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B I L L .

An Act to regulate the Currency.

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(500 Copies.)

Hon. Mr. HINCKS.

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(219)

BILL.

An Act to regulate the Currency.

WHEREAS it is desirable to adopt a Currency for this Preamble.

Province, which may hereafter be advantageously made common to all the Provinces of British North America, as being simple and convenient in itself and well calculated to facilitate their commercial intercourse with other parts of this continent :

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 passed in the session held in the fourth

Acts 4 & 5 V. c. 93.

and fifth years of Her Majesty's Reign, and intituled, *An Act to regulate the Currency of this Province*, and the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to alter the rate at which certain Silver Coins shall be a legal tender*, and the Act passed

13 & 14 V. c. 9.

in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to provide for the introduction of the Decimal System into the Currency of this Province, and otherwise to amend the Laws relative to the Currency*, and the Act passed in the session last aforesaid, and

14 & 15 V. c. 47, and 14 & 15 V. c. 48, repealed.

intituled, *An Act to extend the Provisions of the Currency Act to certain Gold and Silver Coins coined after the periods in the said Act limited*, shall be repealed from and after the time when this Act shall come into force : Provided always, that all Acts, parts of Acts and provisions of Law repealed by the said Acts

Proviso.

or any of them, shall remain repealed ; And provided also that all offences against the said Acts or any of them, committed before this Act shall come into force, may be tried, punished and otherwise dealt with as if this Act had not been passed.

Proviso.

II. And be it enacted, That the Pound Currency shall be

Pound currency defined.

held to be equivalent to and to represent one hundred and one grains and three hundred and twenty-one thousandths of a grain, Troy weight, of Gold of the Standard of fineness now prescribed by Law for the Gold Coins of the United Kingdom ; and any Gold Coins of that weight and fineness which

Gold Coins struck by order of Her Majesty, to be a legal tender at certain rates.

Her Majesty shall direct to be struck at the Royal Mint, shall, by such name as Her Majesty shall assign to them in the Royal Proclamation declaring them lawful money of this Province, pass current and be a legal tender therein, for One Pound currency each ; and any Gold Coins of like fineness but of greater

or less weight which Her Majesty shall direct to be struck at the Royal Mint, shall, by such names as shall be assigned to them in any such Proclamation as aforesaid, pass current and be a legal tender for sums to be mentioned in such Proclama-

Such Coins to be the legal standard of value. Her Majesty may declare the allowance for diminution by wear, &c.

tion, and proportionate to their respective weights : and such Gold Coins as aforesaid, shall be the legal Standard of Value in this Province : but inasmuch as Coins cannot be made exactly of any assigned weight and are subject to diminution by wear, Her Majesty may, by any such Proclamation, declare the allowance to be made for these causes, and the extent to which the weight of any such Coin as aforesaid may be reduced before it shall cease to be a legal tender.

Governor may defray the cost of obtaining such Coins from time to time.

III. And be it enacted, That it shall be lawful for the Governor of this Province, out of any unappropriated moneys forming part of the Consolidated Revenue Fund thereof, to defray the cost of obtaining and importing such quantity of the Gold Coins mentioned in the next preceding section, as the said Governor, in Council, may from time to time determine it to be for the interest of the Province to obtain and import.

Rates at which Gold Coins of the United Kingdom shall pass.

IV. And be it enacted, That the Pound Sterling shall be held to be equal to one pound, four shillings and one third of a shilling Currency, and any British Sovereign of lawful weight, shall pass current and be a legal tender for that sum ; and the other Gold Coins of the United Kingdom shall, while of lawful weight, pass current and be a legal tender for sums in currency equal, according to the proportion aforesaid, to their Sterling value.

Act not to affect the meaning of the word "Sterling" in former Acts, &c.

V. Provided always 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 in any part thereof, at the time when the Act herein first above cited and repealed came 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 the said Act came into force, or to be made after this Act shall come into force, the Pound Sterling shall be understood to have the value in Currency hereby assigned to the British Sovereign.

Meaning of the word in future Acts, &c.

Pound currency how divided.

Decimal division.

Meaning of the words dollars and cents when used as to

VI. And be it enacted, That the Pound Currency shall be divided as it now is into twenty shillings ; five such shillings shall make a Crown currency, and ten such shillings shall make a Royal : each such shilling shall be equal as it now is to twelve pence ; but inasmuch as it is highly desirable to adopt the decimal system throughout the currency, each shilling currency shall also be divided into ten Marks, or hundredths of a Royal, and each Mark shall, for the purposes of account, be divided into ten Minims, or thousandths of a Royal ; and inasmuch as sums of money intended to be paid in this Province are frequently, as well in the notes of the chartered Banks therein as in other contracts and accounts, expressed in "dollars"

and "cents," and doubts might arise as to the legal effect of the said terms, be it enacted, that in any such case, the word "dollar" shall be held to mean a Crown currency, and the word "cent" a Half Mark. sums payable in this Province.

5 VII. And be it enacted, That the Public Accounts of this Province shall be kept in such of the denominations of current money of this Province hereinbefore mentioned, as Her Majesty shall from time to time direct, but that all sums of money and accounts may be legally mentioned, described and stated Accounts may be kept, &c., in any denomination of current money.
10 in any of the said denominations.

VIII. And be it enacted, That such silver coins as Her Majesty may direct to be struck at the Royal Mint, of the fineness now fixed by law for the silver coins of the United Kingdom, and of weights bearing respectively the same proportion to the value Silver Coins Struck by order of Her Majesty to pass current at certain rates.
15 to be assigned to such coins in this Province, which the weights of the silver coins of the United Kingdom bear to the value assigned to them in the United Kingdom, shall, by such names as shall be assigned to them by Her Majesty in Her Royal Proclamation declaring them lawful money of this Pro-
20 vince, pass current and be a legal tender at the rates assigned to them respectively in such Proclamation.

IX. And be it enacted, That until it shall be otherwise ordered by Her Majesty's Royal Proclamation, the Silver coins of the United Kingdom, while lawfully current therein, shall pass Silver Coins of the United Kingdom to be current until it be otherwise ordered.
25 current in this Province for sums in currency, equal, according to the proportion hereinbefore fixed, to the sums in sterling for which they respectively pass current in the United Kingdom, but after the time to be fixed for that purpose in any such Proclamation as aforesaid, they shall cease to be current money in
30 this Province; and no other Silver Coins than those declared to be so by this Act shall be a legal tender or current money in this Province.

X. Provided always, and be it enacted, That the Silver Coins mentioned in either of the two next preceding sections, shall To what amount such silver shall be a legal tender in any one payment.
35 not be a legal tender to the amount of more than Two Pounds Ten Shillings in any one payment: and the holder of the notes of any person or persons or body corporate, to the amount of more than Two Pounds Ten Shillings currency, shall not be bound to receive more than that amount in such Silver Coins
40 in payment of such notes if presented for payment at one time, although each or any of such notes be for a less sum.

XI. And be it enacted, That the Copper Coins of the United Kingdom shall, while lawfully current therein, pass current, and be a legal tender, to the amount of One Shilling currency and Copper Coins of the United Kingdom to pass at certain rates.
45 no more in any one payment, at the following rates, that is to say: the Copper Penny, for one Mark, the Copper Half Penny, for one Half Mark, and any other subdivisions of the said Copper

Proviso:
other Copper
Coin may be
struck by
order of Her
Majesty, &c.

Penny, for proportionate sums: Provided always, that any Copper Coins of like weights with those aforesaid respectively, which Her Majesty may direct to be struck for the purpose, shall pass current and be a legal tender in this Province, at the like rates and to the like amount in any one payment: and that if such Copper Coins be struck, Her Majesty may, if she see fit, declare by Proclamation that the Copper Coins of the United Kingdom shall not be lawful money of this Province after a day to be appointed in such Proclamation.

Rates at
which certain
Gold Coins of
the United
States shall
pass current.

XII. And be it enacted, That the Gold Eagle of the United States of America, coined before the first day of July, one thousand eight hundred and thirty-four, and weighing eleven penny weights, six grains Troy weight, shall pass current and be a legal tender in this Province for five Royals three shillings and one third of a shilling currency, and the Half Eagle of like dates and proportionate weight, for one half the said sum: and the Gold Eagle of the said United States, coined after the day last mentioned, and before the first day of January, one thousand eight hundred and fifty-two, or after the said day but while the standard of fineness for Gold Coins then fixed by the laws of the said United States shall remain unchanged, and weighing ten penny weights, eighteen grains, Troy weight, shall pass current and be a legal tender in this Province for five Royals currency; and the Gold Coins of the said United States, being multiples or halves of the said Eagle, and of like date and proportionate weight, shall pass current and be a legal tender in this Province for proportionate sums.

Her Majesty
may declare
other Foreign
Gold Coins
current at
certain rates.

XIII. And be it enacted, That Her Majesty may at any time declare by Proclamation, that any or all of any other Gold Coins of the said United States or of any other Foreign Nation or State, shall pass current and be a legal tender in this Province, at rates in currency to be assigned to them respectively in such Proclamation, when of the weights to be also assigned therein, such rates being proportionate to the quantity of pure gold in such coins, reckoning ninety-two grains, and eight hundred and seventy-seven thousandths of a grain of pure gold as equivalent to one pound currency.

Punishment
of persons
counterfeiting
any Coin cur-
rent under
this act or
importing or
uttering any
such counter-
feit coin.

XIV. And be it enacted, That if any person shall colour or 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 shall make or cause to be made, or shall buy, sell or procure for himself or for another, or shall knowingly 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 by this Act to be lawfully current, or any coin or coarse gold or of coarse

silver, or of base metal colored, 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, or shall utter or attempt
 5 to utter, or tender in payment to any person or persons (as being any of the gold, silver or copper coins hereby made or declared to be current money,) any false or counterfeit piece, counterfeited to any of the gold, silver or copper coins made or declared to be current by this Act, or to any of the higher or lower deno-
 10 minations 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 Provincial Penitentiary for not less than three nor more than fourteen years, in the discretion of the Court before
 15 which the conviction shall be had ; 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 be imprisoned in the said Penitentiary for life, or for any term
 20 not less than fourteen years, in the discretion of the Court before which the conviction shall be had.

XV. 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, repair-
 25 ing or mending, or shall have in his or her possession, except for some known and lawful purpose, any false or counterfeit coin, counterfeit to any coin lawfully current under the authority of this Act, or any die, press, tool or instrument, or metal or material of any kind, used, constructed, devised, adapted or de-
 30 signed for the purpose of counterfeiting or imitating any Coin which shall be lawfully current under the authority of this Act, such person shall be guilty of a misdemeanor, and shall be liable to punishment accordingly ; and the proof that such false
 or counterfeit coin, or such die, press, tool or instrument, metal
 35 or material was formed, made, cut, sink, stamped, engraved, repaired or mended by, or was in the possession of such person for some lawful purpose shall lie upon him or her.

Punishment of persons making, repairing or having unlawfully, tools for counterfeiting current Coin.

Onus of proof.

XVI. And be it enacted, That it shall be lawful for any one Justice of the Peace on complaint made before him upon the
 40 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, as aforesaid, by warrant under the hand of such Justice of the Peace, to cause the dwelling house, room, work-shop,
 45 out-house or other building, 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 ; and if any such Coin or any such die,
 50 press, tool or instrument, metal or material, as aforesaid shall be

Search may be made for counterfeit Coin or tools for counterfeiting.

How such tool or Coin shall be dealt with.

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.

Persons to whom pretended coin shall be offered may break the same, &c.

XVII. 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.

Courts to order counterfeit coin produced before them to be broken.

XVIII. 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, if any such lawful owner there be claiming the same.

Light Gold Coin may be broken.

XIX. And be it enacted, That if any Gold Coin of any kind made or declared to be current by this Act, but of less than its lawful weight, shall be tendered in payment to any person, such person may cut or break the same, delivering the pieces to the person who shall have tendered the same; and any person who shall knowingly utter, attempt to utter or offer in payment, as being lawfully current, any such Gold Coin of less than its lawful weight, or shall diminish the weight of any such Coin with intent to utter or offer it in payment as lawfully current, shall be guilty of a misdemeanor, on being duly convicted shall be liable to be punished accordingly.

Punishment of persons wilfully tendering it.

Evidence as to counterfeit coin.

XX. And be it enacted, That on any trial for any offence under this Act, it shall not be necessary to call any Officer of the Mint or other person employed in producing the lawful Coin in order to prove any counterfeit to be such, but the fact may be proved by any evidence which shall be satisfactory to the Jury trying the case.

XXI. And be it enacted, That this Act shall have force and Commence-
effect upon, from and after the day to be appointed by Her ^{ment of this}
Majesty for that purpose, by Proclamation and not before. _{Act.}