

## No. XIII.

BANK LIABILITIES  
PUBLICATION.

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An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies and the registration of the Names of the Proprietors thereof. [23rd September, 1840.]

Preamble.

WHEREAS it is expedient that all Banking Companies Firms and Individual Bankers engaged or hereafter to be engaged in the Colony of New South Wales or its Dependencies in the discounting and issuing of bills and notes lending money on securities and cash credit accounts and other matters relating to the ordinary business of Banking should for the information and better security of the public furnish periodically in manner hereinafter mentioned

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mentioned statements of their Liabilities and Assets to be published and recorded as hereinafter is directed Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the first day of January next every banking company firm or individual banker as aforesaid in the Colony of New South Wales and its Dependencies shall at the close of business on Monday of every week prepare and make up a full and correct account and statement in writing exhibiting the assets property credits and securities respectively belonging to every such banking company firm or individual banker as aforesaid and also the respective debts engagements and liabilities of the same in the manner and form and under the several heads particularly set forth in the Schedule to this Act annexed marked A.

2. And be it enacted That from such weekly accounts and statements so directed to be made up as aforesaid there shall be prepared on the last Monday of each quarter ending on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year by every such banking company firm or individual banker as aforesaid respectively a general abstract in writing of the average amount during such quarter of the respective assets property credits and securities of every such banking company firm or individual banker and of their respective debts engagements and liabilities in the manner and form and under the several heads or titles specified and set forth in the Schedule to this Act annexed marked B to which respective quarterly abstracts shall be subjoined a statement exhibiting the amount of the capital stock of every such banking company firm or individual banker as aforesaid paid up at the close of the quarter for which such abstracts respectively shall be so made up the rate and amount of the last dividend that may have been declared to the shareholders or proprietors and the amount of the reserved profit at the time of declaring such dividend and such respective quarterly abstracts and statements shall be verified upon the oath of the managing director manager chief cashier or clerk of every such banking company firm or individual banker as aforesaid making the same and shall within one month after the close of every such quarter or as soon thereafter as may be practicable be delivered to the Colonial Secretary of New South Wales for the time being to be laid before the Governor and Legislative Council of the same and published in the *New South Wales Government Gazette*.

3. And be it enacted That if any such banking company firm or individual banker shall neglect to keep such weekly accounts or to make out or to return or deliver such quarterly abstracts to the Colonial Secretary as aforesaid or if any managing director manager chief cashier or clerk verifying any such abstract shall deliver or return to the said Colonial Secretary any false account or abstract of such averages every such banking company firm or individual banker so neglecting or making such false account or abstract shall forfeit for every such offence the sum of five hundred pounds and the managing director manager chief cashier or clerk so offending shall also forfeit for every such offence the sum of one hundred pounds such penalties to be recovered respectively by action of debt in the Supreme Court or any other Court of competent jurisdiction in the said Colony or its Dependencies.

4. Provided always and be it enacted That in case of any banking company firm or individual banker carrying on business in the Islands of New Zealand such quarterly abstracts of averages shall be delivered in like manner as aforesaid to the Colonial Secretary for the time being of the same and laid before the Lieutenant Governor thereof

Statements of  
weekly average  
liabilities and assets  
to be kept.

Quarterly state-  
ments to be pub-  
lished.

Penalty for neglect-  
ing to keep or make  
such returns.

Banks in New  
Zealand to make  
returns to the  
Colonial Secretary  
thereof.

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thereof and published in such manner for general information as he may direct subject to the same penalties for neglect or falsification as in the case of the abstracts hereinbefore required to be delivered to the Colonial Secretary of New South Wales.

**Copy of charter or  
deed of settlement  
to be recorded in the  
Supreme Court.**

5. And be it enacted that a copy of the charter or of the deed of copartnership and settlement of every such banking company or firm as aforesaid attested by the managing director manager chief cashier or clerk for the time being of such banking companies or firms respectively to be a true transcript of the original charter or of the deed of copartnership and settlement respectively of such banking company or firm shall be registered in the office of the Registrar of the Supreme Court of the said Colony by the managing director manager chief cashier or clerk of such banking companies or firms respectively within thirty days from and after the day on which this Act shall commence and take effect or as soon thereafter as may be practicable (if not already registered) and that the same shall be open for inspection at all reasonable times by any person requiring to inspect the same on payment of a fee of one shilling for each such inspection and if any such managing director manager chief cashier or clerk shall omit or neglect so to register such attested copy of the original charter or deed of copartnership and settlement of any such banking company or firm as aforesaid within the time hereinbefore directed for registering the same he shall be subject and liable to a penalty of one hundred pounds to be recovered by an action of debt in the Supreme Court or any other Court of competent jurisdiction of the said Colony or its Dependencies by any person who shall sue for the same.

**Penalty.**

**Copy of new charter  
or deed to be in like  
manner recorded.**

6. And be it enacted That as often as any new charter or deed of copartnership and settlement of any such banking company or firm as aforesaid may issue or be entered into or any new banking company or firm be established a copy of the charter or of the deed of copartnership and settlement attested as aforesaid shall in like manner be registered in the Supreme Court of the said Colony for the purposes and subject to the penalty hereinbefore imposed on the party neglecting or omitting duly to make such registry as aforesaid.

**Names of proprietors  
to be also recorded in  
the Supreme Court.**

7. And be it enacted That the managing director manager chief cashier or clerk of every such banking company or firm as aforesaid shall within thirty days from and after the first day of January in each and every year or as soon thereafter as may be practicable cause a true and correct list of the names of all the persons who shall be then existing proprietors or members of such companies or firms respectively with their respective places of abode and descriptions to be recorded on oath in the office of the Registrar of the Supreme Court of the said Colony and the same shall be open for inspection at all reasonable times by any person requiring the same on payment of a fee of one shilling for each such inspection and if any such managing director manager chief cashier or clerk shall omit or neglect to cause such list to be recorded in manner aforesaid or shall wilfully falsify any such list he shall be subject and liable to a penalty of one hundred pounds to be recovered by an action of debt in the Supreme Court or any other Court of competent jurisdiction of the said Colony or its Dependencies by any person who shall sue for the same.

**Liability of such pro-  
prietors to be sued.**

8. And be it enacted That every person whose name shall be so recorded as aforesaid shall be considered taken and held to be a member or proprietor of the banking company or firm in which his or her name shall be so recorded as aforesaid and shall be liable to be sued as such until a new list of the names of the members or proprietors of such banking company or firm shall be recorded as aforesaid or until he or she shall have given notice in the *New South Wales Government Gazette* of his or her retirement from such banking company

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company or firm Provided however that nothing herein contained Proviso. shall be deemed or construed to absolve any person from liability on account of any debts incurred by any such banking company or firm during the time such person remained a proprietor or member thereof or to render any individual proprietor or member of any banking company or firm established by Royal Charter liable for any debts incurred by the same except so far as he or she may be liable under the provisions of such charter.

9. And be it enacted That every oath required to be taken under Oaths to be taken before a Justice. the provisions of this Act may be taken before any Justice of the Peace who is hereby authorized to administer the same and any managing director manager chief cashier or clerk who shall take any false oath as to any quarterly abstract of averages or other matter or Penalty for perjury. thing under the provisions of this Act shall be subject to such pains and penalties as are by law in force at the time of taking such oath enacted as to persons convicted of wilful and corrupt perjury.

10. And be it enacted That no action shall lie against any Limitation of actions. person for any offence committed against the provisions of this Act unless the same shall be commenced within two years from the time the offence shall be alleged to have been committed.

11. Provided always and be it enacted That if in any case any Proof of inability to comply with Act in given time to lie in party. matter or thing required to be done or performed under the provisions of this Act within any given period shall not have been so done or performed the proof that it was not practicable to do so shall lie upon the party required to do or perform the same Provided also that no excuse shall be allowed for any such failure or neglect unless it be clearly shewn that the matter or thing required to be done or performed was done or performed as soon as was practicable.

12. And whereas it is expedient to prevent all doubts as to the Defining banks to which Act shall apply. particular banks to which this Act shall apply Be it enacted That the same shall apply to every company firm or individual engaged in the ordinary business of banking by receiving deposits and issuing bills or notes payable to the bearer at sight or on demand.

13. And be it enacted That this Act shall commence and take Commencement of Act. effect from and after the first day of January one thousand eight hundred and forty-one.

## SCHEDULES REFERRED TO.

## A.

WEEKLY STATEMENT shewing the Amount and Nature of the Debts Engagements and Liabilities and of the Assets and Property or Securities of the Bank of from the to the 18

LIABILITIES.	AMOUNT.	TOTALS.	ASSETS.	AMOUNT.	TOTALS.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in Circulation .. { Not bearing interest ..			Coined Gold and Silver and other Coined Metals .....		
Bills in Circulation .. { Bearing interest ..			Gold and Silver in Bars or Bullion		
Balances due to other Banks .....			Landed Property .....		
Deposits .. { Not bearing interest ..			Notes and Bills of other Banks .....		
			Balances due from other Banks .....		
			Amount of all Debts due to the Bank including Notes Bills of Exchange and all Stock and Funded Debts of every description excepting Notes Bills and Balances due to the said Bank from other Banks .....		
Total Amount of Liabilities £			Total Amount of Assets ... £		

Place and date.

Managing Director.  
Chief Cashier or Clerk.

## B.

*Congregational &c. Marriages confirmed.*

## B.

GENERAL ABSTRACT shewing the Average Amount of the Liabilities and Assets of the  
Bank of  
Quarter from the 18

LIABILITIES.	AMOUNT.	TOTALS.	ASSETS.	AMOUNT.	TOTALS.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in Circulation .. { Not bearing interest ..			Coined Gold and Silver and other Coined Metals .....		
{ Bearing interest ..			Gold and Silver in Bullion or Bars..		
Bills in Circulation.. { Not bearing interest ..			Landed Property .....		
{ Bearing interest....			Notes and Bills of other Banks.....		
Balances due to other Banks.....			Balances due from other Banks.....		
Deposits { Not bearing interest ..			Amount of all Debts due to the Bank including Notes Bills of Exchange and all Stock and Funded Debts of every description excepting Notes Bills and Balances due to the said Bank from other Banks .....		
{ Bearing interest ..					
Total Amount of Liabilities.. £			Total Amount of Assets.... £		
Amount of the Capital Stock paid up at the close of the Quarter ended 18 ..					
Rate of the last Dividend declared to the Shareholders .....					
Amount of the last Dividend declared....					
Amount of the Reserved Profits at the time of declaring such Dividend.....					

Place and date.

Managing Director.  
Chief Cashier or Clerk.

I A. B. make Oath that to the best of my knowledge and belief the foregoing Abstract is a true and faithful Account of the Average Amount of Assets and Liabilities of the above Bank during the period specified and that the same was made up from the Weekly Statements thereof kept in pursuance of the provisions of the Act of the Governor and Council 4 Victoria No. 13

(Signed) A. B.

Sworn before me at this  
day of 184 }

C. D. Justice of the Peace.