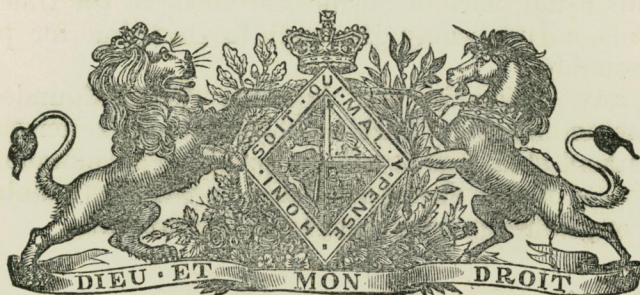


# New South Wales.



ANNO PRIMO

## EDWARDI VII REGIS.

\*\*\*\*\*

### Act No. 42, 1901.

An Act to consolidate enactments relating to remedies on bills of exchange, and other negotiable instruments, and orders for the payment of money. [Assented to, 7th November, 1901.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Negotiable Instruments Short title. Procedure Act, 1901."

2. The Acts mentioned in the Schedule to this Act, to the extent Repeal. Schedule. therein expressed, are hereby repealed.

3. In this Act "Judge" means a Judge of the Court in which Interpretation. the action is brought.

4. No plea shall be admissible in any action to a count on any Plea to be verified by affidavit. dishonoured bill, note, cheque, or other order for the payment of money without an affidavit—

(a) of the truth of such plea; or

20 Vic. No. 30, s. 1  
22 Vic. No. 3, s. 1.

(b)



*Negotiable Instruments Procedure.*

(b) of such facts as a Judge may under the circumstances deem sufficient in that behalf.

20 Vic. No. 30, s. 1.

**5.** Any plea to any such count filed without such affidavit may be treated as a nullity.

Payment into Court in lieu of affidavit.

*Ibid.* s. 2.

**6.** By leave of a Judge, instead of such affidavit, the defendant may pay into Court the amount of the plaintiff's claim or so much thereof as the Judge shall appoint.

Further time to plead may be given.

*Ibid.* s. 3.

**7.** Upon application on behalf of any defendant who has been absent from his usual place of business or abode at the time of service of the summons, a Judge may give such further time for pleading as he deems reasonable.

Actions on lost instruments.

20 Vic. No. 31, s. 53.

**8.** In any action in the Supreme Court founded upon a negotiable instrument, the Court or a Judge may order that the loss of such instrument shall not be set up, provided an indemnity is given to the satisfaction of the Court or Judge or the Prothonotary against the claims of any other person upon such instrument.

## SCHEDULE.

Reference to Act.	Title or Short Title.	Extent of Repeal.
20 Vic. No. 30 ...	An Act to facilitate the remedies or bills of exchange and promissory notes.	The whole.
20 Vic. No. 31 ...	The Common Law Procedure Act of 1857 ..	Section 53.
22 Vic. No. 3 ...	An Act to extend the provisions of the twentieth Victoria number thirty.	The whole.

By Authority : WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1901.

[3d.]



*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Council Chamber,  
Sydney, 17th October, 1901. }*

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO PRIMO

# EDWARDI VII REGIS.

\*\*\*\*\*

## Act No. 42, 1901.

An Act to consolidate enactments relating to remedies on bills of exchange, and other negotiable instruments, and orders for the payment of money. [Assented to, 7th November, 1901.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Negotiable Instruments Short title. Procedure Act, 1901."

2. The Acts mentioned in the Schedule to this Act, to the extent Repeal. Schedule. therein expressed, are hereby repealed.

3. In this Act "Judge" means a Judge of the Court in which Interpretation. the action is brought.

4. No plea shall be admissible in any action to a count on any Plea to be verified by affidavit. dishonoured bill, note, cheque, or other order for the payment of money without an affidavit—

(a) of the truth of such plea; or

20 Vic. No. 30, s. 1  
22 Vic. No. 3, s. 1.

(b)



*Negotiable Instruments Procedure.*

(b) of such facts as a Judge may under the circumstances deem sufficient in that behalf.

20 Vic. No. 30, s. 1.

5. Any plea to any such count filed without such affidavit may be treated as a nullity.

Payment into Court in lieu of affidavit.

*Ibid.* s. 2.

6. By leave of a Judge, instead of such affidavit, the defendant may pay into Court the amount of the plaintiff's claim or so much thereof as the Judge shall appoint.

Further time to plead may be given.

*Ibid.* s. 3.

7. Upon application on behalf of any defendant who has been absent from his usual place of business or abode at the time of service of the summons, a Judge may give such further time for pleading as he deems reasonable.

Actions on lost instruments.

20 Vic. No. 31, s. 53.

8. In any action in the Supreme Court founded upon a negotiable instrument, the Court or a Judge may order that the loss of such instrument shall not be set up, provided an indemnity is given to the satisfaction of the Court or Judge or the Prothonotary against the claims of any other person upon such instrument.

SCHEDULE.

Reference to Act.	Title or Short Title.	Extent of Repeal.
20 Vic. No. 30 ...	An Act to facilitate the remedies or bills of exchange and promissory notes.	The whole.
20 Vic. No. 31 ...	The Common Law Procedure Act of 1857 ...	Section 53.
22 Vic. No. 3 ...	An Act to extend the provisions of the twentieth Victoria number thirty.	The whole.

*In the name and on the behalf of His Majesty I assent to this Act.*

State Government House,  
Sydney, 7th November, 1901.

FREDK. M. DARLEY,  
Lieutenant-Governor.



Negotiable Instruments Procedure Bill

Memo. and Certificate to accompany the Negotiable Instruments Procedure Bill.

*Clause 7.* This was originally passed after the Common Law Procedure Act, and is, therefore, allowed to remain.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.

22 Victoria No. 2.







This Bill was passed by the LEGISLATIVE COUNCIL, and, being this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,  
 Sydney, 1914 September 10/11.

JOHN J. CALVERT,  
 Clerk of the Parliament.

## Negotiable Instruments Procedure Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
20 VICTORIA No. 30.		
1	4, 5	
2	6	
3	7	
4	3	
20 VICTORIA No. 31.		
53	8	This section is retained, as it includes instruments not within the scope of the Bills of Exchange Act, 1887, s. 70.
22 VICTORIA No. 3.		
1	4	

It is enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Negotiable Instruments Procedure Act, 1901."

2. The Acts mentioned in the Schedule to this Act, to the extent therein expressed, are hereby repealed.

3. In this Act "Judge" means a Judge of the Court in which the action is brought.

4. No plea shall be allowed in any action to a court in any State which is dishonoured bill, note, cheque, or other order for the payment of money without an affidavit—

(a) of the truth of such plea; or

22 Vic. No. 3, s. 1.



# Negotiable Instruments Procedure Bill

TABLE showing how the sections of Acts consolidated have been dealt with

Section of Consolidated Act	Section of Proposed Bill
30 Victoria No. 30	1
40	2
50	3
60	4
70	5
80	6
90	7
100	8
110	9
120	10
130	11
140	12
150	13
160	14
170	15
180	16
190	17
200	18
210	19
220	20
230	21
240	22
250	23
260	24
270	25
280	26
290	27
300	28
310	29
320	30
330	31
340	32
350	33
360	34
370	35
380	36
390	37
400	38
410	39
420	40
430	41
440	42
450	43
460	44
470	45
480	46
490	47
500	48
510	49
520	50
530	51
540	52
550	53
560	54
570	55
580	56
590	57
600	58
610	59
620	60
630	61
640	62
650	63
660	64
670	65
680	66
690	67
700	68
710	69
720	70
730	71
740	72
750	73
760	74
770	75
780	76
790	77
800	78
810	79
820	80
830	81
840	82
850	83
860	84
870	85
880	86
890	87
900	88
910	89
920	90
930	91
940	92
950	93
960	94
970	95
980	96
990	97
1000	98
1010	99
1020	100

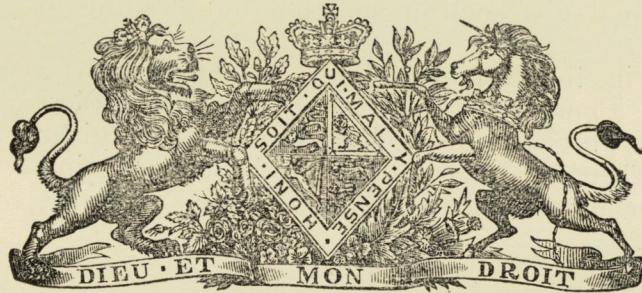


*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council Chamber,  
Sydney, 18th September, 1901.* }

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO PRIMO

# EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1901.

An Act to consolidate enactments relating to remedies on bills of exchange, and other negotiable instruments, and orders for the payment of money.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Negotiable Instruments Short title. Procedure Act, 1901."

2. The Acts mentioned in the Schedule to this Act, to the extent Repeal. therein expressed, are hereby repealed. Schedule.

3. In this Act "Judge" means a Judge of the Court in which Interpretation. the action is brought.

4. No plea shall be admissible in any action to a count on any Plea to be verified by dishonoured bill, note, cheque, or other order for the payment of money affidavit. without an affidavit—

(a) of the truth of such plea; or

20 Vic. No. 30, s. 1.  
22 Vic. No. 3, s. 1.



*Negotiable Instruments Procedure.*

- (b) of such facts as a Judge may under the circumstances deem sufficient in that behalf.
5. Any plea to any such count filed without such affidavit may be treated as a nullity. 20 Vic. No. 30, s. 1.
6. By leave of a Judge, instead of such affidavit, the defendant may pay into Court the amount of the plaintiff's claim or so much thereof as the Judge shall appoint. Payment into Court in lieu of affidavit. Ibid. s. 2.
7. Upon application on behalf of any defendant who has been absent from his usual place of business or abode at the time of service of the summons, a Judge may give such further time for pleading as he deems reasonable. Further time to plead may be given. Ibid. s. 3.
8. In any action in the Supreme Court founded upon a negotiable instrument, the Court or a Judge may order that the loss of such instrument shall not be set up, provided an indemnity is given to the satisfaction of the Court or Judge or the Prothonotary against the claims of any other person upon such instrument. Actions on lost instruments. 20 Vic. No. 31, s. 53.

SCHEDULE.

Reference to Act.	Title or Short Title.	Extent of Repeal.
20 Vic. No. 30 ...	An Act to facilitate the remedies or bills of exchange and promissory notes.	The whole.
20 Vic. No. 31 ...	The Common Law Procedure Act of 1857 ...	Section 53.
22 Vic. No. 3 ...	An Act to extend the provisions of the twentieth Victoria number thirty.	The whole.

Sydney : William Applegate Gullick, Government Printer.—1901.

[6d.]



Negotiable Instruments Procedure Bill.

Memo. and Certificate to accompany the Negotiable Instruments Procedure Bill.

*Clause 7.* This was originally passed after the Common Law Procedure Act, and is, therefore, allowed to remain.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.



Memorandum for the President  
Re: [Illegible]

[Illegible text]



The Public Bill introduced in the Executive Council, and having this day passed, is now ready for presentation to the Legislative Assembly for its consideration.

Legislative Council Chamber,  
 Sydney, 19th September, 1901.

JOHN J. CALVERT,  
 Clerk of the Parliament.

## Negotiable Instruments Procedure Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
20 VICTORIA No. 30.		
1	4, 5	
2	6	
3	7	
4	3	
20 VICTORIA No. 31.		
53	8	This section is retained, as it includes instruments not within the scope of the Bills of Exchange Act, 1887, s. 70.
22 VICTORIA No. 3.		
1	4	

BE it enacted by the Queen Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Negotiable Instruments Procedure Act, 1901."

2. The Acts mentioned in the Schedule to this Act, to the extent and therein expressed, are hereby repealed.

3. In this Act "Judge" means a Judge of the Court in which the action is brought.

4. No plea shall be admissible in any action on any note, bill, or other order for the payment of money without an affidavit—

(a) of the truth of such plea; or

(b) that the instrument on which the action is brought is not a bill, note, or other order for the payment of money.



# Negotiable Instruments Exchange Bill

TABLE showing how the sections of this consolidated bill have been dealt with.

Section of Consolidated Bill	Section of Original Bill
30 VICTORIA No. 30	1 2 3 4
31 VICTORIA No. 31	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29
32 VICTORIA No. 32	30

This section is retained, as it includes instruments not within the scope of the Bill of Exchange Act, 1882.

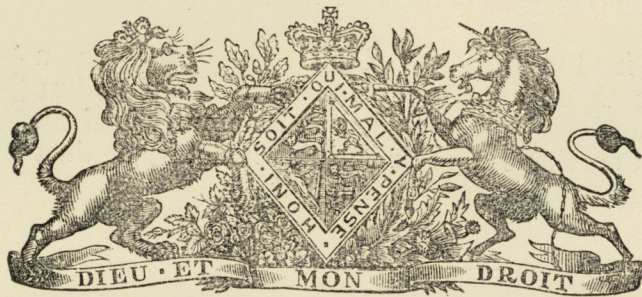


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,  
Sydney, 18th September, 1901. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO PRIMO

# EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1901.

An Act to consolidate enactments relating to remedies on bills of exchange, and other negotiable instruments, and orders for the payment of money.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Negotiable Instruments Short title. Procedure Act, 1901."
2. The Acts mentioned in the Schedule to this Act, to the extent Repeal. therein expressed, are hereby repealed. Schedule.
3. In this Act "Judge" means a Judge of the Court in which Interpretation. the action is brought.
4. No plea shall be admissible in any action to a count on any Plea to be verified by dishonoured bill, note, cheque, or other order for the payment of money affidavit. without an affidavit—  
  - (a) of the truth of such plea; or

20 Vic. No. 30, s. 1.  
22 Vic. No. 3, s. 1.



*Negotiable Instruments Procedure.*

(b) of such facts as a Judge may under the circumstances deem sufficient in that behalf.

5. Any plea to any such count filed without such affidavit may be treated as a nullity. 20 Vic. No. 30, s. 1.

6. By leave of a Judge, instead of such affidavit, the defendant may pay into Court the amount of the plaintiff's claim or so much thereof as the Judge shall appoint. Payment into Court in lieu of affidavit. Ibid. s. 2.

7. Upon application on behalf of any defendant who has been absent from his usual place of business or abode at the time of service of the summons, a Judge may give such further time for pleading as he deems reasonable. Further time to plead may be given. Ibid. s. 3.

8. In any action in the Supreme Court founded upon a negotiable instrument, the Court or a Judge may order that the loss of such instrument shall not be set up, provided an indemnity is given to the satisfaction of the Court or Judge or the Prothonotary against the claims of any other person upon such instrument. Actions on lost instruments. 20 Vic. No. 31, s. 53.

SCHEDULE.

Reference to Act.	Title or Short Title.	Extent of Repeal.
20 Vic. No. 30 ...	An Act to facilitate the remedies or bills of exchange and promissory notes.	The whole.
20 Vic. No. 31 ...	The Common Law Procedure Act of 1857 ...	Section 53.
22 Vic. No. 3 ...	An Act to extend the provisions of the twentieth Victoria number thirty.	The whole.

Sydney : William Applegate Gullick, Government Printer.—1901.

[6d.]



Negotiable Instruments Procedure Bill

Memo. and Certificate to accompany the Nego-  
tiable Instruments Procedure Bill.

*Clause 7.* This was originally passed after the Common Law Procedure Act, and is, therefore, allowed to remain.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.







## Negotiable Instruments Procedure Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
20 VICTORIA No. 30.		
1	4, 5	
2	6	
3	7	
4	3	
20 VICTORIA No. 31.		
53	8	This section is retained, as it includes instruments not within the scope of the Bills of Exchange Act, 1887, s. 70.
22 VICTORIA No. 3.		
1	4	



# Negotiable Instruments Procedure Bill

Table showing how the sections of Act consolidated have been dealt with

Section of Consolidated Act	Section of Negotiable Instruments Act, 1881	Remarks
1	1	20 Victoria No. 30
2	2	20 Victoria No. 30
3	3	20 Victoria No. 30
4	4	20 Victoria No. 30
5	5	20 Victoria No. 30
6	6	20 Victoria No. 30
7	7	20 Victoria No. 30
8	8	20 Victoria No. 30
9	9	20 Victoria No. 30
10	10	20 Victoria No. 30
11	11	20 Victoria No. 30
12	12	20 Victoria No. 30
13	13	20 Victoria No. 30
14	14	20 Victoria No. 30
15	15	20 Victoria No. 30
16	16	20 Victoria No. 30
17	17	20 Victoria No. 30
18	18	20 Victoria No. 30
19	19	20 Victoria No. 30
20	20	20 Victoria No. 30
21	21	20 Victoria No. 30
22	22	20 Victoria No. 30
23	23	20 Victoria No. 30
24	24	20 Victoria No. 30
25	25	20 Victoria No. 30
26	26	20 Victoria No. 30
27	27	20 Victoria No. 30
28	28	20 Victoria No. 30
29	29	20 Victoria No. 30
30	30	20 Victoria No. 30
31	31	20 Victoria No. 30
32	32	20 Victoria No. 30
33	33	20 Victoria No. 30
34	34	20 Victoria No. 30
35	35	20 Victoria No. 30
36	36	20 Victoria No. 30
37	37	20 Victoria No. 30
38	38	20 Victoria No. 30
39	39	20 Victoria No. 30
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41	41	20 Victoria No. 30
42	42	20 Victoria No. 30
43	43	20 Victoria No. 30
44	44	20 Victoria No. 30
45	45	20 Victoria No. 30
46	46	20 Victoria No. 30
47	47	20 Victoria No. 30
48	48	20 Victoria No. 30
49	49	20 Victoria No. 30
50	50	20 Victoria No. 30
51	51	20 Victoria No. 30
52	52	20 Victoria No. 30
53	53	20 Victoria No. 30
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57	57	20 Victoria No. 30
58	58	20 Victoria No. 30
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87	87	20 Victoria No. 30
88	88	20 Victoria No. 30
89	89	20 Victoria No. 30
90	90	20 Victoria No. 30
91	91	20 Victoria No. 30
92	92	20 Victoria No. 30
93	93	20 Victoria No. 30
94	94	20 Victoria No. 30
95	95	20 Victoria No. 30
96	96	20 Victoria No. 30
97	97	20 Victoria No. 30
98	98	20 Victoria No. 30
99	99	20 Victoria No. 30
100	100	20 Victoria No. 30

This section is revised, as it includes instruments not within the scope of the Bill of Exchange Act, 1881.



Legislative Council.

No. , 1901.

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## A BILL

To consolidate enactments relating to remedies on bills of exchange, and other negotiable instruments, and orders for the payment of money.

[MR. WISE;—21 August, 1901.]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Negotiable Instruments Short title. Procedure Act, 1901."

2. The Acts mentioned in the Schedule to this Act, to the extent Repeal. therein expressed, are hereby repealed. Schedule.

3. In this Act "Judge" means a Judge of the Court in which Interpretation. the action is brought.

4. No plea shall be admissible in any action to a count on any Plea to be verified by dishonoured bill, note, cheque, or other order for the payment of money affidavit. without an affidavit— 20 Vic. No. 30, s. 1.

(a) of the truth of such plea; or 22 Vic. No. 3, s. 1.

c 70—

(b)



(b) of such facts as a Judge may under the circumstances deem sufficient in that behalf.

20 Vic. No. 30, s. 1.

5. Any plea to any such count filed without such affidavit may be treated as a nullity.

Payment into Court  
in lieu of affidavit.  
*Ibid.* s. 2.

6. By leave of a Judge, instead of such affidavit, the defendant may pay into Court the amount of the plaintiff's claim or so much thereof as the Judge shall appoint.

Further time to  
plead may be given.  
*Ibid.* s. 3.

7. Upon application on behalf of any defendant who has been absent from his usual place of business or abode at the time of service of the summons, a Judge may give such further time for pleading as he deems reasonable.

Actions on lost  
instruments.  
20 Vic. No. 31, s. 53.

8. In any action in the Supreme Court founded upon a negotiable instrument, the Court or a Judge may order that the loss of such instrument shall not be set up, provided an indemnity is given to the satisfaction of the Court or Judge or the Prothonotary against the claims of any other person upon such instrument.

#### SCHEDULE.

Reference to Act.	Title or Short Title.	Extent of Repeal.
20 Vic. No. 30 ...	An Act to facilitate the remedies or bills of exchange and promissory notes.	The whole.
20 Vic. No. 31 ...	The Common Law Procedure Act of 1857 ..	Section 53.
22 Vic. No. 3 ...	An Act to extend the provisions of the twentieth Victoria number thirty.	The whole.

Sydney : William Applegate Gullick, Government Printer.—1901.

[67.]