weight and rates at which certain Coins shall pass current in this Province; for preventing the falsifying, counterfeiting, or impairing of the same, and for repealing the Act and Ordinance therein mentioned*, and also another Act of the said Legislature, passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act to amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled 'An Act for better regulating the weight and rates at which certain Coins shall pass current in this Province; for preventing the falsifying, counterfeiting, and impairing of the same, and for repealing the Act and Ordinance therein mentioned*, and also the first Section of another Act of the said Legislature, passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled *An Act to ascertain the rate at which certain Coins therein mentioned shall pass current in this Province, and for other purposes*, and also an Ordinance of the Governor and Special Council of the said late Province of Lower Canada, passed in the second year of Her Majesty's Reign, intituled *An Ordinance to regulate the Currency of this Province*, and also an Act of the Legislature of the late Province of Upper Canada, passed in the thirty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the better regulation of certain Coins current in this Province*, and also another Act of the said

Legislature, passed in the forty-ninth year of the Reign of His said late Majesty King George the Third, intituled *An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of His Majesty's Reign, intituled, 'An Act for the better regulation of certain Coins current in this Province*, to equalize them to the standard weight and value of the like Coins in the Province of Lower Canada, and also a certain other Act of the said Legislature, passed in the seventh year of the Reign of His late Majesty George the Fourth, intituled *An Act to repeal part of an Act passed in the thirty-sixth year of His late Majesty's Reign, intituled 'An Act for the better regulation of certain Coins current in this Province, and to make further provision for the regulation of the British Silver and Copper Coinage current in this Province*, and also another Act of the said Legislature, passed in the eleventh year of the Reign of His late Majesty George the Fourth, intituled *An Act for the better regulation of the Currency*, and also another Act of the said Legislature, passed in the sixth year of the Reign of His late Majesty William the Fourth, intituled *An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province*, and also another Act of the said Legislature, passed in the third year of Her Majesty's Reign, intituled *An Act to continue an Act passed in the sixth year of His late Majesty's Reign, intituled 'An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coins made current by law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province*, and all other Acts or parts of Acts relating in any manner to the value of Gold, Silver and Copper Coin current by Law in either of the said Sections of this Province, or to the amount thereof, respectively, to be paid in payment of debts and received as a legal tender, or in any manner relating to the Currency, and to the provisions of this Act, shall be and are hereby repealed.

II. And be it enacted, that the Pound Currency shall be such that the Pound Sterling as represented by the British Sovereign of the weight and fineness now fixed by the laws of the United Kingdom of Great Britain and Ireland, shall be equal to, and any such British Sovereign shall be a legal tender for one pound four shillings and four pence, currency.

III. And be it enacted, that nothing in this Act shall affect the meaning to be affixed to the words "Sterling," "Sterling Money of Great Britain," or other words of like import in any law in force in this Province, or any part thereof, when this Act shall come into force, or in any contract or agreement then made therein, but any such law, contract, or agreement, shall be construed according to the intention of the Legislature, or of the parties who made the same; but in any law, contract, or agreement made in this Province after this Act shall be in force, the Pound Sterling shall be understood to have the value in Currency hereby assigned to the British Sovereign, of the lawful weight and fineness aforesaid.

IV. And be it enacted, that the Eagle of the United States of America, coined before the first day of July one thousand eight hundred and thirty-four, and weighing eleven pennyweights, six grains troy, shall pass and be a legal tender for two pounds thirteen shillings and four pence Currency; and the Eagle of the United States aforesaid, coined after the day last mentioned, and before the commencement of the year one thousand eight hundred and forty one, and weighing ten

pennyweights eighteen grains troy, shall pass and be a legal tender for two pounds ten shillings currency.

V. And be it enacted, that the Gold Coins of Great Britain and Ireland, or of the United States, coined before the day last aforesaid, being multiples or divisions of those hereinbefore mentioned, and of proportionate weight, shall for proportionate sums pass current, and be a legal tender to any amount by tale, so long as such Coins shall not want more than two grains of the weight hereby Assigned to them, respectively, deducting one half-penny currency for each quarter of a grain any such Coin shall want of such weight: Provided always, that in any one payment above the sum of Fifty Pounds the payer may pay, or the receiver may insist on receiving the said British Gold Coins, or Gold Coins of the United States, aforesaid, coined before the first day of July, 1834, by weight at the rate of ninety four shillings and ten pence, currency, per ounce troy; and in like manner any sums tendered or to be received in the Gold Coin of the United States of America, coined since the day last aforesaid, may be weighed in bulk as aforesaid, and shall be a legal tender at the rate of ninety three shillings, currency, per ounce troy, when offered in sums of not less than Fifty Pounds currency.

VI. And be it enacted, that the Gold Coin of France of forty francs, and its multiples or divisions, coined before the passing of this Act, may be weighed in bulk as aforesaid, and shall be a legal tender at the rate of ninety three shillings and one penny, currency, per ounce troy, when offered in sums of not less than Fifty pounds, currency.

That the old Doubloon of Spain or Quadruple Pistole, and the Mexican and Chilian Doubloon, and the parts thereof, respectively, coined before the passing of this Act, may be weighed in bulk, as aforesaid, and shall be a legal tender at the rate of eighty nine shillings and seven pence, currency, per ounce troy, when offered in sums of not less than Fifty pounds, currency.

That the Gold Coins of La Piata and of Columbia, coined before the passing of this Act, may be weighed in bulk, as aforesaid, and shall be a legal tender at the rate of eighty nine shillings and five pence, currency, per ounce troy, when offered in sums of not less than Fifty pounds, currency.

That the Gold Coins of Portugal and of Brazil, coined before the passing of this Act, may be weighed in bulk, as aforesaid, and shall be a legal tender at the rate of ninety four shillings and six pence, currency, per ounce troy, when offered in sums of not less than Fifty pounds, currency.

VII. And be it enacted, that the milled dollar of Spain, the dollar of the United States of America, and of the several States of Peru, Chili, Central America and the States of South America, and of Mexico, coined, respectively, before the year one thousand eight hundred and forty one, and not weighing less than seventeen pennyweights four grains troy, shall pass for five shillings and one penny, currency, each, and the half dollar of any of the same Nations, States or Governments and date hereinbefore mentioned, and of the proportionate weight shall pass for two shillings, sixpence and a half penny currency, each, and such dollar or half dollar shall be a legal tender by tale to any amount, but the other silver coins of the same nations and date, being sub-divisions of such dollars, for proportionate sums and of proportionate weights shall pass at the rates

hereinafter mentioned, to wit, the quarter for one shilling and three pence, currency, the eighth for seven pence and one half penny, currency, and the sixteenth for three pence half penny, currency, each, and not otherwise; except that the sub-divisions of such dollars, being less than halves thereof, shall be a legal tender by tale to the amount of two pounds ten shillings, currency, and no more, at any one time, until they shall have lost one twenty-fifth part of such weight, respectively, after which they shall not be lawful money.

VIII. And be it enacted, that the five franc, Silver piece of France, coined before the passing of this Act, and weighing not less than sixteen pennyweights, shall be a legal tender in tale to any amount at four shillings and eight pence, currency.

IX. Provided always, and be it enacted, that the Governor, Lieutenant Governor, or Person administering the Government for the time being, may, by proclamation, extend all the provisions of the three sections immediately preceding this section, to any Gold or Silver Coins of the nations, weights and denominations therein mentioned or referred to, but of later date, which having been assayed at the Royal Mint shall have been found equal in fineness to those therein mentioned or referred to, respectively.

X. And be it enacted, that all Silver Coins of the United Kingdom of Great Britain and Ireland, while lawfully current therein, shall pass in this Province at the rates following, that is to say: the British Crown at six shillings and one penny, currency: which said British Crowns and all other divisions of the Silver Coin of the United Kingdom of Great Britain and Ireland, lawfully current therein, of proportionate weight, shall, for proportionate sums, pass current and be a legal tender to the amount of two pounds ten shillings, currency, and no more: Provided always, that the holder of the notes of any person or body corporate to the amount of more than five pounds, shall not be bound to receive more than that amount in payment of such notes if presented at one time, although each or any of such notes be for a less sum.

XI. And be it enacted, that the Copper penny of the United Kingdom aforesaid, or any other which Her Majesty may cause to be coined, if not less than five-sixths of the weight of such copper penny, shall pass for one penny, currency, and the halves and quarters thereof for proportionate sums; and such copper coin shall be a legal tender to the amount of one shilling, currency, at any one time, and no more.

XII. And be it enacted, that if any person shall colour, gild, or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any coin of coarse gold or of coarse silver, or of base metal resembling any Coin made or declared to be current by this Act, or if any person or persons shall bring and import, or cause to be brought and imported into this Province, any forged, false, or counterfeit Gold, Silver or Copper Coin, like to any of the Gold, Silver or Copper Coin made or declared to be lawfully current in this Act, knowing the same to be false, forged, or counterfeit, or any coin of coarse gold or of coarse silver, or of base metal coloured, gilded or cased over with gold or silver or with any wash or materials producing the colour of gold or silver, and resembling any such coin, or any piece of gilded silver resembling any such coin, knowing the same, or if any person shall utter or tender in payment to any person or persons (as

being any of the Gold, Silver or Copper Coins hereby made and declared to be current money any false or counterfeit, counterfeited to any of the Gold, Silver or Copper Coins made and declared to be current by this Act as hereinbefore specified, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, such person shall be guilty of a misdemeanor, and on being duly convicted shall be liable to be imprisoned and kept at hard labour in the Penitentiary in the Township of Kingston for not more than four years; and if such person shall afterwards offend in like manner, he or she shall, for such second or for any subsequent offence, be deemed guilty of felony, and on being thereof duly convicted, shall be liable to the punishment by law provided for felony.

XIII. And be it enacted, that if any person shall form, make, cut, sink, stamp, engrave, repair or mend, or shall assist in forming, making, cutting, sinking, stamping, engraving, repairing or mending, or shall have in his or her possession, except for some known and lawful purpose, any die, plate, press, tool or instrument, paper, metal or material of any kind, used, constructed, devised, adapted or designed for the purpose of counterfeiting or imitating any coin which shall be lawfully current in this Province under the authority of this Act, or any Bank Note, Bill, Note or Writing purporting to be a Bank Note, (whether of any chartered Bank or otherwise, and whether the Bank whose note shall be intended to be counterfeited or imitated be or be not established within this Province,) in circulation in this Province, or in any one of the United States of America adjoining this Province, such person shall be guilty of a misdemeanor, and shall be liable to punishment accordingly: And the proof that such die, plate, press, tool or instrument, paper, metal or material was formed, made, cut, sunk, stamped, engraved, repaired or mended by, or was in the possession of such person for some lawful purpose shall lie upon him or her.

XIV. And be it enacted, that it shall be lawful for any one Justice of the Peace on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any person or persons is or are or hath or have been concerned in making, counterfeiting or imitating any such Coin, Bank Note, Bill, Note or Writing as aforesaid, by warrant under the hand or such Justice of the Peace, to cause the dwelling house, room, work-shop, out-house or other buildings, yard, garden, ground or other place belonging to such suspected person or persons, or where such suspected person or persons shall be suspected to carry on any such making, counterfeiting or imitating, to be searched for any such counterfeit Coin, Bank Notes, Bills, Notes or Writings: And if any such, or any such die, plate, press, tool or instrument, paper, metal or material, as aforesaid, shall be found in the possession or custody of any person or persons whomsoever, not having the same for some lawful purpose, it shall and may be lawful to and for any person or persons discovering the same, to seize, and he or they are hereby authorized and required to seize and carry the same forthwith before a Justice of the Peace having jurisdiction within the locality in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any such offence, as aforesaid, in any Court of competent jurisdiction, and the same after being so produced in evidence shall by order of the Court be defaced or destroyed, or otherwise disposed of as the Court shall direct.

XV. And be it enacted, that any person to whom any pretended Gold, Silver or Copper Coin shall be tendered in payment, which shall by the stamp, impression, colour, or weight thereof, afford

reason to suspect that the same is false or counterfeit, may cut or break such coin, and if the same shall be counterfeit the person who tendered it shall bear the loss, otherwise the person who shall have cut or broken it shall receive it for a sum proportionate to its weight, and if any question shall arise whether such coin be counterfeit, it shall be determined by any Justice of the Peace, who, if he entertain any doubt in that behalf, may summon three skilful persons, the decision of a majority of whom shall be final.

XVI. And be it enacted, that if any false or counterfeit Coin shall be produced in any Court of Law, the Court shall order the same to be cut in pieces in open Court or in the presence of a Justice of the Peace, and then delivered to or for the lawful owner thereof.