

means whereby, as between individuals, an equity of redemption, can or may by law be shut out or barred; And whereas it is expedient to quiet such doubts, It is hereby declared and enacted, That nothing in any former Act of the Parliament of this Province, or of any former Parliament of Upper or Lower Canada, did or does prevent or prohibit any such Bank from acquiring in the manner above in this Section referred to, and holding at its disposal, an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell, dispose of or convey away any lands so mortgaged.

They may obtain a title by foreclosure, &c.

CAP. XXIII.

An Act to amend and explain the Acts therein mentioned relative to Promissory Notes and Bills of Exchange, and to limit the sum to be allowed for the expenses of noting and protesting Bills and Notes, in certain cases, under the Act to regulate the damages on protested Bills of Exchange within this Province.

[10th August, 1850.]

WHEREAS the expenses now attending the protesting of Bills, Drafts, or Orders drawn by persons in this Province, or of Promissory Notes made or negotiated in Canada, have, in many cases, been found to be oppressive; and whereas inconvenience has resulted from the interpretation put upon the provision hereinafter mentioned: 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 in Upper Canada, the sum to be allowed to any Notary, under the fifth section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to regulate the rates of damages on Protested Bills of Exchange in Upper Canada*, for the expenses of noting and protesting any such Bill, Draft, Order, or Promissory Note, as is mentioned in the fourth section of the said Act, shall hereafter be two shillings and six pence, currency, with a further sum of one shilling and three pence, currency, and no more, for each notice, in addition to postages actually paid; any law, usage, or custom to the contrary notwithstanding.

Preamble.

II. And be it enacted, That in Lower Canada, the sum to be allowed to any Notary for noting and protesting any Bill of Exchange, Draft, Order, or Promissory Note, shall hereafter be five shillings, currency, with a further sum of two shillings and six pence, currency, and no more, for each notice, in addition to postages actually paid; any law, usage, or custom to the contrary notwithstanding.

Fees on protesting Notes, &c. in U. C. 12 V. c. 76.

III. And be it enacted, That no Clerk, Teller, or Agent of any Bank, shall act as a Notary in the protesting of any Bill or Promissory Note, payable at the Bank, or any of its Agencies, in which such Clerk, Teller, or Agent is employed.

Fees on the same in L. C.

IV. And for the avoidance of doubts as to the true intent and meaning of the seventh section of the Act passed in the twelfth year of Her Majesty's 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*, Be it declared and enacted, That it is not and shall not be necessary under the said section that the words "only, and not otherwise or elsewhere," or words of like import, be inserted in the body of the Bill or Note, or in any acceptance of a Bill, or Note, in order to prevent the same from being payable generally, or the acceptance from being general; but if in any Bill or Note, or in the acceptance thereof, the same be made payable at any stated place, it shall be understood to be made payable at such place only, and not otherwise or elsewhere, and the promise or acceptance shall be held to be qualified accordingly: Provided always, that this section shall not extend to Upper Canada.

Officers of Banks not to act as Notaries.

Recital.

12 V. c. 22.

Section 7 of the said Act interpreted.

Providing.

As to Holidays in
Upper Canada.

V. And be it enacted, That in Upper Canada, the Birth-day of the Sovereign, Christmas Day, New Year's Day and Good Friday, shall be holidays, and any Promissory Note or Bill of Exchange falling due on any one of these days, shall be deemed and taken to be due on the day preceding any of such days, unless such preceding day shall be a Sunday, and then such Promissory Note or Bill of Exchange shall be deemed and taken to be due on the Saturday next preceding such Sunday.

VI. And be it enacted, That from and after the passing of this Act, all Protests of Bills of Exchange and Promissory Notes shall be taken and received in all the Courts of Law and Equity in this Province to be *prima facie* evidence of the allegations and facts therein set forth and contained.

C A P. X X I V.

An Act to amend an Act to secure the right of property in British Plantation Vessels navigating the inland waters of this Province, and not registered under the Act of the Imperial Parliament of the United Kingdom, passed in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled, *An Act for the Registering of British Vessels, and to facilitate transfers of the same, and to prevent the fraudulent assignment of any property in such Vessels.*

[10th August, 1850.]

Preamble.
S Vict. c. 5:

WHEREAS it is desirable to amend the Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act to secure the right of Property in British Plantation Vessels navigating the Inland Waters of this Province, and not registered under the Act of the Imperial Parliament of the United Kingdom passed in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled, 'An Act for the registering of British Vessels,' and to facilitate transfers of the same, and to prevent the fraudulent assignment of any property in such Vessels:* 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 whenever it shall become necessary to register any ship or vessel belonging to a corporate body or limited partnership, the following declaration, in lieu of the declaration in the said recited Act mentioned, shall be taken and subscribed by the Secretary or any Director or Manager of such corporate body, or any general partner of such limited partnership:

New form of declaration to be used in certain cases.

The form.

" I, A. B., Secretary (or as the case may be) of (name of corporation or limited partnership) do hereby declare, that the Ship or Vessel (name) of (port) whereof (master's name) is at present master, being (kind of build, burden, &c., as described in the certificate of the surveying officer) was (when and where built) and that the same doth wholly and truly belong to (name of company, corporation, or limited partnership, describing in the case of a limited partnership, the time when and the county in which the certificate of partnership was made and registered.)"

C A P. X X V.

An Act to extend certain Provincial Acts to Foreign Merchant Vessels, when within this Province.

[24th July, 1850.]

Preamble.

WHEREAS it is expedient that the Acts hereinafter mentioned should extend to Foreign Merchant Ships: 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