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2nd Session, 7th Parliament, 26th Victoria

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BILL.

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

**Received and read, first time, Wednesday
11th March, 1863.**

Second reading, Monday, 16th March

Hon. Mr. ALLEN

QUEBEC :

**PRINTED FOR THE CONTRACTORS BY HENRI
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.** Days of grace on all bills of exchange and promissory notes which shall fall due anywhere in this Province after the thirty-first day of December, in the year of Our Lord 1863, are abolished; and interest on all such bills and notes, unless otherwise expressed in the body thereof, shall run from the day upon which the same shall fall due. Days of grace abolished.

10 **2.** All provisions in the Consolidated Statutes of this Province, and in the Consolidated Statutes for Upper Canada, and in the Consolidated Statutes for Lower Canada, and in any subsequent Statutes, applying to or in any way depending for their execution or fulfilment upon the last day of grace upon any bill of exchange or promissory note, shall 15 be construed to apply to, and depend for their fulfilment or execution upon the day of maturity of such bill or note, under the provisions of this Act. Day of maturity substituted for last day of grace.

3. In case any party to a Bill of Exchange or Promissory Note, entitled by law to receive notice of the protest thereof for non-acceptance or for non-payment, has written thereupon, immediately below his signature, the name of any place, as his address, he shall be held to have 20 thereby elected to be served with such notice at such place, and such notice shall be deemed to have been duly served, for all purposes, upon such party by being addressed to him at such place, and deposited in 25 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: Party entitled to notice of protest may elect where to be served therewith.

4. In case any party to a Bill of Exchange or Promissory Note, entitled by law to receive notice of the protest thereof for non-acceptance or for non-payment, has not written thereupon, immediately below his signature, the name of any place, then such notice shall be deemed to have been duly served, for all purposes, upon such party by being addressed to him at place of date of such bill or note and deposited in the Post 30 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 the place of date of such bill of exchange or promissory note, the name of the Post-office nearest, or 35 supposed to be nearest thereto, shall be added to the address of such notice of protest. Mode of service in case of no such election being made.

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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.

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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.

Note payable on Sunday or holiday.

7. When the last day named in a bill of exchange or promissory note for payment thereof falls on a Sunday or legal holiday, at the place where the same is payable in Upper or Lower Canada respectively, such bill of exchange or promissory note shall be held to be due on the 15 next juridical day after such Sunday or legal holiday.

Juridical days defined.

8. All days except Sundays and legal holidays, in either section of the Province respectively, shall be deemed and taken to be juridical days.

Fees of notaries.

9. The fees to be taken by Notaries Public for noticing and protesting 20 bills of exchange and promissory notes, after the 31st day of December next, shall be as follows, and no more, viz :

For the protest of any Bill or Note..... \$1 00
For every notice—exclusive of postages..... 00 25

Damages.

10. Damages on all inland bills of exchange drawn after the 31st day of 25 December, A.D. 1863 are abolished.

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.