

ACT No. II OF 1885.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 30th January, 1885.)

An Act to amend the Negotiable Instruments Act, 1881.

WHEREAS it is expedient to amend the Negotiable Instruments Act, 1881, in manner hereinafter appearing; It is hereby enacted as follows:—

XXVI of
1881.

Short title.

1. This Act may be called the Negotiable Instruments Act, 1885.

Amendment
of section 7,
Act XXVI of
1881.

2. In the fourth paragraph of section 7 of the Negotiable Instruments Act, 1881, for the words "When acceptance is refused and the bill is protested for non-acceptance" the following shall be substituted, namely:—"When a bill of exchange has been noted or protested for non-acceptance or for better security".

XXVI of
1881.

New section
inserted after
section 45 of
the same Act.

3. After section 45 of the same Act the following shall be inserted:—

Holder's
right to dup-
licate of lost
bill.

"45A. Where a bill of exchange has been lost before it is over-due, the person who was the holder of it may apply to the drawer to give him another bill of the same tenor, giving security to the drawer, if required, to indemnify him against all persons whatever in case the bill alleged to have been lost shall be found again.

"If the drawer on request as aforesaid refuses to give such duplicate bill, he may be compelled to do so."

4. To

4. To section 61, and the first paragraph of section 64, of the same Act, the following shall be added:—

Addition to sections 61 and 64 of the same Act.

“Where authorized by agreement or usage, a presentment through the post office by means of a registered letter is sufficient.”

5. To section 101 of the same Act the following shall be added:—

Addition to section 101 of the same Act.

“A notary public may make the demand mentioned in clause (c) of this section either in person or by his clerk or, where authorized by agreement or usage, by registered letter.”

6. After section 104 of the same Act the following shall be inserted:—

Section inserted after section 104 of the same Act.

“104A. For the purposes of this Act, where a bill or note is required to be protested within a specified time or before some further proceeding is taken, it is sufficient that the bill has been noted for protest before the expiration of the specified time or the taking of the proceeding; and the formal protest may be extended at any time thereafter as of the date of the noting.”

When noting equivalent to protest.

7. In the same Act, section 108, the second sentence is repealed.

Section 108 of the same Act, in part, repealed.

8. In the same Act, section 109,

(a) for the words “in the presence of a notary public subscribe the bill with his own hand and” the following shall be substituted, namely:—“by writing on the bill under his hand”; and

Amendment of section 109 of same Act.

(b) the last twelve words are repealed.

9. In the same Act, section 113, after the words “the person so paying” the words “or his agent in that behalf” shall be inserted.

Amendment of section 113 of same Act.

10. After

New chapter
added to
same Act.

10. After Chapter XVI of the same Act, the following shall be inserted:—

“ CHAPTER XVII.

“ NOTARIES PUBLIC.

Power to
appoint
notaries
public.

“ 138. The Governor General in Council may, from time to time, by notification in the official Gazette, appoint any person, by name or by virtue of his office, to be a notary public under this Act and to exercise his functions as such within any local area, and may by like notification, remove from office any notary public appointed under this Act.

Power to
make rules
for notaries
public.

“ 139. The Governor General in Council may, from time to time, by notification in the official Gazette, make rules consistent with this Act for the guidance and control of notaries public appointed under this Act, and may, by such rules, (among other matters) fix the fees payable to such notaries.”