

See 39840 Vict, c. 81



The law is
repealed by
Act 19 of 1870-71
which has
been repealed by
13/8 Act of 1884
Consult Sec 10 of
No. 9 of 1872

ANNO VICESIMO TERTIO ET VICESIMO QUARTO

VICTORIÆ REGINÆ.

A.D. 1860.

No. 4. *13th Act*
force. Even it is it

An Act to amend the Law relating to Cheques, Drafts, and Orders on Bankers and Others.

[Assented to, 18th July, 1860.]

WHEREAS it is expedient to amend the Law relating to Cheques, Drafts, and Orders on Bankers or others—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

does not
seem to
include
Preamble.
divided
10/7/1876
13/8 Act of 1884
See 39840 Vict, c. 81
see 13/8
on 13/8, 720,
313

1. Whenever a cheque or draft on any banker, or draft or order on any company, or on any person or persons, payable to bearer, or to order, on demand, shall be issued, crossed either in written or stamped letters, with the name of a banker, or with two transverse lines with the words "and company," or any abbreviation of the same, such crossing shall be deemed a material part of the cheque, draft, or order, and except as hereinafter mentioned, shall not be obliterated, or added to, or altered by any person whomsoever after the issuing thereof; and the banker, company, person, or persons upon whom such cheque, draft, or order shall be drawn, shall not pay such cheque, draft, or order to any other than the banker, with whose name such cheque, draft, or order shall be so crossed, or if the same be crossed as aforesaid, without a banker's name, to any other than a banker.

The crossing to be
deemed a material
part of a cheque,
draft, or order.
on 13/8, 720,
313

2. Whenever any such cheque, draft, or order shall have been issued uncrossed, or shall be crossed with the words "and company," or any abbreviation of the same, and without the name of any banker, any lawful holder of such cheque, draft, or order, while

The lawful holder of a cheque, &c., uncrossed, or crossed "and Company," may cross the same with the name of a Banker.

the same remains so uncrossed, or crossed with the words "and company," or any abbreviation of the same, without the name of any banker, may cross the same with the name of a banker; and whenever any such cheque, draft, or order shall be uncrossed, any such lawful holder may cross the same with the words "and company," or any abbreviation of the same, or with or without the name of a banker, and any such crossing, as in this section mentioned, shall be deemed a material part of the cheque, draft, or order, and shall not be obliterated, or added to, or altered by any person whomsoever after the making thereof; and the banker, company, person, or persons upon whom such cheque, draft, or order shall be drawn shall not pay such cheque, draft, or order to any other than the banker, with whose name such cheque, draft, or order shall be so crossed, as last aforesaid.

Persons obliterating, &c., crossing with intent to defraud, guilty of felony.

3. If any person shall obliterate, add to, or alter any such crossing, with intent to defraud, or offer, utter, dispose of, or put off with intent to defraud, any cheque, draft, or order as aforesaid, whereon such fraudulent obliteration, addition, or alteration has been made, knowing it to have been so made, such person shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for life or for any less term, with or without hard labor, and with or without solitary confinement.

Banker not to be responsible for paying a cheque, &c., which does not plainly appear to have been crossed or altered.

4. Any banker, company, person, or persons, paying a cheque, draft, or order, which does not at the time when it is presented for payment plainly appear to be or to have been crossed as aforesaid, or to have been obliterated, added to, or altered as aforesaid, shall not be in any way responsible or incur any liability, nor shall such payment be questioned by reason of such cheque, draft, or order having been so crossed as aforesaid, or having been so obliterated, added to, or altered as aforesaid, or of his or their having paid the same to a person other than a banker, or other than the banker with whose name such cheque, draft, or order shall have been so crossed, unless such banker, company, person, or persons shall have acted *mala fide* or been guilty of negligence in so paying such cheque.

Interpretation of the word "Banker."

5. In the construction of this Act the word "Banker" shall include any person or persons, or corporation, or joint stock company acting as a banker or bankers.

Commencement of Act.

6. This Act shall take effect from the first day of August, 1860.