BRITISH COLUMBIA.

V. R.

No. 11. An Ordinance to declare the lawful rate of interest in the Colony.

[4th May, 1864.]

Preamble.

Recites 3. and 4., W. IV., c. 42., s. 28.

WHEREAS by the Statute of the Imperial Parliament, passed in the third and fourth years of King William the Fourth, Chapter forty two, Section twenty eight, the Jury is in certain cases empowered, on the trial of any issue or inquisition of damages, to allow interest at a rate not exceeding the current rate of interest from the times therein specified;

And whereas by certain rules of the High Court of Chancery, interest upon amounts payable under a decree or order in Chancery is in general to be allowed only at the rate of four per cent per annum, which rate it is apprehended has been established in England, by reference to the ordinary mercantile current rate of interest there being five per cent per annum;

And whereas the ordinary mercantile current rate of interest in this Colony (where any contract for interest is entered into) is seldom less than two per cent per month; but it is apprehended that only the rates current in England are (in the absence of any specific authority) recoverable either at law or in equity here;

And whereas this circumstance has in some cases operated to induce debtors to delay payment of just demands, and to defend actions vexatiously with a view merely to delay;

Now therefore be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof:

Lawful rate of Colonial interest not exceeding 1 per cent per month

I. In all cases of demands either at law or in equity, in which the parties shall have made no express stipulation for interest after any definite rate, and in which in England it would be lawful for the Court or the Jury to allow interest, it shall be lawful for the Jury or (whenever the Court alone has to decide the facts without a Jury) for the Court to allow such rate of interest as may appear just, not exceeding the rate of one per cent per mensem, to be reckoned from the times at which interest would be calculated in England.

Short Title.

II. This Ordinance may be in all cases cited as "The Interest Ordinance, 1864."

Passed the Legislative Council the 25th day of April, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.