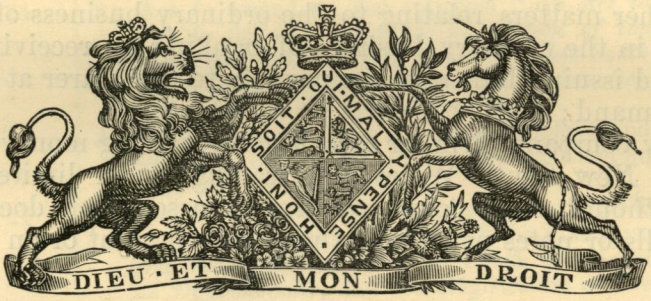
New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

Act No. 9, 1898.

An Act to consolidate the Laws relating to Banks and Bank Holidays. [Assented to, 27th July, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary.

1. This Act may be cited as the "Banks and Bank Holidays Act, 1898," and is divided into parts and divisions, as follows :— Short title and division.

PART I.—*Preliminary.*—*ss.* 1, 2, 3.

PART II.—*Publication of statements and Registration.*

DIVISION 1.—*Publication of statements.*——*ss.* 4–6.

DIVISION

DIVISION 2.—*Registration.*—*ss.* 7–10.

DIVISION 3.—*Miscellaneous provisions.*—*ss.* 11–13.

PART III.—*Bank holidays.*—*ss.* 14–18.

Repeal of Acts.
First Schedule.

2. The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed.

Interpretation of word "Bank."
4 Vic. No. 13, ss. 1 and 12.
42 Vic. No. 21.

3. In Part II of this Act, the word "Bank" means—

(*a*) any company, firm, or individual engaged in New South Wales in the discounting and issuing of bills and notes, lending money on securities and cash credit accounts, and other matters relating to the ordinary business of banking; or in the ordinary business of banking by receiving deposits and issuing bills or notes payable to the bearer at sight or on demand; and

(*b*) any company, firm, or association receiving money on deposit in New South Wales and trading under limited liability, although such company, firm, or association does not issue bills or notes payable to the bearer at sight or on demand.

PART II.

Publication of statements and Registration of banks.

DIVISION 1.—*Publication of statements.*

Statements of weekly average liabilities and assets to be kept.
4 Vic. No. 13, s. 1.

4. Every bank 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—

(*a*) the assets, property, credits, and securities belonging to every such bank; and

(*b*) the respective debts, engagements, and liabilities of such bank, in the form set forth in the Second Schedule hereto.

Second Schedule.
Quarterly abstracts to be published
Ibid. s. 2.

5. (1) From such weekly accounts and statements every bank shall, 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, prepare a general abstract in writing, showing—

(*a*) the average amount during such quarter of the assets, property, credits, and securities of every such bank; and

(*b*) the debts, engagements, and liabilities of such bank,

in the form set forth in the Third Schedule hereto.

Third Schedule.
and statements
Ibid. s. 2.

(2) To every such quarterly abstract shall be subjoined a statement exhibiting—

(*a*) the amount of the capital stock of the bank preparing such abstract, paid up at the close of the quarter for which such abstract is prepared; and

(*b*)

(*b*) the rate and amount of the last dividend that was declared by such bank to its shareholders or proprietors; and

(*c*) the amount of the reserved profit of such bank at the time of declaring such dividend.

(3) Every such respective quarterly abstract and statement shall be verified upon the oath of the managing director, manager, chief cashier, or clerk of the bank 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 to be laid before the Legislative Council and Legislative Assembly, and published in the Gazette.

verified upon oath. 4 Vic. No. 13, s. 2.

6. (1) If any such bank—

(*a*) neglects to keep such weekly accounts; or

(*b*) neglects to make out or to return or deliver to the Colonial Secretary such quarterly abstracts as aforesaid,

it shall forfeit for every such offence the sum of five hundred pounds.

Penalty for neglecting to keep or make such returns; *Ibid.* s. 3.

(2) If any managing director, manager, chief cashier, or clerk verifying such abstract, delivers or returns to the Colonial Secretary any false account or abstract of such averages, the bank making such false account or abstract shall forfeit for every such offence the sum of five hundred pounds; and the managing director, manager, chief cashier, or clerk so offending shall also forfeit for every such offence the sum of one hundred pounds.

or making false returns;

(3) Such penalties may be recovered respectively by action of debt in any court of competent jurisdiction.

penalties how recoverable.

DIVISION 2.—*Registration.*

7. Where any bank is now carrying on business under a charter or a deed of co-partnership and settlement, a copy of such charter or deed, attested by the managing director, manager, chief cashier, or clerk of such bank, to be a true transcript of the original shall be registered, if not already registered, in the office of the Registrar-General, by the managing director, manager, chief cashier, or clerk of such bank as soon 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 inspection.

Copy of charter or deed of settlement to be registered. *Ibid.* s. 5.

8. (1) Whenever—

(*a*) any new bank is established, having a charter or a deed of co-partnership and settlement; or

(*b*) any new charter or deed of co-partnership and settlement of any bank issues or is entered into,

a copy of such charter, or of such deed of co-partnership and settlement, attested as aforesaid, shall in like manner be registered for the purposes aforesaid.

Copy of new charter or deed to be registered. *Ibid.* s. 6.

(2)

Penalty.
4 Vic. No. 13, s. 6.

(2) If any managing director, manager, chief cashier, or clerk omits or neglects so to register such attested copy as aforesaid he shall be liable to a penalty of one hundred pounds, to be recovered by an action of debt in any court of competent jurisdiction by any person who sues for the same.

Names of proprietors to be also registered.
Ibid. s. 7.

9. (1) The managing director, manager, chief cashier, or clerk of every bank shall, within thirty days after the first day of January in each year or as soon thereafter as may be practicable, cause a true and correct list of the names of all the persons who then are existing proprietors or members of such bank, with their respective places of abode and descriptions, to be recorded on oath in the office of the Registrar-General, 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.

Penalty.

(2) Any such managing director, manager, chief cashier, or clerk who omits or neglects to cause such list to be recorded in manner aforesaid, or wilfully falsifies any such list, shall be liable to a penalty of one hundred pounds, to be recovered by an action of debt in any court of competent jurisdiction by any person who sues for the same.

Liability of such proprietors to be sued.
Ibid. s. 8.

10. Every person whose name is so recorded as aforesaid shall be taken to be a member or proprietor of the banking company or firm in which his name is so recorded as aforesaid, and shall be liable to be sued as such until a new list of the names of the members or proprietors of such bank shall be recorded as aforesaid, or until he has given notice in the Gazette of his retirement from such bank :

Provided that nothing herein contained shall be deemed—

(*a*) to absolve any person from liability on account of any debts incurred by any such bank during the time such person remained a proprietor or member thereof; or

(*b*) to render any individual proprietor or member of any bank established by royal charter or letters patent liable for any debts incurred by the same, except so far as he is liable under the provisions of such charter or letters patent.

5 Vic. No. 24.

DIVISION 3.—*Miscellaneous provisions.*

Oaths may be taken before justice of the peace.
4 Vic. No. 13, s. 9.

11. (1) Every oath required to be taken under the provisions of this Part of this Act may be taken before and administered by any justice of the peace.

Penalty for perjury.

(2) Any managing director, manager, chief cashier, or clerk who takes any false oath as to any quarterly abstract of averages or other matter or thing under the provisions of this Part of this Act shall be deemed to be guilty of perjury.

12.

12. No action shall lie against any person for any offence committed against the provisions of this Part of this Act unless the same is commenced within two years from the time the offence is alleged to have been committed. Limitation of actions. 4 Vic. No. 13, s. 10.

13. If in any case any matter or thing required to be done or performed under the provisions of this Part of this Act within any given period is not so done or performed, the proof that it was not practicable to do so shall lie upon the party required to do or perform the same: Proof of inability to comply with Act in given time to lie in party. *Ibid.* s. 11.

Provided that no excuse shall be allowed for any such failure or neglect unless it is clearly shown that the matter or thing required to be done or performed was done or performed as soon as was practicable.

PART III.

Bank Holidays.

14. (1) The several days in the Fourth Schedule hereto (and which days are in this Act hereinafter referred to as bank holidays) shall be kept as close holidays in all banks in New South Wales. Bank holidays. 39 Vic. No. 2, s. 1. Fourth Schedule.

(2) All bills of exchange and promissory-notes which are due and payable on any such bank holiday shall be payable, and in case of non-payment may be noted and protested, on the next following day, and not on such bank holiday; and any such noting or protest shall be as valid as if made on the day on which the bill of exchange or promissory-note was made due and payable. Bills due on bank holidays.

(3) For all the purposes of this Part of this Act the day next following a bank holiday shall mean the next following day on which a bill of exchange or promissory-note may be lawfully noted or protested. Meaning of day next following a bank holiday.

15. (1) When the day on which any notice of dishonor of an unpaid bill of exchange or promissory-note should be given is a bank holiday, such notice of dishonor shall be given on the day next following such bank holiday. Provision as to notice of dishonour; *Ibid.* s. 2.

(2) When the day on which a bill of exchange or promissory-note should be presented or received for acceptance or payment, or accepted, or forwarded to any referee, is a bank holiday, such bill of exchange or promissory-note shall be presented or forwarded on the day next following such bank holiday. and presentation for honor.

16.

As to payments on bank holidays.
39 Vic. No. 2, s. 3.

16. No person shall be compellable to make any payment or do any act upon such bank holidays which he would not be compellable to do or make on Sunday, and the obligation to make such payment and to do such act shall apply to the day following such bank holiday; and the making of such payment and doing such act on such following day shall be equivalent to payment of the money or performance of the act on the holiday.

Appointment of special bank holidays.
Ibid. s. 4.

17. It shall be lawful for the Governor by proclamation in the Gazette to appoint a special day to be observed as a public holiday, either throughout New South Wales, or in any part thereof, or in any city, town, borough, or district therein; and any day so appointed shall be kept as a close holiday in all banks within the locality mentioned in such proclamation, and shall as regards bills of exchange and promissory-notes payable as aforesaid, be deemed to be a bank holiday for all the purposes of this Part of this Act.

Day appointed for bank holiday may be vetoed by proclamation.
Ibid. s. 5.

18. It shall be lawful for the Governor when it is made to appear to him in any special case that in any year it is inexpedient that a day by this Act appointed for a bank holiday should be a bank holiday, to declare by proclamation in the Gazette, published not less than one week before the day appointed for such holiday, that such day shall not in such year be a bank holiday, and to appoint such other day as to the Governor may seem fit to be a bank holiday instead of such day, and thereupon the day so appointed shall in such year be substituted for the day so appointed by this Act.]

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or Short title.	Extent of Repeal.
4 Vic. No. 13 ...	An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the Names of the Proprietors thereof.	The whole.
5 Vic. No. 24 ...	An Act to amend an Act intituled "*An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the names of the Proprietors thereof.*"	The whole.
39 Vic. No. 2 ...	An Act to make provision for Bank Holidays, and respecting obligations to make payments and do other acts on such Holidays.	The whole.
42 Vic. No. 21 ...	An Act to extend the operation of an Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the names of the Proprietors thereof.	The whole

SECOND SCHEDULE.

Section 4.

Weekly Statement showing the amount and nature of the Debts, Engagements, and Liabilities, and of the Assets and Property or Securities of the Bank of from the to the , 18 . 4 Vic. No. 13. Schedule A.

Liabilities.	Amount.	Totals.	Assets.	Amount.	Totals.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in circulation { Not bearing interest / Bearing interest			Coined gold and silver, and other coined metals.....		
Bills in circulation { Not bearing interest / Bearing interest			Gold and silver, in bars or bullion		
			Landed property		
Balance due to other Banks.....			Notes and bills of other Banks ...		
Deposits ... { Not bearing interest / Bearing interest			Balances due from other Banks...		
			Amount of all debts due to the Bank, including notes, bills of exchange, and all stock and funded debts of every description, excepting notes, bills, and balances due to the said Bank from other Banks		
Total amount of Liabilities ... £			Total amount of Assets ..... £		

Managing Director.

Place and date.

Chief Cashier or Clerk.

THIRD

Section 5.
4 Vic. No. 13.
Schedule B.

THIRD SCHEDULE.

General Abstract showing the average amount of the Liabilities and Assets of the Bank of taken from the several Weekly Statements during the quarter, from the to the , 18 .

Liabilities.	Amount.	Totals.	Assets.	Amount.	Totals.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in circulation { Not bearing interest / Bearing interest			Coined gold and silver, and other coined metals.....		
Bills in circulation { Not bearing interest / Bearing interest			Gold and silver, in bullion or bars		
Balances due to other Banks			Landed property		
Deposits ... { Not bearing interest / Bearing interest			Notes and bills of other Banks ...		
			Balances due from other Banks ...		
			Amount of all debts due to the Bank, including notes, bills of exchange, and all stock and funded debts of every description, excepting notes, bills, and balances due to the said Bank from other Banks		
Total amount of Liabilities ... £			Total amount of Assets ... £		
Amount of the capital stock paid up at the close of the quarter ended 18 ...					
Rate of the last dividend declared to the shareholders.....					
Amount of the last dividend declared					
Amount of the reserved profits at the time of declaring such dividend					

Managing Director.

Place and date. 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 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 Banks and Bank Holidays Act, 1898.

(Signed) A.B.

Sworn before me at this
day of , 18 .
C.D., Justice of the Peace.

Section 14.
39 Vic. No. 2.
Schedule.

FOURTH SCHEDULE.

The first day of January.
The twenty-sixth day of January.
Good Friday.
The day after Good Friday.
Easter Monday.
The Anniversary of the Birthday of Her Majesty or Her Successor.
The first day of August.
The Anniversary of the Birthday of the Prince of Wales.
Christmas Day.
The twenty-sixth day of December.

When any of the above days falls upon a Sunday, the next following Monday shall be a Bank Holiday, and whenever the twenty-sixth day of December falls upon a Monday, the day following shall be a Bank Holiday.

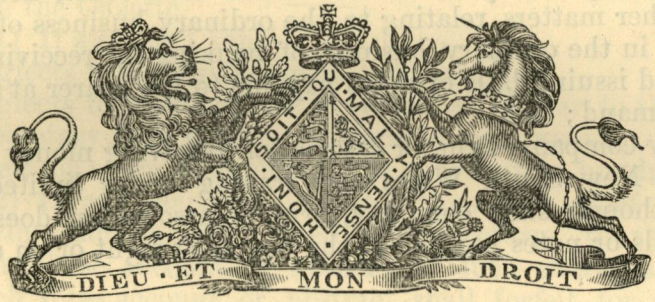
By Authority: WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1898.
[6*d*.]

I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE COUNCIL, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Council Chamber,
Sydney, 6th July, 1898.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

Act No. 9, 1898.

An Act to consolidate the Laws relating to Banks and Bank Holidays. [Assented to, 27th July, 1898.]

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PART I.

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1. This Act may be cited as the "Banks and Bank Holidays Act, 1898," and is divided into parts and divisions, as follows :— Short title and division.

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PART II.—*Publication of statements and Registration.*

DIVISION 1.—*Publication of statements.*——*ss.* 4–6.

DIVISION

DIVISION 2.—*Registration.*—*ss.* 7–10.

DIVISION 3.—*Miscellaneous provisions.*—*ss.* 11–13.

PART III.—*Bank holidays.*—*ss.* 14–18.

Repeal of Acts.
First Schedule.

2. The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed.

Interpretation of word "Bank."
4 Vic. No. 13, ss. 1 and 12.
42 Vic. No. 21.

3. In Part II of this Act, the word "Bank" means—

(*a*) any company, firm, or individual engaged in New South Wales in the discounting and issuing of bills and notes, lending money on securities and cash credit accounts, and other matters relating to the ordinary business of banking; or in the ordinary business of banking by receiving deposits and issuing bills or notes payable to the bearer at sight or on demand; and

(*b*) any company, firm, or association receiving money on deposit in New South Wales and trading under limited liability, although such company, firm, or association does not issue bills or notes payable to the bearer at sight or on demand.

PART II.

Publication of statements and Registration of banks.

DIVISION 1.—*Publication of statements.*

Statements of weekly average liabilities and assets to be kept.
4 Vic. No. 13, s. 1.

4. Every bank 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—

(*a*) the assets, property, credits, and securities belonging to every such bank; and

(*b*) the respective debts, engagements, and liabilities of such bank, in the form set forth in the Second Schedule hereto.

Second Schedule.

Quarterly abstracts to be published
Ibid. s. 2.

5. (1) From such weekly accounts and statements every bank shall, 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, prepare a general abstract in writing, showing—

(*a*) the average amount during such quarter of the assets, property, credits, and securities of every such bank; and

(*b*) the debts, engagements, and liabilities of such bank, in the form set forth in the Third Schedule hereto.

Third Schedule.

and statements
Ibid. s. 2.

(2) To every such quarterly abstract shall be subjoined a statement exhibiting—

(*a*) the amount of the capital stock of the bank preparing such abstract, paid up at the close of the quarter for which such abstract is prepared; and

(*b*)

(*b*) the rate and amount of the last dividend that was declared by such bank to its shareholders or proprietors; and

(*c*) the amount of the reserved profit of such bank at the time of declaring such dividend.

(3) Every such respective quarterly abstract and statement shall be verified upon the oath of the managing director, manager, chief cashier, or clerk of the bank 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 to be laid before the Legislative Council and Legislative Assembly, and published in the Gazette.

verified upon oath. 4 Vic. No. 13, s. 2.

6. (1) If any such bank—

(*a*) neglects to keep such weekly accounts; or

(*b*) neglects to make out or to return or deliver to the Colonial Secretary such quarterly abstracts as aforesaid,

it shall forfeit for every such offence the sum of five hundred pounds.

Penalty for neglecting to keep or make such returns; *Ibid.* s. 3.

(2) If any managing director, manager, chief cashier, or clerk verifying such abstract, delivers or returns to the Colonial Secretary any false account or abstract of such averages, the bank making such false account or abstract shall forfeit for every such offence the sum of five hundred pounds; and the managing director, manager, chief cashier, or clerk so offending shall also forfeit for every such offence the sum of one hundred pounds.

or making false returns;

(3) Such penalties may be recovered respectively by action of debt in any court of competent jurisdiction.

penalties how recoverable.

Division 2.—*Registration.*

7. Where any bank is now carrying on business under a charter or a deed of co-partnership and settlement, a copy of such charter or deed, attested by the managing director, manager, chief cashier, or clerk of such bank, to be a true transcript of the original shall be registered, if not already registered, in the office of the Registrar-General, by the managing director, manager, chief cashier, or clerk of such bank as soon 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 inspection.

Copy of charter or deed of settlement to be registered. *Ibid.* s. 5.

8. (1) Whenever—

(*a*) any new bank is established, having a charter or a deed of co-partnership and settlement; or

(*b*) any new charter or deed of co-partnership and settlement of any bank issues or is entered into,

a copy of such charter, or of such deed of co-partnership and settlement, attested as aforesaid, shall in like manner be registered for the purposes aforesaid.

Copy of new charter or deed to be registered. *Ibid.* s. 6.

(2)

Penalty.
4 Vic. No. 13, s. 6.

(2) If any managing director, manager, chief cashier, or clerk omits or neglects so to register such attested copy as aforesaid he shall be liable to a penalty of one hundred pounds, to be recovered by an action of debt in any court of competent jurisdiction by any person who sues for the same.

Names of proprietors to be also registered.
Ibid. s. 7.

9. (1) The managing director, manager, chief cashier, or clerk of every bank shall, within thirty days after the first day of January in each year or as soon thereafter as may be practicable, cause a true and correct list of the names of all the persons who then are existing proprietors or members of such bank, with their respective places of abode and descriptions, to be recorded on oath in the office of the Registrar-General, 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.

Penalty.

(2) Any such managing director, manager, chief cashier, or clerk who omits or neglects to cause such list to be recorded in manner aforesaid, or wilfully falsifies any such list, shall be liable to a penalty of one hundred pounds, to be recovered by an action of debt in any court of competent jurisdiction by any person who sues for the same.

Liability of such proprietors to be sued.
Ibid. s. 8.

10. Every person whose name is so recorded as aforesaid shall be taken to be a member or proprietor of the banking company or firm in which his name is so recorded as aforesaid, and shall be liable to be sued as such until a new list of the names of the members or proprietors of such bank shall be recorded as aforesaid, or until he has given notice in the Gazette of his retirement from such bank :

Provided that nothing herein contained shall be deemed—

(*a*) to absolve any person from liability on account of any debts incurred by any such bank during the time such person remained a proprietor or member thereof; or

(*b*) to render any individual proprietor or member of any bank established by royal charter or letters patent liable for any debts incurred by the same, except so far as he is liable under the provisions of such charter or letters patent.

5 Vic. No. 24.

Division 3.—*Miscellaneous provisions.*

Oaths may be taken before justice of the peace.
4 Vic. No. 13, s. 9.

11. (1) Every oath required to be taken under the provisions of this Part of this Act may be taken before and administered by any justice of the peace.

Penalty for perjury.

(2) Any managing director, manager, chief cashier, or clerk who takes any false oath as to any quarterly abstract of averages or other matter or thing under the provisions of this Part of this Act shall be deemed to be guilty of perjury.

12.

12. No action shall lie against any person for any offence committed against the provisions of this Part of this Act unless the same is commenced within two years from the time the offence is alleged to have been committed. Limitation of actions. 4 Vic. No. 13, s. 10.

13. If in any case any matter or thing required to be done or performed under the provisions of this Part of this Act within any given period is not so done or performed, the proof that it was not practicable to do so shall lie upon the party required to do or perform the same: Proof of inability to comply with Act in given time to lie in party. *Ibid.* s. 11.

Provided that no excuse shall be allowed for any such failure or neglect unless it is clearly shown that the matter or thing required to be done or performed was done or performed as soon as was practicable.

PART III.

Bank Holidays.

14. (1) The several days in the Fourth Schedule hereto (and which days are in this Act hereinafter referred to as bank holidays) shall be kept as close holidays in all banks in New South Wales. Bank holidays. 39 Vic. No. 2, s. 1. Fourth Schedule.

(2) All bills of exchange and promissory-notes which are due and payable on any such bank holiday shall be payable, and in case of non-payment may be noted and protested, on the next following day, and not on such bank holiday; and any such noting or protest shall be as valid as if made on the day on which the bill of exchange or promissory-note was made due and payable. Bills due on bank holidays.

(3) For all the purposes of this Part of this Act the day next following a bank holiday shall mean the next following day on which a bill of exchange or promissory-note may be lawfully noted or protested. Meaning of day next following a bank holiday.

15. (1) When the day on which any notice of dishonor of an unpaid bill of exchange or promissory-note should be given is a bank holiday, such notice of dishonor shall be given on the day next following such bank holiday. Provision as to notice of dishonour; *Ibid.* s. 2.

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16.

As to payments on bank holidays.
39 Vic. No. 2, s. 3.

16. No person shall be compellable to make any payment or do any act upon such bank holidays which he would not be compellable to do or make on Sunday, and the obligation to make such payment and to do such act shall apply to the day following such bank holiday; and the making of such payment and doing such act on such following day shall be equivalent to payment of the money or performance of the act on the holiday.

Appointment of special bank holidays.
Ibid. s. 4.

17. It shall be lawful for the Governor by proclamation in the Gazette to appoint a special day to be observed as a public holiday, either throughout New South Wales, or in any part thereof, or in any city, town, borough, or district therein; and any day so appointed shall be kept as a close holiday in all banks within the locality mentioned in such proclamation, and shall as regards bills of exchange and promissory-notes payable as aforesaid, be deemed to be a bank holiday for all the purposes of this Part of this Act.

Day appointed for bank holiday may be vetoed by proclamation.
Ibid. s. 5.

18. It shall be lawful for the Governor when it is made to appear to him in any special case that in any year it is inexpedient that a day by this Act appointed for a bank holiday should be a bank holiday, to declare by proclamation in the Gazette, published not less than one week before the day appointed for such holiday, that such day shall not in such year be a bank holiday, and to appoint such other day as to the Governor may seem fit to be a bank holiday instead of such day, and thereupon the day so appointed shall in such year be substituted for the day so appointed by this Act.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or Short title.	Extent of Repeal.
4 Vic. No. 13 ...	An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the Names of the Proprietors thereof.	The whole.
5 Vic. No. 24 ...	An Act to amend an Act intituled "*An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the names of the Proprietors thereof.*"	The whole.
39 Vic. No. 2 ...	An Act to make provision for Bank Holidays, and respecting obligations to make payments and do other acts on such Holidays.	The whole.
42 Vic. No. 21 ...	An Act to extend the operation of an Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the names of the Proprietors thereof.	The whole

SECOND SCHEDULE.

Section 4.
4 Vic. No. 13.
Schedule A.

Weekly Statement showing the amount and nature of the Debts, Engagements, and Liabilities, and of the Assets and Property or Securities of the Bank of from the to the , 18 .

Liabilities.	Amount.	Totals.	Assets.	Amount.	Totals.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in circulation { Not bearing interest / Bearing interest			Coined gold and silver, and other coined metals.....		
Bills in circulation { Not bearing interest / Bearing interest			Gold and silver, in bars or bullion		
Balance due to other Banks.....			Landed property		
Deposits ... { Not bearing interest / Bearing interest			Notes and bills of other Banks ...		
			Balances due from other Banks...		
			Amount of all debts due to the Bank, including notes, bills of exchange, and all stock and funded debts of every description, excepting notes, bills, and balances due to the said Bank from other Banks		
Total amount of Liabilities ... £			Total amount of Assets ..... £		

Managing Director.

Place and date.

Chief Cashier or Clerk.

THIRD

Section 5.
4 Vic. No. 13.
Schedule B.

THIRD SCHEDULE.

General Abstract showing the average amount of the Liabilities and Assets of the Bank of taken from the several Weekly Statements during the quarter, from the to the , 18 .

Liabilities.	Amount.	Totals.	Assets.	Amount.	Totals.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in circulation { Not bearing interest			Coined gold and silver, and other coined metals.....		
Notes in circulation { Bearing interest			Gold and silver, in bullion or bars		
Bills in circulation { Not bearing interest			Landed property		
Bills in circulation { Bearing interest			Notes and bills of other Banks ...		
			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, excepting notes, bills, and balances due to the said Bank from other Banks		
Deposits ... { Not bearing interest					
Deposits ... { 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 declared					
Amount of the reserved profits at the time of declaring such dividend					

Managing Director.

Place and date. 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 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 Banks and Bank Holidays Act, 1898.

(Signed) A.B.

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

Section 14.
39 Vic. No. 2.
Schedule.

FOURTH SCHEDULE.

The first day of January.
The twenty-sixth day of January.
Good Friday.
The day after Good Friday.
Easter Monday.
The Anniversary of the Birthday of Her Majesty or Her Successor.
The first day of August.
The Anniversary of the Birthday of the Prince of Wales.
Christmas Day.
The twenty-sixth day of December.

When any of the above days falls upon a Sunday, the next following Monday shall be a Bank Holiday, and whenever the twenty-sixth day of December falls upon a Monday, the day following shall be a Bank Holiday.

In the name and on the behalf of Her Majesty I assent to this Act.

HAMPDEN,
Governor.

Government House,
Sydney, 27th July, 1898.

Memo. and Certificate to accompany the "Banks and Bank Holidays Bill."

THIS Bill consolidates four Statutes, viz:—

4 Vict. No. 13.
5 Vict. No. 24.
39 Vict. No. 2.
42 Vict. Vo. 21.

Clause 8 has been so worded as to clear up a doubt which exists under the Acts consolidated. It is very questionable whether the duty, imposed upon all Banks, of having recorded on oath every year with the Registrar-General a correct list, for the information of the public, of all the then existing proprietors of the Bank, is a duty which rests upon *individuals* carrying on the business of banking. It seems very clear that in such cases it is peculiarly important that the information should be supplied so that the public may know that an institution with, it may be, some high-sounding name is the sole property of one man. I have accordingly ventured to resolve the doubt by putting the individual banker on the same footing as the firm.

There has been some alteration in the language and arrangement, to blend the Statutes, to secure greater clearness and brevity, but the sense has been carefully preserved.

I certify, therefore, that, with the one possible exception above-mentioned, the Bill now forwarded solely consolidates and does not expand, alter, or amend the law as appearing in the Acts consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Banks and Bank Holidays Bill, 1898.

No. , 1898.

TABLE showing how the sections of Acts intended to be consolidated have been dealt with.

Section of Act.	Clause of Bill.	Remarks.
		4 VICTORIA No. 13.
1	3, 4	
2	5	
3	6	
4	.....	This section deals with banks in New Zealand, and is therefore omitted.
5	7	
6	8	
7	9	
8	10	
9	11	
10	12	
11	13	
12	3	
13	.....	Omitted. (Commencement).
		5 VICTORIA No. 24.
1	10	
		39 VICTORIA No. 2.
1	14	
2	15	
3	16	
4	17	
5	18	
6	.....	Omitted. (Short title).
		42 VICTORIA No. 21.
1	3	

Banks and Bank Holidays Bill, 1898.

No. , 1898.

ARRANGEMENT OF CLAUSES.

PART I.

Preliminary.

PART II.

Publication of Statements and Registration.

PART III.

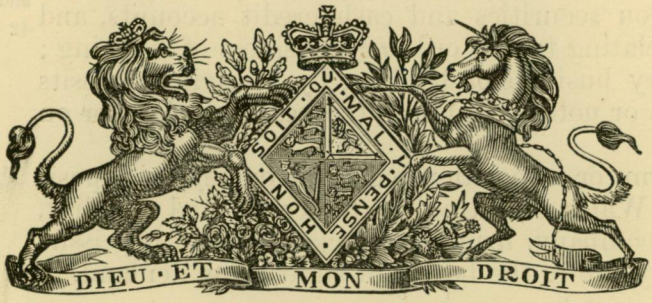
Bank Holidays.

This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

Legislative Council Chamber,
Sydney, 5th July, 1898.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

Act No. , 1898.

An Act to consolidate the Laws relating to Banks and Bank Holidays.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary.

1. This Act may be cited as the "Banks and Bank Holidays Act, 1898," and is divided into parts and divisions, as follows :— Short title and division.

PART I.—*Preliminary.*—*ss.* 1, 2, 3.

PART II.—*Publication of statements and Registration.*

DIVISION 1.—*Publication of statements.*——*ss.* 4–6.

DIVISION

DIVISION 2.—*Registration.—ss.* 7–10.

DIVISION 3.—*Miscellaneous provisions.—ss.* 11–13.

PART III.—*Bank holidays.—ss.* 14–18.

2. The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed. Repeal of Acts. First Schedule.

3. In Part II of this Act, the word "Bank" means— Interpretation of word "Bank." 4 Vic. No. 13, ss. 1 and 12. 42 Vic. No. 21.

(*a*) any company, firm, or individual engaged in New South Wales in the discounting and issuing of bills and notes, lending money on securities and cash credit accounts, and other matters relating to the ordinary business of banking; or in the ordinary business of banking by receiving deposits and issuing bills or notes payable to the bearer at sight or on demand; and

(*b*) any company, firm, or association receiving money on deposit in New South Wales and trading under limited liability, although such company, firm, or association does not issue bills or notes payable to the bearer at sight or on demand.

PART II.

Publication of statements and Registration of banks.

DIVISION 1.—*Publication of statements.*

4. Every bank 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— Statements of weekly average liabilities and assets to be kept. 4 Vic. No. 13, s. 1.

(*a*) the assets, property, credits, and securities belonging to every such bank; and

(*b*) the respective debts, engagements, and liabilities of such bank, in the form set forth in the Second Schedule hereto. Second Schedule.

5. (1) From such weekly accounts and statements every bank shall, 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, prepare a general abstract in writing, showing— Quarterly abstracts to be published *Ibid.* s. 2.

(*a*) the average amount during such quarter of the assets, property, credits, and securities of every such bank; and

(*b*) the debts, engagements, and liabilities of such bank, in the form set forth in the Third Schedule hereto. Third Schedule.

(2) To every such quarterly abstract shall be subjoined a statement exhibiting— and statements *Ibid.* s. 2.

(*a*) the amount of the capital stock of the bank preparing such abstract, paid up at the close of the quarter for which such abstract is prepared; and

(*b*)

(*b*) the rate and amount of the last dividend that was declared by such bank to its shareholders or proprietors; and

(*c*) the amount of the reserved profit of such bank at the time of declaring such dividend.

(3) Every such respective quarterly abstract and statement shall be verified upon the oath of the managing director, manager, chief cashier, or clerk of the bank 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 to be laid before the Legislative Council and Legislative Assembly, and published in the Gazette.

verified upon oath. *Ibid.* s. 2.

6. (1) If any such bank—

(*a*) neglects to keep such weekly accounts; or

(*b*) neglects to make out or to return or deliver to the Colonial Secretary such quarterly abstracts as aforesaid,

it shall forfeit for every such offence the sum of five hundred pounds.

Penalty for neglecting to keep or make such returns; *Ibid.* s. 3.

(2) If any managing director, manager, chief cashier, or clerk verifying such abstract, delivers or returns to the Colonial Secretary any false account or abstract of such averages, the bank making such false account or abstract shall forfeit for every such offence the sum of five hundred pounds; and the managing director, manager, chief cashier, or clerk so offending shall also forfeit for every such offence the sum of one hundred pounds.

or making false returns;

(3) Such penalties may be recovered respectively by action of debt in any court of competent jurisdiction.

penalties how recoverable.

Division 2.—*Registration.*

7. Where any bank is now carrying on business under a charter or a deed of co-partnership and settlement, a copy of such charter or deed, attested by the managing director, manager, chief cashier, or clerk of such bank, to be a true transcript of the original shall be registered, if not already registered, in the office of the Registrar-General, by the managing director, manager, chief cashier, or clerk of such bank as soon 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 inspection.

Copy of charter or deed of settlement to be registered. 4 Vic. No. 13, s. 5.

8. (1) Whenever—

(*a*) any new bank is established, having a charter or a deed of co-partnership and settlement; or

(*b*) any new charter or deed of co-partnership and settlement of any bank issues or is entered into,

a copy of such charter, or of such deed of co-partnership and settlement, attested as aforesaid, shall in like manner be registered for the purposes aforesaid.

Copy of new charter or deed to be registered. *Ibid.* s. 6.

(2)

(2) If any managing director, manager, chief cashier, or clerk omits or neglects so to register such attested copy as aforesaid he shall be liable to a penalty of one hundred pounds, to be recovered by an action of debt in any court of competent jurisdiction by any person who sues for the same. Penalty. *Ibid.* s. 6.

9. (1) The managing director, manager, chief cashier, or clerk of every bank shall, within thirty days after the first day of January in each year or as soon thereafter as may be practicable, cause a true and correct list of the names of all the persons who then are existing proprietors or members of such bank, with their respective places of abode and descriptions, to be recorded on oath in the office of the Registrar-General, 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. Names of proprietors to be also registered. *Ibid.* s. 7.

(2) Any such managing director, manager, chief cashier, or clerk who omits or neglects to cause such list to be recorded in manner aforesaid, or wilfully falsifies any such list, shall be liable to a penalty of one hundred pounds, to be recovered by an action of debt in any court of competent jurisdiction by any person who sues for the same. Penalty.

10. Every person whose name is so recorded as aforesaid shall be taken to be a member or proprietor of the banking company or firm in which his name is so recorded as aforesaid, and shall be liable to be sued as such until a new list of the names of the members or proprietors of such bank shall be recorded as aforesaid, or until he has given notice in the Gazette of his retirement from such bank : Liability of such proprietors to be sued. *Ibid.* s. 8.

Provided that nothing herein contained shall be deemed—

(*a*) to absolve any person from liability on account of any debts incurred by any such bank during the time such person remained a proprietor or member thereof; or

(*b*) to render any individual proprietor or member of any bank established by royal charter or letters patent liable for any debts incurred by the same, except so far as he is liable under the provisions of such charter or letters patent. 5 Vic. No. 24.

DIVISION 3.—*Miscellaneous provisions.*

11. (1) Every oath required to be taken under the provisions of this Part of this Act may be taken before and administered by any justice of the peace. Oaths may be taken before justice of the peace. 4 Vic. No. 13, s. 9.

(2) Any managing director, manager, chief cashier, or clerk who takes any false oath as to any quarterly abstract of averages or other matter or thing under the provisions of this Part of this Act shall be deemed to be guilty of perjury. Penalty for perjury.

12.

12. No action shall lie against any person for any offence committed against the provisions of this Part of this Act unless the same is commenced within two years from the time the offence is alleged to have been committed.

Limitation of actions. *Ibid.* s. 10.

13. If in any case any matter or thing required to be done or performed under the provisions of this Part of this Act within any given period is not so done or performed, the proof that it was not practicable to do so shall lie upon the party required to do or perform the same:

Proof of inability to comply with Act in given time to lie in party. *Ibid.* s. 11.

Provided that no excuse shall be allowed for any such failure or neglect unless it is clearly shown that the matter or thing required to be done or performed was done or performed as soon as was practicable.

PART III.

Bank Holidays.

14. (1) The several days in the Fourth Schedule hereto (and which days are in this Act hereinafter referred to as bank holidays) shall be kept as close holidays in all banks in New South Wales.

Bank holidays. 39 Vic. No. 2, s. 1. Fourth Schedule.

(2) All bills of exchange and promissory-notes which are due and payable on any such bank holiday shall be payable, and in case of non-payment may be noted and protested, on the next following day, and not on such bank holiday; and any such noting or protest shall be as valid as if made on the day on which the bill of exchange or promissory-note was made due and payable.

Bills due on bank holidays.

(3) For all the purposes of this Part of this Act the day next following a bank holiday shall mean the next following day on which a bill of exchange or promissory-note may be lawfully noted or protested.

Meaning of day next following a bank holiday.

15. (1) When the day on which any notice of dishonor of an unpaid bill of exchange or promissory-note should be given is a bank holiday, such notice of dishonor shall be given on the day next following such bank holiday.

Provision as to notice of dishonour; *Ibid.* s. 2.

(2) When the day on which a bill of exchange or promissory-note should be presented or received for acceptance or payment, or accepted, or forwarded to any referee, is a bank holiday, such bill of exchange or promissory-note shall be presented or forwarded on the day next following such bank holiday.

and presentation for honor.

16. No person shall be compellable to make any payment or do any act upon such bank holidays which he would not be compellable to do or make on Sunday, and the obligation to make such payment and to do such act shall apply to the day following such bank holiday; and the making of such payment and doing such act on such following day shall be equivalent to payment of the money or performance of the act on the holiday.

As to payments on bank holidays. *Ibid.* s. 3.

17. It shall be lawful for the Governor by proclamation in the Gazette to appoint a special day to be observed as a public holiday, either throughout New South Wales, or in any part thereof, or in any city, town, borough, or district therein; and any day so appointed shall be kept as a close holiday in all banks within the locality mentioned in such proclamation, and shall as regards bills of exchange and promissory-notes payable as aforesaid, be deemed to be a bank holiday for all the purposes of this Part of this Act.

Appointment of special bank holidays. *Ibid.* s. 4.

18. It shall be lawful for the Governor when it is made to appear to him in any special case that in any year it is inexpedient that a day by this Act appointed for a bank holiday should be a bank holiday, to declare by proclamation in the Gazette, published not less than one week before the day appointed for such holiday, that such day shall not in such year be a bank holiday, and to appoint such other day as to the Governor may seem fit to be a bank holiday instead of such day, and thereupon the day so appointed shall in such year be substituted for the day so appointed by this Act.

Day appointed for bank holiday may be vetoed by proclamation. *Ibid.* s. 5.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or Short title.	Extent of Repeal.
4 Vic. No. 13 ...	An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the Names of the Proprietors thereof.	The whole.
5 Vic. No. 24 ...	An Act to amend an Act intituled "*An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the names of the Proprietors thereof.*"	The whole.
39 Vic. No. 2 ...	An Act to make provision for Bank Holidays, and respecting obligations to make payments and do other acts on such Holidays.	The whole.
42 Vic. No. 21 ...	An Act to extend the operation of an Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the names of the Proprietors thereof.	The whole

SECOND SCHEDULE.

Section 4.

4 Vic. No. 13. Schedule A.

Weekly Statement showing the amount and nature of the Debts, Engagements, and Liabilities, and of the Assets and Property or Securities of the Bank of from the to the , 18 .

Liabilities.	Amount.	Totals.	Assets.	Amount.	Totals.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in circulation { Not bearing interest / Bearing interest			Coined gold and silver, and other coined metals.....		
Bills in circulation { Not bearing interest / Bearing interest			Gold and silver, in bars or bullion		
Balance due to other Banks.....			Landed property		
Deposits ... { Not bearing interest / Bearing interest			Notes and bills of other Banks ...		
			Balances due from other Banks...		
			Amount of all debts due to the Bank, including notes, bills of exchange, and all stock and funded debts of every description, excepting notes, bills, and balances due to the said Bank from other Banks		
Total amount of Liabilities ... £			Total amount of Assets ..... £		

Managing Director.

Place and date.

Chief Cashier or Clerk.

THIRD

THIRD SCHEDULE.

Section 5.
4 Vic. No. 13.
Schedule B.

General Abstract showing the average amount of the Liabilities and Assets of the Bank of taken from the several Weekly Statements during the quarter, from the to the , 18 .

Liabilities.	Amount.	Totals.	Assets.	Amount.	Totals.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in circulation { Not bearing interest			Coined gold and silver, and other coined metals		
Notes in circulation { Bearing interest			Gold and silver, in bullion or bars		
Bills in circulation { Not bearing interest			Landed property		
Bills in circulation { Bearing interest			Notes and bills of other Banks		
Balances due to other Banks			Balances due from other Banks		
Deposits { Not 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		
Deposits { 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 declared					
Amount of the reserved profits at the time of declaring such dividend					

Managing Director.

Place and date. 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 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 Banks and Bank Holidays Act, 1898.

(Signed) A.B.

Sworn before me at this day of , 18 .
C.D., Justice of the Peace.

FOURTH SCHEDULE.

Section 14.
39 Vic. No. 2.
Schedule.

The first day of January.
The twenty-sixth day of January.
Good Friday.
The day after Good Friday.
Easter Monday.
The Anniversary of the Birthday of Her Majesty or Her Successor.
The first day of August.
The Anniversary of the Birthday of the Prince of Wales.
Christmas Day.
The twenty-sixth day of December.

When any of the above days falls upon a Sunday, the next following Monday shall be a Bank Holiday, and whenever the twenty-sixth day of December falls upon a Monday, the day following shall be a Bank Holiday.

Sydney: William Applegate Gullick, Government Printer.—1898.

Memo. and Certificate to accompany the "Banks and Bank Holidays Bill."

THIS Bill consolidates four Statutes, viz:—

4 Vict. No. 13.
5 Vict. No. 24.
39 Vict. No. 2.
42 Vict. Vo. 21.

Clause 8 has been so worded as to clear up a doubt which exists under the Acts consolidated. It is very questionable whether the duty, imposed upon all Banks, of having recorded on oath every year with the Registrar-General a correct list, for the information of the public, of all the then existing proprietors of the Bank, is a duty which rests upon *individuals* carrying on the business of banking. It seems very clear that in such cases it is peculiarly important that the information should be supplied so that the public may know that an institution with, it may be, some high-sounding name is the sole property of one man. I have accordingly ventured to resolve the doubt by putting the individual banker on the same footing as the firm.

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I certify, therefore, that, with the one possible exception above-mentioned, the Bill now forwarded solely consolidates and does not expand, alter, or amend the law as appearing in the Acts consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Banks and Bank Holidays Bill, 1898.

No. , 1898.

TABLE showing how the sections of Acts intended to be consolidated have been dealt with.

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5	7	
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7	9	
8	10	
9	11	
10	12	
11	13	
12	3	
13	.....	Omitted. (Commencement).
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1	10	
		39 VICTORIA No. 2.
1	14	
2	15	
3	16	
4	17	
5	18	
6	.....	Omitted. (Short title).
		42 VICTORIA No. 21.
1	3	

Banks and Bank Holidays Bill, 1908.

No. 1.

Bank holidays.

Bill to make provision for the appointment of days to be observed as bank holidays and for other purposes.

Section of Act.	Cases in which Bill applies.	Enactments.
		1 VICTORIA 7 & 8 EDW. VII.
1	2	1
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Banks and Bank Holidays Bill, 1898.

No. , 1898.

ARRANGEMENT OF CLAUSES.

PART I.

Preliminary.

PART II.

Publication of Statements and Registration.

PART III.

Bank Holidays.

Legislative Council.

No. 1898.

A BILL

To consolidate the Laws relating to Banks and Bank Holidays.

[Mr. Want;—30 *June*, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary.

1. This Act may be cited as the "Banks and Bank Holidays Act, 1898," and is divided into parts and divisions, as follows :— **Short title and division.**

PART I.—*Preliminary.*—*ss.* 1, 2, 3.

PART II.—*Publication of statements and Registration.*

Division 1.—*Publication of statements.*——*ss.* 4–6.

Division

Repeal of Acts.
First Schedule.

2. The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed.

Interpretation of word "Bank."
4 Vic. No. 13, ss. 1 and 12.
42 Vic. No. 21.

3. In Part II of this Act, the word "Bank" means—

(*a*) any company, firm, or individual engaged in New South Wales in the discounting and issuing of bills and notes, lending money on securities and cash credit accounts, and other matters relating to the ordinary business of banking; or in the ordinary business of banking by receiving deposits and issuing bills or notes payable to the bearer at sight or on demand; and

(*b*) any company, firm, or association receiving money on deposit in New South Wales and trading under limited liability, although such company, firm, or association does not issue bills or notes payable to the bearer at sight or on demand.

PART II.

Publication of statements and Registration of banks.

DIVISION 1.—*Publication of statements.*

Statements of weekly average liabilities and assets to be kept.
4 Vic. No. 13, s. 1.

4. Every bank 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—

(*a*) the assets, property, credits, and securities belonging to every such bank; and

(*b*) the respective debts, engagements, and liabilities of such bank, in the form set forth in the Second Schedule hereto.

Second Schedule.

Quarterly abstracts to be published
Ibid. s. 2.

5. (1) From such weekly accounts and statements every bank shall, 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, prepare a general abstract in writing, showing—

(*a*) the average amount during such quarter of the assets, property, credits, and securities of every such bank; and

(*b*) the debts, engagements, and liabilities of such bank, in the form set forth in the Third Schedule hereto.

Third Schedule.

and statements
Ibid. s. 2.

(2) To every such quarterly abstract shall be subjoined a statement exhibiting—

(*a*) the amount of the capital stock of the bank preparing such abstract, paid up at the close of the quarter for which such abstract is prepared; and

(*b*)

(*b*) the rate and amount of the last dividend that was declared by such bank to its shareholders or proprietors; and

(*c*) the amount of the reserved profit of such bank at the time of declaring such dividend.

(3) Every such respective quarterly abstract and statement shall be verified upon the oath of the managing director, manager, chief cashier, or clerk of the bank 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 to be laid before the Legislative Council and Legislative Assembly, and published in the Gazette.

verified upon oath. *Ibid.* s. 2.

6. (1) If any such bank—

(*a*) neglects to keep such weekly accounts; or

(*b*) neglects to make out or to return or deliver to the Colonial Secretary such quarterly abstracts as aforesaid,

it shall forfeit for every such offence the sum of five hundred pounds.

Penalty for neglecting to keep or make such returns; *Ibid.* s. 3.

(2) If any managing director, manager, chief cashier, or clerk verifying such abstract, delivers or returns to the Colonial Secretary any false account or abstract of such averages, the bank making such false account or abstract shall forfeit for every such offence the sum of five hundred pounds; and the managing director, manager, chief cashier, or clerk so offending shall also forfeit for every such offence the sum of one hundred pounds.

or making false returns;

(3) Such penalties may be recovered respectively by action of debt in any court of competent jurisdiction.

penalties how recoverable.

Division 2.—*Registration.*

7. Where any bank is now carrying on business under a charter or a deed of co-partnership and settlement, a copy of such charter or deed, attested by the managing director, manager, chief cashier, or clerk of such bank, to be a true transcript of the original shall be registered, if not already registered, in the office of the Registrar-General, by the managing director, manager, chief cashier, or clerk of such bank as soon 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 inspection.

Copy of charter or deed of settlement to be registered. 4 Vic. No. 13, s. 5.

8. (1) Whenever—

(*a*) any new bank is established, having a charter or a deed of co-partnership and settlement; or

(*b*) any new charter or deed of co-partnership and settlement of any bank issues or is entered into,

a copy of such charter, or of such deed of co-partnership and settlement, attested as aforesaid, shall in like manner be registered for the purposes aforesaid.

Copy of new charter or deed to be registered. *Ibid.* s. 6.

(2)

Penalty.
Ibid. s. 6.

(2) If any managing director, manager, chief cashier, or clerk omits or neglects so to register such attested copy as aforesaid he shall be liable to a penalty of one hundred pounds, to be recovered by an action of debt in any court of competent jurisdiction by any person who sues for the same.

Names of proprietors to be also registered.
Ibid. s. 7.

9. (1) The managing director, manager, chief cashier, or clerk of every bank shall, within thirty days after the first day of January in each year or as soon thereafter as may be practicable, cause a true and correct list of the names of all the persons who then are existing proprietors or members of such bank, with their respective places of abode and descriptions, to be recorded on oath in the office of the Registrar-General, 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.

Penalty.

(2) Any such managing director, manager, chief cashier, or clerk who omits or neglects to cause such list to be recorded in manner aforesaid, or wilfully falsifies any such list, shall be liable to a penalty of one hundred pounds, to be recovered by an action of debt in any court of competent jurisdiction by any person who sues for the same.

Liability of such proprietors to be sued.
Ibid. s. 8.

10. Every person whose name is so recorded as aforesaid shall be taken to be a member or proprietor of the banking company or firm in which his name is so recorded as aforesaid, and shall be liable to be sued as such until a new list of the names of the members or proprietors of such bank shall be recorded as aforesaid, or until he has given notice in the Gazette of his retirement from such bank :

Provided that nothing herein contained shall be deemed—

(*a*) to absolve any person from liability on account of any debts incurred by any such bank during the time such person remained a proprietor or member thereof; or

(*b*) to render any individual proprietor or member of any bank established by royal charter or letters patent liable for any debts incurred by the same, except so far as he is liable under the provisions of such charter or letters patent.

5 Vic. No. 24.

Division 3.—*Miscellaneous provisions.*

Oaths may be taken before justice of the peace.
4 Vic. No. 13, s. 9.

11. (1) Every oath required to be taken under the provisions of this Part of this Act may be taken before and administered by any justice of the peace.

Penalty for perjury.

(2) Any managing director, manager, chief cashier, or clerk who takes any false oath as to any quarterly abstract of averages or other matter or thing under the provisions of this Part of this Act shall be deemed to be guilty of perjury.

12.

12. No action shall lie against any person for any offence committed against the provisions of this Part of this Act unless the same is commenced within two years from the time the offence is alleged to have been committed.

Limitation of actions. *Ibid.* s. 10.

13. If in any case any matter or thing required to be done or performed under the provisions of this Part of this Act within any given period is not so done or performed, the proof that it was not practicable to do so shall lie upon the party required to do or perform the same:

Proof of inability to comply with Act in given time to lie in party. *Ibid.* s. 11.

Provided that no excuse shall be allowed for any such failure or neglect unless it is clearly shown that the matter or thing required to be done or performed was done or performed as soon as was practicable.

PART III.

Bank Holidays.

14. (1) The several days in the Fourth Schedule hereto (and which days are in this Act hereinafter referred to as bank holidays) shall be kept as close holidays in all banks in New South Wales.

Bank holidays. 39 Vic. No. 2, s. 1. Fourth Schedule.

(2) All bills of exchange and promissory-notes which are due and payable on any such bank holiday shall be payable, and in case of non-payment may be noted and protested, on the next following day, and not on such bank holiday; and any such noting or protest shall be as valid as if made on the day on which the bill of exchange or promissory-note was made due and payable.

Bills due on bank holidays.

(3) For all the purposes of this Part of this Act the day next following a bank holiday shall mean the next following day on which a bill of exchange or promissory-note may be lawfully noted or protested.

Meaning of day next following a bank holiday.

15. (1) When the day on which any notice of dishonor of an unpaid bill of exchange or promissory-note should be given is a bank holiday, such notice of dishonor shall be given on the day next following such bank holiday.

Provision as to notice of dishonour; *Ibid.* s. 2.

(2) When the day on which a bill of exchange or promissory-note should be presented or received for acceptance or payment, or accepted, or forwarded to any referee, is a bank holiday, such bill of exchange or promissory-note shall be presented or forwarded on the day next following such bank holiday.

and presentation for honor.

As to payments on bank holidays.
Ibid. s. 3.

16. No person shall be compellable to make any payment or do any act upon such bank holidays which he would not be compellable to do or make on Sunday, and the obligation to make such payment and to do such act shall apply to the day following such bank holiday; and the making of such payment and doing such act on such following day shall be equivalent to payment of the money or performance of the act on the holiday.

Appointment of special bank holidays.
Ibid. s. 4.

17. It shall be lawful for the Governor by proclamation in the Gazette to appoint a special day to be observed as a public holiday, either throughout New South Wales, or in any part thereof, or in any city, town, borough, or district therein; and any day so appointed shall be kept as a close holiday in all banks within the locality mentioned in such proclamation, and shall as regards bills of exchange and promissory-notes payable as aforesaid, be deemed to be a bank holiday for all the purposes of this Part of this Act.

Day appointed for bank holiday may be vetoed by proclamation.
Ibid. s. 5.

18. It shall be lawful for the Governor when it is made to appear to him in any special case that in any year it is inexpedient that a day by this Act appointed for a bank holiday should be a bank holiday, to declare by proclamation in the Gazette, published not less than one week before the day appointed for such holiday, that such day shall not in such year be a bank holiday, and to appoint such other day as to the Governor may seem fit to be a bank holiday instead of such day, and thereupon the day so appointed shall in such year be substituted for the day so appointed by this Act.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or Short title.	Extent of Repeal.
4 Vic. No. 13 ...	An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the Names of the Proprietors thereof.	The whole.
5 Vic. No. 24 ...	An Act to amend an Act intituled "*An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the names of the Proprietors thereof.*"	The whole.
39 Vic. No. 2 ...	An Act to make provision for Bank Holidays, and respecting obligations to make payments and do other acts on such Holidays.	The whole.
42 Vic. No. 21 ...	An Act to extend the operation of an Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the Registration of the names of the Proprietors thereof.	The whole

SECOND SCHEDULE.

Section 4.
4 Vic. No. 13.
Schedule A.

Weekly Statement showing the amount and nature of the Debts, Engagements, and Liabilities, and of the Assets and Property or Securities of the Bank of from the to the , 18 .

Liabilities.	Amount.	Totals.	Assets.	Amount.	Totals.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in circulation { Not bearing interest / Bearing interest			Coined gold and silver, and other coined metals.....		
Bills in circulation { Not bearing interest / Bearing interest			Gold and silver, in bars or bullion		
Balance due to other Banks.....			Landed property		
Deposits ... { Not bearing interest / Bearing interest			Notes and bills of other Banks ...		
			Balances due from other Banks...		
			Amount of all debts due to the Bank, including notes, bills of exchange, and all stock and funded debts of every description, excepting notes, bills, and balances due to the said Bank from other Banks		
Total amount of Liabilities ... £			Total amount of Assets ..... £		

Managing Director.
Chief Cashier or Clerk.

Place and date.

THIRD

Section 5.
4 Vic. No. 13.
Schedule B.

THIRD SCHEDULE.

General Abstract showing the average amount of the Liabilities and Assets of the Bank of taken from the several Weekly Statements during the quarter, from the to the , 18 .

Liabilities.	Amount.	Totals.	Assets.	Amount.	Totals.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in circulation { Not bearing interest			Coined gold and silver, and other coined metals.....		
Notes in circulation { Bearing interest			Gold and silver, in bullion or bars		
Bills in circulation { Not bearing interest			Landed property		
Bills in circulation { Bearing interest			Notes and bills of other Banks ...		
			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, excepting notes, bills, and balances due to the said Bank from other Banks		
Deposits ... { Not bearing interest					
Deposits ... { 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 declared					
Amount of the reserved profits at the time of declaring such dividend					

Managing Director.

Place and date. 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 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 Banks and Bank Holidays Act, 1898.

(Signed) A.B.

Sworn before me at this
day of , 18 .
C.D., Justice of the Peace.

Section 14.
39 Vic. No. 2.
Schedule.

FOURTH SCHEDULE.

The first day of January.
The twenty-sixth day of January.
Good Friday.
The day after Good Friday.
Easter Monday.
The Anniversary of the Birthday of Her Majesty or Her Successor.
The first day of August.
The Anniversary of the Birthday of the Prince of Wales.
Christmas Day.
The twenty-sixth day of December.

When any of the above days falls upon a Sunday, the next following Monday shall be a Bank Holiday, and whenever the twenty-sixth day of December falls upon a Monday, the day following shall be a Bank Holiday.

Sydney : William Applegate Gullick, Government Printer.—1898.