

creditor to repay it; and may set aside, either wholly or in part, or revise, or alter, any security given in respect of the transaction.

- Exception in case of negotiable instrument. **5.** The *bona fide* holder, before maturity, of a negotiable instrument discounted by a preceding holder at a rate of interest exceeding that authorized by this Act, may nevertheless recover the amount thereof, but the party discharging such instrument may reclaim from the money-lender any amount paid thereon for interest or discount in excess of the amount allowed by this Act. 5
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- Recovery of excess in such case.
- Application of Act to existing contracts. **6.** The principal of any sum of money, as expressed by section 4 of this Act, due and payable before the date of the passing of this Act, in virtue of any negotiable instrument given to a money-lender or of any contract or agreement entered into with such money-lender in respect of money lent by him, shall not, from and after the said date, bear a rate of interest greater than twenty per cent per annum; and from and after the said date no rate of interest greater than ten per cent per annum shall be recovered upon any judgment, rendered before the said date, upon any such negotiable instrument, contract or agreement for the payment of money lent by a money-lender, and which allows a greater rate than ten per cent per annum. 15
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- And to existing judgments.
- As to instruments and contracts not yet matured. **7.** In the case of any such negotiable instruments maturing after the date of the passing of this Act, and in the case of any such contracts and agreements to be performed after the said date, the foregoing provisions of this Act shall apply only from the date of maturity or performance as the case may be. 25
- Act not to increase existing rates. **8.** Nothing in this Act shall operate to increase the rate of interest that may be recovered in any case where by law the rate is fixed at less than twenty per cent per annum. 30
- Penal clause. **9.** Every money-lender is guilty of an indictable offence and liable to imprisonment for a term not exceeding one year, or to a penalty not exceeding one thousand dollars, who lends money at a rate of interest greater than that authorized by this Act. 35
- 1898, c. 6 not affected. **10.** This Act shall not apply to the Yukon Territory.

5th Session, 8th Parliament, 63 Vict.

THE SENATE OF CANA

BILL.

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An Act respecting Usury

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