

Banks and Banking Companies

WESTERN AUSTRALIA

ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ

No. 33

An Act to incorporate the Shareholders of 'The Western Australian Bank,' and for other purposes.

[Reserved, 24th July, 1878.

[Royal Assent proclaimed, 7th April, 1879.

WHEREAS a joint-stock banking company under the name, style or title of 'The Western Australian Bank' has for thirty-five years been established and has carried on the usual business of a banking company in the Colony of Western Australia, with a capital of twenty thousand pounds divided into two thousand shares of ten pounds each, 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 bank in conformity with the provisions of an Act of the Legislative Council of the said Colony passed in the eighth year of the reign of His late Majesty King William the Fourth numbered one and intituled 'An Act to regulate the establishment of banking companies in the Colony of Western Australia, and to enable the proprietors of such companies to sue and be sued in the name of any one of their public officers,' which said deed of settlement bears date the twenty-third day of June, one thousand eight hundred and forty-one: And whereas the said company now carries on business under and subject to the covenants, clauses, articles, conditions, stipulations, regulations and provisions contained in a certain other deed of settlement of the said company bearing date the twenty-third day of June, one thousand eight hundred and seventy-six, whereby the said first deed of settlement of the twenty-third day of June, one thousand eight hundred and forty-one, and the laws, regulations and provisions of the same, pursuant to a power therein contained to that effect, were repealed and declared void: And whereas by the said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six, the several parties thereto covenanted that they and other the persons who for the time being were or might be proprietors of shares in the capital of the said company would and should continue associated together for a term of twenty-one years (unless sooner dissolved under the provisions in that behalf therein contained) as a joint-stock company or association under the name, style, or title of 'The Western Australian Bank,' for the purpose of carrying on the business of a bank of issue, discount, 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, and in notes, bills, drafts or other securities for money, and generally the transacting of all such other business as is now or shall or may at

Preamble

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any time hereafter 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 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 convenience 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 any district of the Colony of Western Australia if deemed expedient: And whereas it was by the said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six, agreed that the capital of the company should be increased to one hundred thousand pounds to be divided into and contributed in ten thousand shares of ten pounds each, payable by the shareholders by calls to be made by the directors after notification by advertisement or by circular letter 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 one moiety of the shares in the said increased capital, namely, fifty thousand pounds, has been subscribed and fully paid up: And whereas the said sum of fifty thousand pounds is deemed sufficient capital for the requirements of the said company for some time to come, and in order to facilitate the passing of this Act, and the acquirement of the privileges hereinafter contained, it has been determined by the said company that the present capital shall be fixed at the sum of fifty thousand pounds, instead of the sum of one hundred thousand pounds, but subject to increase as hereinafter provided: And whereas the reserve or guarantee fund of the said company at present amounts to the sum of thirty thousand pounds: And whereas by the said last-mentioned 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 same also contains a provision giving in lien in favour of the company on the shares and dividends belonging to any shareholder becoming indebted or under engagement to the company, and authorising in case of default in payment the forfeiture of such shares, and the sale thereof by the said board of directors: And whereas the said company has lately much extended its business and operations, and is desirous of being incorporated, and it is expedient that it should be incorporated accordingly, but subject to the provisions hereinafter contained: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Company incor-
porated

1. Such and so many persons, corporations, and companies as have already become, or at any time or times hereafter shall and may, under and in accordance with the covenants, clauses, articles, conditions, stipulations, regulations and provisions contained in the deed of settlement of the said company of the twenty-third day of June, one thousand eight hundred and seventy-six, 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 in name and deed by the name of 'The Western Australian Bank,' and by that name shall and may sue any

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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 other 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 whensoever 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.

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 of the twenty-third day of June, one thousand eight hundred and seventy-six, for the determination of other matters by the board of directors of the said company, and the 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 authorise 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 provision of the said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six, and of this Act, but it shall not be necessary to use the corporation 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.

Corporate seal

3. Every deed which shall be executed and every receipt signed, and everything done by any person or persons within the scope of any power of attorney under the common seal of the said corporation shall be as valid and effectual, although sealed with the seal of or signed or done by such person or persons, as if such deed had been executed with, or receipt given or thing done, under the common seal of the said corporation.

Effect of power of attorney under common seal

4. The several covenants, clauses, articles, conditions, stipulations, regulations and provisions contained in the said deed of settlement of the said company of the twenty-third day of June, one thousand eight hundred and seventy-six, 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

Regulations of deed of settlement to be deemed to be the by-laws of the corporation

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- with or repugnant to any of the provisions of this Act, or of any of the laws, ordinances, or statutes in force in the said Colony. Provided always that no regulation, provision, or by-law shall on any account or pretence whatsoever be made by the said corporation, either under the said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six, or of this Act in opposition to the general scope or true intent and meaning of such deed of settlement, or of this Act, or of any of the laws or statutes in force in the said Colony.
- Proviso**
- Power to increase capital** 5. It shall be lawful for the said corporation from time to time, with the sanction in writing of the Governor of the said Colony in Executive Council, 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 said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six. Provided, however, that the whole number of shares shall not under any circumstances represent a total capital exceeding five hundred thousand pounds sterling.
- Capital and shares personal estate** 6. The capital and 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 of the twenty-third day of June, one thousand eight hundred and seventy-six.
- Business of the bank** 7. It shall be lawful for the said corporation, subject to all the restrictions and provisions herein contained, to carry on for a period of twenty-one years computed from the time of the passing of this Act the business of a bank of issue, discount, and deposit in the said Colony of Western Australia, and to make loans of money on cash credits, 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 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 connections 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 connections abroad, and to establish a branch bank or branch banks in any district in the said Colony for the purposes aforesaid, and in the manner directed by the said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six.
- What landed property may be taken by the bank** 8. It shall be lawful for the said corporation, notwithstanding any ordinance, 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 and other hereditaments necessary or proper for the purpose of managing, conducting,

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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 *bonâ 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 Colony 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 Colony by virtue of the provisions of the Ordinance passed in that behalf, and the provisions of the said Ordinance and of every Act to be hereafter passed with similar objects shall be deemed and taken 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 Ordinance or Act. Provided always that (save and except as hereinbefore specially authorised) 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 own 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 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, timber, sandalwood, or other colonial produce, or any other description of merchandise shipped for exportation either to any part or place beyond the sea, or from one port to another within the Australasian territories. Provided also that nothing herein contained shall invalidate the lien or charge given by the said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six, to the company upon or over the shares belonging to any shareholder

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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 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 of the twenty-third day of June, one thousand eight hundred and seventy-six.

Limit to
liabilities of
shareholders

9. In the event of the assets of the said corporation being insufficient to meet its engagements, then and in that case the shareholders 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.

In event of
increase of
capital, time for
subscription and
payment

10. In the event of any extension or increase of the capital of the corporation for the time being, the shares representing such extension or increase shall be subscribed for within the space of eighteen calendar months to be computed from the date of such issue; and the full amount of such shares shall be paid up within the space of two years, to be computed from the same period.

Bank notes may
be issued and
circulated for
twenty-one
years

11. It shall be lawful for the said corporation for and during the term of twenty-one years from the passing of this Act to make, issue, and circulate, at or from the city of Perth, and also at or from any city, town or place in Western Australia, in which they may open or establish any bank, branch bank or agency, under and by virtue of this Act or of the said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six, any bank notes or bills 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.

Bank notes how
dated and
payable

12. All such notes shall bear date at Perth in the said Colony, or at the city, town or 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 Perth aforesaid; and the total amount of the promissory notes payable on demand issued and in circulation within the said Colony shall not at any one time exceed the amount of the capital stock of the said corporation actually paid up; and a reserve of specie shall always be maintained by the said corporation equal to one-third of the notes at any time in circulation.

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13. No branch bank or establishment of the said corporation other than and except the principal banking establishment 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, and dated at and from such particular branch bank or establishment.

Liability of
branches to pay
notes restricted

14. The total amount of the debts, engagements and liabilities of the said corporation, whether upon bonds, bills, promissory notes or otherwise (other than the 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 capital stock of the said corporation for the time being subscribed and actually paid up.

Amount to
which general
liabilities are to
be limited

15. All debentures issued or which may hereafter be issued by the Government of Western Australia, such debentures being secured upon the general territorial or consolidated revenues of the Colony, and every public debt contracted or guaranteed, or which may hereafter be contracted or guaranteed by the Government of the said Colony under the authority of the Legislature thereof, shall be deemed and taken to be public securities within the meaning of this Act.

What deemed
public securities

16. The discounts or advances by the said corporation 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-third of the total advances and discounts of the said corporation, 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.

Discounts, &c.,
to directors, or
officers

17. 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.

No dividend to
be paid out of
capital

18. From and after the thirty-first day of March next the manager or chief cashier of the corporation for the time being shall, at the close of the business on Tuesday 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 the corporation, and also the respective debts, engagements and liabilities of the same in the manner and to the effect, and under the several heads particularly set forth in the schedule to this Act annexed marked 'A.'

Statements of
weekly average
liabilities and
assets to be kept

19. From such weekly accounts and statements so directed to be made up as aforesaid there shall be prepared on the last Tuesday of each quarter ending 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 the corporation a general abstract in writing of the average amount during such quarter of the respective assets, property, credits and securities of the corporation and the debts, engagements and liabilities respectively of the corporation to the effect and under the

Schedule 'A'

Quarterly state-
ments to be
published

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Schedule 'B'

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 corporation 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 profits at the time of declaring such dividend, and such respective quarterly abstracts and statements shall be verified upon the oath of the manager, chief cashier or clerk of the said corporation 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 the said Colony of Western Australia for the time being, to be published in the 'Government Gazette' of the said Colony; and the said corporation shall, if called upon by the Governor of the said Colony, verify the accounts, abstracts and statements in this and the preceding section mentioned, and also the amount of specie held by them by the production as confidential documents of the weekly or monthly balance-sheets from which the same are compiled; and shall also upon requisition of the said Governor furnish in like manner such further information respecting the state or proceedings of its banking establishments as the said Governor may see fit to call for.

Penalty for neglect to keep and make such returns

20. If the said corporation shall neglect to keep such weekly accounts or to make out or return or deliver such quarterly abstracts to the Colonial Secretary as aforesaid, or if the manager, chief cashier or clerk verifying such abstract shall knowingly deliver or return to the said Colonial 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 manager, chief cashier or clerk so offending shall 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 Western Australia.

Copies of deeds of settlement to be recorded in Supreme Court

21. A copy of the said deed of settlement of the said company of the twenty-third day of June, one thousand eight hundred and seventy-six, and of every supplemental deed of settlement attested by the manager, chief cashier or clerk for the time being of the said corporation to be a true transcript or print of the original deed, of which it may purport to be a copy, shall be filed in the office of the Registrar of the Supreme Court of the said Colony by the manager, chief cashier, or clerk of the said corporation within forty 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 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 manager, chief cashier or clerk shall omit or neglect so to file such attested copy of the said deed of settlement of the said company, or of any supplemental deed of settlement 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 the said Colony. And as often as any new deed of settlement or any alteration in or addition to the said deed of settlement of the said company of the twenty-third day of June, one thousand eight hundred

Penalty

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and seventy-six, shall be made, a copy of such new deed and of such alterations and additions attested as aforesaid shall in like manner be filed in the said office of the Registrar of the Supreme Court for the purpose, and subject in case of default to the penalties hereinbefore imposed on the party neglecting or omitting duly to be made such registry as aforesaid.

22. The manager, chief cashier, or clerk of the said corporation shall within thirty days from and after the first day of July 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 the said company with their respective places of abode and descriptions to be recorded on oath in the said office of the Registrar of the 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 such inspection. And if the said 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 as aforesaid.

Names of proprietors to be recorded in Supreme Court

23. 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 company, and shall be liable as such, subject to the limitation hereinbefore provided for, until a new list of the names of the members or proprietors of the said company shall be so recorded or filed as aforesaid, or until he or she shall have given notice in the Western Australian 'Government Gazette' of his or her retirement from the said 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 the said company during the time such person remained a proprietor or member thereof, or to render any individual proprietor or member of the said 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 deed of settlement of the said company of the twenty-third day of June, one thousand eight hundred and seventy-six.

Liability of such proprietors to be sued

Proviso

24. Every oath required to be taken under the provisions of this Act may be taken before any Justice of the Peace who is hereby authorised to administer the same, and any manager, chief cashier or clerk who shall take any false oath as to any quarterly abstracts of averages, or other matter or thing under the provision 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.

Oaths to be taken before Justice

Penalty for false oath

25. 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 be alleged to have been committed.

Limitation of actions

26. Provided always, and be it enacted 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 proving that it was not practicable to do so shall lie

Proof of inability to comply with Act in given time to lie on party

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upon the party required to do and 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 it was practicable.

Actions or suit
for calls

27. 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 this Act, or of the said deed of settlement of the company of the twenty-third day of June, one thousand eight hundred and seventy-six, 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 is directed by the said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six, in that behalf, and the said corporation shall thereupon be entitled to recover what shall appear due upon such call or calls.

Transactions
before passing
Act

28. 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, under or by virtue of the said deed of settlement of the twenty-third day of June, one thousand eight hundred and seventy-six, 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 the said company, or by or with any person or persons as trustee or trustees, or as public officer or officers of the said company, for or on behalf of the said 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 the passing of this Act.

Corporation not
bound by trusts

29. 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

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the ostensible owner or proprietor thereof, or be required to take any notice of such trusts or equitable interests or demands, but the receipt of the person 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.

30. 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.

Officers of bank, although shareholders, may be proceeded against criminally

31. Notwithstanding anything to the contrary in the said deed of settlement of the twenty-third day of June one thousand eight hundred and seventy-six, and in this Act contained, the present capital of the said corporation shall be, and the same is hereby fixed at the sum of fifty thousand pounds, but subject to increase as hereinbefore provided.

Present capital fixed at £50,000

32. Nothing in this Act contained shall be deemed to affect or apply to any right, title or interest of Her Majesty, her heirs or successors, or of anybody 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 form or under them respectively.

Saving rights

33. All penalties and forfeitures recoverable under this Act shall be sued for in the name of the Attorney-General on behalf of Her Majesty, and shall be applied one moiety to Her Majesty, her heirs and successors for the public use of the said Colony, and in support of the

Application of penalties

Banks and Banking Companies

Government thereof, and the other moiety to the informer or informers in such manner as the Governor shall from time to time direct.

Public Acts

34. 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 Colony without being specially pleaded.

H. ST. GEORGE ORD,
GOVERNOR.

SCHEDULES REFERRED TO

A

Weekly Statement showing the amount and nature of the debts and engagements, liabilities and assets, property, credits and securities of The Western Australian Bank from the _____ to the _____ day of _____ 187 .

Liabilities	Amount	Total	Assets	Amount	Total
Notes in circulation { Not bearing interest Bearing interest			Coined gold and silver and other coined metals Gold and silver in bars and bullion Public securities Landed property Notes and bills of other banks Balances due from other banks		
Bills in circulation { Not bearing interest 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		
Balances due to other banks .					
Deposits . { Not bearing interest Bearing interest					
Total Amount of Liabilities £			Total Amount of Assets . £		

Place and Date.

Manager,
Chief Cashier, or Clerk.

Banks and Banking Companies

B

General Abstract showing the average amount of Liabilities and Assets of The Western Australian Bank, taken from the several Weekly Statements during the quarter from the _____ to the _____ 187 .

Liabilities		Amount	Total	Assets		Amount	Total
Notes in circulation	{ Not bearing interest Bearing interest			Coined gold and silver and other coined metals			
Bills in circulation	{ Not bearing interest Bearing interest			Gold and silver in bullion and bars			
Balances due to other banks .				Public securities			
Deposits .	{ Not bearing interest Bearing interest			Landed property			
				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 . £			

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
 Amount of the reserved profits at the time of making such dividend

Place and Date _____ Manager, Chief Cashier, or Clerk.
 I, _____ 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 the 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 Legislative Council, No. _____ of 187 .

Sworn before me at _____ }
 this _____ day of _____ 18 _____ (Signed) C.D., Justice of the Peace.