

Districts or Registration Divisions: Provided always, that in this latter case the registration of any such donation or deed of gift, *inter vivos*, in the Registry Office or Registry Offices in, of, and for any one or more of such Districts or Counties, or Registration Districts or Registration Divisions, shall be held and deemed to be and to have been good and valid, and effectual so far as respects any lands and tenements, real and immoveable estates thereby given or affected, which may have been or may be situate in such District or County, or Registration District or Registration Division, although the same may be null and void for want of registration as to lands and tenements, real and immoveable estates situate in another District or County, or Registration District or Registration Division, or in other Districts or Counties, or Registration Districts or Registration Divisions, as the case may be; but no such donation or deed of gift *inter vivos*, so heretofore or hereafter registered as aforesaid, shall be held or deemed to be null and void for want of having been also registered at the place or places, and in the manner required by the laws in force in Lower Canada at the time of the passing of the said Ordinance; any law, usage or custom to the contrary notwithstanding: Provided always, that nothing in this Act contained shall operate to the prejudice of rights acquired by these parties by the laws in force at the time of the passing of this Act, in respect of lands and tenements, or real estate given by each and every donation or deed of gift *inter vivos*, as above mentioned.

Proviso: Registration to be valid as to lands, &c., within limits, although it be null as to lands without.

Proviso as to certain vested rights.

V. Provided always, and be it enacted, That the provisions of this Act shall not apply to the Registrar of the County of Megantic, Division No. 2.

This act how to apply.

#### C A P . X C I V .

An Act to amend the Law respecting the Protesting of Bills of Exchange and Promissory Notes.

[ 30th August, 1851. ]

**W**HEREAS it has been and is the custom of Merchants in Upper Canada, to cause Bills of Exchange and Promissory Notes to be protested upon the same day on which such Bills or Notes may have been dishonoured; and whereas it is expedient to render such custom in all cases legal: 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 all Protests of Inland or Foreign Bills of Exchange or Promissory Notes, for dishonour, either by non-acceptance or non-payment, may be made on the day of such dishonour, at any time after non-acceptance, or in case of non-payment, at any time after the hour of three o'clock in the afternoon.

Preamble.

Protests to be made on day of dishonour.

II. And be it enacted, That a Notice of such Protest shall be sent to each of the parties to such Bill or Note, and that such Notice shall be deemed and taken to have been duly served, to all intents and purposes, upon the party to whom the same shall be addressed, being deposited in the Post Office nearest to the place of making presentment of such Bill or Note, at any time during the day whereon such Protest shall be made, or the next juridical day then following; and that the undermentioned days shall, for the purposes of this Act, be deemed and taken to be non-juridical days: videlicet, Sunday, Christmas-day, Good Friday, Easter Monday, Ash Wednesday, any day set apart by Proclamation for Fasting or Thanksgiving, the Birthday of the Reigning Sovereign, and the First day of January; and that all other days shall be deemed and taken to be juridical days.

Notice of Protest how to be served.

Juridical and non-juridical days.

III. And be it enacted, That no Bill of Exchange shall be presented for acceptance on any non-juridical day; and that all Bills of Exchange and Promissory Notes

On what days Bills and Notes are to be

whereof

presented for accep-  
tance or payment.

whereof the third day of grace shall fall upon any non-judicial day, shall become due and payable, and shall be presented for payment upon the next judicial day before such third day of grace.

Forms of Protests and  
Notices.

IV. And be it enacted, That such Protests and Notices may be according to the forms contained in the Schedule to this Act, marked A, or to the like effect.

Fees to Notaries.

V. And be it enacted, That the fees to be taken by Notaries Public for the services mentioned in this Act, shall be such as are specified in the Schedule to this Act, marked B, and no more.

Extent of Act.

VI. And be it enacted, That this Act shall apply to Upper Canada only.

### SCHEDULE A.

#### FORM OF PROTEST OF A BILL OF EXCHANGE FOR NON-PAYMENT.

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand eight hundred and fifty-\_\_\_\_\_ at the request of \_\_\_\_\_ holder of the Bill of Exchange hereunto annexed, I \_\_\_\_\_, a Notary Public for Upper Canada, by Royal Authority duly appointed, did exhibit the said Bill unto \_\_\_\_\_, at \_\_\_\_\_, being the place where the same is payable, and speaking to *him*, did demand payment of the said Bill; to which demand *he* answered \_\_\_\_\_

Notice mailed the  
day of \_\_\_\_\_ A.  
D. 185 \_\_\_\_\_

Wherefore I, the said Notary, at the request aforesaid, have protested, and do hereby solemnly protest, as well against all the parties to the said Bill, as against all other persons whom it may concern, for all interest, damages, costs, charges, expenses and other losses suffered or to be suffered for want of payment of the said Bill. And afterwards, on the day and year mentioned in the margin, I, the said Notary Public, did serve due Notice, according to law, of the said Presentment, Non-payment and Protest of the said Bill, upon the several parties thereto, by depositing, in Her Majesty's Post Office at \_\_\_\_\_, being the nearest Post Office to the place of the said Presentment, Letters containing such Notices, one of which Letters was addressed to each of the said parties, severally; the superscription and address of which Letters are respectively copied below, as follows, that is to say :

*(Here insert the directions of the letters.)*

In testimony whereof, I have hereunto set my Hand and affixed my Seal of Office, the day and year first above written.

*(Signature.)* L. S.

#### FORM OF NOTICE TO PARTIES.

To Mr. \_\_\_\_\_

*(date.)*

SIR,

Take notice that a Bill of Exchange dated on the \_\_\_\_\_, for the sum of £ \_\_\_\_\_ drawn by \_\_\_\_\_, on and accepted by \_\_\_\_\_, payable (*three months*) after the date thereof, at the Bank of \_\_\_\_\_ in Toronto, and endorsed by A. B. C. D. E. F., &c., was this day presented by me for payment at the said Bank, and that payment thereof was refused, and that the holder of the said Bill looks to you for payment thereof. Also, take notice that the same Bill was this day protested by me for non-payment.

Your obedient servant,

A. B.,  
Notary Public.

*The above forms may be changed to suit Protests for non-acceptance or non-payment of Bills, or non-payment of Notes.*

### SCHEDULE

SCHEDULE B.

\* FEES.

	S.	D.
For the Protest of any Bill or Note,.....	2	6
For every Notice .....	1	3

CAP. XCV.

An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders.

[ 30th August, 1851. ]

**W**HEREAS it would conduce much to the improvement of the administration of justice within that part of this Province called Lower Canada, so far as respects Summary Convictions and Orders to be made by Her Majesty's Justices of the Peace therein, if the several Statutes and parts of Statutes relating to the duties of such Justices in respect of such Summary Convictions and Orders were consolidated, with such additions and alterations as may be deemed necessary, and that such duties should be clearly defined by positive enactment: 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 all cases where an information shall be laid before one or more of Her Majesty's Justices of the Peace for any District in Lower Canada, that any person has committed or is suspected to have committed any offence or act within the jurisdiction of such Justice or Justices of the Peace, for which he is liable by law, upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined, or otherwise punished; and also in all cases where a complaint shall be made to any such Justice or Justices, upon which he or they have or shall have authority by law to make any Order for the payment of money or otherwise, then in every such case it shall be lawful for such Justice or Justices of the Peace to issue his or their Summons (A), directed to such person, stating shortly the matter of such information or complaint, and requiring him to appear at a certain time and place, before the same Justice or Justices, or before such other Justice or Justices of the same District as shall then be there, to answer to the said information or complaint, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other Peace Officer, or other person to whom the same shall be delivered, upon the person to whom it is so directed, by delivering the same to the party personally, or by leaving the same with some person for him, at his last or most usual place of abode; and the Constable, Peace Officer, or person who shall serve the same in manner aforesaid, shall attend at the time and place, and before the Justices in the said Summons mentioned, to depose, if necessary, to the service of the said Summons: Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any case where the application for any Order of Justices is by law to be made *ex parte*: Provided also, that no objection shall be taken or allowed to any information, complaint or summons, for any alleged fact therein, in substance or in form, or for any variance between such information, complaint or summons, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint as hereinafter mentioned; but if any such variance shall appear to the Justice or Justices present and acting at such hearing to be such that the party so summoned and appearing has been thereby deceived or misled,

Preamble.

How Summons to be served.

Justices not obliged to issue Summons in certain cases.

No objection allowed for want of form.