

record, as shall by the said Court be deemed sufficient, and thereupon it shall be lawful for the said Court to order the ejection from the record of any plea or defence or proof thereof based upon such omission, and to order a repleader or otherwise, in the said action 5 and proceeding, as the Court in its discretion may on good cause shewn therefor allow, according to law and the practice of the said Court: Provided always, that the party contesting shall not be liable to any costs of suit if he make payment of the said amount before notice 10 given to him of such petition, nor in any case to the costs arising from the said petition.

Proviso.

What evidence shall be required in actions or bills or notes.

IV. And be it enacted, That in any action or suit founded on a Bill of Exchange or Promissory Note, against any party, no other evidence shall be required, 15 or adduced, than such as, under the Act aforesaid of the Parliament of this Province, may be required or adduced in an action or suit founded on a Bill of Exchange or on a Promissory Note whereto all the parties are traders.

Where the Notarial demand of payment may be made.

V. And be it enacted, That the Notarial demand of 20 payment, preliminary to the protest of any Bill of Exchange or of any Promissory Note, payable at a Bank, may be lawfully made at such Bank, either within or after the usual afternoon banking hours of such Bank, any law or usage to the contrary notwithstanding. 25

Act not to apply to cases wherein judgment has been given.

VI. Provided always, and be it enacted, that nothing herein contained shall apply to any protest of any Bill of Exchange or Promissory Note upon which any judgment of any Court of original jurisdiction shall have been 30 rendered previous to the passing of this Act.