

not be expressed. for payment of any Promissory Note, it shall not be necessary that the particular species of value received for the same, be therein specified, but only that value has been received.

All not to repeal, any law against usurious contracts or money won by gaming.

VI. Provided always, that nothing herein contained shall extend, or be construed to extend, to repeal or make void any law, usage or custom, against Promissory Notes granted for usurious or unlawful considerations, or for money won by gaming, or lent knowingly for the purpose of gaming.

Protest may be made by a Justice of the Peace before two witnesses where there is not a Notary.

VII. And be it further enacted by the authority aforesaid, that in places where there is not a Notary, a Protest may be made by a Justice of the Peace before two witnesses, which shall be, to all the intents and purposes of this Act, as valid as if it had been made by a Notary and witnesses; and every Protest shall be written underneath a copy of the Promissory Note, and the indorsement or indorsements thereon.

Promissory Notes made and due at the passing of this Act shall not be recovered after three years. Limitation of five years for Notes already made, &c.

VIII. And be it further enacted by the authority aforesaid, that every Promissory Note, already made and due, shall be taken and considered to be paid and discharged, if no suit or action is brought thereon, within three Years from and after the passing of this Act: and every such Promissory Note already made but not due, or that shall hereafter be made, shall be taken and considered to be paid and discharged, if no suit or action is brought thereon, within five years next after the day on which such Promissory Note shall become due and payable: Provided always, that every debtor or debtors on such Promissory Note, shall, if thereunto required, make oath, that such Promissory Note is *bona fide* discharged and paid: and in case of such action being brought against heirs or other representatives, against whom an action may be legally instituted, such heirs or representatives shall, if thereunto required, make oath, that they do believe that such Promissory Note has been, *bona fide*, paid and discharged.

Notes, not signed with the hand writing of the maker not to be negotiable, nor proveable but by two witnesses.

IX. Provided always, and be it further enacted, that nothing in this Act shall extend, or be construed to extend to render negotiable any Notes whatsoever, that are not subscribed, in the hand writing of the person making the same, which Notes not subscribed, although bearing the ordinary mark, shall not be proveable but by two witnesses, and no other action and decision shall lie thereupon, but such as are established by the laws, customs and usages in force in this Province.

### C A P. III.

An ACT for appointing *Commissioners*, to treat with Commissioners on behalf of the Province of Upper-Canada, for the purposes therein mentioned.

Preamble.

WHEREAS the Assembly of this Province, in the last Session passed a resolution, declaratory of their readiness to take into consideration the drawbacks to be allowed to the Province of Upper-Canada, upon all wines consumed therein, and subject to a duty on importation into this Province, under the Act intituled, "An Act to establish a fund for paying the salaries of the Officers of the Legislative Council and Assembly, and for defraying the contingent expences thereof;" which said resolution, His Excellency the Lieutenant Governor was, by an Address, requested to communicate to His Excellency the Lieutenant Governor of Upper-Canada; and his Excellency the Governor having, by message, laid before the Assembly an Act, passed by the Legislature of Upper-Canada, intituled, "An Act to authorize the Lieutenant Governor to nominate and appoint certain Commissioners for the purposes herein mentioned," with other papers and letters accompanying the same;—We, Your Majesty's most dutiful and loyal Subjects, the Representatives of the People of the Province of Lower-Canada

Canada in Assembly met, having taken the same into our serious consideration, and being anxious that an intercourse, founded upon principles of Justice and liberality, should be established between provinces of the same empire, so intimately connected in point of safety and interest, do most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act, passed in the Parliament of Great Britain intituled "An Act to repeal certain parts of an Act passed in the fourteenth Year of His Majesty's Reign" intituled "An Act for making more effectual provision for the Government of the Province of Quebec in North America and to make further provision for the Government of the said Province." And it is hereby enacted by the authority of the same, that James M'Gill, François Malhiot, John Richardson, Joseph Papineau and James Walker, esquires, shall be, and they are hereby constituted and appointed Commissioners on the part of this Province, who, or any three of whom, are authorized and empowered to meet, treat, consult and agree with such Commissioners, as are or may be appointed on the part of the Province of Upper Canada, in virtue of the Act of the Legislature thereof, herein before mentioned, of and concerning the establishing of regulations, for the collection of duties or payment of drawbacks to be imposed or allowed by the Legislature of each Province respectively, on goods, wares and merchandise, passing from one Province into the other; and also of and concerning any proportion to be received or to be paid of any duties already imposed or hereafter to be imposed by the said Legislatures respectively, on any article or commodity passing from one Province into the other, to be consumed therein; and of and concerning any regulations, provisions, matters and things which may regard the commerce, manufactures or produce of the said Provinces.

James M'Gill,  
Francis Malhiot,  
John Richardson,  
Joseph Papineau,  
and James Walker,  
to be Commissioners.

To treat with  
Commissioners of  
Upper-Canada  
on the collection  
of duties, pay-  
ment of draw-  
backs, &c.

Commissioners  
may require re-  
turns by Officers  
of Customs, and  
examine persons,  
papers, &c.  
Their regulations  
not to have effect  
until confirmed  
by the Legislature.

To lay be-  
fore the Govern-  
or and Legisla-  
ture the result of  
their conferences.

This Act shall  
continue until the  
first day of July,  
1796.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Commissioners, to require returns to be furnished to them by the proper Officers of his Majesty's Customs, and to send for and examine such persons, papers and records as they shall judge necessary for their information, in the execution of the powers vested in the said Commissioners by this Act: provided always and be it enacted and declared, that no regulation, provision, matter or thing so proposed, treated, consulted or agreed, shall have conclusive force and effect, or be carried into execution, until the same shall have been confirmed by the Legislature of this Province.

III. And be it further enacted by the authority aforesaid, that the said Commissioners shall, with all convenient speed, lay the substance of their conferences and consultations, with the agreements by them entered into, before his Excellency the Governor, Lieutenant Governor or Person administering the Government and both Houses of the Legislature of this Province.

IV. And be it further enacted by the authority aforesaid, that this Act shall continue in force, until the first of the month of July, which will be in the Year of our Lord, one thousand seven hundred and ninety-six.