

Agent, and obtain from such President or Secretary a certificate in writing under his hand, stating the said rate of exchange, and the rate stated in such certificate shall be final and conclusive as to the then rate of exchange, and regulate the sum to be paid accordingly.

Inland Bills or Notes to bear interest after protest.

IV. And be it enacted, That all Bills, Drafts or Orders drawn by persons in Upper-Canada, on persons in this Province, or Promissory Notes made or negotiated in Upper-Canada, if protested for non-payment, shall be subject to six per centum per annum of interest from the date of the protest, or if interest be therein expressed as payable from a particular period, then from such period to the time of payment; and that in such cases of protest the expense of noting and protesting, and the postages thereby incurred, shall be allowed and paid to the holder, over and above the said interest.

Damages, &c., may be recovered though not especially mentioned in the declaration

V. And be it enacted, That in any action brought to recover the amount of any Bill, Draft, Order or Promissory Note, and the damages herein allowed, and the interest, expenses of noting and protesting, and all other charges and postages incurred thereon, specified and mentioned in the preceding sections of this Act, it shall not be necessary to declare specially for such damages, expenses, charges and interest, but the same shall be allowed to the plaintiff at any trial, assessment or computation, as if the same had been specially declared for.

Part of Act of U. C. 51 G. 3, c. 9, repealed.

VI. And be it enacted, That from and after the passing of this Act, the second, third, fourth and fifth Sections of the Act of the Legislature of the late Province of Upper-Canada, passed in the fifty-first year of the Reign of King George the Third, and intituled, *An Act to repeal an Ordinance of the Province of Quebec, passed in the seventeenth year of His Majesty's Reign, intituled, An Ordinance for ascertaining damages on Protested Bills of Exchange, and fixing the rate of interest in the Province of Quebec: Also to ascertain damages on Protested Bills of Exchange, and fixing the rate of interest in this Province,*—be, and the same are hereby repealed.

## C A P. LXXVII.

An Act to authorize the Judges of the Superior Courts of Record in Upper-Canada to appoint Commissioners for taking Affidavits in Lower-Canada.

[ 30th May, 1849. ]

Preamble.

**W**HEREAS it is desirable that the Judges of the Superior Courts of Record in Upper-Canada, should have power to appoint Commissioners for taking Affidavits in Lower-Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Chief Justice and any one of the Justices of the Court of Queen's Bench in Upper-Canada for

Commissioners may be appointed in

for the time being, or in the event of the death or absence from the Province of the Chief Justice for the time being, for any two of the Justices of the said Court for the time being, by one or more commission or commissions under the seal of the said Court, from time to time to empower what and as many persons as they shall think fit and necessary in Lower-Canada, to take and receive all and every such affidavit or affidavits as any person or persons shall be willing and desirous to make before any of the persons so empowered, in or concerning any cause, matter or thing depending, or hereafter to be depending, or in any wise concerning any of the proceedings to be had in the said Court of Queen's Bench, or in any other Court of Law of Record in Upper-Canada; which said affidavits taken as aforesaid shall be filed in the Office of the said Courts respectively, and there be read and made use of in the said Courts respectively, to all intents and purposes as other affidavits taken in the said Courts respectively ought to be; and that all and every affidavit and affidavits taken as aforesaid, shall be of the same force as affidavits taken in the said Courts respectively shall and may be.

L. C. for receiving affidavits to be used in the Court of Q. B. in Upper-Canada.

Effect of affidavits taken before such commissioners.

II. And be it enacted, That proof of the execution of any deed, will or probate thereof or memorial of the same in Lower-Canada, may be made before any of the Commissioners to be appointed under the authority of this Act, in the same manner as such proof may now by law be made before the Chief Justice or Judge of any Court of Queen's Bench in Lower-Canada, and all Registers of Counties in Upper-Canada shall enregister such deeds, wills, probates and memorials upon the execution thereof being so proven.

Proof of execution of deeds, &c., may be made before such commissioners.

III. And be it enacted, That the Chief Justice and Justices of the Court of Common Pleas in Upper-Canada shall have the same power and authority to appoint such Commissioners as are hereby given to the Chief Justice and Justices of the Court of Queen's Bench and the Commissioners to be so appointed by the said Chief Justice and other Justices of the Court of Common Pleas shall have the same power and authority, and the affidavits made before them shall have the same force and effect in all respects, as those made before any of the Commissioners to be appointed by the said Chief Justice and other Justices of the Court of Queen's Bench.

Commissioners may in like manner be appointed for the Court of Common Pleas.

Their powers.

IV. And be it enacted, That all and every person or persons forswearing him, her or themselves in any affidavit or affidavits to be made before any of the said Commissioners appointed or to be appointed under the authority of this Act, shall incur and be liable unto the same pains and penalties as if such affidavit or affidavits had been made and taken in open Court.

Punishment of persons swearing falsely.

### CAP. LXXVIII.

An Act for abolishing the Territorial Division of Upper-Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require.

[30th May 1849.]

**W**HEREAS by reason of the subdivision of Districts in that part of this Province called Upper-Canada, the boundaries thereof have, in many cases, become identical with the boundaries of Counties, and there being no longer any sufficient reason

Preamble.