

Act No. 42, 1901.

NEGOTIABLE  
INSTRUMENTS  
PROCEDURE.

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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.]

**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:—

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 The Acts mentioned in the Schedule to this Act, to the extent therein expressed, are hereby repealed. Repeal.  
Schedule.
3. In this Act "Judge" means a Judge of the Court in which the action is brought. Interpretation.
4. No plea shall be admissible in any action to a count on any dishonoured bill, note, cheque, or other order for the payment of money without an affidavit— Plea to be verified by  
affidavit.  
20 Vic. No. 30, s. 1.  
22 Vic. No. 3, s. 1.
- (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 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.