

No. XXX.

BILLS OF EXCHANGE. An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes. [11th March, 1857.]

Preamble.

WHEREAS *bonâ fide* holders of dishonored Bills of Exchange and Promissory Notes are often unjustly delayed and put to unnecessary expense in recovering the amount thereof by reason of frivolous or fictitious defences to actions thereon and it is expedient that greater facilities than now exist should be given for the recovery of money due on such Bills and Notes Be it enacted by the Queen'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:—

Pleas to actions on Bills &c. to be accompanied by affidavits.

1. After the passing of this Act no plea shall be admissible in any action to a count on any dishonored Bill or Note without an affidavit of the truth of such plea or of such facts as a Judge may under the circumstances deem sufficient in that behalf and if any plea to any such count be filed without such an affidavit it may be treated as a nullity.

Payment into Court.

2. By leave of a Judge instead of such an affidavit the defendant or any person in his behalf may pay into Court the amount of the plaintiff's claim or so much thereof as the Judge shall appoint.

Common Law Procedure.

3. It shall be lawful for a Judge upon application on behalf of any defendant who shall have been absent from his usual place of business or abode at the time of service of the summons to give such further time for pleading as such Judge shall deem reasonable.

4. In respect of actions in any Court other than the Supreme Court the Judge or Commissioner of such Court shall be deemed a Judge within the meaning of this Act.
