



WESTERN AUSTRALIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. IX.

AN ORDINANCE to incorporate The National Bank of Australasia; and for other purposes.

[19th July, 1866.]

WHEREAS a joint stock Banking Company under the name, style, or title of "The National Bank of Australasia" has been 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 in a certain other Deed purporting to be a supplemental Deed of Settlement of the said Company and bearing date the thirteenth day of June, in the year of our Lord one thousand eight hundred and fifty nine, and the conditions, 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 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"

Preamble.

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Australasia” for the purposes 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 the establishment of agencies or connexions 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 connexions 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 forfeiture of such shares and the sale thereof by the said Board of Directors; AND WHEREAS the said Company has for some time carried on the usual business of a Banking Company in Melbourne aforesaid and elsewhere in the Colony of Victoria, and at Adelaide and elsewhere in the Province of South Australia, 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 74 and intituled “An Act “to incorporate the shareholders of the National Bank of Australasia “and for other purposes” and which Act was subsequently amended by an Act of the Parliament of the said Colony of Victoria made and passed in the twenty third year of the reign of Her said Majesty Queen Victoria, No. 93 and intituled “An Act to amend the provisions

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sions of An Act incorporating the shareholders in the National Bank of Australasia;" and by an Act of the Parliament of the Province of South Australia passed in the twenty second and twenty third years of the reign of Her said Majesty Queen Victoria intituled "An Act "to regulate and provide for the management of the South Australian "Branch of the National Bank of Australasia and for other purposes," and which Act was amended by an Act of the Parliament of the said Province of South Australia passed in the twenty sixth and twenty seventh years of the reign of Her said Majesty Queen Victoria; AND WHEREAS a Branch of the said Bank has been established in Perth in the Colony of Western Australia and it may be desirable to establish other branches within the said Colony; AND WHEREAS it may be expedient that a register of shareholders shall be kept at the Chief Office of the said Company in Western Australia and that all persons whose names appear on such register shall be permitted to transfer their shares in the said Company; AND WHEREAS it is expedient that the proper management of the branch or branches of the said Bank within the Colony of Western Australia should be provided for: 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:—

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 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 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 Copartnership, by its Corporate name, whensoever for the purpose of any allegation of an intent to defraud, or otherwise howsoever

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soever 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.

Corporate seal.

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, at Melbourne aforesaid, 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 supplemental Deed of Settlement as aforesaid, for the determination of other matters by the Board of Directors of the Company; And the said Corporation may by Powers of Attorney, under its common seal, given from time to time, authorize one or more Agent or Agents, resident in Western Australia, jointly or severally, according to the discretion of the said Board of Directors, to demand and recover, let, sell, and manage the property of the said Corporation in Western Australia; and to execute any deeds, and to do all or any such other matters and things as may be required to be executed and done on behalf of the said Corporation in Western Australia, in conformity with the provisions of the said Deed of Settlement or of any such supplemental Deed of Settlement as aforesaid, and of this Ordinance; but it shall not be necessary to execute any Deed 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.

Effect of Power of Attorney under common seal.

3 EVERY deed which shall be executed, and every receipt signed, and every thing 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.

Register of Shareholders.

4 THE said Corporation shall as soon as may be practicable, file in the Supreme Court Office a correct list of the names, and residences of all shareholders of the corporation; and shall in the month of June in each year, or so soon thereafter as may be practicable, file in the said Office, a correct list of all shareholders of such Corporation for the time being.

Regulations of Deed of Settlement to be deemed to

5 THE several covenants, clauses, articles, conditions, stipulations, regulations, and provisions contained in the said Deed of Settlement,

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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 Ordinance, or of any of the laws or Ordinances in force in the Colony of Western Australia) 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 Ordinance, or of 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 Ordinance, or of any of the laws or statutes in force in the said Colony of Victoria, shall have no effect within the Colony of Western Australia.

6 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.

7 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, and any such supplemental deed of settlement as aforesaid.

8 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 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 of and with all countries, and in notes, bills, drafts or other securities for money, and generally to transact

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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 another branch Bank or other branch Banks in Western Australia for the purposes aforesaid, and in the manner directed by the said Deed of Settlement and any such supplemental deed of Settlement as aforesaid.

What landed property
may be taken by the Bank.

9 IT shall be lawful for the said Corporation to purchase, take, hold and enjoy 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 any freehold or leasehold land and hereditaments, and any real estate, and any merchandize and ships in satisfaction, liquidation, or discharge of any debt due to the said Corporation, or in security for any existing debt or liability, or for any loan or advance made at the time, and to sell, dispose of, convey, assign and assure such houses, offices, buildings, lands, hereditaments, real estate, merchandize 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 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 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 may be by law allowed to do; Provided always, that the said Corporation shall not hold shares in its own stock, nor invest, lay out, or employ, advance, or embark any part of the capital or funds of the said Corporation 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,

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wool, tallow, ores, minerals, metals, or other Colonial produce, or any other description of merchandize 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 engagement 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.

10 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.

Liability of Shareholders limited.

11 IT shall be lawful for the said Corporation for and during the term of twenty-one years from the first day of June, one thousand eight hundred and sixty six, to make, issue, and circulate at and from Perth aforesaid, and also at or from any City, Town, or place in the said Colony of Western Australia, in which they may open or establish any Bank, Branch Bank or Agency, under or by virtue of this Ordinance, or of the said Deed of Settlement, or any such supplemental deed of Settlement as aforesaid, 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 to be issued and circulated, and for what purpose.

12 ALL such notes shall bear date at the City, Town, or place at and from which the same respectively shall be made and issued, and

Bank Notes how dated, and payable.

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, and the total amount of the Promissory Notes payable on demand issued and in circulation within the said Colony of Western Australia, shall not at any time exceed three times the amount of the coin, bullion, and public securities which shall for the time being be held by the said Corporation; nor shall the proportion of coin be less than one fourth part of the amount of coin, bullion, and public securities so held by the Corporation.

Liability of Branches to pay Notes restricted.

13 NO Branch Bank, or establishment of the said Corporation other than, and except the principal Banking Establishment within the said Colony of Western Australia, 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.

Amount to which general liabilities are to be limited.

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 coin, bullion and public securities which shall for the time being be held by the said Corporation.

What deemed public securities.

15 ALL debentures issued, or which may hereafter be issued by the Government of Western Australia, 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 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 Ordinance.

Discounts, &c., to Directors or Officers

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

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Directors or officers collectively, exceed in amount one-tenth 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.

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 ACCOUNTS, statements, and general abstracts of the assets and liabilities of the said Corporation, so far as respects the Western 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 all 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 Ordinance 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 quarters of the respective assets, property, credits and securities of such Branch, and the debts, engagements and liabilities of such Branch, to the effect and under the several heads or titles specified and set forth in the Schedule to this Ordinance 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 and paid up at the close of the quarter for which such abstracts respectively shall be so made up, the rate and amount of the last dividend that may have been declared to the shareholders or proprietors, and the amount of the reserved profit at the time of declaring such dividend, and such respective quarterly abstracts and statements shall be verified upon the oath of the 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 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 Statement of weekly Average liabilities and assets to be kept.
Quarterly statements to be published
in

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Penalty for neglect to keep and make such returns.

Copies of Deeds of Settlement to be recorded in the Supreme Court.

Copy of alterations and additions to the deed of Settlement or rules and regulations to be in like manner recorded.

in the Government Gazette of the said Colony, and such Manager, Chief Cashier, or Clerk shall also cause to be delivered to the said Colonial 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 three months 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 return, or deliver such quarterly abstract to the said Colonial Secretary as aforesaid, or if the manager Chief Cashier or Clerk, verifying any such abstract, shall deliver or return to the said Colonial Secretary any false account or abstract of such averages, or any false copy or duplicate thereof, 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 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 Settlement of the said Banking Company or Corporation, and of every such supplemental deed, attested by the Manager, Chief Cashier, or Clerk for the time being of such Company or Corporation in Perth aforesaid, to be true transcripts of the original deeds of settlement of such Banking Company, shall be filed in the Office of the Supreme Court of Western Australia by the Manager, Chief Cashier, or Clerk of the Western Australian Branch of the said Corporation within three months from and after the day on which this Ordinance shall commence and take effect, or as soon after 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 Manager, Chief Cashier, Accountant, or Clerk shall omit or neglect so to file such attested copies of the deeds of copartnership and settlement of the said Banking Company, or any such supplemental deed as 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 Western Australia: And as often as any alteration in or addition to the Deed of 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 Office for the purposes and subject in case of default, to the penalties hereinbefore imposed, on the party neglecting or omitting
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duly to make such registry as aforesaid: And the Manager, Chief Cashier, or Clerk of the said Banking Company in Perth aforesaid, shall within Thirty days from and after the first day of June 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 with their respective places of abode, and descriptions, 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 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 Colony; 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 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 Western 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 Ordinance, and the said Acts of the Colony of Victoria and of the province of South Australia, and the said deed of Settlement, and any supplemental deed: and every oath required to be taken under the provisions of this Ordinance may be taken before any Justice of the Peace, who is hereby authorized to administer the same; and any 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 Ordinance, 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 Ordinance unless the same shall be commenced within two years from the time the offence 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

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

Liability of such Proprietors to be sued.

Proviso.

Penalty for perjury.

Limitation of actions.

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

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the provisions of this Ordinance 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 to do or perform the same; Provided also that no excuse shall be allowed for any such failure or neglect, unless it be clearly shewn that the matter or thing required to be done or performed was done or performed as soon as it was practicable.

Actions or Suits for calls.

19 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 or 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 the Act of the Parliament of South Australia, or of this Ordinance, 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 or 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 Ordinance, 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.

Transactions before 1-15-
sing Act.

20 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 manager of the Western Australian Branch of the said Bank or other the person or persons acting in the conduct or 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 Ordinance shall come into operation. but the same call, contract, act, deed, matter or thing shall be as valid and effectual to all intents
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and purposes as if this Ordinance had not been passed, and may be enforced in like manner as if the said Company had been incorporated before the said 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 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 Ordinance shall come into operation.

21 THE said Corporation shall not be bound in any manner by any trusts, charges, or equitable interests or demands effecting 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 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 said 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 for 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 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.

Corporation not bound by trust.

22 EVERY Manager, Accountant, or other officer, clerk, or servant of the Corporation, shall, (notwithstanding such manager, accountant,

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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 joint interest.

Saving Rights of Her Majesty, &c.

23 NOTHING in this Ordinance contained shall be deemed to affect or 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 Ordinance, and those claiming by from, or under them respectively.

24 ALL penalties and forfeitures recovered under this Ordinance 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 informer or informers in such manner as the Governor shall from time to time direct.

Interpretation clause.

25 WHERESOEVER in this Ordinance reference is made to the Western Australian Branch of the said Bank, the provisions of this Ordinance shall so far as applicable be deemed to apply to all branches, sub-branches, agencies, and all establishments in the said Colony in connection with the chief branch at Perth.

Public Act.

26 THIS Ordinance shall be deemed and taken to be a public Ordinance, and shall be judicially taken notice of as such by all Judges, Justices, and others, within the said Colony, without being specially pleaded.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.



*Passed the Legislative Council,
this 19th day of July, 1866.*

G. S. PASCOE,

Acting Clerk of the Council.

SCHEDULES REFERRED TO

A.

WEEKLY STATEMENT showing the amount and nature of the debts and engagements, liabilities and assets, property, or securities of the Western Australian branch of The National Bank of Australasia, from the _____ to the _____ 18__

LIABILITIES.		AMOUNT.	TOTAL.	ASSETS.		AMOUNT.	TOTAL.
Notes in circulation ..	{ Not bearing Interest			Coined Gold and Silver, and other coined metals ..			
	{ Bearing Interest			Gold and Silver in bars in bullion			
Bills in circulation..	{ Not bearing Interest			Public Securities..			
	{ Bearing Interest			Landed Property			
Balance due to other Banks				Notes and Bills of other Banks			
Deposits	{ Not bearing Interest			Balances due from other Banks :			
	{ 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			
Total amount of Liabilities ... £				Total amount of Assets £			

Place and Date.

Manager
Chief Cashier, or Clerk.

National Bank of Australasia.

30° VICTORIA, No. 9.

B.

GENERAL ABSTRACT shewing the average amount of liabilities and assets of the Western Australian branch of The National Bank of Australasia, taken from the several Weekly Statements during the quarter from the to the 18

LIABILITIES.	AMOUNT.	TOTAL,	ASSETS.	AMOUNT.	TOTAL.
Notes in circulation.. {			Coined Gold and Silver and other coined metals ..		
Not bearing Interest			Gold and Silver in bullion and bars		
Bearing Interest			Public Securities		
Bills in circulation.. {			Landed Property		
Not bearing Interest			Notes and Bills of other Banks		
Bearing Interest			Balances due from other Banks		
Balances due to other Banks			Amount of all debts due to the Bank, including Notes, Bills of Exchange and all stock and funded debts of every description, except Notes, Bills, and Balances due to the said Bank from other Banks		
Deposits {					
Not bearing Interest					
Bearing Interest					
Total amount of Liabilities... £			Total amount of Assets....£		
Amount of the capital stock paid up at the close of the quarter ended 18					
Rate of the last dividend declared to the Shareholders					
Amount of the last dividend					
Amount of the reserved profits at the time of making such dividend					

Place and date

Manager,
Chief Cashier or Clerk.

I, A. B. make oath that, to the best of my knowledge and belief, the foregoing Abstract is a true and faithful account of the average amount of 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 Ordinance of the No.

Sworn before me at }
this day of 18 }

Signed, A. B.

National Bank of Australasia.
30° VICTORIAE, No. 9.