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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.)

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 cause Bills of Exchange and Promissory Notes to be protested upon the same day on which such Bills or Notes may have been dishonoured; 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 or promissory notes, for dishonor, either by non-acceptance 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. Protests to be made on day of dishonour.

II. And be it enacted, That a notice of such protest shall be sent to each of the parties to such bill or note, 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 making 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, Christmas-day, Good Friday, Easter Monday, Ash 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 days. Notice of protest how to be served. Juridical and non-juridical days.

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

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

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 nonpayment.

On this day of in the year
of our Lord one thousand eight hundred and fifty- at the
hour of o'clock, P.-M., at the request of
holder of the Bill of Exchange hereunto annexed, 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 payable,
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 Bill. And afterwards, on the day and year mentioned in the margin, 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's 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.

(date.)

SIR,

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

Notice mailed
the
day of
A. D. 185

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 non-payment of bills, or non-payment of notes.

SCHEDULE B.

Fees.

For the protest of any bill or note, to present which the Notary shall have to travel a distance not exceeding one mile from his office,.....	s. d.
.....	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.