

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbishire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 62

An Act to explain and amend the Law in Lower Canada, respecting Bills of Exchange and Promissory Notes. 30th August, 1850.

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 Laws 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, caul 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.

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.

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 replader or otherwise, in the said action and proceeding, as the Court in its discretion may, on good cause shewn therefor, allow, 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.

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.

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.

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.