



Western Australia

## **Western Australian Bank Act 1896**

Compare between:

[22 Oct 2002, 00-b0-05] and [04 Jul 2006, 00-c0-05]



Western Australia

## **Western Australian Bank Act 1896**

**An Act to repeal and re—enact with amendments the provisions of “An Act to incorporate the Shareholders of the Western Australian Bank and for other purposes”.**

*[Assented to 27th October 1896.]*

Be it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

Whereas by an Act of the Legislative Council of Western Australia made and passed in the forty-second year of the reign of Her present Majesty and numbered thirty-three the shareholders in the Western Australian Bank were incorporated and the said corporation was empowered to carry on for a period of twenty-one years computed from the time of the passing of the said Act the business of a bank of issue discount and deposit as therein mentioned and subject to all the restrictions and provisions in the said Act contained and to make issue and circulate and to re-issue certain bank notes or bills as in the said Act mentioned during the said term of twenty-one years: and whereas the said term of twenty-one years will shortly expire and the corporation is desirous of continuing its said business and of acquiring some extension of the powers rights and privileges conferred on the corporation by the said Act: and whereas the said corporation now carries on its business under and subject to certain covenants clauses articles and regulations contained in a certain deed of settlement bearing date the twelfth day of August One thousand eight hundred and ninety-six: and whereas the present capital of the said corporation is Three hundred thousand pounds divided in to

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Three Hundred thousand shares of One pounds each and power is given by the said deed of settlement to increase such capital by the creation and sale of new shares in manner therein expressed:

And whereas the Reserve Fund of the said corporation at present amounts to the sum of One hundred and twenty-five thousand pounds and its Reserved Profits to the sum of Thirty-five thousand four hundred and seventy-two pounds: and whereas it is expedient to repeal the said Act and re-enact the provisions thereof with amendments of an extended character as hereinafter appearing:

*[Preamble amended by 60 Vic. 1896 s. 7A(e).]*

BE it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia in this present Parliament assembled and by the authority of the same as follows —

**1. Short Title**

This Act may be cited as the *Western Australian Bank Act 1896*.

**2. Interpretation**

In this Act the expression “**Deed of Settlement**” shall mean and include the Deed of Settlement of the twelfth day of August One thousand eight hundred and ninety-six and every amendment thereof from time to time or other the Deed of Settlement of the said Bank for the time being.

**3. Repeal of 42 Vic., No.33**

The Act of the Legislative Council made and passed in the forty-second year of the reign of Her present Majesty No.33 intituled “An Act to incorporate the Shareholders of the Western Australian Bank and for other purposes” is hereby repealed.

**4. Continuation of the Corporation**

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 provisions of the deed of settlement become holders or proprietors of shares of or in the capital for the time being of The Western Australian Bank shall subject to the conditions restrictions regulations and provisions hereinafter contained continue to be one body politic and corporate in name and in deed by the name of "The Western Australian Bank" and by that name shall and may sue any person or persons body or bodies politic or corporate 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 crim or other offence and in all indictments information and prosecutions it shall be lawful to state the money goods effects bills notes securities or other property of the said corporation and to designate the said Bank 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.

#### **5. Corporate Seal**

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 by the deed of settlement for the determination of other matters by the board of directors of the said corporation and the directors of the said corporation 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 corporation and in conformity with the provisions of the deed of settlement and of this Act but it shall not be necessary to use the corporate seal in respect of any of the ordinary business of the corporation or for the appointment of an attorney or solicitor for the prosecution and defence of any action or proceeding.

**6. Effect of power of attorney under common seal**

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.

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

The several covenants clauses articles stipulations regulations and provisions contained in the deed of settlement 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 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 deed of settlement or of this Act in opposition to the general scope or true intent and meaning of the deed of settlement or of this Act or of any of the Laws or Statutes in force in the said Colony.

**7A. Capital of the Bank**

That notwithstanding the provisions of the Principal Act and Deed of Settlement

Division of capital.

- (a) The existing and all future capital of the Corporation from time to time shall be divided into shares of £1 each and each of the existing £10 shares be divided into ten £1 shares upon each of which the sum of £1 shall be credited as paid up.

Certificate of proprietorship of share to be delivered up for cancellation.

- (b) Every shareholder shall deliver up to the Corporation for cancellation the certificate or certificates of his proprietorship to the shares in order that the Corporation may issue fresh certificates for such £1 shares.

Power to Directors to distribute £50,000 of reserve fund.

- (c) The Directors may distribute £50,000 out of the undivided profit standing to the credit of the Corporation's Reserve Fund amongst the proprietors of the existing £10 shares as a bonus in the proportion of two pounds for every £10 share held by them respectively.

Directors may allot 50,000 shares.

- (d) The Directors may allot and issue 50,000 unissued ordinary shares credited as fully paid up to the proprietors of the existing £10 shares in satisfaction of the said bonus in the proportion of two shares for every existing £10 share held by them and every such share so allotted and issued shall for all purposes be deemed paid up in full.

Present capital of Corporation.

- (e) The present capital of the Corporation shall accordingly consist of £300,000 divided into 300,000 shares of £1 each.

Alterations to Share Register.

- (f) The Directors shall make all alterations and entries in the Share Register in carrying same out and a copy of such Share Register shall be filed in the Supreme Court Office within seven days after being so amended.

*[Section 7A inserted by 13 Geo. V. 1922 s. 2.]*

**8. Power to increase capital**

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 deed of settlement Provided however that the whole number of shares shall not under any circumstances represent a total capital exceeding One million pounds sterling.

**9. Capital and share personal estate**

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 deed of settlement.

**10. Business of the bank**

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 in the said Colony of Western Australia and elsewhere 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 and lawful for establishments carrying on banking in all its branches to do or transact (including therein the dealing in money bullion specie gold-just assayed gold and precious metals exchanges notes bills and other securities) 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 draft on agents and banking connections abroad and 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 and agency or agencies in any district in the said Colony or elsewhere in the British Possessions for the purposes aforesaid and in the manner directed by the deed of settlement.

**11. What landed property and securities may be taken by the bank**

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 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 merchandise and ships which may be so taken by the said corporation or in security for any debt or liability *bona die* 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 merchandise and ships as occasion may require and all persons bodies politics 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 any Ordinance or Act passed in that behalf and the provisions of any such Ordinance or Act 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 lines and mortgages respectively in like manner to all intents and purposes as if the said corporation had been included by name in any 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 money upon the security of lands or houses or ships not 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 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 corporation not in any trading or mercantile speculation or business whatsoever not usually considered as falling within the ordinary and legitimate purposes and operation of banking establishments.

Provided always that nothing in this Act contained shall invalidate any lien acquired or to be acquired by the deposit of deeds or any mortgage of lands or other property taken or to be taken by the said corporation or any person or persons on their

behalf as security collateral to any bill promissory note bond or other security or any right claim or title to lands or other property thence to arise or the lien secured by the deed of settlement to the corporation over the shares belonging to any proprietor becoming indebted or coming under engagements to the corporation or making default in the fulfilment of any covenant in the deed of settlement contained or prevent the corporation from holding the share forfeited by such default for the purpose of sale as provided in the deed of settlement or from taking security by the hypothecation of merchandise or bills of lading thereof for the payment of any bill or bills of exchange drawn against any shipment of gold wool timber or any other description of merchandise shipped for exportation either to or from any port or place beyond the sea or from one port to another within the Australasian Territories or from taking any mortgage of lien on any stations runs sheep or cattle and their increase progeny wool and other produce under the Ordinances or Acts of the Colonial Legislature for that purpose made and provided or from taking holding and enjoying to them their successors and assigns for any estate term of years or interest for the purpose of reimbursement only and not for profit any lands houses or other hereditaments or any merchandise or ships which may be taken by the corporation in satisfaction liquidation or discharge of or as security for any debt due or to become due to the corporation or from selling conveying and assuring the same as occasion may require And it is hereby declared that all such liens mortgages rights claims and holdings shall be valid.

**12. Limit to liabilities of shareholders**

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 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 not shareholder shall be liable beyond such an extent.

**13. Bank notes may be issued and circulated**

It shall be lawful for the said corporation to make issue and circulate at or from the city of Perth and also at or from any city town or place in which they may at any time have lawfully opened or established any bank branch bank or agency or in which they may open or establish the same under and by virtue of this Act or of the deed of settlement 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 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 carry on its business or to issue and circulate promissory notes.

**14. Bank notes how dated and payable**

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 such further amount in excess of such capital as shall equal one-third of the coin and gold bullion held by the said corporation

separate and apart from the coin and gold bullion used in the ordinary operations of the said corporation; 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.

**15. Liability of branches to pay notes restricted**

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 except such as have been originally made and issued and dated at and from such particular branch bank or establishment.

**16. Bank notes to be first charge on assets after Crown debts**

All such notes or bills payable on demand and issued circulated or re-issued under the authority of the Act hereby repealed or of this Act shall to the amount of the issue authorised and subject to the payment of all debts due to the Crown be a first charge on all assets and property of the Corporation being assets for the payment of debts or other obligations contracted or entered upon or due and payable in Western Australia.

**17. Amount to which general liabilities are to be limited**

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 the bills of exchange drawn by or on behalf of the said corporation in the United Kingdom of Great Britain and Ireland or elsewhere 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 time the amount of the capital stock of the said corporation for the time being subscribed and actually paid up.

**18. What deemed public securities**

All debentures and inscribed stock issued or which may hereafter be issued by the Government of Western Australian such debentures and stock 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.

**19. Discounts, et., to directors or officers**

The discounts or advances by the said corporation on securities bearing the name of any director or officer thereof as maker drawer acceptor or indorser 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 not 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 corporation or as a shareholder in any registered joint stock company or other incorporated company.

**20. No dividend to be paid out of capital**

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

**21. Statements of weekly average liabilities and assets to be kept**

The chief manager or officer 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 the Act annexed marked "A".

**22. Quarterly statements to be published**

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 several heads or titles specified and set forth in the Schedule to this Act annexed marked "B" to which the 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 chief manager or officer 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 Chief Secretary<sup>2</sup> 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.

*[Section 22 amended by No. 8 of 1925 s.2.]*

**23. Penalty for neglect to keep and make such returns**

If the said corporation shall neglect to keep such weekly accounts or to make out or return or deliver such quarterly abstracts to the Chief Secretary<sup>2</sup> as aforesaid or if the chief manager or officer verifying such abstract shall knowingly deliver or return to the said Chief Secretary<sup>2</sup> 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 chief manager or officer 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 of Western Australia,

*[Section 23 amended by No. 8 of 1925 s.2.]*

**24. Copies of deeds of settlement to be recorded in Supreme Court**

A copy of the deed of settlement of the said corporation and of every supplemental deed of settlement attested by the chief manager or officer 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 said chief manager or officer of the said corporation within forty days from and after the day on which this Act shall commence and take effect or so 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 chief manager or officer shall omit or neglect so to file such attested copy of the deed of settlement of the said corporation 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 corporation of the twelfth day of August One thousand eight hundred and ninety-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 purposes and subject in case of default to the penalties hereinbefore imposed on the party neglecting or omitting duly to make such registry aforesaid.

**25. Names of proprietors to be recorded in Supreme Court**

The chief manager or officer 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 corporation 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 or officer 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.

**26. Liability of such proprietors to be sued**

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 corporation 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 corporation 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 corporation  
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 corporation during the time such person remained a proprietor or member thereof or to render any individual proprietor or member of the said corporation 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 deed of settlement of the said corporation.

**27. Oaths to be taken before Justice**

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 chief manager or officer 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 or taking such oath enacted as to persons convicted of wilful and corrupt perjury.

**28. Limitation of actions**

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.

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

Provided always to 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 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 was practicable.

**30. Actions for calls**

Any action 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 Act hereby repealed or of this Act or of the deed of settlement and in any such action it shall not be necessary to set forth the special matter but it shall be sufficient for the said corporation to 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 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 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.

**31. Corporation not bound by trusts**

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 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 any Court having jurisdiction to restrain the payment of any dividend or other money payable by the said corporation in respect of any shares of the transfer of any shares or to direct the payment of such dividends or other money by the corporation of the transfer of any shares by the person or persons in whose name of names they may stand in such may as such Court may think fit.

**32. Officers of bank although shareholders may be proceeded against criminally**

Every manager accountant or other officer clerk or servant of the said corporation (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.

**33. Power of Chief Manager of officer to do certain acts**

In all cases in which by any Law or Statute or by any rule or order of the Supreme Court or any other Court now or hereafter to be in force in this Colony the plaintiff or defendant in any action or other proceeding or any creditor of an insolvent or bankrupt estate or any persons being a party to or interested in any process or proceeding whatsoever is or shall be authorised empowered or required to make any affidavit or declaration or to sign or present any petition or to do any other act it shall be lawful for the Chief Manager or Officer for the time being or other competent officer or agent of the said corporation (when the corporation shall be such plaintiff defendant or creditor or be a party to or otherwise interested in any process or proceeding whatsoever as aforesaid) to make any such affidavit or declaration and for an on behalf of the corporation to sign or present any such petition or do any such other act as aforesaid.

**34. Saving rights**

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 any body or bodies politic or corporate or of any person or person 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.

**35. Application of penalties**

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 Government thereof and the other moiety to the

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informer or informers in such manner as the Governor shall time to time direct.

**36. Public Act**

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.

**Schedules referred to**

Section 21

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        18    .*

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 .....			
				Balance 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 .....			
Balance due to other Banks .....				Total amount of Assets .....		£	
Deposits .....	} {Not bearing Interest } {Bearing Interest						
Total amount of Liabilities .....		£					

(Place and date)

Chief Manager or Officer.

**Western Australian Bank Act 1896**  
**Schedules referred to**

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### Notes

- <sup>1</sup> This is a compilation of the *Western Australian Bank Act 1896* and includes all amendments effected by the other Acts referred to in the following Table.

#### Table of Acts

#### Compilation table

<u>Act</u> <u>Short title</u>	Number and <del>Year</del> <u>year</u>	Assent	Commencement
<i>Western Australian Bank Act 1896</i>	60 Vict. Private Act	27 Oct 1896	27 Oct 1896
<i>Western Australian Bank Act Amendment Act 1922</i> s. 2	13 Geo. V. Private Act	13 Dec 1922	13 Dec 1922
<i>Ministers' Titles Act 1925</i> s. 2	8 of 1925	24 Sep 1925	24 Sep 1925

[This Act was repealed by the Statute Law Revision Act 2006 s. 3\(1\) \(No. 37 of 2006\) as at 4 Jul 2006 \(see s. 2\)](#)

NB: The *Western Australian Bank Act Amendment Act 1925* (16 Geo. V. Private Act) is an affecting Act.

- <sup>2</sup> Now known as Minister for Racing, Gaming and Liquor.