

[No. 238.]

4th Session, 8th Parliament, 29 Victoria, 1865.

B I L L .

**An Act to extend the Act to impose
Duties on Promissory Notes and Bills
of Exchange to all Notes and Bills of
whatever amount, and otherwise to
amend the said Act.**

Received and read first time, Tuesday, 12th
September, 1865.

Second reading, same day, at second sitting.

Hon. Mr. GALT.

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An Act to extend the Act to impose Duties on Promissory Notes and Bills of Exchange to all Notes and Bills of whatever amount, and otherwise to amend the said Act.

WHEREAS it is expedient to impose Duties on Promissory Notes and Bills of Exchange now excepted from the operation of the Act passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter four, and otherwise to amend the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Upon and in respect of every Promissory Note, Draft or Bill of Exchange, for an amount less than one hundred dollars, made, drawn or accepted in this Province upon or after the first day of January, in the year one thousand eight hundred and sixty-six, there shall be levied, collected and paid to Her Majesty, for the public uses of the Province, the Duties hereinafter mentioned, that is to say:— Duty imposed on Notes, &c., under one hundred dollars.

15 On each such Promissory Note, and on each such Draft or Bill of Exchange, a duty of One Cent, if the amount of such Note, Bill or Draft, does not exceed twenty-five dollars;— a duty of Two Cents if the amount thereof exceeds twenty-five dollars but does not exceed fifty dollars,—and a duty of Three The duty.
20 Cents if the amount thereof exceeds fifty dollars but is less than one hundred dollars.

2. The third section of the Act cited in the preamble to this Act shall be amended by inserting therein, immediately before the words—"Shall be deemed a Bill of Exchange or Draft chargeable with duty under this Act,"—the following words, "And every cheque upon any Chartered Bank or Licensed Banker, or on any Savings Bank, if the same shall be payable to order:—"—and the fourth section of the said Act shall be amended, by substituting the words "if the same shall be payable to bearer on demand"—for the words "if the same shall be payable on demand"—where they occur in the said section: but this section shall take effect upon, from and after the first day of January next after the passing of this Act, and not before. Sect. 3 of 27, 28 V. c. 4, amended.
When amendment shall take effect.

35 3. The Governor in Council may from time to time direct stamped paper to be prepared for the purposes of the Act cited Governor in Council may

cause Stamped
paper to be
prepared.

in the Preamble and of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated monies forming part of the Consolidated Revenue Fund ; but the device on each stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the duties imposed by the said Act, and by this Act ; and any such stamp on the paper on which any Note, Bill or Draft is written shall have in all respects the same effect as an adhesive stamp of the same value ; and all the provisions of the thirteenth section of the Act cited in the Preamble shall apply to the stamps on paper stamped under this section as fully as to the adhesive stamps mentioned in the said Act, as shall also all other provisions of the said Act which can be so applied, and are not inconsistent with this Act.

Provisions of
former Act to
apply to such
stamped paper.

How Stamps
shall be can-
celled after 1st
October next.

4. Upon, from, and after the first day of October next after the passing of this Act, it shall not be necessary that the signature or part of the signature of the maker or drawer, or in the case of a draft or bill made or drawn out of this Province, of the acceptor or first endorser in this Province, or his initials, or some integral or material part of the instrument, be written on any adhesive stamp affixed to any Promissory Note, Draft, or Bill of Exchange, but the person affixing such adhesive stamp, shall, at the time of affixing the same, write or stamp thereon the date at which it is affixed, and such stamp shall be held *prima facie* to have been affixed at the date stamped or written thereon, and if no date be so stamped or written thereon such adhesive stamp shall be of no avail ; any person wilfully writing or stamping a false date on any adhesive stamp shall incur a penalty of dollars for each such offence.

Innocent parties
or holders saved
from penalty on
certain con-
ditions.

5. No party to or holder of any Promissory Note, Draft, or Bill of Exchange, shall incur any penalty by reason of the duty thereon not having been paid at the proper time and by the proper party or parties, provided that at the time it came into his hands it had affixed to it stamps to the amount of the duty apparently payable upon it, that he had no knowledge that they were not affixed at the proper time and by the proper party or parties, and that he pays such duty as soon as he acquires such knowledge,—and any holder of such instrument may pay the duty thereon, and give it validity, under section nine of the Act cited in the preamble, without becoming a party thereto ;—In this section the word “ duty ” includes any double duty payable under the said section nine.

Interpretation
clause.

6. This Act shall be construed as one Act with the Act cited in the preamble, and hereby amended, all the provisions whereof not inconsistent with this Act, shall apply to the duties and penalties hereby imposed as if such duties and penalties were imposed by the said Act.