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BANKER AND CUSTOMER

Second Impression

BANKER AND CUSTOMER

BY

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PREFACE

In preparing this volume I have aimed at providing for students and practical bankmen a clear and up-to-date exposition of the principles and practice of banking as conducted in this country. Whilst I have endeavoured to make the work as comprehensive as is necessary for most practical and examination purposes, I have sought to preserve the clarity and interest of the text by eliminating abstruse intricacies and unessential details.

The law relating to bills of exchange, promissory notes and cheques has received fairly extensive treatment, commensurate with its supreme importance both from a practical and examination standpoint. A feature of this section of the work consists in the inclusion of a large number of illustrative examples gleaned from a variety of sources.

Clearly, a volume of this nature could not be compiled without constant reference to the recognised authorities and standard text-books on the subject. Many of the works which I have consulted, both as a student of banking and in the compilation of this book, are mentioned in the context, but I wish in particular to acknowledge my indebtedness to the works of Sir John Paget, Sir Mackenzie Chalmers, and Dr. Heber Hart. *Questions on Banking Practice* and *Legal Decisions Affecting Bankers*, published by the Institute of Bankers, have afforded me a wealth of information in a readily accessible form, and to these works also my acknowledgments are due and are here accorded.

S. E. T.

September, 1926.

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96. The enactments mentioned in the second schedule to this Act are hereby repealed as from the commencement of this Act to the extent in that schedule mentioned. (*The schedule is not included herein.*)

Provided that such repeal shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Act, or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

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98. Nothing in this Act or in any repeal effected thereby shall extend or restrict, or in any way alter or affect the law and practice in Scotland in regard to summary diligence.

99. Where any Act or document refers to any enactment repealed by this Act, the Act or document shall be construed, and shall operate, as if it referred to the corresponding provisions of this Act.

100. In any judicial proceeding in Scotland, any fact relating to a bill of exchange, bank cheque, or promissory note, which is relevant to any question of liability thereon, may be proved by parole evidence: Provided that this enactment shall not in any way affect the existing law and practice whereby the party who is, according to the tenor of any bill of exchange, bank cheque, or promissory note, debtor to the holder in the amount thereof, may be required, as a condition of obtaining a sist of diligence, or suspension of a charge, or threatened charge, to make such consignation, or to find such caution as the court or judge before whom the cause is depending may require.

This section shall not apply to any case where the bill of exchange, bank cheque, or promissory note has undergone the sesennial prescription.

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