



ANNO SEPTIMO

GEORGII IV. REGIS.

No. 3.

By His Excellency Colonel GEORGE ARTHUR, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to promote the Circulation of Sterling Money of Great Britain and to reduce to Sterling Denomination all Securities Contracts and Agreements for the Payment of Money and also to regulate the making and issuing of Promissory Notes and Bills of Exchange within the Island of Van Diemen's Land and its Dependencies.

WHEREAS by an Act of His Excellency SIR THOMAS BRISBANE the late Governor of the Colony of New South Wales with the advice of the Council passed on the twenty-eighth day of September one thousand eight hundred and twenty-four intituled "An Act to make "Promissory Notes and Bills of Exchange payable in Spanish Dollars "available as if such Notes and Bills had been drawn payable in "Sterling Money of the Realm"—IT WAS ENACTED that all Bills of Exchange and Promissory Notes payable in such Dollars as aforesaid should be holden in the Courts of Law of the said Colony and of the Dependencies thereof to be valid negotiable and transferable instruments and that the holders of the same and all other persons interested therein should have and be allowed in the said Courts all such remedies in

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respect of their claims upon such bills and notes as aforesaid as if the said bills and notes had been drawn payable in money of the Realm—

AND WHEREAS it is expedient to promote and render more effectual the circulation of Sterling Money of Great Britain within the Island of Van Diemen's Land and its Dependencies and also to reduce to Sterling Denomination all bills notes and other securities and contracts and agreements for the payment of money and for that purpose to repeal the said recited Act in the manner hereinafter mentioned—

AND WHEREAS it is also expedient to prohibit within the said Island and its Dependencies the making and issuing of negotiable bills notes drafts cheques orders or undertakings in writing for the payment of less than twenty shillings sterling—

AND WHEREAS by common usage Spanish Dollars have hitherto passed current within the said Island and its Dependencies as money and have been generally paid and received at or for the sum of five shillings each as the nominal value thereof—

AND WHEREAS there is at present a deficiency in the quantity of British silver money in circulation within the said Island and its Dependencies—

AND WHEREAS the sum of four shillings and four-pence Sterling is equal or more than equal to one Spanish Dollar—

NOW THEREFORE BE IT ENACTED by His Excellency the Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that the said recited Act so far as the same relates or was intended to relate to Van Diemen's Land and its Dependencies shall be and the same is accordingly hereby repealed save and except as to such Bills of Exchange and Promissory Notes as shall have been drawn and bonâ fide issued before the ninth day of October now next ensuing.

II. AND BE IT FURTHER ENACTED that from and after the eighth day of October now next ensuing as well all Bills of Exchange Promissory Notes drafts cheques orders and undertakings in writing whatsoever being negotiable or transferable as also all contracts and agreements whatsoever which shall be drawn and circulated or issued or made or entered into within the Island of Van Diemen's Land and its Dependencies expressed to be for or for the payment of or to be payable in pounds shillings or pence only shall be deemed as and to be for

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pounds shillings or pence Sterling which shall and may be sued for and recovered accordingly and that as well all Bills of Exchange Promissory Notes drafts cheques orders and undertakings in writing whatsoever being negociable or transferable as also all contracts and agreements whatsoever which after the time herein lastly mentioned shall be drawn and circulated or issued or made or entered into and shall be therein expressed to be for or for the payment of or to be payable in currency current money Spanish Dollars or any other Foreign Coin or money other than money of Sterling Denomination shall be and the same are accordingly hereby declared to be respectively null and void any law custom or usage to the contrary thereof in anywise notwithstanding.

III. AND BE IT FURTHER ENACTED that from and after the publication of this Act Spanish Dollars and the proportional parts thereof next hereinafter mentioned shall within the said Island and its Dependencies be and be deemed and taken to be money and shall be and be deemed and taken respectively to be a legal tender for the payment of debts and be respectively payable and received and taken in payment at or for the respective sums or rates following (that is to say) a Spanish Dollar at four shillings and four-pence Sterling the half of a Spanish Dollar at two shillings and two-pence Sterling the quarter of a Spanish Dollar at one shilling and one penny Sterling and the one-eighth of a Spanish Dollar at sixpence-halfpenny Sterling and shall be respectively payable and received and taken in payment accordingly at those rates in payment and discharge of all debts and sums whatsoever which have been or are or shall hereafter be due or owing or contracted to be paid anything herein-before contained to the contrary notwithstanding and that a tender and payment of four shillings and four-pence of Sterling money of Great Britain shall in like manner be and be deemed to be equivalent to the tender and payment of one Spanish Dollar and so in proportion for any greater or less amount and shall be a discharge of any debt duty or penalty which shall have been contracted to be paid or have been made payable or directed to be received or levied in Spanish Dollars and that a tender and payment of four shillings and four-pence of like Sterling money or of one Spanish Dollar shall be and be deemed to be equivalent to the tender and payment of five shillings of such nominal or current money as aforesaid and so in proportion for any greater or less amount and shall be a discharge of any debt duty or penalty which shall have been contracted to be paid or have been made payable or directed to be received or levied in money at the rate of five shillings for one Spanish Dollar,

*Repealed by
6 Vict. No. 7*

IV. AND BE IT FURTHER ENACTED that British copper

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money shall be a legal tender or payment for its due proportion of British silver money as by law established in Great Britain—PROVIDED ALWAYS that no person shall be compelled to take more than twelve-pence of copper money in one payment.

*Bills of Exchange,
Promissory Notes,
Drafts, Cheques, Orders
or for the payment of
any sum less than
twenty shillings to be
paid.*

V. AND BE IT FURTHER ENACTED that all Bills of Exchange Promissory Notes drafts cheques orders and undertakings in writing being negotiable or transferable for the payment of any less sum of money than twenty shillings Sterling which shall or may be made or drawn or circulated or issued from and after the publication of this Act shall be and the same are accordingly hereby declared to be absolutely void any law custom or usage to the contrary notwithstanding.

*To make draw or
circulate or any of
the above - penalty
not exceeding £20.
nor less than £5.*

VI. AND BE IT FURTHER ENACTED that if any person shall from and after the publication of this Act by any device method or means whatsoever make or draw or circulate or issue or willingly aid or assist in the making or drawing or circulating or issuing any such Bill of Exchange Promissory Note draft cheque order or undertaking in writing as last aforesaid for the payment of any less sum of money than twenty shillings Sterling every such person shall forfeit and pay for every such offence a sum not exceeding twenty pounds Sterling nor less than five pounds Sterling at the discretion of the Justice or Justices of the Peace by whom such offence may be heard and determined.

VII. AND (in order to prevent doubts or litigation in respect of cases in which Spanish Dollars have heretofore been paid and received or taken in payment as money) BE IT AND IT IS HEREBY ENACTED AND DECLARED that in all cases in which Spanish Dollars have heretofore been delivered or paid and received or accepted in payment as money such delivery or payment and receipt or acceptance shall be deemed and taken to have been a payment as money accordingly to all intents and purposes whatsoever and shall be and be deemed and taken to have been to all intents and purposes whatsoever a discharge to the person or persons by or for whom the same shall have been so delivered or paid for the amount or sum for which such Dollars may have been delivered or paid and received or accepted.

VIII. AND BE IT FURTHER ENACTED that all fines penalties and forfeitures imposed by this Act shall be recovered in a summary way before any Justice or Justices of the Peace (whose decision determination order or adjudication shall in every case be final and conclusive to all intents and purposes whatsoever) which fines penalties and forfeitures shall be to and for the use of our Sovereign Lord the King

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His Heirs and Successors to whom the same are hereby reserved for the public uses of the said Island of Van Diemen's Land and the support of the Government thereof in aid of the Colonial Fund of such Island.

GEORGE ARTHUR.

Passed the Council this twenty-second
day of September one thousand eight
hundred and twenty-six,

JOHN MONTAGU, *Clerk of the Council.*

JAMES BARNARD, GOVERNMENT PRINTER, HOBART TOWN. 1839.

(6)

[illegible]