

No. XII.

An Act to consolidate and amend the Laws relating to the Savings' Bank of New South Wales. [20th September, 1839.]

SAVINGS' BANK.

WHEREAS an Act of His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof was passed in the fifth year of the reign of His late Majesty King William the Fourth intituled “*An Act to repeal in part and to amend and extend the provisions of an Act intituled ‘An Act to establish a Savings’ Bank in New South Wales and to provide for the management thereof and for the security of Deposits therein’*” and whereas it is expedient to repeal the said recited Act except as is hereinafter excepted and to substitute another Act in its stead Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the said Legislative Council That the said Act be and the same is from and after the first day of November next repealed except as to the institution and establishment of the said Savings' Bank which shall be continued in New South Wales for the receipt management and security of such deposits and shall be regulated according to the provisions hereinafter established and except also in so far as any other Act of the said Governor and Council is thereby repealed Provided nevertheless that nothing herein contained shall invalidate or annul any appointments of Trustees District Trustees Accountants or District Accountants made under the said recited Act or shall invalidate or annul any payments receipts or proceedings had or bonds or securities taken or entered into or drafts powers of attorney certificates orders or other instruments whatsoever executed under the authority of the said recited Act but the same respectively shall continue in force as if made had entered into or executed under and by virtue of the provisions of this Act.

Preamble.

5 Gul. IV. No. 16.

In part repealed and the Savings' Bank therein referred to continued under the present Act.

2. And be it enacted That the Governor of New South Wales for the time being shall be the President of the said Savings' Bank and that the management of the affairs of the same shall be vested in eighteen 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 be re-appointed or others or another may be appointed in their or his place or stead in case of any such removal or any vacancy happening as the said

Governor to be President and management of affairs vested in eighteen Trustees.

Savings' Bank.

said Governor shall from time to time think fit and every such nomination re-appointment or fresh nomination of any such Trustees or Trustee as aforesaid shall be signified by the publication of an order to that effect in the *New South Wales Government Gazette*.

Any five Trustees empowered to do all matters and things which the Trustees are required to do.

3. And be it enacted That all acts matters and things (save as hereinafter excepted) which the said Trustees are by any of the provisions of this Act authorized or required to do and perform shall and may be done and performed by any five of such Trustees Provided always that such five Trustees be for such purpose assembled at a meeting whereof due notice shall have been given to all the said Trustees.

Senior Trustee to be Chairman at any meeting.

4. And be it enacted That at all meetings of the said Trustees the senior Trustee in the order of appointment present shall preside as Chairman and shall not only vote as a Trustee but shall also in case of the equality of votes have a casting or decisive vote.

No Trustee to derive benefit from nor to deposit in the bank.

5. And be it enacted That no person being a Trustee or District Trustee or Treasurer of such Savings' Bank or being any ways concerned in the management thereof shall be allowed to deposit any sum or sums of money therein nor to borrow any money therefrom nor to derive any benefit from any deposit made in such Savings' Bank nor shall act in the capacity of Accountant or Clerk of such Savings' Bank nor receive directly or indirectly any salary allowance profit or benefit whatsoever from the funds of the said Savings' Bank.

Trustees may appoint Accountant subject to approval of the Governor.

6. And be it enacted That it shall and may be lawful for the said Vice-President and any four of the said other Trustees subject to the approval of the said Governor to appoint fit and proper persons to be the Accountant in Sydney of the said Savings' Bank and also District Accountants of the branches thereof established in the country districts and from time to time to remove from office any such Accountant and to re-appoint him or to appoint another or others in his place or stead in case of any such removal or any vacancy happening as the said Vice-President and Trustees shall from time to time think fit and every such appointment re-appointment or fresh appointment of any such Accountant as aforesaid shall be signified by the publication of a notice to that effect in the *New South Wales Government Gazette* and it shall and may be lawful for the said Vice-President and other Trustees to appoint (subject to the approval of the said Governor) such salaries as they shall deem fit to be paid to such Accountants regard being had to the nature and extent of the duties to be performed and to the responsibility which may respectively attach to them.

Accountant to grant security for the faithful discharge of his duties.

7. And be it enacted That all the persons now holding the office of Accountant of the said Savings' Bank and every person who may hereafter be appointed as aforesaid to the office of Accountant of the said Savings' Bank shall grant security for the due and faithful discharge of the duties of his office by a bond with two or more sufficient sureties to be approved by the said Vice-President and other Trustees who shall join with the said Accountant in such bond and they and he shall bind themselves jointly and severally to "The Vice-President and Trustees of the said Savings' Bank of New South Wales" in such penal sum as shall be named by the said Trustees and be approved by the said Governor.

Trustees may appoint clerks and other subordinate officers subject to approval of the Governor.

8. And be it enacted That it shall and may be lawful for the said Vice-President and any four of the said other Trustees subject to the approval of the said Governor to appoint clerks and such other subordinate officers of the said Savings' Bank as they in their discretion shall think necessary for the execution of the several duties and trusts hereby reposed in them and they may and shall out of the interest received by them on monies lent out as hereinafter directed pay such salary as shall pursuant to the provision hereinbefore contained be appointed

Savings' Bank.

appointed to be paid to the Accountant of the said Savings' Bank and also such other salaries to the said clerks and other subordinate officers as the said Vice-President and any four of the said other Trustees by and with the approbation and consent of the said Governor shall from time to time think fit and allow and the said Vice-President and other four Trustees shall also out of the said interest defray all such incidental charges and expenses as shall be necessarily incurred in conducting the business and keeping the accounts of the said Savings' Bank which shall be allowed and approved by the said Governor.

9. And be it enacted That the said Vice-President and any four of the said other Trustees attending any such meeting as aforesaid shall and may adopt and confirm such rules and regulations as have heretofore been made in pursuance of the hereinbefore recited Act which shall have been approved by the said Governor or shall and may proceed to frame such other and new 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 revoke alter and modify any such rules and regulations respectively Provided always that no such new 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 adopted confirmed and allowed by him under his hand.

Vice-President and Trustees may adopt rules and regulations heretofore made or make new ones with approval of the Governor.

10. And be it enacted That all such rules and regulations as may from time to time be made as aforesaid by the Trustees for the management of the said Savings' Bank after the same shall have been confirmed and allowed by the said Governor as hereinbefore is directed or such as are already in force and adopted and confirmed as aforesaid 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 or regulations so deposited shall be binding upon the several members and officers of the said Savings' Bank 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 Chief Clerk of the 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 Chief Clerk of the Supreme Court as aforesaid shall be made without fee or reward except the actual expense of such copy.

Rules and regulations to be fairly transcribed on parchment and deposited with the Chief Clerk of the Supreme Court

and to be received as evidence of the same.

11. And be it enacted That it shall and may be lawful for any one or more of such Trustees together with the Accountant or in the event of his absence for any two or more of such Trustees at such time and place as shall be fixed by such rules and regulations 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 by one or by successive deposits exceeding the sum of two hundred pounds in the whole to the credit of any one account excepting as hereinafter provided and shall then and there cause the money so received to be entered in a book (to be provided for that purpose) to the credit of the party making such deposit or to the credit of such other person as he or she may appoint and the amount of such deposits and all other sum and sums of money received into the said Savings' Bank shall with all convenient speed be paid into such one of the Colonial Banks in Sydney as shall be approved of by the Vice-President and any four of the said other Trustees at any meeting for such purpose to be

One Trustee with Accountant or two Trustees in his absence may receive deposits.

Savings' Bank.

convened and the same shall be there placed to the credit of the said Savings' Bank in an account to be intituled "The account of the Vice-President and Trustees of the Savings' Bank of New South Wales" which said account shall be opened and kept in such bank for that purpose and no money so paid into such account in such bank shall be withdrawn therefrom without the written order of two or more Trustees countersigned by the Accountant for the time being first had and obtained.

General Meeting of
Trustees for in-
vesting deposits.

12. And be it enacted That on any day or days at any meeting or meetings to be for that purpose appointed by the said Trustees it shall be lawful for the Trustees then attending not being less than four to discount at a rate of interest not less than eight pounds per centum per annum any bill of exchange or promissory note for any amount not exceeding one thousand pounds Provided the same shall bear the names of not less than two persons to be approved by such Trustees so attending as aforesaid or the major part of them and be payable at a period not exceeding six calendar months from the time when the same shall be discounted and it shall and may be lawful for any number of the said Trustees so attending as aforesaid not being less than four to lend any sum or sums of money upon security by mortgage of any lands and hereditaments of an estate of inheritance in fee-simple in the said Colony of New South Wales provided such lands and hereditaments be free from all incumbrances (except quit rents) and provided also that no such loan shall exceed the amount of two thousand pounds to any one person and it shall and may be lawful for such trustees as aforesaid to direct a valuation to be made of the said hereditaments the expense of which valuation shall be borne and paid by the person or persons applying for such loan and all such lands and hereditaments so mortgaged as aforesaid shall be conveyed to the Vice-President for the time being of the said Savings' Bank in fee-simple subject to a proviso for redemption of the same on payment of all principal money and interest and there shall be inserted in such mortgage a power of sale in default of payment of principal money and interest on the days and at the times appointed for payment of the same but such power of sale shall not prejudice or affect the right of the said Savings' Bank to foreclose the equity of redemption of the said hereditaments and all bonds mortgages warrants of attorney and other securities which have been or which shall or may at any time hereafter be taken in the name of any person as Vice-President of the said Savings' Bank for and on account of the same shall and may be put in suit and be sued and prosecuted at law or in equity in the name of the Vice-President for the time being in whose name the same may have been taken or in the name of any person who shall or may have succeeded to that office at the time such proceedings shall be instituted notwithstanding that the name of any such succeeding Vice-President be not inserted in such bond mortgage warrant of attorney or other such security as an obligee mortgagee assignee or payee of the sum or sums of money therein mentioned and the death resignation removal or other act of any such Vice-President of the said Savings' Bank for the time being in whose name any such bond mortgage warrant of attorney or other security as aforesaid shall be so put in suit shall not abate any action suit or other proceeding had thereon but the same may be continued where it left off and be prosecuted and carried on in the name of any person who may have succeeded to that office or may be or become the Vice-President of the said Savings' Bank for the time being and the legal estate in all lands and tenements belonging or mortgaged to the said Savings' Bank and all legal rights and capacities in respect of the said Savings' Bank shall become vested in such new Vice-President

Savings' Bank.

President as aforesaid to all intents and purposes immediately upon the recording of the memorial of the name of such new Vice-President in the Supreme Court as hereinafter directed and so on *toties quoties* whensoever any new appointment of Vice-President for the time being of the said Savings' Bank shall take place and such new memorial shall be enrolled and recorded in the Supreme Court as hereinafter directed Provided always that whenever any such lands and hereditaments are or shall become liable to the dower of the wife of the mortgagor thereof she shall join in such mortgage for the purpose of releasing the same.

13. And be it enacted That the said Trustees or any five of them shall within one calendar month after the close of every year cause a balance sheet to be prepared containing a true statement of the receipts and payments on account of the said Savings' Bank during the past year and of the balance of money remaining in such Colonial Bank as aforesaid to the credit of the said Savings' Bank and of all sums of money which may in any manner be due to the said Trustees of such Savings' Bank as such Trustees as aforesaid and they shall certify to the best of their belief 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 the time being for his approval and shall cause the same after being by him approved to be published in the *Government Gazette*.

Trustees to prepare
a balance sheet and
to lay the same before
the Governor.

14. And be it enacted That every person depositing with the said 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 said Savings' Bank shall be entitled to receive interest upon the same at the rate of five pounds by the year for every 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 sums deposited within the first seven days of a month shall be entitled to bear interest for the whole of that month and the said Trustees may and shall pay such interest as is herein directed upon all deposits of not less than twenty shillings out of the interest received by them on sums lent out as hereinbefore appointed and if at the close of any year a surplus over and above four hundred pounds shall remain after such interest and also such salaries charges and expenses as hereinbefore directed shall have been paid the said Trustees may and shall cause such surplus to be divided among and placed to the credit of the several persons having deposits in the said Savings' Bank in proportions corresponding with the amount of the respective sums standing to their credit at the close of the preceding year and with the number of months in such year during which such sums may have remained inscribed in the names of the several depositors.

Rate of interest on
deposits.

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

Rate of interest may
be reduced.

Savings' Bank.

Payment of interest
and disposal of such
as is not applied for.

16. And be it enacted That the said interest at the rate of five pounds by the year on every one hundred pounds deposited in the said Savings' Bank and the proportionate interest on any smaller sum subject to the rules and regulations aforesaid shall be added to and incorporated with the sum which may be then standing in the books of the said Savings' Bank to the credit of such party and shall bear interest subject to the rules aforesaid from the first day of the said month of January and interest at the rate above fixed shall be allowed to him or her upon the total sum so long as the same shall remain deposited in the said Savings' Bank Provided always that nothing in this Act contained shall entitle any free person by one or by successive deposits to place in charge of such Trustees any sum exceeding two hundred pounds in the whole Provided further that nothing in this Act contained shall limit the amount of monies belonging to the estates of intestate persons which shall or may be paid into the said Savings' Bank under or by virtue of an Act of the Governor and Council of New South Wales passed in the first year of the reign of Her present Majesty Queen Victoria intituled "*An Act for the investment of monies belonging to Intestate Estates by the Supreme Court in the New South Wales Savings' Bank at Sydney*" or shall limit the amount of monies which shall or may be directed to be invested in the said Savings' Bank under any order which shall be made by the said Supreme Court of New South Wales Provided also that no person or persons who may ultimately be entitled to any such sum or sums of money which shall or may be so invested as aforesaid shall claim or derive any benefit by virtue of this Act other than interest at and after the rate of five pounds per centum per annum upon the principal monies so invested as aforesaid or at and after such other rate or rates of interest as the Trustees for the time being with the approbation of the said Governor shall appoint as hereinbefore provided.

Conditions on which
deposits may be
withdrawn.

17. And be it 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 said Savings' Bank or the interest thereof or for any person duly authorized by such depositor or for his or her executors or other lawful representative to claim and receive back such sum or sums of money 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 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 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 of twenty days when the sum to be withdrawn shall exceed twenty pounds but be not more than five hundred pounds and a notice of two months when the sum to be withdrawn shall exceed five hundred pounds.

Infants may make
deposits.

18. And be it 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 the said Savings' Bank in the manner and upon the conditions hereinbefore appointed in the case of other depositors and the receipt of such person shall be a sufficient discharge for any money paid to him or her as aforesaid notwithstanding his or her incapacity or inability in law to act for himself or herself.

Savings' Bank.

19. And be it enacted That it shall and may be lawful for the said Trustees by order of the Governor of the said Colony to receive from or on behalf of any transported offender under any sentence of transportation within the said Colony or its Dependencies any sum or sums of money whatever and to allow interest thereon in like manner as on other deposits aforesaid and to pay over to any such offender the principal sum and interest thereon in such sums and at such times as the Principal Superintendent of Convicts by any writing under his hand with the approbation of the Governor shall direct.

As to deposits of prisoners.

20. And be it enacted That it shall and may be lawful for the said Trustees by order of the Governor of the said Colony to receive any sum or sums of money that may have been or may hereafter be received and deposited in any Savings' Bank or Friendly or other Society established within the said Colony from the Treasurer or Trustees of such Savings' Bank or Friendly or other Society or other person competent to pay the same and to place the same in the said 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 books and accounts of the said Savings' Bank of New South Wales to such person or persons for the 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 and at and after the same rate or rates as if the said several sums had been originally respectively deposited in the said Savings' Bank of New South Wales by the several individuals to whom the same shall respectively belong.

Funds of any other Savings' Bank &c. may be received.

21. And be it enacted That in case any depositor in the funds of the said Savings' Bank shall die leaving a sum of money in the said Savings' Bank which with the interest thereon shall not exceed in the whole twenty pounds it shall be lawful for the said Trustees and they are hereby authorized and permitted in case such Trustees shall be satisfied that no will was made and left by such deceased depositor and that no letters of administration will be taken out of the goods and chattels of such depositor to pay the same at any time after the decease of such depositor according to the rules and regulations of the said Savings' Bank and in the event of there being no rules and regulations made in that behalf then the said trustees are hereby authorized and permitted to pay out of such sum of money all just debts due or owing by such deceased depositor and to defray the expense of his or her funeral so far as the said sum of money shall extend and to pay and divide the surplus if any there be after paying such debts and defraying such expenses as aforesaid to and amongst the person or persons entitled to the effects of the deceased intestate according to the Statute of Distributions.

As to deposits of persons deceased being under £20 (9 Geo. IV. c. 92 s. 41.)

22. And be it enacted That in case any depositor of any money in the funds of the said Savings' Bank shall die leaving any sum or sums of money in the said funds or there shall be any dividends or interest due thereon belonging to him or her at the time of his or her death which said several sums shall exceed 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 or next of kin or creditor or creditors of such depositor unless such person or persons shall deliver or cause to be delivered to the said Trustees or to the Accountant of the said Savings' Bank a notice in writing signed with his her or their names in the presence of two credible witnesses setting forth the grounds upon which he she or 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 or any part or parts thereof

As to deposits of persons deceased exceeding £20.

Savings' Bank.

Not to interfere with
legal title.

thereof Provided always that the said notice shall have been previously published thrice or oftener in the *Government Gazette* and in some one or more of the newspapers of the Colony at the discretion 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 And provided also that if any creditor of the deceased whose debt shall not exceed the sum of ten pounds shall put in his or her claim to be paid it shall be lawful for the said Trustees to pay the same without such public notice as aforesaid And provided further 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 any payment shall be made from the funds of the said Savings' Bank by the Trustees thereof as hereinbefore directed 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 or otherwise not entitled to the same such payment shall be valid against any demand of any other person or persons as representative or representatives of the said deceased depositor or any other person or persons whomsoever nevertheless such lawful representative or representatives or other person or persons shall have remedy for such money so paid as aforesaid against the person or persons who shall have so wrongfully received the same.

All monies &c. to be
vested in Vice-Presi-
dent for time being.

23. And be it enacted That all monies goods chattels and effects whatsoever and all securities for money and obligatory instruments and evidences or muniments and other effects whatever and all rights and claims now heretofore or hereafter belonging to or had by the said Savings' Bank of New South Wales shall be vested in the Vice-President 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 shall vest in the succeeding Vice-President for the same estate and interest as the former Vice-President had therein and subject to the same trusts without any assignment or conveyance whatever Provided always that all sum or sums of money paid on the redemption of any lands and hereditaments may be received by any one Trustee together with the Accountant for the time being of the said Savings' Bank and all receipts and other acquittances for the same may be signed by one Trustee together with the said Accountant in the name of and for and on behalf of the said Vice-President of the said Savings' Bank and such receipts and acquittances so signed as aforesaid shall be deemed and taken to be as valid and effectual at law and in equity as if the same had been signed by the Vice-President of the said Savings' Bank and the said Vice-President may institute any action suit prosecution and other proceedings at law and in equity by and on behalf of the said Savings' Bank or wherein the said Savings' Bank is or shall or may be concerned against any person or persons body or bodies politic or corporate and whether such person or persons shall be a Trustee or officer of the said Savings' Bank or otherwise and such action suit prosecution and proceeding shall be commenced or instituted and carried on in the name of the Accountant of the said Savings' Bank for the time being as the nominal plaintiff complainant or petitioner for and on behalf of the said Savings' Bank and all actions suits or proceedings as aforesaid to be commenced instituted or prosecuted against the said Savings' Bank shall be defended by the Vice-President but the same shall be commenced instituted and prosecuted against the

Savings' Bank.

the said Accountant for the time being of the said Savings' Bank as the nominal defendant for and on behalf of the said Savings' Bank and all prosecutions for fraud upon or against the said bank or for embezzlement robbery or stealing the bills notes bonds monies goods chattels effects or property of the said bank or for any other offence against the said bank shall or may be so commenced or instituted and carried on in the name of the said Accountant for the time being of the said bank and in all indictments and informations it shall be lawful to state the property of the said bank to be the property of the said Accountant for the time being and any offence committed with intent to injure or defraud the said bank shall and lawfully may in any prosecution on account of the same be stated or laid to have been committed with intent to injure and defraud such Accountant for the time being of the said bank and any offender or offenders may thereupon be lawfully convicted of any such offence and in all other allegations and indictments informations and other proceedings it shall and may be lawful and sufficient from and after the passing of this Act to state the name of such Accountant and no such suit action or prosecution shall be discontinued or abated by the death of such Accountant or by his resignation or removal from office which he 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 any person who may be or become Accountant of the said Savings' Bank for the time being and such person shall pay or receive like costs as if such action or suit had been commenced in his name for the benefit of or to be reimbursed from the funds of the said Savings' Bank.

24. And be it enacted That a memorial of the name of the Vice-President and a memorial of the name of the Accountant for the time being of the said Savings' Bank in the form or to the effect for that purpose set forth in the Schedule hereunto annexed signed by at least four of the said Trustees of the said Savings' Bank shall respectively be recorded upon oath in the Supreme Court of New South Wales within thirty days after the passing of this Act and when and as often as any Vice-President shall be appointed by the said Governor as hereinbefore directed or any Accountant of the said Savings' Bank shall be newly elected Accountant thereof a memorial of the name of such newly appointed Vice-President or of such newly elected Accountant in the same form or to the same effect as the above-mentioned memorial signed by such newly appointed Vice-President or such newly elected Accountant as the case may be and by four of the said Trustees of the said Savings' Bank at the time of the appointment of such Vice-President or of the election of such Accountant shall in like manner be recorded upon oath in the said Supreme Court within thirty days next after such Vice-President shall be appointed or such Accountant shall be so elected as the case may be.

Memorials of names of Vice-President and of Accountant to be respectively recorded on oath in the Supreme Court.

25. And be it enacted That until a memorial of the name of the Vice-President or of the Accountant for the time being be recorded in the manner herein directed no action suit or other proceeding shall be brought by the said bank in the name of the Vice-President or of the Accountant of the said bank as aforesaid under the authority of this Act.

Until such record made no action to be brought.

26. Provided always and be it enacted That the said Vice-President or Accountant being the plaintiff complainant petitioner or defendant in any action suit petition or other proceedings as aforesaid on behalf of the said bank shall not prevent or affect the competency of any such Vice-President or Accountant so as to prevent him from being a witness in such action suit petition or other proceeding in the same manner as he might have been if his name had not been made use of as such plaintiff complainant petitioner or defendant in any such action suit petition or other proceeding.

Vice-President and Accountant competent witnesses.

Savings' Bank.

Want of proof of
record of memorial
shall not nonsuit
plaintiff.

27. And be it enacted That in any action to be brought in the name of the said Vice-President or Accountant of the said bank by virtue of this Act the plaintiff therein shall not be nonsuit nor shall a verdict be given against him for want of proof of the record of such memorial or memorials as hereinbefore mentioned but in case the defendant in any such action shall make it appear on such trial that no such memorial or memorials as hereinbefore mentioned has or have been recorded then a nonsuit shall be entered in such action.

No Trustee per-
sonally liable except
for wilful neglect.

28. And be it enacted That any one or more of the said Trustees or of the District Trustees hereinafter mentioned shall not be answerable or accountable for the other or others of them but each and every of them only for his and their own acts receipts neglects or defaults respectively and that they or any of them shall not be answerable or accountable for any banker broker or other person with whom or in whose hands or custody any part of the said trust monies shall or may be deposited or lodged for safe custody or otherwise in the execution of the trusts hereby in them reposed and that they or any of them shall not be answerable or accountable for the insufficiency or deficiency of any security or securities in or upon which any monies shall be placed out or invested or for the defect of title or value of any lands nor for any other misfortune loss or damage which may happen in the execution of the aforesaid trusts or in relation thereunto except the same shall happen by or through their own wilful default respectively.

Appointment of
District Trustees.

29. And whereas it is expedient as far as practicable to extend to country districts the beneficial operation of this Act Be it therefore enacted That it shall be lawful for the said Governor from time to time as occasion may require to appoint proper persons to act as Trustees for the districts of Parramatta Liverpool Campbelltown Berrima Goulburn Bathurst Penrith Windsor Richmond Maitland Port Stephens Port Macquarie Wollongong and for such other districts as to the said Governor shall seem meet to be signified by the publication of an order to that effect in the *New South Wales Government Gazette* which said Trustees shall be appointed for the receipt respectively of deposits in the said Savings' Bank in order that the same may be transmitted to and be invested by the Vice-President and Trustees of the Savings' Bank of New South Wales in Sydney for the benefit of country depositors in like manner and subject to the same regulations as hereinbefore provided touching and concerning other depositors Provided that the appointment of the said District Trustees respectively shall take effect so soon as the same shall be notified in the *Government Gazette*.

Appointment of
District Accountant.

30. And for the more effectual protection of depositors in such country districts and in order that they may as speedily as possible derive benefit from their deposits in the said Savings' Bank of New South Wales in Sydney Be it enacted That a Clerk or Accountant shall be appointed by the Vice-President and Trustees of the said Savings' Bank at Sydney for each district respectively who shall give reasonable security to the satisfaction of the said Vice-President and Trustees for the duly accounting for such monies of depositors as shall come to his hand and shall in the presence and not otherwise of one or more of the District Trustees so appointed as aforesaid receive deposits from persons residing within his district at such times and places as the District Trustees shall appoint and give proper vouchers to the parties depositing the same signed by him and by any one of the Trustees if more than one be present at the receipt thereof and it shall be the duty of such District Accountant and he is hereby required on the first post day in every month or oftener if directed so to do by the Trustees in Sydney and in such manner as they shall appoint to remit all sums of money

Savings' Bank.

money so deposited to the Accountant of the said Savings' Bank in Sydney together with an account verified by one or more of the District Trustees respectively of the names residences and descriptions of the depositors and of the sums received by him as aforesaid in order that such depositors may be entitled to the benefit of this Act.

31. And be it enacted That it shall and may be lawful for any free person being the owner of any sum or sums of money deposited with the District Accountant for transmission for his or her benefit to the New South Wales Savings' Bank in Sydney or for any person duly authorized by such depositor or for his or her executor administrator or other lawful representative to claim and receive back such sum or sums of money or any part thereof in the manner 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 to be appointed by the District Trustee or Trustees respectively deliver or cause to be delivered to the District 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 fourteen days from the date of the said notice and if the sum to be withdrawn shall exceed five pounds but be not more than twenty pounds then twenty-one days' notice shall in like manner be given and thirty days' notice when the sum to be withdrawn shall exceed twenty pounds and upon receipt of such notice the District Clerk or Accountant shall forthwith transmit the same verified under the hand or hands of one or more of the said District Trustees respectively to the Accountant of the Savings' Bank in Sydney in order that proper steps may be taken for remitting the money to the District Accountant for payment to the party or parties lawfully claiming the same who shall take from him or them respectively proper receipts in writing for the money so paid which receipts are hereby required to be forwarded to the Accountant of the Savings' Bank in Sydney.

Withdrawing
deposits in country
districts.

32. And be it enacted That in case any district depositor in the funds of the Savings' Bank of New South Wales shall die leaving any sum or sums of money in the said funds or any dividend or interest due thereon belonging to him or her at the time of his or her death the same shall be paid only on the conditions hereinbefore provided touching and concerning like cases.

Depositors in country
districts dying pos-
sessed of money in
the bank.

33. And be it enacted That no District Trustee being in any way concerned in the management of the funds of the Savings' Bank of New South Wales or the branches thereof shall be allowed to deposit any sum or sums of money therein or to borrow any money from or to derive any benefit from any deposit made therein Provided nevertheless that nothing herein contained shall render it unlawful for the Trustees of the Savings' Bank of New South Wales in Sydney with the sanction of the Governor to defray any necessary charges of management in the districts aforesaid and to remunerate the persons who shall be appointed District Clerks or Accountants respectively of the said bank and also provided that no District Trustee shall act in such capacity of District Clerk or Accountant or receive directly or indirectly any salary allowance profit or benefit whatsoever from the funds of the said bank.

District Trustees to
have no interest in
the funds of the
bank.

34. And be it enacted That this Act shall be deemed and taken to be a public Act and shall be judicially taken notice of as such by the Judges of the Supreme Court of New South Wales and by all other Judges Justices and others within the said Colony of New South Wales and its Dependencies without being specially pleaded.

Act to be a public
Act.

35. And be it enacted That this Act shall be in force and take effect from and after the first day of November one thousand eight hundred and thirty-nine.

Commencement of
this Act.

Licensed Publicans.

SCHEDULE REFERRED TO.

MEMORIAL of the name of the Vice-President (*or the Accountant as the case may be*) of "The Savings' Bank of New South Wales" pursuant to an Act of the Governor and Council passed in the third year of the reign of Her Majesty Queen Victoria intituled "*An Act to consolidate and amend the Laws relating to the Savings' Bank of New South Wales.*"

A.B. Vice-President (*or Accountant as the case may be*).

E. F.)
G. H.) Trustees.
I. K.)
L. M.)

of Sydney gentleman of the above-named bank maketh oath and saith that he was present and did see the foregoing memorial signed by the above-named Vice-President (*or Accountant as the case may be*) and Trustees respectively whose names appear thereto.

Sworn this
hundred and

day of

one thousand eight
