

ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXIX.

An Act to amend the Law relating to Cheques or Drafts on Bankers. [2d *August* 1858.]

WHEREAS it is expedient to amend the Law relating to Cheques or Drafts on Bankers: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Crossing to be deemed a material Part of a Cheque or Draft, &c.

I. Whenever a Cheque or Draft on any Banker, payable to Bearer, or to Order, on Demand, shall be issued, crossed with the Name of a Banker, or with Two transverse Lines with the Words "and Company" or any Abbreviation thereof, such Crossing shall be deemed a material Part of the Cheque or Draft, and, except as hereafter mentioned, shall not be obliterated or added to or altered by any Person whomsoever after the issuing thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed, or if the same be crossed as aforesaid without a Banker's Name, to any other than a Banker.

The lawful Holder of a Cheque uncrossed, or crossed "and Company," may cross the same

II. Whenever any such Cheque or Draft shall have been issued uncrossed, or shall be crossed with the Words "and Company" or any Abbreviation thereof, and without the Name of any Banker, any lawful Holder of such Cheque or Draft, while the same remains so uncrossed, or crossed with the Words "and Company" or any Abbreviation

with the Name of a Banker.

Abbreviation thereof, without the Name of any Banker, may cross the same with the Name of a Banker; and whenever any such Cheque or Draft shall be uncrossed, any such lawful Holder may cross the same with the Words "and Company" or any Abbreviation thereof, with or without the Name of a Banker; and any such Crossing as in this Section mentioned shall be deemed a material Part of the Cheque or Draft, and shall not be obliterated or added to or altered by any Person whomsoever after the making thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed as last aforesaid.

Persons obliterating, &c. Crossing with Intent to defraud, guilty of Felony.

III. If any Person shall obliterate, add to, or alter any such Crossing with Intent to defraud, or offer, utter, dispose of, or put off with Intent to defraud, any Cheque or Draft on a Banker, whereon such fraudulent Obliteration, Addition, or Alteration has been made, knowing it to have been so made, such Person shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or to such other Punishment as is enacted and provided for those guilty of Forgery of Bills of Exchange in the Statute in that Case made and provided.

Banker not to be responsible for paying a Cheque which does not plainly appear to have been crossed or altered.

IV. Provided always, That any Banker paying a Cheque or Draft which does not at the Time when it is present ed forPayment plainly appear to be or to have been crossed as aforesaid, or to have been obliterated, added to, or altered as aforesaid, shall not be in any way responsible or incur any Liability, nor shall such Payment be questioned by reason of such Cheque having been so crossed as aforesaid, or having been so obliterated, added to, or altered as aforesaid, and of his having paid the same to a Person other than a Banker, or other than the Banker with whose Name such Cheque or Draft shall have been so crossed, unless such Banker shall have acted *malâ fide*, or been guilty of Negligence in so paying such Cheque.

Interpretation of the Word "Banker."

V. In the Construction of this Act the Word "Banker" shall include any Person or Persons, or Corporation, or Joint Stock Company, acting as a Banker or Bankers.

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