

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. [7th November, 1901.]

BE 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:—

Short title.

1. This Act may be cited as the "Negotiable Instruments Procedure Act, 1901." 2.

Negotiable Instruments Procedure.

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 therein expressed, are hereby repealed.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 20 Vic. No. 30, s. 1.
22 Vic. No. 3, s. 1. without an affidavit—

(a) of the truth of such plea; or

(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 20 Vic. No. 30, s. 1. be treated as a nullity.

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

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

8. In any action in the Supreme Court founded upon a Actions on lost
instruments. negotiable instrument, the Court or a Judge may order that the loss 20 Vic. No. 31, s. 53. 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.