



ANNO TRICESIMO QUINTO ET TRICESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1872.

No. 17.

An Act to amend The Savings Bank Act of 1861.

[Assented to, 15th August, 1872.]

WHEREAS it is expedient to amend "The Savings Bank Act of 1861"—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:—

Preamble.

1. Clauses 4, 7, 13, 14, 16, 21, 29, 30, and 37 of the said "The Savings Bank Act of 1861," are hereby repealed: Provided that nothing herein contained shall invalidate or annul anything whatsoever done or executed under any of the said clauses hereby repealed.

Repeal.

2. If any present or future trustee of the said Savings Bank shall become bankrupt, or petition for, or take the benefit of any Act for the benefit of insolvent debtors, or have any vesting order made against him, or compound with his creditors, or become a lunatic, or be absent from the said Province for the space of six months, or be absent from six consecutive monthly meetings of the Board, every such trustee shall immediately thereupon cease to be a trustee.

Disqualification of Trustees.

3. The Trustees of the said Savings Bank shall, as occasion may require, and subject to the approval of the Governor, with the advice and consent of the Executive Council, appoint all such officers, clerks, and servants as to them shall seem necessary for efficiently conducting the business of the said Bank; and, also, subject to such approval as aforesaid, pay and allow to such officers

Appointment of officers.

Salaries of officers.

The Savings Bank Act Amendment Act.—1872.

Notice of appointment.

Officers to give security.

officers, clerks, and servants, such salaries and emoluments as to the said trustees shall seem reasonable, and from time to time remove from office any officer, clerk, or servant, and reappoint him, or appoint another in his place or stead; and every such appointment and removal, or reappointment, shall be signified by the publication of a notice to that effect in the *South Australian Government Gazette*, and every such officer, clerk, or servant shall give to the said Savings Bank such security for the due and faithful discharge of the duties of his office as to the said trustees shall seem requisite.

Trustees not to derive any advantage.

Proviso.

4. No person being a trustee of the said Savings Bank, or being in anywise concerned in the management thereof, shall be allowed, save as is herein provided, to borrow money from, or to receive directly or indirectly, any salary, allowance, profit, or benefit whatsoever from the funds of the said bank, or to act in the capacity of secretary, solicitor, accountant, valuator, or clerk of the said bank: Provided that nothing herein contained shall prevent such trustee, or the wife, or child, being an infant under the age of twenty-one years, of such trustee, from opening an account as a depositor in the said bank, or from receiving any interest or other profit, fairly and properly due and payable, or allowed in respect of such account.

Limitation of responsibility of trustees.

5. No trustee of the said Savings Bank shall be personally liable, except for his own acts and deeds, or be answerable for any banker, broker, or other person, with whom any part of the moneys, effects, or funds of, or belonging to, the said Savings Bank shall be deposited or lodged for safe custody, or be answerable for the insufficiency or deficiency of any security or securities in or upon which any moneys shall be placed out or invested, or for the defect of title, or value of any lands, or for any other misfortune, loss, or damage which may happen by reason of anything done by him in virtue of his office in the execution of this Act, except in cases where he shall be guilty of wilful neglect or default.

Receipt of deposits.

Minimum and maximum deposit.

6. Any two or more officers of the said Savings Bank, duly authorized by the said Savings Bank, may receive at the Savings Bank Building, situated in King William-street, Adelaide, or at such place or places, and at such time or times as shall be fixed by the trustees, and at no other time or place whatsoever, from any person or persons by way of deposit, any sum or sums of money not being of value less than One Shilling, nor exceeding Five Hundred Pounds in the whole, exclusive of interest from any one person, except in the cases as hereinafter mentioned, and shall then and there cause the amount of money so received to be entered in a book (to be provided for that purpose) to the credit of the person making such deposit, or to the credit of such other person as he or she may appoint; and the amount of such deposits, and all other sum or sums of money received into the said Savings Bank shall, with all convenient speed, be paid into such of the banks in Adelaide as shall be approved of by the said trustees, and shall be there placed to the credit of the said Savings Bank, in

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The Savings Bank Act Amendment Act.—1872.

an account to be kept in such bank for that purpose, and no money so paid into such account shall be withdrawn therefrom without the written order of two or more trustees, countersigned by the accountant for the time being, first had and obtained.

Withdrawal of moneys.

7. The Supreme Court, or any Judge thereof, by any order, may from time to time direct that any sum of money belonging to the estate of any intestate person or of any person declared insolvent under or by virtue of any Act or Acts relating to insolvents, which may have been or shall be received by, or which may be in the custody or power of any person acting under the direction or control of, or accountable to the said Court, shall be deposited in the said Savings Bank, in such manner, and on such account, and for such purposes, as the said Court, or a Judge thereof, shall direct, and all and each of such sums of money so to be deposited as aforesaid shall, from the time of being so deposited respectively, bear interest at and after the rate of one-half the amount of interest allowed to any ordinary depositor in the said bank: Provided always, that no such sum of money nor the interest from time to time due thereon, shall be paid out by, or withdrawn from the said bank, otherwise than by order of the said Court, or of a Judge thereof, for that purpose, unless and until such sum shall have been so deposited in the said bank, and remain unclaimed for the period of six years.

Moneys under control of the Supreme Court may be invested in Savings Bank by order of Supreme Court, or a Judge thereof.

As to interest thereon.

Such moneys only to be withdrawn by order of Court or Judge.

8. At any meeting or meetings of the said trustees, whether ordinary, special, or extraordinary, the trustees then present may consider applications for loans, and may lend any sum or sums of money out of the funds of the said Savings Bank upon security, by way of mortgage, of any messuages, lands, and hereditaments held in fee simple, or of any messuages, lands, and hereditaments held of an estate which may by any law now or hereafter to be in force within the said Province be equivalent to an estate in fee simple: Provided that such messuages, lands, and hereditaments are situated within the said Province; and the rate of interest to be paid on such loans or mortgages, or any existing loans or mortgages, shall be determined from time to time by the said trustees at a special meeting to be duly convened for that purpose; and before making any loan or mortgage the said trustees may direct a valuation to be made of the messuages, lands, and hereditaments proposed to be mortgaged, the expense of which valuation shall be paid by the person or persons applying for such loan; and all such messuages, lands, and hereditaments so to be mortgaged as aforesaid shall be subject to such provisos for redemption of the same on payment of all principal money and interest, and to such powers of sale in default of payment of the principal money or the interest thereof, and to such declarations as to the right of the said bank to foreclose the equity of redemption of the messuages, lands, and hereditaments comprised in any such mortgage as the said trustees may consider necessary for the security and due protection of the funds of the said bank, so lent on mortgage as aforesaid: Provided always that no new mortgage shall be taken by the trustees so long as one-half of the entire funds of the said bank shall be invested on mortgage.

Trustees may lend on mortgage.

Interest to be paid.

Valuation.

Limit of amount to be lent on mortgage.

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The Savings Bank Act Amendment Act.—1872.

Trustees to have power to invest funds in Government securities, and to deposit in the banks.

9. The said trustees may at their discretion invest the funds of the said Savings Bank in or upon Government securities of the said Province, or in or upon any securities guaranteed by the Government of the said Province, or in or upon any securities of the Corporation of the City of Adelaide, whether such securities or the interest thereon are or is payable in or out of the said Province; and the said trustees may deposit any portion of their funds in any bank or banks in the said Province for such period and at such rate of interest as may be agreed on between the managers of such bank or banks and the said trustees.

Trustees to establish a security fund out of profits,

10. The trustees of the said Savings Bank shall annually set apart any sum of money which they may consider necessary, but not exceeding one-fifth part of the net profits of the said bank, towards the establishment of a rest or security fund, for the purpose of meeting any loss or deficiency which may unexpectedly occur (until such rest or security fund shall amount to Five Pounds per centum of the total sum deposited in the said bank), and the remainder of such profits they shall annually divide amongst the depositors by way of interest; and when such rest or security fund shall amount to Five Pounds per centum of the total sum deposited in the said bank, the whole of the said profits shall be annually divided amongst the depositors by way of interest, but so long as the balance to the credit of any depositor shall, including principal and interest, exceed the sum of Two Hundred and Fifty Pounds, no interest whatever shall be allowed, paid, or payable on any sum in excess of that amount.

Until it amounts to £5 per cent. of deposits.
Interest to depositors.

No interest on sums above £250.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, and 10, to be substituted for clauses 4, 7, 13, 14, 16, 21, 29, 30, and 37 of "The Savings Bank Act of 1861."

11. The said "The Savings Bank Act of 1861" shall be read and construed as if clauses 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this Act had been inserted therein instead of clauses 4, 7, 13, 14, 16, 21, 29, 30, and 37 of the said "The Savings Bank Act of 1861," each for each respectively.

Short title.

12. In referring to this Act it shall be sufficient to make use of the expression "The Savings Bank Act Amendment Act."

In the name and on behalf of the Queen, I hereby assent to this Bill.

JAMES FERGUSSON, Governor.