

DIARY FOR AUGUST.

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| 1. Monday..... | Lammas. | |
| 6. Saturday..... | Articles, &c., to be left with Secretary of Law Society. | |
| 7. SUNDAY..... | 11th Sunday after Trinity. | |
| 10. Wednesday..... | St. Lawrence | |
| 14. SUNDAY..... | 12th Sunday after Trinity. | |
| 17. Wednesday..... | Last day for service for County Court. | |
| 20. Saturday..... | Long Vacation ends. | |
| 21. SUNDAY..... | 13th Sunday after Trinity. | |
| 22. Monday..... | TRINITY TERM begins. | |
| 24. Wednesday..... | St. Bartholomew. | |
| 25. Friday..... | Paper Day Queen's Bench. | |
| 27. Saturday..... | Paper Day Common Pleas. | Declare for County Court. |
| 28. SUNDAY..... | 14th Sunday after Trinity. | |
| 29. Monday..... | Paper Day Queen's Bench. | |
| 30. Tuesday..... | Paper Day Common Pleas. | |
| 31. Wednesday..... | Paper Day Queen's Bench. | |

BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Ardayh & Ardayh, Attorneys, Barrie, for collection; and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses which are very heavy.

Now that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

The Upper Canada Law Journal.

AUGUST, 1864.

THE STAMP ACT.

Our Legislature has at length thought fit to follow the example of England in imposing a species of tax hitherto unknown in this country. Whether we are to accept it as an indication of the march of civilization westward, or simply as an evidence that our wants or expenditure as a country is increasing with our age, we have, nevertheless, something novel presented for the consideration both of the Canadian merchant and the Canadian lawyer.

Bills and notes were in England exempt from any stamp duty until the 22 Geo. III., c. 33. At that time, and until 16 & 17 Vic. cap. 59, the paper which was to be used for the bill or note was stamped or impressed with a die; under the latter Statute adhesive stamps were introduced.

This Act is much simpler in its provisions than the enactments in England on the same subject, and many of the cases there decided touch upon points which cannot arise here. But we trust that the experience of other countries has been used as far as possible by the framers of this Act, and that little difficulty will be experienced in the working of it.

We notice in the first place that section 7 empowers the Governor, by order in Council, to declare that any kind or class of instruments as to which doubts may arise are, or are not chargeable with any and what duty, according to

the true meaning of the Act,—a provision which, if made use of promptly and carefully as each question arises, may be the means of saving much litigation and expense.

In *Tomkins v. Ashby*, 6 B. & C. 542, Lord Tenterden remarks that “Acts of Parliament imposing duties are so to be construed as not to make any instruments liable to them unless manifestly within the intention of the Legislature.”

The various instruments or writings affected by this Act may be classed as follows:—

1. Bills of exchange and promissory notes payable to order or bearer.
2. Letters of credit or documents whereby any person is liable to have credit with or to receive from or draw upon any person for any sum of money.
3. Receipts for money given by any banker or other person which entitles the person paying the money or the bearer of the receipt to receive the like sum from any third person.

The exemptions from duty under this Act are,—

Bills of exchange, drafts, or order drawn by or to any officer in Her Majesty's Imperial or Provincial service in his official capacity, or any acceptance or endorsement by him on a bill of exchange drawn out of Canada.

2. Bank notes payable on demand to bearer issued by any chartered bank or bank doing business under the Free Banking Act.
3. Cheques on any bank or licensed banker.
4. Post office money orders.
5. Municipal debentures and coupons.

Cases will doubtless arise under this Act, as in England under the Stamp laws there, as to what are, or are not bills of exchange or promissory notes,—and, for the benefit of our unprofessional readers, it may be useful to define them.

“A bill of exchange is a written order from A. to B. directing B. to pay a sum of money therein named,” or, as it otherwise described, “an open letter of request by A. to B., desiring B. to pay a sum of money to a third person or any other to whom that third person shall order it to be paid, or it may be made payable to bearer.” The order or request to pay need not be in any particular form; any expression amounting to an order or direction is sufficient.

“A promissory note is an absolute promise in writing, signed, but not sealed, to pay a specified sum at a time therein limited or on demand or on sight to a person therein named, or to his order or to the bearer.” No precise form or words is essential to the validity of either a bill or a note. But they must have all the requisites contained in the above definitions. They may be written in pencil as well as ink, nor is a date absolutely necessary; and, in such a case, the bill or note will be considered as