



ANNO NONO

GEORGII IV. REGIS.

C A P. XXIV.

An Act to repeal certain Acts, and to consolidate and amend the Laws relating to Bills of Exchange and Promissory Notes in *Ireland*.

[19th June 1828.]

WHEREAS it is expedient that the Acts relating to Bills of Exchange and Promissory Notes in *Ireland* should be consolidated and amended, so that the Law in relation thereto may be assimilated to that of *England*; and also that the Fees payable to Notaries Public in *Ireland*, for noting and protesting such Bills and Notes, should be regulated and defined: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Parliament of *Ireland* in the Eighth Year of the Reign of Queen *Anne*, intituled *An Act for the better Payment of Inland Bills of Exchange, and making Promissory Notes more obligatory*; and also an Act passed in the Parliament of *Ireland* in the Twenty-sixth Year of the Reign of King *George* the Third, to explain and amend the said Act of the Eighth Year of the Reign of Queen *Anne*; and also an Act passed in the Parliament of the United Kingdom in the First and Second Years of the Reign of His present Majesty, intituled *An Act to regulate Acceptance of Bills*

After 1st Sept. 1828, the Irish Acts 8 Anne and 26 G. 3. relating to Promissory Notes, and so much of 1 & 2 G. 4. c. 78. and 7 & 8 G. 4. c. 15. (U.K.) of as relate to

Promissory Notes in Ireland, repealed.

of Exchange; and also an Act passed in the Parliament of the United Kingdom in the Seventh and Eighth Years of His present Majesty's Reign, intituled *An Act for declaring the Law in relation to Bills of Exchange and Promissory Notes becoming payable on Good Friday or Christmas Day*, so far as the said Two last-mentioned Acts or either of them relate to or are in force in *Ireland*, shall, from and after the First Day of *September* One thousand eight hundred and twenty-eight, be and the same are hereby repealed; except so far as any of the said Acts may repeal any former Act or Acts, and except as to Actions or Suits heretofore commenced and prosecuted upon any of the said so hereby repealed Acts respectively.

Promissory Notes may be assignable as Bills of Exchange.

II. And be it enacted, That when any Note in Writing commonly called a Promissory Note shall at any Time after the said First Day of *September* One thousand eight hundred and twenty-eight be made and signed by any Person or Persons, Banker or Bankers, Goldsmith or Goldsmiths, Merchant or Merchants, Trader or Traders, or by any Clerk, Servant, or Agent usually intrusted by him, her, or them to sign such Promissory Notes for him, her, or them, whereby the Maker or Makers of such Note doth or do or shall promise to pay any Sum of Money mentioned therein to any other Person or Persons, his, her, or their Order, or unto Bearer, such Note shall be taken and construed to be, by virtue thereof, due and payable to the Person or Persons to whom the same is made payable, or to the Bearer thereof respectively; and every such Note payable to any Person or Persons, or to his, her, or their Order, shall be assignable or indorsable over in the same Manner as Inland Bills of Exchange are or may be according to the Custom of Merchants; and the Person or Persons to whom such Sum of Money is or shall by any such Note or Indorsement be made payable, or to whom such Note shall be indorsed or assigned, or shall be payable, shall and may maintain an Action for the same, in such Manner as he, she, or they might do upon any Inland Bill of Exchange made or drawn according to the Custom of Merchants, either against the Person or Persons by whom or by whose Servant or Agent as aforesaid the same was signed, or against any of the Persons having indorsed such assignable or indorsable Note, in like Manner as in Cases of Inland Bills of Exchange; and in every such Action the Plaintiff or Plaintiffs shall recover his, her, or their Damages and Costs of Suit; and if such Plaintiff or Plaintiffs shall be nonsuited, or a Verdict shall be given against him, her, or them, the Defendant or Defendants shall recover his, her, or their Costs against the Plaintiff or Plaintiffs; and every such Plaintiff or Plaintiffs, Defendant or Defendants, respectively recovering, may sue out Execution for such Damages and Costs by *Capias*, *Fieri facias*, or *Elegit*.

And the Persons to whom they are assigned may maintain Actions for the same.

Actions to be brought within the Time limited by the Statute of Limitations.

III. And be it further enacted, That every such Action shall be commenced, sued, and brought within such Time as is appointed for commencing or suing Actions upon the Case, by an Act made in the Parliament of *Ireland* in the Tenth Year of the Reign of King *Charles* the First, intituled *An Act for Limitations of Actions, and for avoiding of Suits in Law*.

IV. And be it further enacted, That from and after the First Day of September One thousand eight hundred and twenty-eight, in all Cases where any Inland Bill of Exchange or Promissory Note for the Sum of Five Pounds and upwards respectively shall be dishonoured by Non-acceptance of such Bill, or Nonpayment of such Bill or Note, it shall be lawful for the Holder or Holders of such Bill or Note to cause the same to be protested for such Non-acceptance or Nonpayment, as the Case may be, by a Notary Public, and in default of such Notary Public, by any other substantial Person of the City, Town, or Place where such Bill or Note shall be so dishonoured, in the Presence of Two or more credible Witnesses; which Protest shall be made and written under a fair written Copy of such Bill or Note, in the Form or to the Effect following:

Dishonoured Bills above the Value of 5l. may be protested.

‘ **KNOW** all Men, That I *A. B.* on the _____ Day of _____ have demanded from the above-named _____ Payment of the Bill or Note [*or* Acceptance of the Bill] of which the above is a Copy, which the said _____ did not pay, [*or* accept]: Wherefore I the said _____ do hereby protest the said Bill [*or* Note]. Dated at _____ this _____ Day of _____

Form of Protest.

Which Protest so made as aforesaid shall be sent, or otherwise due Notice of such Dishonour shall be given, by or on behalf of the Party holding or protesting such Bill or Note, to the Party from whom such Bill or Note was received, and whom it is sought to make chargeable therewith, and such Party shall thereupon pay the said Bill or Note, together with all Interest and Charges from the Day when such Bill or Note was protested; and there shall be paid to the Notary or other Person protesting any such Bill or Note, a Sum of Two Shillings and Sixpence for any Bill or Note not amounting to Twenty Pounds, and a Sum of Four Shillings for any Bill or Note amounting to Twenty Pounds and upwards, over and above all Stamp Duty upon such Protest, and also of the Fee of One Shilling, herein-after provided, for registering and copying such Bill; and in case such Protest shall be made and sent, or such due Notice of the Dishonour of such Bill or Note shall be given as aforesaid, to any Person liable to the Payment thereof by reason of such Dishonour, the Person so receiving such Protest or Notice, and failing or neglecting to pay the Amount of such Bill or Note so protested or dishonoured, together with the Costs of such Protest, shall be liable to all Costs, Damages, and Interest which may and shall accrue thereby.

Notice of Protest to be given.

Expences of Protest.

V. And be it further enacted, That in case it shall happen that any Bill or Note shall be lost or miscarried before the same shall have been presented for Acceptance, or within the Time limited for Payment of the same, then the Drawer of such Bill, or the Maker of such Note, shall be obliged to give another Bill or Note of the same Tenor with the Bill or Note first given, the Person or Persons to whom the same shall be so delivered giving Security, if demanded, to the said Drawer or Maker, to indemnify him against all Persons whomsoever, in case the Bill or Note so alleged to be lost or miscarried shall be found again.

When a Bill or Note is lost, the Drawer to give another, on certain Conditions.

VI. And

Bills accepted in satisfaction of any former Debt, to be deemed a full Payment.

VI. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, if any Person doth or shall receive any such Bill or Note, for and in satisfaction of any former Debt, or of any Sum of Money formerly due unto such Person, the same shall be accounted and esteemed, at Law and in Equity, a full and complete Payment of such Debt, if such Person so receiving any such Bill or Note for his Debt shall not use due Diligence to obtain Payment thereof by endeavouring to get such Bill accepted and paid, or such Note paid, and also make his Protest as aforesaid, either for Non-acceptance or Nonpayment thereof, or otherwise give due Notice of the Dishonour thereof as aforesaid; provided that nothing herein contained shall extend to satisfy or discharge any other and different Security or Remedy that any Person using such due Diligence as aforesaid may have for the same Debt against the Drawer, Acceptor, or Indorser of such Bill, or the Maker or Indorser of such Note.

What shall be deemed a general, and what a qualified Acceptance.

VII. And be it further enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, if any Person shall accept a Bill of Exchange payable at the House of a Banker or other Person, without further Expression in his Acceptance, such Acceptance shall be deemed and taken to be, to all Intents and Purposes, a general Acceptance of such Bill; but if the Acceptor shall in his Acceptance express that he accepts the Bill payable at the House of a Banker, or of any other Person only, or not otherwise or elsewhere, such Acceptance shall be deemed and taken to be, to all Intents and Purposes whatsoever, a qualified Acceptance of such Bill, and the Acceptor shall not be liable to pay such Bill, except in default of Payment when such Payment shall have been duly demanded at the Time when such Bill shall have become payable, and at the House of such Banker, or other Place where such Bill shall have been made payable.

No Acceptance of any Inland Bill of Exchange to be good, unless made in Writing on the same.

VIII. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, no Acceptance of any Inland Bill of Exchange shall be sufficient to charge any Person or Persons, unless such Acceptance shall have been made in Writing upon such Bill, or if there be more than One such Bill of the same Tenor and Date, then on One of the said Bills.

Bills falling due on Good Friday, Christmas Day, and Days of Fast, to be payable on the Day before.

IX. And whereas the Bank of *Ireland*, and Banks in general, and other Persons in *Ireland*, are often under the Necessity of transacting Business on *Good Friday*, *Christmas Day*, and Days appointed by His Majesty's Proclamation for solemn Fasts or Days of Thanksgiving, for the Purpose of receiving Money for Foreign and Inland Bills of Exchange and Promissory Notes becoming payable on those Days respectively, in consequence whereof many Persons are prevented observing the same with due Solemnity: And whereas Doubts have existed in *Ireland*, whether Foreign and Inland Bills of Exchange and Promissory Notes falling due on any *Sunday* are properly payable on the *Saturday* next before such *Sunday*, or on the *Monday* next after such *Sunday*: Now therefore, for the better Observance of
Good

Good Friday and *Christmas Day*, and such Days of Fast and Thanksgiving as aforesaid, and also for the removing such Doubts as aforesaid, and assimilating the Law of *Ireland* to that of *England* in such respects, be it enacted, That in all Cases where any such Bill of Exchange or Promissory Note in *Ireland* shall fall due on any *Sunday*, or on any *Good Friday*, or on any *Christmas Day*, or on any such Day of Fast or Day of Thanksgiving, the same shall be payable on the Day next preceding such *Sunday* or such *Good Friday*, or on the Day (not being a *Sunday*) next preceding such *Christmas Day* or Day of Fast or Day of Thanksgiving respectively; and that in case of Nonpayment of such Bill of Exchange or Promissory Note, the same may be noted and protested on such preceding Day as if the same were payable on such Day; and that whenever such *Christmas Day* shall fall on, or such Day of Fast or Day of Thanksgiving shall be appointed on a *Monday*, every such Bill of Exchange or Promissory Note, which would be payable on such *Christmas Day* or Day of Fast or Day of Thanksgiving, shall be payable on the *Saturday* preceding such *Christmas Day* or Day of Fast or Day of Thanksgiving respectively, and in case of Nonpayment, being first duly demanded, may be noted and protested for Payment on such preceding *Saturday*.

X. And be it further enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, in Cases of Bills of Exchange and Promissory Notes falling due on any *Sunday*, *Good Friday*, or any *Christmas Day*, or on any Day of Fast or Day of Thanksgiving as aforesaid, as well as in the Cases of Foreign or Inland Bills of Exchange and Promissory Notes falling due in *Ireland* on the Day preceding any *Sunday*, or any *Good Friday*, or any *Christmas Day*, or any such Day of Fast or Day of Thanksgiving, it shall not be necessary for the Holder or Holders of such Bills of Exchange or Promissory Notes to give Notice of the Dishonour thereof until the Day next after such *Sunday*, or *Good Friday*, or *Christmas Day*, or Day of Fast or Day of Thanksgiving; and in case such *Christmas Day* shall fall, or such Day of Fast or Day of Thanksgiving shall be appointed on a *Saturday*, it shall not be necessary for the Holder or Holders of such Bills of Exchange or Promissory Notes to give Notice of the Dishonour thereof until the *Monday* next after such *Christmas Day* or Day of Fast or Thanksgiving; and that whensoever such *Christmas Day* shall fall on, or such Day of Fast or Day of Thanksgiving shall be appointed on a *Monday*, it shall not be necessary for the Holder or Holders of such Bills of Exchange and Promissory Notes, as shall either, by virtue of this Act or otherwise, be payable on the preceding *Saturday*, to give Notice of the Dishonour thereof until the *Tuesday* next after such *Christmas Day* or Day of Fast or Day of Thanksgiving respectively; and that every such Notice so given as aforesaid shall be valid and effectual to all Intents and Purposes.

In such Cases Notice of the Dishonour thereof not necessary to be given until the Day next after such Good Friday, &c.

XI. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, *Good Friday* and *Christmas Day*, and every such Day of Fast and Thanksgiving so appointed by His Majesty, is and shall, for all other Purposes whatsoever as regards Bills of Exchange and Promissory

Notes, *Good Friday*, &c. for the Purposes of this Act, to be considered the same as *Sunday*.

Notes, be treated and considered in *Ireland* as the Lord's Day commonly called *Sunday*.

Notaries
Public need
not attend to
accept Bills
after Nine
o'Clock in the
Evening.

XII. And whereas it is the Usage and Custom in *Ireland* for Bankers and Banking Companies, and Merchants and other Persons having Offices of Business, to attend therein daily until the Hour of Six of the Clock in the Afternoon, for the Purpose of receiving Payment (should the same be offered) of such Foreign or Inland Bills of Exchange or Promissory Notes whereof they are the Holders, as had been presented for Payment at some earlier Hour of the Day upon which the same became payable, and which had not then been paid upon such Presentment; and in such Cases the Holder of such Bills of Exchange and Promissory Notes, when such Bills of Exchange and Promissory Notes are not paid at or before the said Hour of Six of the Clock on the said Day of Payment, have been used to send the same to a Notary Public, in order that the same may be by him again presented for Payment, and in case of Nonpayment noted for Protest: And whereas Doubts have existed whether the Acceptors of Bills of Exchange, and the Makers of Promissory Notes, have not by Law till the last Instant of the Day upon which the same respectively may become due to pay the same; and by reason of such Doubts Notaries Public in *Ireland* have been required, at late and unseasonable Hours of the Night, to receive Payment of such Bills or Notes as may at some previous Hour of the same Day have been presented for Payment as aforesaid: And whereas it is expedient that such Doubts should be removed, and that the said inconvenient Practice occasioned thereby should be discontinued; be it therefore enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, in any Case where any Notary Public in *Ireland* shall present any Bill of Exchange, whether Foreign or Inland, or Promissory Note, for Payment thereof as aforesaid, and Payment of the same shall not be made at or before the Hour of Nine of the Clock in the Afternoon of the Day of such Presentment, it shall not be necessary for such Notary Public, or any Person for him at his House or Office, to be in attendance after such Hour of Nine of the Clock, in order to receive Payment of the same; but every such Bill or Note as aforesaid, whereof Payment shall not be made, or duly and legally tendered, at or before such Hour of Nine of the Clock, shall be considered to be and shall be dishonoured to all Intents and Purposes, and thereupon such Notary Public shall and may note or protest the same for Nonpayment; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Notaries
Public, upon
receiving
Bills, to enter
and register
the same in a
Book, to be
open to In-
spection.

XIII. And whereas it would be productive of great Benefit to the Holders of Foreign and Inland Bills of Exchange and Promissory Notes, to cause the same to be presented by a Notary Public, and (if necessary) noted for Non-acceptance or Nonpayment, either with a view to a future Protest or otherwise, or whether such Bills or Notes may have been previously presented for Acceptance or Payment by such Holders thereof, or otherwise; and also that such Notary shall fairly and truly register and copy such Bill of Exchange or Promissory Note as he may so present; and it is therefore expedient to regulate the Charges which such Notary Public may lawfully make,

in relation to such noting, presentment, registering, and copying; be it therefore enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, whenever any Bill of Exchange or Promissory Note shall be sent or delivered to any Notary Public in *Ireland*, for any of the Purposes aforesaid, the same shall be by him forthwith registered and copied in a Book to be kept by him for that Purpose; and for which registering and copying he shall be entitled and is hereby authorized to make a Charge of One Shilling, whether such Bill shall be afterwards noted or protested or not; and such Notary shall be further entitled to make an additional Charge of One Shilling and Sixpence for presenting or causing to be presented any such Bill or Note for Payment or Acceptance (as the Case may be); and such Notary shall be further entitled to make an additional Charge of One Shilling and Sixpence for noting every such Bill or Note, when the same shall be dishonoured for Non-acceptance or Nonpayment, as the Case may be; provided the Place where such Presentment shall be made shall be within the Limits or within the Bounds of any City or Town in *Ireland*; provided always, that every such Charge as such Notary Public shall be so entitled to make as aforesaid shall in all Cases be paid and payable to such Notary by the Holder or Holders of such Bills or Notes; and every such Holder shall be entitled and is hereby authorized to recover over, from the Acceptor of any such Bill of Exchange, or Maker of any such Promissory Note, or other Party or Parties liable to such Holder upon such Bill or Note, the full Amount of such Notary's Charge as aforesaid, for registering and copying the same in his Books as aforesaid, in case such Bill or Note shall, previously to its being sent or delivered to such Notary for the Purpose aforesaid, have been duly presented for Acceptance or Payment, and if same be payable, shall not have been paid, or the Amount thereof duly and legally tendered, or in case the same, though it may not have been so previously presented and dishonoured, shall not, upon being duly presented by such Notary, be duly honoured by Acceptance or Payment thereof, as the Case may be; and every such Holder shall be further entitled and is hereby authorized to recover over, from such Acceptor or Maker of such Bill or Note, or other Party or Parties thereto, being liable thereon to such Holder as aforesaid, the full Amount of such Notary's said Charge for presenting or noting the same, in case the same shall not, upon being so duly presented by such Notary as aforesaid, be duly honoured by Acceptance or Payment thereof, as the Case may be: Provided also, that such Holder shall be entitled and is hereby authorized to recover over, in like Manner, from such Acceptor or Maker of such Bill or Note, or other Party or Parties thereto, as last aforesaid, the full Amount of such Notary's Charge for presenting the same, in case (notwithstanding such Acceptance or Payment thereof, upon such Presentment by such Notary as aforesaid) the same had been previously thereto duly presented to such Acceptor or Maker for Acceptance or Payment thereof, and such Acceptance or Payment had not been made: Provided also, that in all Cases where the Holder of such Bill or Note shall be entitled, under the aforesaid Provisions of this Act, to recover from the Acceptor or Maker of such Bill or Note, or other Party or Parties thereto, such Notary's Charge for registering and copying in his Books,

Charges for registering, &c.

Holders of Bills may recover the Amount of such Charges from the Acceptors.

Notary may demand the Amount of Charges from the Acceptor or Maker of the Bill, and

if not paid
may refuse to
receive Pay-
ment of the
Bill.

Books, or presenting the same for Payment, or noting the same as aforesaid, it shall be lawful for such Notary, at the Time of presenting such Bill or Note for the Payment thereof, to demand from the Acceptor or Maker thereof, or the Person paying the same, the full Amount of such Charge or Charges, over and above the Sum specified in such Bill or Note; and in case such Acceptor or Maker shall, on such Demand, refuse to pay such Notary the full Amount of such Charge or Charges, it shall and may be lawful for such Notary to refuse to receive Payment of the Sum specified in such Bill or Note, or the Acceptance of such Bill, notwithstanding that the same may be tendered; but every such Bill or Note shall, by reason of such Refusal to pay such Charge or Charges as aforesaid, be deemed to be and shall be dishonoured, to all Intents and Purposes whatsoever.

Sunis allowed
for protesting
Bills.

XIV. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, every such Notary Public, or other Person as aforesaid, shall be entitled to a Sum of Four Shillings for protesting any Foreign Bill of Exchange, over and above all Stamp Duty payable upon such Protest, and also over and besides the Sum of One Shilling for registering and copying such Bill, as herein-before provided.

Notaries
practising in
Dublin to
keep a Public
Office.

XV. And be it enacted, That all Public Notaries practising in the City of *Dublin* shall keep a Public Office in some known and convenient Street or Place in the said City, on which the Name of such Notary and his Profession shall be set forth in legible Characters; and that the said Notaries shall keep their Offices open from Six of the Clock in the Afternoon until Nine of the Clock in the Evening of every Day, (*Sunday, Good Friday, Christmas Day, and Days of Fast and Days of Thanksgiving* as aforesaid excepted).

Limits of
Dublin for
the Purposes
of this Act.

XVI. And it is hereby further declared and enacted, That all Places within the City or County of *Dublin* over which the Jurisdiction of the Commissioners for paving, cleansing, and lighting the City of *Dublin*, commonly called the Paving Board, extends, pursuant to an Act passed in the Forty-seventh Year of His late Majesty *George the Third*, intituled *An Act for the more effectual Improvement of the City of Dublin and the Environs thereof*, shall be deemed and taken to be for the Purposes of this Act within the Bounds or Limits of the said City of *Dublin*.

Act not to
repeal former
Acts, except
so far as is
provided.

XVII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to repeal or alter the Provisions of any Act relating to Bills of Exchange or Promissory Notes now in force in *Ireland*, saving so far as the same are repealed or altered by the express Provisions of this Act.