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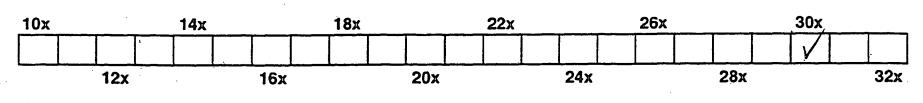
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4th Session, 3d Parliament, 14 & 15 Victoria, 1851.

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## BILL.

#### An Act to amend the Law in Lower Canada respecting Bills of Exchange and Promissory Notes.

Received and read a first time, Monday, 7th July, 1851.

Second Reading, Monday, 14th July, 1851.

Mr. Holmes.

TORONTO : PRINTED BY LOVELL AND GIBSON.

1403

### BILL.

An Act to explain and amend the Law in Lower Canada, respecting Bills of Exchange and Promissory Notes.

WHEREAS doubts exist respecting the legal effect Preamble. tioned, made in the form prescribed by the Act of this Province, passed in the twelfth year of Her Majesty's

5 Reign, and intituled An Act to amend the law regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof, and Foreign Bills in certain cases, and it is expedient to prevent the continuance of such doubts, and also to amend the said Act: Be it therefore enacted, 10 &c.,

That notwithstanding the omission in any protest made As to protests since the passing of the said Act, of any Bill of Exchange made before or Promissory Note, of the statement of the period of this Atc. the day in which the protest was made, such protest shall

15 be held and taken to have been made in the afternoon of the day of the date thereof, unless the contrary shall appear on the face of the protest, any thing in the said Act to the contrary notwithstanding.

II. And be it enacted, That any protest made after As to protests 20 the passing of this Act, in the form prescribed in the said made after the passing of Act, shall be held and taken to have been and to be made this Act. in the afternoon of the day in which it bears date, unless the contrary shall appear upon the face of the protest.

III. And be it enacted, That in any action at law, or As to protests 25 legal proceeding pending in any Court in Lower in cases Canada for the recovery of the amount of a protested Bill of Exchange or Promissory Note, in the protest whereof the omission shall exist of the statement, that such protest was made in the afternoon of the day on 30 which it bears date, and such action or proceeding shall he contested by reason of such omission, and no judgment shall have been therein rendered on the merits by such Court, it shall be lawfulfor the party prosecuting therein, or his legal representatives, to present a petition to the Court in which such action or proceeding is pending, 35 pleading this Act, praying that the benefit thereof be allowed him, and thereupon all and every the objections based upon the omission aforesaid shall cease and have no effect, after such notice of the said petition, shall have been given to the objecting party or his attorney on the  $A^{244}$ 

record, as shall by the said Court be deemed sufficient. and thereupon it shall be lawful for the said Court to order the ejection from the record of any plea or defence or proof thereof based upon such omission, and to order a repleader or otherwise, in the said action 5 and proceeding, as the Court in its discretion may on good, cause shewn therefor allow, according to law and the practice of the said Court: Provided always, that the party contesting shall not be liable to any costs of suit if he make payment of the said amount before notice 10 given to him of such petition, nor in any case to the costs arising from the said petition.

IV. And be it enacted, That in any action or suit What evidence founded on a Bill of Exchange or Promissory Note, actions or bills against any party, no other evidence shall be required, 15 or adduced, than such as, under the Act aforesaid of the Parliament of this Province, may be required or adduced in an action or suit founded on a Bill of Exchange or on a Promissory Note whereto all the parties are traders.

Where the Notarial demand of payment may be made.

Proviso.

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or notes.

required in

Act not to apply to cases wherein judgment has been given.

payment, preliminary to the protest of any Bill of Ex-change or of any Promissory Note, payable at a Bank, may be lawfully made at such Bank, either within or after the usual afternoon banking hours of such Bank, any law 25 or usage to the contrary nothwithstanding.

V. And be it enacted, That the Notarial demand of 20

VI. Provided always, and be it enacted, that nothing herein contained shall apply to any protest of any Bill of Exchange or Promissory Note upon which any judgment of any Court of original jurisdiction shall have been 30 rendered previous to the passing of this Act.