

No. XIII.

An Act to establish a Savings' Bank in New SAVINGS' BANK.
South Wales and to provide for the Management thereof and for the Security of Deposits therein. [9th March, 1832.]

WHEREAS it is desirable for the encouragement of frugality that Preamble. persons possessing small sums of money beyond what they require for the supply of their immediate wants should be afforded an opportunity of depositing the same on good security to accumulate at compound interest and to form a provision for themselves and families

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Establishing a
Savings' Bank.

Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice of the Legislative Council That an Institution to be called the "Savings' Bank of New South Wales" shall be established in New South Wales for the receipt management and security of such deposits and shall be regulated according to the provisions hereinafter to be established.

Governor to be
President.

2. And be it further enacted That the Governor of New South Wales for the time-being shall be the President of the said institution and that the management of the affairs of the same shall be vested in nine Trustees to be nominated by the said Governor of whom one shall be styled Vice-President and that all or any of such Trustees shall and may from time to time be removed from office and re-appointed or another or others appointed in his or their place or stead in case of any such removal or any vacancy happening as the said Governor shall from time to time think fit and every such nomination re-appointment or fresh nomination of any such Trustee or Trustees as aforesaid shall be signified by the publication of an order to that effect in the *New South Wales Government Gazette*.

Management vested
in nine Trustees one
of whom to be styled
Vice-President.

3. And be it further enacted That the said Vice-President and other Trustees whose nomination shall have been so publicly signified shall and may proceed to frame such rules and regulations for the conduct and management of the said Savings' Bank as to them shall seem meet and may from time to time alter and modify the same as occasion shall require Provided always that no such rules or regulations shall be deemed valid or be acted upon until the same shall have been submitted to the Governor for his approval and shall have been confirmed and allowed by him under his hand.

Vice-President and
Trustees to frame
rules

to be submitted for
the Governor's
approval.

Two or more Trustees
to receive deposits
on certain days to be
appointed by rules

and the same to be
paid over to the
Colonial Treasurer.

General meetings of
Trustees to be held
quarterly for produc-
tion of accounts

such meetings to
agree on lending
monies on securities
at not less than £8
per cent.

4. And be it further enacted That it shall and may be lawful for any two or more of such Trustees at such time and place as shall be fixed by such rules confirmed and allowed as aforesaid and at no other time or place whatsoever to receive from any person or persons in the way of deposit any sum or sums of money not being of value less than one shilling nor more than thirty pounds and shall then and there cause the same to be entered in a book to be provided for that purpose to the credit of the party making such deposit or of such other person as he or she may appoint and one or more of the Trustees by whom such deposits were received shall on the same day pay the entire amount of the same to the Colonial Treasurer who is hereby authorized and required to receive and give a discharge for such amount and to place the same to the credit of the Vice-President and Trustees of the Savings' Bank of New South Wales in an account to be opened and kept by him for that purpose.

5. And be it further enacted That on a day to be appointed in the first week respectively of the months of January April July and October in every year there shall be a general meeting of the said Trustees at which the Vice-President and at least one-half of the other Trustees shall attend or in the necessary absence of the Vice-President at which five of the Trustees shall attend for the purpose of placing out at interest on security to be approved by them and under the conditions hereinafter described such sums of money as may have been deposited during the three months last preceding and at such meeting the Vice-President or presiding Trustee shall produce and exhibit the Treasurer's accounts containing a statement of the sums received by him during that period on account of the Savings' Bank and of the balance remaining in his hands to the credit and in favour of the aforesaid Vice-President and Trustees and it shall be lawful for the Vice-President or other Trustees attending such general meeting or the major part of them out of the balance in the hands of the said Treasurer to discount at a rate of interest not less

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less than eight pounds *per centum* per annum bills of exchange or promissory notes of an amount not exceeding five hundred pounds and bearing the names of not less than three persons to be approved of at such meeting and payable at a period not exceeding six calendar months from that time or to bargain and agree to lend the same upon the security of any real properties in the said Colony of New South Wales to an amount not exceeding two-thirds of the value of such property as estimated by the majority of the Trustees then and there present or in such manner as they may think proper to direct and in case the Trustees then present shall direct a valuation of the premises to be taken the same shall be at the expense of the person applying for such loan and an adjourned meeting if necessary may be held at any time within fourteen days then next following for determining the same and in case such meeting or adjourned meeting as aforesaid shall approve of making any such loan either on bills of exchange or promissory notes as aforesaid or on the security of any such properties as aforesaid the same shall be made at interest not less than eight pounds *per centum* per annum to be paid half-yearly. Provided always that no sum or sums of money belonging to the depositors in the Savings' Bank so lent to any one person or at any one time in his possession shall exceed five hundred pounds in the whole and provided also that for each and every sum so lent on the security of any real property as aforesaid a mortgage be given on the said property and also a bond in double the amount with a warrant of attorney to confess a judgment thereon shall be granted by the borrower and that if the interest on any such loan shall be at any time more than three months in arrear and shall not be paid on demand the said Trustees shall cause judgment forthwith to be entered up on the said warrant of attorney and execution to be sued out thereon.

6. And be it further enacted That the said Trustees or the major part of them shall within one calendar month from the close of every year cause a balance sheet to be prepared containing a true statement of their receipts and payments on account of the Savings' Bank during such past year and of the balance of money remaining in the hands of the Treasurer on their account as well as of all sums of money which may in any manner be due to them as Trustees of such Savings' Bank and shall certify the correctness of the said account or balance sheet by subscribing the same with their names and shall within three days after such subscription lay the same before the Governor for his approval and shall cause the same after being by him approved to be published in the *Government Gazette*.

7. And be it further enacted That it shall not be lawful for the Colonial Treasurer to make any payment in the name or on account of the Vice-President and Trustees of the Savings' Bank except in conformity with the terms of an order to that effect which shall be signed by three or more of the said Trustees and also that all securities for money or other obligatory instruments and evidences or muniments which may be taken and received for the re-payment of any sum or sums of money lent by the Trustees from the deposits in the Savings' Bank shall be and are hereby directed to be preserved in the Colonial Treasury in an iron chest having three locks the keys of two of which shall be kept by the Vice-President and the next senior Trustee respectively and the third by the Colonial Treasurer and it shall not be lawful for the said parties in whose custody such keys are placed or for any of them to deliver out of such chest to any person whatsoever any security for money or any obligatory instrument which may have been deposited therein unless the party applying for and claiming the same shall produce an order for its delivery signed by three or more of the Trustees.

No loan to one person to exceed five hundred pounds.

A mortgage bond and warrant of attorney to be taken on real property.

Balance sheet to be prepared yearly and published in newspapers.

Colonial Treasurer to make no payment without order of Trustees.

Securities &c. to be deposited with Colonial Treasurer and not to be delivered up without Trustees' order.

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Deposits above £1 to receive £5 per cent. out of interest received by the Bank

and any surplus above £200 to be divided rateably and placed to depositors' credit.

Interest to be paid in the month of January and if not claimed to be added to principal.

But not to accumulate above one hundred pounds.

Depositors may receive back the principal on notice and certain conditions.

8. And be it further enacted That every person depositing with the Trustees by one or more payments any sum not less than twenty shillings or the person on whose account the said deposits may have been paid and to whose credit they are placed in the books of the bank shall be entitled to receive interest upon the same at the rate of five pounds by the year for a hundred pounds and in the same proportion for any shorter time provided that no interest shall be allowed on any sums less than one pound or on odd shillings or pence and that the interest shall be calculated by months omitting odd days but that any sum deposited within the first seven days of a month shall be entitled to bear interest for the whole of that month and the Trustees may and shall pay such interest as is here directed upon all deposits not less than twenty shillings out of the interest received by them on sums lent out as hereinbefore directed and they may and shall out of the same also defray such reasonable charges as may be necessary for conducting the business and keeping the accounts of the bank as shall be first sanctioned by the Governor for the time-being and thereupon if at the close of any year a surplus over and above the sum of two hundred pounds shall remain after such interest and charges as aforesaid shall have been paid they may and shall direct the same to be divided and placed to the credit of the several persons having deposits in the bank in proportions corresponding with the amount of such deposits at the close of the preceding year and with the number of days in such year during which they may have remained inscribed in the names of the several depositors.

9. And be it further enacted That the said interest at the rate of five pounds by the year on every one hundred pounds deposited in the bank and the proportionate interest on any smaller sum subject to the rules above-mentioned shall be payable on any days appointed for receiving deposits in the month of January in every year and if such interest shall not be applied for by the person to whom it is due or by any person duly authorized on his behalf on any of the days so fixed for the payment thereof the amount so left unclaimed shall be added to and incorporated with the sum already standing in the books of the bank to the credit of such party and shall bear interest subject to the rules aforesaid from the first day of the ensuing month of February and interest at the rate above fixed shall be allowed to him or her upon the gross or total sum so long as the same shall be continued in charge of the Trustees. Provided always that nothing in this Act contained shall entitle any free person by any successive deposits to place in charge of such Trustees any sum exceeding one hundred pounds in the whole or to have credit given him for any interest on interest forborne to be claimed when the sums deposited by him shall amount to one hundred pounds.

10. And be it further enacted That it shall and may be lawful for any free person being the owner of any sum or sums of money deposited in the Savings' Bank or for any person duly authorized by such depositor or for his or her executor or other lawful representative to claim and receive back such sum or sums or any part thereof in the manner and upon the conditions following that is to say if the sum or sums so required to be repaid shall not exceed five pounds the claimant thereof shall on some day appointed for the meeting of the Trustees deliver or cause to be delivered to them or to their Clerk or Accountant a notice signed with his or her name declaring his or her intention to withdraw such sum from the bank at the expiration of seven days from the date of the delivery of the said notice and if the sum to be withdrawn shall exceed five pounds but be not more than twenty pounds then fourteen days notice shall in like manner be given and a notice

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notice of twenty-eight days when the sum to be withdrawn shall exceed twenty pounds.

11. And be it further enacted That no person or persons being a Trustee or Treasurer of such bank or being in any way concerned in the management thereof shall be allowed to deposit any sum or sums of money therein or to borrow any money from or to become security for any person borrowing from the said bank or to derive any benefit from any deposit made in such bank but that the persons depositing money therein shall have the sole benefit of such deposits and the produce thereof Provided nevertheless that nothing herein contained shall render it unlawful for the Trustees with the sanction of the Governor to defray any necessary charges of management and to remunerate the person who shall be appointed Clerk or Accountant of the institution and also provided that no Trustee shall act in such capacity of Clerk or Accountant or receive directly or indirectly any salary allowance profit or benefit whatsoever from the funds of the bank.

12. And be it further enacted That all such rules and regulations as may from time to time be made by the Trustees for the management of the said institution after the same shall have been confirmed and allowed by the Governor as hereinbefore is directed shall be fairly transcribed on parchment and deposited with the Chief Clerk of the Supreme Court of New South Wales which transcript shall be filed by such Chief Clerk and preserved amongst the records and muniments of the said Supreme Court without any fee or reward in respect thereof and such rules and regulations being so deposited shall be binding upon the several members and officers of the said institution and upon all depositors therein and their representatives all of whom shall be taken and deemed to have full notice thereof and the transcript of the said rules and regulations deposited with the Clerk of the said Supreme Court as aforesaid or a true copy thereof examined with the original and proved to be a true copy shall be received as evidence of such rules and regulations respectively as aforesaid and every copy of any such transcript deposited with the said Clerk of the said Supreme Court as aforesaid shall be made without fee or reward except the actual expense of such copy.

13. And be it further enacted That in case the Trustees of the said Savings' Bank of New South Wales shall receive any deposit of money from or for the use and benefit of any person under the age of twenty-one years it shall be lawful for the said Trustees to pay such person his or her share and interest in the funds of such institution in the manner and upon the conditions hereinbefore appointed and the receipt of such person shall be a sufficient discharge notwithstanding his or her incapacity or inability in law to act for him or herself.

14. And be it further enacted That in case any depositor in the funds of the aforesaid Savings' Bank shall die leaving any sum or sums of money in the said funds or any dividends or interest due thereon belonging to him or her at the time of his or her death exceeding in the whole the sum of twenty pounds the same shall not be paid to any person or persons claiming to be the representative or representatives of such depositor unless such person or persons shall deliver or cause to be delivered to the Trustees or their proper officer a notice in writing to be signed by their names in the presence of two credible witnesses setting forth the grounds upon which they claim to be entitled to receive the said sum or sums of money belonging to the said depositor at the time of his or her death nor unless the said notice shall have been published thrice or oftener in the *Government Gazette* and in one or more of the newspapers of the Colony at the discretion of

No Trustee or person concerned in the management to be a depositor or derive any benefit therefrom

but Trustees may with the Governor's sanction defray certain expenses for Clerk or Accountant.

Rules and regulations to be enrolled in Supreme Court and a copy to be evidence.

Infants to be allowed to make deposits and give receipts in their own names.

Persons claiming to be representatives of deceased depositors to give notice of their grounds of claim.

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of the Trustees and three calendar months at least shall have elapsed subsequently to such last publication before payment be made in satisfaction of any such claim or demand.

Not to extend to
executors or
administrators

but payments to
executors &c. to be
valid and the party
ultimately entitled
to have remedy
against such
executors &c.

All securities &c. to
be vested in Vice-
President and Trust-
ees and their suc-
cessors who may
institute and defend
proceedings in the
names of the Vice-
President and Clerk
or either of them
which shall not abate
by death or other-
wise.

Liability of Trustees.

Trustees to receive
deposits heretofore
made in any Savings'
Bank or Friendly
Society in the
Colony.

15. Provided always and be it further enacted That the above regulation shall not be taken to interfere with the legal title and claim of any representative or representatives of such depositor deceased who shall produce probate of the will of the same or letters of administration of his or her effects Provided also that if after due publication of notice as hereinbefore directed or upon the production of such probate of will or letters of administration as aforesaid any payment shall be made from the funds of the said Savings' Bank by the Trustees thereof and the party or parties claiming and receiving the same shall afterwards be proved not to be the lawful representative or representatives of the depositor so deceased as aforesaid such payment shall be valid against any demand of any other person or persons as representative or representatives of the same deceased depositor but nevertheless such lawful representative or representatives shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

16. And be it further enacted That all monies goods chattels and effects whatever and all securities for money and obligatory instruments and evidences or muniments and other effects whatever and all rights and claims belonging to or had by the Savings' Bank of New South Wales shall be vested in the Vice-President and Trustees thereof for the time-being for the use and benefit of the respective depositors therein according to the provisions of this Act and after the death resignation or removal of any such Vice-President or of all or any of the Trustees shall vest in the succeeding Vice-President and Trustees for the same estate and interest as the former Vice-President and Trustees had therein and subject to the same trusts without any assignment or conveyance whatever and the said Vice-President and Trustees may institute or defend any action as well criminal as civil in anywise touching the effects so vested in them and may sue and be sued with relation to the same in the Supreme Court in the joint names of the Vice-President and Clerk or Accountant of the said Savings' Bank for the time-being or in the name of either of them and no such suit action or prosecution shall be discontinued or abated by the death of such person or persons or by his or their removal from the offices which they held at the time when such action suit or prosecution was commenced but the same shall and may be proceeded with in the name of either of them as such Vice-President and Clerk or Accountant and such succeeding Vice-President and Clerk or Accountant shall pay or receive like costs as if the action or suit had been commenced in their or his names or name for the benefit of or to be reimbursed from the funds of the said Savings' Bank.

17. And be it further enacted That no Trustee shall be personally liable except for his own acts and deeds nor for any thing done by him in virtue of his office in the execution of this Act except in cases where he shall be guilty of wilful neglect or default.

18. And be it further enacted That it shall and may be lawful to and for the said Trustees by the order of the Governor of the said Colony to receive any sum or sums of money that may have been heretofore received and deposited in any Savings' Bank or Friendly Society heretofore established in this Colony from the Treasurer or Trustees of such Savings' Bank or Friendly Society and to place the same in the Savings' Bank of New South Wales in the name or names of the person or persons to whom the said sum or sums of money so to be transferred shall respectively belong and to give credit in the accounts of the said Savings' Bank to the several depositors for the several

Customs' Oaths Abolition.

several and respective sums to which they may be entitled at the time of such transfer and to pay interest for the same in the same manner as if the said several sums had been respectively deposited in the Savings' Bank of New South Wales by the several individuals to whom the same shall respectively belong.

19. And be it further enacted That it shall and may be lawful to and for the Trustees by the order of the Governor of the said Colony for the time-being to receive from or on behalf of any prisoner of the Crown under any sentence of transportation or banishment in the said Colony or its Dependencies any sum or sums of money whatsoever although the amount thereof with or without any accumulated interest thereon shall exceed the sum of one hundred pounds and pay over to every such prisoner the principal and interest in such sums and at such times as the said Governor by any writing under his hand shall direct.

20. And be it further enacted That it shall and may be lawful for the said Trustees or a major part of them at the general meeting to be held in the month of January in any year by and with the consent and approbation of the Governor of the said Colony to reduce the rate or rates of interest hereinbefore mentioned as well on any sum of money which may be so lent out at interest by the said bank as aforesaid as also upon any sums standing in the books of the said bank as received by way of deposit as aforesaid or either of them Provided always that three calendar months notice of any such reduction be previously given by advertisement to be published in the *Government Gazette* of the said Colony.

21. And be it further enacted That this Act shall be in force and take effect from and after the passing and publication thereof.

Prisoners of the
Crown may make
deposits exceeding
£100.

Trustees with con-
sent of Governor
may reduce the rate
of interest as well on
sums lent as
deposited.

But notice by adver-
tisement to be given
three months pre-
viously,

Commencement of
Act.