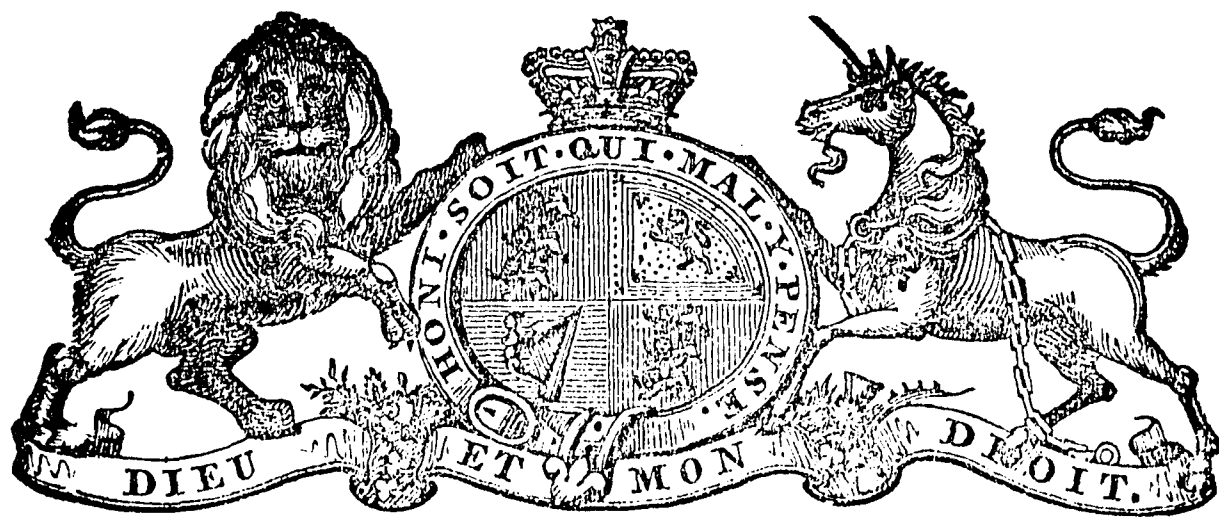


VICTORIA.



ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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No. CXCIV.

An Act to Consolidate the Laws relating to Banks  
and the Currency.

[20th April, 1864.]

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows that is to say—

1. This Act shall be called and may be cited as "*The Banks and Currency Statute 1864.*" Title of Act.

2. The Acts mentioned in the first schedule hereto to the extent to which the same are therein expressed to be repealed shall be and the same are hereby repealed but nothing herein shall affect any act or thing lawfully done under the authority of the said Acts or any of them and all offences committed and penalties incurred under the said Acts or any of them may be prosecuted and enforced respectively as if this Act had not been passed. Repeal of Acts.  
First schedule.

3. The provisions of this Act shall extend and apply to every company firm or individual engaged in the ordinary business of banking by receiving deposits and issuing bills or notes payable to the bearer at sight or on demand. Application of Act.

4. Every banking company firm or individual banker in Victoria shall at the close of business on Monday of every week prepare and make up a full and correct account and statement in writing exhibiting the assets property credits and securities respectively belonging to every such banking company firm or individual banker as aforesaid and also the respective debts engagements and liabilities of the same in the manner and form and under the several heads particularly set forth in the second schedule to this Act. Statements of weekly  
average liabilities  
and assets to be  
kept.  
  
Second schedule.

5. From such weekly accounts and statements so directed to be made up as aforesaid there shall be prepared on the last Monday of each quarter ending on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December Quarterly statements  
to be published.

*Banks and Currency Statute.*

Third schedule

December in every year by every such banking company firm or individual banker as aforesaid respectively a general abstract in writing of the average amount during such quarter of the respective assets property credits and securities of every such banking company firm or individual banker and of their respective debts engagements and liabilities in the manner and form and under the several heads or titles specified and set forth in the third schedule to this Act to which respective quarterly abstracts shall be subjoined a statement exhibiting the amount of the capital stock of every such banking company firm or individual banker as aforesaid paid up at the close of the quarter for which such abstracts respectively shall be so made up the rate and amount of the last dividend that may have been declared to the shareholders or proprietors and the amount of the reserved profit at the time of declaring such dividend and such respective quarterly abstracts and statements shall be verified upon the oath of the managing director manager chief cashier or clerk of every such banking company firm or individual banker as aforesaid making the same and shall within one month after the close of every such quarter or as soon thereafter as may be practicable be delivered to the Chief Secretary of Victoria to be laid before Parliament and published in the *Government Gazette*.

Penalty for neglect-  
ing to keep or make  
such returns.

6. If any such banking company firm or individual banker shall neglect to keep such weekly accounts or to make out or to return or deliver such quarterly abstracts to the Chief Secretary as aforesaid or if any managing director manager chief cashier or clerk verifying any such abstract shall deliver or return to the said Chief Secretary any false account or abstract of such averages every such banking company firm or individual banker so neglecting or 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 such penalties to be recovered respectively by action of debt in the Supreme Court or any other court of competent jurisdiction by any person who shall sue for the same.

Copy of charter or  
deed of settlement  
to be recorded in  
the office of the  
Registrar-General.

7. A copy of the charter or of the deed of co-partnership and settlement of every such banking company or firm as aforesaid attested by the managing director manager chief cashier or clerk for the time being of such banking companies or firms respectively to be a true transcript of the original charter or of the deed of co-partnership and settlement respectively of such banking company or firm shall (if not already registered) be registered in the office of the Registrar-General by the managing director manager chief cashier or clerk of such banking companies or firms respectively within thirty days from and after the passing of this Act or as soon thereafter as may be practicable and the same shall be open for inspection at all reasonable times by any person requiring to inspect the same on payment of a fee of one shilling for each such inspection and if any such managing director manager chief cashier or clerk shall omit or neglect so to register such attested copy of the original charter or deed of co-partnership and settlement of any such banking company or firm as aforesaid within the time hereinbefore directed for registering the same he shall be subject and liable to a penalty of one hundred pounds to be recovered by an action of debt in the Supreme Court or any other court of competent jurisdiction by any person who shall sue for the same.

Penalty.

Copy of new charter  
or deed to be in  
like manner re-  
corded.

8. As often as any new charter or deed of co-partnership and settlement of any such banking company or firm as aforesaid may issue

*Banks and Currency Statute.*

issue or be entered into or any new banking company or firm be established a copy of the charter or of the deed of co-partnership and settlement attested as aforesaid shall in like manner be registered in the office of the Registrar-General for the purposes and subject to the penalty hereinbefore imposed on the party neglecting or omitting duly to make such registry as aforesaid.

9. The managing director manager chief cashier or clerk of every such banking company or firm as aforesaid shall within thirty days from and after the first day of January in each and every year or as soon thereafter as may be practicable cause a true and correct list of the names of all the persons who shall be then existing proprietors or members of such companies or firms respectively 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 the same on payment of a fee of one shilling for each such inspection and if any such managing director manager chief cashier or clerk shall omit or neglect to cause such list to be recorded in manner aforesaid or shall wilfully falsify any such list he shall be subject and liable to a penalty of one hundred pounds to be recovered by an action of debt in the Supreme Court or any other court of competent jurisdiction by any person who shall sue for the same.

Names of proprietors to be also recorded in the office of the Registrar-General.

10. Every person whose name shall be so recorded as aforesaid shall be considered taken and held to be a member or proprietor of the banking company or firm in which his or her name shall be 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 banking company or firm shall be recorded as aforesaid or until he or she shall have given notice in the *Government Gazette* of his or her retirement from such banking company or firm. Provided however that nothing herein contained shall be deemed or construed to absolve any person from liability on account of any debts incurred by any such banking company or firm during the time such person remained a proprietor or member thereof or to render any individual proprietor or member of any banking company or firm established by royal charter or letters patent liable for any debts incurred by the same except so far as he or she may be liable under the provisions of such charter or letters patent.

Liability of such proprietors to be sued.

11. Every oath required to be taken under the provisions of this Act may be taken before any justice who is hereby authorized to administer the same and any managing director manager chief cashier or clerk who shall take any false oath as to any quarterly abstract of averages or other matter or thing under the provisions of this Act shall be subject to such pains and penalties as are by law in force at the time of taking such oath enacted as to persons convicted of wilful and corrupt perjury.

Oaths to be taken before a justice.  
Penalty for perjury.

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

Limitation of actions.

13. If in any case any matter or thing required to be done or performed under the provisions of this Act within any given period shall not have been so done or performed the proof that it was not practicable to do so shall lie upon the party required to do or perform the same and no excuse shall be allowed for any such failure or neglect unless it be clearly shown that the matter or thing required to be done or performed was done or performed as soon as was practicable.

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

14. Certain

Banks and Currency Statute.

Sydney sovereigns to be current coin.

14. Certain gold coins called Australian sovereigns and half sovereigns struck at the branch of Her Majesty's Royal Mint at Sydney in the Colony of New South Wales shall be and shall be deemed to have been from the fourteenth day of July A.D. 1857 current and lawful money within Victoria together with and in like manner as current coin of the realm.

Commencement of this Act.

15. This Act shall commence and come into operation on the first day of January next after the passing hereof and not before.

SCHEDULES.

SCHEDULE I.

Sec. 2.

Date of Act.	Title of Act.	Extent of Repeal.
7 Geo. IV. No. 3	"An Act to repeal an Act intituled 'An Act "to make promissory notes and bills of "exchange payable in Spanish dollars "available as if such notes and bills had "been drawn payable in sterling money of "the realm' and to promote the circulation "of sterling money of Great Britain in New "South Wales."	The whole.
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 liabilities and assets of banks in New "South Wales and its dependencies and "the registration of the names of the proprietors thereof."	The whole.
21 Vic. No. 15 ...	"An Act to amend the law relating to gold coin."	The second section.

SCHEDULE II.

Sec. 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 186

Liabilities.	Amount.		Assets.	Amount.	
	£ s. d.	Totals. £ s. d.		£ s. d.	Totals. £ s. d.
Notes in Circulation { Not bearing interest Bearing interest ...			Coined gold and silver and other coined metals ... Gold and silver in bars and bullion ... Landed property ... Notes and bills of other banks... Balances due from other banks		
Bills in Circulation { Not bearing interest 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 ...		
Balances due to other banks ...					
Deposits { Not bearing interest Bearing interest ...					
Total amount of liabilities £			Total amount of assets ...£		

Place and date.

Managing Director.  
Chief Cashier or Clerk.  
SCHEDULE III

Banks and Currency Statute.

SCHEDULE III.

General Abstract showing the Average Amount of the Liabilities and Assets of the Bank **Sec. 5.**  
of taken from the several Weekly Statements during the  
Quarter from the to the 186 .

Liabilities.	Amount.	Totals.	Assets.	Amount.	Totals.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Notes in { Not bearing interest Circulation { Bearing interest ...			Coined gold and silver and other coined metals ... ..		
Bills in { Not bearing interest Circulation { Bearing interest ...			Gold and silver in bullion or bars Landed property ... ..		
Balances due to other banks ...			Notes and bills of other banks Balances due from other banks		
Deposits ... { Not bearing interest { Bearing interest ...			Amount of all debts due to the bank including notes bills of exchange and all stock and funded debts of every des- cription 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 ending 186					
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 ...					

Place and date.

Managing Director.  
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 Currency Statute 1864.*"

Sworn before me at

this

day of

186 .

C. D. Justice of the Peace.

(Signed) A.B.

