

A

BILL.

An Act respecting Protests of Bills of Exchange and Promissory Notes.

Received and read first time Wednesday,
19th August, 1863.
Second reading, Monday, 24th August,
1863.

Hon. Mr. ALLAN.

QUEBEC:

**PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSE & LEMIEUX, ST. URSULE STREET.**

BILL.

An Act respecting Protests of Bills of Exchange and Promissory Notes.

WHEREAS it is desirable to make further provision respecting pro- Preamble.
tests of Bills of Exchange and Promissory Notes: Therefore Her
Majesty, by and with the advice and consent of the Legislative Council
and Assembly of Canada, enacts as follows:—

- 5 **1.** Either in Upper Canada or in Lower Canada all Protests of Inland Protest may
or Foreign Bills of Exchange or Promissory Notes for dishonor, either be made on
by non-acceptance or non-payment, may be made on the day of such day of dis-
dishonor, at any time after non-acceptance; or in case of non-payment, honor.
at any time after the hour of three o'clock in the afternoon.
- 10 **2.** Both in Upper Canada and in Lower Canada a notice of such How and
Protest shall be served upon each of the parties to the Bill or Note ent- when notice
titled by law to receive such notice during the day whereon such Pro- of Protest to
test has been made, or the next juridical day then following; and such be served.
notice shall be deemed to have been duly served, for all purposes, upon
15 the party to whom the same is addressed, by 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 has been made,
or the next juridical day then following, the postage thereon being pre-paid.
- 3.** In case any party to a Bill of Exchange or Promissory Note, en- Party entitled
20 titled by law to receive notice of the Protest thereof for non-acceptance to notice of
or for non-payment, has written thereupon, immediately below his sig- Protest may
nature, the name of any place, as his address, he shall be held to have elect where
thereby elected to be served with such notice at such place; and such therewith.
notice shall be deemed to have been duly served, for all purposes, upon
25 such party by being addressed to him at such place, and 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 has been
made, or the next juridical day then following, the postage thereon
being pre-paid.
- 30 **4.** In case any party to a Bill of Exchange or Promissory Note, en- Mode of ser-
titled by law to receive notice of the Protest thereof for non-acceptance vice in case
or for non-payment, has not written thereupon, immediately below his of no such
signature, the name of any place, then such notice shall be deemed election being
35 have been duly served, for all purposes, upon such party by being ad- made.
dressed to him at the place of date of such Bill or Note, and 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 has been
made, or the next juridical day then following, the postage thereon
being pre-paid: Provided always, that should there be no post office at
40 the place of date of such Bill of Exchange or Promissory Note, the name
of the post office nearest, or supposed to be nearest thereto, shall be
added to the address of such notice of protest.

Case of insolvency or death of party entitled to notice provided for. **5.** In the event of the statutory insolvency of a party to a Bill of Exchange or Promissory Note, the service of notice of Protest, in the manner hereinbefore provided for, shall be upon the assignee or assignees of the insolvent; and in the event of the death of such party, the service may be upon his legal representative, or his own address may be continued, and the notice sent to his last domicile or place of business. **5**

Service in other modes to remain sufficient if in time. **6.** Nothing herein contained shall be construed so as to affect the sufficiency of any service of notice of Protest that would have been sufficient if this Act had not been passed; but all such services of notice shall have the same force and effect as if made in the mode provided for by this Act, provided the same be made within the time limited by this Act. **10**

Note payable on Sunday or holiday. **7.** When the last day of grace on a Bill of Exchange or Promissory Note falls on a Sunday or legal holiday at the place where the same is payable in Upper Canada or Lower Canada respectively, such Bill of Exchange or Promissory Note shall be held to be due on the next juridical day after such Sunday or legal holiday. **15**

Juridical days defined. **8.** ~~All days except~~ Sundays and legal holidays, including those which relate specially to Promissory Notes and Bills of Exchange, in either section of the Province respectively, shall be deemed and taken to be juridical days. **20**

Damages. **9.** Damages on all inland Bills of Exchange drawn after the 31st day of December, A.D. 1863, are abolished.

Commencement. **10.** This Act shall come into force and take effect upon, from, and after the day of , one thousand eight hundred and sixty **25**

Repealing clause. **11.** All provisions of any Act in force in this Province, or in any part thereof, inconsistent with the provisions of this Act, are hereby repealed. **30**