

VICTORIA.



ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

By His Excellency CHARLES JOSEPH LA TROBE, ESQUIRE, Lieutenant Governor of the Colony of Victoria and its Dependencies, with the advice and consent of the Legislative Council.

No. XXXVII.

An Act to consolidate and amend the Laws relating to Savings' Banks. [Assented to 7th February, 1853.]

WHEREAS it is expedient to amend the Laws relative to the Savings' Bank of Port Phillip and the several Branches thereof and to encourage the establishment of Savings' Banks in the Colony of Victoria Be it therefore enacted by His Excellency the Lieutenant Governor of the Colony of Victoria by and with the advice and consent of the Legislative Council thereof as follows :

I. The several Acts of the Governor and Legislative Council of the Colony of New South Wales that is to say an Act passed in the third year of the Reign of Her Majesty Queen Victoria intituled "*An Act to consolidate and amend the Laws relating to the Savings' Bank of New South Wales*" and an Act passed in the fourth year of the Reign of Her said Majesty intituled "*An Act to render valid certain Acts already performed or hereafter to be performed by one Trustee and the Accountant of the Savings' Bank of New South Wales*" and an Act passed in the fifth year of the Reign of Her said Majesty intituled "*An Act to amend and extend to Port Phillip an Act intituled 'An Act to consolidate and amend the Laws relating to the Savings' Bank of New South Wales'*" and an Act passed in the seventh year of the Reign of Her said Majesty intituled "*An Act to amend the Laws relating to the Savings' Bank of New South Wales and Port Phillip respectively*" and an Act passed in the ninth year of the Reign of Her said Majesty intituled "*An Act to amend the Laws relating to the Savings' Banks of New South Wales and Port Phillip respectively and to make further provision for the Investment of the Funds thereof*" and an Act passed in the ninth year of the Reign of Her said Majesty intituled "*An Act to amend an Act intituled 'An Act to amend the Laws relating to the Savings' Bank of New South Wales and Port Phillip respectively'*" and an Act passed in the eleventh year of the Reign

Repeal of Acts.
3 Vic. No. 12.

4 Vic. No. 15.

5 Vic. No. 5.

7 Vic. No. 6.

9 Vic. No. 25.

9 Vic. No. 33.

11 Vic. No. 25.

11 Vic. No. 40.

15 Vic. No. 11.

Reign of Her said Majesty intituled "An Act further to amend the Laws relating to the Savings' Banks of New South Wales and Port Phillip respectively and to empower the Trustees of the Savings' Bank of New South Wales to erect Premises wherein to carry on the business of that Institution" and an Act passed in the eleventh year of the Reign of Her said Majesty intituled "An Act to alter and amend the Laws relating to the Savings' Banks of New South Wales and Port Phillip respectively" and an Act of the Lieutenant Governor and Legislative Council of the said Colony of Victoria passed in the fifteenth year of the Reign of Her said Majesty intituled "An Act to further amend the Laws relating to the Savings' Bank of Port Phillip and to empower the Vice-President and the Trustees thereof to lend Money by way of Mortgage to the Corporations of the City of Melbourne and Town of Geelong respectively" shall be and the same are hereby from and after the commencement of this Act repealed Provided that nothing herein contained shall invalidate or annul anything whatsoever done or executed under the authority of any of the Acts hereby repealed

Lieutenant Governor may appoint Commissioners of Savings' Banks.

II: It shall be lawful for the Lieutenant Governor of the said Colony with the advice of the Executive Council thereof within three months after the passing of this Act to appoint five persons to be Commissioners of Savings' Banks in the said Colony for the purposes of this Act and the names of such persons when so appointed shall be published in the *Government Gazette*.

Commissioners of Savings' Banks appointed and incorporated.

III. The said persons when so appointed and their successors to be appointed in manner hereinafter provided shall be and they are hereby constituted a Body Politic and Corporate by the name and style of "THE COMMISSIONERS OF SAVINGS' BANKS IN THE COLONY OF VICTORIA" and by that name and style shall have perpetual succession and be able and capable to sue and be sued and to prosecute and inform in all Courts of Law as well Criminal as Civil and in Courts of Equity and to accept purchase and hold to them and their successors for ever as Members of the said Corporation to and for the uses thereof real estate of every kind nature and description and to sell assign exchange demise grant alienate release acquit and convey the same and also to procure receive and take acquire have and possess to and for the same uses all gifts benefactions goods chattels and personal property whatsoever and they shall have and use as occasion may require a common Seal bearing the impression of the Royal Arms of England and having inscribed on the margin thereof the words "The Commissioners of Savings' Banks in the Colony of Victoria" And it shall be lawful for the Lieutenant Governor of the said Colony with the advice of the Executive Council thereof at any time to remove from his Office any Member of the said Corporation who shall leave the said Colony or become incapable or neglect to perform the duties thereof and also to accept the resignation of any Member desirous to retire therefrom And as often as any vacancy shall occur by the removal resignation or death of any of the Members of the said Corporation it shall be lawful for the Lieutenant Governor of the said Colony with the advice aforesaid to nominate and appoint some fit and proper person as successor to the Member so removed resigning or dying.

Common Seal.

Power to the Governor to remove Commissioners and fill vacancies.

Commissioners names to be published in the Gazette. Powers of persons appointed to fill vacancy.

IV. The name and description of every person appointed to fill any vacancy among such Commissioners shall be published in the *Government Gazette* and immediately thereupon the person so nominated and appointed or substituted shall have vested in him and be invested with and possess all the Estates real and personal interests rights titles in Law and Equity powers privileges authorities and capabilities and perform all the duties of the person in whose place or stead he shall have been so nominated and appointed or substituted.

Appointment of Officers of Commissioners.

V. It shall be lawful for the Commissioners to appoint the following officers that is to say a Comptroller a Secretary a Valuator a Solicitor an Auditor or Auditors and such other officers Clerks and servants

servants as shall to them seem fit whose powers duties and salaries shall be respectively such as are herein or shall be in any general order or rule of the said Commissioners set forth and specified and to remove such Comptroller Secretary Valuator Solicitor Auditor or Auditors Officers Clerks or Servants and to appoint other person or persons to fill such offices respectively and every such Secretary shall give such security for the due and faithful performance of the duties of his office as to such Commissioners shall seem proper.

VI. The said Commissioners shall meet at such office in the City of Melbourne as shall be appointed from time to time for that purpose by the said Lieutenant Governor once at the least in every three months on such days and at such hours as shall be from time to time named by the said Commissioners in any general orders for the transaction of the business and the performance of the duties prescribed by this Act and of all other matters connected therewith and the Commissioners shall have power to adjourn such Meetings to any time and from time to time and they shall also meet for any special or extraordinary purpose whenever the Secretary shall consider such meeting necessary and the Secretary shall send by post or otherwise to each Commissioner a notice in writing of the time and place of such Meeting and of the special or extraordinary purpose thereof two days at least prior to such meeting.

VII. The Commissioners are hereby authorized and required from time to time as they shall see occasion to make and issue general or other orders and rules respecting the transactions and business of the said Commissioners and of their officers and for the government and management of Savings' Banks now or hereafter to be established within this Colony and for the guidance control and information according to the intent and meaning of this Act of all Trustees Treasurers Managers Agents Actuaries Accountants Clerks or other Officers paid or unpaid acting in the management of Savings' Banks and of all depositors therein in respect of their transactions with such Savings' Banks and for the keeping examining auditing and allowing or disallowing of accounts of or concerning such Savings' Banks and as to the class of Securities and the manner in which the funds of the said Savings' Banks are to be invested and for carrying this Act into execution in all other respects as they shall think proper And the Commissioners may at their discretion from time to time suspend vary alter or rescind any such orders or rules Provided that every such general or other order and rule shall be signed by at least one Commissioner countersigned by the Secretary and sealed with the seal of the said Commissioners and certified by the Attorney General of the said Colony to be in conformity with or not repugnant to Law Provided also that every such order and rule shall be sent to the Colonial Secretary of the said Colony and by him laid before the Legislative Council thereof without delay and such Council may at any time within one month after any such order or rule may have been laid before the same present an address to the Lieutenant Governor of the said Colony to disallow any such order or rule who if he think fit shall disallow the same accordingly and every such disallowance shall be notified in the *Government Gazette* and after any such notification such general order or rule so far as the same shall have been disallowed shall cease to operate subject however and without prejudice to all acts and transactions under or in virtue of the same previously to notice of such disallowance having been given to the Commissioners and every such general or other order or rule shall take effect from the time of the same having been certified as aforesaid and shall have the same force and efficacy as if inserted in this Act unless disallowed as herein mentioned.

VIII. It shall be lawful for the Commissioners by summons in such form as they shall by any general order direct under the seal of the Commissioners or under the hand and seal of any of them or of the Comptroller to require the attendance of all such persons as they or he may

Ordinary Meetings of Commissioners.

Special or extraordinary Meetings.

General Orders.

Alteration of Orders.

Orders and Rules to be signed by Commissioners and Officer and sealed and certified by Attorney General. General Orders, &c. to be transmitted to Colonial Secretary.

Manner of disallowance of Orders, &c.

Commencement of operation of Orders, &c.

Power to Commissioners to make certain enquiries.

may think fit to call before them or any of them upon any matter connected with the objects or purposes or the execution of the provisions of this Act and to make enquiries and require returns and to administer oaths and to examine all such persons upon oath and to require and enforce the production upon oath of books deeds contracts agreements accounts maps plans surveys valuations writings or copies thereof respectively in anywise relating to any such matter Provided also that nothing herein mentioned shall extend to authorize or empower the Commissioners to act as a Court of Record or to require the production of the Title or any instrument in writing relating to the Title of any lands tenements or hereditaments not vested in the Commissioners by virtue of this Act.

False evidence perjury and a Misdemeanor.

IX. If any person upon any examination under the authority of this Act shall wilfully or knowingly give false evidence he shall on being convicted thereof suffer the pains and penalties of perjury and if any person shall refuse or wilfully neglect to attend in obedience to any summons of the Commissioner or of the Comptroller or to give evidence or shall wilfully alter suppress conceal destroy or refuse to produce any books deeds contracts agreements accounts maps plans surveys valuation or writing or copies of the same which may be required to be produced for the purposes of this Act to any persons authorized by this Act to require the production thereof every person so offending shall be deemed to be guilty of a misdemeanor and on conviction thereof shall be punished accordingly.

Lands, &c., of Port Phillip Savings' Bank to vest in Commissioners.

X. From and after the commencement of this Act all lands tenements and hereditaments monies goods chattels and all deeds instruments in writing bills notes drafts cheques or other valuable securities for money and obligatory instruments and evidences of title or other muniments and other effects whatsoever and all rights titles estates interests terms for years at Law or in Equity and all claims of any kind whatsoever now or heretofore belonging to the said Savings' Bank of Port Phillip and vested in the Vice President thereof for the use and benefit of the respective Depositors according to the Laws in force at the time of the passing of this Act and all cash monies bills notes cheques drafts or other valuable securities or deposits whatever which hereafter shall be received from the Depositors of such or any Savings' Bank according to the provisions of this Act shall vest for the same estates and interests respectively as the said Vice President had or if this Act had not been passed might have had therein in the Commissioners for the time being subject to the same trusts without any assignment or conveyance whatever and also shall for all purposes of action or suit as well criminal as civil and at Law or in Equity in anywise touching or concerning the same be deemed and taken to be and shall in every such proceeding (where necessary) be stated to be the property of "*The Commissioners of Savings' Banks in the Colony of Victoria*" without further or other description and the said Commissioners shall and they are hereby authorized to bring or defend or cause to be brought and defended any action suit or prosecution criminal as well as civil in Law or in Equity touching or concerning the property right or claim of or belonging to or had by such Institution or any Branch thereof or any Savings' Bank now or hereafter to be established.

Future deposits.

Port Phillip Savings' Bank and Branches to be separate Savings' Banks
Name.

XI. From and after the commencement of this Act the Savings' Bank of Port Phillip and the several branches thereof shall be and they are hereby declared to be separate and independent Institutions each to be called respectively "*THE SAVINGS' BANK at Melbourne*" (or as the case may be) and each Savings' Bank shall have separate and distinct Trustees and Officers but the Trustees of any Savings' Bank at the time of the commencement of this Act shall if willing to act continue to be Trustees thereof respectively under the provisions of this Act without any re-appointment and the Trustees and Officers of each Savings' Bank shall keep and render to the Commissioners such accounts statements and returns and do all lawful acts as the Commissioners shall by any order or orders direct and appoint.

XII. It shall be lawful for the Commissioners either upon application in writing of three or more Householdors or Landholders and approved of by two Justices of the Peace or on the mere motion of the Commissioners by Order (a copy whereof shall be published in the *Government Gazette*) to name describe and fix the limits of the District of any Savings' Bank now or hereafter to be established and the same shall be called "THE DISTRICT OF THE SAVINGS' BANK at Melbourne" (or as the case may be) and at any time to enlarge diminish or otherwise alter the same as to them may seem fit and thereupon the Commissioners by the same or another order shall constitute and appoint any two or more persons to be the Trustees of such Savings' Banks And it shall be lawful for the said Commissioners to remove from his office the Trustee of any Savings' Bank who shall leave the said Colony or become incapable or neglect to perform the duties of his office and also to accept as hereinafter mentioned the resignation of any Member desirous to retire therefrom and from time to time to constitute and appoint some proper person as Trustee in the room of and as successor to any Trustee so removed or resigning as aforesaid or dying And it shall be lawful for the said Commissioners to empower the Trustees of any Savings' Bank to open an Office and if the Commissioners shall so direct to build and fit up a Banking House for the receipt and repayment of Deposits and the transactions generally of the business of a Savings' Bank at such place and at such time as the Commissioners shall name And such Trustees shall be empowered to appoint an Actuary Clerk Cashier Porter or other Officer and Servants of such Savings' Bank and to pay them salaries or other remuneration respectively according to the circumstances of each case and subject to the approval of the said Commissioners who shall thereupon issue to the said Trustees or their Officer or Officers general and other orders and rules for the management and control of the said Savings' Bank and guidance and information of the said Trustees their Officers and Servants and the Depositors and others transacting business with such Trustees and as regards the repayment of Deposits or the Payment of Interest or other profits to the Depositors and as regards the investment disposition or application of any funds raised from the Depositors or any other source whatever by them in the capacity of Trustees and shall issue to the said Trustees and their Officers from time to time proper Books Forms of Account Notices and all other matters proper and necessary for the conduct and management of such Savings' Bank which may be required in each particular or shall authorize and empower the said Trustees to procure the same and in like manner the Commissioners shall from time to time appoint any other person to be a Trustee or Trustees of such Savings' Bank Provided that in case no fit persons shall be found to become or act as Trustees for any Savings' Bank now or hereafter to be established or for any cause there shall cease to be Trustees it shall be lawful for the said Commissioners as and when they shall think fit so to do to appoint a fit person to be a Manager of such Savings' Bank who shall be to all intents and purposes the Trustees of such Savings' Bank and shall perform the like duties and have the same power and authorities as the Trustees of any Savings' Bank would have under this Act in case such were duly appointed and the said Manager shall give such security and have such salary or allowances as to the said Commissioners shall seem proper Provided also that in case of the disobedience or infraction by the Servants or Officers of any Savings' Bank of the general or other orders and rules and in case the Commissioners shall think proper to do so it shall be lawful for the said Commissioners by order to remove any Trustee or Trustees of any such Savings' Bank and in like manner to dismiss any Actuary or other Officer or Servant of the said Savings' Bank and to appoint another or others in the place of the person or persons so removed or dismissed or in case the Commissioners shall think it expedient

Formation of New Savings' Banks.

Appointment of Trustees.

Officers of Trustees.

General Orders, &c., to be issued.

Books and Forms.

Proviso if no Trustees can be found to act for appointment of paid Manager with like powers.

Removal of Trustees.

- so to do to dissolve such Savings' Bank and to wind up the affairs and to pay and discharge or cause to be paid or discharged all claims and demands of the Depositors and others and the Commissioners shall notify such intended Dissolution one month prior thereto in the *Government Gazette* and no Savings' Bank or other Institution of a similar nature shall be allowed to be established or to remain open or have the benefit of this Act which shall not be established instituted or approved of in the manner hereby provided.
- No Savings' Bank to have benefit of this Act unless established accordingly
- Resignation of Trustees.
- Trustees not to derive any advantage.
- Savings' Bank Officers to give security.
- Trustees not liable except for their own acts, &c.
- Persons intrusted with Money, &c., to render same when called upon.
- Neglect or refusal a Misdemeanor.
- XIII. It shall and may be lawful to and for any Trustee of any Savings' Bank now or hereafter to be established to resign or withdraw from his office as such Trustee provided that such Trustee shall give such notice in such form as the Commissioners in any order shall direct and upon the satisfactory passing of the Accounts of such Savings' Bank and upon the same being certified and verified by the Auditor or Auditors as hereinafter mentioned all liability whatever of such Trustee and of his Executors and Administrators if any in respect of such Savings' Bank or of the claims or demands of any Depositor therein shall cease.
- XIV. No person being a Commissioner or Trustee of any Savings' Bank or being in anywise concerned in the management thereof (save as is herein provided) shall be allowed to borrow from or to receive directly or indirectly any salary allowance profit or benefit whatsoever from the funds of the said Savings' Bank or to act in the capacity of Actuary Accountant or Clerk of such Savings' Bank Provided that nothing herein contained shall prevent such Trustee or his Wife or any Child of his being an Infant under the age of twenty-one years from opening an account as a Depositor in such Savings' Bank or from receiving any interest or other profit fairly and properly due and payable or allowed in respect of such account.
- XV. The Actuary Accountant Cashier Clerk or other officer intrusted with the receipt or custody of money deposited in any Savings' Bank shall enter into such security to such person or persons to such amount and in such form and with such conditions respectively for the due and faithful performance of the duties of such Actuary Accountant Cashier and Clerk or other officer as the case may be as the Commissioners shall by any order direct and upon breach of such conditions respectively it shall be lawful for the person to whom such security shall be given to take such proceedings thereon as may be proper in each case.
- XVI. No Commissioner or Trustee shall be personally liable except for his own acts and deeds or for 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.
- XVII. All and every person and persons who shall have or receive any part of the Monies Effects or Funds of or belonging to any Savings' Bank or shall in any manner have been or shall be intrusted with the disposition management or custody thereof or of any securities books or papers relating to the same and all and every person and persons to whom the same shall have come in any capacity or in any manner his her or their executors administrators and assigns respectively shall upon demand made in pursuance of any order of the Commissioners give in his her or their account or accounts to the person named in such order for the purpose of receiving the same to be examined and allowed or disallowed by the Auditor or Auditors or other officer or officers of the said Commissioners respectively and shall on like demand pay over all the monies remaining in his her or their hands and assign and transfer or deliver all securities and effects books papers and property in his her or their hands power or custody to such person so named in such order And in case of any neglect or refusal to deliver such account or accounts or to pay over such monies or to assign transfer or deliver such securities effects funds books papers or property in manner aforesaid such person or persons so offending shall be deemed to be guilty of a misdemeanor and

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on being convicted thereof shall be punished accordingly and upon such neglect or refusal it shall be lawful for the Comptroller to make a report of the circumstances connected therewith to be verified by the affidavit affirmation or declaration of any person or persons cognizant of such circumstances to the Supreme Court or any Judge thereof who shall and may proceed thereupon in a summary way on motion and make such order therein upon hearing all parties concerned upon any affidavits or *viva voce* as to such Court or Judge in his or their discretion shall seem just which order shall be final and conclusive and all assignments sales and transfers made in pursuance of such order shall be good and effectual at Law and in Equity to all intents and purposes whatsoever.

XVIII. From and after the commencement of this Act all Deposits except such proportion thereof as from time to time the Commissioners shall by general order authorize the Trustees or their officers to retain for the repayment of the demands of depositors shall within one month from their receipt be paid into such Bank in the City of Melbourne as shall be named and appointed for that purpose from time to time by any order of the Commissioners to the credit of an account to be called "*The Account of the Commissioners of Savings' Banks in the Colony of Victoria*" and the Cashier or other officer of such bank is hereby required to receive all such deposits or monies and to place the same into the account to be raised or opened in the names of such Commissioners and to render such accounts in respect thereof as the Commissioners shall require. Provided always that previous to any payment being made into any such Bank the person or persons making the same shall in all cases lodge with the Secretary at the office of the said Commissioners at Melbourne an order under the hands of any one or more of the Trustees of the Savings' Bank making such payment or directing such payment to be made.

XIX. From and after the commencement of this Act the interest and other profits then payable by the Trustees to the Depositors of any Savings' Bank shall cease and so soon as the same shall be ascertained the Commissioners shall issue to such Trustees a receipt or acknowledgment in writing of the balance or sum due to the Trustees on behalf of the Depositors of such Savings' Bank which shall from and after such last mentioned day carry interest and have the same operation and effect as the receipts hereinafter mentioned and from and after such last mentioned day upon the payment of any sum or sums of money into any such Bank to the account of the said Commissioners by the Trustees or their Officers of any Savings' Bank it shall and may be lawful for the proper Officer of the said Commissioners to issue a receipt signed by the said Officer for the amount of such payment carrying interest at such rate *per centum per diem* from the day of the date of such payment inclusive as the Commissioners shall from time to time declare payable with the principal at any such Bank in Melbourne as aforesaid whenever the same shall be required or drawn for in manner directed by this Act or by any order of the Commissioners and such receipts shall be dated on the day on which the payment of any such sum or sums of money shall be made respectively and every such receipt shall be in such form as shall be from time to time directed by the said Commissioners and the principal and interest of all sums mentioned in any receipt shall be charged and made payable out of all or any monies standing in any account of the said Commissioners and out of any lands tenements or hereditaments or out of any monies produced by the sale or mortgage thereof or of any property or effects real or personal whatsoever belonging to them the said Commissioners.

XX. All interest upon any sum of money mentioned in any such receipts shall be calculated by the proper Officer of the said Commissioners up to the thirtieth day of June and the thirty-first day of December in every year and shall in each and every year at such dates respectively be

Comptroller to report.

Supreme Court or Judge may deal summarily.

Deposits in hands of Trustees amounting to £50 to be transmitted to Commissioners.

Bank, &c. in Melbourne to open account for Commissioners.

Order of Trustees on lodging Money to be produced.

Interest payable by Commissioners to Trustees on balance due at commencement of Act.

Interest on future Receipts.

Principal and Interest charged upon Land and Securities of Commissioners.

Calculation of Interest due by Commissioners to Trustees.

Receipts for Interest
to be issued.

be placed to the credit of the Savings' Bank on whose account the said sum of money shall have been paid and shall be carried to the credit of the account of such Savings' Bank on such last mentioned days respectively and shall thenceforth become principal and carry interest as principal money paid into the said Bank in Melbourne on the account of such Savings' Bank and a receipt according to such form as the said Commissioners shall approve shall be signed by the Officer of the said Commissioners and shall be issued by the said Officer half-yearly (and such receipts shall bear date the first day of July and the first day of January respectively) for the amount of such interest so credited and made principal as aforesaid as if the amount thereof had been a payment made by the Trustees of such Savings' Bank to the credit of the account of the said Commissioners. Provided always that no interest shall be computed or calculated on the fractional part of any sum less than a pound of the half-yearly balance standing in the books of the said Commissioners on account of any Savings' Bank on any thirtieth day of June or thirty-first day of December respectively. And all interest or dividends which shall become due and payable to each Depositor on any sum of money deposited in a Savings' Bank shall be calculated and computed by the Trustees of such Savings' Bank or their proper Officer once in each year up to the thirtieth day of June and shall be carried to the credit of the account of such Depositor and an entry thereof shall be made in such account before any other entry shall be made therein and the same shall thereupon become principal and shall thenceforth carry interest in all respects as other principal money deposited in such Savings' Bank. Provided that no fractional part of any month shall be taken into such computation nor shall any interest less than one penny nor any fractional part of a penny on account of interest be added to such account.

Calculation of Interest due by Trustees to Depositors to be made and added yearly on 30th of June.

Trustees to appoint Agents.

XXI. The Trustees of every Savings' Bank shall make give sign and execute an appointment in such form as shall be directed by the Commissioners empowering and authorizing some person or persons named in such appointment to be Agent or Agents for receiving all and every such sum and sums of money as such Trustees shall from time to time require to be paid by such Commissioners and for paying money to the Commissioners to the credit of such Trustees and it shall be lawful for the Trustees of such Savings' Bank from time to time in like manner and form with the consent of the Commissioners to revoke such appointment and to appoint any former Agent or Agents or any other person or persons to be Agent or Agents for the said Trustees for the purposes hereinbefore mentioned and such appointment revocation or new appointment as the case may be shall be deposited with the proper Officer of the Commissioners before any sum or sums of money shall be paid to or received from such Agent or Agents on account of such Trustees.

Trustees may draw all or any portion of their Balance from Commissioners.

XXII. It shall be lawful for the Trustees of any Savings' Bank from time to time (by any draft or order in writing under the hand of any one Trustee attested by a credible witness according to such form as the Commissioners shall from time to time direct) to require that the whole or any part of the principal sum or sums of money standing in the Books of the said Commissioners to the credit of the Trustees of such Savings' Bank respectively shall be paid to the Agent or Agents for the time being of such Trustees and every such draft or order shall be addressed to the Commissioners and upon the same being produced to the proper Officer of the Commissioners the said Officer shall within seven days after the production thereof upon the back of such draft or order endorse or sign an order in such form as shall or may from time to time be directed by the Commissioners for the payment of the sum mentioned in the draft or order of such Trustees together with the amount of all Interest due on such sum up to the day immediately preceding

And interest thereon,

ceding the day of the date of the order of such Officer and which order of such Officer previous to the issuing thereof shall be entered and countersigned by the Clerk or other proper Officer making such entry and shall be addressed to the Cashier of the Bank in Melbourne with whom the account of the Commissioners as hereinbefore mentioned shall be opened and kept and such Cashier shall upon the production of such order pay the sum mentioned therein to the person or persons mentioned in the draft or order of the said Trustees and the Signature of such person or persons jointly or severally shall be a sufficient discharge and acquittance to the said Commissioners and to the said Bank keeping such account and all payments made in pursuance of such drafts or orders respectively shall be deemed and taken to be payments made by the said Commissioners to the Trustees of such Savings' Banks respectively.

Receipt of party to be a discharge of Commissioners, &c.

XXIII. Within such time as the Commissioners from time to time shall order after the close of every year ending on the thirtieth day of June the Trustees of every Savings' Bank shall ascertain the profits of such Savings' Bank for such year ending on such last mentioned day and after deducting thereout all the proper and necessary expenses incurred in the management of such Savings' Bank shall ascertain the surplus or balance of such profits after payment of such expenses and shall certify and pay over to the Commissioners such balance reserving such portion thereof as may appear necessary to meet current expenses and the amount of such surplus or balance which shall be ascertained certified and paid over (after such reservation as aforesaid) shall be discharged from the account of such Savings' Bank standing in the books of the said Commissioners and the said Commissioners by their proper officer shall keep a separate and distinct account to be called "*The Separate Surplus Fund Account*" of such surplus so discharged from the account of the said Savings' Banks respectively as aforesaid and invest and apply the same and any accumulations thereof in such manner and under such regulations as any other monies under the provisions of this Act might be invested and applied Provided always that it shall and may be lawful for the Trustees of the said respective Savings' Banks to claim and receive of and from the said Commissioners (who are hereby required to pay the same upon such certificate as they may appoint) any sum of money equal to the whole or any part of the principal monies which may have been so discharged from the account of such Savings' Bank as aforesaid to be expended by the Trustees for such purposes of the institution including a bonus to the depositors as the Trustees with the consent of the Commissioners may deem advisable.

Trustees to ascertain profits.

Surplus.

Separate Surplus Fund account.

Separate Surplus Fund may be drawn upon by Trustees for purposes of Savings' Bank.

XXIV. The interest payable to depositors by the Trustees of any Savings' Bank shall not exceed the rate of four pounds *per centum per annum*.

Maximum of Interest to Depositors.

XXV. In case the Trustees of any Savings' Bank shall receive or shall have received any deposit of money from or for the benefit of any person under the age of twenty-one years it shall be lawful for the Trustees of such Institution to pay such person his or her share and interest in the funds of such Institution and the receipt of such person attested by one witness shall be a sufficient discharge notwithstanding such person's infancy.

Minors may make Deposits.

XXVI. It shall be lawful for the Trustees in any Savings' Bank to pay any sum of money to a married woman in respect of any deposit made by her without notice of her marriage unless the husband of such woman shall give to such Trustees notice in writing of such marriage and shall require payment to be made to him in which event it shall be lawful for such Trustees in their discretion to pay all or such portion of such money so deposited by such woman less by the repayments if any theretofore made therefrom together with any interest or profits due in respect of the same to such husband or to such woman as to them the said Trustees shall seem proper.

Deposits by married women.

XXVII. It

Friendly and Charitable Societies may make Deposits.

XXVII. It shall be lawful for all Friendly Societies legally established and for all Charitable Societies by their Treasurer or other proper officer in that behalf appointed to pay into any Savings' Bank all or any portion of the funds of such Friendly or Charitable Society so established respectively and as an ordinary depositor to receive the usual rate of interest allowed by such Savings' Bank to the depositors therein and by such Treasurer or other proper officer to receive back all or any portion of the funds due on such account to such Society and the receipt of such Treasurer or other officer shall be a sufficient discharge to such Savings' Bank in respect of any such payment or payments.

Maximum of individual Deposits £1000.

XXVIII. It shall not be lawful for the Trustees of any Savings' Bank to receive from any depositor any deposit less than one shilling nor more than one thousand pounds Provided that so long as the balance to the credit of any such depositor shall including principal and interest exceed five hundred pounds no interest shall be allowed paid or payable on such excess and it shall not be lawful for any person either in his own name or in the name of any other person on his behalf or on his account to deposit or hold at the same time monies in more than one of the said Savings' Banks.

Depositors dying leaving £100 in case of no Probate or Letters of Administration or Notice.

XXIX. In case any depositor in any Savings' Bank shall die leaving any sum of money in the said Institution belonging to him or her at the time of his or her death not exceeding in the whole including interest the sum of one hundred pounds and probate of the will of the deceased depositor (if any will have been made) or Letters of Administration of his or her estate and effects be not produced to the Trustees of the said Institution or if notice in writing of the existence of a will and intention to prove the same or to take out letters of administration be not given to the said Trustees within the period of two months from the death of the said depositor and in the latter case unless such will be proved or letters of administration taken out within the period of three months from the death of the said depositor it shall be lawful for the said Trustees to pay and divide the same to or amongst any person or persons who shall appear to such Trustees to be the widow or entitled to the effects of such deceased depositor according to Law or according to any general order which the Commissioners may make in that behalf and the payment of any such sum of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin legatee or personal representative of such deceased depositor against the funds of such Savings' Bank or the Trustees thereof But nevertheless such next of kin legatee or representative shall have remedy for recovery of such money so paid as aforesaid against the person or persons who shall have received the same.

Illegitimate Depositors.

XXX. If any depositor being illegitimate shall die intestate leaving any person or persons who but for the illegitimacy of such depositor would be entitled to the money due to such deceased depositor it shall be lawful for the Trustees with the authority in writing of the Comptroller to pay the money due to such deceased depositor to any one or more of the persons who shall have claimed such money and who in their opinion would have been entitled to the same according to law if the said depositor had been legitimate.

Payment to person having Probate or Administration effectual as against Trustees.

XXXI. Payment of any money by the Trustees of any Savings' Bank as aforesaid to any person or persons having letters of administration or probate of any will and appearing to be in force shall be valid and effectual with respect to any demand of any other person or persons as the lawful representative or representatives of such depositor against the funds of such Institution and the Trustees thereof and the Commissioners But nevertheless such representative or representatives shall have remedy for such money or securities for money so paid or transferred as aforesaid against the person or persons who shall have received the same.

Remedy to Representatives.

XXXII. The

XXXII. The Trustees of any Savings' Bank may and they are hereby authorized and empowered to receive deposits from any person who shall declare himself willing to act as a Trustee for the account of any other person disabled by idiotcy lunacy or unsoundness of mind and to allow interest and make payments as in the case of ordinary depositors and the receipt of such person so acting as Trustee shall be a sufficient discharge to the said Trustees.

Persons of unsound
Mind may make
Deposits by Trust-
tees.

XXXIII. On any day or days at any meeting or meetings of the said Commissioners it shall be lawful for the Commissioners pursuant to any regulations to be made by them in that behalf by or in any general order of the said Commissioners to entertain applications for Loans and to lend any sum or sums of money upon security by way of mortgage of any lands and hereditaments held in fee simple in the said Colony of Victoria free from all prior charges and incumbrances (quit rents only excepted) at such rate of interest as shall be fixed from time to time by the said Commissioners And the receipt in writing of the Commissioners for any sum of money expressed in any release or receipt to have been received by them shall be a sufficient discharge for the same and the person or persons paying the same and he or they his or their executors administrators and assigns shall not be accountable for any loss misapplication or non-application nor be in any wise obliged to see to the application of such sum of money.

Powers of Commis-
sioners to lend on
Mortgage of Fee
Simple Lands.

XXXIV. The deed of appointment or conveyance of any lands or hereditaments on the security whereof any sum of money may be advanced and lent by the said Commissioners under the Provisions of this Act or any deed of release or reconveyance to be executed by the said Commissioners may be according to the forms in the schedules (A) and (B) respectively to this Act annexed or as near thereto as the circumstances of the case will admit or in any other form and any deed made according to the forms in the said schedule (A) or as near thereto as the circumstances of the case will admit shall operate as a valid appointment or conveyance of the same lands and hereditaments and shall be effectual to vest the lands expressed to be thereby appointed or conveyed in the said Commissioners and their successors And any release and re-conveyance endorsed on any such deed in the form set forth in the said schedule (B) or as near thereto as circumstances will permit shall operate and enure as an effectual re-lease and re-conveyance of any lands comprised in such deed.

Form of Conveyance.

XXXV. Every such deed unless any exception be specially made therein shall be held and construed to include all houses outhouses edifices barns stables yards gardens orchards commons trees woods underwoods mounds fences hedges ditches ways watercourses lights liberties privileges easements profits commodities emoluments hereditaments and appurtenances whatsoever to the land therein comprised belonging or in anywise appertaining or with the same demised held used occupied and enjoyed or taken or known as part or parcel thereof, and also the reversion or reversions remainder or remainders yearly and other rents issues and profits of the same lands and of every part and parcel thereof and all the estate right title interest inheritance use trust property profit possession claim and demand whatsoever both at law and in equity of the mortgagor in to out of or upon the same lands and every part and parcel thereof with their and every of their appurtenances.

Deed to include all
Houses, &c.

XXXVI. In each deed of appointment or conveyance of lands to be made to the said Commissioners under this Act the word "grant" shall operate as express covenants by the party thereto purporting to appoint or convey for himself and his successors or for himself his heirs executors administrators and assigns as the case may be with the said Commissioners their successors and assigns as follows except so far as the same shall be restrained or limited by express words contained in any such deed (that is to say)

Effect of word
"Grant."

A covenant

A covenant that the party professing to convey was at the time of the execution of such conveyance seised or possessed of the lands or premises expressed to be thereby granted or conveyed for an indefeasible estate of inheritance in fee simple in possession free from all incumbrances.

A covenant by the party professing to appoint for himself his heirs executors administrators and assigns that the power to make such appointment was well created and at the time of such appointment is in full force and effect and that he has full power to make such appointment.

A covenant that the said Commissioners their successors and assigns shall quietly enjoy the same and be indemnified and saved harmless by the said party his heirs executors administrators and assigns from all incumbrances whatsoever.

A covenant for further assurance of such lands at the expense of and by such party his heirs executors administrators and assigns and all persons claiming under them or any of them and the said Commissioners and their successors and assigns may in all actions brought by them assign breach of covenants as they might do if such covenants were expressly inserted in such deed of appointment or conveyance.

Where the words of column I are employed deed to have same effect as if words in column II were inserted.

XXXVII. Whenever any party to any deed expressed to be made in pursuance or by virtue of this Act or referring thereto shall employ in any such deed any of the forms of words contained in column I of the schedule hereto annexed marked (A) and distinguished by any number therein such deed shall be taken to have the same effect and to be construed as if such party had inserted in such deed the form of words contained in column II of the same schedule and distinguished by the same number as is annexed to the form of words employed by such party but it shall not be necessary in any such deed to insert any such number.

Commissioners may Deposit in Colonial Treasury or lend to Colonial Government in debentures for works of public utility.

XXXVIII. Any portion of the funds of the Commissioners of Savings' Banks may in the discretion of the Commissioners and with the approval of the Lieutenant Governor be deposited in the Colonial Treasury at Melbourne upon such terms and subject to such conditions as may be arranged by and between the said Lieutenant Governor and the Commissioners or may be lent or advanced to the Colonial Government on the security of debentures or Treasury bills to be issued by the Lieutenant Governor for the time being (such debentures or bills to be made chargeable on the revenue from any source whatever of the said Colony or the Lands thereof) either for the public service or for the purpose of carrying on any work or works of public utility within the said Colony which by any Act of the said Lieutenant Governor and Legislative Council may be authorized to be carried on within the said Colony or any portion of the said funds may in the like discretion be deposited in any one or more of the banks established in the said Colony of Victoria on such terms and to be secured in such manner as to the said Commissioners shall seem fit and the said Commissioners are hereby empowered from time to time to declare by general orders what is or shall be a work of public utility.

Or may Deposit in Banks.

Commissioners may lend to Corporation of Melbourne and Geelong.

XXXIX. It shall be lawful for the Commissioners to lend to the Corporation of the City of Melbourne and Town of Geelong respectively any sum or sums of money as in their discretion they shall see fit not exceeding in the aggregate the average amount of the revenues of such Corporation respectively for the period of three years Provided that the repayment of the sum or sums so lent shall be secured on the entire revenues of the said Corporations respectively from whatever source arising and that the interest payable thereon shall be at a rate not exceeding eight pounds for every one hundred pounds *per centum per annum* and that the said principal sums shall be made payable and recoverable together with

with all interest and charges accruing thereon within five years from the date of such loans respectively and the Deed or Instrument securing the repayment of such loans respectively and the release or repayment thereof in the Forms respectively set forth in the Schedules marked C and D hereunto annexed or to the like effect shall be valid and effectual as a mortgage and charge and a release respectively of such revenues.

Form of Mortgage
and Release.

XL. It shall be lawful for the Lieutenant Governor of the said Colony of Victoria by and with the advice of the Executive Council thereof to guarantee the repayment of any loan which it may be necessary for the Commissioners to negotiate in order to meet the demands of depositors desirous of withdrawing their deposits Provided that no such loan or loans outstanding and so guaranteed shall exceed at any one time the sum of one hundred thousand pounds and the Lieutenant Governor shall in all cases cause the said Commissioners to give such security for the protection of any such guarantee as shall in his opinion having reference to each particular case be necessary and advisable.

Lieutenant Governor
may Guarantee
loan not exceeding
£100,000.

XLI. It shall be lawful for the Trustees of the Savings' Bank at Melbourne with the sanction of the Commissioners to expend from time to time and as the same shall be required out of the rest or security fund in existence at the time of the commencement of this Act belonging to such Savings' Bank such sum or sums of money as the Lieutenant Governor of the said Colony for the time being shall approve of in and towards the erection of a banking house office building or premises upon any land granted or hereafter to be granted by Her Majesty to the said Savings' Bank or Trustees thereof or otherwise with the sanction of the said Commissioners lawfully acquired by or conveyed in fee simple to the said Trustees for the purpose of carrying on the business of the said Institution and it shall be lawful for the said Trustees of the said Savings' Bank with the sanction of the said Commissioners to borrow and for the Lieutenant Governor of the said Colony for the time being by and with the advice of the Executive Council thereof to lend to the said Trustees such further sum as may be requisite towards the completion of the said building and premises on such terms to be secured and repaid in such manner as the said Lieutenant Governor and Executive Council shall direct.

Trustees of Port Phil-
lip Savings' Bank
may expend Money
for Banking House.

XLII. If any dispute shall arise between the Trustees of any Savings' Bank or of their Officers and any individual depositor therein or any person who is or claims to be Executor Administrator next of kin or Creditor of any deceased depositor in any such case the matter so in dispute shall be referred to any Auditor appointed in pursuance of the provisions of this Act or to any Justice of the Peace whose name shall be drawn by lot by the disputants whose award order or determination shall be binding and conclusive on all parties and shall be final to all intents and purposes without any appeal Provided always that whenever the subject matter in dispute shall be a sum of money exceeding fifty pounds the award order or determination of such Auditor or Justice of the Peace shall be liable to be reviewed altered annulled or revised on appeal in such manner and form on such conditions and terms and within such time as the Commissioners by sealed order shall direct to the Comptroller whose determination in the matter shall be binding conclusive and final.

Disputes between
Trustees and De-
positors to be set-
tled by Auditor or
Justice of the Peace

XLIII. No depositor shall have any claim on any Savings' Bank in respect of any deposit unless such deposit shall be made at the office of the Savings' Bank during the hours for which such Bank shall be open and on the withdrawal of any money a receipt in such form as the Commissioners shall direct shall be signed by the party receiving such money and such receipt shall be a sufficient discharge to the said Trustees and their Officers for the sum therein expressed to be received.

Appeal if sum amount
to £50 in dispute to
Comptroller.

Deposits to be made
at Office.

XLIV. The said Auditor or Auditors shall at such time or times in each year as shall be directed by the Commissioners in any order audit the accounts of every such Institution as well as examine and inspect the

Accounts to be Audi-
ted.

the deposit books of the several depositors and the Trustees of such Savings' Bank shall at such time or times as aforesaid cause the annual or other balance sheets or statements to be submitted to the Auditor or Auditors and to be by him or them certified and verified and the said Trustees shall thereupon cause the same to be forwarded to the said Commissioners and the said Auditor or Auditors shall thereupon cause to be forwarded to the said Commissioners a certificate signed by the said Auditor or Auditors as to the result of his or their examination of such depositors' books as may have been produced to him or them for examination.

Deposit Book to be produced for inspection.

XLV. Each depositor shall once in each year produce or cause to be produced his deposit book or duplicate at the proper office of the Savings' Bank now or hereafter to be established in which his account is kept for the purpose of being inspected examined and verified with the books of the said Savings' Bank by the Auditor or Auditors on such day or days as shall be for that purpose named and appointed in and by any notice which the said Commissioners shall cause to be published in the *Government Gazette* and such notice shall specify the day or days and the offices or places respectively at which the said deposit books or duplicates shall be produced for the purposes aforesaid and the Commissioners shall cause a copy of such notice once or oftener to be inserted in one or more newspapers circulating in the place where such office of the said Savings' Bank is open for the transaction of business or in its neighbourhood and shall cause a like copy of such notice to be printed published and posted in such places and in such manner as to the said Commissioners shall seem expedient.

Audit days to be fixed by Commissioners.

Rules to be inserted in Deposit Books.

XLVI. Every Depositor in every Savings' Bank on his first deposit and in all other cases where practicable shall be furnished by the Trustees with a Deposit Book in which shall be printed at length a copy of the Rules of the Savings' Bank in which he shall make such deposit and a duplicate copy of the Rules and of every Annual Statement or Account required by and furnished to the said Commissioners signed by two Trustees of any such Savings' Bank shall be from time to time exhibited and affixed in the office of such Savings' Bank by the Actuary or Clerk and shall be open to the inspection of every Depositor or person intending to be such.

Commissioners may close Savings' Bank if Orders, &c. disobeyed.

XLVII. If it shall appear to the satisfaction of the Commissioners that the provisions of this Act or the Orders Directions and Regulations of the said Commissioners have not been complied with by any Savings' Bank it shall and may be lawful for the said Commissioners if they shall so think fit to close the account of such Savings' Bank and to direct that no further sum shall be received at the Bank with which the Accounts of the said Commissioners are kept from such Savings' Bank to the credit of the account of the Commissioners and that no money shall be paid by the said Commissioners to the Trustees or Agent of the said Savings' Bank until such time as such Commissioners shall think fit Provided always that the said Commissioners may re-open and allow the growing interest of such accounts during the time of such discontinuance and authorize the receipt of money by such Bank whenever the said Commissioners shall think fit so to do upon such Trustees complying with the directions of such Commissioners and the said Commissioners shall forthwith publish a notification of such account being closed or of the same being re-opened in the *Government Gazette* and also in some newspaper published in the City Town or County in which the said Savings' Bank shall be established.

When Savings' Bank finally closed Premises to be sold.

XLVIII. In case any Savings' Bank shall have been or may hereafter be finally closed for the receipt of Deposits the Trustees thereof shall and they are hereby required at the request of the said Commissioners or the said Commissioners as the case may be are hereby required to sell and

and dispose of all Messuages Lands and Tenements and all the personal estates of every nature or kind whatsoever which may be vested in the said Trustees or Commissioners and to pay over the proceeds thereof after deducting all legal claims on such Trustees as aforesaid to the account of the said Commissioners in the Bank with whom the account of the said Commissioners shall be kept.

XLIX. The Trustees of every Savings' Bank shall annually and at such time as the Commissioners by order shall direct cause a general statement or Balance Sheet of such Savings' Bank shewing the state of the funds thereof and the transactions of the same for the year ending on the thirtieth day of June to be prepared and shall cause the same to be duly signed countersigned and attested as by such form may be required and shall cause the same to be transmitted to the office of the said Commissioners at Melbourne within such time as the said Commissioners shall direct And the Trustees of the Port Phillip Savings' Bank and of the respective Branches thereof shall cause such accounts statements and returns in respect of such Savings' Bank and Branches to be prepared up to the thirtieth day of June one thousand eight hundred and fifty-three as the said Commissioners shall direct.

Annual general statement to 30th June to be prepared.

L. The Trustees of every such Savings' Bank shall cause a duplicate of any such annual Statement signed countersigned and attested as before referred to be accompanied by a List of the names and residences of the Trustees of such Savings' Bank for the time being and of the Officers thereof and the several amounts of securities given by such Officers certified and signed by the Auditor or Auditors as herein provided to be publicly affixed and exhibited in some conspicuous part of the office or place where the Deposits of such Savings' Bank are usually received.

Duplicate of Annual statement to be affixed in Office and List of Trustees.

LI. From and after the passing of this Act the following accounts shall be prepared by the Commissioners and shall annually be laid before the Lieutenant Governor and the Legislative Council on or before the thirty-first day of July in every year if such Council be sitting and if the said Council shall not be sitting then within fourteen days after the commencement of the next Session of such Council that is to say accounts made up to the thirtieth day of June then next preceding of the gross amount of all money received and credited including interest and of all sums paid including interest up to such thirtieth day of June by the said Commissioners on account of the Trustees of the several Savings' Banks in the Colony and of the gross amount of all Sums Funds Treasury Bills and sums due on foot of existing Mortgages Debentures or other Securities standing in the names of the said Commissioners or of any person or persons for or on behalf of the said Commissioners on the thirtieth day of June on account of all Savings' Banks and the gross amount of Interest Dividends or other profits received thereon by the said Commissioners and the gross amount of interest paid by such Commissioners up to such thirtieth day of June and all Receipts issued to the Trustees of any Savings' Bank and also an account of all expenses incurred by the said Commissioners for salaries of Officers or other incidental charges during the preceding year together with a Duplicate of the Annual Statement or Balance Sheet of every Savings' Bank and a summary of the accounts of all Savings' Banks within the Colony.

Accounts to be prepared by Commissioners and to be laid before Governor and Legislative Council.

LII. All Receipts Orders Certificates Endorsements Books Accounts Returns or Instruments or other matters or things whatsoever which shall be required for carrying this Act into execution shall be made in such form or manner and containing such particulars and under such regulations as shall from time to time be directed or required or approved of by the said Commissioners or their Officers.

Accounts, &c. to be kept in form directed by Commissioners.

LIII. If any person shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any Deed Rule Order Bond or Writing obligatory or any Acquittance Receipt Release Account

Forgery--Punishment

or

or Statement or the Seal of the Commissioners or any Accountable Receipt either for Money or Goods or any Note Bill or other Security for payment of money or Letter or Power of Attorney or other instrument in writing or print or partly in writing and partly in print or shall make any false entry or knowingly shall make up any untrue account which shall concern or relate to the affairs or business of the Commissioners or of any of their Officers or of the Trustees or of any of their Officers with intent to defraud any Body Corporate or person whatsoever every such offender shall be guilty of Forgery and punished accordingly.

Indemnity to Com-
missioners and
others.

LIV. This Act shall be and the same is declared to be a full and sufficient indemnity and discharge to the Commissioners of Savings' Banks in the Colony of Victoria to the Bank as aforesaid with whom such Commissioners shall keep their account or accounts to the Trustees of the several Savings' Banks and to the Officers respectively of such Commissioners Bank Trustee or Trustees for all things to be done or required or permitted to be done pursuant to this Act.

Commissioners em-
powered to pay sal-
aries of their Offi-
cers.

LV. The said Commissioners are hereby authorised and empowered to pay and discharge the salary allowances or charges of every officer or servant hereinbefore mentioned and referred to employed by them in the discharge of the duties imposed by this Act and all other expenses allowances and incidental charges which shall necessarily attend the execution of this Act out of any Fund at their disposal under the operation of this Act subject to the report thereon of the Auditor General of this Colony and to the approval of the Lieutenant Governor thereof.

Short Title of Act.

LVI. Whenever it shall become necessary in any Writ Summons Pleading or in any proceeding in any Court or before any person or in any Act of the Lieutenant Governor of this Colony and of the Legislative Council thereof or in any Deed or Instrument whatever to refer to this Act it shall be lawful to refer to it or to cite it briefly as "The Savings' Bank Act, 1853."

Schedules part of Act.

LVII. The Schedules hereto shall be deemed and taken to be part of this Act.

Commencement of
Act.

LVIII. This Act shall commence and take effect on the thirtieth day June one thousand eight hundred and fifty-three Provided however it shall be lawful to the Lieutenant Governor with the advice of the Executive Council by notice in the *Government Gazette* to declare that this Act shall as regards any of its clauses come into operation before that day.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

A.

FORM OF CONVEYANCE BY WAY OF MORTGAGE.

I [or 'We' as the case may be] of _____ in the Colony of Victoria [description] Mortgagor, in consideration of the sum of _____ paid to me by the Commissioners of Savings' Banks in the Colony of Victoria out of the Funds and Monies of the said Savings' Banks do hereby by virtue of "The Savings' Bank Act 1853" appoint grant and convey to the said Commissioners their successors and assigns All [describing the lands and hereditaments to be granted and conveyed] To hold the same to the said Commissioners their successors and assigns for ever subject to the Proviso for redemption hereinafter contained.

[Here may be inserted the abbreviated Forms in Column I. in this Schedule.]

In witness whereof _____ have hereunto set Hand and Seal and we the said Commissioners have caused our Common Seal to be affixed hereto the _____ day of _____ in the year of our Lord, One thousand eight hundred and _____ Signed, Sealed, and Delivered, by _____ in the presence of _____

} Mortgagor's signature and signature of any other necessary party.
Common Seal. (L.S.)

DIRECTIONS AS TO THE FORMS IN COLUMN I. AND COLUMN II.

Parties who use any of the Forms in column I of this Schedule may substitute the feminine gender for the masculine, or the plural number for the singular, in any of the forms in column I of this Schedule and corresponding changes shall be taken to be made in the corresponding forms in column II, and such parties may fill the blank spaces left in any of the forms 1, 2, or 3, in column I of this Schedule so employed by them, with any words or figures, and the words or figures so introduced, shall be taken to be inserted in the corresponding blank spaces left in the forms embodied.

COLUMN I.

(1) Provided if I my heirs executors administrators or assigns shall pay to the said Commissioners and their successors the said sum of £ [principal sum] together with all interest due in respect thereof at the rate of £ _____ per centum per annum on the _____ day of _____ next the said Commissioners shall grant and reconvey the said premises to me and my heirs free from the incumbrances of the said Commissioners their successors and assigns.

(2) And I hereby empower the said Commissioners on default made in the payment of the said principal sum of £ _____ or any interest or any part thereof respectively on giving three months previous notice in writing of their intention to sell the said premises or any part thereof by private contract or public auction and to execute proper deeds of conveyance to the purchaser and to repay themselves all expenses and all monies due and pay me the balance.

COLUMN II.

(1) Provided always that if I the said Mortgagor my heirs executors administrators or assigns shall pay unto the said Commissioners their successors and assigns the said sum of £ (principal sum) together with interest for the same in the meantime at the rate of £ _____ per centum per annum on the _____ day of _____ next without any deduction or abatement whatsoever then the said Commissioners their successors or assigns will at any time thereafter upon the request and at the cost of me my heirs executors administrators or assigns reconvey grant and release the said premises unto me my heirs and assigns or as I or they shall direct free from incumbrances by the said Commissioners and their successors and assigns.

(2) Provided always and it is hereby further declared and agreed by and between me the said mortgagor and the said Commissioners that if default shall be made in payment of the said sum of £ _____ or the interest thereof or any part thereof respectively on the days and times hereinbefore appointed for the payment of the same it shall be lawful for the said Commissioners their successors or assigns but without prejudice to their right to file and prosecute any Bill of foreclosure against me my heirs and assigns at any time or times after such default shall have been so made having first given three months previous notice in writing of such their intention to me my heirs or assigns or having published the same in two of the public newspapers in the City of Melbourne without any further consent on the part of myself my heirs appointees executors administrators or assigns to make sale and dispose of the said piece or parcel of land hereditaments and premises or any part or parts expressed to

COLUMN I.

COLUMN II.

be hereby assigned thereof either together or in parcels and either by public auction or private contract with full power upon any such sale or sales to make any conditions or stipulations as to title or otherwise which he or they shall deem necessary and also with full power to buy in the same land hereditaments and premises or any part or parts thereof at any such sale or sales or to rescind any contract or contracts for the sale of the same land hereditaments and premises or any part or parts thereof and to resell the premises either by public auction or private contract as aforesaid which shall have been so bought in as aforesaid or as to which any contract or contracts for sale shall have been so rescinded as aforesaid without being responsible for any loss which may be occasioned thereby and that for the purposes aforesaid or any of them or for the purpose of conveying or assuring the said piece or parcel of land hereditaments and premises or any part thereof unto the purchaser or purchasers thereof respectively it shall be lawful for the said Commissioners their successors and assigns to make and execute sign seal and deliver or cause to be made and executed signed sealed and delivered all such acts deeds agreements conveyances and assurances whatsoever as they said Commissioners their successors or assigns shall think fit And it is hereby also agreed and declared that upon any such sale as aforesaid the receipt or receipts in writing of the said Commissioners their successors or assigns for the purchase money of the premises so sold shall be an effectual discharge or discharges to the purchaser or purchasers for the money therein respectively expressed to be received and that the purchaser or purchasers after payment of his or their purchase money shall not be concerned to see to the application of such purchase money and shall not be answerable for any loss or misapplication or nonapplication thereof or bound to enquire or ascertain that any default had been made in the payment of the said sum of £ or the interest thereof or that the said sum of £ or the interest thereof or any part thereof respectively may then be owing or that no such notice had been given as aforesaid or be affected by direct notice that no such default had been made or notice given as aforesaid And out of the money to arise by the sale of the aforesaid hereditaments and premises or any part or parts thereof it shall be lawful for the said Commissioners their successors or assigns to retain and reimburse unto the said Commissioners their successors and assigns all such costs charges and expenses as they shall sustain expend or be put unto in or about the making or carrying into effect of such sale or sales or by reason of the non-payment or the procuring payment of the said sum of £ and interest or any part thereof respectively or in anywise relating thereto And from and after payment and satisfaction thereof to retain and to pay themselves the said principal sum of £ and all interest thereon which shall have accrued and shall then remain owing And also all such sums as shall be paid by the said Commissioners their successors or assigns for Insurance as

COLUMN I.

(3) And I will insure the said premises against fire in the sum of £ (*principal sum*) and deliver the receipts for payment of the Policy of Insurance to the Commissioners and in default of such payment by me the Commissioners may pay the Insurance Premium and I will repay on demand to the said Commissioners such premium and the same shall be a lien on the said premises.

COLUMN II.

hereinafter mentioned with interest thereon as hereinafter mentioned and shall and do pay the residue and surplus if any of the money which shall arise by such sale or sales unto me my heirs or assigns.

(3) And I do hereby for myself my heirs executors administrators and assigns covenant and agree with the said Commissioners their successors and assigns that I will at all times hereafter so long as the whole or any part of the said principal money or interest shall be unpaid or be secured to be paid upon or by virtue of these presents insure and keep insured from loss or damage by fire in the name of the said Commissioners their successors or assigns in and with the Victoria Fire and Marine Insurance Office or Company in the City of Melbourne or in and with some other respectable Insurance Office or Company to be approved of by the said Commissioners their successors or assigns the messuages dwelling houses and other buildings erected and built upon the said piece or parcel of land hereinbefore described and all such other erections or buildings as shall at any future time be erected built or standing thereon or a sufficient portion thereof in the sum of £ (*principal sum*) at the least And shall and will at the time of the execution of these presents deposit and leave with the said Commissioners their successors and assigns the Policy of Insurance of the said messuages dwelling houses and buildings and shall and will during the continuance of this security as aforesaid pay or cause to be paid such annual and other premiums and duty and other sum or sums of money as shall become payable in order to keep effectual the said Policy of Insurance and also shall and will within fourteen days after each and every of the said premiums or sums of money as shall become payable in order to keep the said Policy of Insurance effectual deposit with the said Commissioners their successors or assigns the receipt or receipts which I my heirs executors or administrators shall have received for the same And in default of payment of the said premiums or sums of money as aforesaid or depositing the said receipts it shall be lawful for the said Commissioners their successors or assigns at any time or times thereafter to pay any premiums or duty or other sum or sums of money for keeping the said Policy of Insurance effectual or otherwise for keeping the said messuages and buildings insured against loss or damage by fire in any sum or sums of money not exceeding the said sum of £ and that I my heirs executors administrators or assigns will at all times on demand pay unto the said Commissioners their successors or assigns such sum or sums of money as they shall pay or advance for any of the purposes with interest for the same at the rate aforesaid And that in the meantime the same with interest as aforesaid shall be and remain charged upon the said piece or parcel of land messuages hereditaments and premises and the same shall not be redeemable until full payment thereof respectively as well as of the said sum of £ and the interest thereon as aforesaid And it is

COLUMN I.

COLUMN II.

hereby declared that the said Commissioners their successors and assigns shall hold the Policy of Insurance to be effected as aforesaid in trust in the first place for better securing the said sum of £ and the interest thereof and the said monies which shall have been expended by them in and about such insurance or insurances and the interest thereon as aforesaid and subject thereto in trust for me my heirs and assigns.

B.

FORM OF RELEASE OF MORTGAGE AND RECONVEYANCE.

(To be endorsed on the Mortgage Deed.)

WE the Commissioners of Savings' Banks in the Colony of Victoria in consideration of the principal sum of pounds lent by us to the within named on mortgage of the lands and hereditaments within referred to and this day repaid to us together with all interest (if any) amounting to pounds now also paid by virtue of the Act within referred to do hereby release the said lands and hereditaments and the said his heirs and assigns of and from the said principal sum and all interest now due in respect of the same. And we do hereby reconvey release and grant the same premises to the said [*the mortgagor or representative if dead*] his heirs and assigns TO HOLD the same unto and to the use of the said free from such principal sum and all interest thereon.

Given under our Common Seal this day of in the year of our Lord One thousand eight hundred and

(Commissioners' Seal.)

C.

FORM OF MORTGAGE DEED FOR LOAN TO CORPORATION OF MELBOURNE OR GEELONG.

COLONY OF VICTORIA.

The Savings' Bank Act, 1853.

By virtue of "The Savings' Bank Act 1853" We the Mayor Aldermen Councillors and Citizens of the City of Melbourne [*or the Mayor Aldermen Councillors and Burgesses of the Town of Geelong as the case may be*] in consideration of the principal sum of pounds lent to us by the Commissioners of Savings' Banks in the Colony of Victoria for the purposes of the said City [*or Town*] do hereby grant and assign unto the said Commissioners and their Successors all the Rates and Revenues arising accruing and to be raised or collected by us from said City (*or Town*) TO HOLD the same to the said Commissioners and their Successors until the said sum of with Interest for the same at per centum per annum shall be paid and satisfied and the said Principal sum shall be fully repaid to the said Commissioners at or before the end of years from the date hereof.

Given under our Common Seal this day of One thousand eight hundred and

Signature of Mayor.

(Seal.)

[D.]

FORM OF RELEASE TO CORPORATION OF MELBOURNE OR GEELONG.

(To be endorsed on Mortgage Deed)

We the Commissioners of Savings' Banks in the Colony of Victoria in consideration of the Principal sum of _____ Pounds lent by us to the within named Corporation of the City of Melbourne (*Town of Geelong as the case may be*) and now repaid to us together with _____ Pounds Interest due thereon do hereby release the said Corporation and the Rates and Revenues thereof from the said Principal sum and Interest and do hereby re-assign and re-convey the said Rates and Revenues to the said Corporation.

Given under our Common Seal this _____ day of _____ One thousand eight hundred and _____

(Commissioners' Seal.)