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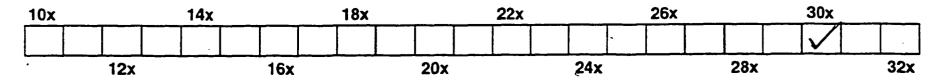
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No. 244.

4th Session, 3rd Parliament, 14 & 15 Vict., 1851.

BILL.

An Act to amend the law respecting the protesting of Bills of Exchange and Promissory Notes.

Received and read a first time, Wednesday, 16th July, 1851.

Second reading, Monday, 21st July, 1851.

MR. SMITH (of Frontenac.)

TORONTO: PRINTED BT LOVELL AND GIBSON.

BILL.

An Act to amend the Law respecting the Protesting of Bills of Exchange and Promissory Notes.

WHEREAS it has been and is the custom of Preamble. merchants in Upper Canada to course Dill. Exchange and Promissory Notes to be protested upon the same day on which such Bills or Notes may have 5 been dishonored; and whereas it is expedient to render such custom in all cases legal:-Be it therefore enacted, &c.,

That all protests of inland or foreign bills of exchange Protests to be or promissory notes, for dishonor, either by non-accept- of dishonour. 10 ance or non-payment, shall be made on the day of such

dishonour, at any time after non-acceptance, or in case of non-payment, at any time after the hour of three o'clock in the afternoon.

II. And be it enacted, That a notice of such protest Notice of 15 shall be sent to each of the parties to such bill or note, bo served. and that such notice shall be deemed and taken to have been duly served, to all intents and purposes, upon the party to whom the same shall be addressed, being deposited in the Post Office nearest to the place of ma-

20 king presentment of such bill or note, at any time during the day whereon such protest shall be made, or the next juridical day then following; and that the undermentioned days shall, for the purposes of this Act, be deemed and taken to be non-juridical days: videlicet, Sunday, Juridical and 25 Christmas-day, Good Friday, Easter Monday, Ash non-juridical Wednesday, any day set apart by proclamation for fasting or thanksgiving, the birthday of the Reigning

Sovereign, and the first day of January; and that all other days shall be deemed and taken to be juridical 30 days.

III. And be it enacted, That no bill of exchange shall On what be presented for acceptance on any non-juridical day; Notes are to and that all bills of exchange and promissory notes be presented for acceptance whereof the third day of grace shall fall upon any non- or payment. ³⁵ juridical day, shall become due and payable, and shall be presented for payment upon the next juridical day before such third day of grace.

IV. And be it enacted, That such protests and notices Forms of 40 may be according to the forms contained in the Schedule notices. to this Act, marked A, or to the like effect.

Fees to Notaries. V. And be it enacted, That the fees to be taken by Notaries Public for the services mentioned in this Act, shall be such as are specified in the Schedule to this Act, marked B, and no more.

Extent of Act. VI. And be it enacted, That this Act shall apply to Upper Canada only.

SCHEDULE A.

Form of Protest of a Bill of Exchange for non-payment.

On this day of in the year of our Lord one thousand eight hundred and fiftyhour of o'clock, P-M., at the request of

holder of the Bill of Exchange hereunto mnexed, I

a Notary Public for Upper Canada, by Royal authority duly appointed, did exhibit the said bill unto

at being the place where the same is psychle, and speaking to him, did demand payment of the said bill; to which demand he answered

Wherefore I, the said Notary, at the request aforesaid, have protested, and do hereby solemnly protest, as well against all the parties to the said Bill, as against all other persons whom it may concern, for all interest, damages, costs, charges, expenses and other losses suffered or to be suffered for want of payment of the said And afterwards, on the day and year mentioned in the mar-Bill. gin, I the said Notary Public, did serve due notice, according to law, of the said presentment, non-payment and protest of the said Bill, upon the several parties thereto, by depositing, in Her Majesty?e Post Office at .. being the nearest Post Office to the place of the said presentment, letters containing such notices, one of which letters was addressed to each of the said parties, severally; the superscription and address' of which letters are respectively copied below, as follows, that is to say

(Here insert the directions of the letters.)

In testimony whereof I have hereunto set my hand and affixed my seal of office, the day and year first above written.

(Signature,) L. S.

Form of Notice to Parties.

To Mr.

Sir,

Take notice that a Bill of Exchange dated on the for the sum of 2 drawn by on and accepted by pavable (three months), after

Notice mailed the day of Δ , D, 185 2

(date.)

13 | 1

the date thereof, at the Bank of in Toronto, and indorsed by A. B. C. D. E. F., &c., was this day presented by me for payment at the said Bank, and that payment thereof was refused, and that the holder of the said Bill looks to you for payment thereof. Also take notice that the same Bill was this day protested by me for non-payment.

Your obedient servant,

A. B., Notary Public.

The above forms may be changed to suit protests for nonpayment of bills, or non-payment of notes.

SCHEDULE B.

Fees.

For the protest of any bill or mote, to present which the		
Notary shall have to travel a distance not exceeding		
one mile from his office,	2	6
For every other protest of a bill or note,	5	0
For every notice,	1	3

And all expenses which the Notary shall necessarily incur in making, going to make, or returning from making such protest, including all postages which the Notary shall have actually paid.