

## CAP. XX.

## An Act relating to the Law of Evidence.

Questions as to construction of Foreign or British Colonial Statutes, how to be dealt with.

*Passed 13th April 1859.*

BE it enacted and declared by the Lieutenant Governor, Legislative Council, and Assembly,—When upon the trial of any cause, civil or criminal, any question shall arise upon the true meaning or construction of any Statute, Act, or Ordinance of any Foreign State or Government, or of the Legislature of any British Colony, Island, or Possession, it shall not be deemed misdirection in the Judge, before whom such trial may be pending, to express his opinion to the Jury upon such meaning or construction in its bearing upon or application to the issue or matter before him for trial, but a Bill of Exceptions may be tendered to the Judge, to be by him sealed as in other cases, or the Court may review and deal with the matter in like manner as if the question had arisen under an Act of the General Assembly of this Province; provided always, that no evidence in relation to the construction or meaning of any Foreign or Colonial Law, which would be admissible before the passing of this Act, shall be excluded by reason hereof.

## CAP. XXI.

## An Act to modify the Laws relating to Interest and Usury.

Section.

1. Cap. 102, Rev. Stat. repealed.
2. Interest limited to 6 per cent.; but contract for more not void.
3. Excess to be deducted on suit.

Section.

4. Banks limited to 6 per cent.; forfeiture.
5. How previous contracts to be dealt with.
6. What contracts Act shall not extend to.

*Passed 13th April 1859.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That from and after the passing of this Act, Chapter 102, Title XXIII, of the Revised Statutes, 'Of Interest and Usury,' be and the same is hereby repealed, except as hereinafter provided by the fifth Section of this Act.

2. No person shall directly or indirectly receive on any contract to be made for the loan of any money or goods, more than six pounds for the forbearance of one hundred pounds for

one year, and after that rate for a greater or lesser sum, and a longer or shorter time; but no deed or contract for payment of any money hereafter loaned, or for the forbearance of any thing undertaken, upon or by which more than such rate of interest shall be reserved or received, shall be hereafter deemed void.

3. In any action brought on any contract whatsoever, in which there is directly or indirectly taken or reserved a rate of interest exceeding that authorized in Section second, the defendant, or his attorney, may under the general issue, with notice of defence as in other cases, prove such excessive interest, and it shall be deducted from the amount due on such contract.

4. Provided always, that it shall not be lawful for any Bank incorporated by an Act of the Legislature of this Province, or by Royal Charter, to stipulate for, take, reserve, or exact a higher rate than six per cent. per annum; and whenever any such Bank shall, upon any such deed or contract, receive or reserve, by means of any loan, bargain, exchange, or transfer of any money or goods, or by any deceitful means, for the forbearing, or giving day of payment beyond a year, of its money or goods, more than six pounds for one hundred pounds for one year, and after that rate for a greater or lesser sum, and longer or shorter time, it shall forfeit for every offence the value of the principal sum or goods so loaned, bargained, exchanged, or transferred, together with all interest and other profits accruing therefrom, one moiety to be paid to the Queen for the use of the Province, and the other moiety to the person suing for the same, to be recovered by any action in any Court of Record in the County where the offence may be committed, which action shall be brought within twelve months from the time of such offence.

5. Nothing in this Act shall extend to or be construed to extend to contracts or securities entered into before the passing of this Act, or to legalize any usurious contract, security, or loan, made, entered into, given, or taken before the passing of this Act, but all such contracts, securities, or loans, shall be construed, considered, and dealt with as well in civil suits as in proceedings for penalties, as if this Act had not been passed; and for all such cases, Chapter 102, of Title XXIII,

of the Revised Statutes, 'Of Interest and Usury,' shall be considered in force and unrepealed.

6. That nothing in this Act contained shall extend or be construed to extend to Bottomry Bonds or Contracts on the bottom of any Vessel, damages, or protested Bills allowed by law, penalties incurred for the non-fulfilment of any contract where such penalties are mutually binding, and contracts for the loan or hire of any grain, cattle, or live stock, let out as the parties may agree, if the lender takes the risk of casualties upon himself, in which case the borrower shall not avail himself of any loss suffered through his wilful neglect, or any voluntary damage which may be committed by him.

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### CAP. XXII.

An Act in amendment of Chapter 116, Title XXX, of the Revised Statutes, 'Of Bills, Notes, and Choses in Action.'

Section.

1. Damages on Foreign and Colonial Bills of Exchange.
2. Sec. 1, cap. 116, Rev. Stat. repealed.

Section.

3. When Bills of Exchange and Promissory Notes shall be due in certain cases.
4. Evidence of presentment and dishonor.

*Passed 13th April 1859.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Whenever any Bill of Exchange drawn or indorsed within the Province, and payable in any part of North America without the Province, or in Prince Edward Island, or in the Island of Newfoundland, shall be returned protested, the party liable for the contents of such Bill shall, upon due notice and demand, pay the same with damages at the rate of two and one half per cent. upon the contents thereof, with lawful interest and charges on the said contents, to be computed from the date of the protest to the time of payment; and whenever any Bill of Exchange so drawn or indorsed, and payable in Europe, or in the West Indies, or in any other place without the Province than as first recited, shall be returned protested, the party liable for the contents of such Bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of demand, and damages at the rate of five per cent. upon the contents thereof, with lawful interest