

No 35.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act to amend the Act 22 Vic., cap. 85,
and to prevent Usury by fixing the rate of
interest at six per centum per annum.

Received and read, first time, Saturday,
23rd March, 1861.

Second reading, Tuesday, 2nd April, 1861.

Mr. BOURASSA.

QUEBEC :

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An Act to repeal chapter 58 of the Consolidated Statutes of Canada, intituled "An Act respecting interest," and to fix the rate of interest on money.

WHEREAS the Act passed in the 22nd year of Her Majesty's reign, intituled "An Act to amend the Laws of this Province regulating the rate of interest," and the Act passed in the sixteenth year of Her Majesty's reign, intituled "An Act to modify the Usury Laws," have not produced the results which were expected from them, and their operation has on the contrary been most prejudicial to the best interests of the Province; and whereas it is expedient to repeal the Acts hereinbefore mentioned with the view of putting an end to the abuses which have resulted from them; Therefore, Her Majesty, &c., enacts as follows :—

I. From and after the passing of this Act, chapter 58 of the Consolidated Statutes of Canada shall be repealed, and it shall no longer be lawful to demand or exact on loans of money, or on any amounts due in virtue of agreements, contracts, or otherwise, a higher annual rate of interest than six per centum.

Cap. 58, Con. Stat. Can. repealed.

II. The next preceding provision shall apply to Banks, Companies, Associations or Societies known as "Building Societies," or to any other institution or person doing business of a like nature in this Province.

Application of next preceding section.

III. Any person, corporation, bank, or banking institution lending money at a higher rate of interest than that fixed by the first section of this Act, or demanding, or exacting such higher rate shall forfeit the amount loaned, both principal and interest.

Penalty.

IV. Any person accused of any offence against the provisions of this Act, may be compelled to appear and give testimony in relation to the accusation brought against him, in the same manner as any other witness; and any person swearing falsely shall be liable on conviction to the pains and penalties of wilful and corrupt perjury.

Person accused may be examined as a witness.

V. This Act shall not affect agreements, contracts or stipulations made or entered into before the date of its coming into force.

Exceptions.