

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 80

An Act to facilitate the negotiation of Municipal Debentures. Assented to 19th May, 1855.

Whereas it is expedient to facilitate the negotiation of Municipal Debentures: 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, as follows:

- I. Any Debenture heretofore issued, or which may hereafter be issued, under the formalities required by law, by any Municipal or Provisional Municipal Corporation, payable to any person or persons named therein or bearer, or payable to bearer, shall be held to have been and to be transferable by delivery, from the time of the issue thereof, and such transfer shall be held to have vested and to vest absolutely the property thereof in the holder thereof for the time being, and to enable such holder to bring and maintain an action thereupon in his own name.
- II. Any Debenture heretofore issued or which may hereafter be issued, under the formalities as aforesaid, by any Municipal or Provisional Municipal Corporation, payable to any person or persons, or to any person or persons or order, shall be held to have been and to be (after general endorsement thereof, by such person or persons) transferable by delivery from the time of the general endorsement thereof, and such transfer shall be held to have vested and to vest absolutely the property thereof in the holder thereof for the time being, and to enable such holder to bring and maintain an action thereupon in his own name.
- III. In any suit or action upon any such Debenture as aforesaid, it shall not be necessary to set forth in the declaration or other pleading, or to prove, the mode by which any person became the holder of such Debenture, or to set forth or to prove the notices, by-laws, or other proceedings on or by virtue of which any Debenture may have been issued, but it shall be sufficient in such pleading to describe such person as the holder of the said Debenture (alleging the general endorsement if any) and shortly to state its legal effect and purport, and to make proof accordingly.
- IV. Any such Debenture issued under the formalities required by law as aforesaid, shall be valid and recoverable to the full amount thereof, notwithstanding it may have been or may be negotiated by such Corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, and shall not be liable to be impeached in the hands of a bonâ fide holder for value, without notice.