

L A W S

OF HIS MAJESTY'S PROVINCE OF U P P E R - C A N A D A :

PASSED IN THE FIFTH SESSION OF THE PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT NEWARK, ON THE SIXTHTEENTH DAY OF MAY, IN THE THIRTY-SIXTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD, GEORGE THE THIRD, AND PROROGUED ON THE THIRD DAY OF JUNE, FOLLOWING.

C H A P. I.

An ACT for the better Regulation of certain Coins current in this Province.

FOR the better regulation of certain coins current in this province ; Be it 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 the gold and silver coins herein after mentioned, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this province, at the weights and rates following ; that is to say, of gold coins, the British guinea, weighing five penny weights and six grains Troy, at one pound three shillings and four pence, the johannes of Portugal, weighing eighteen penny weights Troy, at four pounds ; the moidore of Portugal weighing six penny weights and eighteen grains Troy, at one pound ten shillings ; the milled doubloon, or four pistole piece of Spain, weighing seventeen penny weights Troy, at three pounds and fourteen shillings ; the French louis d'or coined before the year one thousand seven hundred and ninety-three, weighing five penny weights and four grains Troy, at one pound two shillings and six pence ; the French pistole piece coined before the same period, weighing four penny weights and four grains, at eighteen shillings ; the American eagle piece, weighing eleven penny weights and six grains Troy, at two pounds and ten shillings ; and of silver coins, The British crown, at five shillings and six pence ; the British shilling, at

Preamble.

The gold and silver coins herein specified shall be deemed a legal tender. Specification, value, and respective weights, of such gold coins

Of such silver coins.

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one shilling and one penny; the Spanish milled dollar, at five shillings, equal to four shillings and six pence sterling money of Great-Britain; the Spanish pistereen at one shilling; the French crown coined before the year one thousand seven hundred and ninety-three, at five shillings and six pence; the French piece of four livres ten sols Tournois, at four shillings and two pence; the French piece of thirty-six sols Tournois, at one shilling and eight pence, the French piece of twenty-four sols Tournois, at one shilling and one penny; the American dollar, at five shillings, and all the higher and lower denominations of the said gold and silver coins shall also pass current, and be deemed a legal tender in payment of all debts and demands whatsoever in this province, in the same proportions respectively.

Allowance for excess or deficiency in the standard weight of pieces of gold, paid by detail.

II. *And be it further enacted by the authority aforesaid,* That for every grain which any piece of the aforesaid gold coins shall respectively weigh more than the standard aforesaid, there shall be allowed and added in all payments made in pieces of gold by detail, two pence and one farthing currency; and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be deducted in all payments, two pence and one farthing currency.

Counterfeiting or falsifying such current coins shall be deemed felony,

III. *And be it further enacted by the authority aforesaid,* That any person or persons, who shall color, 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 such foreign coin so declared current, and any person or persons, who shall gild over any piece of silver resembling any such foreign coin so declared current, and any person or persons who shall bring or cause to be brought into this province, any forged or counterfeit money like to the foreign gold or silver coin so declared current, knowing the same to be 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 foreign coin, or any piece of gilded, silver resembling any such foreign coin knowing the same, every such person shall for every such offence be deemed guilty of felony and upon conviction thereof, in his majesty's court of his bench suffer death, as in cases of felony.

or knowingly importing such counterfeit & falsified coins.

Punishment for uttering or tendering false & counterfeit money knowingly.

IV. *And be it further enacted by the authority aforesaid,* That if any person whosoever, shall after the passing of this act, utter or tender in payment to any person or persons, any false or counterfeit money, counterfeit to any of the gold or silver coins of Great-Britain, Portugal, the United States of America, Spain or France, as herein before specified, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, and shall be thereof convicted, such person so offending shall suffer one year's imprisonment, and shall also be set in and upon the pillory for the space of one hour in some public and conspicuous place; and if the same person shall afterwards offend a second time, in uttering or tendering in payment any such false or counterfeit money as aforesaid, knowing the same to be so, and shall be convicted of such second offence, he or she shall be, and is hereby adjudged to be guilty of felony without benefit of clergy.

A second offence to be deemed felony.

Punishment for importing false or counterfeit brass or copper money to sell or pass away.

V. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after the passing of this act, import or bring, or cause to be imported or brought into this province, any false or counterfeit brass or copper money, in order to sell or pass away the same, knowing the same to be false and counterfeit, every such person shall for every such offence, besides forfeiting the same, suffer imprisonment at the discretion of the justice or justices, judge or judges of the court of his majesty's bench, or oyer and terminer, before whom such person or persons shall be tried and convicted; Provided always, That such imprisonment shall not exceed twelve calendar months.

VI. *And be it further enacted by the authority aforesaid,* That all such false or counterfeit brass or copper money, may be seized by any person having a warrant from a justice of the peace for that purpose, and shall be broken or defaced in open court after being found to be false or counterfeit, or in presence of a justice of the peace, and one moiety shall then belong to his majesty, his heirs and successors, to be applied to the public uses of this province, and the support of the civil government thereof, the due application of which shall be accounted for to his majesty, his heirs and successors, through the commissioners of his majesty's treasury for the time being, in such manner and form as his majesty shall direct; and the other moiety thereof shall belong to the person who shall have seized and prosecuted for the same.

Such brass or copper money to be seized & defaced, & one moiety thereof to belong to his majesty, & the other to the informer.

VII. *And be it further enacted by the authority aforesaid,* That no person shall be obliged to receive at any one payment more than the sum of one shilling currency of this province in copper money.

Tender in copper money limited to 1/ at one payment.

VIII. *AND* whereas it would be a great facility in making payments if gold coins were weighed in bulk, and not in single pieces as heretofore has been customary; Be it therefore enacted by the authority aforesaid, That in every payment exceeding the sum of fifty pounds currency, which shall be made in gold coin after the first day of June, which will be in the year of our Lord, one thousand seven hundred and ninety-seven, where one of the parties making or receiving the same shall require it, such gold shall be weighed in bulk and not in single pieces; that is to say, the gold of Great-Britain, Portugal and America together, and that of Spain and France together, from the weight of which a deduction shall be made of two thirds of a grain Troy, for each piece of gold coin so weighed as a compensation for the loss that may accrue in paying away the same in detail: and in all payments so made, the gold coin of Great-Britain, Portugal and America, shall be computed at the rate of eighty-nine shillings currency for each ounce Troy, and that of Spain and France, at the rate of eighty-seven shillings currency for each ounce Troy, therein contained after such deduction made, and so in proportion for a greater or lesser quantity.

After the 1st of June, 1797, the gold coins, in payments exceeding 50l. shall be weighed in bulk if either of the parties require it.

In what manner.

At what rate computed,

IX. *And be it further enacted by the authority aforesaid,* That any person or persons to whom any gold, silver or copper money shall be tendered in payment, any piece whereof shall by the stamp, impression, colour or weight thereof afford reason to suspect that the same, or any piece thereof, is false and counterfeit, such person or persons to whom the same is presented may cut, break or deface every such piece, and if any piece so cut, broken or defaced, shall be found to be false and counterfeit, the person tendering such false and counterfeit money shall bear the loss thereof; but if the same shall be found to be good and lawful money, the person that cut, broke or defaced the same, shall receive the same at the rate it was coined for.

Suspected pieces of money may be broken, cut or defaced.

By whom the loss arising thereby shall be borne.

X. *AND* if any question shall arise whether any piece so cut, broken, or defaced, be false or counterfeit it shall be determined by a justice of the peace, who, if he shall have any doubts touching the same, may summon three indifferent persons to give their opinion thereon, whose opinions, or the majority thereof shall be final.

Decision of questions arising thereupon.

XI. *And be it further enacted by the authority aforesaid,* That if any false or counterfeit gold or silver coin shall be produced in any court of justice in this province, the judges shall cause the same to be cut in pieces in open court, or in the presence of a justice of the peace, and there be delivered to or for the person or persons to whom it belongs.

Counterfeit gold & silver coin, produced in a court of justice, how disposed of.

XII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the act or ordinance made in the seventeenth year of his majesty's reign, entitled "An ordinance for regulating the currency of the province." be, and the same is hereby repealed.

Repeal of ordinance 17, Geo. 3. for regulating the currency.

C H A P. I I.

An A C T to amend certain parts of an Act entitled "An act for the regulation of Juries," and a certain other Act entitled "An act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal."

Preamble.

BE it 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 from and after the passing of this act, and before the first day of Trinity term now next ensuing, and before the first day of the respective terms next preceding the time when the issuing of the writs of assize and nisi prius are directed to be issued, according to the form and effect of a certain act passed in the thirty-fourth year of his majesty's reign, entitled, "An act to establish a superior court of civil and criminal jurisdiction and to regulate the court of appeal," and in every year thereafter ensuing, the sheriffs of the Eastern, Midland and Western districts, and each respectively, shall cause a pannel of the names of the jurors, not less than thirty-six, nor more than forty-eight persons, according to the rules and regulations contained in the said act entitled, "An act for the regulation of juries," to be transmitted into his majesty's court of his bench, that shall be liable to be summoned for the trial of all causes at the then next ensuing assizes, without a venire facias for that purpose.

A pannel of jurors for the trial of issues at the assizes, shall be transmitted, at stated periods, in to the court of K. B. by the sheriffs of the Eastern, Midland and Western districts, respectively, without any venire facias for that purpose.

The sheriff of the Home district, to return in like manner, on first day of every term.

II. And be it further enacted, That the sheriff of the Home district on or before the first day of every term, shall cause a pannel of the names of jurors, not less than thirty-six nor more than forty-eight, according to the rules and regulations of the said act for the regulation of juries, to be transmitted into his said majesty's court of his bench, of persons that shall be liable to be summoned for the trial of all causes at the sittings during and ensuing each term, without a venire facias for that purpose.

C H A P. I I I.

An A C T to amend an act entitled, "An act for regulating the manner of Licensing Public Houses, and for the more easy convicting of persons selling spiritous liquors without licence."

Preamble.

BE it 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 from and after the passing of this act, if any person or persons shall keep an inn or public house for the purpose of vending wine, brandy, rum or other spiritous liquors; unless he, she or they shall have previously obtained a licence in manner and form prescribed, by an act passed in the thirty-fourth year of his majesty's reign, entitled, "An act for regulating the manner of licensing public houses,

Keepers of inns &c. to be licensed.

and for the more easy convicting of persons selling spiritous liquors without licence," such person or persons shall forfeit and pay the sum of twenty pounds, to be levied upon his, her or their goods and chattles, upon being convicted on the oath of any one credible witness of his, her or their having offended against the said act, in manner and form as is therein mentioned: a moiety whereof shall be given to the informer, and the other moiety paid into the hands of his majesty's receiver general, to and for the use of his majesty, his heirs and successors, for the public uses of this province, and towards the support of the government thereof, to be accounted for to his majesty through the commissioners of his treasury for the time being, in such manner and form as it shall please his majesty to direct.

Penalty for selling without licence.

Application thereof.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons not having obtained a licence, and kept an inn or public house at any time before, and being desirous of keeping an inn or public house, to apply for a licence at any time during the year, to the magistrates of the district in which he resides, in general quarter sessions assembled, and it shall and may be lawful for the said magistrates, to enquire into the character and behavior of the person applying, and if it shall appear to them expedient to encrease the number of inns or public houses, and that the party applying is a sober and honest man, the presiding magistrate shall then and there grant him a certificate under his hand and seal, which certificate shall enable the party so holding the same to take out a licence; and the secretary of the province or his agent upon the production of such certificate, shall be, and he is hereby authorized and directed to grant a licence accordingly; the person or persons paying for the same such sum of money as is directed to be paid, by all persons receiving a licence to keep an inn or public house in this province, and entering into a regular recognizance before the clerk of the peace, in manner and form as is prescribed by a certain act passed in the thirty-fourth year of his majesty's reign, entitled, "An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spiritous liquors without licence," any thing in the said act or in any former act to the contrary hereof notwithstanding.

Cases in which a licence to keep an inn may be granted in any general quarter sessions to persons duly qualified.

Manner of granting the same.

C H A P. I V.

An A C T to amend certain parts of an act, entitled, "An act to fix the times and places of holding the courts of general quarter sessions of the peace, within the several districts of this province."

WHEREAS it is expedient to alter the place of holding the court of general quarter sessions of the peace in and for the Western district of this province; 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 so much of a certain act passed in the thirty-third year of his majesty's reign, entitled, "An act to fix the times and places of holding the courts of general quarter sessions of the peace within the several districts of this province," which directs that the courts of quarter sessions of the peace for the Western district of this province, shall commence and be holden in the town of Detroit, on such days and times as are therein mentioned; and that a special sessions of the peace shall commence and be holden

Preamble.

Recital of act 33 Geo. 3.

The same in part repealed.

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yearly and in every year, in the town of Michilimackinac, at a certain time therein mentioned, be, and the same are hereby repealed accordingly.

Regulations for the times & places of holding in future the courts of quarter sessions for the Western district,

II. *And be it further enacted*, That from and after the passing of this act the court of general quarter sessions of the peace for the Western district, shall commence and be holden in the parish of Assumption in such place as may now be found most convenient to the magistrates of the said district or the major part of them, on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April, until such time as it shall seem expedient to the magistrates, or the major part of the magistrates of the said district, to remove and hold the same nearer to the island, called the Isle of Bois Blanc, being near the entrance of the river Detroit; and when it shall seem expedient to the said magistrates, or the major part of them, to hold the said general quarter sessions nearer to the said island, it shall and may be lawful for them to remove the same, having given due notice of such intended removal, at least three months before the same shall be removed as aforesaid.

And of holding the district court for the same.

III. *AND* whereas by a certain other act passed in the thirty-fourth year of his majesty's reign, entitled, "An act to establish a court for the cognizance of small causes in each and every district of this province," the district court in and for the Western district, of this province is appointed to be holden in the town of Detroit, in the said district, but as it seems not to be any longer expedient to hold the said court in the town of Detroit aforesaid; Be it enacted, that from and after the passing of this act, the district court in and for the said district, shall be holden at and in the same place where the general quarter sessions may be holden under and by virtue of the authority of this act.

Alterations in the terms of holding the sessions in the Eastern and Midland districts.

IV. *And be it further enacted by the authority aforesaid*, That the courts of quarter sessions for the Midland district, and the Eastern district, shall hereafter be held on the fourth Tuesday in the month of January, and the fourth Tuesday in the month of April, instead of the second Tuesday in the month of January, and the second Tuesday in the month of April.

C H A P. V.

An Act to repeal certain parts of an act passed in the thirty-third year of his Majesty's reign entitled, "An act to encourage the destroying of Wolves and Bears in different parts of this province."

Preamble.

WHEREAS it is found to be no longer necessary to encourage by a public bounty the destroying of bears in any part of this province; 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 from and after the passing of this act, so much of a certain act passed in the thirty-third year of his majesty's reign, entitled, "An act to encourage the destroying of wolves and bears in different parts of this province," as enacts the payment of any sum or sums of money, for the killing of any bear or bears, according to the provisions in the said act contained, shall cease and determine; and the said act in so far as it relates to the payment of such sum or sums of money for the killing of such bear or bears as aforesaid,

Recital of act 83 Geo. 3. 66

The same in so much as it relates to bears repealed.

shall in that respect be, and is hereby declared to be repealed; any thing therein contained to the contrary hereof notwithstanding.

C H A P. V I.

An ACT to authorize the lieutenant governor to nominate and appoint certain commissioners for the purposes herein mentioned.

WHEREAS the time limited by a certain act passed in the thirty-fifth year of his majesty's reign, ratifying, approving and confirming the provisional agreement entered into by the commissioners on behalf of this province, with the commissioners on behalf of the province of Lower-Canada: by virtue of an act passed in the thirty-third year of his majesty's reign, for the purposes therein mentioned, will expire on the last day of December next ensuing: And whereas it is expedient, that new arrangements should take place between the said provinces, respecting the collection of duties or payments of drawbacks to be imposed and allowed on goods passing from one province into the other, by the legislature of each province respectively; and of and concerning any regulations, provisions, matters, and things, which might regard the commerce, manufactures, or produce of the said province.

Preamble

MAY IT PLEASE YOUR EXCELLENCY,

Address

WE his majesty's most dutiful and loyal subjects, the members of the house of assembly of the province of Upper-Canada, being anxious to continue the generous intercourse which subsists between this his majesty's province, and his province of Lower-Canada; do most earnestly request your excellency, that for the mutual convenience and benefit of his majesty's subjects within the said provinces; and in order to continue the good correspondence between them, it may be enacted; And be it 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 it shall and may be lawful for the governor, lieutenant governor, or person administering his majesty's government in this province, from time to time by letters patent under the great seal of the province, to commission, authorize and empower, three able and discreet persons, two of whom shall be a quorum, to treat, consult and agree with the persons to be duly authorized for that purpose; by a power to be granted by an act of the legislature of his majesty's province of Lower-Canada, of, and concerning the establishing such regulations as may regard the collection of duties or payments of drawbacks to be imposed or allowed on goods passing from one province into the other, by the legislature of each province respectively: and of, and concerning any proportions to be received and paid, of any equal duties already imposed or hereafter to be imposed by the said legislatures respectively, on any article or commodity passing from one province into the other; and of, and concerning any regulations, provisions, matters and things, which may regard the commerce, manufactures or produce of the said province.

Person administering the government authorized to appoint commissioners, establish rules for the collection of duties, &c.

II. Provided always, and be it enacted and declared, That no regulation, provision, matter, or thing so proposed, treated, consulted or agreed, shall have any other force or effect, or be carried any further into execution until the same shall have been confirmed by the legislature of this province.

Such regulations of no force until confirmed.

Duration of this act.

III. And be it further enacted, That this act shall continue in force until the first day of August, which will be in the year of our Lord, one thousand seven hundred and ninety-eight, and no longer.

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C H A P. V I I.

An ACT to amend an act, entitled, "An act to authorize and direct the laying and collecting of assessments and rates in every district within this province, and to provide for the payment of wages to the members of the house of assembly,"

Preamble.
Recital of act
33 Geo. 3.

W I E R E A S by an act passed in the thirty-third year of his majesty's reign, entitled, "An act to authorize and direct the laying and collecting of assessments and rates in every district within this province, and to provide for the payment of wages to the members of the house of assembly." The magistrates in and for the several districts, were authorized and empowered in their general quarter session, in the month of April assembled, or the greater part of them, to cause an estimate to be laid before them, of the sum or sums of money, that might be necessary to defray the charges and expences accruing in their respective districts for the uses and purposes in the said act mentioned: and whereas it seems necessary to enlarge their powers for the present year; Be it therefore enacted by the king's most excellent majesty, by and with the advice and content 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 it shall and may be lawful, to and for the magistrates of each and every district, if it shall and may to them seem necessary, in the general quarter sessions, now next ensuing the passing of this act, assembled or the greater part of them, to cause an estimate to be laid before them, of the sum or sums of money that may be necessary to defray the charges and expences accruing in their respective districts for the uses and purposes in the said act mentioned for the ensuing year; and having determined and resolved upon the same, to cause the amount of the sum so raised to be divided in an exact proportion to the rate with which each class is severally charged as herein before is provided in a certain act for that purpose, entitled an act to amend certain parts of an act, passed in the thirty-third year of his majesty's reign, entitled "An act to authorize and direct the laying and collecting of assessments and rates in every district within this province, and to provide for the payment of wages to the members of the house of assembly," and to declare that the assessment required will be half a rate, a third, fourth, fifth, eighth or any aliquot part of a rate, if it should not be deemed necessary to raise an entire rate, according to the proportions aforesaid, by computing the proportion which the sum proposed to be raised bears to the amount of the sum which shall have been raised by and under the authority of the first abovementioned act, or which shall have been or which legally may be raised by and under the authority of the act passed in the thirty-fourth year of his majesty's reign, entitled an act to amend certain parts of an act, passed in the thirty-third year of his majesty's reign, entitled "An act to authorize and direct the laying and collecting of assessments and rates in every district within this province, and to provide for the payment of wages to the members of the house of assembly," and to apply the same as in and by the above mentioned act or acts, or either of them, shall or may be directed: any thing in either of the said abovementioned act or acts to the contrary hereof, in anywise notwithstanding.

An entire rate or any aliquot part thereof may be laid & raised in every district whereof the magistrates in their next general sessions shall deem necessary for immediate exigencies.