

TORONTO, THURSDAY, JULY 13, 1837.



AN ACT to afford relief to certain Banking Institutions, heretofore carrying on business in this Province, by enabling them more conveniently to settle their affairs, and for protecting the interests of persons holding their Notes.

[Passed 11th July, 1837.]

WHEREAS there is reason to believe that about the time of the passing of the Act of Parliament of this Province, in the seventh year of His present Majesty's reign, entitled, "An Act to protect the public against injury from Private Banks," and before the passing of that Act became generally known throughout this Province, several associations of persons were engaged in carrying on the business of Banking, not being among the number of those enumerated in that Act as intended to be exempt from its provisions: *And whereas* it is expedient to afford facility to such Associations, in collecting their debts, and in the final arrangement of their affairs, in order that the prohibition against the continuance of their business may not operate injuriously to the public: *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 any person, or association of persons, were, before the first day of April now last past, engaged in carrying on the business of Banking in this Province, and in the issuing of Bills or Notes, contrary to the provisions of the said Act passed in the seventh year of His present Majesty's reign, which person or association of persons not being specified in the said Act, remains subject to the prohibitions and conditions therein contained, it shall and may be lawful for the person or persons in every such case, to apply, by petition, to the Judge of the District Court for the District in which their principal office or place of business was situated, to approve of any three persons to be named by them, as Commissioners, for the purpose of settling the affairs of such Bank or Institution; and in case the persons so named shall be approved of by such Judge, as being men of good character and substance, then such persons shall be and are hereby enabled, (using their individual names) to sue as Commissioners for settling the affairs of

such Bank or Institution, for any debt or demand arising upon any Mortgage, Bond, Bill, Note, or other security given to the said Bank or Institutions, or to any person or persons for their use, or in trust for them, or in order to secure any monies advanced by them; and the amount due upon any such security may be recovered in an action for money had and received to the use of the persons suing as Commissioners, a copy of the instrument or writing being attached to the copy of process which may be served upon the Defendant.

2. *And be it further enacted by the authority aforesaid*, That before any appointment of Commissioners shall take place under this Act, the names of all persons who have been parties to the association applying for the nomination of such Commissioners, from the commencement thereof, shall be stated in a list which shall accompany the petition, and shall remain filed in the office of the Clerk of the District Court, with such petition, and that in the said list shall be specified when each person became a member of such association, and when, if at any time, he ceased to be a member thereof, and that the correctness of such list shall be attested by the oaths of the President and Cashier of such association, or of one-third of the number of persons stated in such list to be members thereof, which oath the Judge of such District Court is hereby authorised to administer; and a copy of the Articles of Association, Agreement, or Deed of Settlement, attested in like manner, shall be annexed to the said list.

3. *And be it further enacted by the authority aforesaid*, That the Commissioners to be named in any case under the authority of this Act, shall have power to compel payment by any Subscriber to such Association or Institution, of the amount of Stock or Shares subscribed by him or her, and not paid in, in an action for money had and received to their use.

4. *And be it further enacted by the authority aforesaid*, That the holders of any Notes or Bills put in circulation by any person or association of persons coming under the provisions of this Act, may, after demanding payment from any of the Commissioners that may be appointed for settling the affairs of such Bank or Institution, sue upon such Note or Bill in the Court of Requests, or in any other Court of higher jurisdiction, as the case may require, any one or more of the persons who shall appear upon the list delivered and attested as aforesaid, to have been associated in such Bank or Institution at or after the time of such Note or Bill being issued: *Provided always*, that nothing herein contained shall interfere with any other remedy given by law to the holder of any Bill, Note, or other evidence of debt of any such Association, Bank or Institution.

5. *And be it further enacted by the authority aforesaid*, That no person or persons shall be liable to any penalty or punishment, under the said Act, passed in the seventh year of His present Majesty's reign, for any thing done contrary to the provi-

sions of the said Act, before the first day of April now last past.

6. *And be it further enacted by the authority aforesaid*, That the nomination of Commissioners shall be made at a meeting of the Subscribers or Shareholders, to be held on the first Monday in August, after the passing of this Act, at the place where the District Court is usually holden for the District in which the principal Office of any such Bank or Institution shall have been or shall be situated; and in case the Judge shall not confirm such nomination, then others shall be chosen at a meeting to be held at the same place, on a day to be named by him, by advertisement in some public newspaper of the District, giving ten days notice; and that in case of any vacancy occurring by the death, removal or incapacity, of any of the Commissioners, a successor shall be nominated and appointed in like manner, upon a notice of meeting to be given as hereinbefore provided by the Judge of the District Court.

AN ACT to authorise the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain Regulations, for a limited time, and for other purposes therein mentioned.

[Passed 11th July, 1837.]

WHEREAS it is necessary to protect the Banking Institutions of this Province in case a suspension of Specie payments on their part should, under the pressure of the present extraordinary circumstances, become unavoidable, and to enable them to continue their Banking operations: *And whereas* it is of great consequence to the Commercial and Agricultural interests of this Province, that the accommodation which Banks of undoubted solvency can safely extend to those engaged in business should not be suddenly discontinued, which, under the existing Laws, must be the consequence of their being compelled to suspend Cash payments; and it is therefore expedient to make such temporary provision as may afford relief against this inconvenience: *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 any Incorporated Bank which shall cease to redeem its Notes or other liabilities, in the lawful Current Coin of this Province, shall not in consequence thereof be compelled to cease its Banking operations, or be deemed to have forfeited its Charter, or be rendered liable to any disability, penalty or forfeiture, by reason of its having ceased to redeem its Notes and liabilities in lawful