



WESTERN AUSTRALIA.

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

NO. I.

AN ORDINANCE to amend "The Post Office Savings Bank Ordinance."

[11th July, 1864.]

WHEREAS it is expedient to amend "The Post Office Savings Bank Ordinance:" 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:

Preamble.

1. IT shall not be lawful for the Post Master General, or any of his Officers, to receive from any one present or future depositor any sum or sums exceeding Thirty pounds in the whole, exclusive of compound interest, in any one year ending on the Thirty first day of December, nor to receive from any depositor any sum or sums of money whatever, which shall make the sum to which such depositor shall be entitled, exceed the sum of One hundred and Fifty pounds in the whole; Provided, that whenever the sum or sums standing in the name of any depositor shall amount in the whole to Two hundred

Post Master General not to receive from any Depositor more than £30 in any one year, nor more than £150 in the whole.

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pounds, principal and interest included, that thenceforth no interest shall be payable on any such deposit, so long as it shall continue to amount to the said sum of Two hundred pounds.

Post Master General not to receive from persons whose deposits amount to £150.

2. THE Post Master General or any of his Officers shall not receive from any such depositor any fresh or additional deposit so long as the sum or sums to which such depositor shall be entitled, shall amount to or exceed the sum of One hundred and fifty pounds.

Depositors may withdraw their deposits, and again subscribe, provided such subscriptions do not in any one year exceed £30.

3. ANY depositor, after having withdrawn any sum or sums of money from and out of the Post Office Savings Bank, may re-deposit in such Savings Bank at any time or times in any One year, reckoning from the Thirty-first day of December, any sum or sums of money, provided such sum or sums of money re-deposited, and any previous deposit or deposits which shall have been made by such depositor in the course of the year, taken together, shall not exceed at any time in such year the sum of Thirty pounds additional principal money bearing interest, and the Post Master General or any of his Officers are hereby prohibited from receiving from any depositor any sum or sums which shall make the said depositor entitled at the end of such year, to more than the said additional sum of thirty pounds within Twelve calendar months, reckoning from the Thirty-first day of December, as aforesaid.

Depositor dying leaving any sum exceeding £50, the same not to be paid until after administration or probate.

4. IN case any depositor in the Post Office Savings Bank shall die, leaving any sum or sums of money in the said Bank, or any interest due thereon, belonging to him or her at the time of his or her death, exceeding in the whole the sum of Fifty pounds, the same shall not be paid to any person or persons as representative or representatives of such depositor, but upon the probate of the will of the deceased depositor, or letters of administration of his or her estate or effects.

Where the effects of a person dying intestate shall not exceed £50, the same may be divided according to the Statute of Distribution or the rules of the Institution.

5. IN case any depositor in the Post Office Savings Bank shall die, leaving any sum of money in the said institution belonging to him or her at the time of his or her death, not exceeding in the whole the sum of Fifty pounds exclusive of interest, and probate of the will of the deceased depositor, or letters of administration of his or her estate and effects, is not produced to the Post Master General, or if notice in writing of the existence of a will and intention to prove the same or to take out letters of administration, is not given to the said Post Master General within the period of One month from the death of the depositor, and in the latter case unless such will is proved or letters of administration taken out within the period of Two months

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from the death of the said depositor, it shall be lawful for the said Post Master General to pay and divide the same to and amongst any person or persons who shall appear to such Post Master General to be the widow, or entitled to the effects of such deceased depositor, according to the Statute of Distribution, or according to the rules of the institution, and the payment of any such sum of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin of such deceased depositor, or as the lawful representative of such depositor against the funds of such Savings Bank or against the Post Master General or any of his Officers; but nevertheless such next of kin or representative shall have remedy for recovery of such money so paid as aforesaid, against the person or persons who shall have received the same.

6. PAYMENTS of any money by the Post Master General or any of his Officers as aforesaid, to any person or persons having any letters of administration or Probate of any such will or testamentary disposition granted by the Supreme Court, and appearing to be in force shall be valid and effectual with respect to any demand of any other person or persons as the lawful representative or representatives of such depositor against the funds of such institution, or against the Post Master General or any of his Officers, but nevertheless, such lawful representative or representatives shall have remedy for such money so paid as aforesaid, against the person or persons who shall have received the same.

Payments under Probate of will, &c., appearing to be in force, shall be valid.

7. IF any depositor being illegitimate shall die intestate, leaving any person or persons who but for the illegitimacy of such depositor and of such person or persons would be entitled to the money due to such deceased depositor, it shall be lawful for the Post Master General or any of his Officers, with the authority in writing of the Attorney General to pay the money due to such deceased depositor, to any one or more of the person or persons as in his or their opinion would have been entitled to the same according to the Statute of Distribution, if the said depositor and such person or persons had been legitimate.

Payment on death of depositor being illegitimate, and dying intestate.

8. IN case the Post Master General or any of his Officers as aforesaid, shall receive or shall have received any deposit of money, from or for the benefit of any person under the age of Twenty-one years, it shall be lawful for the Post Master General or any of his Officers, to pay to such person his or her share and interest in the funds of the Post Office Savings Bank, and the receipt of such person shall be sufficient discharge, notwithstanding his or her incapacity or disability in law, to act for him or herself.

Savings of minors may be invested.

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Deposits made by married women.

9. AND whereas deposits in the Post Office Savings Bank may have been made, and may be made by married women, and deposits may have been made, and may be made by women who may have afterwards married; it shall be lawful for the Post Master General or any of his Officers as aforesaid, to pay any sum of money in respect of any such deposit to any such woman, unless the husband of such woman shall give to such Post Master General or any of his Officers as aforesaid, notice in writing of such marriage and shall require payment to be made to him.

Trust accounts.

Repayment of Trust deposits.

10. WHEN deposits shall be made by a Trustee on behalf of another, the sum shall be invested in the name of such Trustee, and the name of the person on whose account such sum shall be so deposited; and repayment of the same or any part thereof shall not be made by the Post Master General or any of his Officers, without the receipt and receipts of the said Trustee, and the person on whose account such deposit may have been made, or the survivor or survivors, or the executors or administrators of such survivor, whose receipt or receipts, either in person or by agent appointed by Power of Attorney, which Power of Attorney shall be valid if executed by an Infant of or exceeding the age of fourteen years, shall alone be a good and valid discharge to the said Post Master General or any of his Officers paying the same, except in case of the insanity or imbecility of the party on whose behalf the deposit has been made, upon proof of which to the satisfaction of the said Post Master General, or any of his Officers as aforesaid, repayment may be made to the said Trustee, but nothing herein contained shall extend to trust accounts opened before the passing of this Ordinance.

Settlement of disputes.

11. IF any dispute shall arise between the Post Master General or any of his Officers as aforesaid, and any individual depositor in the Post Office Savings Bank, or any executor, administrator, next of kin, or creditor, or assignee of depositor who may become Bankrupt or Insolvent, or any person claiming to be such executor, administrator, next of kin, creditor, or assignee, or to be entitled to any money deposited in such Post Office Savings Bank, then, and in every such case the matter in dispute shall be referred in writing to Two Justices of the Peace, who shall have power to proceed *ex-parte* on notice in writing to the said Post Master General or his Officer, left or sent by the said Justices of the Peace to the said Post Master General or his Officer, and whatsoever award, order, or determination shall be made by the said Justices, shall be binding and conclusive on all parties, and shall be final to all intents, and purposes without any appeal; Provided that on such reference it shall be lawful

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for the said Justices, and they are hereby authorised, to inspect any book or books belonging to the said Savings Bank relating to the matter in dispute, and to administer an oath to any witness appearing before them, or to take their affirmation in cases where affirmation is allowed by law instead of an oath, and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

Justices may inspect Books, &c.

12. THE Colonial Treasurer, by and with the written authority of the Governor, with the advice of the Executive Council, may, under the power in the Eleventh section of the said recited Ordinance, lend at interest in the manner therein prescribed, the entire funds of depositors due from the Local Government from time to time, anything to the contrary in the said Ordinance contained notwithstanding.

Any portion or the whole of the deposits may be lent on real security.

13. THIS Ordinance and the said recited Ordinance, shall and may be taken, read, and construed together as one Ordinance to all intents and purposes.

Incorporated with Post Office Savings Bank Ordinance.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.



*Passed the Legislative Council,
this 11th day of July, 1864.*

G. E. HAMPTON,

Clerk of the Council.