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No. 69.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act further to amend the laws regulating
Bills of Exchange and Promissory Notes,
and the Protesting thereof, and Foreign
Bills, in certain cases.

Received and read, first time, Wednesday,
23rd Feb., 1859.

Second reading, Thursday, 24th Feb., 1859.

THE HON. MR. LEMIEUX.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act further to amend the laws regulating Bills of Exchange and Promissory Notes in Lower Canada.

WHEREAS by the thirty-first section of the Act passed in the twelfth year of Her Majesty's Reign, chapter twenty-two, it is amongst other things enacted, that all Bills of Exchange whatever, inland and foreign, and all notes due and payable in Lower Canada, shall be held and taken to be absolutely paid and discharged, if no suit or action is brought thereon, within five years next after the day on which such notes shall become due and payable; And whereas under the said section no action can be maintained on any such bill or note, after the expiration of the said five years; nor can the debtor, on such bills or notes, be compelled to make oath that such bills or notes have been *bonâ fide* discharged and paid; And whereas, in certain cases, great injustice results from the said enactment: Therefore Her Majesty, &c., enacts as follows:

Preamble.
12 V. c. 22.

I. It shall be lawful to bring an action against any debtor on such bill or note as aforesaid, and to recover the amount thereof, after the expiration of the said five years; but, in such cases, the debtor or debtors on such promissory note or bill of exchange shall always be allowed to make oath that it is *bonâ fide* discharged and paid, wholly or in part; or in case of such action being brought against heirs or other representatives against whom an action may be legally instituted, they shall be allowed to make oath that they do believe that such bill or note has been *bonâ fide* paid and discharged, wholly or in part; and in case such oath is so made that the Bill or Note has been, or that the party taking the oath believes it to have been, wholly paid and discharged, the action shall be dismissed; otherwise, unless payment be proved, or there be some other valid defence made, judgment shall be given for the plaintiff for the sum acknowledged to be due, or for the whole amount of the Bill or note, if no part be sworn to as paid, or as believed to be paid.

Bills and notes may be sued on after the five years; but the defendant's oath that they are paid wholly or in part shall be conclusive.

II. This Act shall not apply to cases in which suits have been brought and are pending at the time of its passing; and shall apply to Lower Canada only.

Act not to affect pending cases, and limited to L.C.