ANNO VICESIMO SECUNDO ET VICESIMO TERTIO

VICTORIAE REGINAE,
A.D. 1859.

Private Act.

An Act to regulate and provide for the management of the South Australian branch of the National Bank of Australasia, and for other purposes.

[Assented to, 1st September, 1859.]

WHEREAS a Joint Stock Banking Company, under the name, style, or title of "The National Bank of Australasia," has been lately established in Melbourne, in the Colony of Victoria, under and subject to the covenants, clauses, articles, conditions, stipulations, regulations, and provisions, contained in a certain deed purporting to be the deed of settlement of the said company, and bearing date the ninth day of July, in the year of our Lord one thousand eight hundred and fifty-eight, and the additions, alterations, variations, and modifications, to be made in pursuance of such provisions; and whereas, by the said deed of settlement, the several parties thereto covenanted and agreed to be and continue associated together (until dissolved under the provisions in that behalf therein contained) as a joint stock company or association, under the name, style, or title of "The National Bank of Australasia," for the purpose of carrying on the business of a bank of issue and deposit, the lending of money on cash credits, promissory notes, bills of exchange, or letters of credit, and on other securities; the dealing in money, bullion, specie, gold-dust, assayed gold, precious metals, and exchanges of and with all countries; in notes, bills, drafts, or other securities for money; and generally the transacting of all such other business as was then, or should, or might, at any time thereafter, be usual or lawful for establishments carrying on banking in all its branches, or dealing in money, bullion, specie, gold-dust, assayed gold, precious metals, exchanges, or in notes, bills, drafts, or loans, to do or transact; and
and the establishment of agencies or connections in relation to the
said business in any part of the world considered desirable for
furthering the interests of the Company; or for promoting the con-
venience of merchants and others, and the granting of letters of
credit, bills, and drafts on agents and banking connections abroad;
and the establishment of a branch bank or branch banks in such part
or parts of Her Majesty's dominions and dependencies (exclusive of
Great Britain and Ireland, and the islands adjacent, and the Channel
Islands) as might be deemed expedient: And whereas it was, by the
said deed of settlement, agreed, that the capital of the Company
should be One Million Pounds, to be divided into and contributed in
two hundred thousand shares of Five Pounds each, payable by the
shareholders by instalments or calls to be made by the Directors,
after notification by advertisement or by circular letters of such
calls; and power is given to increase such capital, by the creation
and sale of new shares in manner therein expressed: And whereas,
by the said deed of settlement, provision has been made for the
management of the affairs and business of the said Company by a
Board of Directors, and the said deed also contains a provision giving
a lien in favor of the Company on the shares and dividends belonging
to any shareholder becoming indebted or under engagements to the
Company, and authorizing, in case of default in payment, the for-
feiture of such shares, and the sale thereof by the said Board of
Directors: And whereas the said Company has commenced to carry on
the usual business of a Banking Company in Melbourne aforesaid, and
elsewhere in the Colony of Victoria, and the said Company has been
incorporated by an Act of the Parliament of the said Colony of
Victoria, made and passed in the twenty-second year of the reign of
Her present Majesty Queen Victoria, numbered seventy-four, and
intituled "An Act to incorporate the Shareholders of the National
Bank of Australasia, and for other purposes."
And whereas a branch
of the said Bank has been established in Adelaide, in the Province of
South Australia, and it is intended to establish other branches within
the said Province: And whereas a considerable amount of money has
been contributed towards the capital stock of the said Company by
persons who are resident in the said Province, and it has been agreed
between the shareholders of the said Company, that a register of
shareholders shall be kept at the chief office of the said Company in
South Australia, and that all persons whose names appear on such
register shall be permitted to transfer their shares in the said Province:
And whereas it is expedient and just that the said Company, and the
several shareholders therein, should have and enjoy the same rights
and privileges within the said Province as the shareholders resident
in Victoria are entitled to under the said Act of the Parliament of
Victoria, and that the proper management of the branch or branches
of the said Bank within the said Province should be provided for,
and that the law as applicable to the said Bank in the Colony of
Victoria should, as near as conveniently may be, be made to apply to
the branch or branches established in the said Province of South
Australia—Be it therefore Enacted, by the Governor-in-Chief of the
Province of South Australia with the advice and consent of the
Legislative
Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:—

1. Such and so many persons, Corporations, and Companies as have already become, or at any time or times hereafter, shall or may, under and in accordance with the covenants, clauses, articles, conditions, stipulations, regulations, and provisions contained in the said Deed of Settlement, and in any supplemental Deed of Settlement, duly made and executed, become holders or proprietors of shares of, or in the capital for the time being of the said Company shall, for the purposes aforesaid (but subject, nevertheless, to the conditions, restrictions, regulations, and provisions hereinafter contained), be one Body Politic and Corporate in name and in deed by the name of "The National Bank of Australasia," and by that name shall and may sue any person or persons, Body or Bodies Politic or Corporate, whether a Member or Members of the said Corporation or not; and by that name may be sued in all Courts whatsoever at Law or in Equity, and may prefer, lay, and prosecute any indictment, information, and prosecution against any person or persons whomsoever, for any stealing, embezzlement, fraud, forgery, crime, or offence; and, in all indictments, informations, and prosecutions, it shall be lawful to state the money, goods, effects, bills, notes, securities, or other property of the said Company, to be the money, goods, effects, bills, notes, securities, or other property of the said Corporation, and to designate the said Company or Co-partnership, by its Corporate name, whenever, for the purpose of any allegation of an intent to defraud or otherwise howsoever, such designation shall be necessary; and the said Corporation shall have perpetual succession, with a Common Seal, which may be altered, varied, and changed, from time to time, at the pleasure of the said Corporation; and shall, for all purposes be deemed to be a Chartered Bank, within the meaning of any Acts or Ordinances now in force, or which may, at any time or times hereafter be in force within the said Province.

2. The Board of Directors, for the time being, of the said Corporation shall have the custody of the Common Seal of the said Corporation; and the form thereof, and all other matters relating thereto shall, from time to time, be determined by the Board of Directors of the said Corporation, in the same manner as is provided in and by the said Deed of Settlement, or any such supplemental Deed of Settlement as aforesaid, for the determination of other matters by the Board of Directors of the said Company; and the said Board shall have power to commit the custody of a duplicate of such Common Seal to the Board of Directors of the said Company in the said Province; and the South Australian Directors, present at a Board Meeting, shall have power to use the Common Seal of the said Corporation for the affairs and concerns of the said Corporation; and, under such Seal, to authorize and empower any person, without such Seal, to execute any deeds, and to do all or any such other matters or things, as may be required to be executed and done on behalf of the said Company, and in conformity with the provisions of the Deed of Settlement, and of any such supplemental Deed of
of Settlement as aforesaid, and of this Act, within the said Province; but it shall not be necessary to use the Corporate Seal in respect of any of the ordinary business of the Company, or for the appointment of an Attorney or Solicitor for the prosecution and defence of any action, suit, or proceeding.

3. The several covenants, clauses, articles, conditions, stipulations, regulations, and provisions contained in the said Deed of Settlement, and in any such supplemental Deed of Settlement as aforesaid, and the several regulations, alterations, and provisions to be made under or by virtue, or in pursuance thereof, are and shall be deemed and considered to be, and shall be the by-laws for the time being of the said Corporation (save and except in so far as any of them are, or shall, or may be altered, varied, or repealed by, or shall or may be inconsistent or incompatible with, or repugnant to any of the provisions of this Act, or of any of the laws or statutes in force in the said Province), subject, nevertheless, to be, and the same may be amended, altered, or repealed, either wholly or in part, in the manner provided in and by the said Deed of Settlement, and any such supplemental Deed of Settlement as aforesaid: Provided always, that any regulation, provision, or by-law, made by the said Corporation either under or by virtue of the said Deed of Settlement, and any such supplemental Deed of Settlement as aforesaid, or of this Act, or the said recited Act of the Parliament of Victoria, in opposition to the general scope or true intent and meaning of the said Deed of Settlement, and any such supplemental Deed of Settlement as aforesaid, or of this Act, or of any of the laws or statutes in force in the said Colony, shall have no effect within the said Province.

4. It shall be lawful for the said Corporation from time to time to extend or increase their capital for the time being, by the creation and disposal of new shares in the manner and subject to the regulations and provisions mentioned and contained in the hereinbefore in part recited Deed of Settlement, and any such supplemental Deed of Settlement as aforesaid.

5. The capital or joint stock for the time being, and all funds and property of the said Corporation, and the several shares therein, and the profits and advantages to be derived therefrom, shall be and be deemed personal estate and be transmissible accordingly, subject to the regulations and provisions of the said Deed of Settlement, and any such supplemental Deed of Settlement as aforesaid.

6. It shall be lawful for the said Corporation, subject to all the restrictions and provisions herein contained, to carry on the business of a Bank of issue, discount, and deposit, as well in the said Province of South Australia as in the Colony of Victoria, and to make loans of money on cash credit accounts, promissory notes, bills of exchange, or letters of credit, and on other securities of the like nature, or on personal security; also, to deal in money, bullion, specie, gold-dust, assayed gold, and precious metals, and exchanges
changes of and with all countries; and in notes, bills, drafts, or other securities for money, and generally to transact all such other business as is or shall, or may at any time hereafter be, usual or lawful for establishments carrying on banking in all its branches to do or transact (including therein the dealing in money, bullion, specie, gold-dust, assayed gold, and precious metals), and also to establish agencies or connexions in relation to the said business in any part of the world, and to give letters of credit, bills and drafts on agents and banking connexions abroad, and to establish a Branch Bank or Branch Banks for the purposes and in the manner directed by the said Deed of Settlement, and any such supplemental Deed of Settlement as aforesaid: Provided always, that nothing contained in this Act shall authorize, or be construed to authorize, the establishment by the said Corporation of any Branch Bank or Branch Banks, or any agency or agencies in the nature of a Branch Bank or Branch Banks in any part of Great Britain or Ireland, or the Islands adjacent, or the Channel Islands.

7. It shall be lawful for the said Corporation, notwithstanding any statute or law to the contrary, and notwithstanding any clause or provision herein contained, to purchase, take hold, and enjoy to them and their successors in fee simple, or for any estate, term of years, or interest, any houses, offices, buildings, lands, or other hereditaments necessary or proper for the purpose of managing, conducting, or carrying on the affairs, concerns, and business of the said Corporation; and also to take and hold, but only until the same can be advantageously disposed of for reimbursement only, and not for profit, any freehold or leasehold lands and hereditaments, and any real estate, and any merchandise and ships which may be taken by the said Corporation in satisfaction, liquidation, or discharge of any debt due to the said Corporation, or in security for any debt or liability bona fide incurred or come under previously, and not in anticipation or expectation of such security, and to sell, dispose of, convey, assign, and assure such houses, offices, buildings, lands, hereditaments, real estate, merchandise, and ships, as occasion may require; and all persons, bodies politic or corporate, who are or shall be otherwise competent to sell, dispose of, grant, alien, convey, assign, or assure any freehold or leasehold houses, offices, lands, and hereditaments whatsoever as aforesaid, may sell, dispose of, grant, alien, convey, assign, and assure the same accordingly unto and to the use of the said Corporation and their successors for the purposes aforesaid, or any of them: And it shall also be lawful for the said Corporation to make any advance or loan of money to any proprietor of sheep in the said Province, on condition of receiving in payment, or as security only for such money, the wool of the next ensuing clip of such proprietor, and also to take and accept mortgages of sheep, cattle, and horses, without delivery to the said Corporation, in like manner as any individual person is now by law allowed to do in the said Province, by virtue of the provisions of the Act passed in that behalf, and the provisions of the said Act, and of every Act to be hereafter passed with similar objects, shall be deemed and taken to
to extend to the said Corporation in regard to the said liens and mortgages respectively in like manner to all intents and purposes as if the said Corporation had been included by name in such Act: Provided always, that (save and except as hereinbefore specially authorized) it shall not be lawful for the said Corporation to advance or lend any money upon the security of lands, or houses, or ships, or on pledges of merchandise, nor to own ships; and the said Corporation shall not hold shares in its own stock, nor advance or lend to any shareholder in the said Corporation, any sum or sums of money on the security, whether collateral or otherwise, of his share or shares, nor invest, lay out, or employ, advance, or embark any part of the capital or funds of the said Corporation in the purchase of any real or leasehold property whatsoever (save and except as aforesaid), nor of any share or shares of the capital stock for the time being of the said Company, nor in any trading or mercantile speculation or business whatsoever, not usually considered as falling within the ordinary and legitimate purposes and operations of banking establishments: But nothing herein contained shall be taken or construed to prevent the said Corporation from taking security by the hypothecation of bills of lading for the payment of any bill or bills of exchange drawn against any shipment of gold, wool, tallow, ores, minerals, metals, or other Colonial produce, or any other description of merchandise shipped for exportation, either to any port or place beyond the sea, or from one port to another within the Australian territories: Provided also that nothing herein contained shall invalidate the lien or charge given by the Deed of Settlement to the Company upon or over the shares belonging to any shareholder becoming indebted or coming under engagements to the Company, or making default in the fulfilment of any covenants contained in the said Deed of Settlement, or any such supplemental Deed of Settlement as aforesaid, or shall prevent the Company from holding the shares forfeited by such default for the purpose of sale as provided in the said Deed of Settlement.

8. In the event of the assets of the said Corporation being insufficient to meet its engagements, then and in that case the shareholders on the South Australian Registry shall be responsible to the extent of twice the amount of the share or shares for the time being held by them respectively, that is to say, for the amount subscribed for on such share or shares, or so much thereof as shall not have been previously paid-up, and for an additional amount equal to the amount so subscribed for, and no shareholder shall be liable beyond such extent.

9. It shall be lawful for the said Corporation for and during the term of twenty-one years from the twenty-fourth day of February, one thousand eight hundred and fifty-nine, to make, issue, and circulate, at or from Adelaide aforesaid, and also at or from any city, town, or place in the said Province in which they may open or establish any bank, branch bank, or agency, under or by virtue of this Act, or of the said deed of settlement, any bank notes or bills for
for one pound or five pounds sterling each, or for any greater sum than five pounds sterling each, but not for any fractional part of a pound, and from time to time, during the said term of twenty-one years, to re-issue any such notes or bills when and so often as the Corporation shall think fit; but such privilege shall cease in case of the suspension of specie payments, on demand, for the space of sixty days in succession, or for any number of days at intervals which shall amount altogether to sixty days within any one year, or in case the said Corporation shall not well and truly maintain, abide by, perform, and observe all and every the rules, orders, provisions, and directions herein contained and set forth, upon which the said Corporation is empowered to open banking establishments or to issue and circulate promissory notes.

10. All such notes shall bear date at the city, town, and place, at and from which the same respectively shall be made and issued, and the same respectively shall, in all cases, be payable in specie on demand at the place of date, and also at the principal banking establishment of the Corporation, at Adelaide; and the total amount of the promissory notes, payable on demand, issued and in circulation within the said Province of South Australia, shall not at any time exceed the amount of the coin, bullion, and public securities which shall for the time being be held by the said Corporation within the said Province, nor shall the proportion of coin be less than one-fourth part of the amount of the coin, bullion, and public securities so held by the said Corporation within the said Province.

11. No branch bank or establishment of the said Corporation, other than and except the principal banking establishment within the said Province, shall be liable to be called upon to pay any notes or bills of the said Corporation, other than and except such as have been originally made and issued at and from such particular branch bank or establishment.

12. The total amount of the debts, engagements, and liabilities of the said Corporation, within the said Province, whether upon bonds, bills, promissory notes, or otherwise contracted within the said Province (other than their liabilities on account of the ordinary cash deposits of customers, and on account of bills of exchange drawn by or on behalf of the said Corporation upon any banker, or banking company, agent, or connection in the United Kingdom of Great Britain and Ireland, within the amount or value of remittances made to such banker, or banking company, agent, or connection respectively, to provide for the payment of the said bills of exchange), may extend to, but shall not in any case exceed three times the amount of the coin, bullion, and public securities which shall for the time being be held by the said Corporation within the said Province: Provided always that the amount of promissory notes, payable on demand, issued and for the time being in circulation within the said Province, shall not at any time exceed the amount of coin, bullion, and public securities held by the said bank within the said Province.

13. All
13. All debentures issued or which may hereafter be issued by the Government of Victoria, or of the said Province, or of any other of the Australian Colonies, where the said Corporation shall have established a branch bank, such debentures being secured upon the general territorial or consolidated revenues of the Colony where the same are or shall be issued, and every public debt contracted or guaranteed, or which may hereafter be contracted or be guaranteed by the Government of any such Colony, under the authority of the Legislature thereof, shall be deemed and taken to be public securities within the meaning of this Act.

14. The discounts or advances by the said Corporation within the said Province, on securities bearing the name of any Director or officer thereof, as maker, drawer, acceptor, or endorser, shall not, at any time, to all the Directors or officers collectively, exceed in amount one-tenth of the total advances and discounts of the said Corporation within the said Province, and no Director shall exercise his vote at a Board meeting, on any application for monetary accommodation in which it shall appear to the Directors at such Board meeting that he is directly or indirectly interested further or otherwise than as a mere shareholder in the Company.

15. No dividend shall in any case be declared or paid out of the subscribed capital for the time being of the said Corporation, otherwise than out of the net gains and profits of the business.

16. Periodical accounts, statements, and general abstracts of the assets and liabilities of the said Corporation, so far as respects the South Australian branch thereof, shall be prepared, made out, and published in manner following, that is to say—the manager, for the time being of the said branch, 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 such branch, 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, and 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 such branch, a general abstract in writing of the average amount during such quarter of the respective assets, property, credits, and securities of such branch, and the debts, engagements, and liabilities of such branch, 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 the said Banking Company or Corporation for the time being, available for the said branch and paid up at the close of the quarter for which such abstracts respectively shall be so made up, the rate and amount.
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 such branch of the said Banking Company making the same, and shall within one month after the close of such quarter, or as soon thereafter as may be practicable, be delivered to the Chief Secretary of the said Province for the time being, to be laid before the Parliament of the said Province and published in the Government Gazette of the said Province, and such managing director, manager, chief cashier, or Clerk, shall also cause to be delivered to the said Chief Secretary, for the purposes aforesaid, a quarterly abstract and the like statements as aforesaid, relating to the affairs of the said Corporation generally, together with a copy of the auditors' report, within six weeks after the publication thereof in the said Colony of Victoria, or the making of such abstract, report, and return at the chief office of the Company in the said Colony; and if the said Corporation shall neglect to keep such weekly accounts, or to make out, or to return, or deliver such quarterly abstracts to the said Chief Secretary as aforesaid, or if any managing director, manager, chief cashier, or clerk, verifying any such abstract, shall deliver or return to the said Chief Secretary any false account or abstract of such averages, the said Corporation 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; and copies of the deed of co-partnership and settlement of the said Banking Company or Corporation, and of every such supplemental deed, attested by the managing director, manager, chief cashier, or clerk for the time being, of such Company or Corporation in Adelaide aforesaid, to be true transcripts of the original deeds of co-partnership and settlement of such Banking Company, shall be filed in the Supreme Court of South Australia by the managing director, manager, chief cashier, or clerk, of the South Australian branch of the said Corporation, 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, and the same copies 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 file such attested copies of the deeds of co-partnership and settlement of the said Banking Company, or any such supplemental deed aforesaid, within the time hereinbefore directed for filing 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 in South Australia, by any person who shall sue for the same. And as often as any alteration in or addition to the deed of co-partnership and
and settlement of such Banking Company, or any such supplemental deed as aforesaid, or the rules and regulations, shall be made, a copy of such alterations and additions attested, as aforesaid, shall in like manner be filed in the said Supreme Court for the purposes and subject to the penalty hereinbefore imposed on the party neglecting or omitting duly to make such registry as aforesaid. And the managing director, manager, chief cashier, or clerk of the said Banking Company in Adelaide 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 Banking Company, registered as such in the South Australian Register of Proprietors with their respective places of abode and descriptions as appears on such South Australian Register, and the number of shares held by them respectively to be recorded on oath in the said Supreme Court, 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 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 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 said Supreme Court or any other Court of competent jurisdiction in the said Province, by any person who shall sue for the same. And every person whose name shall be so recorded as aforesaid, shall be considered, taken, and held to be a member or proprietor of the said Banking Company, and shall be liable to be sued as such, subject to the limitation hereinbefore provided for, until a new list of the names of the members or proprietors of such Banking Company shall be so recorded or filed as aforesaid, or until he or she shall have given notice in the South Australian Government Gazette of his or her retirement from such Banking Company: Provided however, that nothing herein contained shall be deemed or construed to absolve any person from liability on account of any debts incurred by such Banking Company during the time such person remained a proprietor or member thereof, or to render any individual proprietor or member of such Banking Company liable for any debts incurred by the same except so far as he or she may be liable under the provisions of this Act and the said Act of the Colony of Victoria and the said Deed of Settlement, and any supplemental deed; and every oath required to be taken under 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 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. And no action shall lie against any 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
shall be alleged to have been committed: Provided always that if in any case, any 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 shown that the matter or thing required to be done or performed was done or performed as soon as was practicable.

17. Any action or suit may be brought by the said Corporation against any shareholder or shareholders in the capital of the said Corporation to recover any sum or sums of money due and payable to the said Corporation for or in respect of any call or calls made by virtue of the said Act of the Parliament of Victoria, or of this Act, or of the said Deed of Settlement, or any such supplemental Deed of Settlement as aforesaid; and in any such action or suit it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Corporation to declare and allege that the defendant or defendants is or are the holder or holders of such or so many share or shares in the capital of the said Corporation, and is or are indebted to the said Corporation in such sum or sums of money as the call or calls in arrear shall amount to for such and so many call or calls of such or so many sum or sums of money, upon such or so many share or shares belonging to the said defendant or defendants (as the case may be) whereby an action hath accrued to the said Corporation by virtue of this Act, and on the trial or hearing of such action or suit it shall not be necessary to prove the appointment of the Directors, or any of them who made such call or calls, or any other matters, except that the defendant or defendants at the time of making any such call was or were a holder or holders of the share or shares in the capital of the said Corporation, and that such call or calls was or were in fact made, and that such notice thereof was given as directed by the said Deed of Settlement in that behalf; and the said Corporation shall thereupon be entitled to recover what shall appear due upon such call or calls.

18. Nothing herein contained shall prejudice, or be deemed to prejudice, any call made, or any contract or other act, deed, matter, or thing entered into, made, or done by the said Company, or the Manager of the South Australian Branch of the said Bank, or other the person or persons acting in the conduct and management of such Branch under or by virtue of the said Deed of Settlement, or any such supplemental Deed of Settlement, as aforesaid, before this Act shall come into operation; but the same call, contract, act, deed, matter, or thing shall be as valid and effectual to all intents and purposes as if this Act had not been passed, and may be enforced in like manner as if the said Company had been incorporated before the same call, contract, act, deed, matter, or thing had been made, entered into or done, and every contract heretofore made by or with any persons as trustees for or on behalf of the said Company,
Company, or otherwise for its benefit, shall be performed by or to the said Corporation, and the said Corporation shall and may sue and be sued at law and in equity, on every such contract respectively, and judgment shall be given, or a decree shall be made in every such suit in the same manner as if such contract had been made by or with the said Corporation after this Act shall come into operation.

19. The said Corporation shall not be bound in any manner by any trusts, charges, or equitable interests or demands affecting any share or shares of the capital standing in the name of any person or persons as the ostensible owner or proprietor thereof, or be required to take notice of such trusts or equitable interests or demands, but the receipt of the persons or first of several joint persons in whose name or names the shares shall stand in the books of the Corporation shall, notwithstanding such trusts, or equitable interests or demands, and notice thereof to the said Corporation, be a good valid and conclusive discharge to the Corporation for or in respect of any dividend or other money payable by the said Corporation in respect of such shares, and a transfer of the said shares by the person or persons in whose name or names such shares shall so stand shall be binding and conclusive so far as the said Corporation is concerned, against all persons claiming by virtue of such trusts or equitable interests, or demands, or otherwise: Provided always that it shall be competent to the Board of Directors of the said Corporation, if they shall think fit so to do, to withhold payment of the dividends on any such shares, and to refuse to sanction the transfer of such shares in any case in which the said Corporation shall have had notice of any claim under an alleged trust or equitable interest or demand if such claim shall appear to the said Board of Directors to be well founded: Provided also, that nothing herein contained shall be deemed or taken to interfere with or abridge the right or power of a Court of Equity to restrain the payment of any dividend or other money payable by the said Corporation in respect of any shares, or the transfer of any shares, or to direct the payment of such dividends, or other money by the Corporation, or the transfer of any shares by the person or persons in whose name or names they may stand in such mode as such Court may think fit.

20. Every Manager, Accountant, or other officer, clerk, or servant of the said Corporation shall (notwithstanding such Manager, Accountant, or other officer, clerk, or servant of such Corporation shall or may be a shareholder and have a joint interest in the property of the said Corporation) be liable to be proceeded against criminally for any offence committed by such Manager, Accountant, or other officer, clerk, or servant, in respect of the property of the said Corporation, in like manner and in all respects as if such Manager, Accountant, or other officer, clerk, or servant were not a shareholder and had no such joint interest.

21. Nothing in this Act contained shall be deemed to affect or apply
apply to any right, title, or interest of Her Majesty, Her heirs, or successors, or of any body or bodies politic or corporate, or of any person or persons other than and except such bodies politic or corporate, and persons as are mentioned in this Act, and those claiming by, from, or under them respectively.

22. Wheresoever in this Act reference is made to the South Australian “Branch” of the said Bank, the provisions of this Act shall, so far as applicable, be deemed to apply to all branches, sub-branches, agencies, and all establishments in the said Province in connection with the chief branch at Adelaide.

23. This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others within the said Province, without being specially pleaded.

24. This Act shall take effect from the first day of October, 1859.

SCHEDULES
SCHEDULES REFERRED TO.

A Weekly statement, showing the amount and nature of the Debts, Engagements, and Liabilities, and of the Assets and Property or Securities of the South Australian Branch of the National Bank of Australasia, from the to the 18.

<table>
<thead>
<tr>
<th>LIABILITIES</th>
<th>AMOUNT.</th>
<th>TOTALS.</th>
<th>ASSETS</th>
<th>AMOUNT.</th>
<th>TOTALS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes in Circulation</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>Coined Gold and Silver, and other Coined Metals</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>Not bearing Interest</td>
<td></td>
<td></td>
<td>Gold and Silver in bars and bullion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bearing Interest</td>
<td></td>
<td></td>
<td>Public Securities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bills in Circulation</td>
<td></td>
<td></td>
<td>Landed Property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not bearing Interest</td>
<td></td>
<td></td>
<td>Notes and Bills of other Banks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bearing Interest</td>
<td></td>
<td></td>
<td>Balances due from other Banks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balances due to other Banks</td>
<td></td>
<td></td>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deposits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not bearing Interest</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bearing Interest</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total amount of Liabilities</td>
<td>£</td>
<td></td>
<td>Total amount of Assets</td>
<td>£</td>
<td></td>
</tr>
</tbody>
</table>

Manager.

Chief Cashier or Clerk.

Place and date.
General Abstract, showing the average amount of the Liabilities and Assets of the South Australian Branch of the National Bank of Australasia, taken from the several weekly statements during the quarter, from the 18 to the 18.

<table>
<thead>
<tr>
<th>LIABILITIES</th>
<th>AMOUNT</th>
<th>TOTALS</th>
<th>ASSETS</th>
<th>AMOUNT</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes in Circulation</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>Coined Gold and Silver, and other Coined Metals</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>Bills in Circulation</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>Gold and Silver in bullion or bars</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>Balances due to other Banks</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>Public Securities</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>Deposits</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>Landed Property</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>Total amount of Liabilities</td>
<td>£</td>
<td></td>
<td>Notes and Bills of other Banks</td>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Balances due from other Banks</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount of the capital stock paid up at the close of the quarter, ended</td>
<td>£</td>
<td>£</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rate of the last Dividend declared to the Shareholders</td>
<td>£</td>
<td>£</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount of the last Dividend declared</td>
<td>£</td>
<td>£</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount of the reserved profits at the time of declaring such Dividend</td>
<td>£</td>
<td>£</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Place and date.

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 Victoria, No.

Sworn before me, at this day of 18.

Manager.

Chief Cashier or Clerk.

(Signed) A.B.

C.D., Justice of the Peace.