



1850.

No. 11.

Private Act.

ORDINANCE Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

For facilitating and simplifying proceedings by and against a certain Joint Stock Company called the Union Bank of Australia, and for other purposes therein mentioned.

[23rd July, 1850.]

WHEREAS a Joint Stock Company was, some time since, formed in London, under the style or firm of the Union Bank of Australia, for the purpose of carrying on the business of Banking in its various branches in the Australian Colonies, and a branch of the said Bank has been established at Adelaide, and other branches may hereafter be established in this Province: And whereas the affairs of the said Bank in this Province are at present conducted by a Manager; but such affairs may hereafter be conducted and managed by certain persons to be resident in this Province, to be called Directors, such persons to be, respectively, shareholders of and in the capital or joint stock of the said Company, and respectively to possess therein twenty shares or upwards, in their own right: And whereas, for enabling the said Company the more readily to enforce payment

Preamble.

payment of moneys that may become due to them from time to time, and to prosecute persons for offences against the said Company, or their property, and also for providing a more easy remedy against the said Company, and the several proprietors of shares therein, in the cases hereinafter mentioned, it is expedient that the said Company should be able to sue by and be liable to be sued in the name of a public officer of the said Company, in place and stead of the whole, and to use the name of such public officer as hereinafter mentioned :

Company to sue and
be sued in the name
of the Local Manager
or one of the Local
Directors.

Be it therefore Enacted, by the Governor of South Australia, with the advice and consent of the Legislative Council thereof— That all actions or suits against any person or persons indebted to the said Joint Stock Company, called the Union Bank of Australia, and all other proceedings at law or in equity, and in any Courts of Admiralty or Vice Admiralty, and in any Courts having jurisdiction in matters of Bankruptcy or Insolvency, and in all Courts of inferior jurisdiction, to be instituted or prosecuted by or on behalf of the said Joint Stock Company, or wherein the said Company is or shall be in any way concerned against any person or persons, body or bodies politic or corporate, may be lawfully instituted and prosecuted in the name of the Manager, for the time being, of the said branch or branches of the said Company, and in the event of his death or absence from the said Colony, in the name or names of any of the Board of Directors (if any) at Adelaide, or elsewhere in the said Colony, at the time such action, suit, or other proceeding shall be instituted, as the nominal plaintiff, complainant, or petitioner for and on behalf of the said Company, and that all actions, suits, or other proceedings at law, or in equity, Admiralty, Vice Admiralty, and in all Courts of inferior jurisdiction, to be commenced, instituted, and prosecuted against the said Company, may be instituted and prosecuted against the said Manager, or (if and when appointed) one of the said Directors, in the event of the death or absence from the Colony of the said Manager, as the nominal defendant for and on behalf of the said Company, or against the said Banking Company, according to the ordinary course of law, as the person by whom such proceedings may be commenced shall think fit, and that all indictments, informations, and prosecutions to be had, preferred, instituted, or carried on, by, or on behalf of the said Company, for fraud upon or against the said Company, or for embezzlement, forgery, robbery, or stealing, or other offence committed against the said Company, or the property thereof, or any felony or misdemeanor, in which the said Company shall be concerned, it shall be lawful to state the property of the said Company to be the property of such Manager, or (if, and when appointed) Director

rector, for the time being, of such Board of Directors; and any offence committed, with intent to injure or defraud the said Company, shall and lawfully may, in such indictments, informations, prosecutions, or proceedings, be stated, or laid to have been committed with intent to injure or defraud such Manager or Director, for the time being, of such branch or branches of the said Company, and any offender or offenders may, therefore, be lawfully convicted of any such offence; and, generally, that in all cases wherein it would otherwise have been necessary to mention the names of the members composing the said Company, it shall be sufficient to use the name of such Manager or (if, and when appointed) Director, in the event aforesaid, for the time being, of such branch or branches of the said Company as aforesaid.

II. And be it Enacted, That all lands, tenements, and hereditaments, terms of years, and all property, real and personal, which now do or which may at any time hereafter belong to the said Company, or which are now or which at any time or times hereafter shall be vested in the Manager, or in any person as the Manager of the said Company, or in the Manager, or any person as Manager, and any other person or persons, or in any other person or persons for or on account or on behalf of the said Company, either absolutely or by way of mortgage, or in any other manner howsoever, and the legal estate therein, and all legal rights and capacities in respect thereof, shall be and are hereby vested in the person who is now the Manager of the said Company, upon the recording, in the Supreme Court, of the memorial hereinafter required, of the name of such Manager, and in his successor or successors in office, immediately upon the recording in the Supreme Court of the memorial hereinafter required of the name or names of such successor or successors respectively, for and on behalf of the said Company, and so on, *toties quoties*, whensoever any new appointment, election, or substitution of a Manager of the said branch or branches shall take place, and such memorial thereof shall be recorded as hereinafter mentioned; and all lands, tenements, and hereditaments, terms of years, and all property, real and personal, in which any right, title, or interest shall, after this Ordinance shall come into operation, belong to or be acquired, or taken by or on behalf of the said Company, shall and may be conveyed to and vested in the Manager for the time being of the said Company, and his successors in office as aforesaid, for and on behalf of the said Company; and the said Manager and his successors shall have full power and authority to convey and to execute on behalf of the said Company, all deeds relating to any such lands, tenements, hereditaments, and property as aforesaid, as
may

Lands, hereditaments, and property of Company to vest in Manager and his successors.

may from time to time be acquired by or belong to the said Company in the course of the management of the affairs of the said Company, at any such branch or branches thereof as aforesaid; and the record of such memorial of the name of the Manager for the time being of the said branch or branches shall be *prima facie* evidence that such lands, tenements, hereditaments, property, and premises aforesaid are so as aforesaid vested in such Manager: Provided always, that during any interval which shall or may happen between the death, resignation, or removal of any such Manager, and the appointment of his successor in office, all such lands, tenements, hereditaments, and property, shall vest in the Trustees for the time being of the said Company.

Right and liability of the members of the Company to sue and be sued by the Company.

III. And be it Enacted, That it shall and may be lawful for the said Company to commence and prosecute by and in the name of such Manager or Director as aforesaid, any action, suit, or other proceeding at law or in equity, or in any Court of Admiralty, or Vice-Admiralty, or in any Court having jurisdiction in matters of bankruptcy or insolvency, and in all Courts of inferior jurisdiction, against any person then being or having been, or who thereafter may be, or have been a member of the said Company, either alone or jointly, with any other person against whom the said Company has or may have any demand whatsoever, and that any person then being, or having been, or who may thereafter be, or have been a member of the said Company, may, in respect of any demand which such person may have, either solely or jointly with any other person, as the case may require, commence and prosecute any action, suit, or other proceeding in any Court of law or equity, Admiralty, Vice-Admiralty, bankruptcy, insolvency, and in all Courts of inferior jurisdiction, against the said Company in the name of such Manager or Director (in the event aforesaid); and that every person then or thereafter being or having been a member of the said Company, shall, either solely or jointly with any other person, as the case may require, be capable of proceeding against the said Company in the name of such Manager or Director (in the event aforesaid), and be liable to be proceeded against by the said Company by and in the name of such Manager or Director, by such proceedings, and with the same legal consequences, as if such person had not been a member of the said Company; and that no action, or suit, or other proceeding shall be in anywise affected or defeated by reason of the plaintiff's or defendant's, or any of them respectively, or any other person in whom any interest may be averred, or who may be in anywise interested or concerned in any such action, or suit, or other proceeding, being or having been a member of the said Company; and that all such actions, suits, and other proceedings shall be

be conducted and have the same effect as if the same had been between strangers.

IV. And be it Enacted, That no claim or demand which any member of the said Company may have in respect of his share in the capital or joint stock thereof, or of any dividend, interest, profit, or bonus, payable or apportionable in respect of such share, shall be capable of being set off, either at law or in equity, against any demands which the said Company may have against such member on account of any other matter or thing whatsoever, but all proceedings in respect of any such other matter or thing may be carried on as if no claim or demand existed in respect of such capital, or joint stock, or of any dividends, interest, profit, or bonus, payable or apportionable in respect thereof.

Member of the Company not allowed to set off his interest in its stock, &c., against any demand of the Company.

V. And be it Enacted, That all bonds, mortgages, warrants of attorney, and other securities, whether assignable in law or not, and all contracts and agreements, whether parol or under seal, which have heretofore been, or shall or may at any time hereafter be taken in the name of the said Company, or in the name of the Manager, or of any person as Manager of the said Company, or in the name of such Manager or person as Manager, and any other person or persons, or any other person or persons whomsoever, for or on account, or on behalf of the said Company, shall and may be put in suit, and enforced, sued, and prosecuted upon at law or in equity, or otherwise, in the name of the Manager, or one of the Board of Directors for the time being of the said branch or branches respectively, in whose name the same may have been or shall be taken or entered into, or in the name of any person who shall or may succeed to that office and be the Manager or Director for the time being of the said branch or branches respectively, at the time such proceeding or proceedings shall be instituted, carried on, or continued, notwithstanding the name of any such succeeding Manager or Director be not inserted in any such bond, mortgage, warrant of attorney, or other such security, or in any such contract or agreement, as an obligee, mortgagee, assignee, payee, of the sum or sums of money therein respectively mentioned or secured.

Bonds and other securities may be put in suit, &c., by the Manager or one of the Directors for the time being, though not named in such security.

VI. And be it Enacted, That if any person or persons, being a member or members of the said Company, shall steal or embezzle any money, goods, effects, bills, notes, securities, or other property of or belonging to the said Company, or shall commit any fraud, forgery, crime, or offence against or with intent to injure or defraud the said Company, such member or members shall be liable to information, indictment, prosecution, or other proceeding, for every such

Any member of the Company guilty of larceny or embezzlement, &c., of its property, liable to the same consequences as if he were not a member.

such act of stealing and embezzlement, and for every such fraud, crime, or offence, and may thereupon be lawfully convicted as if such person or persons had not been, or was, or were not a member or members of the said Company, any law, custom, or usage to the contrary notwithstanding.

Actions and other legal proceedings not to abate or be prejudiced by the death, resignation, or removal of the nominal plaintiff or defendant.

VII. And be it Enacted, That neither the death, resignation, nor removal of any such Manager, or Director, for the time being, shall abate or prejudice any such action, suit, indictment, information, prosecution, or proceeding; but the same may be continued by or against the said Company in the name of the next or other succeeding Manager or Director, for the time being, of the said branch or branches of the said Company, and it shall not be necessary to enter any suggestion, or file any supplemental bill, or in any other way to notice such change on the face of the proceedings in such action or suit: Provided always, that no second suit, action, or other proceeding shall be at any time commenced by or against any such Manager or Director for the same cause of action, where the merits shall have been tried and determined in the first suit or action.

Memorial of the name of the Local Manager to be verified and recorded, and no legal proceedings to be taken by the complainant until that has been done.

VIII. And be it Enacted, That a memorial of the name of the Manager of the said branch or branches of the said Company, in the form, or to the effect of the form set forth in the Schedule A to this Ordinance annexed, signed by the said Manager, shall be verified by a declaration in the form, or to the effect of the form set forth in the said Schedule, to be taken and subscribed by such Manager, as aforesaid, before a Judge or a Commissioner of the Supreme Court of South Australia, or before any Justice of the Peace, and which declaration such Judge, Commissioner, and Justice are hereby empowered and required to administer; and the said memorial having been so verified, shall be recorded in the said Supreme Court within one calendar month from the commencement hereof, and when and so often thereafter as any person shall be newly elected Manager, a memorial of the name of such newly elected Manager, in the same form, or to the same effect, as the hereinbefore-mentioned memorial, signed by such newly elected Manager, shall in like manner be verified and recorded in the said Supreme Court, within sixty days next after such new Manager shall be elected: Provided always, that until such memorial as hereinbefore mentioned shall be recorded in the manner herein directed, no action, suit, or other proceeding shall be instituted or prosecuted by the said Company, under the authority of this Ordinance.

Memorial of the names of the Local Directors to be verified

IX. And be it further Enacted, That if, at any time or times hereafter, any Local Director or Directors, or a Board or Boards of Local

Local Directors, shall be appointed to manage the affairs of the said Bank in this Province, then, during the continuance of such Local Director or Directors, or Board or Boards of Local Directors, a memorial of the name or names of the Directors, for the time being, forming the Board or Boards of Directors of the said branch or branches of the said Company, in the form or to the effect of the form set forth in Schedule B, to this Ordinance annexed, signed by each of the Directors of the said Board or Boards, shall be verified by a declaration in the form or to the effect of the form set forth in the said Schedule B, to be taken and subscribed by one of such Directors as aforesaid, before a Judge or a Commissioner of the Supreme Court of South Australia, or before any Justice of the Peace; and which declaration such Judge, Commissioner, and Justice are hereby empowered and required to administer, and the said memorial having been so verified shall be recorded in the Supreme Court within three calendar months next after the appointment of such Local Director or Directors; and when and so often thereafter as any person shall be newly elected a Director of the said Board or Boards of Directors in South Australia, a memorial of the name of such newly elected Director, in the same form or to the same effect as the hereinbefore mentioned memorial, signed by such newly elected Director, shall in like manner be verified and recorded in the said Supreme Court, within sixty days next after such new Director shall be elected.

and recorded, and no legal proceedings to be taken by the complainant until that has been done.

X. And be it Enacted, That in any action, suit, or other proceedings to be brought by or in the name of any Manager or Director for the time being of the said branch or branches of the said Company, or by or in the name of any person as Manager or as Director of the said branch or branches of the said Company, by virtue of this Ordinance, the plaintiff therein shall not be non-suited, nor his action, suit, or other proceeding be defeated, nor shall a verdict be given against the plaintiff for want of proof of the record of such memorial or memorials as hereinbefore mentioned, nor shall the existence of such memorial or memorials be taken to be in issue unless specially denied by any defendant in any such action, suit, or proceeding.

Plaintiff not to be non-suited for want of proof of the memorial

XI. And Whereas it is also deemed expedient and necessary that the names, residences, and descriptions of all the members of the said Company should be recorded for public information—Be it therefore further Enacted, That the Manager for the time being of the said branch or branches of the said Company, shall, within one calendar month after the commencement hereof, and thereafter in the

List of members to be verified and recorded.

the month of January in each succeeding year cause a true list of all the then existing members of the said Company, with their respective places of abode and descriptions (as far as the same may be known to him), verified by a declaration in the form or to the effect of the form set forth in Schedule C, to this Ordinance annexed, to be taken and subscribed by such Manager as aforesaid, or by one of such Directors as aforesaid, before a Judge or Commissioner of the Supreme Court of South Australia, or any Justice of the Peace; and which declaration such Judge, Commissioner, and Justice of the Peace, are hereby respectively empowered and required to administer, to be recorded in the said Supreme Court, and that the same shall be open for inspection at all reasonable times by any person requiring the same, on payment of a fee of *one shilling*; and if any such Manager of the said branch or branches of the said Company shall fail to cause such list to be recorded in manner aforesaid, he shall be liable to a penalty of *One Hundred Pounds*, to be recovered by action of debt in the said Supreme Court, by any person or persons who shall sue for the same.

Liability of members to be sued as such, when to cease.

XII. And be it Enacted, That any person whose name shall be so recorded shall be considered *prima facie* a member of the said Company, and be liable to be sued as such until a new list of members' names shall be so recorded as aforesaid, or until he shall have given notice of his retirement in the *South Australian Government Gazette*: Provided always, that such notice of retirement, or omission in such list, shall not absolve such persons from any previous liability. Provided also, that in all actions, suits, prosecutions, or other proceedings, in which such Manager or Director as aforesaid, shall be, on behalf of the said Company, and under and by virtue of this Ordinance, plaintiff, complainant, petitioner, or defendant, it shall and may be lawful for such Manager or Director, or for any other Director or other Officer of the said Company, or for any member of the said Company, to give evidence in such action, suit, petition, or other proceeding, notwithstanding the names of such Manager or Directors shall be used as plaintiff, complainant, petitioner, or defendant, and notwithstanding that such witness shall or may be interested in the result of such action, suit, or other proceeding.

Members of the Company to be competent witnesses.

Copy of Deed of Settlement attested by Inspector, or Notary Public, to be recorded.

XIII. And be it Enacted, That a copy of the Deed of Copartnership and Settlement, attested by the Inspector for the time being of the said Company, or by a Notary Public, to be a true transcript of the original Deed of Copartnership and Settlement of the said Company, shall be recorded in the Supreme Court of South Australia, within one calendar month after this Ordinance shall

shall come into operation, and that the same shall be open for inspection, at all reasonable times, by any person requiring the same, upon payment of a fee of *One Shilling*: And if such Manager shall fail so to record such attested copy of the said original Deed of Copartnership and Settlement of the said Company as aforesaid, he shall be liable to a penalty of *One Hundred Pounds*, to be recovered by action of debt, in the Supreme Court of South Australia, by any person or persons who shall sue for the same.

XIV. And be it Enacted, That as often as any new Charter, or Deed of Copartnership and Settlement of the said Company as aforesaid may issue or be entered into, a copy of the Charter, or of the Deed of Copartnership and Settlement, attested as aforesaid, shall in like manner be registered in the Supreme Court of the said Province, for the purposes, and subject to the penalty hereinbefore imposed on the party neglecting or omitting duly to make such Registry as aforesaid.

Copy of New Charter or Deed to be in like manner recorded.

XV. And be it Enacted, that every judgment, decree, or order in any action, suit, or other proceeding at law or in equity, against any such Manager or Director for the time being, as aforesaid, shall have the same effect and operation upon the joint stock of the said Company, and the separate property of every shareholder or proprietor thereof, as if such shareholder or proprietor had been party to such action, suit, or other proceeding, and such judgment, decree, or order had been obtained against him or them, jointly and severally, and may be enforced accordingly, against such joint stock and property, or against the separate property of any proprietor or shareholder of the said Company for the time being: Provided always, that every such proprietor or shareholder shall be reimbursed all such costs, damages, and expenses, as by any such event, of any such suit, action, or other proceeding, he shall sustain, and be made liable to, out of the joint stock and funds of the said Company, or, in failure thereof, out of the separate funds and property of other members of the said Company, in due proportion, as in ordinary cases of copartnership.

Judgment, decree, or order, against the Manager or Director to be enforced against the assets of the Company, or against the private assets of the shareholders.

XVI. And be it Enacted, That all contracts, agreements, conveyances, leases, releases, mortgages, assignments, surrenders, covenants, receipts, and other documents, made, or to be made, given or granted by or to, or on behalf of the said Company, shall and may be made, executed, carried into effect, and enforced by or to or against the Manager, or one of the Directors (in the event aforesaid), for the time being, of the said branch or branches of the said Company respectively, and the same shall be binding on the said Company and the capital stock thereof.

Company may make contracts and conveyances, &c., in name of Manager.

XVII. And

Ordinance to extend to all future proprietors.

XVII. And be it Enacted, That this Ordinance and the powers and provisions herein contained, shall at all times extend to the said Company, and every person who shall be a member for the time being, at whatever time he may have become a member of the said Company, and whether originally a member thereof or not.

On a vacancy of Manager, Company to re-elect within three months.

XVIII. And be it Enacted, That on the death, resignation, or removal of any Manager, or on any act or occurrence causing a vacancy in the office of any such Manager aforesaid, the said Company shall forthwith, and within three months from and after the day of such vacancy arising, elect in his place a new Manager, and shall thereafter cause a memorial of his name to be recorded in the Supreme Court, within such time and in such manner and form as hereinafore is directed, and if the said Company shall fail so to elect a new Manager, or duly to record a memorial of the name of any new Manager, elected in pursuance of this Ordinance, within such times as are respectively before mentioned, such Company shall wholly forfeit all benefit and advantage under or by virtue of this Ordinance, and no new Manager, elected, or registered after the expiration of such respective times aforesaid, shall be capable of suing in any action, suit, or other proceeding on behalf of the said Company, under the authority of this Ordinance.

Any member may be sued.

XIX. And be it further Enacted, That anything in this Ordinance notwithstanding, it shall be lawful for any person having any cause of action against the said Company to sue any person or persons, being a member or members of the said Company at the time of the cause of action or being named on the list last recorded on oath in the Supreme Court, under the provisions of this Ordinance, before the raising of such action, and such and the like proceedings and consequences shall and may ensue thereupon as in the case of an action brought against a Manager under this Ordinance.

No plea of abatement.

XX. And be it Enacted, That in any action brought against any one or more members of the said Company, no plea in abatement shall be competent or allowed by the Court on account of the non-joinder of other members thereof.

Reimbursement of members sued.

XXI. Provided always, that every such member against whom any action, suit, or other proceeding shall be brought, instituted, or prosecuted, or against whom execution shall be issued, shall always be reimbursed out of the funds of the said Company all such loss, damages, expenses, costs, and charges, as by the event of any such proceedings he may sustain or be put to, and that as between the several members of the said Company for the time being, such contribution

contribution shall be had in respect of any such loss, damages, expenses, costs, and charges, as may ordinarily be had between several joint contractors for money paid by one or more of them on the joint account.

XXII. And be it Enacted, That from and after the first day of January next, the Manager of the said Company for the time being shall, at the close of business on Monday of every week, prepare and make up a full and correct account and statement, in writing, exhibiting the assets, property, credits, and securities, respectively, belonging to the said Company; and also the respective debts, engagements, and liabilities of the same, in the manner and form, and under the several heads particularly set forth in the Schedule to this Ordinance annexed, marked D.

Statements of weekly average liabilities and assets to be kept.

XXIII. And be it Enacted, that from such weekly accounts and statements so directed to be made up as aforesaid, there shall be prepared on the last Monday of each quarter, ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, in every year, by the said Company, a general abstract, in writing, of the average amount during such quarter of the assets, property, credits, and securities of the said Company, and of their debts, engagements, and liabilities in the manner and form, and under the several heads or titles specified and set forth in the Schedule hereto annexed, marked E, to which respective quarterly abstracts shall be subjoined a statement exhibiting the amount of the capital stock of such Company, paid up at the close of the quarter for which such abstracts respectively shall be so made up, the rate and amount of the last dividend that may have been declared to the shareholders or proprietors, and the amount of the reserved profit at the time of declaring such dividend; and such respective quarterly abstracts and statements shall be verified upon the oath of the Managing Director, Manager, Chief Cashier, or Clerk making the same, and shall, within one month after the close of every such quarter, or as soon thereafter as may be practicable, be delivered to the Colonial Secretary of the Province for the time being, to be laid before the Legislative Council and published in the *South Australian Government Gazette*.

Quarterly statements to be published.

XXIV. And be it Enacted, That if the said Company shall neglect to keep such weekly accounts, or to make out, or to return, or deliver such quarterly abstracts to the Colonial Secretary as aforesaid, or if the Managing Director, Manager, Chief Cashier, or Clerk, verifying any such abstract, shall deliver or return to the said Colonial Secretary, any false account or abstract of such averages,

Penalty for neglecting to keep or make such returns.

averages, the said Company so neglecting, or making such false account or abstract, shall forfeit for every such offence the sum of *Five Hundred Pounds*, and the Managing Director, Manager, Chief Cashier, or Clerk so offending shall also forfeit for every such offence the sum of *One Hundred Pounds*, such penalties to be recovered respectively by action of debt in the Supreme Court, or any other Court of competent Jurisdiction in the said Province.

Ordinance not to affect right of Her Majesty.

XXV. Provided always and be it Enacted, That nothing in this Ordinance shall be deemed to affect or apply to any right, title, or interest of Her Majesty, her heirs or successors, or of any body or bodies politic or corporate, or of any person or persons, excepting such as are mentioned therein, or of those claiming by, from, or under him, her, or them.

Not to incorporate members of the Company.

XXVI. Provided always and be it Enacted, That nothing herein contained shall extend, or be deemed, taken, or construed to incorporate the members of the said Company, or to relieve or discharge them or any of them from any responsibility, duty, contract, or obligation whatsoever, which by law they now are or at any time hereafter shall be subject or liable to, either between the said Company and others, or between the individual members of the said Company, or any of them and others, or among themselves, or in any manner whatsoever, except so far as the same is affected by the provisions of this Ordinance, and the true intent and meaning of the same.

Notarial copy of Deed of co-partnership to be received as legal evidence in any Court of Law or Equity.

XXVII. And be it Enacted, That a copy of any Charter or Deed of Copartnership and Settlement of the said Company, certified and attested under the hand and seal of some Notary Public, to be a true transcript of the original Deed of Copartnership and Settlement of the said Company, shall be received as legal evidence of the contents of such Deed of Copartnership and Settlement, in all Courts of Law, Equity, Admiralty, Vice-Admiralty, Bankruptcy, or Insolvency, and in all courts of inferior jurisdiction in the Colony of South Australia, without any further proof thereof.

Evidence clause

XXVIII. And be it Enacted, That this Ordinance shall be printed by the Government Printer in this Colony, and a copy thereof so printed shall be admitted as evidence thereof by all Judges, Justices, and others, without any further proof thereof.

Ordinance to be deemed a public Ordinance.

XXIX. And be it Enacted, That this Ordinance shall be deemed and taken to be a public Ordinance, and shall be judicially taken
notice

notice of as such by the Judges of the Supreme Court of South Australia, and by all other Judges, Justices, and others within the Colony of South Australia and its dependencies, without being specially pleaded.

XXX. And be it Enacted, That a certain Ordinance of the Governor and Legislative Council of South Australia, No. 5 of 1847, intituled "An Ordinance to consolidate in one Ordinance certain provisions usually inserted in Acts with respect to the constitution of Companies incorporated for carrying on undertakings of a public nature," shall not apply to the said Joint Stock Company, called the "Union Bank of Australia," nor shall the said Company be liable to, or affected by any of the clauses, conditions, and enactments of the said Ordinance, but shall be wholly exempt from the same, any law to the contrary notwithstanding.

Company not to be subject to the provisions of Ordinance No. 5, of 1847.

XXXI. And be it Enacted, That this Ordinance shall commence and take effect from and after the passing thereof.

Commencement.

H. E. F. YOUNG,
Lieutenant-Governor.

*Passed the Legislative Council, this
Twenty-third day of July, One
Thousand Eight Hundred and
Fifty.*

W. L. O'HALLORAN,
Clerk of Council.

SCHEDULES REFERRED TO.

SCHEDULE A.

Memorial of the name of the Manager of the Branch of the Union Bank of Australia, established at _____ to be recorded in the Supreme Court of South Australia, pursuant to an Ordinance of the Governor and Council, No. 11, of 1850, intituled "An Ordinance for facilitating and simplifying Proceedings by and against a certain Joint Stock Company, called the Union Bank of Australia, and for other purposes therein mentioned."

A.B., Manager.

I, _____, of _____, in _____ truly declare that the foregoing Memorial is signed by the above-named Manager, whose name appears thereto.

Taken and subscribed this _____ day of _____, 18____, before

SCHEDULE B.

Memorial of the name of the Directors for the time being of the Board of Directors of the Branch of the Union Bank of Australia, established at _____ to be recorded in the Supreme Court of South Australia, pursuant to an Ordinance of the Governor and Council, No. 11, of 1850, intituled "An Ordinance for facilitating and simplifying Proceedings by and against a certain Joint Stock Company, called the Union Bank of Australia, and for other purposes therein mentioned."

} Directors.

I, _____, of _____, in _____ truly declare that the foregoing Memorial is signed by the above-named Directors, whose names appear thereto.

Taken and subscribed this _____ day of _____, 18____, before

SCHEDULE C.

I, _____, of _____, in _____, Manager (or one of the Board of Directors) of the Branch of the Union Bank of Australia, established at _____ do hereby declare that the foregoing [or subscribed or annexed, as the case may be] List of Names is, to the best of my knowledge and belief, a true list of all the now existing Members of the said Company

Taken and subscribed this _____ day of _____ A.D. 18____ before me }
 [Insert the name and addition of the }
 functionary before whom the declaration }
 is taken and signed.]

SCHEDULE D.

SCHEDULE E.
General Abstract, shewing the Average Amount of the Liabilities and Assets of the Union Bank of Australia, taken from the several Weekly Statements during the Quarter, from the
 18 .

	AMOUNT.	TOTALS.	ASSETS.	AMOUNT.	TOTALS.	
	£ s. d.	£ s. d.		£ s. d.	£ s. d.	
LIABILITIES.						
Notes in Circulation { Not bearing Interest			Coined Gold and Silver, and other Coined Metals... Gold and Silver in Bullion or Bars..... Landed Property..... Notes and Bills of other Banks..... Balances due from other Banks..... Amount of all debts due to the Bank, including Notes, Bills of Exchange, and all Stock and Funded Debts, of every description, excepting Notes, Bills, and Balances due to the said Bank from other Banks...			
{ Bearing Interest						
Bills in Circulation { Not bearing Interest						
{ Bearing Interest						
Balances due to other Banks.....						
Deposits { Not bearing Interest.....						
{ Bearing Interest.....						
Total amount of Liabilities.....£						
Amount of the capital stock paid up at the close of the quarter, ended 18						
Rate of the last Dividend declared to the Shareholders.....						
Amount of the last Dividend declared.....						
Amount of the reserved profits at the time of declaring such dividend.....						
Total amount of Assets.....£						

Place and date. _____, Manager.
 _____, Chief Cashier or Clerk.

I, A.B., make oath, that, to the best of my knowledge and belief, the foregoing Abstract is a true and faithful Account of the Average Amount of Assets and Liabilities of the above Bank during the period specified; and that the same was made up from the Weekly Statements thereof, kept in pursuance of the provisions of Ordinance, No. 11, of 1850.

Sworn before me, at _____, this _____ day of _____, 18 .
 _____ (Signed) A.B.
 _____, C.D., Justice of the Peace.