

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1859. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1859.

22 Victoria – Chapter 22

An Act in amendment of Chapter 116, Title XXX, of the Revised Statutes, 'Of Bills, Notes, and Choses in Action.' Passed 13th April 1859.

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 repealed.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.
4. Evidence of presentment and dishonor.

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 and charges on the said contents, to be computed from the date of the protest to the time of payment, and such respective amounts of contents, damages, interest, and charges, shall be in full of all damages, charges, and expenses.
2. The first Section of Chapter 116, Title XXX, of the Revised Statutes, 'Of Bills, Notes, and Choses in Action,' is hereby repealed.
3. From and after the first day of June next, where Bills of Exchange and Promissory Notes become due and payable on the first day of January commonly called New Year's Day, Christmas Day, Good Friday, or Day appointed by Proclamation of the Governor of this Province for a Day of Fast, Thanksgiving, or general Holiday, the same shall be payable on the day next preceding such New Year's Day, Christmas Day, Good Friday, Day of Fast, or Day of Thanksgiving, or general Holiday, unless the day preceding such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, shall happen to be Sunday, in which case such Bills of Exchange and Promissory Notes shall fall due on the Saturday preceding; and such Bills of Exchange and Promissory Notes, in case of non-payment, may be noted and protested on the day preceding such New Year's Day, Christmas Day, Good Friday, Day of Fast, or Day of Thanksgiving, or general Holiday, unless the preceding day be Sunday, and then the same Bills of Exchange and Promissory Notes may be noted and protested on the preceding Saturday; and that as well in such cases, as in the cases of

Bills of Exchange and Promissory Notes becoming due and payable on the day next preceding such New Year's Day, Christmas Day, Good Friday, Day of Fast, or Day of Thanksgiving, or general Holiday, it shall not be necessary for the holders of such Bills of Exchange and Promissory Notes to give notice of the dishonor thereof, until the day next after such New Year's Day, Christmas Day, Good Friday, Day of Fast, or Day of Thanksgiving, or general Holiday; and that whensoever such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, or general Holiday, shall happen, or be appointed on a Saturday, it shall not be necessary for the holder or holders of such Bills of Exchange or Promissory Notes, as shall by virtue of this Act or otherwise be payable on the preceding Friday, to give notice of the dishonor thereof until the Monday next after such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, or general Holiday, respectively; and that whensoever such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, or general Holiday, shall happen or be appointed on Monday, it shall not be necessary for the holder or holders of such Bills of Exchange or Promissory Notes, as by virtue of this Act or otherwise shall be payable on the preceding Saturday, to give notice of the dishonor thereof until the Tuesday next after such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, or general Holiday, respectively; and from and after the said first day of June next, New Year's Day, Christmas Day, Good Friday, and every such Day of Fast, and Day of Thanksgiving, or general Holiday, so appointed by the Governor of this Province, is and shall for all other purposes whatsoever, as regards Bills of Exchange and Promissory Notes, be treated and considered as the Lord's Day, commonly called Sunday.

4. Where any Promissory Note or Bill of Exchange shall be payable at any place out of this Province, whether the same be drawn in or out of this Province, a Notarial protest of the presentment and dishonor of such Promissory Note or Bill of Exchange shall be deemed and taken in all Courts of this Province as evidence of the fact of presentment and dishonor stated in such protest, in the like manner as in cases of a protest of non-payment of a Foreign Bill of Exchange.