

THE



Bombay Government Gazette.

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

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 7th March 1884, and was referred to a Select Committee:—

Bill No. 3 of 1884.

A Bill to amend the Negotiable Instruments Act, 1881.

XXVI of 1881 WHEREAS it is expedient to amend the Negotiable Instruments Act, 1881, in manner herein-after appearing; It is hereby enacted as follows—

1. This Act may be called the Negotiable Instruments Act, 1884.

XXVI of 1881 2. In the Negotiable Instruments Act, 1881, Act XXVI of 1881, section 108, in part repealed. section 108, the second sentence is repealed.

Amendment of Section 100 of same Act. 3. 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

(b) the last twelve words are repealed.

4. In the same Act, section 113, after the Amendment of section words "the person so 113 of same Act. paying," the words "or his agent in that behalf" shall be inserted.

5. After Chapter XVI. of the same Act, New chapter added to the following shall be same Act. inserted:—

"CHAPTER XVII.

"NOTARIES PUBLIC.

"133. 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 any person so appointed.

"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."

STATEMENT OF OBJECTS AND REASONS.

SECTIONS 108 and 109 of the Negotiable Instruments Act, 1881, make it essential to the validity of an acceptance for honour that the person accepting shall go through certain formalities in the presence of a notary.

It appears that the English Bills of Exchange Bill which became law in 1882 originally contained similar provisions, but they were cut out in Committee.

Two of the leading banks in India brought to the notice of the Government some time ago that the imposition of such a condition led to serious inconvenience in the case of certain classes of bills, inasmuch as persons who were willing to become responsible for them as acceptors refused to go before a notary.

2. Section 113 of the Negotiable Instruments Act makes a notarial act essential to a payment for honour, as section 68 of the English Bills of Exchange Act does, but with this difference that while the English Act allows of the requisite declaration before the notary being made either by the payer for honour or his agent in that behalf, the Indian Act may be construed as allowing it to be made only by the payer himself. This also is likely to give rise to difficulty.

3. A number of banks and other commercial authorities throughout British India, having been consulted on these points, are almost unanimous in thinking that an amendment of the Act is required, and accordingly the present Bill has been prepared with a view to bringing the law of India in the particulars referred to as nearly as may be into conformity with the law of England.

4. The opportunity has been taken to supply certain defects in the Negotiable Instruments Act regarding the appointment and control of notaries public, and to make it clear that a person may be appointed a notary by name or by virtue of an office held by him; that he may be appointed for a limited area and may be removed from his office; and further that rules may be made for the guidance and control of notaries appointed under the Act and may, among other matters, fix the fees payable to such notaries.

(Signed) C. P. ILBERT.

The 29th February, 1884.

D. FITZPATRICK,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 20th March 1884.]

PART VI. BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 7th March 1884, and was referred to a Select Committee:—

Bill No. 3 of 1884.

A Bill to amend the Negotiable Instruments Act, 1881.

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

Short Title.

1. This Act may be called the Negotiable Instruments Act, 1884.

2. In the Negotiable Instruments Act, 1881, section 108, the second sentence is repealed.

Amendment of Section 109 of same Act.

3. 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

(b) the last twelve words are repealed.

4. In the same Act, section 113, after the Amendment of section 113 of same Act. words "the person so paying," the words "or his agent in that behalf" shall be inserted.

5. After Chapter XVI. of the same Act, New chapter added to the following shall be same Act. inserted:—

"CHAPTER XVII.

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"138. The Governor General in Council may, from time to time, by Power to appoint notaries public. 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 any person so appointed.

"139. The Governor General in Council may, from time to time, by Power to make rules for notaries public. 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."

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It appears that the English Bills of Exchange Bill which became law in 1882 originally contained similar provisions, but they were cut out in Committee.

Two of the leading banks in India brought to the notice of the Government some time ago that the imposition of such a condition led to serious inconvenience in the case of certain classes of bills, inasmuch as persons who were willing to become responsible for them as acceptors refused to go before a notary.

2. Section 113 of the Negotiable Instruments Act makes a notarial act essential to a payment for honour, as section 68 of the English Bills of Exchange Act does, but with this difference that while the English Act allows of the requisite declaration before the notary being made either by the payer for honour or his agent in that behalf, the Indian Act may be construed as allowing it to be made only by the payer himself. This also is likely to give rise to difficulty.

3. A number of banks and other commercial authorities throughout British India, having been consulted on these points, are almost unanimous in thinking that an amendment of the Act is required, and accordingly the present Bill has been prepared with a view to bringing the law of India in the particulars referred to as nearly as may be into conformity with the law of England.

4. The opportunity has been taken to supply certain defects in the Negotiable Instruments Act regarding the appointment and control of notaries public, and to make it clear that a person may be appointed a notary by name or by virtue of an office held by him; that he may be appointed for a limited area and may be removed from his office; and further that rules may be made for the guidance and control of notaries appointed under the Act and may, among other matters, fix the fees payable to such notaries.

(Signed) C. P. ILBERT.

The 29th February, 1884.

D. FITZPATRICK,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 27th March 1884.]

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(Signed) C. P. ILBERT.

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D. FITZPATRICK,
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