CHAPTER xcix.

An Act to make further provision with respect to the transmission of shares of the Ionian Bank Limited held by shareholders being subjects of the Kingdom of Greece. [13th July 1899.]

A.D. 1899.

WHEREAS in the year one thousand eight hundred and thirty-nine certain persons in England formed an association for the purpose of carrying on the business of a banker in the Ionian Islands and in the same year the said association was under the laws then in force in the United States of the Ionian Islands and by a resolution or charter of the senate of the said United States passed upon the twenty-third day of October one thousand eight hundred and thirty-nine (herein-after referred to as "the Ionian Charter of 1839") duly constituted a Société Anonyme by the name of the Ionian Bank with certain powers and privileges expressed to be granted to the said bank for a term of twenty years which term of twenty years was by a resolution of the senate of the said United States passed upon the seventeenth day of March one thousand eight hundred and fifty-nine declared to be computed from the first day of March in the year one thousand eight hundred and forty:

And whereas by the Ionian Charter of 1839 it was amongst other things provided (Article 4) that the bank might sue and be sued before any of the authorities in the Ionian States (Article 5) that the whole estate of the bank should be held responsible for the consequences of whatever judicial sentence or decree might be obtained against it (Article 6) that all the transactions of the company should be deemed commercial and therefore subject as well actively as passively to the commercial courts alone (Article 7) that the chief direction and control of the company should be exercised by a board of directors in London and (Article 8) that the said board should at all times have the right of making such internal laws and regulations as it might deem proper for the well

A.D. 1899.

working of its establishments provided always that the said internal laws and regulations were not contrary to the provisions of the then present nor to any other laws of the said states:

And whereas the said association was subsequently constituted in England by a deed of settlement dated the fourteenth day of September one thousand eight hundred and forty and by Royal Charter dated the eighteenth day of January one thousand eight hundred and forty-four the persons in the said charter named as being then directors of the said bank together with all other subscribers and proprietors of the capital thereof were incorporated by the name of the Ionian Bank for the purpose of carrying on the business of a banker in the United States of the Ionian Islands and at the several agencies of the association in connexion therewith under and by virtue of the Ionian Charter of 1839 and by the said Royal Charter it was ordained that subject to the conditions thereof the same should continue in force for so long a time as the said association should continue to carry on the business of banking in the United States of the Ionian Islands under and by virtue of the then existing charter or privilege of the government of the said states or any other charter or privilege which might be thereafter granted or conferred by the government or legislature of the said states in substitution for or continuation of the said then existing charter or privilege and not for any longer period or otherwise howsoever:

And whereas the Ionian Bank was authorised by the senate of the said United States to carry on its operations for sixty days from the date of the expiration on the first day of March one thousand eight hundred and sixty of the Ionian Charter of 1839 and was thereafter by a resolution of the senate of the said states made on the fifth day of April one thousand eight hundred and sixty and approved by the Lord High Commissioner authorised for the further term of twenty years to carry on banking operations in the Ionian States as therein mentioned and subject to the Act of the Ionian Parliament therein referred to:

And whereas by treaty (herein-after called "the Treaty of London") dated the twenty-ninth day of March in the year one thousand eight hundred and sixty-four Her Majesty relinquished Her protectorate over the United States of the Ionian Islands and the said islands were ceded to the kingdom of Greece whereby the Ionian Bank and its places of business and its issue of notes and the operations carried on by it in the said islands became and the same still are subject to the territorial sovereignty and jurisdiction of His Majesty the King of the Hellenes:

And whereas by Article 7 of the said treaty His Majesty the King of the Hellenes engaged to take upon himself all the engage-

ments and contracts lawfully concluded by the government of the United States of the Ionian Islands or in their name by the protecting power of those islands whether with foreign governments with companies and associations or with private individuals and promised to fulfil the said engagements and contracts fully and completely as if they had been concluded by His Majesty or by the Hellenic Government and under such engagements and contracts the privileges among others conceded to the Ionian Bank are by the said recited article of the said treaty expressly included:

And whereas the local powers and privileges of the Ionian Bank have been from time to time recognised ratified and extended by the Greek Government in conventions with the bank and otherwise and in the year one thousand eight hundred and eighty were by the Greek Government definitely renewed and established for a further term of twenty-five years and under such conventions and for the purpose of promoting the interests and business of the bank and maintaining its privileges in the Kingdom of Greece and in accordance with the laws of that state the bank has from time to time issued notes having legal currency in Greece and as incident to such recognition and extension and in accordance with the laws of Greece the Ionian Bank advanced money to the Greek Government established and continued branch banks at Athens Patras and other places on the continent of Greece made advances on the security of land and otherwise and has undertaken divers other financial operations at the request or with the sanction of the said Government:

And whereas by the Ionian Bank Act 1882 it was provided (section 2) that all acts which the Ionian Bank had been authorised to do by the Greek Government should be deemed to have been duly done by the bank and not to have been infringements of the said Royal Charter which should be deemed on the cession by Her Majesty of her protectorate over the Ionian Islands to have become subject to Greek law in the same manner as if it had been a Greek charter and that it should be lawful for the said Ionian Bank as far as the English law is concerned to continue to do all acts so authorised as aforesaid by the Greek Government and (section 3) that the said Royal Charter should so far as the same was still in force cease and determine on the thirty-first day of March one thousand eight hundred and eighty-three or any earlier day on which the bank might previously have obtained a certificate of registration as a company with limited liability under the Companies Acts 1862 to 1879 and (section 8) that nothing in the reciting Act should be deemed to authorise the doing of anything within the jurisdiction of the Greek Government contrary to the law of Greece:

A.D. 1899.

And whereas the Ionian Bank obtained on the fifth day of March one thousand eight hundred and eighty-three a certificate of registration as a company with limited liability by the name of the Ionian Bank Limited (herein-after called "the bank"):

And whereas a majority of the shares of the bank are held by subjects of the King of the Hellenes resident in Greece (herein-after referred to as "Greek subjects") and the dividends on the shares so held are paid in Greece:

And whereas in the case of a person being a Greek subject becoming entitled to a share of the bank in consequence of the death of a shareholder being a Greek subject the transmission of the interest in the share is according to Greek law evidenced only by a notarial act:

And whereas the tribunals of Greece recognise such transmission so evidenced as aforesaid and the bank can be compelled by those tribunals to recognise such transmission and to pay the dividends on the share to the person becoming entitled to the share as aforesaid:

And whereas doubts have arisen whether upon the death of a Greek subject being the registered holder of a share of the bank the bank can according to English law insert in the register of shareholders the name of the person becoming entitled to the share in consequence of such death as the owner of the share and pay the dividends on the share to such person without the production of probate of the will of or letters of administration to the estate and effects of the deceased holder:

And whereas the bank although compellable by the Greek tribunals to recognise such transmission of a share as aforesaid and to pay the dividends on the share to the person entitled thereto have no means of insisting upon the production to them of evidence of the transmission of the share:

And whereas in the circumstances aforesaid and as a consequence of the relinquishment by Her Majesty of Her protectorate over the United States of the Ionian Islands and of the cession of those islands to the kingdom of Greece the bank may be unable to comply with the Greek law in the case of such transmission of shares as aforesaid without incurring under the English law grave liabilities in respect of which they have no remedy in Greece and it is just and expedient that the bank should be relieved from the last-mentioned liabilities but that object cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):— A.D. 1899.

Short title.

1. This Act may be cited as the Ionian Bank (Limited) Act 1899.

Provision in case of death of shareholder being a Greek subject.

2. If upon the death of a shareholder in the bank being a Greek subject the bank in such manner and under such regulations as the Treasury direct—

(A) Satisfy the Commissioners of Inland Revenue that duty is not payable to those Commissioners in respect of any property passing on the death of the deceased shareholder other than the shares in the bank; and

(B) Pay to the Commissioners of Inland Revenue the amount of duty which would be payable in respect of the shares on the grant of probate of the will of the deceased shareholder or if he died intestate of letters of administration to his estate and effects;

the bank may and shall insert in the register of shareholders of the bank the name of any person being a Greek subject who in the kingdom of Greece and according to Greek law has established his right to be considered as the owner of the share notwithstanding that no probate of any will of the deceased shareholder or if he died intestate any letters of administration to the estate and effects of the deceased shareholder has or have been produced to the bank.

The payment by the bank of dividends upon any such share to the person whose name is inserted in the register of shareholders as aforesaid shall not nor shall any other act or thing done by the bank under or in consequence of the provisions of this Act be deemed according to English law to be the taking possession of or administering by the bank or an intermeddling by the bank with the estate or effects of the deceased shareholder or any part thereof.

Penalty for non-compliance with Treasury regulations or provisions of Act.

3. If the bank fails to comply with any of the Treasury regulations or of the provisions of this Act relating to duty the bank shall be liable to pay to the Commissioners of Inland Revenue one hundred pounds or a sum equal to double the amount of the duty which ought to have been paid according as the commissioners elect Provided that the commissioners or in any proceeding for the recovery of such penalty the court shall have power to reduce any such penalty.

Copy of Act to be registered.

4. The bank shall deliver to the registrar of joint stock companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three

A.D. 1899.

months from the passing of this Act the bank shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the bank who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

Costs of Act.

5. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the directors of the bank out of the funds and common stock of the bank.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.