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No. 218.

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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.

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

Second Reading, Monday, 14th July, 1851.

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Mr. HOLMES.

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TORONTO: PRINTED BY LOVELL AND GIBSON.

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**B I L L.**

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

**W**HEREAS doubts exist respecting the legal effect Preamble.  
of protests in the particular cases hereinafter men-  
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  
since the passing of the said Act, of any Bill of Exchange  
or Promissory Note, of the statement of the period of  
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 ap-  
pear 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  
20 the passing of this Act, in the form prescribed in the said  
Act, shall be held and taken to have been and to be made  
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  
25 legal proceeding pending in any Court in Lower  
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  
be contested by reason of such omission, and no judgment  
shall have been therein rendered on the merits by such  
Court, it shall be lawful for 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

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.

Proviso.

What evidence shall be required in actions or bills or notes.

IV. And be it enacted, That in any action or suit founded on a Bill of Exchange or Promissory Note, 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.

V. And be it enacted, That the Notarial demand of 20 payment, preliminary to the protest of any Bill of Exchange 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 or usage to the contrary notwithstanding. 25

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

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.