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SAVINGS-BANKS.

THIS Bill purports to consolidate all the enactments in force affecting savings-banks, including Post-Office Savings-Banks. These enactments are five in number, three of which relate to what may be termed "ordinary" savings-banks, and two to Post-Office Savings-Banks. Of the former, the Act of 1860, No. 21, has ceased to operate, and the Acts affecting Post-Office Saving-Banks are included in this consolidation, because the present law extends the provisions of "The Savings-Banks Act, 1858," to Post-Office Savings-Banks, in all cases not provided for by the special provisions of the Post-Office Savings-Banks Act [*vide* section 6, "Post-Office Savings-Banks Act, 1867"].

The Governor is the president of every savings-bank under the Act of 1858. Apart from the fact that he is called upon to approve of many of the acts done by the trustees, it is obvious that such a position could not well be occupied if the trustees are incorporated. We would therefore suggest the omission of the clause.

It seems to us unnecessary to require the Governor's approval to acts done by trustees in many cases, as at present, and we have marked several clauses in brackets where we suggest the words should be omitted. The power of delegation conferred upon the Governor by section 57 of the Act of 1858 is also omitted, together with such other clauses as have been repealed or had their effect.

We have prepared clauses for the incorporation of the trustees of savings-banks. If these are adopted they would enable sections 35 to 46, inclusive, of the Act of 1858 to be dispensed with, and avoid any difficulty as to whom the property of the bank is to vest in, as to suing and being sued, and providing for new appointments, as each occasion arises. We also propose to omit sections 48 to 55, inclusive, of the Act of 1858. These relate to district trustees, and, we understand, these provisions have not been generally operative.

Part I.:

Clauses 2 to 4 deal with the date when the Act is to come into force, the repealing enactment, and the usual clause as to references to existing Acts.

Clause 6 is the present law; but we suggest that the maximum number of trustees might well be reduced. The expression "vice-president" would not be appropriate here if our proposal to omit the appointment of the Governor is adopted, and probably the word *Chairman* would be more appropriate.

Clauses 7 to 15 are new. These relate to the incorporation of the trustees, and are suggested by us for the reasons above stated. The words at the end of clause 12 in italics would be necessary if our suggestion as to reducing the number of trustees is adopted.

Clause 16. The new matter is suggested for adoption. It is intended to remove an inconvenience; but we offer no opinion as to its necessity or fitness.

Clause 24 enables *special* meetings to be called. This is a new clause.

Clause 27 empowers the trustees to appoint auditors. There is no such power at present; and it might be thought more desirable to vest the appointment in the Governor.

Clause 28 is modified by leaving it to the trustees to say what the security shall be.

Clause 35 modifies the existing provision respecting the balance-sheet.

Clause 36 is new, and is to meet the proposed new constitution of a savings-bank.

Clause 37 proposes to amend the existing law, which makes it imperative that at least one trustee shall be present to receive deposits. The new matter proposes to allow the manager to act, and only require the presence of a trustee in his absence.

Clause 41. At the end of the clause some new matter has been inserted, enabling trustees to dispense with notice of withdrawal.

Clause 46 has been rearranged, but remains substantially the same provision.

Clauses 49, 50, and 51. These apply to cases where depositors die leaving sums of money in a bank. We would suggest that the present limit of £20 be increased to £50.

In clause 53 we have added words to show that the functions of the Public Trustee are not to be restricted.

Clause 55 is new. It merely gives effect to the provisions of "The Administration Act, 1879," relating to illegitimate children.

Clauses 62 to 64 are new provisions framed for the purpose of enabling the trustees to repair the bank premises, or to sell any land not required for business purposes.

Clause 65. To this clause an addition is suggested, shown in italics. A measure including this provision was before the House of Representatives last year.

Section 14 of the Act of 1878, from which these provisions are taken, declared that the Act should only extend to Otago. We have omitted this section in our Bill.

Part II.:

Clause 78. Some words are inserted here for the purpose of making the existing law clearer.

Clause 84. The words in italics seem desirable to avoid any misapprehension as the extent of the privilege conferred by the first part of the clause. We are aware difficulty has sometimes arisen by too literal an adherence to the present enactment.

Clause 91 is new, but is merely introductory to the following section.

The Schedule shows what Acts are repealed.

A. J. JOHNSTON.

W. S. REID.

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SAVINGS-BANKS.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PRELIMINARY.</p> <p>2. Commencement of Act.</p> <p>3. Repeal of Acts.</p> <p>4. References to existing Acts, &c.</p> <p style="text-align: center;">PART I.</p> <p>CONSTITUTION AND MANAGEMENT OF ORDINARY SAVINGS-BANKS.</p> <p style="text-align: center;">(1.) <i>Trustees of Savings-Banks.</i></p> <p>5. Interpretation.</p> <p>6. Appointment of trustees. Vice-President to be elected by trustees.</p> <p style="text-align: center;">(2.) <i>Trustees incorporated.</i></p> <p>7. Trustees incorporated. Common seal.</p> <p>8. Powers and duties of trustees.</p> <p>9. Trustees may hold real and personal property.</p> <p>10. Property, &c., to be vested in trustees.</p> <p>11. Trustees may sue and be sued, &c.</p> <p>12. Existing banks deemed to be under this Act.</p> <p>13. Vesting of existing property in banks constituted under this Act. Contracts and liabilities of previous trustees to vest in the incorporated trustees.</p> <p>14. Office of district trustees to cease, and property, &c., to vest in bank with which trustees connected.</p> <p style="text-align: center;">(3.) <i>Disqualification of Trustees.</i></p> <p>15. How trustees disqualified.</p> <p>16. No trustee to be a depositor, &c. Saving in certain cases.</p> <p>17. Penalty on trustees offending against Act.</p> <p style="text-align: center;">(4.) <i>Claims on Officers.</i></p> <p>18. Bank to have prior claim on assets of officers. Procedure to enforce claim.</p> <p>19. Duty of persons applied to.</p> <p style="text-align: center;">(5.) <i>Powers and Duties of Trustees.</i></p> <p>20. Trustees removable by Governor.</p> <p>21. Acts to be done at meetings of trustees. Quorum.</p> <p>22. Who to be chairman.</p> <p>23. How ordinary meetings called.</p> <p>24. How special meetings called.</p> <p>25. Manager and clerks, &c., to be appointed by trustees subject to approval of Governor.</p> <p>26. Salaries of officers, &c.</p> <p>27. Trustees may appoint Auditors.</p> <p>28. Manager to give security.</p> <p>29. Out of what funds salaries to be paid.</p> <p>30. Bank to cease business in certain cases.</p> <p>31. Trustees may make rules.</p> <p>32. Rules to be recorded in Supreme Court.</p> <p>33. To be binding on depositors, &c.</p> <p>34. Liability of trustees limited.</p> <p style="text-align: center;">(6.) <i>Annual Balance-sheet.</i></p> <p>35. Trustees to prepare balance-sheet.</p> <p style="text-align: center;">(7.) <i>Contracts.</i></p> <p>36. How contracts made on behalf of a bank.</p> | <p style="text-align: center;">DEPOSITS, INTEREST, ETC.</p> <p style="text-align: center;">(1.) <i>How Deposits made.</i></p> <p>37. Deposits how received. Limitation.</p> <p>38. Accounts of money received to be kept.</p> <p>39. Moneys received to be placed to trustees' account in some incorporated bank.</p> <p>40. How moneys withdrawn from such account.</p> <p style="text-align: center;">(2.) <i>Withdrawal of Deposits.</i></p> <p>41. How deposits may be withdrawn.</p> <p style="text-align: center;">(3.) <i>Interest.</i></p> <p>42. Rate of interest.</p> <p>43. From what source paid. Guarantee.</p> <p>44. Interest to be added to sums deposited.</p> <p>45. Rate of interest may be reduced. Notice.</p> <p>46. Governor may guarantee loan to meet demands of depositors.</p> <p style="text-align: center;">(4.) <i>Depositors under Disability.</i></p> <p>47. Infants may be depositors.</p> <p>48. Deposits by married women.</p> <p style="text-align: center;">(5.) <i>Death of Depositors.</i></p> <p>49. Where deposit does not exceed £50, how same may be paid on death of depositor.</p> <p>50. If no rules, powers of trustees.</p> <p>51. Procedure where deposit exceeds £50.</p> <p>52. Notices required to be published. Proviso as to debts under £10.</p> <p>53. Saving of legal title of representatives or action of Public Trustee.</p> <p>54. Payments under this Act valid as against representatives. Saving of rights of representatives.</p> <p>55. Provision in case depositor illegitimate.</p> <p style="text-align: center;">(6.) <i>Disputes.</i></p> <p>56. Disputes to be referred to arbitration.</p> <p>57. Procedure thereon.</p> <p style="text-align: center;">INVESTMENT OF DEPOSITS.</p> <p>58. Deposits may be invested on mortgage.</p> <p>59. Or in Government securities, or on deposit in banks. Limitation.</p> <p style="text-align: center;">PURCHASE OF BANK PREMISES.</p> <p>60. May purchase lands for business of bank.</p> <p>61. Power to mortgage lands for cost of erecting buildings.</p> <p>62. Trustees may expend moneys in repairs, &c.</p> <p>63. May sell or let lands not required for business.</p> <p>64. Proceeds to be deemed part of surplus profits.</p> <p style="text-align: center;">APPLICATION OF SURPLUS PROFITS.</p> <p>65. Interpretation of certain provision.</p> <p>66. Disposal to certain institutions of excess of profits of bank over ten per cent.</p> <p>67. Disposal to be approved by Governor in Council.</p> <p>68. Upon such approval moneys may be paid to governing authority of institution.</p> <p>69. Moneys to be held on trust as an endowment.</p> <p>70. How to be invested and applied.</p> <p>71. If institution has powers of investing, may exercise same under this Act.</p> <p>72. If no such powers institution may elect trustees for purposes of this Act.</p> |
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73. Vesting of money in such trustees.
 74. Provision in case of vacancies in office of trustees.
 75. Certificate of chairman to be evidence of election of trustee.
 76. Receipt of trustee and Treasurer to be a good discharge.

PART II.

POST-OFFICE SAVINGS-BANKS.

(1.) *Appointment and Conduct of Post-Office Savings-Banks.*

77. Interpretation.
 78. Postmaster-General may appoint post-office savings-banks.
 79. Deposits to be entered in books, &c.
 80. Title of depositors to repayment.
 81. Progressive evidence of title.
 82. How deposits may be withdrawn.
 83. Accounts may be transferred from one post-office to another.
 84. Names of depositors, &c., not to be disclosed. Exception.
 85. Moneys received to be paid into Public Trust Fund.
 86. Security to depositors.

(2.) *Interest to be allowed.*

87. Rate of interest allowed.

88. Interest may be allowed to friendly societies, &c., on sums exceeding £500.
 89. Interest how calculated.
 90. Moneys accruing under this Act may be invested.

(3.) *Closed Savings-Banks under Part I.*

91. Provisions applying to savings-banks under Part I.
 92. On closing savings-banks funds, &c., to be paid to Treasury.
 93. Disposal of same.
 94. What receipts to be a discharge for such moneys.
 95. Power to compensate officers of closed banks.
 96. Procedure when trustees have determined to close savings-bank.
 97. Colonial Treasurer may receive moneys and give discharge.
 98. Into what fund same shall be paid, and how held.

(4.) *General.*

99. Governor in Council may make regulations. Effect thereof. Copies of regulations to be laid before General Assembly.
 100. Accounts to be laid before General Assembly.
 101. Expenses of executing Act.
 102. Application of provisions of Part I. Schedule.

A BILL INTITULED

Title.

AN ACT to consolidate the Law relating to the Establishment and Management of Savings-Banks and Post-Office Savings-Banks.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 5

Short Title.

1. The Short Title of this Act is "The Savings-Banks Act, 1883."

PRELIMINARY.

Commencement of Act.

2. It shall come into force on the *first* day of *January*, one thousand eight hundred and eighty-four, and is divided into Parts as follows:— 10

PART I.—Ordinary Savings-Banks.

PART II.—Post-Office Savings-Banks.

Repeal of Acts.

3. The several Acts mentioned in the Schedule to this Act shall be and the same are hereby repealed: Provided— 15

(1.) That every act, matter, or thing done, and every mortgage or other security taken, in pursuance of the said Acts or any of them shall be as good, valid, and effectual, and shall have the same force and effect to all intents and purposes, as though the same had been done or taken under the provisions of this Act; and 20

(2.) That all post-offices appointed under any Act hereby repealed, and all officers appointed for the purposes of any such Acts, and all regulations in force thereunder shall respectively be deemed to be appointed and made under this Act. 25

References to existing Acts, &c.

4. When any enactment, regulation, deed, or instrument in force at the commencement of this Act refers to any Act hereby repealed, or to any enactment thereof, such first-mentioned enactment, regulation, deed, or instrument shall be construed as referring to this Act or the corresponding enactment of this Act. 30

PART I.

CONSTITUTION AND MANAGEMENT OF ORDINARY SAVINGS-BANKS.

(1.) *Trustees of Savings-Banks.*

~~The Governor of New Zealand for the time being shall be President of every savings bank within the colony proclaimed by him to come within the operation of this Act.~~ 1858, No. 52, s. 1.

5 **5.** In Part I. of this Act, if not inconsistent with the context,— Interpretation.

“Trustees” mean the trustees of a savings-bank constituted and incorporated under or by virtue of this Act:

10 “Bank” means any such bank as aforesaid:

Words referring to “the trustees” or a “bank” shall be construed distributively as referring to each bank or the trustees of the bank to which or to whom the provision is applicable.

15 **6.** The management of the affairs of every such bank shall be vested in not less than *five* or more than *thirty-six* trustees, who shall be nominated by the Governor, of whom one shall be styled “vice-president,” to be elected by the said trustees. Appointment of trustees. Vice-President to be elected by trustees. Ib., s. 2.

(2.) *Trustees incorporated.*

20 **7.** The trustees of every bank constituted under this Part of this Act and their successors to be nominated as aforesaid shall be and are hereby created a body corporate, with perpetual succession, by the name of “The Trustees of the [State the name of the principal place of business of the bank] Savings-Bank.” Trustees incorporated.

25 The trustees shall have and use a common seal, and may break or change the same as they think fit. Common seal.

8. The trustees shall have and may exercise the rights, duties, powers, and functions hereinafter in this Part of this Act provided for, and, subject thereto, shall do and suffer and be capable of doing and suffering all acts, and matters, and things which bodies corporate may usually do and suffer. Powers and duties of trustees.

9. The trustees shall have power to take, hold, accept, purchase, or acquire real and personal property of every kind, for the purposes of this Act. Trustees may hold real and personal property.

35 **10.** (1.) All real and personal property of any kind purchased, acquired, or held for the purposes of this Act shall be vested in the trustees; and Property, &c., to be vested in trustees.

(2.) All such property and all moneys deposited, bills, notes, drafts, and all securities therefor or evidences thereof belonging to or under the control of the bank, shall be vested in such trustees in trust for the purposes of this Act.

40 **11.** All actions, suits, informations, and proceedings, whether civil or criminal, may be commenced, had, or taken by or against the trustees, and in any such proceeding all such real or personal property, and all moneys, bills, notes, drafts, and all securities therefor or evidences thereof as aforesaid may be described to be the property of the trustees. Trustees may sue and be sued, &c.

45 **12.** The trustees of every savings-bank constituted or established under “The Savings-Bank Act, 1858,” which is or may be in operation within the colony at the commencement of this Act, shall be deemed to have been incorporated under this Act without any further act or proceeding, although the number of such trustees shall be greater or less Existing banks deemed to be under this Act.

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than that permitted for any bank hereafter to be established under this Act.

Vesting of existing property in banks constituted under this Act.

13. (1.) All real and personal property whatsoever which at the commencement of this Act shall be vested in, held by, or belonging to any persons as the trustees of any savings-bank affected by the *last-preceding* section, or the vice-president of any such bank, shall be and the same is hereby vested in the incorporated trustees of the bank of which such persons are or were trustees or vice-president respectively, without any conveyance or other assurance, to be held by such incorporated trustees upon the same trusts and for the same purposes as the same may then be held as aforesaid, subject, however, to the provisions of this Part of this Act.

Contracts and liabilities of previous trustees to vest in the incorporated trustees.

(2.) All contracts and liabilities entered into or incurred, and subsisting at the commencement of this Act, and which could be enforced against the trustees or any other person on behalf of any such savings-bank as in the last preceding section mentioned, shall respectively be and be deemed to be contracts or liabilities of such incorporated trustees as in this section mentioned.

Office of district trustees to cease, and property, &c., to vest in bank with which trustees connected.

14. If at the commencement of this Act any district trustees shall be in office they shall thereafter cease to hold office, and all moneys, and property under their control or in their charge and all evidences thereof shall vest in the trustees incorporated by virtue of this Act.

And all moneys and property so vested in the trustees shall be held and received for the same purposes and for the same persons as the same are held at the time this provision takes effect, but subject to the provisions of this Part of this Act.

How trustees disqualified.

(3.) *Disqualification of Trustees.*

15. If any present or future trustee of a bank shall be convicted of felony or any infamous offence, or become bankrupt, or take the benefit of any Act for the benefit of bankrupt or insolvent debtors, or execute any deed or instrument of arrangement or composition with his creditors, or become a lunatic, or cease to reside in the colony, or be absent therefrom for a continuous period exceeding ix months, he shall immediately thereupon cease to be a trustee.

No trustee to be a depositor, &c. 1858, No. 52, s. 14.

16. No person being a trustee of any bank shall be allowed to deposit any sum of money therein, or to borrow any money therefrom, or to derive any benefit from any deposit made in such bank, or to act in the capacity of manager or clerk of such bank, or to receive, directly or indirectly, any salary, allowance, profit, or benefit whatsoever from the funds of the said bank.

Saving in certain cases.

Nothing herein contained shall prevent the wife of any such trustee, or any child of his being an infant under the age of twenty-one years, from opening an account as a depositor in such bank, or from receiving any interest or other profit lawfully due and payable or allowed in respect of such account.

Penalty on trustees offending against Act. *Ib.*, s. 15.

17. If any person being a trustee of any bank shall offend in any one of the particulars mentioned in the *last-preceding* section he shall cease to be a trustee, and shall forfeit and pay for every such offence the sum of one hundred pounds, to be sued for in the Supreme Court by any person having money deposited in the said bank to the amount of thirty pounds, and such penalty shall be paid one-half to Her Majesty, to form part of the Consolidated Fund, and one-half to the informer.

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(4.) *Claims on Officers.*

18. If any person holding any office in any bank and having in his hands or possession any moneys or effects belonging to the said bank, or any deeds or securities relating to the same, shall become bankrupt or insolvent, or shall make any conveyance or assignment of his property for the benefit of his creditors, or against whose property any execution, attachment, or other process shall have issued, or if any such officer shall die,

Bank to have prior claim on assets of officers.
1858, No. 52, s. 16.

Then and in any such case any two or more of the trustees of any such bank respectively may apply to such officer or to his assignees, or to his executors or administrators, or to the Sheriff or other person executing such process, or to any other person or persons having legal right as the case may require, and demand that such moneys or effects belonging to the said bank, and all deeds, securities, or papers relating to the same, shall be paid over or delivered up to the said trustees or to such persons as they shall appoint.

Procedure to enforce claim.

19. The party or parties so applied to, and having the same, shall, within forty days after such demand as aforesaid, deliver over to such trustees, or to any person or persons whom they may appoint to receive the same, all effects or other things belonging to such bank, and all deeds, securities, or papers relating to the same, and shall pay out of the assets or effects of such person all sums of money belonging to or due by such officer to the said bank before any other of the debts of the said officer shall be paid or satisfied, or before the money directed to be levied by such process as aforesaid be paid over to the party issuing such process, as the case may be, and all assets, goods, chattels, and effects shall be bound to the payment and discharge thereof accordingly.

Duty of persons applied to.
Ibid.

(5.) *Powers and Duties of Trustees.*
20. Any trustee appointed under this Act may from time to time be removed from office by the Governor and be reappointed, or another may be appointed in his place in case of any such removal or of any vacancy by death, resignation, or other incapacity, as the Governor thinks fit; and every such nomination, reappointment, or fresh nomination of any trustee shall be gazetted.

Trustees removable by Governor.
Ib., s. 3.

21. All acts, matters, and things (save as hereinafter excepted) which the trustees, by any of the provisions of this Act, are authorized or required to do shall and may be done by a majority of the trustees assembled at a meeting to be called for the purpose in the manner hereinafter provided, and such majority may from time to time adjourn any meeting as they shall think fit; but in order to constitute a meeting four trustees at the least shall be present.

Acts to be done at meetings of trustees.
Ib., s. 4.

22. At all meetings of the trustees the *v*ice-president, and in his absence the senior trustee in the order of appointment present, shall preside as chairman, and shall not only vote as a trustee, but shall also, in case of equality of votes, have a casting vote.

Quorum.
Who to be chairman.
Ib., s. 5.

23. Whenever an *ordinary* meeting of the trustees is required for any of the purposes of this Act the same shall be called by a notice signed by the *v*ice-president or manager, and published in one or more of the local newspapers, giving at least three clear days' notice of the time and place of the intended meeting.

How ordinary meetings called.
Ib., s. 56, modified.

24. The manager shall, by the direction of the *v*ice-president or of two of the trustees, or whenever he shall consider a special

How special meetings called.

meeting to be necessary, summon the trustees to such special meeting, and shall send by post or otherwise to each trustee a notice in writing of such meeting and of the special business thereof at least twelve hours prior to such meeting, and no other business shall be transacted at such meeting.

Manager and clerks, &c., to be appointed by trustees subject to approval of Governor. 1858, No. 52, s. 6.

25. The trustees may [subject to the approval of the Governor] appoint a fit person to be manager of the bank, and such clerks or other subordinate officers thereof, or of any branch thereof, and from time to time may remove from office any such manager, clerk, or subordinate officer, and reappoint him or them, or appoint others in his or their place, as such trustees shall think fit; and any such appointment, reappointment, or fresh appointment shall be gazetted.

Salaries of officers, &c. Ib., s. 7.

26. The trustees [subject to such approval as aforesaid] may determine the amount of salaries to be paid to such manager, clerks, or other subordinate officers.

Trustees may appoint auditors.

27. The trustees may also appoint an auditor or auditors from time to time (subject to such approval as aforesaid), and no such auditor shall hold office for longer than one year, but may be re-appointed to such office; and every auditor shall be paid such salary or allowance as the trustees may direct [subject to the approval of the Governor.]

Manager to give security. Ib., s. 8 (modified).

28. Every manager shall give security for the due and faithful discharge of the duties of his office, in such manner and in such amount as to the trustees shall seem requisite.

Out of what funds salaries to be paid. Ib., s. 9.

29. The trustees, out of the interest received by them on moneys lent out as hereinafter directed, shall pay the salaries so appointed to be paid to the manager, clerks, or other subordinate officers of the bank.

All other incidental charges and expenses as shall be necessarily incurred in conducting the business and keeping of the accounts of the bank shall be paid by the trustees out of the same source and no other.

If at any time the interest arising from money so lent out as aforesaid be insufficient for the purposes hereby appointed, all such salaries and other charges shall be reduced rateably.

Bank to cease business in certain cases. Ib.

30. If no interest at all be received, the business of the bank shall at once cease and determine.

Trustees may make rules. Ib., s. 10.

31. The trustees may make such regulations for the conduct and management of the bank as to them shall seem meet, and from time to time may revoke, alter, and modify such regulations.

[But no such regulations, nor any revocation, alteration, or modification thereof, shall be deemed valid or be acted upon until the same be submitted to the Governor for his approval and be confirmed by him under his hand.]

Rules to be recorded in Supreme Court Ib., s. 11.

32. All regulations, which shall be so confirmed and allowed as aforesaid, shall be forthwith transcribed and deposited with the Registrar of the Supreme Court for the district in which the bank shall be situated, and the said transcript shall be filed by such Registrar and preserved amongst the records of the said Court, without any fee or reward in respect thereof, and a copy of the same shall be kept in the said bank, open to the inspection of the depositors during the hours of business.

To be binding on depositors, &c. Ib., s. 12.

33. The regulations so deposited shall be binding on the several members and officers of the bank, and upon all depositors therein and

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their representatives, all of whom shall be deemed to have full notice thereof.

And the transcript thereof so deposited as aforesaid, or a true copy thereof examined with the original and proved to be a true copy, shall be received as evidence of such regulations; and every copy of such transcript so deposited as aforesaid shall be made without fee or reward, except the actual expense of such copy.

34. No trustee of any bank shall be answerable or accountable for the other or others of them, but each and every of them only for his and their own acts, receipts, neglects, or defaults respectively. And the trustees, or any of them, shall not be amenable or accountable for the banker, broker, or other person with whom or in whose hands or custody any part of the moneys of the bank shall or may be deposited or lodged for safe custody or otherwise in the execution of the trusts hereby in them reposed, or for the insufficiency or deficiency of any security or securities in or upon which any moneys shall be placed out or invested, or for the defect of title or value of any lands, or for any other misfortune, loss, or damage which may happen in the execution of the aforesaid trusts or in relation thereunto, except the same shall happen by or through their own wilful neglect or default respectively.

Liability of trustees limited.
1858, No. 52, s. 13.

(6.) *Annual Balance-sheet.*

35. The trustees of every bank shall, within one month after the *thirty-first day of December* in each year, cause a balance-sheet to be prepared, containing a true statement of the receipts and payments on account of the bank during *the twelve months ending on the said thirty-first day of December, and of the balance of money remaining in such bank to the credit of such bank, and of all sums of money which may in any manner be due to the said bank,* and of all its assets and liabilities of every kind.

Trustees to prepare balance-sheet.
Ib., s. 17, modified.

On the balance-sheet being certified by the auditor or auditors and the manager, the vice-president shall forthwith sign the same, and, within ten days after so doing, cause the same to be [transmitted to the Governor for his approval, and such balance-sheet, after being approved by him, shall be] gazetted.

(7.) *Contracts.*

36. Contracts may be made by the trustees on behalf of a bank in the following manner:—

How contracts made on behalf of a bank.
Companies Act, 1882, sec. 96.

- (1.) Any contract which if made between private persons would by law be required to be in writing, and under seal, may be made on behalf of the bank in writing under the common seal of the bank:
- (2.) Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the bank in writing signed by any person acting under the express or implied authority of the trustees:
- (3.) Any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing, may be made by parol, on behalf of the bank, by any person acting under the express or implied authority of the trustees.

All contracts made according to the provisions herein contained may in the same way be varied or discharged, and shall be effectual in law, and shall be binding upon the trustees and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be.

DEPOSITS, INTEREST, ETC.

(1.) *How Deposits made.*

Deposits how received.
1858, No. 52, s. 18, modified.

37. *The manager, and in his absence one or more of the trustees,* may, at such time and place as shall be fixed by regulations as aforesaid, and at no other time or place whatsoever, receive from any person or persons in the way of deposits any sum of money not being of less value than one shilling.

Limitation.

But all sums deposited in excess of one hundred pounds shall be as deposits without interest, but subject to the same rules for withdrawal as is hereinafter provided.

Accounts of money received to be kept.
Ib.

38. The amount of the money so received shall be entered in a book (to be provided for that purpose) to the credit of the party making such deposit, or to the credit of such other person as he may appoint.

But no sum of money shall be paid by way of deposit into any bank by any person whatsoever without disclosing his name, together with his profession, occupation, calling, and residence, to the persons receiving the same, and such name, profession, occupation, calling, and residence shall forthwith be entered by the persons receiving such deposit in the books wherein the entry of the said deposit is hereinbefore directed to be made.

Moneys received to be placed to trustee's account in some incorporated bank.
Ib., s. 19.

39. The amount of such deposits, and all other sums of money received into any savings-bank, shall with all convenient speed be deposited in some joint-stock or incorporated bank *in the colony*, and in places where no such banks are established then in some convenient place of security as shall be approved of by the trustees, and the same shall then be placed to the credit of such savings-bank in an account to be called "The Account of the Trustees of [*naming it*] Savings-Bank."

How moneys withdrawn from such account.
Ib.

40. No money so paid into any such account shall be withdrawn without the written order of the manager and one trustee, or of two or more trustees countersigned by the manager, or of the person for the time being acting in that capacity, being first had and obtained.

(2.) *Withdrawal of Deposits.*

How deposits may be withdrawn.
Ib., s. 20.

41. The depositor of any sum of money in any bank, or any person duly authorized by such depositor, or his executor or other lawful representative, may claim and receive back such sum of money, together with the interest due thereon, or any part thereof, in the manner and upon the conditions following, that is to say,—

If the sum so required to be repaid shall not exceed five pounds, the claimant thereof shall, on some day appointed for the receiving of deposits, deliver to the manager a notice signed with his name declaring his intention to withdraw such sum from the bank at the expiration of seven days from the date of the said notice.

If the sum to be withdrawn shall exceed five pounds but be not more than twenty pounds, then fourteen days' notice shall be given in like manner.

If the sum to be withdrawn shall exceed twenty pounds but be not more than fifty pounds, then twenty-one days' notice shall be given in like manner:

5 If the sum to be withdrawn shall exceed fifty pounds, then twenty-eight days' notice shall be given in like manner.

All interest shall cease from the date of such notice on the sum so notified to be withdrawn, and shall not be thereafter payable thereon. *But the trustees may, in their discretion, dispense with any such notice.*

10 (3.) *Interest.*

42. Any person on whose account any deposit, by one or more payments of not less than twenty shillings or more than one hundred pounds, may have been paid, and to whose credit it is placed in the books of any bank, shall be entitled to receive interest upon the
15 same at the rate of five per centum by the year for every one hundred pounds, and in the same proportion for any shorter time.

But no interest shall be allowed on any sum less than one pound, or on odd shillings and pence; and interest shall be calculated by months, omitting odd days; but any sum deposited within the first
20 seven days of a month shall be entitled to bear interest for the whole of that month.

43. The trustees may and shall pay such interest as aforesaid out of the interest received by them on sums lent out as herein provided.

25 But if the moneys so received by the said trustees, after paying therefrom the salaries, charges, and expenses of the bank, shall be insufficient to pay interest on deposits at the rate which is or may be fixed, the sum required to make up such deficiency shall be payable, by warrant under the hand of the Governor, out of the
30 Consolidated Fund.

44. Subject to the *provisions of this Act*, interest shall be added to and incorporated with the sum which may be then standing in the books of the bank to the credit of each party, and shall bear interest
35 from the first day of the month of *January in every year*, and interest shall be allowed to him upon the total sum so long as the same shall remain deposited in the bank. But no person shall be entitled to receive interest upon any greater sum than one hundred pounds.

45. The trustees of any bank, at a general meeting to be held in the month of January in every year, may, with the consent of the
40 Governor, reduce the rate of interest hereinbefore prescribed. But no such reduction in the rate of interest shall be made until after three months' notice be given by advertisement, *signed by the vice-president or two trustees*, and gazetted.

46. The Governor may guarantee the repayment of any loan which it may be necessary for the trustees to negotiate in order to meet the demands of depositors, *and which loan has become necessary*
45 by reason of the funds of any bank being invested in manner herein provided.

50 But no loans outstanding at any time and so guaranteed shall exceed the sum of one thousand pounds in respect of any one bank.

(4.) *Depositors under Disability.*

Infants may be depositors. 1858, No. 52, s. 27.

47. (1.) In case the trustees of any bank shall receive any deposit of money from or for the use and benefit of any person under the age of twenty-one years, the trustees may pay such person his share and interest in the funds of the said bank in the manner and upon the conditions herein appointed in the case of other depositors. 5

(2.) The receipt of such person shall be a sufficient discharge for any money paid to him as aforesaid, notwithstanding his incapacity or inability in law to act for himself.

Deposits by married women. *Ib.*, s. 28.

48. In case any deposit shall have been made in any bank by any married woman, without notice of her marriage, or in case any deposit shall have been made by any woman who shall marry subsequently to making such deposit, the trustees of such bank may pay any sum of money in respect of any such deposit to any such woman. 10

(5.) *Death of Depositors.*

Where deposit does not exceed £50, how same may be paid on death of depositor. *Ib.*, s. 29.

49. In case any depositor in any bank shall die leaving a sum of money in such bank which, with the interest thereon, shall not exceed in the whole *fifty* pounds, the trustees, in case they shall be satisfied that no will was made and left by such deceased depositor, and that no letters of administration will be taken out of the goods and chattels of such depositor, may pay the same, at any time after the decease of such depositor, according to the regulations of such bank. 15 20

If no rules, powers of trustees. *Ib.*

50. In the event of there being no regulations made in that behalf, then the trustees are hereby authorized out of such sum of money to defray the expenses of his funeral, and to pay all just debts due or owing by such deceased depositor, so far as the said sum of money shall extend, and to pay and divide the surplus (if any) to and amongst the persons entitled to the effects of the deceased intestate according to the Statute of Distributions. 25 30

Procedure where deposit exceeds £50. *Ib.*, s. 30.

51. In case any depositor shall die leaving any sum of money in any bank, or there shall be any dividends or interest due thereon belonging to him at the time of his death, which said several sums shall exceed in the whole the sum of *fifty* pounds, the same shall not be paid to the representative, next of kin, or creditor of such depositor, unless such person deliver or cause to be delivered to the said trustees, or to the manager of such bank, a notice in writing, signed with his name in the presence of two credible witnesses, setting forth the grounds upon which he claims to be entitled to receive the said sum of money belonging to such depositor at the time of his death, or any part thereof. 35 40

Notices required to be published. *Ib.*

52. The notice hereinbefore required shall be previously published thrice or oftener in the *Gazette*, and in some one or more newspapers of the colony, at the discretion of the said trustees, and three months at least shall have elapsed subsequently to the last publication before payment shall be made in satisfaction of such claim or demand. 45

Proviso as to debts under £10. *Ib.*

But if any creditor of the deceased whose debt shall not exceed the sum of ten pounds shall put in his claim to be paid, the said trustees may pay the same without such public notice as aforesaid.

Saving of legal title of representatives.

53. The foregoing provisions shall not be taken to interfere with the legal title and claim of any representative of such depositor deceased 50

who shall procure probate of his will or letters of administration of his effects, or to restrict or interfere with any function or authority that may be vested in or exercised by the Public Trustee under any Act for the time being in force.

or action of Public Trustee.
Ib.

5 54. If any payment shall be made from the funds of any bank by the trustees thereof as hereinbefore directed, and the party claiming and receiving the same shall afterwards be proved not to be the lawful representative of the depositor so deceased as aforesaid, or otherwise not entitled to the same, such payment shall be valid against
10 any demand of any person as representative of the said deceased depositor, or any other person whomsoever.

Payments under this Act valid as against representatives.
1858, No. 52, s. 31.

Such lawful representative or other person shall nevertheless have a remedy for such moneys so paid as aforesaid against the person who shall have so wrongfully received the same.

Saving of rights of representatives.

15 55. If any depositor in a bank, being illegitimate, shall die intestate, the trustees may pay the money due to such deceased depositor to such one or more person or persons as would be entitled to the same according to the provisions of "The Administration Act, 1879," affecting illegitimate persons dying intestate.

Provision in case depositor illegitimate.

20 (6.) Disputes.

56. If any dispute shall arise between any bank, or any person acting on behalf thereof, and any individual depositor therein, or any executor, administrator, next of kin, or creditor of any deceased depositor, or any person claiming to be such executor, administrator,
25 next of kin, or creditor, then and in every such case the matter so in dispute shall be referred to the arbitration of two indifferent persons, one to be chosen and appointed by the trustees of the said bank and the other by the party with whom the dispute arose.

Disputes to be referred to arbitration.
Ib., s. 47.

30 57. In case the arbitrators so appointed shall not agree, then such matter in dispute shall be referred in writing to an umpire, having no interest in such matter or in the said bank, to be elected by the said arbitrators previously to entering upon the consideration of the matter referred to them;

Procedure thereon.
Ib.

35 And whatever award, order, or determination shall be made by the said arbitrators, or by the said umpire, shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal.

INVESTMENT OF DEPOSITS.

40 58. The trustees of any bank may lend any sum of money upon security by mortgage of any lands held for an estate in fee-simple in New Zealand.

Deposits may be invested on mortgage.
Ib., s. 33.

45 But such lands shall be free from all incumbrances, and be within such distance of the bank as shall be appointed by the regulations of the bank, and every such mortgage shall be subject to redemption on payment of all principal money and interest, and be subject to a power of sale in case of default in payment of principal or interest.

Ib., s. 35.

59. The trustees may cause any proportion of the funds of the bank, with the approval of the Governor, to be invested in Government securities in New Zealand, or to be deposited in any joint-stock or incorporated bank in the colony at such rate of interest as may be agreed upon between any such bank and such trustees as aforesaid.

Or in Government securities, or on deposit in banks.
Ib., s. 34.

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Limitation.

But the total amount of funds lent out at interest, or in the aggregate invested in mortgage or Government securities, or deposited in any bank on interest, shall at no time exceed nine-tenths of the total deposits.

PURCHASE OF BANK PREMISES.

5

May purchase lands for business of bank. 1858, No. 52, s. 25.

60. (1.) Whenever the surplus profits of any bank, after paying all salaries, charges, and expenses in the management thereof, together with all interest due to the depositors of any such bank, shall be sufficient to build proper offices for the purpose of carrying on the business of such bank, the trustees are hereby empowered to select and purchase a suitable site and erect thereon such offices. 10

(2.) The cost of erecting such buildings shall be paid out of the surplus profits.

(3.) The power hereby conferred may be exercised from time to time as occasion shall require. 15

Power to mortgage lands for cost of erecting buildings. Ib.

61. If such surplus profits admit only of the purchase of a site for the same, then the trustees are hereby empowered to mortgage the same for the purpose of erecting a suitable building upon the site so purchased, or for completing any building thereon.

Trustees may expend moneys in repairs, &c.

62. The trustees may, out of such surplus profits, from time to time expend such sum or sums as they may consider reasonable for erecting, repairing, and upholding any buildings and premises which may be used for carrying on the business of the bank. 20

May sell or let lands not required for business.

63. The trustees may sell any land which may have been acquired for the purposes of the bank, and which they may consider to be no longer required for such purposes; or may let any such land for such term or period and upon such conditions as the trustees think fit. 25

The power hereby conferred shall extend to all lands which may in any manner be vested in the bank as its own property.

Proceeds to be deemed part of surplus profits.

64. All rents or purchase-moneys received or derived under the provisions of the *last-preceding* section shall form part of the surplus profits of the bank. 30

APPLICATION OF SURPLUS PROFITS.

Interpretation of certain provision. 1878, No. 11, s. 2.

65. In this and the next succeeding sections of this Act, from *sixty-six to seventy-six* inclusive,— 35

(1.) "Institution" means and includes any public hospital, benevolent society, or association for the relief of diseased, aged, incurable, or destitute persons, whether administering indoor or outdoor relief, *and any free public library or other similar institution which is open to the public.* 40

(2.) "Governing authority" means the trustees, committee, or other the persons in whom the property of any such institution is vested, and, if such institution has no property, then the persons or authority having the control or management of its affairs. 45

Disposal to certain institutions of excess of profits of bank over ten per cent. Ib., s. 3.

66. When a bank has, by investment of its deposits, realized a profit exceeding in amount ten per centum on the aggregate amount of deposits, the trustees may, by a majority of their number, declare that any portion of such profits, in excess of the said ten per centum shall be paid over to any institution. 50

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- 67.** No such declaration shall take effect until the same shall be approved by the Governor in Council, and the Governor may, before such approval, require the trustees of the bank to furnish him with such information as he shall direct respecting the debts or liabilities of the bank, and may require any such declaration to be modified or altered as he thinks fit, but not so as in any case to increase the amount proposed to be paid.
- 68.** Upon the approval of the Governor in Council the sum or sums mentioned in any such declaration or amendment thereof shall be paid over to the governing authority of the institution, and the receipt of such governing authority, or of the treasurer or other duly-appointed officer thereof, shall be a sufficient discharge to the bank and the trustees and officers thereof in respect of the sums therein mentioned.
- 69.** The moneys paid to any such institution shall be held upon trust as a permanent endowment for the objects for which such institution was originally established, and shall be invested as hereinafter provided.
- 70.** All moneys received by any such institution shall be invested in real or Government securities in New Zealand, and the annual or other produce thereof, after payment of the expenses (if any) of managing such investments, shall be applied in and towards the maintenance of the institution for the purposes for which it was originally established.
- 71.** Where an institution is by law empowered to invest moneys belonging to or becoming its property in any other manner than is herein prescribed, such institution may, with the consent of the Governor in Council, invest any moneys paid to it under this Act in the same manner as such institution is empowered to invest other moneys belonging thereto.
- 72.** If any such institution has no lawful means of investing moneys becoming its property the governing authority thereof may, at any duly-constituted meeting, in such manner as may be thought fit, elect not less than three nor more than five persons, resident in the city, town, or place where such institution is established, to be trustees for the purposes of this Act.
- 73.** All moneys paid over to any such institution, and the annual and other produce thereof, shall vest in such trustees so elected as aforesaid and their successors in office, and all bonds, debentures, mortgages, or other securities for any such moneys shall be taken in the names of such trustees.
- 74.** In case of the death, resignation, or absence from New Zealand for a period of three months of any of the trustees so elected as aforesaid the governing authority of the institution that elected the trustee or trustees so dying, resigning, or being absent, may elect another or others in his or their stead, as occasion may require; and upon such election all moneys and property then vested in the remaining trustees shall vest in them and in the new trustees without any conveyance, assignment, or transfer.
- 75.** The certificate in writing of the chairman or other person presiding at a meeting of the governing authority of any such institution as aforesaid shall be sufficient evidence to the trustees of the

Disposal to be approved by Governor in Council.
1878, No. 11, s. 4.

Upon such approval moneys may be paid to governing authority of institution.
Ib., s. 5.

Moneys to be held on trust as an endowment.
Ib., s. 6.

How to be invested and applied.
Ib., s. 7.

If institution has powers of investing, may exercise same under this Act.
Ib., s. 8.

If no such powers, institution may elect trustees for purposes of this Act.
Ib., s. 9.

Vesting of money in such trustees.
Ib.

Provision in case of vacancies in office of trustees.
Ib., s. 10.

Certificate of chairman to be evidence of election of trustee.
Ib., s. 11.

bank, and to all other persons whomsoever, that any such election has been duly made.

76. The receipt of any one of such trustees, together with that of the treasurer or secretary of any institution on whose behalf any such money has been invested, shall be an effectual discharge for the same, and the mortgagee, purchaser, or other person shall not be obliged to see to the application or be accountable or answerable for the loss, misapplication, or non-application thereof.

PART II.

POST-OFFICE SAVINGS-BANKS.

(1.) *Appointment and Conduct of Post-Office Savings-Banks.*

Interpretation.

77. In this Part of this Act, if not inconsistent with the context references made to "this Act" shall be construed to apply to post-office savings-banks appointed for the purposes hereinafter mentioned.

Postmaster-General may appoint post-office savings-banks. 1867, No. 77, s. 3.

78. (1.) The Postmaster-General may from time to time *appoint post-offices to be offices for the purposes of this Act, and may authorize and direct such of his officers as he shall think fit to receive deposits, and to repay any such deposits, together with the interest accruing thereon, under such regulations as may be prescribed in that behalf under the authority of this Act.*

(2.) Such deposits shall not be of less amount than one shilling, nor any sum not a multiple thereof.

Deposits to be entered in books, &c. *Ib.*, s. 4.

79. Every deposit received by any officer of the Postmaster-General appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by the said officer and by the dated stamp of his office, and the said officer shall report the amount of such deposit to the Chief Postmaster *under whose control such officer is*, who shall report the same to the Postmaster-General.

Title of depositors to repayment. *Ib.*

80. The acknowledgment of the Postmaster-General, signified by the officer whom he shall appoint for that purpose, shall be forthwith transmitted to the depositor, and the said acknowledgment shall be conclusive evidence of the claim of the depositor to the repayment of such deposit with the interest thereon upon demand made by him in the manner hereinafter provided.

Progressive evidence of title. *Ib.*

81. In order to allow a reasonable time for the receipt of such acknowledgment the entry in the depositor's book shall also be conclusive evidence of title for six weeks from the lodgment of the deposit, and if the said acknowledgment shall not have been received by the depositor through the post within one month, and the depositor shall before or upon the expiry thereof demand the said acknowledgment from the Postmaster-General, then the entry in his book shall be conclusive evidence of title during another term of one month and *toties quoties*.

How deposits may be withdrawn. *Ib.*, s. 5.

82. On demand of the depositor, or party legally authorized to claim on account of a depositor, made upon the Chief Postmaster of the *part of the colony* in which the depositor's account is kept, in such form as the said regulations shall prescribe, for repayment of any deposit or part thereof, the authority of the said Chief Postmaster for such repayment shall be transmitted to the depositor forthwith;

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And the depositor shall be absolutely entitled to payment of any sum or sums that may be due to him within one week at furthest after the lapse of the time when such warrant for payment could, by ordinary post, be received by the depositor at the post-office named in his demand.

83. Any depositor may transfer his account from the post-office in any one *part of the colony* to the post-office in any other part thereof; but unless his account shall be so transferred he shall not be entitled to withdraw any deposit except from a post-office within the *place* in which the same shall have been deposited.

Accounts may be transferred from one post-office to another. 1867, No. 77, s. 6.

84. The officers of the Postmaster-General engaged in the receipt or payment of deposits shall not disclose the name of any depositor, nor the amount deposited or withdrawn, except to the Postmaster-General or to such of his officers as may be appointed to assist in carrying this Act into operation.

Names of depositors, &c., not to be disclosed.

Ib., s. 7.

But this provision shall not be deemed to exempt any officer from disclosing in evidence any such matters as in this section mentioned in obedience to the process of any Court of justice, or upon an examination before any person having authority to take evidence in any proceeding under any law for the time being in force relating to bankruptcy.

Exception.

85. All moneys so deposited shall be paid into the Public Account to the credit of the Public Trust Fund, and all sums withdrawn by depositors, or by parties legally authorized to claim on account of depositors, shall be repaid to them out of the said fund.

Moneys received to be paid into Public Trust Fund.

Ib., s. 8.

86. If at any time the funds paid into the Public Account under the authority of this Act, and the interest arising therefrom, shall be insufficient to meet the lawful claims of all depositors, it shall be the duty of the Colonial Treasurer to issue, upon the warrant of the Governor, the amount of such deficiency out of the Consolidated Fund, and to certify such deficiency to the General Assembly.

Security to depositors.

Ib., s. 9.

(2.) *Interest to be allowed.*

87. The interest payable to the parties making such deposits shall be at a rate to be from time to time determined by the Colonial Treasurer, not exceeding five per centum on sums not exceeding two hundred pounds, and not exceeding four per centum on sums over two hundred pounds and not exceeding five hundred pounds, provided that no interest be allowed on more than five hundred pounds.

Rate of interest allowed.

Ib., s. 10.

88. Interest may be allowed to legally-constituted friendly societies, charitable and provident societies, and savings-banks, in the manner prescribed by *this Act*, on sums exceeding five hundred pounds deposited in post-office savings-banks.

Interest may be allowed to friendly societies, &c., on sums exceeding £500.

1869, No. 39, s. 7.

89. Interest on deposits shall be calculated to the thirty-first December in every year, and shall be added to and become part of the principal money: Provided that when any depositor withdraws the whole of his deposits interest shall be computed and allowed him to the end of the month last previous to such withdrawal.

Interest, how calculated.

1867, No. 77, s. 11.

90. The moneys paid into the Public Account under the authority of this Act, and the interest accruing thereon, or such part thereof as the Governor in Council shall direct, shall be from time to time

Moneys accruing under this Act may be invested.

Ib., s. 12.

invested in the manner prescribed in "The Public Revenues Act 1878," or any Acts amending the same, for the investment of moneys lying to the credit of the Public Trust Fund.

(3.) *Closed Savings-Banks under Part I.*

Provisions applying to savings-banks under Part I.

On closing savings-banks funds, &c., to be paid to Treasury. 1869, No. 39, s. 2.

Disposal of same. *Ib.*

What receipts to be a discharge for such moneys. *Ib.*, s. 3.

Power to compensate officers of closed banks. *Ib.*, s. 4.

Procedure when trustees have determined to close savings-bank. *Ib.*, s. 5.

91. *The provisions contained in the seven next succeeding sections of this Act shall apply to savings-banks constituted under or by virtue of Part I. of this Act.* 5

92. Upon the final closing of any savings-bank constituted under this Act, or where any savings-bank constituted under any Act hereby repealed has already closed, the trustees for the time being thereof shall notify the same in writing to the Colonial Treasurer, and shall, with his consent in writing, convert into money any property and securities not being money held by the said trustees or by any person as trustee for the savings-bank, and, after paying the expenses of such conversion and any claims thereon, shall account for the residue to the Colonial Treasurer, and shall pay over the said residue to the Public Account. 10 15

93. *Such residue shall be placed to the credit of the Public Trust Fund with the privity of the Colonial Treasurer, and the moneys so paid to such Account, and also all moneys which shall be paid to the said Account under the ninety-eighth section of this Act, shall be subject to any claim that may thereafter be substantiated on account of any depositor in the savings-bank so closed.* 20

94. The receipt in writing of the vice-president of any savings-bank, or of any one trustee of any savings-bank, together with that of the manager or accountant of any savings-bank already closed or hereafter to be closed, for any money paid to them by any mortgagor, or purchaser, or other person shall be an effectual discharge for the same: 25

And the mortgagor, purchaser, or other person shall not be obliged to see to the application or be accountable or answerable for the loss, misapplication, or non-application thereof, or be bound to inquire whether the consent in writing of the Colonial Treasurer has been obtained to any sale, reconveyance, assignment, or release whatsoever. 30 35

95. Trustees of savings-banks which shall have already closed, and shall be brought under the provisions of this Act, and of savings-banks hereafter to be closed, shall have power to compensate their officers out of any separate surplus fund that may belong to such savings-bank, with the consent of the Colonial Treasurer. 40

96. When the trustees of any savings-bank shall have determined to close the savings-bank for the receipt of deposits, and shall have given public notice of such intention by letter through the post-office prepaid to each depositor at his residence when known, by advertisement in some one newspaper circulating in the district where such savings-bank is situate, and by affixing such notice on the outer door of the building in which the business of the savings-bank is carried on, such trustees may, if they think fit, transmit under their hands to the Colonial Treasurer a certified list of such depositors 45

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as have not applied to them to receive their deposits, and of the amount due to them respectively.

97. The Colonial Treasurer may thereupon receive from the said trustees all moneys remaining in their hands, and if such money, together with the proceeds of the sale and conversion into money of the other property and securities belonging to the said savings-bank as referred to in section *ninety-two* of this Act, shall be sufficient to discharge the whole of the liabilities of such trustees to the depositors as set forth in the said list, then the certificate of the Colonial Treasurer shall be a sufficient discharge to such trustees in respect of all such money so paid over.

Colonial Treasurer may receive moneys and give discharge. 1869, No. 39, s. 5.

98. All such moneys shall be paid into the Public Account and placed to the credit of the Public Trust Fund, and shall be subject to the rights and claims of the depositors named in such list, who shall thenceforth be considered to be depositors in a post-office savings-bank, and such depositors, on complying with the regulations for the time being in force with respect to the withdrawal of deposits and interests from post-office savings-banks, so far as the same are applicable to the case of such depositors, shall be entitled to claim payment of the sums due to them respectively, and of the interest accrued thereon, and on establishing their claim shall be paid out of the moneys so paid over by the Trustees under this and the *ninety-third* section of this Act.

Into what fund same shall be paid, and how held. Ib.

(4.) *General.*

99. (1.) The Governor in Council may make and, from time to time, as he shall see occasion, alter or revoke, regulations for superintending, inspecting, and regulating the mode of keeping the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits and interest, the substitution of post-office savings-banks deposit-books for deposit-books held by depositors in savings-banks closed under this Part of this Act, and to all other matters incidental to the carrying this Act into execution.

Governor in Council may make regulations. 1867, No. 77, s. 13. 1869, No. 39, s. 6.

(2.) All regulations so made shall be binding on the parties interested in the subject-matter thereof to the same extent as if such regulations formed part of this Act.

Effect thereof.

(3.) Copies of all regulations issued under the authority of this Act shall be laid before both Houses of the General Assembly within fourteen days from the date thereof if the General Assembly shall be then sitting, and, if not, then within fourteen days from the commencement of the next session.

Copies of regulations to be laid before General Assembly.

100. An annual account of all deposits received and paid, and of interest paid thereon under the authority of this Act, and of the expenses incurred in carrying this Act into operation during each year ending on the thirty-first day of December, together with a statement of the total amount due at the close of the year to all depositors, shall be laid by the Postmaster-General before both Houses of the General Assembly not later than the thirty-first day of March in every year if the General Assembly shall be then sitting, and, if not, then within fourteen days from the commencement of the next session.

Accounts to be laid before General Assembly. 1867, No. 77, s. 14.

101. All expenses incurred in the execution of this Act shall be paid out of the moneys received under the authority of this Act.

Expenses of executing Act. Ib., s. 15.

Application of provisions of Part I.
1867, No. 77, s. 16.

102. All the provisions of Part I. of this Act, so far as the same are capable of taking effect, and as to matters for which no other provision is made by this Part of this Act, shall be deemed applicable to *Post-Office Savings-Banks under this Part of this Act* so far as the same are not repugnant thereto.

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Schedule.

SCHEDULE.**ACTS REPEALED.***Part I.*

- 1858, No. 52.—The Savings-Bank Act, 1858.
1860, No. 21.—The Savings-Bank Act Amendment Act, 1860.
1878, No. 11.—The Savings-Banks Profits Act, 1878.

Part II.

- 1867, No. 77.—The Post-Office Savings-Bank Act, 1867.
1869, No. 39.—The Post-Office Savings-Bank Act Amendment Act, 1869.

By Authority: GEORGE DIDSBUXY, Government Printer, Wellington.—1883.