

5 DEFINITIONS

Black's Law Dictionary 4th Edition

Acceptance. The taking and receiving of anything in good part, and as it were a tacit agreement to a preceding act, which might have been defeated or avoided if such acceptance had not been made...The act of a person to whom a thing is offered or tendered by another, whereby he receives the thing with the intention of retaining it, such intention being evidenced by a sufficient act...The exercise of power conferred by an offer by performance of some act. **Bills of Exchange.** An engagement to pay the bill in money when due...**Conditional.** An engagement to pay the bill on the happening of a condition...A “Conditional acceptance” is in effect a statement that the offered is willing to enter into a bargain differing in some respects from that proposed in the original offer. The conditional acceptance is, therefore, itself a counter offer.

Conditional. That which is dependent upon or granted subject to a condition.

Honor, v. To accept a bill of exchange, or to pay a note, check, or accepted bill, at maturity and according to its tenor.

Dishonor. In mercantile law and usage. To refuse or decline to accept a bill of exchange, or refuse or neglect to pay a bill or note at maturity. **Notice of Dishonor.** A notice given by the holder to the drawer of a bill, or to an indorser of a bill or note, that it has been dishonored by non-acceptance on presentment for acceptance, or by nonpayment at its maturity.

Bill. A formal declaration, complaint, or statement of particular things in writing. As a legal term, this word has many meanings (a writing).

Bill of exchange. A written order from A. to B., directing B. to pay C a certain sum of money therein named. (i.e., a **Conditional Acceptance and its attachments**)

Certificate of Protest - Oregon Revised Statutes 73.0505(2). “A protest is a certificate of dishonor made by a United States consul or vice consul, or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs. The protest may be made upon information satisfactory to that person. The protest must identify the instrument and certify that either presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties.”

Domestic bill of exchange. A bill of exchange drawn on a person residing in the same state with the drawer; or dated at a place in the state, an drawn on a person living within the state. It is the residence of the drawer and drawee which must determine whether a bill is domestic of foreign.

Foreign bill of exchange. A bill of exchange drawn in one state or country, upon a foreign state or country. A bill of exchange drawn in one country upon another country not governed by the same homogeneous laws, or not governed throughout by the same municipal laws. A bill of exchange drawn in one of the United States upon a person residing in another state is a foreign bill.

Inland Bill of Exchange. One of which the drawer and drawee are residents of the same state or country.

Notary Public. A public officer whose function it is to administer oaths; to attest and certify, by his hand and official seal, certain classes of documents, in order to give them credit and authenticity in foreign jurisdictions; to take acknowledgments of deeds and other conveyances, and certify the same; **and to perform certain official acts, chiefly in commercial matters, such as the protesting of notes and bills, the noting of foreign drafts,** and marine protest in cases of loss or damage.

Stamp. An impression made by public authority, in pursuance of law, upon paper or parchment, upon which certain legal proceedings, conveyances, or contracts are required to be written, and for which a tax or duty is exacted. (app. 2"x3" usually pre-inked stamp the notary places on a document.)

Seal. A particular sign, made to attest in the most formal manner, the execution of an instrument.

Public Seal. A seal belonging to and used by one of the bureaus or departments of government, for authenticating or attesting documents, process or records. An impression made of some device, by means of a piece of metal or other hard substance, kept and used by public authority.

Noting. (*Dictionary of Business, Oxford University Press, 1996*) The procedure adopted if a bill of exchange has been dishonoured by non-acceptance or by non-payment. Not later than the next business day after the day on which it was dishonoured, the holder has to hand it to the notary public to be noted. The notary represents the bill; if it is still unaccepted or unpaid, the circumstances are noted in a register and also on a notarial ticket, which is attached to the bill. The noting can then, if necessary, be extended to a protest.

Noting. The act of a notary in minuting on a bill of exchange, after it has been presented for acceptance or payment, the initials of his name, date of the day, month and year when such presentment was made, and the reason, if any has been assigned, for non-acceptance or non-payment, together with his charge.

Ticket. In contracts. A slip of paper containing a certificate that the person to whom it is issued, or the holder, is entitled to some right or privilege therein mentioned or described.

Protest. A notarial act, being a formal statement in writing made by a notary under his seal of office, at the request of the holder of a bill or note, in which it is declared that the bill or note described was on a certain day presented for payment (or acceptance) and that such payment or acceptance was refused, and stating the reasons, if any, given for such refusal, whereupon the notary *protests* against all parties to such instrument, and declares that they will be held responsible for all loss or damage arising from its dishonor. It denotes also all the steps or acts accompanying the dishonor necessary to charge an indorser

Protest. (*Dictionary of Business, Oxford University Press, 1996*) A procedure by which a notary provides formal evidence of the dishonour of a bill of exchange. When a foreign bill has been dishonoured by non-acceptance or nonpayment, it is handed to the notary, who usually presents it again. If it is still dishonoured, the notary attaches a slip showing the answer received and other particulars – a process called noting. The protest, in the form of a formal document, may then be drawn up at a later time.

Notice of Protest. A notice given by the holder of a bill or note to the drawer or indorser that the bill has been protested for refusal of payment or acceptance.

From **The Creature From Jekyll Island**, by G. Edward Griffith. Page 187:

“Directly from the St Louis Federal Reserve Bank, in the fine print of a footnote in a bulletin:

Modern monetary systems have a fiat base-literally money by decree-with depository institutions, acting as fiduciaries, creating obligations against themselves with the fiat base acting in part as reserves. The decree appears on the currency notes: 'this note is legal tender for all debts, public and private.' While no individual could refuse to accept such money (debt) for debt repayment, exchange contracts could easily be composed to thwart its everyday use in commerce.”