

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
31st July, 1877.*

Hon. Mr. Whitaker.

Crossed Cheques.

ANALYSIS.

Title.	8. Cheque crossed specially more than once not to be paid.
1. Short Title.	9. Protection of banker and drawer where cheque crossed specially.
2. Repeal of "Bankers Draft Act, 1858."	10. Banker paying cheque contrary to provisions of Act to be liable to lawful owner.
3. Interpretation.	11. Relief of banker from responsibility in some cases.
4. General and special crossings.	12. Title of holder of cheque crossed specially.
5. Crossing after issue.	
6. Crossing material part of cheque.	
7. Payment to banker only.	

A BILL INTITULED

AN ACT for amending the Law relating to Crossed Cheques. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "The Crossed Cheques Act, 1877." Short Title.
- 5 2. "The Bankers Draft Act, 1858," is hereby repealed, but this repeal shall not affect any right, interest, or liability acquired or accrued before the passing of this Act. Repeal of "Bankers Draft Act, 1858."
3. In this Act— Interpretation.
- 10 "Cheque" means a draft or order on a banker payable to bearer or to order on demand.
- "Banker" includes persons or a corporation or joint stock or other company acting as bankers.
4. Where a cheque bears across its face an addition of the words "and company," or any abbreviation thereof, between two parallel General and special crossings.
- 15 transverse lines, or of two parallel transverse lines simply, and either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed generally.
- Where a cheque bears across its face an addition of the name of
- 20 a banker, either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed specially, and to be crossed to that banker.
5. Where a cheque is uncrossed, a lawful holder may cross it Crossing after issue. generally or specially.

Where a cheque is crossed generally, a lawful holder may cross it specially.

Where a cheque is crossed generally or specially, a lawful holder may add the words "not negotiable."

Where a cheque is crossed specially, the banker to whom it is crossed may again cross it specially to another banker, his agent for collection. 5

Crossing material part of cheque.

6. A crossing authorized by this Act shall be deemed a material part of the cheque, and it shall not be lawful for any person to obliterate or, except as authorized by this Act, to add to or alter the crossing. 10

Payment to banker only.

7. Where a cheque is crossed generally, the banker on whom it is drawn shall not pay it otherwise than to a banker.

Where a cheque is crossed specially, the banker on whom it is drawn shall not pay it otherwise than to the banker to whom it is crossed, or to his agent for collection. 15

Cheque crossed specially more than once not to be paid.

8. Where a cheque is crossed specially to more than one banker, except when crossed to an agent for the purpose of collection, the banker on whom it is drawn shall refuse payment thereof.

Protection of banker and drawer where cheque crossed specially.

9. Where the banker on whom a crossed cheque is drawn has in good faith and without negligence paid such cheque if crossed generally to a banker, and if crossed specially to the banker to whom it is crossed, or his agent for collection being a banker, the banker paying the cheque and (in case such cheque has come to the hands of the payee) the drawer thereof shall respectively be entitled to the same rights and be placed in the same position in all respects as they would respectively have been entitled to and have been placed in if the amount of the cheque had been paid to and received by the true owner thereof. 20 25

Banker paying cheque contrary to provisions of Act to be liable to lawful owner.

10. Any banker paying a cheque crossed generally otherwise than to a banker, or a cheque crossed specially otherwise than to the banker to whom the same shall be crossed, or his agent for collection being a banker, shall be liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid. 30

Relief of banker from responsibility in some cases.

11. Where a cheque is presented for payment which does not at the time of presentation appear to be crossed, or to have had a crossing which has been obliterated, or to have been added to or altered otherwise than as authorized by this Act, a banker paying the cheque, in good faith and without negligence, shall not be responsible or incur any liability, nor shall the payment be questioned, by reason of the cheque having been crossed, or of the crossing having been obliterated, or having been added to or altered otherwise than as authorized by this Act, and of payment being made otherwise than to a banker or the banker to whom the cheque is or was crossed, or to his agent for collection being a banker (as the case may be). 35 40 45

Title of holder of cheque crossed specially.

12. A person taking a cheque crossed generally or specially, bearing in either case the words "not negotiable," shall not have and shall not be capable of giving a better title to the cheque than that which the person from whom he took it had.

But a banker who has in good faith and without negligence received payment for a customer of a cheque crossed generally or specially to himself shall not, in case the title to the cheque proves defective, incur any liability to the true owner of the cheque by reason only of having received such payment. 50