

IV. And be it enacted, That so much of any Act, or of any part of any Act as shall be repugnant or contrary to the provisions of this Act, shall, in so far as the same may apply to Upper Canada, be, and the same is hereby repealed.

Inconsistent enactments repealed.

V. And be it enacted, That the second section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to prohibit the use of Strychnine or other poisons for the destruction of certain kinds of wild animals*, shall hereafter be read, construed and have effect as if the words "Justice of the Peace" in the said section had not been inserted therein; and the fourth section of the said Act shall be and is hereby repealed; and the said Act, as hereby amended, shall, from and after the passing of this Act, extend to Upper Canada as well as Lower Canada.

The 2d s. 12 Vict. c. explained.

VI. And be it enacted, That this Act shall be in force in Upper Canada only, and shall not apply to Indians who are permanent inhabitants of this Province.

4th sec. of same repealed.
Act as amended to extend to Upper and Lower C.
This Act limited.

C A P. L X I I .

An Act to explain and amend the Law in Lower Canada, respecting Bills of Exchange and Promissory Notes.

[30th August, 1851.]

WHEREAS doubts exist respecting the legal effect of protests in the particular cases hereinafter mentioned, made in the form prescribed by the Act of this Province, 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*, and it is expedient to prevent the continuance of such doubts, and also to amend the said Act: 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 notwithstanding the omission in any protest made since the passing of the said Act, of any Bill of Exchange or Promissory Note, of the statement of the period of the day in which the protest was made, such protest shall be held and taken to have been made in the afternoon of the day of the date thereof, unless the contrary shall appear on the face of the protest; any thing in the said Act to the contrary notwithstanding.

Preamble.

II. And be it enacted, That any protest made after the passing of this Act, in the form prescribed in the said Act, shall be held and taken to have been and to be made in the afternoon of the day in which it bears date, unless the contrary shall appear upon the face of the protest.

As to protests made before the passing of this Act.

As to protests made after the passing of this Act.

III. And be it enacted, That in any action at law, or legal proceeding pending in Court in Lower Canada for the recovery of the amount of a protested Bill of Exchange or Promissory Note, in the protest whereof the omission shall exist of the statement, that such protest was made in the afternoon of the day on which it bears date, and such action or proceeding shall be contested by reason of such omission, and no judgment shall have been therein rendered on the merits by such Court, it shall be lawful for the party prosecuting therein, or his legal representatives, to present a petition to the Court in which such action or proceeding is pending, pleading this Act, praying that the benefit thereof be allowed him, and thereupon all and every the objections based upon the omission aforesaid shall cease and have no effect, after such notice of the said petition shall have been given to the objecting party or his attorney on the record, as shall by the said Court be deemed sufficient, and thereupon it shall be lawful for the said Court to order the ejection from the record of any plea or defence or proof thereof based upon such omission, and to order a replender or otherwise, in the said action and proceeding, as the Court in its discretion may, on good cause shewn therefor, allow, according

As to protests in cases now pending.

Provide,

according to law and the practice of the said Court: Provided always, that the party contesting shall not be liable to any costs of suit if he make payment of the said amount before notice given to him of such petition, nor in any case to the costs arising from the said petition.

What evidence shall be required in actions on bills or notes.

IV. And be it enacted, That in any action or suit founded on a Bill of Exchange or Promissory Note, against any party, no other evidence shall be required or adduced than such as, under the Act aforesaid of the Parliament of this Province, may be required or adduced in an action or suit founded on a Bill of Exchange or on a Promissory Note whereto all the parties are traders.

Where the Notarial demand of payment may be made.

V. And be it enacted, That the Notarial demand of payment, preliminary to the protest of any Bill of Exchange or of any Promissory Note, payable at a Bank, may be lawfully made at such Bank, either within or after the usual afternoon banking hours of such Bank; any law or usage to the contrary notwithstanding.

Act not to apply to cases wherein judgment has been given.

VI. Provided always, and be it enacted, That nothing herein contained shall apply to any protest of any Bill of Exchange or Promissory Note upon which any judgment of any Court of original jurisdiction shall have been rendered previous to the passing of this Act.

CAP. LXIII.

An Act to appropriate all moneys accruing out of Tavern Licenses in the Counties which form the District of Kamouraska, and in the County of Ottawa, towards defraying the cost of the Court House and Gaol erected at Kamouraska, and the Court House and Gaol now being erected in Aylmer.

[30th August, 1851.]

Preamble.

12 Vict. c. 112.

Notwithstanding 8 Vict. c. 72, duties from Tavern Licenses in certain Counties appropriated for Court Houses and Gaols at Kamouraska and Aylmer.

WHEREAS it is necessary to provide more ample funds for defraying the cost of erection of the Court House and Gaol lately built and constructed at Kamouraska, and for defraying the cost of erection of the Court House and Gaol now in course of construction at Aylmer, than are provided by the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, under which the said Court House and Gaol at Kamouraska have been erected, and the said Court House and Gaol at Aylmer are now in course of construction: 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 for and notwithstanding any thing in the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide for the payment of Claims arising out of the Rebellion and Invasion in Upper Canada, and to appropriate the Duties on Tavern Licenses to Local purposes*, the moneys arising after the passing of this Act from the Duties on Licenses to keep Houses of Public Entertainment within the Counties of Kamouraska and Rimouski, shall be and are hereby appropriated towards defraying the cost of the Court House and Gaol lately erected at Kamouraska, and the moneys arising after the passing of this Act from Duties on Licenses to keep Houses of Public Entertainment within the County of Ottawa, shall be and are hereby appropriated towards defraying the cost of the Court House and Gaol now in course of construction at Aylmer, under the Act mentioned in the Preamble to this Act, and the other expenses incident thereto, and the principal and interest of the Debentures issued or to be issued under the said Act, and the expenses of keeping the said Court Houses and Gaols and their appurtenances in thorough repair and order; and such moneys shall be paid, applied and accounted for accordingly by the proper Officers, and no part thereof shall be paid over to the Treasurer of any Municipal Division whatsoever.

CAP.