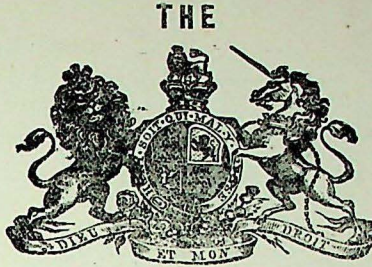


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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 4th March 1897, and is hereby promulgated for general information:—

Act No. VI of 1897.

An Act to amend the Negotiable Instruments Act, 1881.

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

Short title and commencement.

1. (1) This Act may be called the Negotiable Instruments Act Amendment Act, 1897; and

(2) It shall come into force at once.

2. To section 72 of the said Act the following words shall be prefixed, namely, "Subject to the provisions of section 84".

Amendment of section 72, Act XXVI of 1881.

3. For section 84 of the said Act the following section shall be substituted, namely:—

"84. (1) Where a cheque is not presented for payment within a reasonable time of its issue, and the drawer or person on whose account it is drawn had the

right, at the time when presentment ought to have been made, as between himself and the banker, to have the cheque paid and suffers actual damage through the delay, he is discharged to the extent of such damage, that is to say, to the extent to which such drawer or person is a creditor of the banker to a larger amount than he would have been if such cheque had been paid.

(2) In determining what is a reasonable time, regard shall be had to the nature of the instrument, the usage of trade and of bankers, and the facts of the particular case.

(3) The holder of the cheque as to which such drawer or person is so discharged shall be a creditor, in lieu of such drawer or person, of such banker to the extent of such discharge and entitled to recover the amount from him.

Illustrations.

(a) A draws a cheque for Rs. 1,000, and when the cheque ought to be presented, has funds at the bank to meet it. The bank fails before the cheque is presented. The drawer is discharged, but the holder can prove against the bank for the amount of the cheque.

(b) A draws a cheque at Umbala on a bank in Calcutta. The bank fails before the cheque could be presented in ordinary course. A is not discharged, for he has not suffered actual damage through any delay in presenting the cheque.

J. M. MACPHERSON,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 4th March 1897, and is hereby promulgated for general information :—

Act No. VII of 1897.

An Act to amend the Indian Emigration Act, 1883.

XXI of 1883. WHEREAS it is expedient to amend the Indian Emigration Act, 1883: It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Emigration Act Amendment Act, 1897; and

(2) It shall come into force at once.

2. In section 102 of the Indian Emigration Act, XXI of 1883, as amended by Act No. XVIII of 1890, section 7, for the words "British colony or possession", wherever they occur, the word "country", and for the words "State, colony or possession", wherever they occur, the words "State or country," shall be substituted.

J. M. MACPHERSON,

Secretary to the Government of India.