

No. 8.

2nd Session, 7th Parliament, 26 Victoria, 1863.

BILL.

An Act to repeal chapter fifty-eight of the Consolidated Statutes of Canada, intituled "An Act respecting Interest," and to fix the rate of interest at six per cent.

Received and read first time, Friday 27th
February, 1863,

Second reading, Monday, 2nd March, 1863.

Mr. ARCHAMBAULT.

QUEBEC :

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An Act to repeal chapter fifty-eight of the Consolidated Statutes of Canada, intituled, "An Act respecting Interest," and to fix the rate of interest at six per cent.

WHEREAS experience hath shewn that the abolition of restrictions Preamble.
on the rate of interest that may be demanded for the use of money, has been very prejudicial to the well-understood progress of society, and that it is necessary and expedient that a salutary restraint should be imposed in this respect; Therefore, Her Majesty, &c., enacts as follows :

1. After the passing of this Act, chapter fifty-eight of the Consolidated Statutes of Canada shall be repealed, and the interest for the loan or forbearance of money, or money's worth, shall be at the rate of Rate fixed at six per cent.
10 six per cent. per annum.

2. No person or corporation shall receive, directly or indirectly, any sum of money or money's worth whatsoever for the loan or use of any money or money's worth, greater than or exceeding in value the rate above prescribed; and no bank transacting business in this Province shall stipulate or receive a higher rate of interest than six per cent. No person or Bank to receive more.
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3. Any person who hereafter pays or allows in any way whatever, in the form of bonus or otherwise, interest at a higher rate than that established by this Act, may recover and obtain repayment of such excess of interest, by action of debt in any court of competent jurisdiction. Any higher rate paid may be recovered back.
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4. Any person who directly or indirectly receives higher interest, discount, or consideration than is prescribed by this Act, in violation of the provisions thereof, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding the amount of the interest or discount so illegally exacted, and to imprisonment for a period not less than thirty days nor exceeding six months. Punishment for receiving a higher rate
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5. Any officer or agent of any bank or banking institution who contravenes this Act, shall be liable to the pains and penalties imposed on offenders against this Act, excepting only in cases in which the offence was committed by the authority or instruction of the chief officer of such bank or banking institution, in which case the president, cashier, or other chief officer shall be punished in the manner prescribed by this Act, as though the offence had been committed by him. Penalty on Bank officers taking higher rates.
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6. The foregoing provisions of this Act shall not apply to contracts or agreements made before the passing thereof. Existing contracts excepted.
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