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VICTORIÆ REGINÆ.

A.D. 1891.

No. 539.

An Act to provide for giving publicity to information relating to Unclaimed Funds, and for other purposes.

[*Assented to, December 19th, 1891.*]

BE it Enacted by the Governor of the Province of South Preamble.
Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

1. This Act may be cited for all purposes as “The Unclaimed Short title.
Moneys Act, 1891.”

2. In this Act, unless the context otherwise requires, the terms Interpretation.
following in inverted commas shall have the respective meanings hereby assigned to them, that is to say :—

“Company” shall mean—

- (a) Every company which, having for its object the acquisition of gain, is registered or incorporated in the province of South Australia under any Act relating to companies: and
- (b) Every company which, having for its object the acquisition of gain, and carrying on business in South Australia aforesaid, is registered or incorporated elsewhere than in South Australia: and shall include
- (c) Every bank and life assurance company or association, except the Savings Bank of South Australia, howsoever or wheresoever registered or incorporated, carrying on business within the said province, and shall include the liquidator of any company: “Unclaimed

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“Unclaimed moneys” shall mean all principal and interest money, and all dividends, bonuses, profits, and sums of money whatsoever, which prior to the passing of this Act, or which hereafter, shall have been in the possession of any company for a period of six years or upwards, and in respect whereof no claim shall have been made by the owner against the company, and which shall arise out of any dealing had within the said province by any owner or person with the company:

“Owner” shall mean the person entitled to any unclaimed moneys, and shall include his executors, administrators, or assigns, or his or their lawful attorney or agent in South Australia.

Register of unclaimed moneys to be kept.

3. It shall be the duty of every company, on the first day of January in each year, to enter, in an alphabetical register to be kept by such company at its head or principal office in South Australia, in the form set forth in the Schedule to this Act, and with the particulars therein specified, all unclaimed moneys exceeding Five Pounds in an account which has not been operated upon for six years; and from and after the eighth day of January in each year such register shall be open to the inspection of all persons at such head or principal office during the hours within which the company transacts its ordinary business, on payment of a fee of Two Shillings.

Copy of register to be gazetted.

4. A copy of every such register shall be published by the company in the *South Australian Government Gazette* annually, during the month of January.

Penalty for neglect in keeping register, &c.

5. Any company failing to keep such register, or to publish such copy, or refusing inspection thereof, shall be liable to a penalty not exceeding Two Pounds for every day during which such default or refusal continues.

Unclaimed moneys to be paid to the Treasurer as public revenue.

6. (1.) All unclaimed moneys which shall not have been paid by the company to the owner thereof within two years after the first publication of such notice in the *Government Gazette* shall be paid by the company to the Savings Bank of South Australia, to the credit of the Treasurer of the Province of South Australia, for the use of the public revenue.

Company may deduct expenses.

(2.) The company may deduct out of all unclaimed moneys paid by the company to the Treasurer, or to any claimant, the expenses paid by the company in the publication of the notices hereinbefore referred to.

Treasurer may examine accounts, &c.

7. The Treasurer may, at any time after the publication of any notice as aforesaid, examine any of the accounts relating to the unclaimed moneys in such notice referred to, and may for that purpose require the production before him, or before such public officer as he may appoint, of any book, vouchers, or documents referring to such moneys; and if any error shall be found in any register or notice aforesaid, he may direct the register or notice, or both of them, to be amended.

8. If

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8. If any claimant shall make any demand against the Treasurer for any money paid to him, the Treasurer, upon being satisfied that the claimant is the owner of the money demanded by him, shall order and direct payment thereof to be made to him.

Treasurer may pay lawful claimant.

9. Where any unclaimed moneys paid to any claimant shall be afterwards claimed by any other person the Treasurer shall not be responsible for the payment of the same, but such person may have recourse against the claimant to whom the Treasurer shall have paid the unclaimed moneys.

Treasurer not responsible for payments in certain cases.

10. All penalties for any offence against this Act may be recovered before any two Justices of the Peace in a summary way.

Penalties may be recovered before two Justices.

11. All proceedings for the recovery of any pecuniary penalty by this Act imposed for any omissions, defaults, acts, or offences shall be had and taken, and may be heard and determined in a summary way, by any Special Magistrate or two Justices of the Peace of the said province, under the provisions of Act No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in such Act is or shall be provided.

Summary procedure.

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

KINTORE, Governor.

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SCHEDULE.

..... *Company* [or Bank, &c.]
Register of Unclaimed Money held by the [here insert name of company].

Name of owner on books.	Total amount due to owner.	Description of Unclaimed Money.	Date of last claim.
Bryan O'Dillon, Torrens Island, Port Adelaide	<p style="text-align: center;">£ s. d.</p> <p style="text-align: center;">350 0 0</p>	First dividend on 600 shares in the Electric Light Company, Ltd.	April 1st, 1883
Sarah Gamp, Pier-street, Glenelg	<p style="text-align: center;">437 0 0</p>	Or deposit, or balance of account in the Bank of Adelaide (<i>or such other particulars as may be a sufficient description of the money</i>)	Aug. 25th, 1886