

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1850. Toronto: Stewart Derbshire & George Desbarats, 1850.

13 & 14 Victoria – Chapter 23

**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.

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.

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.

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

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 *primâ facie* evidence of the allegations and facts therein set forth and contained.